

RECENT ELECTION IN SOUTH CAROLINA.

TESTIMONY

TAKEN BY THE

SELECT COMMITTEE ON THE RECENT ELECTION IN SOUTH CAROLINA.

JANUARY 12, 1877.—Ordered to be printed.

COLUMBIA, S. C., December 13, 1876.

The committee met at 3 p. m. All the members present.

The Chairman submitted the following papers, which will be found in the appendix:

1. Certified abstract of county canvassers' statements of votes cast at the general election held on the 7th of November, 1876.
2. Certified abstract of election returns by counties and precincts.
3. Certified copies of affidavits filed with the board of State canvassors.
4. Certified copy of record in the case of the State ex rel. R. M. Simms et al., vs. H. E. Hayne et al., board of State canvassors.

Mr. LAPHAM. Are any of those papers certified except the copies of the affidavits?

The CHAIRMAN. They are certified by the secretary of state.

Mr. LAWRENCE. Are the precinct returns footed?

The CHAIRMAN. They are.

Mr. LAWRENCE. How do the footings compare with the statement made by the State officers?

The CHAIRMAN. That I am not able to answer yet. The clerk can probably inform the committee.

The clerk announced that there were twenty-eight precinct returns missing from the records received from the secretary of state's office.

Mr. LAWRENCE. Those precincts are included in the county officers' returns from which the State officers made up their abstract.

The CHAIRMAN. That will be a matter for examination by the committee. I suppose that in some instances they are, and in some instances they are not. One of the objects in getting these papers before the committee is to see whether they are or not.

The Chairman laid before the committee the following communication, which it was unanimously agreed should be held conclusive as to the facts stated therein:

COLUMBIA, S. C., December 14, 1876.

Hon. MITTON SAYLER,

*Chairman Congressional Committee, Columbia, S. C.:*

SIR: Having learned that certain apparent inaccuracies exist in the managers' returns from Georgetown County, I desire as a resident in that county to make the following statement:

The poll reported as Brook Green is in Upper Waccaman precinct, and the poll reported as Bird Field is in Peedee precinct.

As no election was held at any other polling-places in either of these precincts, the change of name was simply owing to an inaccuracy on the part of the managers, who used the local designation of the polling-place instead of that proscribed by the statute.

Brook Green and Bird Field are the only points at which elections have ever been held in Upper Waccaman or Peedee precincts during the past ten years.

Very respectfully,

J. H. RAINEY,  
Member of Congress.

It was also unanimously agreed that the precinct designated in the act establishing the voting precincts, as Red Store, is commonly known as Sandy Run, and was so returned; also, that the precinct called in the act Casey's is generally known as Granby, and was so returned.

The Chairman stated that it was agreed that the county commissioners' returns from Horry County did no injustice to either party, although certain precinct returns were missing.

Mr. COCHRANE. Mr. Chairman, do I understand that those papers laid before the committee are now in evidence?

The CHAIRMAN. Yes; they are all duly certified, and are a part of our record.

The committee then proceeded to take testimony in regard to the missing precinct returns in the following order:

#### ELECTION RETURNS.

WILLIAM T. BLANTON sworn and examined.

By Mr. ABBOTT:

Question. You live in Barnwell County, I believe?—Answer. Yes, sir.

Q. What part?—A. I live eight miles west of Barnwell Court-house.

Q. Do you know a precinct called Robbins, in that county?—A. Yes.

Q. I believe you were United States supervisor of election there two years ago?—A. Yes, sir; I was supervisor of that box two years ago.

Q. So that you were acquainted with the voting there two years ago?—A. Yes, sir; it is some distance from where I live, however.

Q. You are now, and have been for some time, one of the commissioners of election?—A. I was, at this election only.

Q. You were one of the three county commissioners?—A. Yes.

Q. Was any return from managers of the Robbins precinct ever brought before the board of county commissioners, or received by them?—A. No, sir; none.

Q. Was any return from the precinct managers of Robbins precinct ever sent by the county commissioners (if I use the name correctly) to the secretary of state, or the State canvassers?—A. Not to my knowledge. So far as I know there was none.

Q. And none was ever returned by them to the secretary of state or the State canvassers?—A. I cannot state anything about that.

Q. Do you know of any?—A. No, sir; I do not, of my own knowledge.

Q. Did you make your return to the secretary of state from Barnwell County?—A. They were sent up by the chairman of the board, Mr. Knopf.

Q. Were those returns sealed up by the board?—A. Yes, sir.

Q. In your presence?—A. Yes, sir.

Q. Was any returns from Robbins precinct included in those returns, which were sealed up to be sent to the secretary of state?—A. None at all.

Q. What means, if any, did you take to secure your returns which you did send—how did you do it?—A. If my memory serves me right, I think they were rolled up in this way, [illustrating.] and put in a pile, and a good thick piece of brown paper wrapped around it, and then wire wrapped around each end, as you pack up a piece of goods; then it was sealed with sealing-wax.

Q. And in that package, as I understand you, there was no return from Robbins precinct?—A. No return, sir.

Q. And you know of none ever having been made or sent up?—A. No, sir.

Q. All the other precincts, as I understand, were rolled up in that package?—A. No, sir; not all. There was one other that was not.

Mr. LAPHAM. What is the object of this inquiry?

Mr. ABBOTT. I want to show that the precinct return from Robbins was never sent either to the secretary of state or to the State canvassers by any authority whatever.

Q. You say there was one other precinct from which no return was sent. What was that?—A. Calman's Fair Church box, as it was called.

Q. Was there any election there?—A. I think not, sir. Anyhow, the box was returned empty. It was not opened, but they said it was empty.

Q. And you understood there was no election there?—A. Yes.

Q. With the exception of those two precincts, were all the other precincts included in that package?—A. Yes, sir.

Q. You say you were supervisor of election at Robbins precinct two years ago?—A. Yes.

Q. Can you tell us about the number of votes polled at that precinct at that election?—

A. There were 366 votes polled there, all told.

Q. Did you ascertain that that was the fair result of the voting at that precinct?—A. I heard the men say that both parties voted their full strength. I recollect that they sent out after some few laborers that were somewhere in the neighborhood and brought them in in the afternoon.



By Mr. EDEN :

Q. Did you attend all the meetings of the county board of canvassers ?—A. Yes, sir.

Q. Then, if there had been any return from Calnan's precinct you would have known the fact ?—A. Yes.

Q. And if there had been any from Robbins you would have known it ?—A. Yes, sir ; that is if they came before the board. I do not know what was done outside. Nothing came before the board from those precincts except the empty box.

Q. Who sent that up ?—A. One of the managers. The Calnan's Fair Church box was presented to the board and they said it was empty.

By Mr. LAPHAM :

Q. Do you remember the names of the managers at Robbins ?—A. [Referring to memorandum.] I have them here ; William Bush, Daniel Mixson, and Dr. Wallace Bailey. Those are the three that were appointed there this year.

Q. Who were your associates on the county board ?—A. A. Knopf and Mr. Genierotte ; I don't remember his first name.

Q. Before you sent the returns from Barnwell County to the secretary of state, did you not see the returns from Robbins precinct ?—A. No, sir.

Q. Did you hear of one ?—A. I did not hear of one till some time the next week. I heard that it was sent up here ; that is, that the box was sent up here to Columbia. But I did not know anything about it before. I didn't know of any return.

By Mr. PHILIPS :

Q. You mean you did not hear of it until the next week after the election ?—A. Yes, sir ; after the board had made a canvass of the votes.

By Mr. EDEN :

Q. After your board had made your return for the county ?—A. Yes, sir.

Q. Do you remember what or about what the vote was at Calnan's ?—A. No, sir ; I don't remember exactly. I suppose some two hundred or two hundred and fifty, though I speak at random.

Q. Do you remember on what day you made your returns to the secretary of state ?—A. The election came off on Tuesday, the 7th of November ; the Friday afterwards we received the boxes and commenced canvassing the votes. We got through on Saturday of the same week.

Q. When were they returned to the secretary of state ?—A. They were delivered up to the chairman, Mr. Knopf, to bring them up to Columbia, and I understood that he came up on the Sunday night afterwards, but I don't know. They were delivered to him on Saturday.

Q. You heard nothing of the return from the managers at Robbins up to the Saturday ?—A. No, sir.

Q. Did you learn how many votes were cast or said to have been cast at Robbins precinct ?—A. No, sir ; not until I saw it in the papers sometime afterwards.

By Mr. LAWRENCE :

Q. Voters in this State are entitled, I believe, to vote anywhere in the county ?—A. I think so.

Q. They are not bound to vote in the precinct in which they reside ?—A. I don't think they are ; I think they are at liberty to go anywhere in the county.

Q. How far was Calnan's Fair church polling-place from Robbins polling-place ?—A. I do not know exactly. I should say some ten miles, more or less.

Q. Was it adjoining ?—A. I think so.

Q. If no vote was cast at Calnan's Fair church, then many of those who would have been entitled to vote there would be likely to go to Robbins polling-place, would they not ?—A. Well, I think—I do not speak from my own knowledge, but I think the biggest part of them went down to Rod Oak ; some went to Williston ; I was there myself.

Q. So far as any might have gone from Calnan's Fair church to Robbins, that would increase the number of voters at Robbins this year over the number two years ago ?—A. Yes ; if they all went there, of course it is likely it would, but I understood that the most of them went to Rod Oak.

Q. Was not Isaac W. Allen one of the managers at Robbins this year ?—A. I think not.

Q. Who were the United States supervisors ?—A. I don't know, sir ; I have heard the names, but I cannot speak from my own knowledge.

Q. Was not the return of the election, so far as related to presidential electors, made to S. E. Polnyer, the United States supervisor for the district of South Carolina, by one or both of the supervisors for Robbins precinct ?—A. I do not know anything about that. There was nothing came before the board from the Robbins box.

Q. Do you know why no vote was taken at Robbins precinct ?—A. Not of my own knowledge ; I only heard.

Q. Do you know of any facts which would enable the committee to learn the reason ?—

A. Nothing that came under my own knowledge; only a report that I heard. Nothing came under my own knowledge, only that Robbins was not returned to the board.

(At the suggestion of the chairman, it was agreed by the committee that in this investigation the ordinary rules of evidence shall be followed, unless in cases where they are departed from by general consent.)

By Mr. ABBOTT:

Q. I understood you to say that the ordinary vote at Fair church precinct was about two hundred and over?—A. I do not know the number, but I suppose it could not go beyond that.

By Mr. EDEN:

Q. Which was the nearest voting-place to Cainan's Fair church precinct?—A. Most of the voters I think went to Red Oak.

Q. Was that the nearest point?—A. I think it was one of the nearest. Red Oak, Williston, and Robbins were the three nearest to each other; one north, one south, and the other nearly east.

By Mr. LAWRENCE:

Q. Which direction is Robbins?—A. South.

COLUMBIA, S. C., December 13, 1876.

JOHNSON HAGOOD sworn and examined.

By Mr. ABBOTT:

Question. You live in Barnwell County?—Answer. Yes, sir; within a mile of the village of Barnwell Court-House.

Q. You were one of the candidates at the last election?—A. I was a candidate on the State ticket for comptroller-general.

Q. You are familiar with Barnwell County, and have been for a long time?—A. I was born there and have lived there all my life.

Q. Did you appear before the State board of canvassers when any canvass was made of the precincts from that county?—A. I was the chairman of the democratic committee during the canvass. I was with the board of State canvassers a part of the time while they were canvassing, but did not stay there until they got through. They were engaged until 1 o'clock at night, and I went home about 11 o'clock.

Q. What date was that?—A. The 7th of November was the day of the election, and Mr. Blanton has correctly stated the time here; it was two days afterwards.

Q. Were you present when the State canvassers undertook to canvass the precinct returns?—A. Yes, sir.

Q. When was that?—A. I have forgotten the date, but that can be supplied very readily. They took up the counties in the State in alphabetical order. Barnwell was about the third or fourth. There was some agreement between the parties on both sides that only so many persons should be present at the canvassing—I think eight from each party, and one from each county as it was called. When Barnwell County was about to be called, I was notified by the managers on the democratic side to attend, and I came in just as they were finishing Beaufort, and they took up Barnwell a few minutes afterwards.

Q. State what was produced there as the returns from Barnwell.

Mr. LAWRENCE. Do you mean in canvassing the vote for electors or for State officers?

The WITNESS. They all were voted for upon one ticket. We had but one box.

By Mr. LAWRENCE:

Q. But did the State board of canvassers canvass the votes for electors?—A. Yes. That was the time I was called in, when they were engaged on the electors. Afterwards they took up the State officers, but I was not called back any more.

By Mr. ABBOTT:

Q. This that you testify to was at the canvassing of the vote for electors?—A. Yes, sir; the first time.

Q. What did you find in reference to the precinct returns?—A. When Barnwell was called an assistant was put at the table, and he put on the table a large package which was broken—no seals—the ends exposed and wrapped around with a twine or string of some sort—an unsealed package. I immediately called the attention of the managing counsel on the democratic side to the fact that the package was unsealed, while the law required it to be delivered there sealed, and I knew it had been delivered sealed, because I had seen the certificate of its delivery that Mr. Knopf had received.

Q. What was done then?—A. The secretary of state proceeded to examine the papers and arrange them for counting or canvassing. He asked some of the persons around how many

precincts there were in Barnwell. They referred to the statute, and some one said fifteen. He arranged a portion of the papers, and went on to count them, "One, two, three," &c., until he counted fifteen, and I think he remarked—I am a little doubtful about this—but I think he said, "O, hell!" or some equivalent words. They then commenced to count, and he counted in the same monotonous official tone all the way through, and when he came to Robbins he called it out as he called all the rest, and called out the figures, thirteen hundred and odd, I think, for every republican candidate, and none for the democratic candidates.

Q. Was that paper which he read produced from among the returns?—A. It was in the package produced on the table; it looked to be the same sized paper, and seemed to have all the appearances of an official paper.

Q. What was done further?—A. I called the attention of the counsel again to the fact, and he asked who signed the paper. The secretary of state looked at it and said who signed it—Bill Bush and a Mixon, I think Dave. He was asked by the democratic counsel if the paper was in the original package handed to him. He said no, but it was handed to him by one of the commissioners. Then, again, being asked which of the commissioners, he said Mr. Gonnerot. Objection was made, of course, and the result was that they made what they called a note of it, a memorandum.

Q. Do you know whether it was counted in the tabulation of the counties as they went on?—A. The vote of Robbins has not been counted for any of the county officers or in the gubernatorial count.

Q. Do you know whether it was counted for presidential electors?—A. I know nothing of that; but I know the fact that the county officers have received certificates from the board of State canvassers, and received their commissions.

Mr. LAWRENCE. I object to testimony in regard to county officers.

Q. You are familiar with the different parts of Barnwell County; can you tell us about how many votes were cast at the last election at Robbins precinct?—A. I cannot.

Q. Have you any means of knowing the usual voting capacity of Robbins precinct?—A. Yes, sir; I have the means of knowing its present voting population.

Q. What was it?—A. During this canvass I had a very accurate census made of the voting population of the whole district by townships, white and black.

Q. What was the voting power of Robbins precinct?

Mr. LAPHAM. That is mere hearsay.

The WITNESS. Of course, I did not take the census individually. I had it done by agents, but I have every reason to believe that it was extremely accurate. There were seven thousand voters or more in the county.

Q. That census was taken for the purpose of ascertaining the number of voters?—A. Yes, sir; and for the purposes of this election. The voters were taken and their names were taken, so that individuals might be known.

By Mr. JONES:

Q. What was the number of voters at the last preceding election?—A. That I cannot tell you. I have never taken part in any election before this.

By Mr. ABBOTT:

Q. What in your judgment was the number of voters in that district?

Mr. LAPHAM objected on the ground that the witness had not shown any knowledge on the subject.

The WITNESS. I cannot say without referring to the census.

By Mr. ABBOTT:

Q. Your means of knowledge comes from the exact enumeration that you have had made?—A. Entirely so.

By Mr. PHILLIPS:

Q. Do I understand you to say that, as chairman of the democratic executive committee of that county, you employed agents for the purpose of making an accurate list of all the voters in that county, with the view of ascertaining the polling strength of that county?—A. Yes. I had the name of every white and black man qualified to vote in the county.

Q. And the object of that enumeration was to ascertain the voting strength of the county?—A. Precisely so; for the purposes of the election, and to know whom to operate upon.

Q. And those agents so employed made returns to you?—A. Yes, sir; which returns were consolidated, and the whites kept in manuscript and the blacks printed for use.

Q. Those agents made their examination so extensive as to enumerate whites and blacks separately?—A. Yes, sir; the census was taken in this way; I had a democratic club of whites in every town, and each precinct or township club made a census and passed upon the qualified voters—the blacks. They were instructed that every name that they reported to me would not be objected to at the polls. They were to report only the names of persons that their neighbors, knowing the people, knew were qualified to vote, and no man in the census I had made was challenged at the polls. Our challengers were instructed not to challenge any man whose name appeared on the census, as they had already been passed upon by the township clubs in the towns where they lived.

By Mr. ABBOTT:

Q. How did that poll thus made out by your agents compare with the census of 1875?—

A. I think it came within a hundred or two of it. I think mine was a hundred, or something like that, more than the census in the aggregate, but there was a decided difference in the distribution; there were more whites in my census than in the State census, and fewer blacks.

Mr. Abbott offered in evidence in this connection the State census of 1875, showing in Barnwell County 7,317 voters.

Q. Do you recollect the vote cast in that county, not including Robbins precinct?—A. [Referring to a memorandum.] Hampton received 2,000 white votes and 906 colored votes, making 3,956. Chamberlain received 9 white votes and 2,769 colored votes, making 2,778, and there were 2 scattering votes, making a total of 6,736.

Q. Does that include Robbins precinct?—A. No, sir; nor Calnan's Fair church.

Q. Including Robbins precinct, that would make how many?—A. I understood there were some few over thirteen hundred at Robbins.

Q. That would make over eight thousand votes in Barnwell County including Robbins?—A. Yes, sir; I can give you the statistics of the two previous gubernatorial elections. In 1874, at the Chamberlain and Green election, where both the candidates were republican, but there was a contest between them, and the democrats voted to some extent for Green, the total vote was 6,117. In 1868 the total vote was 5,073. I think there was no opposition at that election. The whites voted 2,073 and the blacks 3,000, making 5,073.

By Mr. LAWRENCE:

Q. Do you know what the total vote for the republican electors and the democratic electors was in Barnwell County, excluding Robbins precinct and Calnan's Fair church?—

A. No, sir; this memorandum that I have read from here I made just after the election for my own information, and I did not take any but the vote for governor. There is a discrepancy, I suppose, for I know that Hampton ran ahead of his ticket, and it may be that it is less. I do not know; I have not compared.

Q. You voted yourself, this year?—A. Yes.

Q. At what precinct?—A. In the village of Barnwell.

Q. Is that precinct on the river?—A. No, sir; it is in the center of the district, about sixteen miles from the Savannah River, and the same distance from the Edisto.

Q. Does Barnwell County lie on the river opposite the State of Georgia?—A. It lies on the Savannah River, opposite Georgia.

Q. Have you any knowledge of voters coming across from Georgia and voting in Barnwell County?—A. None whatever, sir. Of course I speak of my personal knowledge. There may possibly have been such a thing, but I know nothing of it. I heard before the election that there was some talk of men coming from Georgia to help us to vote, and I would have sent word to them, if I had known who they were, not to come; but not knowing who they were, and having only just a vague rumor—I had twenty-two white and seventeen colored clubs, and I instructed them two days before the election that if any such men come across the river they were to send them back and beg them to go home; that we had the county, and I wanted nothing unfair in any respect.

Q. Then it was understood that there were persons in Georgia who were ready to aid in that way?—A. There was merely that rumor, sir. I never know where it came from; I heard it vaguely. It was a rumor coming from irresponsible persons. I heard it on the South Carolina Railroad, I think from a conductor, and perhaps from others. But it was a rumor that I could not locate, and I knew no way to stop it, except by the instructions I have stated.

Q. Can you give me the vote in some of the precincts along the river, and the vote in 1874 in the same precincts?—A. I cannot, sir. As I said before, I have never taken part in an election in my county, or anywhere else, until this year.

Q. Is there any record from which you can get that?—A. I presume there is, but I do not know where to find it. It can be found, I presume. The records must have been preserved. That memorandum that I read from was made from a newspaper, about the time of the election.

Q. Which was the nearest precinct to the polling-place of Calnan's Fair church?—A. I think Mr. Blanton has correctly stated it. He lives nearer that portion of the county than I do, and these precincts are connected by cross-roads. I think that Millet's, which he did not mention, is probably as near as the three he did mention—Robbins, Red Oak, and Williston. The vote at Millet's was larger than usual, and I was told by the managers that it was because a portion of the Robbins men came there.

Q. By the law of this State, voters can vote at any precinct in the county, I believe?—A. Yes; and it is the practice to mass the voters, more or less. It has been the practice of the republican party to mass its voters, and I dare say the democrats did the same.

Q. That practice of massing might account for a larger vote in Robbins this year than before?—A. Yes; there was such a practice; but Blockville and Allendale were the only two points at which they were massed, I think. Those are on opposite sides of the river, on railroads.

Q. And this practice of massing, in connection with the fact that there was no voting done at Calnan's Fair church precinct, might come from an enlarged vote at Robbins?—A. It could account for but a slight increase. I have no doubt that a portion of the voters went to Robbins to vote, but they also went to Williston and to Red Oak, certainly, and I think to Mallet's.

Q. They might have gone from other precincts to Robbins?—A. Of course they might, they can vote where they please.

By Mr. ABBOTT:

Q. Have you any means of telling, from your returns that you have described to us, whether there was any larger number of votes cast at those precincts on the Savannah River than the number of votes you found to be there?—A. They all voted full.

Q. Was there anything additional beyond what you found to be there?—A. All the other boxes in the county voted their full vote, and an enlarged vote, except the Robbins and Calnan's precincts, which did not vote at all. But if you will observe, there is an increase of six or seven hundred votes above what has ever been voted in the county before, and that increase was generally distributed.

Q. That increase is no more in the precincts on the Savannah River than elsewhere?—A. No more than on the South Carolina Railroad side or the Edisto.

By Mr. LAWRENCE:

Q. Do you know the reason why the return was not made from Robbins to the county canvassers?—A. I received a dispatch from one of the managers of election the night of the election telling me why. That is my only means of knowing.

Q. Have you that dispatch?—A. No, sir. Perhaps the statement may have been verbal; but I think it was written, and I throw it down in the room in the headquarters where we were. He stated briefly the reason. I can give you what he said, if you wish.

Q. I did not know but that you might have known some fact yourself.—A. No, sir; I was thirty miles off, at the center of the county. But I do not think there is any dispute about the facts. They were universally known, and they were embodied in this dispatch very briefly.

By Mr. LAPHAM:

Q. Will you give the precincts in your county which border on Georgia?—A. Robbins, I think, is the nearest to the city of Augusta. The next is Millet's, and the next Allendale. Baldock is fully fifteen miles from the river. Mallet's is within half a mile of the river-swamp. Allendale is seven or eight miles from the river.

WILLIAM T. BLANTON recalled and further examined.

By Mr. LAPHAM:

Question. Which did you state was our precinct in Barnwell County?—Answer. Williston, on the South Carolina Railroad.

Q. How far is that from Blackville?—A. I do not remember; some eight or ten miles, probably nine, more or less.

Q. Do they adjoin?—A. It is the next precinct.

Q. I observe that the name of Mr. Hurley, one of the candidates for elector, is blank at that precinct. According to your return, no votes appear to have been cast for him as an elector?—A. I do not know anything about that. I do not remember anything about it.

Q. You were not aware of the fact that any of the electors were omitted from the list, were you?—A. He was on the republican side, was he?

Q. Yes.—A. Yes, sir. I think there was a candidate omitted; but I do not remember anything about the number of votes.

By Mr. LAWRENCE:

Q. Were the tickets for electors all full?

Mr. COCHRANE. I submit that the return will show that.

By Mr. LAPHAM:

Q. I now call your attention to the fact that for Hurley, one of the republican electors, the Blackville precinct is returned blank. You know something about that, do you not?—A. I remember to have heard it spoken of, but at this time I cannot recollect.

Q. Don't you know it is a mistake? Don't you know that he was voted for the same as the others?—A. Yes; but I think that was an error of the managers, if my memory serves me right. I had forgotten that altogether.

Mr. PHILIPS objected to Mr. Lapham's mode of examination as leading.

The WITNESS. I can't tell you anything from my own knowledge about that.

The CHAIRMAN. The witness has stated that he has no personal knowledge in regard to the matter, and no definite recollection.

Mr. LAPHAM. He does remember the fact that Hurley was left blank.

By Mr. EDEN:

Q. Do the county canvassers see the tickets?—A. No, sir.

By Mr. LAPHAM :

Q. The ballot-boxes were returned to you as county canvassers?—A. They were returned.

Q. And you had the ballot box from Blackville?—A. Yes.

Q. Did you look into that box to see whether there were any votes for Hurley?—A. We did not. We did not look into any of the boxes.

Q. You did not examine them to see whether that was an error, reporting Hurley blank?—A. No, sir; we did not look at the votes.

Q. You did not look to see whether Hurley's name was on the electoral ballots?—A. No, sir; we did not open any boxes except those where the managers had put the returns inside. Those we opened and took out their reports, and locked the boxes up.

Q. At Blackville, according to the report which you make, the name of Hurley, one of the republican electors, is blank, no votes appearing to have been cast for him. Now, I ask whether you looked at the ballots in that box to see whether that was an error or not?—A. We did not.

By the CHAIRMAN :

Q. What did you look at?—A. We only looked at the regular returns of the managers.

By Mr. EDEN :

Q. And you made a statement according to their returns?—A. Yes, sir; according to their returns.

By Mr. LAPHAM :

Q. There was no inquiry made by the board of county canvassers with reference to that discrepancy that you remember?—A. No, sir; but I remember hearing it spoken of.

Q. Did you not understand at the time that it was a mistake?

Mr. Phillips objected to the question as calling, not for a fact, but for the understanding of the witness.

Mr. Lapham said that it called for the understanding of the witness as a canvassing officer, and insisted upon the question.

Mr. PHILLIPS. He was not a canvassing officer except of the managers' returns.

By Mr. LAPHAM :

Q. You did not at the time of the canvass understand that it was a clerical error?—A. I think it was, sir, on the part of the managers; that is my impression. To tell you exactly how it was I could not at this time, but I think there was some defect in it on the part of the managers.

By Mr. EDEN :

Q. If the managers discovered that it was a clerical error why didn't they supply it in the return?—A. I may be mistaken; it might have been the board that discovered it.

Q. The board did not examine the tickets, did they?—A. They did not.

Q. How could you tell, then, whether it was a clerical error or not?—A. Only by the managers' returns.

Q. But the managers' returns did not show that Hurley got any votes at all, did they?—

A. I don't remember exactly how it was, but it was something right there. I cannot explain it, but it strikes me it was omitted by them, though I may be mistaken in that.

Q. It was omitted by the managers for what reason?—A. Ah, I cannot tell you that.

By Mr. PHILLIPS :

Q. At the time the county commissioners aggregated the precinct returns before you, and when this precinct now in controversy was before you, was there any information whatever before your board about any mistake having been made by the managers in the return from Blackville—was there any fact or evidence before you about any such mistake?—A. I think there was something said about it.

Q. There was something said about there being a blank return?—A. Yes, sir; in Hurley's case.

Q. But was there any evidence of any sort before you to show that there was a mistake?—A. I think there was.

Q. What was it?—A. I can't tell you exactly, only that it was omitted in some way. I think that the managers omitted it, but I cannot tell you the exact particulars at this time.

Q. Were there any affidavits before you?—A. No, sir.

Q. Any witness examined about it?—A. No, sir.

Q. Then, when you state that the impression was that it was a mistake, you mean that there was a mere rumor to that effect?—A. Well, sir, I can't remember distinctly, but it strikes me we discovered it in the returns.

Q. You discovered that there was no return for this elector from that precinct?—A. I think that was it.

Q. But my question is, was there any evidence before you to show how that blank occurred?—A. I do not think it.

By Mr. ABBOTT :

Q. All you know about it was the fact that on the managers' return from Blackville the name of one of the electors was omitted.—A. I think that is it.

Q. And you did not inquire of the managers, or any other human being, about it?—A. No, sir; we could not.

By Mr. EDEN :

Q. You do not know whether the voters voted for Hurley there or not?—A. No, sir.

Q. Nor you did not hear whether they did or not?—A. No, sir; we did not. We acted under the counsel of Judge Muher; he was our counsel.

By Mr. LAPHAM :

Q. Who is he?—A. He is a lawyer at Barnwell Court-House.

By Mr. ABBOTT :

Q. We want to know on which side he is in politics.—A. He voted the democratic ticket.

By Mr. LAPHAM :

Q. You acted under his advice on this question?—A. Yes, sir.

Q. That included the omission of Hurley's name, didn't it?—A. I think it did, but I can't remember.

Q. Now, don't you remember that one or more of the managers from Blackville were there before the county canvassers?—A. They delivered the box.

Q. Don't you remember that they spoke of this as a mistake?—A. No, sir; I think we discovered it in the returns.

Q. Were they not there at the time you discovered it?—A. No, sir; I do not think they were.

Q. Are you sure that they were not there at the time you discovered the omission of the votes for Hurley?—A. I do not think they were there.

Q. You took the advice of the gentleman you have named as to what you should do in regard to that omission?—A. I do not know that we did take his advice as to that case. He was present all through as our counsel on points of law.

Q. He was a democrat, and is one now?—A. Yes, sir. It was, however, only on points of law that he counseled us.

Q. And you voted the democratic ticket?—A. Yes.

By Mr. ABBOTT :

Q. You had two republican associates, had you not?—A. Yes, sir.

Q. And you three—two republicans and one democrat—selected this gentleman as your counselor in matters of law?—A. Yes, sir.

Q. And whether he gave you any counsel in regard to that Blackville return you do not know?—A. No, sir; I do not recollect.

By Mr. LAPHAM :

Q. Are either of your associates here?—A. Mr. Knopf is here, and I think you can get at that point from him.

By Mr. EDEN :

Q. Is not this the only mistake you discovered, that there was no vote returned for Hurley from that precinct?—A. I think that was not counted; but I can't tell you the particulars at this time from memory.

COLUMBIA, S. C., December 13, 1876.

GUSTAVUS M. WALKER sworn and examined.

By Mr. ABBOTT :

Question. You reside in Columbia, and are cashier of one of the banks here?—Answer. Yes, sir; of the Union Bank.

Q. How long have you been here?—A. Since 1867.

Q. On the night of the canvass of the counties by the State board of canvassers by taking the precincts from the different counties, were you present on behalf of the democrats?—A. I was present on behalf of the democratic executive committee.

Q. How far did the State canvassers progress in canvassing the counties by precincts?—A. They canvassed six counties.

Q. The first six in alphabetical order on the list?—A. Yes.

Q. That embraced from Abbeville to Charleston Counties, inclusive?—A. Yes, sir.

Q. Did you keep a record of the result of the canvass by precincts as it was given by the canvassers?—A. Yes, sir; I took it down at the time and then turned the papers over to the democratic executive committee.

By Mr. COCHRANE :

Q. You took down the figures of the managers' returns as called out?—A. Yes, sir; and the precinct returns as announced.

By Mr. ABBOTT :

Q. And you made a record of those figures yourself?—A. Yes.

Q. Have you that record now with you?—A. Yes.

Q. Will you please produce it?

Mr. Lapham objected to the record as incompetent evidence.

By Mr. ABBOTT :

Q. You made that record at the time from the figures given by the State canvassers?—A. Yes, sir; there were three persons taking down the figures, and all took them at the same time.

Mr. Lapham renewed his objection and the chairman overruled it.

Q. Give us the results of that canvass of votes for each county.—A. I have not made the aggregate for the whole six counties. I have only got each county aggregated by precincts. They are as follows: Abbeville County: Bowen, 3,245; Winsmith, 3,251; Barker, 3,557; McGowan, 3,565; Johnston, 3,254; Harrington, 3,557; Hurley, 3,252; Ingram, 3,557; Nash, 3,253; Wallace, 3,556; Cook, 3,253; Erwin, 3,556; Myers, 3,252; Aldrich, 3,556. There are some precincts from which there were no returns.

By Mr. LAPHAM :

Q. You have not got votes from all the precincts?—A. No, sir; I have not; nor did the State board of canvassers receive them. I have got all that they got. In Aiken County Bowen's figures were, 2,215; Winsmith, 2,215; Barker, 2,663; McGowan, 2,665; Johnston, 2,215; Harrington, 2,665; Hurley, 2,215; Ingram, 2,665; Nash, 2,214; Wallace, 2,665; Cook, 2,214; Erwin, 2,665; Myers, 2,215; Aldrich, 2,215.

By Mr. ABBOTT :

Q. Are there any vacant precincts there?—A. Yes, sir; two, Windsor and Silverton.

Q. But those that you have read are all the returns that the board gave as having been received at that time?—A. Yes, sir.

Q. And the only two vacant precincts in Aiken County were Silverton and Windsor?—A. Yes.

Q. What precincts were missing in Abbeville?—A. Calhoun Mills and Magnolia. In Anderson County the figures were: Bowen, 1,188; Winsmith, 1,189; Barker, 4,003; McGowan, 4,004; Johnston, 1,140; Harrington, 3,913; Hurley, 1,139; Ingram, 3,913; Nash, 1,190; Wallace, 4,003; Cook, 1,139; Erwin, 3,913; Myers, 1,139; Aldrich, 3,913.

By Mr. ABBOTT :

Q. Were there any precincts in that county not given?—A. No, sir; they are all full; Barnwell County: Bowen, 2,835; Winsmith, 2,835; Barker, 3,895; McGowan, 3,895; Johnston, 2,835; Harrington, 3,894; Hurley, 2,140; Ingram, 3,894; Nash, 2,836; Wallace, 3,394; Cook, 2,837; Erwin, 3,894; Myers, 2,835; Aldrich, 3,854.

Q. Are there any vacant precincts there?—A. Yes, two; at least there is only one that no polling was done at—Cainan's Fair Church. But this Robbins's box was left out as being an illegal box. It was not returned properly to the board of State canvassers.

Q. And they excluded it?—A. Yes, sir; they excluded it. Beaufort County: Bowen, 6,753; Winsmith, 6,750; Barker, 2,637; McGowan, 1,937; Johnston, 5,722; Harrington, 1,909; Hurley, 6,440; Ingram, 1,909; Nash, 6,440; Wallace, 1,909; Cook, 6,440; Erwin, 1,868; Myers, 6,753; Aldrich, 1,939.

By Mr. COCHRANE :

Q. How many precincts are left out there?—A. Well, I hardly know how to answer that question. Some appear to have been left out here; but the votes were cast for "Hayes and Wheeler" and "Tilden and Hendricks."

By Mr. ABBOTT :

Q. Were those precincts that you have given announced as the result of the managers return by the State board?—A. Yes, sir; they were so announced. These precincts are not included in the aggregates given.

Q. But they were announced to you by the State board under the head of Hayes and Wheeler and Tilden and Hendricks?—A. Yes, sir; but they are not counted as votes for the electors.

Q. Which precincts are those?—A. Black Creek and Gray's Hill.

By Mr. COCHRANE :

Q. Then the State board excluded all votes that were cast directly for Hayes and Wheeler or Tilden and Hendricks?—A. I do not know about that. In calling out the votes, when they came to that precinct they said, "Here the electors are not voted for;" but Hayes and



Wheeler got so many, and Tilden and Hendricks got so many. At Black Creek, Hayes and Wheeler received ten votes each, and Tilden and Hendricks four votes each. At Gray's Hill, Hayes and Wheeler received 472, and Tilden and Hendricks nine votes each.

Q. Are those the only two vacant precincts?—A. The only two where there were no electors voted for.

By Mr. ABBOTT:

Q. Sheldon is included in that count?—A. Yes, sir. In Charleston County, Bowon received 14,952; Winsmith, 14,969; Barker, 8,653; McGowan, 8,657; Johnston, 14,965; Harrington, 8,657; Hurley, 14,960; Ingram, 8,659; Nash, 14,655; Wallace, 8,658; Cook, 14,966; Erwin, 8,611; Myers, 14,964; Aldrich, 8,624.

Q. Were there any blank precincts in that county?—A. Yes, two—Dutart's Creek and Robbins. They are blank as to every elector. My memorandum says, "No names given, but only the figures."

Q. You have not given the figures from those two precincts?—A. No, sir.

By Mr. LAPHAM:

Q. You have not got the figures?—A. No, sir.

Q. There were no figures called?—A. No, sir; the board said there were no names given, only the figures, and they did not call the figures because there were no names.

By Mr. ABBOTT:

Q. You have all the figures that they called off?—A. Yes, sir; at the Cross-roads—63 republican and 105 democratic votes were reported by the State canvassers; but they didn't give the names.

Q. Those numbers do not enter into your additions here?—A. No, sir.

Q. So that you give in this addition only what was reported by the State canvassers?—A. Yes, sir.

Q. Did the State canvassers put Robbins into the report?—A. When we were making up these precinct returns they entered it on their returns, or at least I put it on mine, as a memorandum, but in putting it on their list of counties that vote was not included in the managers' returns. That is my understanding.

Q. When they gave you those precinct returns, and when you got Barnwell County complete, was Robbins included in the addition of the managers' returns from that county?—A. No, sir. If that box from Robbins had been counted, the return for the County would have been larger; but it was not taken into the count at all by the State canvassers, or by the county commissioners either.

Q. Tell us whether they called that or undertook to include it?—A. In making up these precinct returns they did call the vote for each of the electors, but the only persons voted for were the republicans, as appears on my return here; but it was not included in the county commissioners' returns.

Q. How about the managers; did they include it?—A. No, sir; they did not include it. It was left out entirely, because it was not properly received at their office. It was objected to at the time by General Hagood.

Q. And upon the objection it was not put in with the managers' returns for the county?—A. No, sir.

Q. In those papers which you give us you give the vote for each persons and each precinct?—A. Yes, sir.

By Mr. COCHRANE:

Q. And these papers are the originals, made by you at the time?—A. Yes, sir.

Q. And are correct?—A. Yes, sir; I think so.

The papers were put in evidence, as follows:

Presidential electors.

Abbeville County.	Bowen.	Winsmith.	Barker.	McGowan.	Johnston.	Harrington.	Hurley.	Ingraham.	Nash.	Wallace.	Cook.	Irwin.	Myers.	Aldrich.	
Precinct No. 1.....	341	344	446	449	344	446	344	446	343	446	343	446	343	446	
2.....	432	431	10	11	432	10	432	10	432	10	432	10	432	10	
Saint Charlotte, 3.....	81	83	282	282	85	282	83	282	85	281	85	281	84	281	
Cokesbury, 4.....	292	292	309	311	292	309	292	309	292	309	292	309	292	309	
Greenwood, 5.....	366	366	570	570	366	570	366	570	366	570	366	570	366	570	
Ninety-six, 6.....	355	355	5	5	355	5	355	5	355	5	355	5	355	5	Return signed by only one manager.
Donaldsville, 7.....	100	100	220	220	100	220	100	220	100	220	100	220	100	220	
Due West, 8.....	140	141	295	296	141	295	141	295	141	295	141	295	141	295	
Centreville, 9.....	178	178	229	229	178	229	178	229	178	229	178	229	178	229	
Chilos X-Roads, 10.....	53	53	220	220	53	220	53	220	53	220	53	220	53	220	
Smithville, 11.....	291	291	103	103	291	103	291	103	291	103	291	103	291	103	
Lowndesville, 12.....	181	182	440	441	182	440	182	440	182	440	182	440	182	440	
White Hall, 13.....	213	213	78	78	213	78	213	78	213	78	213	78	213	78	
Long Cane, 14.....	114	114	130	130	114	130	114	130	114	130	114	130	114	130	
Cedar Springs, 15.....	108	108	220	220	108	220	108	220	108	220	108	220	108	220	
Calhoun Mills, 16.....															No return.
Magnolia, 17.....															No return.
	3, 245	3, 251	3, 557	3, 565	3, 254	3, 557	3, 252	3, 557	3, 253	3, 556	3, 253	3, 556	3, 252	3, 556	

Presidential electors.

Aiken County.		Bowen.	Winsmith.	Barker.	McGowan.	Johnston.	Harrington.	Hurley.	Ingraham.	Nash.	Wallace.	Cook.	Irwin.	Myers.	Aldrich.	
Precinct	Aiken.....	707	707	371	371	707	371	707	371	707	371	707	371	707	371	
	Beech Island.....	310	310	249	249	310	249	310	249	310	249	310	249	310	249	
	Hamburgh.....	544	544	265	267	544	267	544	267	543	267	543	267	544	267	
	Jordan Mill.....	124	124	274	274	124	274	124	274	124	274	124	274	124	274	
	Boyd's store.....	266	266	100	100	266	100	266	100	266	100	266	100	266	100	
	Mills's mill.....	35	35	142	142	35	142	35	142	35	142	35	142	35	142	
	Merritt's Bridge..	68	68	312	312	68	312	68	312	68	312	68	312	68	312	
	Graniteville.....	76	76	786	786	76	786	76	786	76	786	76	786	76	786	
	Fountain Acad...	85	85	164	164	85	164	85	164	85	164	85	164	85	164	
	Windsor.....															
	Silverton.....															
		2,215	2,215	2,663	2,665	2,215	2,665	2,215	2,665	2,214	2,665	2,214	2,665	2,215	2,665	

Return signed by one manager.  
No return.  
No return.

Presidential electors.

Anderson County.	Bowen.	Winsmith.	Barker.	McGowan.	h n ston.	Harrington.	Hurley.	Ingraham.	Nash.	Wallace.	Cook.	Irwin.	Myers.	Aldrich.
Precincts:														
No. 1.....	43	44	309		44	309	44	309	44	309	44	309	44	309
2.....	290	290	232	232	290	232	289	232	290	232	289	232	289	232
3.....	65	65	348	348	65	348	65	348	65	348	65	348	65	348
Pendleton, 4.....	107	107	192	192	107	192	107	192	107	192	107	192	107	192
Sandy Spring, 5.....	8	8	86	86	8	86	8	86	8	86	8	86	8	86
Centreville, 6.....	7	7	97	97	7	97	7	97	7	97	7	97	7	97
Bethany, 7.....	36	36	59	59	36	59	36	59	36	59	36	59	36	59
Greenwood, 8.....	38	38	181	181	38	181	38	181	38	181	38	181	38	181
Brushy Creek, 9.....	54	54	202	202	54	202	54	202	54	202	54	202	54	202
Williamston, 10.....	36	36	382	382	37	382	37	382	37	382	37	382	37	382
Belton, 11.....	54	54	303	303	54	303	54	303	54	303	54	303	54	303
Honea Path, 12.....	79	79	196	196	79	196	79	196	79	196	79	196	79	196
Calhoun, 13.....	46	46	60	60	46	60	46	60	46	60	46	60	46	60
Craytonville, 14.....	2	2	234	234	2	234	2	234	2	234	2	234	2	234
Milford, 15.....	67	67	131	131	67	131	67	131	67	131	67	131	67	131
Long's Shop, 16.....	41	41	124	124	41	124	41	124	41	124	41	124	41	124
Dark Corner, 17.....	15	15	242	242	15	242	15	242	15	242	15	242	15	242
Williford Store, 18.....	50	50	90	90	50	90	50	90	50	90	50	90	50	90
Brown & F. Store, 19.....	65	65	209	209	65	209	65	209	65	209	65	209	65	209
Holland's Store, 20.....	63	63	129	129	63	129	63	129	63	129	63	129	63	129
Maret's, (G. W.), 21.....	3	3	67	67	3	67	3	67	3	67	3	67	3	67
Ball's Mill, 22.....	19	19	130	130	19	130	19	130	19	130	19	130	19	130
	1, 188	1, 189	4, 003	4, 004	1, 140	3, 913	1, 139	3, 913	1, 190	4, 003	1, 139	3, 913	1, 139	3, 913

Managers have not signed returns.

Presidential electors.

Barnwell County.	Bowen.	Winsmith.	Barker.	McGowan.	Johnston.	Harrington.	Hurley.	Ingraham.	Nash.	Wallace.	Cook.	Irwin.	Myers.	Aldrich.	
<b>Precincts:</b>															
Barker's Mill .....	146	146	175	175	146	175	146	175	146	175	146	175	146	175	
Buford's Bridge .....	189	189	197	197	189	197	189	197	189	197	189	197	189	197	
Bamberg .....	3	3	301	301	3	301	3	301	3	301	3	301	3	301	
Millett's .....	149	149	299	299	149	299	149	299	149	299	149	299	149	299	
Erhardt's .....	48	48	177	177	48	177	48	177	48	177	48	177	48	177	
Midway .....	440	440	229	229	440	229	440	229	440	229	440	229	440	229	
Williston .....	132	132	450	450	132	450	132	450	132	450	132	450	132	449	
Baldock .....	93	93	183	183	93	183	93	183	93	183	93	183	93	183	
Robbins * .....	1,317	1,317			1,317		1,317		1,317		1,317		1,317		Returns signed by two managers.
Grahams .....	78	78	208	208	78	208	78	208	78	208	78	208	78	207	
Red Oak .....	200	200	246	246	200	246	200	246	200	246	200	246	200	200	
Allendale .....	451	451	673	673	451	673	451	673	451	673	451	673	451	673	
Blackville .....	695	695	467	467	695	466	695	466	696	466	697	466	696	464	
Barnwell (C. H.) .....	211	211	290	290	211	290	211	290	211	290	211	290	210	300	All omitted on the manager's return. (See affidavit.)
Canaan Fair Church .....															
	4,152	4,152	3,895	3,895	4,152	3,894	4,152	3,894	4,153	3,894	4,154	3,894	4,152	3,854	

\* Bowen, 2,835; Winsmith, 2,835; Johnston, 2,835; Hurley, 2,140; Nash, 2,836; Cook, 2,837; Myers, 2,835.  
 † Omitted on the manager's return. (See affidavit.)

Presidential electors.

Beaufort County precincts	Bowen.	Winamith.	Barker.	McGowan.	Johnston.	Harrington.	Hurly.	Ingraham.	Nash.	Wallace.	Cook.	Irwin.	Myers.	Aldrich.	Ryan, J. B.	Hayes and Wheeler.	Tilden and Hendricks.
Beaufort	565	566	112	122	566	112	566	112	566	112	566	112	566	112			
Mathew's Bluff	180	180	41	41	180	41	180	41	180	41	180	41	180	41			
Pocotaligo	210	210	90	90	210	90	210	90	210	90	210	90	210	90			
Harris Cross-Roads	64	64	93	93	64	95	64	95	64	95	64	95	64	95			
Nixsville	51	47	112	112	51	112	51	112	51	112	51	112	51	112			
Hardeeville	145	145	72	72	145	72	145	72	145	72	145	72	145	72			
Mitchellville	464	464	10	10	464	10	464	10	464	10	464	10	464	10			
Gillisonville	224	224	175	175	224	175	224	175	224	175	224	175	224	175			
Port Royal	123	123	46	46	123	46	123	46	123	46	123	46	123	46			
Lawton Church	174	174	41	41	174	41	174	41	174	41	174	41	174	41	41		
Brighton	195	195	92	92	195	92	195	92	195	92	195	92	195	92			
Lawtonville	314	314	122	122	314	122	314	122	314	122	314	122	314	122			
Chisolm's Landing	267	267	39	39	267	39	267	39	267	39	267	39	267	39			
Peeples	76	76	185	185	76	185	76	185	76	185	76	185	76	185			
Myrtle Bush	232	232	4	4	232	4	232	4	232	4	232	4	232	4			
Sheldon*	553	553	61	61	553	61	552	61	552	61	552	61	552	61			
Black Creek																10 each	4 each
Bellinger Hill	313	313	30	30									313	30			
Genniss Cross-Roads	142	142	11	11	142	11	142	11	142	11	142	11	142	11			
Bluffton	350	350	101	101	350	101	350	101	350	101	350	101	350	101			
Wood Lawn	313	313	8	8	313	8	313	8	313	8	313	8	313	8			
Brick Church	719	719	16	16		16	719	16	719	16	719	16	719	16			
Paris Island	141	141	12	12	141	12	141	12	141	12	141	12	141	12			
Grahamville	234	234	113	113	234	113	234	113	234	113	234	113	234	113			
Gray's Hill																472 each	9 each
Levy's Cross-Roads	437	437	72	72	437	72	437	72	437	72	437	72	437	72			
Varnsville	98	98	258	258	98	258	98	258	98	258	98	258	98	258			
Coffin Point	169	169	21	21	169	21	169	21	169	21	169	21	169	21			
	6,753	6,750	2,637	1,937	5,722	1,909	6,440	1,999	6,440	1,909	6,440	1,868	6,753	1,939			

\* No such poll named in the act. † See Barker's vote.

Presidential electors.

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2

Charleston County precincts.	Bowen.	Winsmith.	Barker.	McGowan.	Johnston.	Harrington.	Hurly.	Ingraham.	Nash.	Wallace.	Cook.	Irwin.	Myers.	Aldrich.	Haven.
Court-House .....	277	277	477	477	277	477	277	477	277	477	277	477	277	477	....
Camp-Ground.....	204	204	44	44	204	44	204	44	204	44	204	44	204	44	....
Enterprise .....	280	280	14	14	280	14	280	14	280	14	280	14	280	14	....
City-Hall.....	306	307	331	331	306	331	307	331	307	331	306	331	306	331	....
Wright's Store.....	475	475	36	36	475	36	475	36	475	36	475	36	475	36	....
Marion Engine-house.....	196	196	365	365	196	365	196	365	196	365	196	365	196	365	....
No. 3, corner Washington and Inspection streets...	311	311	252	252	311	252	311	252	311	252	311	252	311	252	....
Henderson's Store.....	31	31	70	70	31	70	31	70	31	70	31	70	31	70	....
Comet Engine-house.....	312	313	314	314	313	314	313	314	313	314	313	314	313	314	....
Mount Pleasant.....	121	121	207	207	121	207	121	207	121	207	121	207	121	207	....
Red-top Church.....	310	310	13	13	310	13	310	13	310	13	310	13	310	13	....
Dills' Bluff.....	23	23	44	44	23	44	23	44	23	44	23	44	23	44	....
United Fire-engine house.....	366	366	152	152	365	152	364	152	365	152	365	151	365	151	....
Baptist Church.....	325	325	10	10	325	10	325	10	325	10	325	10	325	10	....
Hickory Bend.....	190	190	167	167	190	167	190	167	190	167	190	167	190	167	....
Market Hall.....	208	208	382	382	207	382	206	382	208	382	208	382	208	382	....
Calvary Church.....	323	323	28	218	323	28	323	28	323	28	323	28	323	28	....
Rushland.....	585	585	16	16	585	16	585	16	585	16	585	16	585	16	....
Hope Engine-house.....	482	485	316	316	484	315	484	315	484	315	484	315	484	315	....
Four-mile House.....	273	274	94	94	274	94	274	94	274	94	274	94	274	94	....
Four mile Church.....	454	454	31	31	454	31	454	31	454	31	454	31	454	31	....
Dutart's Creek *.....	40	40	187	187	40	187	40	187	40	187	40	187	40	187	....
Wassamasaw Chapel.....	360	360	184	184	360	184	360	184	360	184	360	184	360	184	....
Strawberry Ferry.....	299	299	525	525	299	525	299	525	299	525	299	525	299	525	....
Ashley Engine-house.....	41	41	50	50	41	50	41	50	41	50	41	50	41	50	....
Cross-Roads †.....	344	344	9	9	344	9	344	9	344	9	344	9	344	9	....
Lamb's Farm.....	380	382	123	123	382	123	382	123	382	123	382	123	380	123	....
Club House.....	380	382	123	123	382	123	382	123	382	123	382	123	380	123	....
Calamus Pond.....	1	1	106	106	1	106	1	106	1	106	1	106	1	106	....
Pinopolis.....	1	1	106	106	1	106	1	106	1	106	1	106	1	106	....

\* No names given, only the figures. † Republican 68 democrats 105.

Presidential electors.

Charleston County precincts.	Bowen.	Winsmith.	Barker.	McGowan.	Johnston.	Harrington.	Hurly.	Ingraham.	Nash.	Wallace.	Cook.	Irwin.	Myers.	Aldrich.	Haven.
Muster House.....	354	354	42	42	354	42	354	42	354	42	354	42	354	42	42
Washington Engine-house.....	612	617	286	286	617	286	616	287	616	287	617	286	617	286	286
Whaley's Church.....	582	582	18	18	582	18	582	18	582	18	582	18	582	18	18
Stonewall Engine-house.....	393	393	600	602	393	602	392	602	393	601	393	601	393	601	601
Church Street.....	238	238	282	283	238	283	237	284	238	283	238	283	238	283	283
Andel's Store.....	163	163	31	31	163	31	163	31	163	31	163	31	163	31	31
Mount Holly.....	199	199	29	29	199	29	199	29	199	29	199	29	199	29	29
Board's Church.....	231	234	38	38	234	38	234	37	234	38	234	38	234	38	38
Ice-House.....	293	294	298	299	293	299	292	299	293	299	293	299	293	299	299
Palmetto Engine-house.....	220	220	530	530	220	530	220	530	220	530	220	530	220	530	530
New Hope Church.....	160	160	58	58	160	58	160	58	160	58	160	58	160	58	58
Black Oak.....	361	361	56	56	361	56	361	56	361	56	361	56	361	56	56
Biggin Church.....	364	364	107	107	364	107	364	107	364	107	364	107	364	107	107
Stephens Depot.....	224	224	145	145	224	145	224	145	224	145	223	145	224	145	145
Wappataw Church.....	313	313	24	24	313	24	313	24	313	24	213	24	313	24	24
Ben. Potter's Half-way Creek.....	4	4	31	31	4	31	4	31	4	31	4	31	4	31	31
Campbell's Church.....	245	245	17	17	245	17	245	17	245	17	245	17	245	17	17
Niagara Engine-house.....	775	776	464	464	777	464	777	464	777	464	777	464	777	464	464
Eagle Engine-house.....	431	432	429	430	433	430	433	430	433	430	433	430	433	430	430
Thirty-two-mile House.....	132	132	97	97	132	97	132	97	132	97	132	97	132	97	97
Pineville.....	148	148	32	32	148	32	148	32	148	32	148	32	148	32	32
Blackville.....	31	32	116	116	32	116	32	116	32	116	32	116	32	116	116
Cut Bridge.....	173	173	8	8	173	8	173	8	173	8	173	8	173	8	8
Union Star Engine house.....	489	489	170	170	489	170	489	170	489	170	489	170	489	170	170
Summerville.....	297	297	197	197	296	198	296	198	296	198	296	198	296	198	198
	14,952	14,969	8,653	8,657	14,965	8,657	14,960	8,659	14,655	8,658	14,966	8,611	14,964	8,624	2



By Mr. LAPHAM :

Q. Who employed you to go there?—A. A subcommittee of the democratic executive committee.

Q. Who was the individual?—A. Mr. LeConte came there and asked me if I would not go and check the clerk of the board; that they wanted an accountant there.

Q. Who was with you?—A. Several members of the executive committee were there.

Q. Did any one keep a list except yourself?—A. Yes, sir; Mr. Scoffin, the clerk of the democratic State committee.

Q. Did any one keep a list except yourself?—A. Mr. Alexander was there; he kept a list.

Q. What Mr. Alexander?—A. I do not know his given name. He is from Washington City.

Q. Have you seen him since?—A. Yes, sir; I have seen him since.

The CHAIRMAN. It is our Mr. Alexander.

Mr. LAPHAM. Was he here?

The CHAIRMAN. Yes; he was.

By Mr. LAPHAM :

Q. On whose behalf was he acting?—A. I do not know, sir.

Q. In whose behalf did he claim to be acting?—A. I do not know, sir. I have no acquaintance with him at all. I just met him in the office.

Q. He kept a list and you kept a list?—A. Yes.

Q. Did you and he compare your lists?—A. I have compared with him this last time since he returned here.

Q. Not before?—A. No, sir.

Q. When did you make that comparison?—A. This morning.

Q. Where?—A. At his room, at the Columbia Hotel.

Q. How did you take this list?—A. By drawing off a blank, and as the chairman of the board of State canvassers would call out the name and the figures I would enter them.

Q. And you simply made a memorandum as they called off the names and figures?—A. Yes.

Q. You simply kept a tally?—A. Yes.

Q. Did you ever compare it afterward with the manager's returns?—A. No, sir.

Q. And never have done so since?—A. No, sir. As soon as I got through with those lists I turned them over to Colonel Haskell, and they were in his possession until I got them yesterday.

Q. Who is Colonel Haskell?—A. Chairman of the democratic executive committee of this State.

Q. He is a son-in-law of General Hampton, is he not?—A. No, sir.

Q. You never compared your list with the managers' returns to see if it was correct?—A. No, sir.

Q. Did it all depend upon whether you heard correctly and took down correctly the figures as they were called out?—A. Yes, sir.

Q. You never made a comparison with any list?—A. No, sir; except Mr. Alexander's.

Q. With any list in the secretary's office, I mean?—A. No, sir.

Q. When did you make your footings?—A. Yesterday.

Q. When were those lists returned to you?—A. They were returned to me yesterday.

Q. You have not seen them since the night they were made?—A. No, sir.

Q. What time on that night was Charleston County finished?—A. I can hardly answer that question. We were engaged there a couple of days.

Q. Charleston County was the last. Do you remember what hour it was when you finished Charleston?—A. No, sir; I do not. I think it was after dark. It may have been ten or eleven o'clock.

Q. Was it not midnight?—A. I say it might have been ten or eleven o'clock.

Q. You have no knowledge of what was the vote cast, if any was cast at any of those precincts which are blank on your memorandum?—A. No, sir; because the vote was not read out.

Q. You do not know whether they were in the returns or not?—A. No, sir. There were certain cases where the returns said "for Hayes and Wheeler" so many votes and "for Tilden and Hendricks" so many votes.

Q. Did you take a list of all those votes?—A. Yes; I think I have got them all as they were called.

Q. Were the numbers of that class of votes given in all cases?—A. As they were called out I took them down.

Q. But are you certain that they were all called out?—A. I do not know, sir. I was sitting away from the parties who were calling out.

Q. How far?—A. I suppose about ten feet.

Q. At another table?—A. Yes, sir.

Q. Were there persons between you and the persons who were calling off?—A. Yes; the clerk of the board was between me and the chairman.

Q. You were sitting at one table and the canvassers at another?—A. Yes, sir.

Q. There was more or less talking in the room, was there not?—A. Yes, sir.

Q. And although you think you heard correctly and took the numbers correctly, I presume you would not be willing to testify that you are sure of that?—A. O, there may be mistakes, sir. We are all liable to mistakes. I may have misunderstood when a figure was called. I know that appears to have been the case in one instance when I compared with Mr. Alexander; a case in Abbeville County. He has Barker as having received 309 and McGowan 311, and I have it just the reverse. I have read my figures though as I took them down. The error may have occurred in this way: the chairman of the board of State canvassers may have alternated the names.

By the CHAIRMAN:

Q. Was there any such confusion in the hall as would interfere with the distinct calling of the number?—A. I do not think so; I think they all kept very quiet.

By Mr. JONES:

Q. The clerk of the board sat between you and the managers?—A. Yes, sir.

Q. Were the figures which were called out taken down by the clerk?—A. The chairman of the board would call out the precinct; the names of the candidates and the number of votes, and we would all take them down at the same time, and one or the other would respond to the chairman's call to let him know if we were ready for the next name.

Q. Was there any secrecy about the count?—A. I cannot say that there was. There was a certain number admitted on each side.

Q. There was no objection made to your being there?—A. No, sir; none to my being there.

Q. Did they know that you were there on behalf of the executive committee?—A. Yes, sir.

Q. They did not object to your being there?—A. No. Before the admission they passed a resolution to admit only five from each side, but that was objected to by the democratic committee, and they then increased the number to eight. The reason given was the smallness of the secretary of state's office, and that he did not wish to have so large a number present as to retard the work.

Q. You say that when you were ready one of you would respond?—A. Yes, sir; usually his own clerk would respond.

Q. How near to the clerk did you sit?—A. I was not more than three feet from the clerk.

Q. From the clerk who made the response?—A. Yes.

By Mr. ABBOTT:

Q. You were employed as an experienced accountant to go there and keep tally?—A. Yes, sir.

Q. And you went there and were known to be the accountant employed by the democratic committee for that purpose?—A. Yes, sir; I think that was generally known.

Q. Did you intend and try in every way to obtain the exact figures?—A. I did, sir; that was what I was there for.

Q. If you had misunderstood anything would you have requested them to repeat?—A. O, several times I did so; as did one or two of the others who did not understand.

Q. That is, if you had any question in your mind about a figure it was repeated and made certain?—A. Yes, sir.

Q. How certain are you that you have given us exactly what was called out from the board of canvassers; how certain do you feel that you have got their figures correctly?—A. O, I feel perfectly certain that my figures are correct. If there is anything wrong it is the fault of the ear; but I think I have got all the figures correctly.

Q. You say that two or three times you had occasion to ask for a repetition of the figures so as to make them certain?—A. Yes, sir.

By Mr. LAWRENCE:

Q. How long did this mode of counting occupy, including these six counties?—A. It took two or three days.

Q. Which was it, two or three?—A. It was so long ago, and I did not charge my memory with it, that I cannot testify to that point particularly. I know it was so tedious that the chairman of the board declined to proceed any further in that way.

Q. Did he say that it would be impossible to go through counting the precincts in that way within the time fixed by law?—A. He may have said that, but I do not recollect. I know he said this: that he was going beyond the orders of the court in canvassing the precincts, and that following out the orders of the court he would only canvass the counties after he got through with Charleston County.

Q. I was going to ask you whether it was not because of the order of the supreme court that that course was taken?—A. Well, he took that as an excuse for going on with the counties afterward; at least, that was what was assumed by the opposition, that he took shelter behind the order of the court when he found these irregularities occurring in the precinct returns.

Q. If the county canvassers in the statements which they sent up included precinct returns which were not present at the office of the secretary of state, then the county canvassers' statements would give the vote of each county more accurately than it could be obtained by this manner of counting the precinct returns?

Mr. PHILLIPS. That is a matter of opinion.

Q. Do you know whether the precinct returns were coming in during the time they were counting, and even after they ceased this mode of counting?—A. Yes, sir; I know of one county after we commenced counting; I mean a full set of returns from one county.

By the CHAIRMAN:

Q. Was that one of these six counties?—A. No, sir.

By Mr. LAWRENCE:

Q. Do you not know as a matter of fact that where some of the precincts were out at the time of this count the secretary of state or some other officer did send out and get in the precinct returns?—A. I do not know, sir.

By Mr. ABBOTT:

Q. Was that return that came in after the count began the county canvassers' return?—A. Yes, sir; from Kershaw County. It came through the county commissioners in regular form.

Q. I understood you to say that you were cashier of one of the banks here, and had been since 1867.—A. No, sir; I said I had been residing here since 1867.

Q. How long have you been cashier of a bank?—A. Since July, 1872.

Q. And your business is to keep all the accounts; or you have supervision of all the accounts of the bank.—A. Yes sir.

Q. Previous to being a cashier, what was your business?—A. Book-keeper in a banking-house in this city—the house of E. J. Scott & Son.

Q. What is your age?—A. Thirty-four last April.

Q. And your business has been that of cashier in a banking-house for how long?—A. Since the fall of 1868. Previous to that I was chief clerk in the State treasurer's office for eighteen months.

Q. Where also, I suppose, your business was to keep books.

Mr. LAWRENCE. The cashier of a bank does not keep books at all, does he?

The WITNESS. Well, sir, our bank is a small concern, and I do pretty much all the work.

By Mr. LAPHAM:

Q. Were you paid anything for your services in taking down these figures?—A. No, sir.

Q. You were not employed, then, for your skill as a book-keeper, but for your fidelity as a democrat?—A. That is all, sir.

Q. Did you volunteer to go there?—A. No, sir; I went by request. Mr. Le Compte came to me and said, "Mr. Walker, we want to get some accountant to go there and check the figures, and we cannot get anybody better than yourself."

By the CHAIRMAN:

Q. Judge Lapham put a question to you a moment ago as to whether you were employed on account of your skill as a book-keeper or because of your fidelity as a democrat, and you said only on that account. Now, what do you mean by that answer?—A. My fidelity as a man, not as a democrat.

By Mr. LAPHAM:

Q. Do you think you would have been employed by the gentlemen who requested you to go there for that purpose if you had been a republican?—A. I would have gone there and recorded the votes as read out correctly.

Q. I am not questioning that; but do you not know that it was because you were a democrat that they employed you?—A. Well, of course, they wanted somebody to go there for them.

Q. Do you not know that it was because you were a democrat that you were requested to go?—A. Well, sir, I suppose so; I do not suppose they would have gone to a republican.

Q. You were the cashier of what bank?—A. The Union Bank.

Q. Is your bank one of the banks enjoined from paying the drafts of the treasurer?—A. No, sir.

By Mr. JONES:

Q. Did you not understand that you were employed to go there, not particularly as a democrat, but as an experienced accountant?—A. Yes, sir; that was my understanding. I went there more on that account than anything else—to keep a correct count of the votes.

D. FRANK BRADLEY sworn and examined.

By Mr. COCHRANE:

Question. In what county do you reside?—Answer. Pickens.

Q. What is your voting-precinct?—A. Pickens Court-House.

Q. What is your age?—A. Thirty-four.

Q. How long have you resided in Pickens County?—A. With the exception of about eighteen months before the war, when I resided in Florida, I have resided all my life in Pickens County. I was born there.

Q. Did you act as messenger to deliver the votes from your county to the secretary of state?—A. I did.

Q. Were you present before the board of county canvassers when those votes were put up in a package?—A. I was.

Q. How were they put up?—A. The precinct managers' returns you have reference to?

Q. I have reference to what was put into the package; how it was secured, and so on.—A. The poll-lists and tally-sheets and reports of the precinct managers were put together, each precinct separately, and wrapped up in a paper. There are nine precincts in my county and they were all done up in the same way. They were then put one on top of another, and put in one paper and sealed with sealing-wax, in which condition they were delivered to me for the purpose of delivering them to the secretary of state.

Q. Did you deliver that package to the secretary of state?—A. I did.

Q. How soon after it was delivered into your custody?—A. I received it on Saturday evening, (I do not remember the day of the month, but it was on Saturday after the election I believe,) and I delivered it to the secretary of state on Monday following about 10 o'clock.

Q. When you delivered it to him was it in the same condition in which you had received it, sealed with sealing-wax and unbroken?—A. Yes, sir; precisely.

Q. Unbroken?—A. Unbroken.

Q. And, if I understand you correctly, it contained all the precinct returns?—A. That was my understanding from the board of county commissioners. They informed me that they were all in there, and I was sent as a messenger to deliver them.

Q. And you were present when they were done up?—A. I was.

Q. And saw them labeled?—A. Yes, sir.

By Mr. LAPHAM:

Q. Whether in fact all the precinct returns were in fact embodied in the bundle you are not positive?—A. Well, I have the assurances of those gentlemen.

Q. But have you a personal knowledge; you do not know?—A. No, I cannot say of my personal knowledge; that was my opinion.

Q. But, as a matter of fact, you are unable to state whether it was there or not?—A. As a matter of fact, I cannot state positively whether it was or not. As a matter of opinion, though, it would be a different thing.

By Mr. COCHRANE:

Q. You are satisfied that they were all there?—A. I am satisfied of it in my own mind.

By Mr. ABBOTT:

Q. I understood you to say that you saw the whole nine precincts, the managers' returns, labeled, each one?—A. I saw them labeling the precincts.

Q. Was there any question then and there made as to the absence of any managers' returns?—A. No, sir; none at all.

By Mr. COCHRANE:

Q. Do you know a gentleman named John R. Gossett?—A. Yes, sir.

Q. Where does he reside?—A. At Easley's Station, in Pickens County.

Q. Was he one of the managers?—A. They call them commissioners of election; he was one of them.

Q. Was he present at the time you received the package?—A. Yes, sir.

By Mr. ABBOTT:

Q. I understood you to say that you were there when they were rolled up and sealed up, and that you were assured that they were the whole of them; and that you heard no question made as to the absence of any single precinct return?—A. Yes, sir; that was my understanding.

Q. They all told you so?—A. Yes, sir. I was told that they were all there.

By Mr. COCHRANE:

Q. Did you get a receipt from the secretary of state when you delivered the package?—A. I did.

Q. Have you got that receipt?—A. I have. I also have the appointment as messenger. (The appointment and receipt were read in evidence, as follows:)

" PICKENS COURT-HOUSE, S. C.,

" November 10, 1876.

" We, the undersigned commissioners of election, as a board of county canvassers for Pickens County, do hereby authorize and appoint D. Frank Bradley as messenger to convey the reports of commissioners of election of the aforesaid county, and all papers pertaining

thereto, to Columbia, to be delivered to his excellency D. H. Chamberlain, governor, Secretary of State H. E. Hayne, and Comptroller-General T. C. Dunn.

"JEREMIAH LOOPER.

"JOHN R. GOSSETT.

"ALONZO L. FOLGER."

"EXECUTIVE DEPARTMENT, OFFICE OF SECRETARY OF STATE.

"I, H. E. Hayne, secretary of state, do hereby certify that Mr. D. Frank Bradley has this day delivered to me the election returns of Pickens County, and that his actual expenses as messenger as stated by him amount to twenty-five (\$25) dollars.

"Given under my hand and the seal of the State, at Columbia, this 14th day of November, A. D. 1876, and in the one hundred and first year of American Independence.

[SEAL OF THE STATE.]

"H. E. HAYNE,

"Secretary of State."

Q. Was any one present when you delivered this package to Mr. Hayne?—A. Yes, sir. Mr. John R. Gossett, one of the county commissioners.

By Mr. LAPHAM:

Q. Where do you say you reside in Pickens County?—A. Pickens Court-House.

Q. How far is that from Central Station?—A. I believe it is fourteen miles.

Q. How far from Hurds?—A. About nine miles.

Q. Were you in either of those precincts upon election-day?—A. No, sir, I was not.

Q. Do you know whether any election was held at either of those precincts?—A. From information I do.

Q. Of your own knowledge?—A. Well, as a publisher of a paper there I published the notice of the commissioners that an election would be held.

Q. That is not the question.—A. Well, sir, I was not present.

Q. Do you know whether any of the managers' returns were in the hands of the county canvassers from either of those precincts?—A. I do, sir. I saw them.

Q. Who were they signed by?—A. I presume they were signed by the managers.

Q. I do not want your presumption.—A. I can give you the names of the managers at Central Station. I remember them. They were signed by James Peak, James A. Gaines, and Aaron Boggs.

Q. Did you see their signatures to the return?—A. Well, I am not positive that I saw them.

Q. I am only asking for what you know.—A. My recollection is that I did see them. The reason I say so is they asked me to assist in tallying—

Q. I do not ask your reason. Did you see the return from your own precinct?—A. Yes, sir.

Q. Will you swear that you saw the return from your own precinct in the hands of the county canvassers?—A. In the hands of the general canvassers?

Q. I mean the county officers who make the canvass.—A. Yes, sir.

Q. Was that return signed?—A. I think it was.

Q. By whom?—A. It was signed by W. T. Bowen and Mr. Hughes—I forget his initials.

Q. Do you state that as a matter of memory, or do you merely reason that it was so? Do you remember that you saw their signatures upon the return?—A. Well, I remember this—

Q. No. I want you to answer my question.—A. I saw the tally-sheet. I remember that.

Q. I am not talking about the tally-sheet.—A. Well, I would not swear positively that I saw the signatures of those men.

Q. Do you not know that the return from your precinct was not signed by the managers?—A. No, sir, I do not.

Q. You never have heard so?—A. No, sir. I would not swear positively that it was or was not. I base what I say upon the fact of running over their tally-sheet the next day.

Q. I am not asking about tally-sheets; I am asking about precinct-returns.—A. Well, I would not swear positively as to that.

Q. Have you any recollection that you saw it at all?—A. Only as to the tally-sheets and the poll-lists.

Q. That is not the return—I mean the managers' return?—A. I do not know what you call a return.

Q. I mean the managers' return. Do you say you do not know what is meant by a return?—A. I suppose it is the certificate of the managers. I do not know whether I saw that or not.

Q. Was that tally-list signed by those managers?—A. I do not remember whether it was or was not.

Q. Is it not your best recollection that it was not?—A. I presume the tally-list was not signed by the managers.

Q. Have you no memory about it?—A. No positive memory.

Q. What is your best recollection?—A. I could not be positive. My presumption is that it was not signed—the tally-list.

Q. I do not ask for presumption. What is your recollection as to whether the tally-sheets bore the signatures of the managers?—A. Well, I do not think it did. It is not probable at all that it did.

Q. What is your recollection as to whether there was any election-return from the managers of your precinct—any return of the result of the election?—A. I saw the tally-sheet, as I told you, and the poll-list. I would like to know definitely what you mean by "return."

Q. The law provides that the managers shall make and sign a return of the result of the election and send that return with the poll-list, or tally-sheet, as you term it, and the ballot-box to the county canvassers.

Mr. EDEN. The poll-list and the tally-sheet are two distinct things.

Mr. LAPHAM. I differ with you. Now, the only question I want the witness to answer is, whether he has any recollection of the return of the canvass in his district having been made and signed by the managers.

The WITNESS. No, sir.

By Mr. COCHRANE :

Q. Were you employed in any capacity by this board of canvassers; did you assist them at all in their duties?—A. Yes; I was asked to be present and assist in tallying and counting up.

Q. Your attention was therefore more particularly called to the products, I suppose?—A. Yes, sir.

THURSDAY, December 14, 1876.

The committee met at 10 a. m.; all the members present.

G. M. WALKER recalled.

The WITNESS. I wish to make an explanation in regard to a point in my testimony given yesterday. In reply to a question by Judge Lawrence as to what time it took to canvass the returns of the six counties by precincts, I said it took two or three days. He asked me if the time was not two days, and I said I did not know; that I could not testify particularly upon that point; but since then I have thought the matter over, and I wish to state that when I said three days I had reference to the time spent in the whole canvass—to my whole time in the office there, which included not only the canvassing of the returns for electors, but also the canvassing of the returns for governor and lieutenant-governor. The time occupied in canvassing the returns for electors was not more than a half a day, with several intermissions.

By the CHAIRMAN :

Question. Do you remember what time of day you began the count?—Answer. I went down there at one o'clock in the day on Friday, and I suppose it was a little before two when we commenced to count.

Q. Do you remember at what time you had completed the count of Charleston County, the last of these six?—A. That was in the evening, after eight o'clock, after the recess for supper, probably about ten o'clock, and then a few more counties were taken up after that.

Q. You are confident, however, that that was done during that evening?—A. Yes, sir.

Q. You say, then, that these six counties were completed, and other work was done during that evening?—A. Several more counties were canvassed by counties that evening.

By Judge LAWRENCE :

Q. Was that the evening of the first day?—A. The evening of the first day. The completion of the return of the electors by counties was reached the next day, about half past two.

Q. You began, you say, about two o'clock. Between that and the time of your adjournment, how much time did you take in the way of recess?—A. We must have got to work before two o'clock, because we adjourned a little after two for dinner, and came back at four, and worked until a little after six, and came back again at eight, and adjourned that evening at eleven or 11.30.

Q. So that in that time there were about four hours that you were not engaged at work?—A. Yes, sir.

Q. Do I understand that the six counties were finished by precincts on the evening of the first day?—A. Yes, sir; by 11.30 o'clock on the evening of the first day, with perhaps a half a dozen additional counties canvassed by counties—to Georgetown County.

By Mr. LAPHAM :

Q. Do I understand that you began with the vote of Abbeville and canvassed the electoral vote only?—A. Yes, sir; we began a little after one o'clock, I think.

Q. When was the State ticket of that county canvassed?—A. That was canvassed separately, I suppose immediately after we got through the electoral vote.

Q. You took the county and went through the canvass of the electoral vote and the State vote?—A. No, sir; we canvassed all the electoral votes first throughout the whole State.

Q. You only went through six counties by precincts?—A. Yes, sir; we completed the canvass of the balance by counties, not by precincts.

Q. I am speaking of a canvass of the managers' returns, about which you testified yesterday?—A. The State ticket we did not canvass by managers' returns; I do not think we did.

Q. Are you not mistaken?—A. I do not think I am.

Q. Do you not know that when you took up the first county in alphabetical order you went through the entire canvass of that county, according to the managers' returns?—A. Just for the electors. The State returns were on a separate piece of paper entirely.

Q. That may be so; but did you drop a county when you had canvassed the electoral vote alone, and then go back to the county again and canvass for the State ticket?—A. Yes, sir.

Q. That is according to your recollection?—A. Yes, sir.

Q. Are you quite certain that that was so?—A. I am certain of it, sir.

Q. When did you finish Charleston?—A. It was commenced after our evening session.

Q. I mean when did you finish the entire canvass of the vote of Charleston County; when did you cease to do anything in the canvassing of that county?—A. After the commencement of our evening session, probably about nine or ten o'clock.

Q. I think you do not understand my question. There was some period when you stopped canvassing the managers' returns?—A. Yes.

Q. When was that?—A. That was on the evening of the first, about nine or ten o'clock.

Q. Then there was only one day spent on managers' returns?—A. Only one day.

Q. Did you say you were mistaken in saying yesterday that it took two or three days?—A. Yes.

Q. You now state that only a part of one day was devoted to canvassing returns?—A. Yes.

By the CHAIRMAN :

Q. That is in connection with the electoral vote?

Mr. LAPHAM. No, sir; he does not limit it to any vote.

By Mr. LAPHAM :

Q. I want to know how long you were engaged in canvassing the managers' returns for any vote whatever?—A. Well, we only canvassed the managers' returns for the electoral vote.

Q. And that was all done the first afternoon and evening?—A. Yes, sir, by not later than half past 11 o'clock. We did not canvass any managers' returns for the State election; we merely took the county canvassers.

By Mr. ABBOTT :

Q. You were not called to witness the canvass of any of the State returns?—A. Yes, sir; I was there to take a count of all the votes.

COLUMBIA, S. C., December 15, 1876.

JOHN L. YOUNG sworn and examined.

By Mr. COCHRANE :

Question. Where do you reside?—Answer. In the town of Union, Union County, South Carolina. I have resided there about thirty-six years; my age is fifty-six.

Q. What is your voting-precinct?—A. Union.

Q. Were you one of the managers at that precinct in the last election?—A. I was.

Q. Were you present before the board of county canvassers when they aggregated the vote for electors and others?—A. I was.

Q. Did you assist them in their labors in that direction?—A. I did.

Q. What did you do?—A. I helped to tabulate the vote. We got all the managers' returns before us, and got a large sheet of paper and put down the various names, and then took each precinct down the left-hand column, and carried the figures along in the different columns, and when we got them all down we added them up.

Q. How many precincts are there in Union County?—A. Fifteen.

Q. Who were the county canvassers?—A. James H. Goss, F. M. Farr, and Charles McJunkin.

Q. How soon after the election did the board count the returns?—A. It was a few days after—within the time that the law prescribed; I do not remember whether it was one, two, or three days.

Q. Where did they meet?—A. In the probate office at Union court-house.

Q. State whether all the precinct managers' returns from the county were there before the board of canvassers.—A. They were.

Q. There is a precinct in your county known as Hughes's?—A. Yes, sir.

Q. And also one known as Wilkinsville?—A. Yes.

Q. Were the returns from those precincts before the board?—A. They were.

Q. What time did you get through with your count?—A. It was after midnight. I recollect that our candles gave out about the time that we finished.

Q. Did the board of canvassers have a clerk?—A. Yes, sir; William Hill.

Q. What was done with the canvassers' returns and the managers' returns, the poll-lists and other papers pertaining to the election?—A. It is my recollection that about the time that we had finished this statement and made out the papers, the three duplicates as required by law, the light gave out, and it is my recollection that we agreed to adjourn, and Mr. Hill was to make up the bundle into a package. I did not have an envelope in the office large enough, and he was to make up the package and Mr. Byron was to bring it to the proper officer to receive it here. I do not recollect whether that was the secretary of state or the governor—whoever was the proper officer appointed by law. I did not see the package made up for the reason I have stated; it was so late we could not get into any stores to get candles, and our candles had given out, and we had done everything we could do except make up the package, and he was to get up next morning and do that by the time the train came down, so as to allow Mr. Byron, who was to be the messenger, to get off with the returns to Columbia.

Q. Mr. Byron was to act as messenger?—A. Yes; and he was also chairman of the precinct at Union.

By Mr. ABBOTT:

Q. What was the aggregate vote on electors from all the managers' returns?—A. (Referring to a paper.) The whole number of votes cast by white persons was 2,113, the whole number of votes cast by colored persons was 2,159, making a total of 4,272.

Q. If there is no special difference between the votes of the different electors you may give only the vote for the head of each ticket.—A. The whole number of votes for Presidential electors was 4,272, of which Barker received 2,461, and the corresponding candidate on the republican side, Mr. Bowen, received 1,810.

Q. Was the vote the same for all the republican and for all the democratic electors as for the heads of the different tickets?—A. There may be a vote or two difference in some cases.

Q. That statement gives the aggregation of the managers' returns from every precinct in the county?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Did you see the return for the Wilkinsville precinct?—A. Yes, sir; it was before us on the table.

Q. Do you know of your knowledge whether it was signed by all the proper officers?—A. Not of my own knowledge; I do not recollect.

Q. You cannot state whether it was regular in form or not?—A. It is my recollection that all the papers were regular.

Q. You are not able to state whether that paper was regular in form or not, I suppose?—A. No, sir; I was not called on to examine the returns in that way. I was simply called on as an expert in making out tabular statements. The canvassers were supposed to look to that matter and see that everything was right and proper, and that was put before us as being one of the returns, and we tabulated it from the returns that were on the table.

By Mr. LAPHAM:

Q. The county canvass of the county commissioners which you helped to make embraced the canvass of the votes by precincts, or did it state simply the aggregate?—A. The county canvassers, as I understood, were appointed to take up and tabulate all the precincts.

Q. But did they incorporate in their return the vote by precincts or simply the aggregate?—A. The aggregate.

Q. That did not give the precinct votes?—A. The aggregates, as taken from the precincts.

Q. They compute from the precinct returns and report the aggregate vote?—A. Yes, sir.

Q. The aggregate return by the county canvass was the number you have given, was it not?—A. Yes.

Q. And it included Wilkinsville?—A. Yes.

Q. And that is the same number that is set forth in the State canvass, is it not?—A. I have not seen the State canvass.

Q. Do you know, as a matter of fact, whether the Wilkinsville managers' return was ever sent here?—A. No, sir; I do not know that fact. I cannot state that as a fact.



COLUMBIA, S. C., December 11, 1876.

WILLIAM ELLIOTT sworn and examined.

By Mr. ABBOTT:

Question. Where do you reside?—Answer. In the town of Beaufort, Beaufort County. I have lived there all my life, with the exception that I was absent during the war.

Q. Were you present at the time the votes were canvassed by the county commissioners?—

A. Yes, sir; at the time the managers' returns were canvassed by them.

Q. You were there during all the time that the votes were canvassed?—A. Except during a short interval.

Q. Were you there when the result was obtained?—A. Yes, sir, I was there, and I took down the votes from nearly all the precincts as announced from the managers' returns.

Q. Turn on your memorandum to Beach Branch, and see if you can tell us whether there were managers' returns from that precinct.—A. I have no recollection of Beach Branch specially; but the managers' returns from the various precincts were taken up by the board of canvassers and the returns called off, and I took them down as they were called.

Q. Have you the result of Beach Branch?—A. I have the result of Beach Branch. It is the first precinct on my list.

Q. The first one that was called?—A. They did not take them up alphabetically, but I arranged them so.

Q. Give us the result for presidential electors at Beach Branch.—A. I took only the vote for highest elector on each ticket. For the highest democratic elector the vote was 74, and for the highest republican 21.

Q. And that, I understand you to say, was taken from the managers' returns as they were called off?—A. They called off the managers' returns. The commissioners did not consider themselves bound by the managers' returns, and their return differed in several material respects from the managers' return.

Q. But they called off from the managers' return?—A. They did. There was no difference at that precinct.

Q. Were those papers, so far as you know, sent to the secretary of state?

Mr. LAPHAM objected to the question on the ground that it assumed that the witness had some knowledge on the subject.

The WITNESS. I know this about it. I found it very difficult to keep posted as to the meetings of the board of county commissioners. They met first of all on the night of Friday succeeding the day of the election. They met at 8 o'clock in the evening, and I had a notice, I suppose, of about twenty minutes.

Q. State only what you know about the returns being sent in to the secretary of state.—

A. Well, what I was stating would lead up to that; but I can state it in another form. I saw the secretary on the morning of the Sunday succeeding the election, and he told me that he was then making up the returns—

Mr. LAPHAM objected to the witness stating what had been told him.

The WITNESS. That is all the information I have about this subject specially. I know that the chairman of the board came to Columbia with the proper papers.

By Mr. ABBOTT:

Q. You do not know about their all being properly put in the package?—A. Not of my own knowledge; nothing but what I heard from the president of the board.

By Mr. LAPHAM:

Q. When did you make the statement to which you have been testifying here?—A. At the time the votes were called off.

Q. You were not present during the whole of the canvass?—A. I was not present at the commencement of it. That is what I was about to state just now, that I did not have sufficient notice. I went there and had to go away for a time.

Q. Have you got the canvass of the managers' returns as the county commissioners finally settled it?—A. I have it according to the tabulated statement made out by them at the meeting, and when they closed the canvass I compared with them, and my statement that I now have corresponds exactly with theirs.

Q. They made a report of the aggregates?—A. They made a report of the aggregates only.

Q. Have you that?—A. I have not. I do not know what they reported.

Q. Then you have not a copy of the aggregate as they report it in their returns?—A. No, sir, not according to their report; but they told me that it was exactly as the tabulated statement made it out.

Q. What is the aggregate as you have it from the statement made there?

Mr. ABBOTT. I understand the witness to say that he compared his statement with the county canvassers' returns, and that it was the same.

Mr. LAPHAM. He said exactly the reverse.

The CHAIRMAN. Let the witness state it again.

The WITNESS. They made out a tabular statement, according to precincts and the officers voted for, corresponding pretty much to this.

By Mr. LAPHAM:

Q. But they made their returns in gross?—A. In gross, I presume, of course. I have never seen it.

Q. You have not a copy of that return?—A. No, sir; I have not.

Q. What is the aggregate, as you have it, from the tabular statement? Give the aggregate for one elector on each side.—A. The aggregate, as I have it, is for the highest republican elector 7,574, and for the highest democratic elector 2,250.

By Mr. LAWRENCE:

Q. This is the aggregate as made by the county canvassers?—A. Yes, sir; as made by them.

Q. The vote you have given is the highest vote for any of the electors?—A. Yes, sir; on either side.

Q. There were a few of the electors who had a small number of votes less?—A. I am not sure about that. I only took down the highest on each side.

Q. Was the county commissioners' statement which was forwarded to the secretary of state signed by all the proper officers?—A. I was not present, sir, when they were signed.

Q. Was there any controversy among the county commissioners or any disagreement in summing up the result?—A. Not in summing it up. There was a good deal of discussion as to what they should enter upon their tabular statement. For instance, they undertook to change the managers' returns where they thought there were clerical errors.

Q. They finally all agreed in making up their statements?—A. So far as I know they did, sir; that is, in adding up the columns. There was a good deal of discussion as to what the vote at several of the precincts should be announced. At several precincts there were electors whose names were omitted from the managers' returns; but the board of county canvassers in all cases opened the boxes and examined the ballots.

Q. And corrected any clerical omissions in the managers' returns by the ballots themselves?—A. Yes, sir; they made changes to what they considered to be the correct figures. At one of the precincts, for instance, the name of one of the republican electors was omitted entirely; — Johnston was omitted entirely. That was at the Brick Church precinct. Johnston's name was omitted, and Barker, one of the democratic electors, had a vote given him of 716. The canvassers opened that box and counted the ballots, and, upon finding, as they said, the ballots really cast for Johnston, they gave him 719 and gave Barker only 16.

Q. Just as the ballots were in the box?—A. As the ballots were then found to be in the box. I have a memorandum of that statement.

By Mr. ABBOTT:

Q. Did you say here, in answer to Judge Lapham, that those aggregates that you obtained were compared by you with the aggregates of the county commissioners?—A. I did, sir; they were compared with their tabular statement.

Q. And their aggregate statement?—A. When they were going to make up their return, I compared with them, and where we differed we added up the columns anew until we found them to be correct.

Q. So that your aggregates were compared with theirs?—A. Yes, sir. Three or four precincts were canvassed at the meetings of the board when I was not present, and I took from the clerk of the board his statement of the vote at those precincts. I compared my statement with theirs, after they had closed the canvass, before they made up their statement.

By Mr. LAPHAM:

Q. You speak of having been absent from the county; how long were you absent?—A. During the war that town was in possession of the United States troops, and I was absent in the Southern army.

Q. In what part?—A. I was in the army of Northern Virginia until January, 1863, and at Vicksburgh until the surrender; then in the department of Alabama, Mississippi, and East Louisiana until July, 1864, when I went to Atlanta and joined General Hood's army, and remained in that army until the battle of Bentonville.

Mr. Abbott objected to going into the history of the witness, unless the design was to affect his testimony by proof of his character, and the examination ended here.

Adjourned.

COLUMBIA, S. C., December 15, 1876.

The committee met at 10 a. m., all the members present.

ROBERT R. HEMPHILL sworn examined.

By Mr. ABBOTT:

Question. Where do you reside?—Answer. At Abbeville, in Abbeville County.

Q. You have resided there how long?—A. I was born in that county, and I have resided there latterly until 1870.

Q. What is your age?—A. Thirty-six.

Q. Your business?—A. I am a lawyer and editor of a newspaper.

Q. What has been the politics of your paper?—A. It was started as an independent journal.

Q. During the last election you were for Hampton, I believe?—A. Yes, sir; I supported Governor Hampton, and was myself elected to the legislature on that ticket.

Q. Are you familiar with the Magnolia poll?—A. I know the place and the neighborhood.

Q. How far is it from Abbeville?—A. Between six and eight miles.

Q. Is the town of Abbeville one of the nearest polling-places to Magnolia?—A. Abbeville, I think, is the nearest.

Q. Do you know whether any poll was held at Magnolia at the late election?—A. There was no poll held there. I know that from parties who lived in that neighborhood coming in to vote at Abbeville Court-House.

Q. Do you know of any large number of voters coming from the Magnolia precinct to Abbeville?—A. Yes, sir; I know that they did come from that neighborhood.

Q. How large a number?—A. They came in a crowd toward the middle of the day. I counted 250 myself.

Q. Those that you counted you knew, or were satisfied, were from the Magnolia district?—A. I knew where they resided, and knew that it was in that neighborhood.

Q. Describe the manner in which the people came; whether they came in a large body, and whether noisily, or otherwise?—A. They came in a large body. They were headed by a colored preacher; Calter, I think, is his name, and they were shouting and seemed to be jubilant.

Q. In which direction did they come?—A. They came in on the Lowndesville road, the main street of the town.

Q. Did they have anything with them?—A. They had their walking-canes.

Q. What sort of walking-canes?—A. Common sticks, cut in the woods.

Q. What were they shouting about?—A. They were hurraing for Chamberlain and Hayes and Wheeler.

Q. Did they all vote at the same time?—A. They passed by the court-house. I stood on the main street and saw them pass the court-house, and they went on over to the school-house.

Q. That is called Abbeville No. 2?—A. Yes, sir; Abbeville No. 2—the African church. They went over in that direction.

Q. Did they vote there?—A. I never saw any of them vote. I didn't go there myself; I voted at No. 1.

Q. How far apart were those two precincts?—A. In a direct line, about three hundred yards.

Q. You published in your paper, I believe, the result of the vote at Abbeville No. 2?—A. Yes, sir. I published that from a copy of the statement made by the clerk of the board of canvassers.

Q. I read from the paper the vote at Abbeville No. 2: Bowen, 432, and 10 for the corresponding candidate on the other side. What has been the usual vote at that precinct at previous elections?—A. Do you want the aggregate?

Q. Yes. I want to see how this compares with the former vote.—A. In 1874, the total vote at Abbeville No. 2 was 99, and in 1876 it was four hundred and odd.

Q. What was it in 1870?—A. I do not know what it was in 1870, but in 1874 it was 99 at the African church, or Abbeville No. 2, as it is called now. That really was not an advertised polling-place until the last election.

Q. What was the vote in 1872?—A. Three hundred and forty-nine.

Q. Can you give the division of the vote by parties?—A. Really, there was no party at that election. Green and Chamberlain were the candidates. In 1874 the vote was 91 for Chamberlain and 8 for Green, and in 1872 I put it down as white and colored, 16 white and 33 colored votes. I did not divide the vote between the parties.

Q. Are you a member of the rifle club there?—A. I organized the first rifle club in the up-country, and I was solicitor for it until disbanded.

Q. You were at the head of it?—A. I was at the head of it until the second election of officers; I then became solicitor for it.

Q. When was it organized?—A. I think it was on the 26th of May, 1875, that I organized the Abbeville Rifle Club with the consent of Governor Chamberlain.

Q. Have you his consent in writing?—A. I have not got it here, but I have it in writing.

Q. Can you give it to us?—A. I can get it for you from home.

Q. Was the governor a member of your rifle club?—A. He treated us so kindly about the organization that we elected him an honorary member and he accepted it.

Q. Have you that acceptance?—A. Yes; I can produce it as soon as I can hear from home.

Mr. LAPHAM. Is this going into the State election, Judge Abbott?

Mr. ABBOTT. No, sir. I suppose it affects all the elections, if it affects any.

Q. When did you cease your drilling?—A. We had discontinued our drilling before Governor Chamberlain issued a proclamation in regard to it. We only had business-meetings once a month.

Q. How was the club made up?—A. It was made up of the clerks and boys about town, and some printers. There were only two soldiers in it, myself and another. I had been through the war on the confederate side, and the orderly sergeant had been in a Pennsylvania regiment from Reading.

Q. Was he the teacher of a colored school?—A. Yes, sir. There was no political significance in the matter at all. Our probate judge was an honorary member of the club, and his clerk was our ensign.

Q. The probate judge was also a republican?—A. Yes, sir.

Q. And the clerk?—A. Really, I do not know what his politics were. He is an Austrian. I held appointments under Governors Scott, Moses, and Chamberlain. I was trial-justice there for five years.

Q. You received that appointment under all three?—A. It was continued under them all.

By Mr. LAWRENCE :

Q. How does the vote which you have given correspond with that which appears in the returns as made up in the office of the secretary of state?—A. I have never had the privilege of seeing the returns there. I took this from the report of the clerk of the board of county canvassers.

Q. Then you do not know what the vote was in 1876?—A. Yes, I could tell you what it was. I took it from that copy given me by the clerk of the board.

Q. You do not know from any official paper?—A. No, sir; not officially, except that I know that the board of canvassers certified to this statement of it.

By Mr. ABBOTT :

Q. What was Magnolia called formerly?—A. There were two precincts out there. One was called Reilly's and the other Warren.

Q. So that there was never a voting-place before by the name of Magnolia?—A. No, sir.

Q. Did you hear or see anybody interfere with those two hundred and fifty people that you counted who came into town hurrahing, as you have described?—A. I never saw any interference with them, except that we gave them some tickets to vote.

By Mr. LAWRENCE :

Q. Did the colored men interfere with anybody else?—A. No; they just cursed us.

Q. They did what?—A. They cursed and rammed around there. They didn't do anything that frightened us, though. The women did worse than the men.

By Mr. BANKS :

Q. What did they do?—A. Well, they would jump up in their dances and abuse the colored men of our party; pull up their dresses and shake their feet at them; rather a lewd exhibition.

Q. What was the general effect of that operation?—A. Well, it didn't have any particular effect that I know.

Q. Did they make any threats?—A. No; I did not hear them make any threats.

Q. I mean the women?—A. Well, I heard one colored woman swear that her husband should not stay with her any more; that she would never sleep with a d—d democrat.

Q. There were no other threats than that?—A. No; they didn't threaten to kill anybody that I heard.

By Mr. JONES :

Q. You say you have held appointments under Scott and Chamberlain?—A. Yes, sir; I was just continued under Chamberlain; I voted for Scott as against Carpenter.

By Mr. LAWRENCE :

Q. The office which you held corresponds to justice of the peace in the other States?—A. Yes.

By Mr. LAPHAM :

Q. Is there a rifle club in your precinct now?—A. No, sir; we disbanded some time ago.

Q. When did you disband?—A. As soon as Chamberlain issued his proclamation we telegraphed to him—

Q. Where are your arms?—A. Our arms are private. They still belong to the different members of the club.

Q. Then you still retain your arms?—A. Yes, sir.

By Mr. ABBOTT :

Q. Does each arm belong to each individual member?—Yes, sir.

Q. They do not belong to the State or to any organized body?—A. No, sir; we bought them ourselves, condemned Springfield rifles. I might add for the information of the committee that I was elected coroner on the republican ticket in 1874.

Q. As a republican or democrat?—A. I suppose it was on my personal popularity.

By Mr. COCHRANE :

Q. You say you have served under Chamberlain, Scott, and Moses?—A. Yes, sir.

By Mr. LAPHAM :

Q. Were you ever called on to officiate during your term as coroner?—A. Yes, sir; three or four times.

Q. In the cases of white or colored men?—A. I was called to officiate in the case of two white men and several colored men, perhaps three.

Q. Do you remember the cause of death in those cases?—A. One of the white men, Tolbert, was killed on account of a personal difficulty about a load of plank. The other white man was accidentally shot at a wedding party. One of the colored boys was drinking, and fell on the road-side and froze to death. Another colored man got into a personal difficulty about his wife, and was stabbed by a man of his own color. Then I held an inquest on a man named Nash, who got into a personal difficulty with some white men and boys, and got shot.

Q. When was that?—A. It was in 1871, I think; about the 6th or 12th of February.

Q. What years did you hold the office of coroner?—A. I acted in that case as coroner; the coroner was unwell and could not come.

Q. What were the years in which you were coroner?—A. I held the office of coroner from 1872 to 1874.

Q. My question was, whether during your term of office you were called upon to officiate as coroner?—A. Well, I held an inquest on Tolbert, the white man that was killed about a load of plank, when I was coroner. I generally acted as coroner, because the coroner was a feeble man.

By Mr. ABBOTT :

Q. The cases you have stated are all the cases in which you acted as coroner?—A. Yes, sir.

Q. And they were cases arising from personal difficulties, and having no political significance?—A. Those are all I can now recollect.

By Mr. LAPHAM :

Q. There have not been any political riots in Abbeville?—A. There has not been a man killed in Abbeville—

Q. There has been no political riot there, has there?—A. No, sir; none.

By Mr. ABBOTT :

Q. You were going to state no men had been killed there?—A. There have been no men killed there since 1870, that I know of.

Q. And no riot?—A. No riot.

COLUMBIA, S. C., Dec. 15, 1876:

JAMES M. BRAWLEY sworn and examined.

By Mr. COCHRANE :

Question. Where do you reside?—Answer. In Chester; Chetter County. I was born and raised there. I have resided out of the county for some time, but that is my home. I am thirty years of age.

Q. What is your business?—A. I am county auditor.

Q. Did you hold any official position during the last election?—A. Yes; clerk of the board of commissioners of election.

Q. Were you present when the board of canvassers of the county canvassed the vote?—Yes, sir.

Q. How many precincts are there in your county?—A. Eleven.

Q. Were all of the precinct managers' reports or certificates before the board of county canvassers?—A. Yes, sir.

Q. Is there a precinct in your county known as Boyd's Store?—A. There is.

Q. Was the managers' return from that precinct before your board?—A. Yes, sir.

Q. How did you assist the board in your capacity of clerk; what were your duties?—A. They first took the managers' returns, and examined them, in the first place, to see that they were thoroughly according to law, signed, &c., and then the vote for each man was called out, and then I took down the vote, as clerk.

Q. You therefore took down the vote at Boyd's Store precinct as called out?—A. Yes, sir.

Q. Do you recollect what that vote was?—A. Yes.

Q. Can you give us the highest vote for electors on both sides?—A. The highest republican elector received 204 votes, and the highest democratic 209.

Q. After the votes had been counted and the certificate of returns made up by the county canvassers, what was done with the election papers?—A. The board appointed me a messenger to carry the papers to Columbia.

Q. Was there a package of them made up in your presence?—A. Yes, sir; in the presence of the entire board and myself.

Q. Were the managers' returns from all the precincts placed in that package?—A. Yes, sir.

Q. Was the bundle fastened in any way?—A. It was tied with a string, a heavy twine; there was no other fastening.

Q. Was it sealed?—A. No; not sealed.

Q. Was that package handed immediately to you?—A. No, sir; not at once.

Q. Who retained it?—A. The chairman of the board.

Q. Who was he?—A. Mr. Yocum.

Q. Until when did he retain it?—A. A few hours; he placed it in his safe.

Q. Was he a democrat or a republican?—A. A republican.

Q. You say he placed it in his safe?—A. I think he did. I am sure I saw him do it.

Q. And a few hours afterward he handed it to you?—A. Yes, sir; the board adjourned until that time to receive a protest or contest of election, and at that time they convened again and handed me this package.

By Mr. BANKS:

Q. What about that protest?—A. I say they waited to receive some papers that were necessary to accompany the returns.

By Mr. COCHRANE:

Q. Did those papers accompany it?—A. Yes, sir; there was a notice of protest.

Q. That protest was presented when the board again met, and it accompanied the papers that were sent up?—A. Yes, sir; the protest was by the democrats.

Q. When that protest was received was the bundle then handed to you?—A. Yes.

Q. Did you deliver that bundle to the secretary of state?—A. I did.

Q. When?—A. On the third day after the election.

Q. How long after you got it?—A. I got it that night and I delivered it the next morning. The election was on Tuesday, and I delivered it Friday morning.

Q. Did you deliver the bundle in the same condition as when you received it?—A. Precisely.

Q. [Showing witness a paper.] Is that a correct copy of the returns from your precinct?—A. Yes; that is correct. I see the difference is only four there; I thought it was five. The figures are 4 and 8, instead of 4 and 9, as I thought.

Q. This paper shows the highest democrat to have received 208 votes, and the highest republican 204?—A. Yes, sir; it was a general vote; I think all the presidential electors on each side received the same.

Q. Do you know whether these signatures to the paper are the signatures of the officials?—A. Yes, sir; those are the signatures.

By Mr. LAPHAM:

Q. How many protests were made or filed?—A. Only one, I think.

Q. By whom was that made?—A. By a committee of democrats.

Q. It was a democratic protest, then?—A. Yes.

Q. Was that carried to the secretary of state separately or was it put in the bundle?—A. It was not in the bundle of returns at all, but it was in a package rolled up in connection with that; the two were rolled in a paper; they were not together; these returns were tied with a single string; they were distinct and separate.

Q. But they were sent together?—A. Yes.

Q. Do you know in whose handwriting it is?—A. Do you mean the signatures?

Q. I mean the whole writing.—A. No, sir; I do not know the body of the writing.

Q. Do you know the handwriting in the certificate?—A. Yes, sir. The handwriting of the certificate is that of W. A. Walker, one of the commissioners of election.

Q. A republican or a democrat?—A. He is a democrat.

Q. Whose is the other signature?—A. Mr. Yocums; he is county treasurer and also chairman of the board.

Q. He was not one of the managers of the precinct?—A. No, sir.

Q. Neither of these gentlemen is a manager of the precinct?—A. No, sir.

Q. You do not know by whom that copy was made?—A. No, sir; it is not my writing.

Q. Was it made by any member of the board of county canvassers?—A. I think not.

Q. Then it is not the handwriting of any member of the board, nor of the clerk?—A. No, sir.

Q. And you do not know in whose writing it is, nor when, nor where it was made?—A. I do not.

Q. Did you know of any copies of the returns being made at the time of the canvass?—A. No, sir; none were made that I know of.

Q. You do not know that that is a copy?—A. I just know from the figures.

Q. But you do not know that it is a copy?—A. No; I do not know that it is a copy at all; I simply know the certificate and the handwriting of the gentleman.

Q. I think I understood you to say that there were no copies of managers' returns made or kept by the board of county canvassers?—A. No, sir; they were forwarded here.

Q. And no copies were made by the board?—A. No, sir; no copies were made by myself or the board.

Q. Have you the aggregate vote of the county?—A. No, I haven't it with me; I have it at home or in the treasurer's office.

Q. Can you state it from recollection; the vote for the respective parties?—A. I cannot. Do you mean each person voted for?

Q. Yes, or the vote for one on each side.—A. The difference between Governor Chamberlain's vote and Hampton's, was 300; that was Chamberlain's majority.

Q. What was the majority on the electors?—A. For the electors the vote was not so much.

By Mr. LAWRENCE:

Q. I think you want to make a correction of your testimony. You stated that at this precinct the figures were 200.—A. The figures were 208 instead of 200.

By Mr. PHILLIPS:

Q. You spoke about a protest being sent up; do you know what precinct that protest referred to?—A. It had reference to a precinct altogether different from this; Lowreysville and Chester precinct also. I have no official knowledge of it; I simply heard of it.

Q. You brought that protest with you and delivered it to the secretary of state?—A. Yes.

By Mr. COCHRANE:

Q. Did you ever see this paper before it was submitted to you here now?—A. No.

Q. You do not undertake to say, if I correctly understand you, that the board of county canvassers, or one of them, might not have made this paper out at the time of the canvass, and you not know it?—A. No, they might have done it.

Q. You simply say that you have no knowledge of it?—A. That I did not see it made.

Q. I find upon this the following certificate:

"SOUTH CAROLINA,

"County of Chester:

"The above is a statement of the returns of the managers of Boyd's-store precinct, taken from the manuscript retained by the board of commissioners of election for said county; the original of which was forwarded to the board of State canvassers, with all other papers relating to the election, as the law required.

"B. G. YOCUM,

"W. A. WALKER,

"Commissioners for Chester County.

"December 12, 1876."

Now, I do not understand you as saying that that certificate does not contain a true statement of facts?—A. It contains a thoroughly true statement, because this large blank on which I made out the sum total I left in the office of the treasurer, Mr. Yocum, who is also chairman of the board of commissioners.

Q. Mr. Yocum, the chairman of the board, is a republican?—A. Yes, sir.

Q. And this is his signature?—A. Yes.

Mr. Lapham inquired from what source this paper had reached the committee. The chairman replied that it had been left with one of the clerks in his room in his absence, and that the person who brought it had informed the clerk that it had been sent by some gentleman connected with the State democratic executive committee.

By Mr. LAWRENCE:

Q. The managers' return from this precinct might have been accidentally left out without your knowing it?—A. I do not see where or how it could have been left out, sir; but of course I could not swear to that.

Q. Can you state of your own knowledge that you saw Boyd's-store precinct returns in that package?—A. I saw it put in there.

Q. Are you sure?—A. I am very sure; whether it was afterward taken out I cannot say.

By Mr. JONES:

Q. The package was made up in your presence?—A. In my presence.

COLUMBIA, S. C., December 15, 1876.

JOHN R. GOSSETT sworn and examined.

By Mr. COCHRANE:

Question. Where do you reside?—Answer. In Pickens County.

Q. How long have you resided there?—A. I was born and reared there, and have resided

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there all the time, except during the war and about ten years when I was a boy, which I spent in Greenville. I am now in my forty-sixth year.

Q. Were you one of the board of canvassers for Pickens County?—A. I was.

Q. Who was chairman of the board?—A. Jeremiah Looper.

Q. How many precincts are there in that county?—A. Nine.

Q. Were all the precinct managers' returns from the various precincts before that board?—A. They were.

Q. How was the precinct named "J. J. Hurds," returned by the managers?—A. In the name of J. J. Hurds. The box that contained the tickets has marked upon it the name "Hurricane," which never had been changed, but the county canvassers received it of course as "J. J. Hurds."

Q. How was it returned?—A. It was returned as Hurricane, as I have told you, because the box had that old mark upon it. Hurricane and J. J. Hurds are the same place.

Q. Have you a precinct in your county known as Central Station?—A. We have.

Q. Were the managers' returns from that precinct before the board of canvassers?—A. They certainly were.

Q. After your board had concluded its labors, what was done with the poll-lists, managers' returns, &c.?—A. The returns by the managers for each of the precincts were folded up carefully and a slip of paper pasted around them, and on each return was written the name of the precinct; after that was done they were all bundled up in a package together and sealed up carefully and given to the messenger to bring to the secretary of state, and the messenger was Mr. Bradley.

Q. Among the managers' returns that were included in that package and handed to Bradley, were the returns from Central Station and J. J. Hurds?—A. Yes, sir.

Q. Do you remember what the vote was at J. J. Hurds?—A. I do not distinctly; it was, I think, in the neighborhood of a hundred, but I won't be positive.

Q. How about Central Station?—A. The Central Station vote was perhaps in the neighborhood of 400—from three to four hundred. Hurds box, I remember, was nearly or quite unanimously democratic.

Q. I see by the certified copy of the return that the democratic electors seem to have received 134 votes each, and the republican electors one vote each.—A. Well, I know that it was unanimous, or nearly so, but I would not undertake to state positively from recollection what the vote was.

By Mr. LAPHAM:

Q. Were there no papers sent to the secretary of state from your county by a registered letter through the mail?—A. No, sir; not that I know of.

Q. You have no recollection of a registered letter containing a portion of the papers used in the canvass was sent to the secretary of state?—A. No, sir; I have no recollection of such a thing. Two reports of the county canvassers which the law required to be made, were sent to him by mail, but not registered, at least there was no instruction to have them registered. If there were any registered papers sent I know nothing about it.

Q. You were not the chairman, I understand?—A. No, sir; I was not the chairman, but I say that I know nothing about it if there was such a thing sent.

Q. Do you know, of your own knowledge, what was included in the papers that were sent by mail?—A. The poll-lists and the returns of the managers.

Q. What poll-lists?—A. The poll-lists of the various precincts.

Q. They were sent by mail?—A. No, sir; they were sent by messenger.

Q. What was sent by mail, I asked you?—A. The report of the county canvassers.

Q. Do you know, of your own knowledge, what was embraced in the package that was sent by mail?—A. Yes.

Q. Did you inclose the package yourself?—A. I bound the papers up in the package myself.

Q. And directed them to the secretary of state?—A. Yes, sir; I directed them to the secretary of state.

Q. Do you know of more than one package being sent by mail from that county to the secretary of state, more than one package or letter?—A. No, sir; I do not know of but one letter, and that contained two of our reports; that was sent through the mail.

Q. In an envelope?—A. No; I think not. We got some envelopes and they proved to be too small, and we took two sheets of paper and inclosed the reports.

Q. Well, that formed an envelope, and it was sent as a letter?—A. Yes, sir; and postage paid on it.

Q. What did you say the vote at Central Station was, according to your recollection?—A. I told you that it was somewhere between three and four hundred, but I did not speak positively about it. My recollection does not serve me distinctly enough to give a positive statement of it.

Q. Do you remember what the vote in the county was on either side?—A. I think it was about 1,800 on an average, on the democratic side, and somewhere between 400 and 500 on the other side. That is my recollection of it, but it may have been a little more, perhaps.

Q. How were the three or four hundred votes at Central Station divided?—A. I think



here were about fifty republican votes at Central Station and the balance would be democratic.

Q. About what was the democratic vote, according to your recollection?—A. I think it was somewhere over 300.

Q. How were these several precinct returns put into the package?—A. They were all put together and folded up carefully. Then a piece of paper was placed around the entire bundle and the name of the precinct indorsed on the back.

Q. That is the separate managers' returns; but how were they put into a package to be sent here?—A. They were all put together and a piece of paper bound around the whole bundle. The bundle was tied and sealed with sealing-wax.

Q. On the same day that that was done, was there a package sent by mail to the secretary of state?—A. If there was I do not know anything about it.

Q. Well, was the package containing your returns sent to the secretary of state?—A. On the same day that we gave that package to the messenger to start with, our two returns which the law requires were sent to the secretary of state by mail.

Q. Then there was a package sent by mail on the same day that you delivered the package to Bradley, the messenger?—A. Yes, sir; it went off on the same train with him.

Q. Which package, you say, only contained the county canvassers' returns?—A. Yes, sir.

Q. You say it was not a registered package, not sent as a registered letter?—A. No, sir; that was sent in that way. It was without our authority.

Q. Did you send it?—A. I gave it to the postmaster myself.

Q. Do you remember what the postage on it was?—A. I do not.

Q. Nor who paid it?—A. I paid it myself.

COLUMBIA, S. C., December 15, 1876.

A. L. COBB sworn and examined.

By Mr. ABBOTT:

Question. Where do you live?—Answer. In the city of Greenville, Greenville County; I have lived there since 1854; I am county treasurer of that county at the present time.

Q. Appointed by Chamberlain, I suppose?—A. Yes, sir.

Q. What position did you occupy in reference to the canvassing of the vote; were you one of the county canvassers?—A. I was one of the commissioners of election.

Q. You were not a manager, but a commissioner to canvass the precinct returns?—A. We made up the general return from the different managers.

Q. When you made up that return had you before you returns from the different precincts in the county?—A. Yes, sir.

Q. And from all the different precincts?—A. Yes, sir.

Q. From Yergan's?—A. Well, I am perfectly satisfied that we had.

Q. What was done with the return from Yergan's when you got through canvassing?—A. I do not exactly recollect all the precincts in the county, but I know there is one called Yergan's.

Q. Taking that return with the rest, what did you do with it?—A. We got them all up, the other two commissioners and myself, into a room, and we examined the law as we understood it. We did not count over the votes; we had the managers' returns and the poll-lists, and we took their statement of it and made it into a general return; we consolidated the returns, and then they were sealed up by Mr. Schumate, the chairman.

Q. The managers' returns and the poll-lists were sealed up, as I understand?—A. Yes, sir; and our report too.

Q. What was done with the package?—A. That was brought here by me and turned over to the secretary of state without the seal being broken.

Q. That is all these different returns from the managers, and the poll-lists and your report were brought here sealed up and delivered by you in the same way that you received the package?—A. I did not put them up in the package.

Q. But they were sealed up in your presence?—A. Yes, sir; and I have no doubt they were sealed up correctly.

Q. The chairman, I believe, was a democrat, and the other two members of the board republican?—A. Yes, sir.

Q. And you are one of them?—A. Yes, sir; we two republicans elected him chairman; we were satisfied with him.

Q. Now, give us the vote for the two highest electors in Yergan's precinct.—A. [Referring to a memorandum.] I have here a tabular statement of the votes at Yergan's; Barker got 149.

Q. Are the votes for the republican electors substantially the same all the way through?—A. I will state here that when we added up and made our returns, running all the way across, we did return McGowan's total in the county as 4,142, but when we got the summons the other day we ran over the figures again seven or eight times and we found the number was 4,132; so we had returned him ten more votes than he got in the county.

Q. Please to give me the number of votes for each of the democratic electors at Yergan's.—A. Mr. Barker got 149; McGowan, 140; Harrington, 149; Ingram, 149; they all got the same.

Q. Now the republican votes in the same box?—A. Bowen, 53; Winsmith, 53; Johnston, 53; Hurley, 53; Nash, 53; Cook, 53.

Q. Was there any error made in adding up the vote for McGowan?—A. Yes, sir; in running across this line here we made a mistake and put it on our report as 4,142, but when we were summoned the other day we went over the figures and we found a mistake of ten votes; it should have been 4,132; that was a mistake in addition.

By Mr. LAPHAM:

Q. What was the whole republican vote as the county canvassers made it?—A. We returned Bowen 1,771, but on looking it over the other day we found it should have been 1,772.

Q. What was the democratic vote?—A. McGowan got 4,132; Barker got 4,130.

Q. Give us the vote for the rest of the democratic electors.—A. Barker, 4,130; McGowan, 4,132; Harrington, 4,129; Ingram, 4,129; Wallace, 4,128; Erwin, 4,121; (we returned it 4,132;) Aldrich, 4,130.

Q. Give the republican vote, as you made it.—A. Bowen, 1,772; Winsmith, 1,735; Johnston, 1,776; Hurley; Nash, 1,770; Cook, 1,746; Myers, 1,773.

Q. Give the precincts which were included in that aggregate of votes which you have just stated.—A. Greenville, Yergan's, Charlesville, Ware's, Stokes's, Sullivan's Factory, Stone's, Burdett's, Batesville, Reedy River Church, Chick Springs, Double Springs, Mitchell's, Center's, Goodwin's, Bruton's, Hood's, Marietta.

Q. Is Stone's known also as Fairview?—A. No, sir; I don't think it is.

Q. You have no such precinct as Garrett's on your list?—A. No, sir.

Q. Nor Gant's?—A. Well, Gant's is what we call Yergan's.

Q. They are the same place?—A. Yes, sir.

Q. What is the vote of Yergan's, as you have it, for the presidential electors?—A. Barker, 149; the republicans, 53.

Q. Then the return which was canvassed by you as Yergan's is the same as Gant's; the precinct is known by both names?—A. Yes, sir.

Q. Do you remember whether the managers' return was dated at Gant's or at Yergan's?—A. Greenville County is laid off in townships, and Yergan's is in Gant's Township. I do not remember whether the return was dated at Gant's or at Yergan's.

Q. The law gives the name of Yergan's for the precinct, as I understand, and there is no such precinct as Gant's provided for by law?—A. No; but Gant's is the township and Yergan's is the precinct in the township.

Q. Do you remember what the vote in your county for each party was in 1874?—A. Chamberlain got 1,879 and Green 2,288.

Q. That was the full vote of that year, was it?—A. Yes, sir; 4,167.

Q. What was the total vote this year?—A. Six thousand and nine hundred.

Q. Where is that county situated?—A. It is the upper county in the State, adjoining the North Carolina line.

Q. Can you account for this largely-increased vote in any way?—A. Well, I suppose that there are more people there now.

Q. Do you not know that people came there from North Carolina?

(Mr. Phillips objected to the form of the question as leading.)

Mr. Lapham insisted upon the question, and Mr. Abbott requested the chairman to instruct the witness that he was to speak only from his personal knowledge.)

The CHAIRMAN. The witness will understand the question to call for his own personal knowledge; not what he has learned from other people, nor what he may happen to suspect or believe, but what he knows.

A. I do not know of anybody coming from North Carolina.

By Mr. LAPHAM:

Q. You did not see any one that you knew there from North Carolina?—A. There were a great many people who voted in the city of Greenville that I do not know.

Q. Where is your precinct?—A. In the city of Greenville.

Q. How near is that to the North Carolina line?—A. I suppose, thirty miles.

Q. And you say there were a great many who voted there that you did not know?—A. O, there are a great many people in the county that I do not know.

Q. I mean strangers at your precinct on election-day?—A. There was a powerful big vote at that box.

Q. I am inquiring now about the vote at your precinct, where you live?—A. At the precinct where I voted Hampton got 963 and the other party 826.

Q. Was that an increase over the vote of the previous year in that particular precinct?—

A. I think it was.

Q. A large or small increase?—A. I think it was a large one; I am sure it was.

Q. Were there strangers to you who voted at that precinct?—A. There have been two large cotton-factories put up there within two or three years.

Q. My question is whether persons voted there that you were not acquainted with?—A. O, yes; I was not acquainted with a third of them that voted there. I am not a very good hand to recollect people, and I expect I might have seen nearly all of them one time or another and not have known them.

Q. At what precincts was the large increase in the vote in your county?—A. I am not able to say.

Q. Can you not name any one except your own where there was a large increase?—A. I think there must have been a considerable increase in the Greenville precinct.

Q. That is your own precinct?—A. Yes.

Q. What other can you name where there was an increase?—A. I am not able to state the precincts; I just know there was an increase in the total vote of the county.

Q. But you are unable to specify the precincts where the vote is shown except your own?—A. Yes, sir; I do not know how much that has increased, either, though I noticed that it was larger than it was before.

Q. The increase in your precinct is not very large, is it?—A. I think it is four or five or six hundred.

Q. You spoke of two cotton factories being started in Greenville?—A. Well, they belong to the same company, but they are two different factories.

Q. When were they erected?—A. One of them was commenced last August a year ago; the other has been running a year or two. Probably it was running at the time of the other election; I am not clear about that.

Q. Do you know how many hands are employed in either of those factories?—A. No, sir; they are mostly women, but there are a good many men.

Q. How many males are employed about either of those factories?—A. I am not able to say. Forty or fifty, I suppose; I do not know how many.

Q. The number is not very large?—A. Well, I cannot say; I do not know how many men there are.

Q. But the number is not very large, is it?—A. I would not suppose there were more than fifty male persons employed—forty or fifty, and part of them are boys. The whole city of Greenville, however, has improved a good deal since the last election.

Q. The increase of the vote in Greenville would not have been caused by those two factories, would it?—A. No, sir; it is just guesswork with me. I do not mean that the city has increased that much in regular voters; I suppose it has increased about four or five hundred inhabitants.

Q. Do you not know that persons who are not residents and voters there voted on that day? Can you account for the vote in any other way?

The CHAIRMAN. The witness will confine himself to his personal knowledge in answering that question.

Mr. BANKS. I do not know that the witness needs instruction upon every question.

The CHAIRMAN. He has only had instruction in respect to one previous question, and he shall have instruction in this case.

Q. Can you account for this increase in the vote of Greenville simply by the increase in the population of permanent residents since 1874?—A. No, sir; it is not that. You asked me a while ago if I knew anybody that voted who did not live in that county. I recollect one man coming there from Charleston in this State, and voting for the presidential electors. I think the managers threw that vote out. At all events they had a contest about it.

By the CHAIRMAN:

Q. That is the only instance you knew?—A. He voted for all except the county ticket. I do not know of my own knowledge that the vote was thrown out, but I heard it was.

By Mr. LAPHAM:

Q. I believe I asked you to state what the relative vote was in 1874 and 1876. The increase in the vote in your county from 1874 to 1876 is mainly in the democratic vote, is it not?—A. I had this statement of the vote at the election this year, and I took the other from an old printed copy. I find that Chamberlain got 1,879 votes in 1874, and this year he got 1,728.

Q. Then the republican vote is not quite as large as it was before, and the increase is in the democratic vote?—A. Yes, sir.

Q. In the same connection you may give the democratic vote in 1874 and 1876.

Mr. PHILIPS. I object to the question on the ground that it assumed that there was a democratic vote in 1874.

By Mr. BANKS:

Q. What was the number of the opposition vote to the republican party in 1874?—A. In 1874 it was 2,288; in 1876 the democratic vote was 4,172, and the republican 1,728.

By Mr. LAPHAM:

Q. You spoke of strangers in Greenville the day of election; were they not a class of persons whom you knew not to be residents of that precinct?—A. I think they came from all over the county. A great many colored folks, and white folks too, came twenty or thirty miles from other precincts to vote there.

Q. I asked you whether they were not residents of Greenville, without reference to where they came from?—A. Speaking of locality, I cannot say as to that.

Q. You cannot say, then, but what all who voted there were residents of Greenville?—A. No, sir; I cannot say of my own knowledge.

Q. I understood you to answer that there was no increase in population there within the last few years that would account for the increased vote?—A. O, there is no increase in the population that would account for it.

Q. The population of the county has not grown within that time, has it?—A. I expect it has increased some.

Q. Has it increased to the extent of the increased vote?—A. I do not think it has. I am unable to say whether they went out to vote before or not; I do not know how many votes are in the county.

By Mr. EDEN:

Q. The democrats did not turn out very freely at the election in 1874?—A. There was not near the excitement then that it was this time; but it was very excited then, too.

By Mr. LAPHAM:

Q. The election of 1874 was an excited contest, was it not?—A. Yes, sir.

Q. Both parties struggled in the contest and did their very best?—A. Yes, sir; that is my idea about it.

(Mr. Phillips objected to Mr. Lapham's questions as leading, and not only leading but misleading.)

Mr. Lapham remarked that exactly similar questions had been put to the witness by the members of the committee on the other side.)

By Mr. JONES:

Q. You say you have resided in Greenville since 1864; did you ever in your life know all the voters in Greenville precinct?—A. No, sir.

Q. Did you ever know half of them?—A. I do not suppose there is a man in the county that has lived there ten years whom I have not seen or had business with. I used to be foreman of the coach-factory there for several years, and I suppose I have seen every man in the county, but I am a bad hand to know a man again; if I saw one of you gentlemen to-morrow, I might not recognize you.

Q. But you do not know any man from North Carolina who voted there?—A. No.

(The chairman laid before the committee several additional copies of affidavits by officers of election, which were ordered to be made part of the record.)

COLUMBIA, S. C., December 15, 1876.

HENRY D. ELLIOTT sworn and examined.

By Mr. ABBOTT:

Question. Where do you reside?—Answer. In Colleton County, South Carolina.

Q. Were you at the last election in any official capacity as to any precinct in that county?—A. I was United States supervisor of election at Bennett's Point precinct.

Q. Was there any other supervisor with you?—A. There was; he was a republican; I was a democrat.

Q. Was there any election held at that polling-place?—A. There was not.

Q. Is it a new polling-place?—A. This was the first time that there was to be an election held there.

Q. If there was any reason, within your knowledge, why no election was held there, please state it.—A. The reason the poll was not held there was because the other supervisors of election, in conjunction with myself, decided that as only two managers of the election had qualified, no poll could be held there, according to the law under which we were acting, which required three managers of election to be qualified and their oaths deposited with the clerk of the county. In fact, only two had received their commissions.

Q. Did you and your republican associate join in that decision?—A. We did; we signed a paper to that effect.

Q. And no attempt was made to vote there at all?—A. No, sir.

Q. That decision was acquiesced in by your associate?—A. Entirely acquiesced in. The paper was signed by him willingly.

Q. Do you know, of your own knowledge, where any of the voters that would naturally come to that precinct voted?—A. No, sir; I have heard that they voted elsewhere, but I cannot, of my own knowledge, say where they voted.

By Mr. LAPHAM:

Q. To what precinct did this formerly belong?—A. It is on the peninsula. I am not

able to say exactly which precinct it belonged to. It may have either belonged to Ashpoo or Jacksonborough. It is about the same distance from either one.

Q. You cannot say what portion of the voters residing in that precinct went to other precincts and voted?—A. No, sir; I cannot. They all may have gone, or none may have gone.

Q. Did you vote?—A. I did, at Ashpoo.

Q. Did you not see any others of the voters from your precinct there?—A. No; I was entirely a stranger there.

Q. You went and voted in an adjoining precinct, and for aught you know all may have gone?—A. For aught I know they may have all voted.

Q. You can't name any one that did not vote?—A. I cannot.

By Mr. JONES:

Q. Can you name any one that did vote?—A. I cannot, except a few men that went with me. The democratic managers of election went along with me, and a few others.

Q. Do you know that they voted?—A. I know that they voted.

By Mr. ABBOTT:

Q. There was no trouble or violence to prevent a poll from being held at Bennett's Point?—A. None at all, sir.

COLUMBIA, S. C., December 15, 1876.

ROBERT FISHBURNE sworn and examined.

By Mr. ABBOTT:

Question. Where do you live?—Answer. At Walterborough, the county-seat of Colleton County.

Q. Have you lived there long?—A. I have lived in the county all my life.

Q. Are you familiar with that part of the county in which Bennett's Point voting-place is situated?—A. Yes, sir.

Q. And have been familiar with it for what length of time?—A. Since 1866. I have planted in that neighborhood.

Q. Were you present at the time the county commissioners or county canvassers made up the list of votes from the different precincts?—A. Yes, sir.

Q. Were you present all the time?—A. All the time; I never left at all.

Q. Did you make a list from the list made by the county canvassers of the different precincts?—A. I got them to give me a tabular statement with the signatures, and I retained that statement as county chairman.

Q. Were the managers' returns from the different precincts present or not?—A. The returns from every one except Bennett's Point and Rantowle's Station were present. There was some dispute about the counting of Rantowle's, and they refused to count it, and the county canvassers then counted the vote of that precinct.

Q. The managers' returns were present, then, from every precinct except Bennett's Point and Rantowle's, where the managers refused to count the votes owing to the disagreement?—A. The votes were marked in a certain way, and they disagreed, and that box was counted by the county canvassers and returned, as you will see by the list.

Q. This list you obtained from whom?—A. Yes, sir; the list with the official signature of A. C. Shaffer and the other county canvassers appointed by Governor Chamberlain, and attested by the clerk of the board. I obtained it from the clerk, J. D. Edwards. I witnessed the signatures myself.

Q. Can you recollect, without the aid of this list, the vote in any of the precincts?—A. I could approximate it in most of them, but I couldn't state it exactly.

Q. Do you know whether these precinct managers' returns were sent up with the returns to the secretary of state by A. C. Shaffer? Did you see them packed up?—A. I saw them. I cannot say how every one put in the package. It was a clerical duty which was left to the clerk of the board. He performed that duty, and we all understood that all the returns had been put in.

Q. As far as you know, then, they were all there?—A. Yes, sir.

Q. You say you are familiar with that part of the country in which Bennett's Point is situated. That a new polling-place, is it not?—A. Yes, sir; it has been changed since last election.

Q. Can you tell about the number of voters that ordinarily and naturally would be accommodated at the polling-place?—A. Less than one hundred, I am sure.

Q. Do you know of those who would naturally vote there, voting at any other poll?—A. As democratic chairman, I got a return from my clerk at each place. I saw a great many men from that poll-negroes that I knew—republicans mostly, who voted at the other precincts, and who told me that they had come from Bennett's Point on account of not being able to vote there. My clerk reported to me that there were forty-four that voted at Jack-

sonborough and twenty-one at Ashepoo. I had a special train that day, and these polls were on the railroad, and I moved from point to point very rapidly and passed each poll four or five times during the day.

By Mr. LAPHAM :

Q. Where is this county situated?—A. It is along the coast, between Beaufort and Charleston.

Q. Do you know of any one in the Bennett's Point precinct who did not vote by reason of the poll not being held there?—A. I do not know of any one.

Q. You know a large number who did vote?—A. Yes; I do know of a large number who voted at Jacksonborough and Ashepoo.

Q. They were reported to you by the democrats as forty-four at Jacksonborough and twenty-one at Ashepoo?—A. Those were republican voters; the democrats had no votes in that section of the country at all.

Q. That would make a total of sixty-six, and you think there were less than a hundred voters in the whole precinct?—A. Yes; about eighty, as far as we could make it out, and we canvassed the whole of that section.

Q. Were those you saw vote in addition to the forty-four and twenty-one?—A. No, sir; they were included in those numbers. I did not see them all vote myself, but that was the return to me. I did see some persons vote at each precinct.

Q. Did you see persons from that precinct vote at any other precinct than the two you have named?—A. No, sir; I did not. I could establish the fact, though, by other witnesses.

Q. Was there any other precinct to which they went?—A. Yes, sir; I have information in regard to Adam's Run precinct, where some of them in excess of the twenty-one and forty-four voted.

Q. That precinct was accessible to voters from Bennett's Point?—A. Yes.

Q. These three that you have mentioned are the nearest precincts to Bennett's Point?—A. Yes, sir.

Q. To which precinct did that formerly belong before it was made into a new precinct?—A. The people voted at different places. The poll where most of them voted was just across the Ashepoo River, at Stock's Causeway.

Q. That is still a voting-place, is it not?—A. No, sir; the legislature discontinued that precinct and created this one at Bennett's Point since the last preceding election.

Q. How long have you lived in the county?—A. I was born and raised there.

Q. Do you remember the whole vote in the county?—A. No, sir; I can only approximate it.

Q. You have the table. What is the vote as it appears there?—A. I think it is 7,168.

Q. How much is it for each party?—A. I have the table before me. Bowen's vote was 4,231 and Barker's 2,921.

By Mr. LAWRENCE :

Q. The county officers in making their statement included all the votes that were cast in the county?—A. Yes, sir. The Rantowle box was thrown out by the managers, but after telegraphing to the attorney-general it was counted by the county canvassers.

Q. Why was not the Rantowle box certified by the managers?—A. Because the voters wanted to scratch out one or two names on the tickets and substitute others, and in doing that they wrote in a scrawly hand right across the names of the candidates. They had a negro there that did not know how to write, and he wrote sometimes on the back and sometimes across the face of the tickets, and the managers wouldn't count the box—wouldn't have anything to do with it, but the county canvassers did count it, and gave every man his votes as they appeared.

Q. Do you know whether some of those returns may not have been accidentally misplaced and not sent up to the secretary of state? Have you any personal knowledge as to whether the managers' returns were all sent up or not?—A. I have not. I only state that I saw them in preparation. I did not see their return, but I could swear that that is the return of the managers, for I examined every one, and I saw it certified by the county canvassers themselves, and as regards the folding of the packages, &c., I saw them in preparation. That is about all.

By Mr. LAPHAM ;

Q. Is there a polling-place at Bell's Cross-Roads?—A. Yes.

Q. In what town?—A. It is only just a cross-roads—a few houses.

Q. Is there a polling-place at Swoke's Cross-Roads?—A. Yes.

Q. Does that adjoin Bell's Cross-Roads?—A. It is in the neighborhood of Bell's Cross-Roads. The managers' returns from those precincts were returned; I saw them myself.

Q. Do you know whether an election was held at Bell's Cross-Roads?—A. I saw the certified return by the managers, and saw them compiled in my presence. I know it in that way.

Q. Do you know about Ashepoo?—A. Yes, sir; I was present at Ashepoo during the election.

Q. And Iron's school-house?—A. I was not present there, but I saw the certified return of the managers, and saw the returns compiled.

By Mr. ABBOTT :

Q. How about Preacher's Mill ?—A. I was not present at that, but I saw the returns compiled. The table gives at Bell's Cross-Roads 35 votes for the whole republican ticket and 105 for the whole democratic ticket; at Preacher's Mill, 100 each for the republican electors and 161 for each democratic elector; at Ashepoo, 437 for each republican and 97 for each democratic elector; at Iron's Cross-Roads school-house, 187 for each republican and 43 for each democrat, and there was no election held at Bennett's Point.

Q. Those are the correct figures, are they ?—A. Yes, sir.

Q. How did the democratic vote this year in your county compare with that for Green in 1874 ?—A. It exceeded the Green vote some three or four hundred; certainly not above 400.

By Mr. COCHRANE :

Q. How did the republican vote this year compare with the republican vote in 1874 ?—A. It was largely in excess.

Q. How much ?—A. I can only approximate it, but I should say upward of a thousand greater than in 1874.

By Mr. LAPHAM :

Q. That county is on the sea-shore ?—A. Yes, sir. They ran three republican tickets at the last previous election, and this last election there were two republican and one democratic.

Q. But it is not a county bordering on any other State ?—A. No, sir; it is between Beaufort and Charleston.

COLUMBIA, S. C., December 15, 1876.

W. A. WALKER sworn and examined.

By Mr. ABBOTT :

Question, Where do you live ?—Answer. Chester, S. C. I have lived there all my life.

Q. You hold some official position there ?—A. I am a practicing lawyer, and was a commissioner of election during the election.

Q. Had you all the managers' returns of the different precincts before you when you made up your tabulated account of the election in that county ?—A. Yes, sir.

Q. Was Boyd's store among them ?—A. Yes.

Q. What did you do with those manager's returns ?—A. The managers returned the poll-lists with the ballots in the boxes, and when the boxes were opened by the chairman of the board he took the poll-list out and we examined the poll-list and aggregated it, and they were returned to him, and he rolled them up in a bundle. I saw him do them up in a bundle myself and tie them with a string.

Q. Were the managers' returns with them ?—A. Yes, sir; all the papers that pertained to the election.

Q. What was done with them after they were rolled up ?—A. We gave them to him, and they were retained by him until the messenger was ready to leave that night, and he did go that night.

Q. Did you see him go ?—A. I saw him ready to start.

Q. Who was the messenger ?—A. The clerk was appointed the messenger. His name is James M. Brawley.

Q. Were the precinct managers' returns sent by the board to the secretary of state ?—A. I am satisfied they were, because I saw them tied up in a bundle by the chairman of the commissioners himself, and he was to turn them over to the clerk when he got ready to leave.

Q. How was the bundle secured ?—A. Tied with a string.

By Mr. LAPHAM :

Q. Are you able to say positively that the Boyd's store managers' return was put up in that bundle? Can you say of your personal knowledge ?—A. I cannot be mistaken about it, because we canvassed that return.

Q. You did not put it up yourself ?—A. No, sir; I did not. He handled the papers himself.

Q. Are you able to say from your personal knowledge that it was there ?—A. That would be a very difficult question to answer. I am just as well satisfied of it as I am of anything in the world. I am certain of it—just as certain as I can be of anything.

Q. The point is whether you can say of your own personal knowledge that it was there ?—A. Well, of course my attention was not directed to that any more than to any other paper.

Q. And it may have been omitted ?—A. It couldn't have been omitted, because we made the return complete.

Q. You have no recollection of this particular return; have you ?—A. I have.

Q. I mean of seeing it put into the box ?—A. I cannot say that I saw it laid down right on the top of the others; but I saw the whole of them bundled up together.

■ Q. Where is Chester County?—A. It is due north from this. There is only one county between it and North Carolina.

Q. Was there an increased vote in that county at the last election?—A. We voted 4,421 votes altogether.

Q. What was the vote in 1874?—A. I do not exactly remember, but it was about the same, I think. I don't recollect it particularly.

Q. Are the figures you have given the vote in the whole county?—A. Yes, sir; 1,605 white votes and 2,831 colored.

Q. Do you remember how many of them were for the republican electoral ticket and how many for the democratic?—A. I cannot say. It strikes me the average majority on the electoral vote was 469 in favor of the republican party.

Q. The increase, then, was not very large over the vote of 1874?—A. I think not.

By Mr. COCHRANE:

Q. And your county is very near North Carolina?—A. Yes, sir; there is only one county intervening.

By Mr. LAPHAM:

Q. How far is your county from North Carolina?—A. I suppose thirty-five or forty miles.

By Mr. COCHRANE:

Q. Thirty-five or forty miles from North Carolina?—A. It is twenty-one miles from our county-seat to the county-seat of York. York is a pretty large county. Our county is about eighteen by thirty-one miles.

By Mr. JONES:

Q. Is it true that a great many white men in the State, in your part of the country particularly, have not voted since the war until the last election?—A. I think so. Our vote was very largely increased in that way, I think.

COLUMBIA, S. C., December 15, 1876.

WILLIAM HILL sworn and examined.

By Mr. COCHRANE:

Question. In what county do you reside?—Answer. Union County, in the town of Union.

Q. I believe you were one of the board of county canvassers at the last election?—A. Yes, sir.

Q. Were the precinct managers' returns before the board of county canvassers?—A. Each box, with the ballots and the manager's returns, together with the poll-lists, was returned to the board of county canvassers.

Q. Were all the managers' returns there?—A. There are fifteen precincts, and there were fifteen returns.

Q. When the board had completed its labors what was done with those various managers' returns?—A. As each box was opened and the return of the managers of the precinct taken out it was examined by the board of canvassers and handed to me as their clerk, and I took down the face of the return on the tabular statement that I made. After the close of the session of the board I was directed to place together all the returns, poll-lists, and all but one copy of the return of the board of canvassers, (which was to be kept for the clerk of the court,) and I did as directed and placed all the papers together and handed them to the chairman.

Q. Among those papers were the precinct managers' returns from all the precincts?—A. From all, sir.

Q. In what sort of package were they done up?—A. They were all gathered together by me and handed to the chairman of the board, James H. Goss, and he placed them, I think, in a paper box.

Q. To whom were they delivered?—A. Mr. Goss delivered them to H. H. D. Byron, who represented the republican party as a supervisor on that board.

Q. They were given to him for delivery to the secretary of state?—A. He was coming to Columbia next day, and he was requested by the board to take charge of them and deliver them in Columbia.

Q. Have you a copy of the returns from the various precincts throughout the county?—A. I have the original tabular statement made from the return from all the boxes.

Q. Please refer to the precinct of Wilkensville.—A. This is the statement that I made as the managers' returns were handed to me. I took the figures from the face of the returns.

Q. And it is accurate?—A. It is accurate. It was examined by the board of canvassers and pronounced to be correct, and they made their report.

Q. Refer to Wilkensville and state what the vote was for the presidential electors.—A. The democratic electors all got the same vote, 1,636 each, and the republicans 142 each.

Q. Look at Glandiburg Mills and state the vote for Myers, a republican elector.—A. Myers received 126 at Glandiburg Mills; Nash, 13; and Cook, 13; the rest of the ticket received 12.



By Mr. LAPHAM :

Q. What was the whole republican vote for the electors in the county?—A. Bowen received 1,810; Winsmith, 1,809; Johnston, 1,810; Hurley, 1,810; Nash, 1,811; Cook, 1,811; Myers, 1,810. All the democratic electors received 2,461 each.

Q. The Wilkensville precinct was included in that count?—A. It was included in the statement.

Q. To whom did you deliver the managers' returns?—A. I placed them all together, as directed by the board, and handed them to James H. Goss, chairman of the board.

Q. Do you know personally what he did with them?—A. I saw him get up out of his chair and hand them to H. H. D. Byron, with the request that he would take charge of them and deliver them in Columbia at the office where they belonged.

Q. You do not know whether Mr. Byron brought them to Columbia or not?—A. I do not; I never saw them after the whole board left the office.

Q. I did not ask you that. I asked you if you knew personally whether he brought them here?—A. I do not.

By Mr. COCHRANE :

Q. Mr. Byron was a United States supervisor and a republican?—A. Yes, sir.

By Mr. LAWRENCE :

Q. It is possible that by accident or oversight the Wilkensville managers' returns might not have been included in the package, is it not?—A. When I gathered up the papers I counted the number of papers and handed them to Mr. Goss, the chairman.

Q. They were folded up?—A. They were all folded up like this, [illustrating.] The poll-lists appeared on three or four sheets of paper. Then there came a blank sheet, and the returns of the managers followed on three or four sheets of paper, and it was all folded up together. There were fourteen papers, fourteen returns, and fourteen poll-lists, and then there was one return and one poll-list together.

Q. Now, if fourteen of those papers are found in the office of the secretary of state, and Wilkensville is not among them, may it not be possible that by accident, without any design at all, that the Wilkensville managers' returns might not have been included, and that some other paper accidentally got into the package in place of it?—A. Well, sir, I do not think I left any of them out. I think they were all placed in. I did not desire to leave any of them out, and I counted them and handed them to Mr. Goss, the chairman of the board.

Adjourned.

COLUMBIA, S. C., December 16, 1876.

The committee met at 10 a. m.; all the members present.

I. I. FOX sworn and examined.

By Mr. COCHRANE :

Question. You reside in Colleton County, in this State?—Answer. Yes, sir.

Q. How long have you resided there?—A. I was born and raised there. I am thirty-six years old. I reside at Walterborough.

Q. Were you one of the election commissioners or county canvassers of Colleton County?—A. I was.

Q. How many precincts are there in your county?—A. I think there are twenty. You have here a tabular statement which we prepared as commissioners, which gives the true number.

Q. Were all the managers' returns from the various precincts in your county before the board?—A. All but two exceptions.

Q. Which returns were absent?—A. Bennett's Point, at which no election was held at all, and Rantowle's. There was no election made at that poll by the managers, for the reason, as they reported to us, that they could not agree. We had one of the managers before us who so testified. The tickets at that poll were scratched. One of the printed names was scratched out and another name written in pencil lengthwise across the ticket. The managers could not agree how those votes should be counted, and the ballots were sealed up and sent to us, and we, as commissioners of election, counted the ballots ourselves and made the return.

Q. You have only counted the precincts known as Bell's Cross-Roads, Snake's Cross-Roads, Preacher's Mill, Blue House, Ashpoo, Iron's Cross-Roads, school-house, and Bennett's Point?—A. Yes, sir.

Q. Were the precinct managers' returns from those various precincts which I have just named before your board duly returned by the managers?—A. All, with the exception of Bennett's Point, as I have stated.

Q. After the board had completed its duties, what was done with the managers' returns?—A. They were bound up and tied with a string—each one separately—all the returns and poll

lists, and handed to Captain Shaffer, one of the commissioners of election and chairman of the board, who was appointed by the board as the messenger to take them to Columbia. He brought them to Columbia, and says he delivered them to H. E. Hayne, secretary of state, but he did not take a receipt for them.

Q. Was Shaffer a democrat or a republican?—A. A republican.

Q. Did you see the managers' returns wrapped in a bundle?—A. I did, sir. I wrapped the most of them up myself, and I afterward assisted Captain Shaffer to put those same returns into his satchel, and saw him start to Columbia with them. I was careful that he got every one.

By Mr. LAPHAM:

Q. Have you a statement of the aggregate vote for the presidential electors?—A. Yes, sir; I handed it to Mr. Fishburne yesterday, and he told me he left it with this committee.

Q. Does that correctly state the result of the county canvass?—A. It does.

Q. Which was the precinct where the managers had failed to agree about a return?—A. Rantowle's.

Q. There was a return, was there not?—A. No, sir; there was no return; there was a poll-list, but no return, because the managers did not count the votes.

Q. There was a poll-list establishing the number of votes for each party, but no formal return of the managers?—A. No return, sir.

Q. Were there any cases where there was no return of the electoral vote by the managers?—A. I am not sure, but I think the elector in each case was returned by the managers, with the exception of those two cases. I do not think that in every case the electoral vote was returned separately by the managers.

Q. Are you able to specify the precincts in which that was not so?—A. No, sir; I cannot. My impression, though, is that there was a return from each poll where there was a count and a return. I know there was a return of the electoral vote, but I know there was one poll, possibly Snyder's Cross-Roads, where the return of both was made together; no separate return of the electoral vote.

Q. At Rantowle's you gave in your canvass the number of votes shown by the poll-list to each party, did you not?—A. Yes, sir.

Q. You assumed in your canvass that each party got the number of votes that the poll-list showed to have been cast for it?—A. Yes, sir; we counted the ballots and found they agreed with the poll-list, with the exception of five votes, which were found exposed outside. Those were rejected.

Q. But you arrived at the electoral vote in that way, by assuming that each party received the number of votes that the poll-list showed to have been cast for it?—A. Yes, sir.

Q. And in the other cases where there was no separate return of the electoral vote you assumed the same?—A. We did not count any ballots from any of the polls, with the exception of Rantowle's.

Q. But where the whole vote was together, no return being made of the electoral vote separately, you gave to each party the whole number of votes for the electoral ticket, as well as for the rest of the ticket?—A. Yes, sir; we simply aggregated the managers' return, except in that one case.

Q. Wherever there was a formal omission of the return of the electoral vote, you yet gave the vote of the party at that precinct to the electoral ticket?—A. There was a return, though not a separate return of the electoral vote, from Snyder's Cross-Roads.

Q. In what form?—A. It was written at the bottom of the return of the State officers.

Q. In what form; so many for Hayes and Wheeler, and so many for Tilden and Hendricks?—A. No, sir; we had no such cases as that in our county. It was a return by the electors, giving the names of each.

Q. I think you said you were not able to specify the precincts where there was no separate return of the electoral vote?—A. I am not very sure of it, but I think there was one precinct where the electoral vote was added at the bottom.

Q. Was there not more than one?—A. No, sir; not more than one—always excepting those two that I have mentioned, Bennett's Point and Rantowle's, where there was no return at all.

Q. There were two polls where there was no election held?—A. No, sir, one; Bennett's Point.

Q. Where did the electors of that precinct vote?—A. They voted at the two adjoining polls; Jacksonborough and Ashepoo.

Q. They were the precincts at which those people have always voted?—A. Yes, sir; Bennett's Point was a new precinct, created by law two years ago, and this was the first election that was to be held there, and very few persons attended.

Q. So the electors continued to vote at the former precincts?—A. Yes, sir.

Q. Do you know of any elector who did not vote?—A. Not one, sir. We made strict inquiry, and they every one voted. There was sixty-one persons, we understood, at that poll, twenty-one of whom voted at Ashepoo, and forty at Jacksonborough.

Q. They simply voted at their former precincts, instead of at the new one?—A. Yes, sir.

Q. No votes were lost to either party, then, by the poll not being held at Bennett's Point?—A. No, sir.

By Mr. LAWRENCE :

Q. Where is Captain Shaffer?—A. At Walterborough.

Q. Who made up the package of returns sent to the secretary of state?—A. The colored member of the board, Mr. Brock. He was an uneducated person, though he could read and write a little, and we put him to do most of that work. Part of it I assisted him in.

Q. How was the package secured?—A. Only tied with twine.

Q. Did you give special attention to the making up of the package yourself?—A. I did. We worked the entire night, and just after daylight Captain Shaffer came up with his buggy to the court-house, (the count was made in his office—in the treasurer's office.) He came up after daylight with his carpet-bag, and asked me to assist him. I assisted him to put the packages into it. I saw them put in, and he locked it and came back.

Q. Was there more than one package?—A. Yes, sir; they were all separate. The poll-lists and each of the returns were bound up in a bundle, or roll of paper, and tied with a string, and indorsed on the outside with the name of the precinct.

Q. How many packages did he take?—A. He had nineteen, because he had a poll-list from Rantowle's.

Q. The nineteen different returns were not secured together in one roll?—A. No, sir; each one was separate.

Q. Did you count the packages that were not put into the carpet-sack?—A. Yes, sir. I saw that they were all there.

Q. This business was transacted in the treasurer's office, you say?—A. Yes, sir.

Q. There were other papers there, I suppose?—A. Not in the carpet-sack.

Q. No; but in the office, on the table and about?—A. Well, these returns. We sat at the table like this, [illustrating,] and there was a drawer under the table which was drawn out, and these packages were put in there as we finished each one. When we finished one poll, either I would tie it up, or this man Brock would tie it up, and put it in there:

By Mr. COCHRANE :

Q. Was the drawer empty before any of the packages were put in?—A. Yes.

By Mr. LAWRENCE :

Q. One or more of these managers' returns might accidentally, without any design of doing anything wrong, have been left out of the carpet-sack?—A. It might have been, but it was not.

Q. You are sure you counted the packages as they were put in?—A. I know I did. I was very sure.

Q. Why did you count them?—A. I counted them to be sure that they were all put in, that they were all taken. I was the only democrat on the board; the other two were republicans, and I felt a great responsibility on me that everything should be correctly done, and I was especially particular.

Q. What time of night was it?—A. It was after daylight when they were put into the carpet-sack.

Q. What day was it?—A. If you would give me that tabular statement, I would find the date. I have no recollection of it.

By Mr. COCHRANE :

Q. The election was on Tuesday?—A. Yes. I think all the returns did not get in for nearly a week. But the first day that we were permitted by law to make this count, we did so, and we finished the count that day. Commencing in the morning at 10 o'clock, we counted the entire day, excepting a short recess for refreshments, and finished at night, just before daylight.

Q. What day was that? Was it the Tuesday following the election?—A. I think it was. You will find from that tabular statement the date. We have a certificate upon that statement with the date.

Q. Do you mean the county commissioners' statement?—A. Yes, sir; the tabular statement from the returns.

Q. You refer to the paper which Mr. Fishburne produced yesterday?—A. Yes, sir.

Q. Have you looked in the drawer in the treasurer's office, or anywhere in the room, since, to see if any of the managers' returns were there?—A. No, sir.

By Mr. JONES :

Q. But you saw them all taken out at the time?—A. Yes, sir; I know that.

By Mr. LAWRENCE :

Q. There were other papers about the office, I suppose?—A. Yes, sir; a few papers—other stationery; but all the papers pertaining to Captain Shaffer's office, as treasurer, had been removed as we commenced the count, and there was nothing like a managers' return left about the establishment.

By Mr. COCHRANE :

Q. If I correctly understand you the only precinct in your county from which there was

not a separate return for the electoral ticket, leaving out of view Rantowle's and Bennett's Point, was at a precinct known as Snyder's Cross-Roads?—A. Yes, sir.

Q. That was the only case where there was a return of the electoral vote under the other vote?—A. Yes, sir.

Q. In all other cases the electoral vote was returned separately?—A. Yes.

Q. Now, at Snyder's Cross-Roads there was a return for the electors by name, if I understand you?—A. Yes.

Q. But that return was upon the same paper which contained the names of the other officers voted for?—A. Yes, sir.

Q. Were the names of all the electors, the republican and democratic, given on that paper?—A. Yes, sir.

Q. As to Rantowle's, do I understand you to say that before making your return of that precinct you examined the ballots?—A. We counted the ballots in the box.

Q. Was the number of votes which you returned for the various electors correct, according to the ballots in the box?—A. It was.

By Mr. LAWRENCE :

Q. The abstract furnished by Mr. Fishburne does not give the date on which you closed your canvass?—A. I was under the impression that it did, but I see it does not.

Q. It was in fact on the Tuesday following the election?—A. Yes, sir.

Q. That is the usual time—the time fixed by law?—A. Yes, sir.

By Mr. COCHRANE :

Q. Did your board in any case count votes for the electoral ticket, your count being predicated upon the return for other officers?—A. No, sir.

COLUMBIA, S. C., December 16, 1876.

B. B. SAMS sworn and examined.

By Mr. ABBOTT :

Question. Where do you live?—Answer. In the town of Beaufort.

Q. How long have you lived there?—A. I was born there, but during the war I was away. I went back in 1866, and have been there ever since.

Q. Did you do anything at the time of the canvassing of the votes for Beaufort County?—A. Yes; I was secretary of the board of county canvassers.

Q. Can you tell us whether the precinct managers for presidential electors were before the board?—A. Yes, sir; they were all there.

Q. What was done with the precinct-managers' returns?—A. The returns for electors, governor, and the county officers generally were separated and put by themselves, rolled into one general bundle and wrapped in paper.

Q. What had you to do with putting them up in a bundle?—A. I had the arranging of them. I arranged them for the chairman of the board, and handed them over to him as soon as I got them arranged.

Q. Who rolled them into the bundle?—A. The chairman of the board of county canvassers.

Q. In your presence?—A. Yes, sir.

Q. As you handed them to him?—A. As I handed them to him.

Q. State whether all the precinct-managers' returns were so arranged by you and so rolled up by the chairman.—A. They were.

Q. How were they secured?—A. They were wrapped up in large brown wrapping-paper and tied with twine.

Q. To whom were they delivered?—A. To the chairman of the board of county canvassers, who brought them to Columbia, or who was supposed to have brought them up; he left Beaufort with that intention.

Q. He was the republican member of the board?—A. He was the republican member of the board. He left for Columbia on Monday; this wrapping up was done on Sunday.

Q. What was his name?—A. F. E. Wilder.

By Mr. LAPHAM :

Q. Where was this canvass?—A. In the town of Beaufort, the county-seat.

Q. In what room?—A. The sheriff's room.

Q. Were there any cases where the managers' returns did not give the electoral vote separately?—A. No, sir; they were all separate.

Q. Do you say there was a separate electoral vote given for each precinct?—A. For each precinct.

Q. You are sure of that?—A. I am, because I put them into the box myself.

Q. A separate vote giving the names of the electors?—A. No, sir; they did not give the names of the electors; the managers after counting the tickets entered the names.

Q. I am inquiring about the returns?—A. O, yes; the returns gave the names of each elector.

Q. Are you sure of that?—A. I am.

Q. There were no cases where the returns said simply "Hayes and Wheeler" so many, and "Tilden and Hendricks" so many?—A. No, sir; they were all counted for the electors.

Q. But I am speaking about the returns.—A. That is what I mean.

Q. Were there any cases where on the return it was stated in this way; so many votes for "Hayes and Wheeler," and so many for "Tilden and Hendricks"?—A. There were two instances.

Q. You have just said that there were none.—A. I did not understand you exactly.

Q. I mean that you shall understand me. Now I repeat the question, were there any cases where the managers did not return the names of the electors?—A. No, sir.

Q. The names of the managers were returned from every precinct?—A. From every precinct, written right down.

Q. And the number of votes which each elector had?—A. The number of votes which each elector had right opposite his name.

Q. Was there any case where the managers certified simply so many votes for "Hayes and Wheeler"?—A. No, sir; there was not.

Q. Or were they certified simply so many for "Tilden and Hendricks"?—A. No, sir; there was not.

Q. You are sure of that?—A. I am, sir; quite sure.

Q. And you are sure, if I understand you, that in every instance the managers' returns contained the return of the electoral vote, as well as the vote for the other candidates on the ticket?—A. Those were separate returns.

Q. There was such a return separate, undoubtedly, but are you sure that there was from every precinct such a return?—A. Yes, sir; I am.

By Mr. BANKS:

Q. How many electors were voted for on each ticket generally in South Carolina?—A. Seven.

Q. Did the managers' returns have the names of every elector?—A. Seven on each side, sir; seven democrats, and seven republicans.

Q. That makes fourteen electors in all?—A. Yes, sir.

Q. The number of votes were put opposite to each name?—A. Yes, there was a printed form.

Q. So that the managers' return was complete?—A. Yes, sir.

Q. Did the managers send up the poll-lists?—A. Yes, sir; the poll-lists, the return for the electors, return for governor, &c.

Q. I do not care about that. You say the returns for the electors were sent up?—A. Yes, sir.

Q. Did they send up the ballot-box with the votes?—A. Yes, sir; all these returns were put in the ballot-boxes, the apertures sealed, and they were sent to the board of county canvassers by the managers.

Q. Did you have occasion to consult the poll-lists with reference to the verification of the managers' returns at all?—A. Yes, sir. We looked over the poll-lists, and we found that they were correct.

Q. Did you have occasion to count the ballots?—A. Yes, sir; in several instances we did.

Q. In regard to the electors?—A. In regard to the electors.

Q. What was the result?—A. The result was that in some instances where they counted the votes the name was spelled wrong or an initial was wrong, and the commissioners then opened the box to ascertain how it was, and they took from the votes cast in the box, and put the names down correctly as they should have been.

Q. The name of the elector was incorrectly spelled in the managers' returns in such instances?—A. Yes, sir. On Saint Helena Island, by a mistake of the clerk of the board of managers, all the votes cast were put down to Barker—I think it was Barker—one of the democratic electors. That is a republican precinct; so the managers opened the box, and saw that the votes were intended for Cook, and so arranged them.

By Mr. PHILLIPS:

Q. The managers or the canvassers?—A. The county canvassers.

Q. Was that the only instance?—A. No, sir. There was also the case of Levy's Cross-Roads, on the Savannah River.

Q. What precinct was that you have just spoken of?—A. Saint Helena Island precinct.

Q. Can you give the aggregates of the votes for electors for both parties?—A. Yes, sir. I have got the original report here just as they were counted. Bowen, 7,553; Winsmith, 7,570; Johnston, 7,574; Hurley, 7,573; Nash, 7,573; Cook, 7,572; Myers, 7,573; Barker, 2,250; McGowan, 2,250; Harrington, 2,245; Ingram, 2,251; Wallace, 2,251; Erwin, 2,251; Aldrich, 2,249.

Q. Those figures give the aggregate count, including all the returns from all the precincts?—A. Yes, sir; from thirty precincts.

Q. What was the vote on presidential electors in Gray's Hill precinct?—A. Four hundred and seventy-two for each one of the republicans; none for the democrats.

Q. What was it at Black Creek?—A. Ten for the republicans and four for the democrats right through.

Q. What was the vote for the republican electors at Beach Branch precinct?—A. Republicans, 21; democrats, 74.

By Mr. LAWRENCE:

Q. Can you furnish the committee an aggregate statement of the vote in each precinct of Beaufort County as it was given for electors at the last presidential election?—A. I can. I submit this paper, which contains such a statement, as part of my testimony:

	C. C. Bowen.	John Win- smith,	T. B. John- ston.	T. Hurley.	W. B. Nash.	Wilson Cook.	William F. Myers.	T. G. Barker.	Samuel Mc- Gowan.	John W. Harrington.	J. J. Ingram.	William Wal- lace.	J. B. Irwin.	Robert Ald- rich.
Beech Branch.....	21	21	21	21	21	21	21	74	74	74	74	74	74	74
Bluffton.....	350	350	350	350	350	350	350	101	101	101	101	101	101	101
Paris Island.....	141	141	141	141	141	141	141	12	12	12	12	12	12	12
Genesis Cross-Roads.....	142	142	142	142	142	142	142	11	11	11	11	11	11	11
Henn's Cross-Roads.....	64	64	64	64	64	64	64	93	93	93	93	93	93	93
Gardens Corner.....	553	553	553	552	552	552	552	61	61	61	61	61	61	61
Mathews Bluff.....	180	180	180	180	180	180	180	41	41	41	41	41	41	41
Coffin's Point.....	169	169	169	169	169	169	169	21	21	21	21	21	21	21
Varnville.....	98	98	98	98	98	98	98	258	258	258	258	258	258	258
Levey's Cross-Roads.....	437	437	437	437	437	436	437	72	72	72	72	72	72	72
Beaufort.....	565	566	566	566	566	566	566	112	112	112	112	112	112	112
Brick Church.....	719	719	719	719	719	719	719	16	16	16	16	16	16	16
Grahamville.....	234	234	234	234	234	234	234	113	113	113	113	113	113	113
Woodlawn.....	313	313	313	313	313	313	313	8	8	8	8	8	8	8
Grey's Hill.....	472	472	472	472	472	472	472	9	9	9	9	9	9	9
Brighton.....	195	195	195	195	195	195	195	92	92	92	92	92	92	92
Myrtle Bush.....	232	232	232	232	232	232	232	4	4	4	4	4	4	4
Hardeeville.....	145	145	145	145	145	145	145	72	72	72	72	72	72	72
Port Royal.....	123	123	123	123	123	123	123	46	46	46	46	46	46	46
Mitchellville.....	464	464	464	464	464	464	464	10	10	10	10	10	10	10
Bellinger Hill.....	313	313	313	313	313	313	313	30	30	30	30	30	30	30
Gillisonville.....	224	224	224	224	224	224	224	175	175	175	175	175	175	175
Black Creek.....	10	10	10	10	10	10	10	4	4	4	4	4	4	4
Brunson.....	317	317	317	316	317	317	317	226	226	219	225	225	225	223
Nixville.....	51	47	51	51	51	51	51	112	112	112	112	112	112	112
Peeples.....	76	76	76	76	76	76	76	185	185	185	185	185	185	185
Chisolm's Landing.....	267	267	267	267	267	267	267	39	39	39	39	39	39	39
Lawtonville.....	314	314	314	314	314	314	314	122	122	122	122	122	122	122
Lawton Church.....	174	174	174	174	174	174	174	41	41	41	41	41	41	41
Pocotaligo.....	210	210	210	210	210	210	210	90	90	90	90	90	90	90
	7,553	7,570	7,574	7,573	7,573	7,572	7,573	2,250	2,250	2,245	2,251	2,251	2,251	2,249

Q. In the abstract just furnished by you there is one precinct put down as Gardner's corner; is there any other name for that?—A. Yes, sir; Sheldon. The old Gardner's corner is within a quarter of a mile of Sheldon's mills.

Q. That is the same as Sheldon?—A. The same as Sheldon.

By Mr. COCHRANE:

Q. What was it known as?—A. Gardner's corner. It is also known as Sheldon mills, and then two miles from that is Sheldon on the Port Royal Railroad.

By Mr. LAWRENCE:

Q. Where was the election held?—A. About a quarter of a mile from the old corner are all broken down, and it was held at Fuller's place, about a quarter of a mile from the old corner.

Q. That is the same place where the election has been held ever since 1863, is it not?—A. Just the same place.

By Mr. LAPHAM:

Q. It is called Sheldon?—A. It is called Sheldon.

COLUMBIA, S. C., December 16, 1876.

CHARLES EDMONSTON sworn and examined.

By Mr. ABBOTT:

Question. Where do you reside?—Answer. In Aiken Village, Aiken County; I have lived there since 1866.

Q. Do you occupy any official position?—A. I am county clerk.

Q. Were you one of the board of county canvassers at the last election?—A. I was one of the commissioners of election.

Q. Did you help to canvass the votes at the last election for Aiken County?—A. I did.

Q. Were the precinct managers' returns of the electoral vote present from the precincts of Windsor and Silverton?—A. They were, sir; and counted.

Q. What was done with the precinct managers' returns after you got through your counties, including those two?—A. They were forwarded to the secretary of state at Columbia.

Q. Were the precinct managers' returns present and counted by you?—A. They were, sir; the whole eleven precincts were handed in and counted by me, and the aggregate of their votes placed upon the returns which were handed to the secretary in my own handwriting.

Q. Who made up the package, bundle, or whatever you call it, of precinct managers' returns from the different precincts?—A. I handed the paper to the chairman of the commissioners and wrapped it up, and he was the messenger to Columbia.

Q. State whether all these precinct managers' returns were wrapped up in your presence?—A. Every one.

Q. How was the bundle or package secured if at all?—A. It was wrapped up in very large paper, and wrapped around this way [illustrating] and one or two large India-rubber straps put around the corner of the paper to make it fast.

Q. To whom were they handed?—A. To the chairman of the county canvassers, S. B. Spencer.

Q. Was he a republican or democrat?—A. He was a republican necessarily; he was chairman.

Q. Handed to him to be taken where?—A. To be brought here to the secretary of state.

Q. The chairman acted as messenger?—A. He did.

Q. Can you give us the vote for presidential electors at Windsor precinct?—A. I do not know that I could give the vote, but I could give you the vote for sheriff.

Q. State whether between the vote for sheriff or governor and the vote for presidential electors there was or was not a great difference?—A. A very trifling difference. There may have been a little choice in the county officers, but there was no cutting or scratching in the presidential vote. It was, generally speaking, a solid republican ticket—the party ticket on both sides.

Q. Can you give us, from any memoranda made by you at the time, the majority in Windsor precinct?—A. I can, sir. The democratic majority at Windsor was 314.

By Mr. BANKS:

Q. For what officers?—A. I have here only the republican majorities at the several precincts, and the democratic majorities.

By Mr. ABBOTT:

Q. What was the entire vote?—A. For sheriff the full democratic vote was 376, and the republican vote 54. Add 376 and 54 together and it will give you the entire vote at the precinct, 430. Three hundred and twenty-two was the democratic majority for sheriff, but the entire majority for the whole precinct was 314.

Q. What was the majority at Silverton?—A. It was 52 for the republicans on the entire ticket.



By Mr. COCHRANE :

Q. Have you any other papers than those memoranda made at the time of the canvass in regard to this subject of canvassing the vote ?—A. Yes, I have here the Aiken precinct vote.

Q. Those are the only papers you have ?—A. Yes, sir.

By Mr. LAPHAM :

Q. What is the Aiken Court-House vote for each party ?—A. Republican, 697; democratic, 376.

Q. From what did you take those figures ?—A. From the return.

Q. The return on file gives the republicans 707, and the democrats 371 ?—A. That is the Hayes and Tilden vote. I was speaking entirely of the precinct vote.

Q. Then 707 Hayes and 371 for Tilden is correct ?—A. Yes, sir.

By Mr. COCHRANE :

Q. Can you give the electoral vote of the whole county for each party ?—A. That I cannot give. I have it not with me, but I have a copy of the returns filed in my office which could be sent on to the committee certified.

Q. Do you remember about what the majority on the electoral ticket was in that county ?—A. I cannot say; it could not have varied more than five or six.

Q. Do you remember what the republican majority, if any, was in the whole county ?—A. O, there was no republican majority; there was 742 democratic majority on the entire ticket.

Q. Are you quite sure of that ?—A. Yes, sir; I am sure.

Q. You mean taking the returns in the whole county, republican and democratic, there was a democratic majority of seven hundred and odd ?—A. Yes, sir.

By Mr. LAPHAM :

Q. You say you cannot give the vote of each party in Silverton ?—A. I cannot.

Q. Can you tell about how many votes there were in that precinct ?—A. I cannot tell, sir; I have not the papers with me.

Q. Were there any cases where the returns were not signed by the managers ?—A. Not that I know of.

Q. Are you able to state whether it was so or not ?—A. They were signed, so far as I know, in all cases.

Q. Were there any cases where the managers did not make a return of the electoral vote separate from that of the other candidates ?—A. They were all returned in the same return.

Q. Do you remember whether there was any instance where the managers from any precinct failed to make a separate return of the electoral vote ?—A. No, sir; none that I know of. All the returns were made properly, so far as I know.

Q. Are you able to say that there was no such case ?—A. I give you the best of my belief and knowledge to that effect.

Q. You say the same in regard to the returns being signed, that they were all signed to the best of your knowledge ?—A. Yes, sir.

Q. Do you remember whether there was any case where the managers' return only gave the general vote, so many for "Hayes and Wheeler," and so many for "Tilden and Hendricks," without giving the names of the electors.—A. I think they were all given by the electoral vote.

Q. Give the names of each elector.—A. Each elector of each party ?]

Q. That is, your present recollection ?—A. Yes, sir; and I am pretty certain that it is so.

Q. Who were the returns from Windsor signed by ?—A. They were signed by Galloway, Price, and I have forgotten the name of the other manager.

Q. By whom were the returns from Silverton signed ?—A. By Davis, Cooper, and I do not know the name of the other.

Q. You have no abstract of the vote in the various precincts here with you ?

By Mr. COCHRANE :

Q. The manager at Silverton, whose name you do not recollect, was colored, I believe ?—A. He was; and so was the one at Windsor.

By Mr. LAWRENCE :

Q. Was the result of the vote, including all the voting-precincts, incorporated in the statement which was signed by county commissioners and returned to the secretary of state ?—A. Yes, sir; it was a copy taken from each precinct—the aggregate of each of the precincts.

Q. No precinct was excluded from the county returns ?—A. No precinct was excluded; that I am positive of.

Q. And no vote from any precinct ?—A. I do not understand what you mean by no vote. The returns of every precinct were made up and forwarded. No one precinct was left out.

Q. You included in your county statement, then, the vote of Jordan Mill precinct ?—A. Yes.

Q. Do you remember what the vote there was ?—A. I think I have that. It was rather a ticket vote. It was 274 democratic and 124 republican.

Q. That is, each of the democratic electors received 274, and each of the republicans 124?—A. Yes, sir; I suspect so; for as I turn over the memorandum I see the majority is 150, and that would make the vote those figures.

Q. How was the vote of Silverton?—A. I have only got 52 republican majority at Silverton.

Q. Have you any recollection as to what the vote was in that precinct?—A. I can give you the vote for sheriff; it was 232 republican, 132 democratic; giving the republicans 50 majority.

Q. What do you say was the name of the man that carried the return to the secretary of state?—A. S. B. Spencer, chairman of the board.

Q. Where is he?—A. He is in Hamburg.

Q. He has not been examined so far as you know?—A. I do not know.

COLUMBIA, S. C., December 16, 1876.

J. ST. JULIEN YATES sworn and examined.

By Mr. ABBOTT:

Question. You live at Aiken Court-House?—Answer. Yes, sir; I have lived there four years and a half.

Q. You were present at the canvassing of the votes before the county canvassers at the last election?—A. I was.

Q. During all the time of the canvassing?—A. Yes, sir.

Q. Were the precinct managers' returns all present at that canvass?—A. They were.

Q. You speak from your personal knowledge?—A. Yes, sir.

Q. What was done with them?—A. We made out each return separately, and put all of them in a bundle together, and, if I am not mistaken, I think there was a piece of paper wrapped around them. I am not positive as to that; it was either a piece of paper or a large envelope, and one of these heavy, large, elastic bands placed around. I am not certain as to their being tied with a piece of string in addition to that, but I am positive about a large heavy rubber band being placed around the package.

Q. In what capacity did you act in reference to the count?—A. I assisted in the count.

Q. So that you helped to make the canvass?—A. I assisted in it.

Q. To whom were those packages delivered?—A. To S. B. Spencer, chairman of the board.

Q. For what purpose?—A. To come to Columbia and deliver them to H. E. Hayne.

Q. All the precinct managers' returns were present there?—A. Yes, sir.

Q. How certain are you that they were all inclosed in the package?—A. We looked them over together.

Q. What is your profession?—A. I am a lawyer.

By Mr. LAPHAM:

Q. Have you a count of the vote in Aiken?—A. I have no memorandum.

Q. Did you take any part in canvassing the vote?—A. No, sir; I had nothing to do with the counting of the votes, with the exception of being present and seeing them counted and taking notes; as they would call them out I would take notes.

Q. You took no part in the canvass of the votes or in counting them?—A. No, sir; the others counted them; we had our different portions of the business.

Q. You took no memorandum of the vote, so as to be able to state the result in any precinct?—A. I did take a memorandum at the time; that was a part of my business; but I kept no duplicate, and cannot now speak positively as to the result at any precinct.

Q. You have not your memoranda with you?—A. No, sir.

Q. Do you remember what the managers' count was on the vote of the presidential electors?—A. I cannot give you the exact figures; about 725 was our majority in Aiken.

Q. It varied for different officers?—A. I think Governor Hampton ran a little ahead.

Q. Do you remember what it was on the electors; are you able to state it from memory?—A. I cannot.

Q. It was less on electors?—A. Very little, extremely little. I think the electoral vote may have varied not over from three to five.

Q. Are you able to give the vote, or about the vote, in the precinct of Silverton?—A. I cannot.

Q. Or in Windsor?—A. I cannot.

Q. Do you remember whether there was any case where the managers' returns were not signed?—A. I do not.

Q. Do you remember whether there was any case where they did not make a separate return of the electoral vote?—A. They were all made separately.

Q. Do you remember any instance where the managers' return was not made separately?—A. No, sir.

Q. And your recollection is that there was no return that was not signed by the managers?—A. I know of no return that was not signed by the managers.

Q. You refer now to the precinct returns?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Are you sure that Jordan's Mill precinct return was signed?—A. Well, if it was not, some mention would have been made of it at the time, I think. I do not know positively, but to the best of my recollection and belief it was signed.

Q. Whatever return there was from Jordan's Mill was put in the package to be sent by the messenger to the secretary of state?—A. All of the returns from the different precincts were called over and placed in that package.

COLUMBIA, S. C., December 16, 1876.

LOUIS LE COMPTE sworn and examined.

By the CHAIRMAN:

Question. State your age, residence, and occupation.—Answer. I am twenty-seven years of age; residence, Columbia, S. C.; occupation, practicing attorney.

Q. How long have you lived in this city?—A. Ever since 1868.

Q. Were you present at the time the canvass was made by the board of State canvassers of the vote for the electors for President and Vice-President?—A. I was constantly present.

Q. In what capacity?—A. I was present as one of a certain number selected on the part of the democratic party and admitted to the room. Eight gentlemen were admitted on either side.

Q. State when the canvassing of the vote for electors began.—A. The actual canvass began on Friday, the 17th.

Q. What time of day?—A. We went in there early in the morning, and the board adjourned immediately until some time after mid-day; I think about 1 o'clock. They did not begin the actual canvass until at least 1 o'clock, or some time afterward. I think we adjourned until 1, and began the actual count later.

Q. How long were the canvassers engaged in that count on that day? State the facts generally in regard to it.—A. We went on with the count until some hour in the evening, after dark, I think probably about half past 7, when an adjournment was had. Now that I think of it, I am not sure but that we had two adjournments—one for dinner and another later in the day. Certainly there was one adjournment of at least an hour or an hour and a half; with that exception we continued the count until about 11 o'clock at night.

Q. State the manner of the count in the beginning.—A. The board signified an intention to take up the officers separately; to begin with the electors and continue with that count until it was finished, and afterward to take up the State officials and then the county and circuit officers of the State. The first count was confined only to the electors.

Q. State the manner in which that count was conducted in the beginning.—A. When we first went in, the board was asked as to the construction of an order which had been made by the supreme court. They were asked as to their intention in proceeding with the count, and they said that while they would return to the supreme court only the figures as they appeared upon the statements of the county canvassers, they would at the same time scrutinize the returns of the managers, which were forwarded in the same batch of papers, and that if any discrepancies appeared they would make a note of them and call the attention of the supreme court to them. The return itself was to be made up on the basis of the county canvassers' returns, but these discrepancies were to be noted and the attention of the court called to them, and for that purpose they said they would take up the returns of the precinct managers.

Q. Did they do so?—A. They did then take up the returns of the precinct managers. They began with Abbeville County.

Q. How far did they proceed through the counties, making a comparison of the managers' returns with the statements of the county canvassers?—A. They proceeded until they had completed the county of Charleston.

Q. How many counties did that include?—A. Six counties.

Q. What time was that?—A. That was late at night; probably 10 o'clock—or between 9 and 10.

Q. What was done then?—A. The board then passed a formal resolution to discontinue the scrutiny of the managers' returns and to examine the county canvassers' returns alone.

Q. State whether any protest was made against that change of method in the count of the votes.—A. When the county of Beaufort was reached the chairman of the board asked whether there was any objection to a discontinuance of the scrutiny of the managers' returns, and General Connor, who was present in the same capacity that I was, arose and said that we would prefer that they should go on with the managers' returns. They then continued the managers' returns until they had completed the county of Charles-

ton. At that point either the chairman himself upon his own motion put the resolution, or some one arose and made a motion, and the board passed the resolution to discontinue the examination of the managers' returns. Upon that General Conner arose and signified his objection to their proceeding in that way. It was then stated by the chairman of the board that they had passed a formal resolution. Upon that—my recollection is very distinct—we had some consultation, and a formal protest was made in writing. The consultation consumed several minutes; I do not think I can be mistaken about it. It was made in the first place verbally, and one of us suggested that it should be in writing, and General Conner went and wrote it.

Q. How long after that did the board continue in session, and how many other counties did they reckon in their count before adjournment?—A. It was very late then, and we continued for awhile upon the county canvassers' returns, and completed three or four counties, ending with Georgetown, I think. My recollection is not so distinct as to that.

By Mr. LAPHAM:

Q. Have you a copy of that protest to which you refer?—A. No, sir; no copy was retained. It was put in writing and handed in.

By the CHAIRMAN:

Q. Do you remember when the canvassing of the vote for electors was completed by this board?—A. We went on next day with the State electors, and completed the count early in the evening of that day, which was Saturday.

By Mr. COCHRANE:

Q. I understand you, then, that the board overruled the protest of General Conner?—A. Well, they passed this resolution, without waiting for an objection, and then they entered our objection and spoke about it for awhile, and it was announced that the resolution had been passed, and we then entered the protest.

By Mr. BANKS:

Q. Did you say that when the chairman inquired if there was objection no objection was made, and that then they discontinued considering the precinct returns?—A. No, sir. I said that in the course of the counting, when the county of Beaufort was reached, the chairman asked if there was objection, and objection was made, and they continued then with the precinct returns, and then the resolution to discontinue was passed after they had finished Charleston County.

By the CHAIRMAN:

Q. Do you remember when the count of the entire vote was completed?—A. It was completed some time on Monday. I was not present when that was completed. I was absent on Sunday and went back for a while on Monday, and was present all day. I was in the room when it was completed, but only passing through.

Q. Please state who composed this board of State canvassers.—A. It was composed of the secretary of state, H. E. Hayne; Mr. E. C. Dunn, comptroller-general; F. L. Cordozo, State treasurer; William Stone, attorney-general; and Mr. Purvis, the adjutant and inspector general.

Q. State how many of those officers were candidates for re-election at the late election?—A. Three of the board: the secretary of state, Hayne; the treasurer, Cordozo; and the comptroller-general, Dunn.

Q. They were candidates for re-election to the same offices?—A. Yes, sir.

Q. And their names appeared upon the returns which they themselves were counting or canvassing. Upon which of the tickets were these gentlemen candidates?—A. Upon the republican ticket.

Q. Do you know Mr. G. M. Walker, of this city?—A. Yes, sir.

Q. What is his occupation?—A. Cashier of the Union Savings Bank.

Q. In what capacity was he present on that occasion?—A. There was some discussion as to the best accountant in the city, without respect to any other qualification. We agreed first upon a gentleman employed in the railroad-office, but it was impossible for him to go, and I then called upon Mr. Walker, and after a good deal of solicitation induced him to come down, simply in the capacity of a man who is ready at figures.

Q. Simply as an expert and nothing else?—A. As an expert.

By Mr. LAPHAM:

Q. Do you remember whether the board assigned as a reason for discontinuing the examination of the precinct managers' returns that they could not complete the canvass within the time fixed by law if they followed through in that way an examination of all returns in the State?—A. I have not a distinct recollection of the reason being formally assigned in that way. It certainly was said by the board that they were taking too long, or something of that sort, and the chairman turned to me several times and objected to going on.

Q. Was it said that they could not complete it within the time fixed by law?—A. I do not collect anything of that sort being stated.

Q. When did the time fixed by law, within which they must complete the canvass, expire?—A. I would have to answer that question by speaking of that the board themselves stated as to their time; ten days is the time fixed by law.

Q. Do you know how near the expiration of the ten days this Monday when they completed the canvass was? Was it not the last day?—A. They began on the 10th, and the act gave them ten days. The explanation I wish to make is this: Pending the proceedings in the courts, when we went to the board they asked us our opinion upon this point.

Q. I prefer that you answer the question I have put.—A. I beg pardon; I only gave that explanation by permission.

Q. Do you remember which member of the board stated that they would not have time, or that they were using too much time?—A. I think it was stated to me by the chairman, Mr. Hayne.

Q. Did you hear the resolution, or did you hear a resolution, to the effect that Mr. Hayne would take no part in the canvass in which he was interested, and so with the other officers who were candidates?—A. There was such a formal resolution read and reported to us.

Q. And the committees were notified of that?—A. Yes, sir; that those members would retire.

Q. That each candidate for re-election would take no part in the canvassing of the votes in which he was interested?—A. Yes, sir; that was the purport of the resolution.

Q. How many counties are there in the State?—A. Thirty-three.

Q. And you, in the length of time you have stated, from late on Friday night, had only gone through with the count of six counties?—A. Yes, sir.

Q. The order of the court was confined to a canvass of the county commissioners' returns?

(Mr. Cochrane objects to the question on the ground that the order of the court speaks for itself.)

Q. Was there anything said as to what was the effect of the order of the court in limiting the exercise of the powers of the canvassing officers?—A. There was something said when we first went in as to the construction of the order which should be adopted. The order spoke of the "statements" forwarded by the county canvassers, and the county canvassers had sent forward not only their own statements, but also statements which had been sent to them by the managers, and the question was raised exactly what was meant by the term. The settlement of the question was really waived, and they went on with all the returns, indicating, however, an intention to return to the court the county canvassers' returns.

Q. Then there was a difference of opinion as to the effect of the order upon their action?—A. There was some discussion as to what the effect was, and then the settlement was waived.

Q. I think you stated that when you entered on the examination in the mode you describe, beginning with Abbeville, the canvassers said they would examine the managers' returns, and that if they found discrepancies they would, in addition to returning to the court the canvass from the county returns under the order, call the attention of the court to those discrepancies?—A. Precisely.

Q. Not as a part of their return, but as an independent suggestion?—A. The purpose of that was to submit to the court to construe its own order, and if it construed it to include both, then to let it do so.

Q. In the six counties examined there was no change made from the county returns in the results?—A. A good many discrepancies were noted.

Q. But no change was made in the county returns in the results arrived at by the board. They did not alter the results?—A. They discovered discrepancies and made notes in the margin.

Q. But did they change the county returns?—A. They did not alter them beyond noting the discrepancies in the margin.

Q. They determined the result to which the county returns brought them, and then made a note of the discrepancies?—A. Their purpose was not to determine anything at all. Their idea was simply to get these figures and return them, without making any determination at all.

Q. They arrived at the result?—A. Yes, sir; they added up the figures according to the county returns, noting in the margin the discrepancies from the precinct returns.

Q. You were not there at the conclusion of the canvass?—A. I was there at the conclusion of the canvass of the vote for electors. I was absent on Monday for a while, and returned just as they were coming out from the canvass.

Q. But when they ceased to canvass you were not present?—A. I was in the ante-room and went back, I think, when they announced the vote. I was off duty at that time, but I went in as they announced the last result.

Q. How long were you there on Monday?—A. I was there twice. I was there in the morning about 11 o'clock, and I returned in the afternoon.

Q. How long were you there in the morning?—A. Only about half an hour; returned afterward.

Q. And when you returned they had got through?—A. Yes, sir.

By Mr. LAWRENCE

Q. What time did the board finally adjourn?—A. It is hard for me to recollect the hour. I think it was some time in the afternoon. My recollection about Monday is less distinct because I was not attending to the matter on that day. It was only out of curiosity that I was there.

Q. You say the actual count commenced on Friday, the 17th of November?—A. Yes, sir.

Q. The period for commencing the canvass was the 10th of November, was it?—A. Yes, sir; for the meeting of the State board.

Q. What was done between the 10th and the 17th?—A. On the 10th we appeared before the board and made some inquiries as to the course of procedure which they were to take in the canvass. They then adjourned for some time to consider those questions. They met again on Saturday, and some other discussions took place. They adjourned again on Monday. On Monday they were served with some notices of proceedings in the supreme court of a prohibitory character.

Q. Monday was the 13th?—A. Yes, sir. On Tuesday we appeared before the board, and we adjourned to go into the supreme court. Wednesday and Thursday those matters were still pending in the supreme court. On Wednesday, I think, we appeared before the board and requested that they should go on with the count in a ministerial way, and they passed a resolution that they would do nothing further until the supreme court had decided.

Q. The supreme court then made an order against the board before they had commenced any canvass?—A. They passed a rule for them to show cause why writs of prohibition and mandamus should not issue.

Q. Was that rule made by the court before they had taken any step in the way of counting?—A. Yes, sir; it was taken before they had made any actual count at all.

Q. And before any determination was made as to how they would proceed to count?—A. O, no, sir; they had made several formal determinations, and upon that the proceedings were based.

Q. What sort of determinations?—A. We had presented demands, and they had thereupon presented formal resolutions.

Q. Of what character?

Mr. LAPHAM. Those are matters of record.

By the CHAIRMAN:

Q. Make the explanation that you desired to make before with regard to the ten days.—

A. It was with regard to the limitation of the time. At one of the sessions of the board (I think it was on Tuesday, when the board decided to go in to the supreme court and not to continue the count) they asked our opinion whether the days during which the proceedings continued in the courts would be included within the ten days fixed by law, or whether they would be excluded, and it was suggested upon our part they would be excluded; that it was analogous to other cases at law, and that, pending the prohibition of the court, the days were not to be counted, and the board, as we understood, assented to that.

By Mr. LAWRENCE:

Q. There is no provision in the statute which would exclude any time occupied by judicial proceedings, is there?—A. No, sir.

Q. If the board had delayed their final decision until a later period in the day on which they adjourned, and if they had been then interfered with in making a determination, would not the ten days fixed by the statute have expired before they could make any determination at all?—A. They did not propose to make a determination until Wednesday or Thursday following. They commenced on Friday, the 10th, but they made no determination on Monday, the 20th.

Q. On what day was it made, then?—A. What they called their determination was made, I think, on the Thursday morning following.

Q. I understood you to say that they adjourned finally on Monday, the 20th?—A. No, sir; they simply completed their count on Monday, the 20th, for the purpose of a return to the board, and they then again met in our presence, I think, on Thursday. They completed the count on Monday, and took two days for the clerical work of preparing their return.

By Mr. PHILIPS:

Q. Please state how the result of the vote is certified, whether to the governor or to the secretary of state.—A. It is certified to the secretary of state.

Q. Then, under your law, the secretary of state issues the certificate to the electors?—A. I can remember no provision authorizing the governor to join in the matter in any shape or form. The secretary of state certifies to all the State officers.

The CHAIRMAN. The officers were certified, as appears from the record, on the 22d.

By Mr. LAWRENCE:

Q. On what day in the proceedings was an order for contempt issued against the State canvassers?—A. I was absent from the city when those proceedings were instituted.

By Mr. LAPHAM :

Q. Was there more than one occasion when Mr. Conner made a protest when you were there ?—A. Yes, sir ; he made a good many protests, especially in regard to the Robbins precinct box, and a written protest was made.

Q. Was that filed with the board ?—A. They were all read before the board and handed to the clerk.

Q. Without attempting to give details, state, in substance, what was the objection to Robbins precinct.

By Mr. COCHRANE :

Q. Does that appear by the protest that was filed ?—A. Yes, sir.

Mr. COCHRANE. Then I object.

The chair overruled the objection.

A. The objection to the Robbins box was that it never had been sent to the county canvassers, and had not come to the secretary of state through the legal channel, but had been brought by a wholly unauthorized person, and had no business to be in the batch of papers returned to the State canvassers.

By Mr. BANKS :

Q. That it was not an official return ?—A. Yes, sir.

By Mr. LAPHAM :

Q. It was a question of irregularity ?—A. It was a question of the authenticity of the paper.

Q. There was no allegation in the vote itself ?—A. Yes, sir ; allegations of fraud were made. Explanations were asked for, and General Hagood arose and explained the manner in which it arose, and made direct allegations of fraud.

Q. It was on Friday, if I understand you, the first day of the count, that this question was asked, when you reached Beaufort County, whether that mode of canvassing should be continued further ?—A. Yes, sir.

Q. And Mr. Conner, or some one in behalf of your committee, desired to have it continued ?—A. Precisely.

Q. And it was continued further until they concluded Charleston County ?—A. Yes, sir.

Q. And that was the same evening ?—A. The same evening, Friday.

Q. Was it that evening that the board adopted the resolution to which you have referred ?—A. It was that evening, sir.

Q. Was it that evening that Mr. Conner filed the protest ?—A. It was immediately upon the adoption of the resolution, that same evening.

By Mr. LAWRENCE :

Q. Mr. Conner appeared as counsel for the democratic candidates ?—A. Yes, sir.

By Mr. COCHRANE :

Q. After the board had completed the six counties, and proceeded to count the balance of the vote by the county commissioners' returns, was any request made by yourself, or any one else representing the democrats, for an opportunity to examine the precinct returns remaining ?—A. On Saturday evening General Gordon came before the board and requested them to permit him to make an examination of the precinct managers' returns, and, while not taking them out of the custody of the board, to bring in a sufficient clerical force to copy them. The board, after considering the matter for a while, decided that they could not permit that use to be made of the returns until the canvassing was finished, when they said they would be filed in the secretary of state's office and would be public documents. They refused the request pending the count.

COLUMBIA, S. C., December 16, 1876.

JOHN T. RHETT sworn and examined.

By the CHAIRMAN :

Question. State your age, residence, and occupation.—Answer. I am 40 years of age, a lawyer by profession ; I reside in Columbia, and have lived here since I was twelve years old.

Q. Were you present at the time the canvassing of the votes cast at the last election was done by the board of State canvassers ? If so, in what capacity ?—A. I was, sir. Mr. Le Compte was associated with me, but from my being the senior, and for no other reason, I was more specially charged with that portion of the business on the democratic side than any other person. I made the arrangements with Mr. Hayne, after consultation with the other gentlemen, that there should be eight persons allowed to be present on either side. I

was present from first to last, as I considered myself more specially in charge of that branch of the matter than any other of the attorneys.

Q. Please state in your own way what occurred.—A. I am not very good about dates, but I will give you them as well as I can. We went there on the 10th. On each successive day, the five lawyers who were first requested to act on behalf of the democratic party went there and made the point which you will see published in the record that you have here. After we got the proceedings filed in the supreme court the board of canvassers and the supreme court were sitting at the same time, and, of course, we could not all attend in both places at the same time, so I was requested to get Mr. LeCompte to go with me, and any other gentleman that I could get, and to be specially in charge of the proceedings on the democratic side before the board of canvassers, until they got through, and then to join the other lawyers in the supreme court, which sat in the same building. I did so. We went there, and it was on Friday, the 17th, I think, that we went into a canvass of the returns. The vote for presidential electors was first taken up.

By Mr. COCHRANE :

Q. Between the 10th and the 17th was there any counting done?—A. No, sir. We laid our points before the board, as you will see by this record, but there was no counting done. Mr. LeCompte overlooked the papers in the returns. I staid on the floor; Mr. LeCompte generally stood by Mr. Hayne, the chairman of the board, to see that he read the returns correctly. When the canvass was commenced I was under the impression that we were only going into the county canvassers' returns. When they began with the first county in the State, the chairman of the board said that they would look into the precinct managers'. I was somewhat surprised. I asked them for the order of the court, looked at it, and had some consultation with some of the lawyers, who called my attention to the word "state-ments" there, and they came to the conclusion that we could very well go on, and we said nothing further about it to the board. They went on with them for, I think, six counties, commencing at Abbeville and ending with Charleston. They found, as you will see, a good many discrepancies. Mr. Hayne, who was constantly leaving the board and talking to me, came over and asked me whether they had not better stop this thing; that he thought the order of the supreme court only required them to go into the county canvassers' returns. I laughed and said something, and he asked whether I would consent. I just shook my head and said, "No; there is the order; you must follow it through." They went on, and at the end of the six counties, I think, we adjourned for supper. I thought they were going very slowly; I thought they were taking much more time than was necessary, and said so to the board before they adjourned. I laughed at the chairman about these managers' returns that they stood so much on at first, and I said to him that he had his elephant on his hands. "Well," said he, "I am going to try to make short work of it when I come back." They came back, and, after going into the count of Beaufort, I think, (I would not have remembered it if I had not heard Mr. LeCompte.) they asked us whether we would have any objection to stop the managers' returns and go on with the county canvassers' returns. This was after supper. General Conner was in and out while the supreme court was in session, and in the evening he would join us before the board; so he was present at this time. I had spoken to him in the mean time, and I replied to the chairman: "You have gone on with the thing, and I think you had better go through with it; we stand on the order of the court." He said he did not construe the order in that way. Said I: "You construed it so at first." He said that would take so much time that they never could get through the returns. That was his principal reason. This was a side conversation. I told him I was convinced that we could do it easily, if we would only level ourselves down to the work—commence a little sooner, and sit a little later, and work a little more steadily. They went on through Beaufort and Charleston, and then the board had some talk with each other, and they passed the resolution which Mr. LeCompte has mentioned here, limiting themselves to the county canvassers' returns. Before that time, after speaking to me, Mr. Hayne went back as chairman of the board and openly asked the democrats whether they had any objection to discontinuing, and General Conner said they had. This inquiry was made by the chairman officially. His conversation with me was aloud, but not official. After they passed this resolution and started with the next county, General Conner first made a verbal protest, and either the chairman or some member of the board suggested that whatever was done should be done in writing. We talked it over, and General Conner sat down and wrote a protest and arose and read it to the board. My impression is that that protest was published in the daily papers, possibly in the Charleston Journal of Commerce, on the day next succeeding. At all events, my recollection is perfectly distinct as to the fact of his making the protest first verbally and then reducing it to writing and putting it on the table. The board then proceeded with the county canvassers' returns, leaving out the managers' returns, and finished the canvass of the vote for the presidential electors on Saturday, I think.

Q. What time on Friday did you begin the canvass?—A. I think about one o'clock; but I cannot pretend to remember as to hours of adjournment.

Q. What length of time did you ordinarily adjourn for meals?—A. I think about two hours, certainly an hour and a half. We adjourned for dinner and we adjourned for tea.



Q. How many precincts are there in Charleston County?—A. I cannot remember that I left that to Mr. Walker; but you can find it in the statute. After this, I think General Gordon, who was there, made the request spoken of by Mr. LeCompte, that the board would allow our side to have the managers' return. That request was made verbally, but he afterwards reduced it to writing. He asked them to let him have it so that he could look over it on Sunday. When they adjourned one of the last things they did was that the chairman asked me very particularly where General Gordon staid, so that they could get an answer to him; and I came down and saw General Gordon and told him to expect an answer from the board. Whether he got one or not I do not know. He did not get the returns; that I do know.

By Mr. LAPHAM:

Q. According to your recollection, at what time was the canvass of the electoral vote completed?—A. I cannot pretend to say; I did not look at my watch.

Q. Was it before or after dinner?—A. I think it was before; but I would not put much faith in my impression on that point.

Q. It was Saturday before they completed the canvass of the electoral vote?—A. Yes, sir.

Q. When the persons representing the democrats there were asked by Mr. Hayne whether the order confined the board to the county canvassers' returns, the answer was, in substance, that he must construe the order himself, or act upon his own construction of it, you declined to give him an opinion on that subject by which he might be guided?—A. No, sir; I can't say that I remember anything of that sort.

Q. Did you express an opinion as to whether the order did limit them or not?—A. I expressed an opinion to my associates in private.

Q. Did you express any to Mr. Hayne or to the board?—A. I don't think I did; I don't think I was asked.

Q. I understood you to say that, in substance, it was stated to Mr. Hayne that the board must act on their own interpretation of the order of the court; that they must determine that for themselves?—A. I think you misunderstood me.

Q. Mr. Hayne asked the question whether the order did not confine them to the county commissioners' returns, did he not?—A. No, sir; I do not remember that he did; that conversation with me was a side conversation, not official.

Q. Well, he asked you?—A. No, sir; he did not ask me that.

Q. What was the question he asked you?—A. I have not said that he asked me any question.

Q. What was said by him about the effect of the order, as to whether it limited or did not limit them to the county canvassers' returns?—A. I made a remark about that myself.

Q. To whom?—A. To the lawyers who were associated with me in the matter.

Q. In the presence of the board?—A. Not in the presence of the board; aside.

Q. Was there anything said to the board by those representing the democrats there as to the construction of that order?—A. No, sir; certainly not by me. We said nothing officially. There was a good deal of talk all round.

Q. But the democrats there present did not say whether the order did or did not limit the board to the county canvassers' returns?—A. That may have been said; there was a good deal of conversation on the subject.

Q. You do not remember to have heard that said to the board?—A. No, sir; I do not remember anything being said officially to the board, if that is what you mean.

Q. Don't you know that the board were left to determine the construction to be given to this order themselves? In other words, was there any agreement there between those representing the republicans and those representing the democrats as to what the effect of the order was in limiting the board to the county canvassers' returns?—A. Well, sir, the board would necessarily have been left to themselves; they alone could judge; so I do not exactly understand you.

Q. I want to know whether that question came up there and was discussed before the board between those representing the respective parties?—A. No, sir; it was discussed between the board, and they said that they so construed the order, and that they intended to do it.

Q. To do what?—A. To go into the managers' returns; that they so construed the order.

Q. That was when they first began?—A. Yes, sir.

Q. They subsequently made an opposite statement, I understand you?—A. Exactly opposite.

Q. That they had concluded that they were limited by that order?—A. Yes, sir.

Q. Had there not in the mean time been anything said to them by either the democrats or the republicans there present as to the effect of the order?—A. Yes; a little joke. I told you that I laughed at Mr. Hayne about getting himself into a fix; getting an elephant on his hands.

Q. Was there nothing said aside from that joke?—A. No, sir; as soon as we got into the managers' returns—

Q. Was it not stated in the outset that whatever errors the managers' returns disclosed should be kept on a memorandum submitted to the board apart from the return to the order?—A. Yes, sir; separate, but to be sent up with them.

Q. They started with that intention?—A. Not to change the county returns, but simply to report the discrepancies, if any, between those and the managers' returns?—A. I don't know how far they construed their rights to extend.

Q. I am only asking whether it was not stated in the outset that they would make that classification of results, the county managers' returns by themselves, distinct, and the others by way of suggestion, if any variation was found?—A. Yes.

Q. There was no general canvass from the managers' returns. They only noted where they differed, if they did differ, from the county returns?—A. No, sir; it was a most thorough return.

Q. A full canvass from the managers' returns?—A. As far as they went, through the first six counties.

Q. Do you remember that there was a managers' return present and examined from every precinct in all those six counties?—A. No, sir; I remember very distinctly that there were several managers' returns missing, and some conversation occurred between the board and myself on the subject.

Q. That is, they were not found among the returns from the county?—A. They so said.

Q. Then there were missing returns in the first six counties they examined?—A. They so said.

By Mr. BANKS:

Q. You did not express an opinion as to the proper interpretation of the rule of the court?—A. No sir.

By Mr. PHILIPS:

Q. After this talk with the board about what was the proper construction of the order of the supreme court, the board did, as a matter of fact, proceed to canvass the managers' returns?—A. Yes, sir.

Q. And in those six counties they did canvass the managers' returns and made their estimate upon them?—A. Yes, sir.

Q. And then they stopped?—A. Yes, sir. I will say in explanation, that I expressed to the attorneys, my associates, the opinion that they should not have gone into the canvass.

By the CHAIRMAN:

Q. Was there any real difficulty within the time that remained even supposing that the returns had to be made on the 20th, and the canvass closed, in canvassing all those returns in the way they had begun?—A. No, sir.

By Mr. COCHRANE:

Q. Would they have had time to do it?—A. O, plenty, plenty of time; more time than was necessary.

Mr. BANKS. That is a matter of opinion. You do not know it of your own knowledge?

The WITNESS. Well, sir, I know it of my own knowledge of the six counties and all the counties canvassed.

Mr. BANKS. You think you could have done it, but you don't know that they could have done it?

The WITNESS. I think they could.

Mr. PHILIPS. You know as a matter of fact that they did canvass the six counties in the time you have stated, and you base your judgment as to the remaining counties upon that?

The WITNESS. Yes, sir.

Mr. BANKS. But you do not know that. It is really only a matter of opinion?

The WITNESS. It is only a matter of opinion, as I have said.

By Mr. ABBOTT:

Q. State whether the board and all of you there present agreed that Sundays were to be excluded from the ten days allowed by law?—A. If you mean in a formal manner, I do not know that they did.

Q. I do not refer to a resolution of the board, but I ask whether they came to that conclusion?—A. We were asked whether we thought so, and we said no. Mr. Hayne came and sat down by me and asked me whether it was my opinion as a lawyer that Sunday was a *dies non*, and I told him I thought it ought to be excluded.

Q. State whether, by consent all round, Sunday was to be excluded from the count?—A. There was no formal consent. It was so understood by us.

By Mr. COCHRANE:

Q. Was there a general understanding to that effect?—A. It was generally so understood by us, but there was no formal binding of themselves to it. It was understood that Sunday was not to be counted.

By Mr. BANKS:

Q. In what way was that understanding expressed?—A. I find some little difficulty in stating it. There was no formal resolution to that effect, but it was understood that Sunday was to be excluded.

By Mr. COCHRANE :

Q. The democratic counsel and the State board talked a good deal about excluding Sunday?—A. A great deal. We were asked our opinion about it.

Q. From the conversations which you had with the members of the board on that subject, you formed the idea that Sunday was to be excluded?—A. I undoubtedly did.

By Mr. BANKS :

Q. I ask you again, in what way was that understanding expressed?—A. By the various conversations that we had with the members of the board.

Q. In what way was that general understanding conveyed to the board? I will not press the question. It is difficult to answer, as you say.

By Mr. LAWRENCE :

Q. At what time did they commence counting those six counties?—A. I told you before that my memory is not very distinct as to the hour of the day, but I think it was about 1 o'clock on Friday, the 17th of November.

Q. What time was it when they completed the counting of the precinct returns for those six counties?—A. I can tell you only approximately; it was somewhere about 11 or 12 o'clock when we adjourned that night.

Q. What had been done up to that time?—A. I cannot tell you exactly.

Q. Had more than the six counties been counted?—A. Yes; I think there had been more than six counted.

Q. How many?—A. I cannot answer that question, sir. I had a clerk there whose business it was to keep count of that. If you will let me refer to memoranda I can tell you. I cannot pretend to state from memory the hours when we adjourned for dinner or supper, nor what we did, nor how far we went on one particular day.

Q. Well, they counted the six counties by the county commissioners' statements and the precinct returns; what I want to know is what time you got through with that work?—A. I know what you want to know, but I cannot remember.

Q. Was not a considerable portion of the time up to about 11 o'clock, the hour of adjournment, on Friday evening, taken up in counting the six counties in which the precinct returns were examined?—A. If you will say a considerable portion of that day I will say yes; but I cannot separate the work of the day from that of the night.

Q. That count was for seven officers only?—A. It was for the presidential electors, whatever the number is.

Q. Were there not more than fifty officers for whom the vote had to be canvassed before the final adjournment?—A. You can tell as well as I can. I never counted the officers; there was a good number of them.

Q. How many members of the house are there?—A. One hundred and twenty-four, I think.

Q. And how many State senators?—A. Thirty-three.

Q. How many other candidates for State offices were there?—A. I cannot recall all the officers without refreshing my memory.

Q. How many county officers were there to be canvassed by the State board?—A. They are all enumerated in that proceeding before the court. There were members of the legislature, clerk of the court, judge of probate, sheriff, county commissioners, and some school commissioners. That is all I can remember.

Q. Those were voted for in each county in the State?—A. Yes; but they were on one return. The presidential electors' return came up separately. All the rest of the officers came up on one return.

Q. Would this statement be correct, one hundred and twenty-four representatives, fifteen senators, and six State officers?—A. Counting the secretary of state and leaving out the governor and lieutenant-governor, there were six State officers.

Q. Were there ninety-six county commissioners?—A. Yes; three from each county.

Q. Five circuit solicitors?—A. Eight, I think.

Q. Thirty-two sheriffs?—A. Yes, sir.

Q. Thirty-two clerks of court?—A. Yes, sir.

Q. Thirty-two probate judges—

By Mr. COCHRANE :

Q. Do you know all this of your own knowledge, or are you only guessing?—A. I know nothing in the world about it except the law, but no doubt it is so.

By Mr. LAWRENCE :

Q. Thirty-two school commissioners?—A. One for each county.

Q. Now, the State board was required to canvass for all these officers within the time fixed by law?—A. Yes, sir; but they did not canvass for them separately, one after another, as you seem to think. They would read out each return, covering every officer in it. They did not take each one separately.

By Mr. COCHRANE :

Q. I believe it was conceded in the supreme court, subsequently, that there was no difference between the county officers' returns and the managers' returns, so far as members of the legislature were concerned?—A. Yes, sir; it was admitted in open court, and has been admitted ever since.

By Mr. BANKS :

Q. Mr. LoCompte spoke of several protests that were made during the proceedings before the board; were they argued?—A. They were the basis of our whole action, and you will find them as exhibits in the proceedings.

Q. Were they argued before the board?—A. Briefly; not elaborately argued.

By Mr. ABBOTT :

Q. Those protests were made previous to the 17th of November, were they not?—A. Yes, sir.

By Mr. PHILLIPS :

Q. They were made in writing and submitted to the board?—A. Yes, sir; for their ruling.

By Mr. BANKS :

Q. When were the demands that have been spoken of made?—A. The protests and the demands were one and the same thing.

Q. Did you say that they were argued elaborately?—A. No; I said they were not argued elaborately. They were argued when they wished to hear us.

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COLUMBIA, SOUTH CAROLINA, *December 18, 1876.*

GEORGE E. OSBORNE sworn and examined.

By Mr. LAWRENCE :

Question. What is your age and residence?—Answer. I am thirty-two years of age, and I reside in the town of Williston, Barnwell County.

Q. Were you present at any time on the day of the last presidential election at the Blackville precinct?—A. I was there on the 7th day of November last, when the election was held for presidential electors and State and county officers.

Q. State what you know, if anything, of ballots having been cast by voters at that precinct for Timothy Hurley, one of the republican candidates for elector?—A. Well, sir; I know that. I, as county chairman of the republican party, issued republican tickets on that day, and I was present at the polls, and of my own knowledge I know there were none of the republican tickets scratched. I saw myself fifteen or twenty voters go up in a line with the tickets I had given them and deposit those ballots in the box.

Q. State whether the name of Timothy Hurley was on those tickets?—A. It was printed on the tickets that I gave them; there was no scratching of the republican ticket at all.

Q. Where did you vote yourself on that day?—A. At that poll.

Q. For what electors did you vote?—A. I voted for Mr. Hurley, and for Winsmith, Cook, Bowen, and the other republican electors.

Q. Were you present at the canvass by the managers?—A. I was not.

Q. Were you at the county canvass?—A. I was not.

Q. State anything further that you know in relation to the conduct of the election at that precinct?—A. I will state this much in connection with Hurley's vote: that the supervisors of the precincts came to my room to get envelopes and stamps to forward their returns to the chief supervisor here, and the republican supervisor at Blackville called my attention to the fact that Hurley's name was left out of the return, and I told him he had better go to Mr. Bellinger, the democratic supervisor—

Mr. ABBOTT. Is this testimony about what the witness was told by somebody?

The WITNESS. I give it only as what the supervisor stated to me.

Q. You don't know of your own personal knowledge?—A. No, sir; I do not.

Q. State anything you know of the conduct of the election at that poll, if there was anything peculiar about it?—A. Nothing that I know of my own knowledge, only what I have already stated, that I know there was a large republican vote polled there, and that they were all surprised after the canvass to find out that—

The CHAIRMAN. That is hardly testimony.

Q. Were you at any other poll than that one that day?—A. Yes, sir; Midway.

Q. What time?—A. I went down on the 11 o'clock train, and reached there between 12 and 1 o'clock. I staid there until the train returned, about half past one. I was there about an hour, I suppose.

Q. State if you have any knowledge of any violence at any of the voting-places, or of any persons being deprived of the right to vote?

Mr. COCHRANE. I object. This matter has been referred to a subcommittee, and it is in no way responsive to any testimony which has been offered by the majority, and I object to going into the question of intimidation at this time.

The CHAIRMAN. The understanding was that the testimony offered at this time on the part of the republicans was to be only responsive to that of the democrats already on record.

By Mr. JONES:

Q. How long have you lived in Barnwell County?—A. Six years.

Q. Where were you born?—A. In Charleston, South Carolina.

By Mr. PHILIPS:

Q. You say you were not present at this Blackville precinct all day?—A. No, sir.

Q. How long were you absent from that precinct?—A. I could not tell exactly the time between the trains. I think the train takes about an hour to run down to Midway, and it is about an hour before it gets back. I suppose about three hours altogether.

Q. You were absent, then, three hours?—A. Yes, sir; from 11 o'clock until some time after 3.

Q. You were not present when the ballots were counted by the precinct managers?—A. No, sir.

Q. Nor when the precinct managers' returns were canvassed by the county commissioners?—A. No, sir.

Q. Then how are you able to state that none of the republican tickets at that precinct were scratched?—A. I said to my own knowledge. I could not say that there were none scratched, but to my knowledge.

Q. You were absent three hours during the day?—A. Yes, sir.

Q. You did not see the ballots inspected after they were deposited in the box?—A. No, sir.

Q. Then, so far as you have any personal knowledge, numbers of the ballots which you distributed there might have been changed by the electors?—A. They may have been, sir. As I stated, there were fifteen or twenty that I marched up and voted myself that I know were not changed.

Q. Had you any personal knowledge of any of those fifteen or twenty that you took up?—A. No, sir; of course no more than distributing the tickets.

Q. Then, the extent of your information is the distribution of the tickets, which were intact when distributed, containing the names of all the electors?—A. Yes, sir.

Q. Whether they were afterwards changed or not, you cannot state of your own personal knowledge?—A. No, sir.

By Mr. COCHRANE:

Q. Be kind enough to give me the names of the several republican electors.—A. C. C. Bowen, John Winsmith, Timothy Hurley; I think it is Johnson Cook—I know it is Cook; Green—I don't know whether it is Samuel—I can't remember all the initials, because some of them I do not know. There were Cook, Green, and Myers, I think. It is Myers instead of Green; that is it.

Q. Are you sure of that?—A. Yes, sir.

Q. Are you sure there was no elector by the name of Green?—A. Yes, sir; I am. I think so. I am not positive it is Myers from Colleton. I don't know the men positively.

Q. You are not able to swear positively that there was not an elector by the name of Green? What others were there?—A. There were seven of them. I cannot recollect all their names. There is Hurley, Cook, Winsmith, Bowen, Myers, Nash. The others I cannot think of.

ROBERT A. SISSON sworn and examined.

Question. What is your residence?—Answer. Blackville, Barnwell County.

Q. Your age?—A. Thirty-two.

Q. Occupation?—A. I am reading clerk of the State senate.

Q. Where were you on the 7th of November last, the day of the presidential election?—A. At Blackville.

Q. How long were you there?—A. I was there all day as one of the board of managers, conducting the election.

Q. State who were present when the tickets were canvassed by the board of managers of that precinct?—A. The tickets were counted. I kept the tally myself.

Q. State what you know, if anything, as to whether the name of Timothy Hurley was on the tickets which were cast at that precinct on that day.—A. Yes, sir; they were on all the republican tickets. I voted for him there myself, and so did every other republican who voted at that box.

Q. How many republican votes were cast?—A. 696 I think was the number of votes that the republican electors received; 695 or 696.

Q. How many votes did Hurley have?—A. Mr. Hurley had the same number of votes that the rest had, but the name was left off by mistake. I kept the tally, and my tally agreed with the democratic tally for everything, from governor down.

By Mr. LAPHAM :

Q. Mr. Hurley's name was left off where?—A. In the summing up the vote of that precinct.

Q. In the managers' return, you mean?—A. Yes, sir; the managers' return.

By Mr. LAWRENCE :

Q. Was it left off in the tally?—A. No, sir; it was in the tally.

Q. Why was it left off on the managers' return?—A. Well, I think it was purely a mistake. I was absent just at that time, between that and five o'clock in the morning, and the democratic supervisor, Mr. Bellinger, made out the list for the two managers, and instead of writing seven names he just wrote six. I do not think he did it with any intention of fraud or anything of that kind. In the return that he made to the chief supervisor of elections the vote for Hurley is given the same as the rest, so that proves that he could have had no intention of leaving it out fraudulently.

Q. It was a mere accident?—A. Yes, sir; he is a gentleman who would not descend to any trick of that sort, although he was deeply interested in having Tilden elected. It was a pure mistake. If it had not been a mistake he never would have made a report to the chief supervisor of elections giving Hurley the vote; and I think if he were summoned he would testify the same way.

Q. You were not at the canvass, I suppose?—A. No, sir; I was not present at that time.

Q. Were the tickets that were used printed tickets?—A. They were printed tickets.

By Mr. LAPHAM :

Q. By whom were they furnished for that poll?—A. By the State executive committee. They were furnished in regular form as they always are.

Q. They were all one print?—A. Yes, sir; we had only one regular ticket, a red ticket.

By Mr. LAWRENCE :

Q. Have you a copy of the ticket?—A. No, sir; I have not.

By Mr. LAPHAM :

Q. Is there not one in the city?—A. I presume there is.

Q. See if you can get one.

[The witness produced one for Richland County, which he says is the same as that for Barnwell, but he was instructed to produce one for Barnwell County.]

COLUMBIA, S. C., December 18, 1876.

L. W. MIMMS (colored) sworn and examined.

By Mr. LAPHAM :

Question. Where do you reside?—Answer. Rosemary Township, Barnwell County.

Q. What election-precinct?—A. Robbins.

Q. Where were you on the day of the election?—A. I was United States deputy marshal at Robbins precinct.

Q. Where were you that day?—A. I was there at Robbins.

Q. What is your age?—A. I was born in 1849.

Q. What time did you go to Robbins that morning?—A. I arrived there about half after six o'clock. I suppose it was about that time of day.

Q. Where was the poll to be held?—A. In the railroad depot.

Q. When you reached there were there many people there?—A. Right smart of them was there when I got there.

Q. Who were they?—A. Pretty much all the white people that did come was there when I got there.

Q. You found them there when you got there?—A. Yes, sir.

Q. Where were they?—A. They was around the depot and about there in the place.

Q. What time did they commence voting?—A. They commenced voting about the same time that I got there, or a little afterward.

Q. Was there any time that the voting was interrupted?—A. Yes, sir.

Q. About what time in the forenoon was it?—A. About twelve o'clock in the day, to my judgment.

Q. How was it interrupted?—A. About that time of day there was some firing commenced in the woods. I was on the north side of the depot, and the firing commenced on the south side.

Q. Firing in what direction?—A. Right toward the depot.

Q. The building?—A. Yes, sir.

Q. Had you seen any guns before you heard the firing?—A. No, sir; I never saw any at all. When the firing commenced I ran up on the railroad to see who it was. I heard balls striking the house, and I thought it was inside the depot, probably, and I ran up to command peace.

By Mr. COCHRANE:

Q. You ran up where?—A. I ran up the railroad to keep the peace. At that time I discovered that the firing was done by some parties in the woods.

By Mr. LAPHAM:

Q. You ran up where?—A. I saw one man dodging behind a stump. I did not know who he was, but it was so rapid at that time that I ran back.

Q. What was so rapid?—A. The firing.

Q. Was he a white or a colored man that you saw?—A. A white man.

Q. Go on and tell the story in your own way.—A. In a few minutes all the white men was armed. They ran off about twenty yards from the depot in a little store. I asked them to please be peaceable, and I deputed fifteen of them to assist me in making the arrests of those rowdies in the woods.

Q. The men who were there at the poll?—A. Yes, sir.

Q. When you made that order or request, what occurred?—A. All of them refused; none heard to me at all.

Q. What did they say?—A. One said, "God damn it, wheel to the rear; they will fire on us back here."

By Mr. BANKS:

Q. What did you hear this one man say?—A. He said, "Wheel to the rear; they will fire on us in the rear." Their faces was towards the firing in the woods, a great many of them, and a great many of them was towards the colored voters.

By Mr. LAPHAM:

Q. What next occurred?—A. One of the white men standing there said to the rest of the democrats that was a short distance off, "All of you come here and go to that house yonder and get your guns and come here, and all you God damned republicans stand back," was his expression.

By the CHAIRMAN:

Q. You heard that yourself?—A. Yes, sir; I was right there. That was after I had commanded peace.

Q. What did they do?—A. Some of them went—pretty much all of them—and they was yet a going when I left there. I found out that times was pretty dangerous there; I saw they would not hear to what I said, so I rode off about nine miles to the lieutenant of the Federal troops at Milletts.

Q. For what purpose did you go there?—A. I went there to tell them to come up there and assist me in keeping the peace.

Q. What was the result of that action?—A. He told me that he had an attachment to stay there, and he could not render me no assistance whatever at that time.

Q. What did you then do?—A. I then telegraphed to Captain McLaughlin, at Allendale, to send up some troops on the next train.

Q. Where did you go then?—A. I came back to Robbins again.

Q. How long were you gone from Robbins?—A. I suppose it was not probably over two hours and a half at the outside. I rode, and I loped all the way there.

Q. You rode there in a gallop?—A. Yes, sir.

Q. And rode back the same way?—A. Yes, sir; the same way.

Q. What time was it when you got back to Robbins?—A. I could not tell that; I had no time-piece with me.

Q. Did you find the white men there when you returned?—A. All the white men and colored men both had dispersed. The colored men had gone off between a quarter and a half mile, and was taking votes out there.

Q. The white people had disappeared?—A. Yes, sir.

Q. Did you notice whether the colored people had the same ballot-box or another one?—A. Yes, sir; I particularly noticed that; they had another box.

Q. Do you know what became of the box they were using in the morning?—A. No, sir. They left it right there in the depot, I suppose.

Q. Did you see it?—A. No, sir; I only saw the managers, and they told me they left it there.

Q. Who left it there?—A. The managers.

Q. But what became of it; do you know?—A. No, sir; I do not.

Q. Have you ever seen it since that?—A. No, sir; I have not.

Q. Who were the managers? Give their names.—A. J. W. Allen and B. K. Motte were the managers when I got there, and William Bush.

Q. Do you remember who the tally-clerk was?—A. B. K. Motte was acting as clerk and supervisor both, I believe.

Q. Who were acting as managers where they were voting when you got back?—A. They were acting when I returned.

Q. The same persons; were they all there?—A. No, sir; the white managers were not there.

Q. How many white managers were there?—A. I don't know that. There was one there that morning by the name of Dr. Wallace.

Q. I speak of the officers of election.—A. J. W. Allen and William Bush, I say, and B. K. Motte.

Q. Who were acting in the morning when they began voting?—A. Mr. Allen and Mr. Motte, the supervisor, and Mr. Bush.

Q. The same persons, then, were acting when you got back?—A. Yes, sir.

Q. Was there a Mr. Morton there in the morning?—A. No, sir. If there was, I was not acquainted with him.

Q. Did you see anything more of the white people that day?—A. No, sir; only some of those that voted there in the morning came on behind me to Millett's, and repeated there again, claiming that the box at Robbins was destroyed and their votes with it, and that they had a right to another vote. That occurred under my observation.

Q. That you saw?—A. Yes, sir.

By Mr. LAWRENCE:

Q. White men or colored men?—A. White men.

By Mr. LAPHAM:

Q. How many of them?—A. I declare I don't know.

Q. How many of them followed you to Millett's?—A. That I don't know. They came on behind me; while I was waiting for an answer to my telegram they came up.

Q. How many white men did you see with arms at Robbins before you left?—A. I could not tell you exactly.

Q. About how many should you say there were?—A. I would suppose there were about forty; between forty and fifty.

Q. What kind of arms?—A. Some of them had a gun and a pistol both, and all of them had guns.

Q. What kind of guns?—A. Some was double-barrel guns; I don't know what sort the others was; single-barrel, but I don't know whether they were sixteen-shooters or not, exactly.

Q. Were they rifled guns?—A. They were single-barrel guns, but I can't tell whether they were rifles or not.

Q. These shots that were fired at the depot, what were they—bullets or shot?—A. They was bullets, and went clean through and through the depot. One ball burned the edge of my hat-brim. It just hit the edge of my brim, as I was passing around.

Q. You mean that it went through the building and then hit you?—A. Yes, sir; it went clear through. It struck the south side and went clear through the north side.

Q. Through both sides?—A. Yes, sir; through both sides.

Q. About how many votes had been cast at Robbins before the firing began?—A. I could not tell you exactly.

Q. About how many?—A. I could not tell you that either. I have no knowledge whatever of the votes that was polled. There was a large number of people there; a great many had voted and a great many had not voted.

Q. Can't you give an estimate of how many had voted? Your opinion is what I want.—A. I cannot give you an accurate account of how many was polled.

Q. Can you state whether a large or a small number had voted?—A. A large number had voted at that time.

Q. Had people voted and gone away to their homes?—A. Yes, sir; some few had.

Q. How long have you lived in Robbins Parish?—A. I was born in Barnwell County.

Q. How long have you lived in that precinct, in that town?—A. I never did live in the precinct, but I was appointed a marshal for that precinct that day.

Q. Well, you have always lived in that county?—A. Yes, sir.

Q. How long have you known the Robbins precinct?—A. I have known it for seven or eight years, I suppose.

Q. Have you voted at it all those years?—A. Yes, sir.

Q. What is the usual number of votes at that precinct?—A. I could not tell you that either.

Q. You can tell whether it is 50 or 100?—A. O, it is more than that.

Q. About how many?—A. I declare I could not tell exactly; but I reckon somewhere about, generally, four or five hundred; maybe more than that; I could not tell.

Q. Is it a republican or a democratic town?—A. Republican.

Q. A large majority?—A. Yes, sir; a large majority.

Q. Do you know the Calnan's Fair precinct?—A. Yes, sir.

Q. There was no election held there?—A. None at all.

Q. Did you see voters from Calnan's at Robbins?—A. Yes, sir; that is the precinct that I lived in.

Q. Do you know why an election was not held at Calnan's?—A. No, sir; not exactly.



- Q. You know there was none held there that day?—A. Yes, sir.
- Q. And the electors you advised to go to Robbins?—A. Yes, sir.
- Q. How many did go there to your knowledge?—A. I don't know; I could not tell you.
- Q. Do you know that numbers went there?—A. Not from Calnan's, sir. I don't know all of them.
- Q. Do you know that a good many went there?—A. O, yes, sir; I know that a great many went there; pretty much all of them.
- Q. Did you stay at Robbins until the vote was counted in the evening?—A. No, sir.
- Q. You don't know what the result was?—A. No, sir.
- Q. What did you hear any of the men having arms say before you went away to Millett's?—A. I heard them tell the voters that morning if they didn't vote with them that they would make them vote with them.
- Q. What voters did they say that to?—A. The democratic voters said that to the republican voters.
- Q. To the colored people?—A. Yes, sir.
- Q. Give their language.—A. That if they didn't vote with them that they would make them vote with them.
- Q. Was that all that you heard said?—A. That was what I took account of.
- Q. How many guns in all were fired before you left, should you think?—A. Not less than ten and not over sixteen.
- Q. Could you not tell by the report whether they were shot-guns or rifles?—A. They were rifles.
- Q. What is your business? What do you do for a living?—A. I farm. I have been a farmer all the while, and teaching school awhile; teaching for two years and farming the balance. I am a farmer by trade.
- Q. Do you own or hire land?—A. I have land of my own.

By Mr. PHILIP'S:

- Q. How old do you say you are?—A. I was born in 1840, the last day of February.
- Q. You say you did not live in Robbins precinct?—A. No, sir; I live in the adjacent precinct, though, Calnan's Ferry.
- Q. Who appointed you deputy United States marshal?—A. Mr. Frank H. Eaton, the United States marshal.
- Q. Where does he live?—A. He is appointed for Barnwell County, I suppose. I don't know where his residence is.
- Q. When were you appointed deputy marshal?—A. On the 17th day of October.
- Q. Have you got your commission with you?—A. Yes, sir.
- Q. Show it.
- [Witnesses produces it.]
- Q. Who directed you to attend Robbins precinct?—A. I don't know exactly now, but they asked me to go up there.
- Q. Who asked you to go up there?—A. Some of the republicans in the county.
- Q. This man who appointed you deputy did not direct you specially to go to Robbins?—A. No, sir; only to attend anywhere in the county.
- Q. Why did you not attend in your own precinct? Was there any other person appointed there?—A. There was another marshal appointed in that same precinct.
- Q. Then there were two deputy marshals appointed in the precinct?—A. Yes, sir.
- Q. Was there any deputy appointed in Robbins?—A. None at all, sir.
- Q. What time of the day was it when this disturbance occurred at this depot?—A. I suppose about 12 o'clock in the day.
- Q. They had been voting, then, all the forenoon up to that time?—A. Yes, sir.
- Q. About how many people were at that depot through the morning?—A. I cannot tell you that.
- Q. Some of the parties who had voted had left?—A. Some few of them, I suppose, had gone. I am not certain that there was over three of them. I am certain there was three gone, but I am not sure there was over that; I was acquainted with those three, and know that they left.
- Q. Did any of the colored men vote and leave?—A. Those three colored men that I speak of had voted and left.
- Q. Then you can call to mind only three voters who had left in the forenoon?—A. Only three.
- Q. All the others remained there?—A. I am not certain but there was more than that; I don't know. I am certain there was three gone, but there may have been more.
- Q. About how many white men were there that forenoon?—A. I could not tell you.
- Q. About how many colored men were there that forenoon?—A. I could not tell you that.
- Q. Can you approximate the number that were there that morning?—A. Yes, sir; I can about fifty whites, I would suppose; not over fifty-five.
- Q. About how many blacks were there before that disturbance?—A. There was a large number; I suppose there was some six or seven hundred of them. They was still coming in when I left there. I met a great many going there when I was going to Robbins.

Q. How many?—A. A good many. I did not stop. I was in a lope.

Q. You met some parties passing in the road?—A. Yes, sir.

Q. Were they alone?—A. No, sir; I would meet four or five in a gang, and then I would go along and meet two or three more.

Q. Do you suppose you met as many as a dozen that morning going there?—A. Yes, sir.

Q. About how many?—A. I suppose there was about a dozen; I am not certain there was any more than that.

Q. You were in the depot at the time this firing occurred from without?—A. No, sir; I was outside of the depot.

Q. Who was with you at the time the firing occurred?—A. There were a large number of them all around me every side.

Q. Where were these white men that were there; were they inside or outside the depot?—A. No, sir; there was but a few in the depot, if I am not mistaken.

Q. How were the ballots handed in?—A. At the window.

Q. They handed ballots in at the window to the judges of the election?—A. Yes, sir.

Q. The managers of that election, you say, were two black men and one white man?—A. Yes, sir.

Q. What were the names of the two black men?—A. One of them was named Allen, and the other one was named Bush, and the supervisor was named Motte. The white man's name was Dr. Wallace.

By Mr. COCHRANE:

Q. Who were the colored managers?—A. Allen and Bush. Motte was the supervisor.

By Mr. PHILIPS:

Q. Who acted as managers at this box that was taken down in the woods?—A. Those colored men acted.

Q. Who was the third man?—A. Mr. Motte; he was supervisor and acting as clerk for all of them, being the best penman.

Q. Who acted as supervisor down at the other box?—A. He was; he was acting as clerk for the managers, and he was supervisor, too.

Q. Then he was acting both as clerk and supervisor?—A. Yes, sir.

Q. Both at the depot and down in the woods?—A. In the woods.

Q. Then there were two managers of election down in the woods besides this man?—A. Yes, sir; I call it woods; it was a little old school-house down right off the wood,—bushes grown up all around it.

By the CHAIRMAN:

Q. There was no school kept there?—A. No, sir; there has been a school there in time past for the colored people.

Q. Not of late years?—A. Yes; there was a school taught there the year before last, I think.

By Mr. PHILIPS:

Q. Who acted as clerk at the depot?—A. A. M. Turner.

Q. Was he colored or white?—A. White.

Q. How many supervisors were at that depot; there was another supervisor besides Motte, was there not, at the depot?—A. Yes, sir; I believe there was; Mr. Wood, I think, his name was. He was the conservative supervisor.

Q. Was he at the school-house?—A. No, sir.

Q. About how far is this school-house in the woods from that depot?—A. It is between a quarter and a half mile, I suppose. It is not very far, I know that.

Q. Is it surrounded by woods?—A. Yes, sir; there are woods all around it.

Q. What time in the day was it when you got back from this point where you went to send this telegram?—A. I had no time-piece, but it was in the afternoon, some time.

Q. Was it as late as 3 o'clock?—A. I don't know; I suppose it was about that time of day, I am not certain.

Q. You went from there to the depot and from there up to the school-house?—A. Yes, sir.

Q. How came you to go up to the school-house?—A. I saw some of them, and they told me they was taking votes down there.

Q. Whom did you see there?—A. I don't know. He was a colored man. I was not acquainted with him. I asked him where they had gone to, and he told me they had gone down to that school-house.

Q. When you got there, what were they doing?—A. They were voting.

Q. How long did they vote after you got there?—A. I staid there an hour, I reckon.

Q. Were they pretty well through when you left?—A. They was voting right on when I left.

Q. How many people did you see down at that school-house?—A. There was a good many of them.

Q. How many?—A. I could not tell; I don't know.

Q. Give us your best judgment of the number you saw at that school-house?—A. I could not tell. There was a large number.

Q. You can give some judgment about it as you did about those at the depot?—A. No, sir, I could not tell; only I know there was a large number of them there when I arrived.

Q. Have you no opinion about it?—A. No, sir; I could not tell. They was down there taking in votes when I got there, and when I got there, if I am not mistaken, the managers told me—

By Mr. COCHRANE:

Q. Were there a thousand men there?—A. I don't know.

Q. Eight hundred?—A. Yes, sir; I suppose there was that many there, maybe over that; I cannot tell.

By Mr. PHILIPS:

Q. What is your best judgment as to the number of men there?—A. I don't know, sir.

By the CHAIRMAN:

Q. Were there more men there than there were around the depot?—A. Yes, sir; a great deal more men there, I suppose, than was around the depot. I know there was a great many more. They was a coming in, and all the others that was there before had gone up there.

By Mr. PHILIPS:

Q. Were there any white men up there?—A. No, sir; I never saw a white man there. I met about twenty of them coming down toward Robbins when I was going there.

Q. Was any one distributing ballots there?—A. Yes, sir; they was distributing the republican ballots.

Q. Was there more than one distributing ballots?—A. Yes, sir, there was two or three; I was not acquainted with them, and, in fact, did not take much account of them.

Q. This place where you say no election was held is called Cainan's?—A. Yes, sir.

Q. About how many voters usually vote at that precinct?—A. Two years ago (I was a manager there at that time) there was 217 voted there, if I am not mistaken.

Q. And this Robbins precinct voted generally, you think, perhaps four or five hundred?—A. Yes, sir.

Q. You don't know all the voters at Cainan's precinct, I suppose?—A. No, sir.

Q. Do you know about all of them in that precinct?—A. No, sir; I am not acquainted with them all; I am acquainted with the larger portion of them. They move in and out.

Q. Can you state about how many men from Cainan's precinct you saw there that day?—A. No, sir.

Q. Did you see voters there from any other precinct?—A. Yes, sir; I saw some from Red Oak precinct that I was acquainted with.

Q. How many men did you see from Red Oak precinct?—A. I saw some eight or ten that I was acquainted with from Red Oak.

Q. Did you see any from any other precinct?—A. Yes, sir; some of them were from Millett's.

Q. How far off is that?—A. It is nine miles. The edge of the precinct is about four miles, but the voting-place is about nine.

Q. How many men from Millett's did you see?—A. There was some eight or nine that I saw there that I was acquainted with.

Q. Did you observe any trouble there that forenoon before you heard the firing?—A. Yes, sir.

Q. What did you see?—A. Only just that the republicans was in the majority, and it seemed that the democrats didn't like it much, and when the firing commenced I was in the act of sending down to the lieutenant to send some assistance to help to keep the box.

Q. Was there any attempt to take the box?—A. No, sir, no attempt whatever; but we was afraid of it.

Q. Were they going up and voting all the morning?—A. I saw no attempt whatever to take the box.

Q. Had you seen any arms that morning before this firing?—A. No, sir.

Q. How far off was this firing in the woods?—A. Between 75 and 100 yards, I reckon.

Q. You have stated that you did not see the men that fired in the woods?—A. Only one.

Q. That is as you went up the railroad?—A. Yes, sir; just as I jumped on the railroad.

Q. Did you recognize him?—A. No, sir.

Q. You say you heard not less than ten nor more than sixteen shots?—A. Yes, sir.

Q. Did you see any arms there on any of the colored men?—A. None at all, sir; not as much as a pistol.

Q. Didn't you see any of them with a pistol at all?—A. No, sir; not a man.

By Mr. COCHRANE:

Q. Do you know of their having arms in the neighborhood?—A. Such as shot-guns?

Q. Yes.—A. Yes, sir; some of them have shot-guns in the neighborhood.

By Mr. LAPHAM:

Q. By "neighborhood" you mean where they lived, I suppose. You do not mean that they had them there at the polling-place?—A. No, sir.

By Mr. COCHRANE :

Q. What do you mean by the "neighborhood?" Did they have them in the neighborhood of the polling-places?—A. At their houses. You asked me did I know any of them in the neighborhood have any arms—pistols and shot-guns. There was a gentleman that lived on Mrs. Ashley's place I knew had a shot-gun; but he did not have it at the precinct.

Q. Did you know of others having arms?—A. Not at the precinct. In fact, I know that they did not have them.

Q. Near the precinct?—A. Yes, sir. I know of them having shot-guns; but I did not—

By Mr. PHILIPS :

Q. You had a pistol yourself, had you not?—A. No, sir; I had none. I went there without. I did try to borrow one, but could not get it.

By Mr. COCHRANE :

Q. Did the colored men have sticks in their hands?—A. No, sir.

Q. Are you sure about that?—A. Yes, sir; I am sure. There might have been one or two that had sticks.

Q. How far off was this lieutenant to whom you applied for assistance camped from the Robbins depot?—A. Nine miles.

Q. Was that the place to which you went down to telegraph?—A. Yes, sir.

Q. That was the nearest place, was it?—A. Yes, sir.

Q. You speak of conversations between the democrats and republicans there that morning about voting. Was that conversation between the white and the colored men any more than an ordinary solicitation to vote the democratic ticket? Did not the white men try to persuade the colored men to vote the democratic ticket?—A. Yes, sir. This man seemed to be mad, and he told them if they did not vote with them, they would make them do it.

Q. Was he then holding an argument about how they should vote?—A. He was talking to a good many of them around.

Q. What time of day was it?—A. I reckon it was an hour or two hours before the firing commenced.

Q. Was there more than one white man engaged in that conversation?—A. The rest of them sat around there, but there was no one engaged in it but him.

Q. What was the name of that white man?—A. If I am not mistaken, his name is Wood.

Q. Do you know his Christian name?—A. No, sir. I took it that day, but I have not got it here.

Q. Have you got his name preserved anywhere?—A. Yes, sir.

Q. Where?—A. I think it is at home somewhere. His name is Wood.

Q. Where does he live?—A. In that precinct.

Q. Where is his post-office?—A. Robbins.

Q. What aged man is he?—A. I cannot tell you.

Q. Have you no idea?—A. He was not an old man.

Q. Was he a young man or a middle-aged man? Can you form no idea about his age?—A. I declare I could not tell you. I suppose he might have been about thirty years old.

Q. Is he a man of family?—A. I don't know whether he has any family or not.

Q. How long have you known him?—A. I just got acquainted with him that day. I would not have done so had he not said that to those parties. I told him that was intimidation, I thought, and I was going to see after it.

Q. Had you never seen him before that day?—A. No, sir. I don't think I ever saw him before. I was acquainted with his brother, but not with him.

Q. Where does his brother live?—A. About half or three-quarters of a mile from Robbins Station.

Q. What is his brother's name?—A. William Wood.

Q. Was he present at this conversation?—A. No, sir. He was a supervisor.

Q. Then a supervisor?—A. Yes, sir.

Q. Did he hear this conversation?—A. No, sir. He was in the depot.

Q. Can you give me the name of any white man that heard that conversation?—A. No, sir.

Q. How many white men were standing around him at that time?—A. Three or four, I think. They all collected together to hear his argument; nothing more than that.

Q. Was he having an argument with the colored men?—A. Yes, sir; with the colored men.

Q. How many?—A. A good many of them.

Q. How many were present?—A. O, I could not tell you. They were all around him, on every side, listening to him.

Q. How many colored men were participating in the conversation?—A. He was talking to the whole of them—the whole group.

Q. Were they talking about voting?—A. No, sir. They were just there listening to what he said.

- Q. Didn't you hear them say anything?—A. No, sir. He was just talking to them; they were listening.
- Q. How did he know how they were going to vote?—A. Because he had the democratic tickets in his hand.
- Q. What did they say?—A. No, sir. He refused to take the tickets.
- Q. What did they say? Didn't they say anything?—A. I took no account of what they said.
- Q. When you interferred did the conversation cease?—A. No, sir. This white man kept on talking. I never interferred with him at all.
- Q. You said something, did you not?—A. No, sir; I never said a word to him.
- Q. Did you not just state here that you went up there to stop him?—A. No, sir.
- Q. Did you not say that you asked him his name?—A. No, sir; I didn't say that I asked him his name.
- Q. Whom did you ask?—A. I asked these parties that he was talking to.
- Q. What did they tell you?—A. They said it was Smith.
- Q. What did you say then?—A. I said to them that I thought it was intimidating the voters and I was going to see after it.
- Q. Did you tell Mr. Wood that?—A. No, sir; I just told them.
- Q. You went off and left them?—A. Yes; he went off just before I did and then I left.
- Q. Where did he go, around in the county?—A. I don't know. I did not watch him any more.
- Q. Where did you go?—A. I don't know, sir; I went around among them. I went off to no place, but staid there among them.
- Q. You say you are a farmer and a school-teacher?—A. Yes, sir; I taught school two years, but I am a farmer.
- Q. When and where did you teach school?—A. In Rosemary Township, Barnwell County.
- Q. A public or private school?—A. Public.
- Q. What did you teach in that school?—A. Reading, writing, and spelling.
- Q. Was that a colored school?—A. Yes, sir.
- Q. You say you live on your own land?—A. Yes, sir.
- Q. How much land have you?—A. I have 65 acres.
- Q. How long have you owned it?—A. Well, I built on it in 1871; I made a bargain for it, I think, in 1870.
- Q. Is that a thickly-settled neighborhood that you live in?—A. Yes, sir; pretty tolerably thickly.
- Q. Is Robbins as thickly settled as your neighborhood?—A. Thicker.
- Q. How much?—A. Right smart thicker.
- Q. Is there any town there at Robbins?—A. No, sir; just a little place called Robbins Station. There is four or five houses there, and two or three stores.
- Q. The colored people through that neighborhood generally have arms, have they not?—A. No, sir; no arms more than shot-guns. I know one or two who have shot-guns, for I saw them hunting not very long ago.
- Q. Do you know whether they have pistols or not?—A. No, sir; I do not.
- Q. You do not live in that precinct?—A. No, sir.
- Q. How far do you live from Robbins?—A. About nine miles.
- Q. You do not go to Robbins very often?—A. Not very often. I was engaged in taking the census of that township last year. That makes me know as much about it as I do.
- Q. This white manager, Wallace, who was at the Robbins depot that morning, did he remain up to the time you left?—A. No, sir; he was gone.
- Q. What time did he leave?—A. I don't know, sir; I was not there. He went away between the time that I left and the time that I returned.
- Q. He was there up to the time of this firing, was he not, up to the time you left to go off to this station?—A. Yes, sir.
- Q. When you came back he was gone?—A. Yes, sir.
- Q. He was in the depot at the time this firing occurred and these white men were around about there?—A. Yes, sir.
- Q. When you came back from the station where you went to telegraph they said that the ballot-box had been left there that they were using that morning?—A. Yes, sir.
- Q. What sort of a box had they at this school-house in the woods; where did they get it?—A. It was some old box or another that they picked up; I don't know.
- Q. How was it constructed?—A. It had a hole made in the top with a little piece of wood with a nail driven down attached to it, so as to cover it, up and fixed on there.
- Q. What sort of a box was it?—A. I declare I don't know; I suppose about that length.
- Q. About two feet long?—A. Yes, sir; may be a little longer.
- Q. How deep?—A. About a foot deep, I reckon.
- Q. How broad?—A. About a foot and a half.

By the CHAIRMAN:

Q. It was an ordinary pine box, such as those around grocery-stores?—A. Yes, sir; they got it somewhere there.

By Mr. PHILIPS:

Q. How was this hole in the top of it made; was it a crack?—A. No, sir; it was cut.

Q. Cut with a knife?—A. Cut with a knife or something.

Q. How large was the hole cut with the knife?—A. About the same size of all the boxes, I reckon. It was a small hole about an inch and a half long and about a half inch broad, I suppose.

By Mr. COCHRANE:

Q. How old did I understand you to say you were?—A. I did not tell what age I was. I said I was born in 1849.

Q. How old would that make you?—A. That makes me going on 27 years old.

Q. What month were you born in?—A. The last day of February.

By Mr. LAPHAM:

Q. When and where did you receive your education?—A. I was learned what I do know by some white people that raised me, in Rosemary Township.

Q. Since the war or before?—A. Since.

Q. At the close of the war could you either read or write?—A. No, sir.

Q. All your learning you have obtained since?—A. Since the war, sir.

Q. Did you have to be examined before you taught school?—A. Yes, sir.

Q. By whom?—A. By the board of examiners in Barnwell County.

Q. Did they give you a certificate authorizing you to teach?—A. Yes, sir.

Q. And under that you taught two seasons?—A. Yes, sir.

Q. Winters or summers?—A. I taught part of the winter and part of the summer time.

Q. In your own county?—A. Yes, sir.

Q. Give the names of the managers at Cainan's who were appointed, and who would have acted there if the election had been held.—A. I don't know, sir.

Q. Can't you tell any of them?—A. No, sir. I did hear, but have forgotten now.

Q. Do you know who was the other supervisor there?

Q. Do you know Mr. George H. Betts?—A. Yes, sir.

Q. Where does he live?—A. About a mile and a half or two miles from Cainan's Fair.

Q. Was he not an officer?—A. I don't know, sir.

Q. And you cannot give the names of either of the managers at the Cainan's precinct?—A. No, sir.

Q. Do you know whether any men came from Millett's to Robbins?—A. Yes, sir; some eight or ten came from there, to my certain knowledge.

Q. Don't you know of a larger party coming there in the afternoon?—A. No, sir; not from Millett's.

Q. Do you know whether people came there from anywhere except from Cainan's?—A. I say that some came from Millett's precinct there.

Q. Do you know of any coming from anywhere else?—A. Cainan's Fair Church.

Q. Do you know whether they came from any other place beside Cainan's Fair and Millett's?—A. Yes, sir; I know of two or three men that came from Red Oak.

Q. There were voters who came from Red Oak?—A. Yes, sir.

By the CHAIRMAN:

Q. Two or three from Red Oak?—A. Yes, sir.

By Mr. LAPHAM:

Q. You know the fact that there were voters that came from Red Oak and voted?—A. Yes, sir; I was acquainted with two or three that came from there.

Q. And you know that people came from Millett's and voted there?—A. Yes, sir.

Q. And from Cainan's?—A. Yes, sir.

Q. Do you know how many came from other places?—A. No, sir; I do not. I cannot give an accurate account of any of those that came from either one of the precincts.

Q. What do you know as to whether the white people in that neighborhood were armed; not the people at the poll, but the white people who live in that vicinity?—A. I don't claim to know anything about the white people being armed in that vicinity.

Q. You don't know whether they have arms or not?—A. No, sir.

Q. Do you know whether there is a rifle-club there?—A. Yes, sir.

Q. Who is it composed of?—A. Mr. A. M. Turner is one.

Q. What class of men?—A. White.

Q. Do you know how many belong to it?—A. No, sir; I do not.

Q. Who is the arch commander?—A. I don't know that.

Q. How long has that club been there?—A. I think it was organized some time in last July. I saw it in the Barnwell Sentinel.

By Mr. ABBOTT :

Q. Do you know anything about it except what you have heard or seen in the papers ?—  
A. No, sir ; only I know they have a club ; I know they meet there.

Q. Did you ever see them meet ?—A. No, sir ; I never saw them and had nothing to do with them. I saw them going there. I never went where they convened, but I saw them going there on the day when they did.

By Mr. LAPHAM :

Q. Do you know whether they go on horses or on foot ?—A. Yes, they have horses.

Q. Those that were at the polls at Robbins, did they have horses ?—A. Yes, sir.

Q. Those who followed you over to Milletts, were they on horses ?—A. Yes, sir ; they had horses.

Q. How soon did those men reach Milletts after you got there ?—A. I don't know, sir ; all I know about it is that they reached there before I left, while I was waiting for an answer to the telegraph I sent to Captain McLaughlan.

Q. They voted at Milletts ?—A. They did, sir.

Q. Assigning what reason ?—A. That they had voted at Robbins, and the box and votes was destroyed.

Q. They said that ?—A. Yes, sir.

Q. Do you know whether the colored people who had voted at Robbins in the morning voted again at this new box ?—A. I do not.

Q. Did you vote again ?—A. I did not vote until then.

Q. Whether they all voted again at that box you are unable to state ?—A. I cannot, sir.

By the CHAIRMAN :

Q. Is that rifle-club in existence now ?—A. I don't know, sir.

Q. How long has it been since you know of its existence ; are you sure it is not in existence now ?—A. No, sir, I am not, but it was in existence until the election.

Q. You know that ?—A. Yes, sir.

By Mr. PHILIPS :

Q. Those men who came from Millett's and voted at Robbins, were they white or colored men ?—A. Colored.

Q. What time did they vote ?—A. In the morning.

Q. Did you see them there in the afternoon when you came back ?—A. No, sir ; I did not.

Q. They had left then ?—A. They had left when I reached there in the afternoon.

Q. These colored men that you speak of as having come from Milletts voted in the morning ?—A. Yes, sir.

Q. They had left when you came back ?—A. Yes, sir.

Q. These white men that voted at Milletts, did you see them vote ?—A. I saw them vote.

Q. How came you to see them ?—A. I was there and saw them.

Q. What were you doing at the poll at Milletts ?—A. I was waiting for an answer to the telegram that I sent to Captain McLaughlan.

Q. How long were you at the polls ?—A. After this white man came there I wanted to take an account whether he was going to vote or not, because I knew he had voted at Robbins.

Q. Do you know every voter who had voted at Robbins that morning ?—A. No, sir.

Q. How came you to mark the white man so particularly ?—A. Because this white man was taking all the democratic negroes' names and the republican names down.

Q. How did he know who voted the republican ticket or the democratic ticket ?—A. I don't know, sir ; but he was taking them down.

Q. How do you know that he was ?—A. I was standing there.

Q. They voted by ballot, did they not ?—A. Yes, sir.

Q. Then how could he tell whether they voted the republican or the democratic ticket ?—  
A. I don't know, sir.

Q. Then how do you know that he was taking down the names ?—A. Because I saw him.

Q. State what you saw him doing ?—A. Every one that voted the republican ticket he put his name down "radical."

Q. Could he tell how they voted ?—A. I suppose so, by that.

Q. Did he look at the ballot ?—A. No, sir ; I never saw him unfold anybody's ballot.

Q. Then you merely saw him there sitting ?—A. Yes, sir ; taking down the names of all that voted the democratic ticket.

Q. Where was he sitting ?—A. Outside of the depot.

Q. Did you know any of those other white men that voted at Milletts ? What circumstances enabled you to identify the others besides this man ?—A. I saw them there and I recognized them.

Q. You saw them vote at Robbins ?—A. Yes, sir.

Q. What called your attention to them ?—A. I saw this man with them and I knew that they had voted.

Q. Had you ever seen them before?—A. I had seen this man, Mr. Roundtree.

Q. What enabled you to identify them?—A. Because they were voting there that morning.

Q. Did you identify all the white men that voted there that morning?—A. No, sir.

Q. How could you identify these men then?—A. Because I knew the face.

Q. Do you pretend to say that you could identify every white man that voted there that morning?—A. Yes, sir; if I saw you this evening I could tell you again.

Q. How many white men did you see that voted there that morning?—A. O, there was a good many of them.

Q. How many?—A. O, there was a good many. I could not tell you, but there was a large number that I could identify to this day.

Q. How many white men did you hear mention about the Robbins poll when they voted at Milletts?—A. Only this one man, Mr. Roundtree.

Q. You did not hear any of the others?—A. No, sir.

Q. You spoke of getting a certificate of qualification to teach school from the school managers?—A. Yes, sir.

Q. Were they colored or white?—A. White.

Q. What are their names?—A. Mr. Cassidy and Mr. MacMillan are two. I don't know the other's name. He was not there and never signed the certificate, but he was a member of the board.

By Mr. COCHRANE:

Q. When you came back to Barnwell after having been at Milletts, I understand that you met a number of white men going to Robbins to vote?—A. After I had been to Milletts?

Q. Yes, after you had been to Milletts and was returning to Robbins?—A. Yes, sir; I met a lot of white men coming towards Milletts.

Q. You say you met a number of white men coming towards Robbins?—A. In the morning when I was going?

Q. No, when you had returned from Milletts?—A. No, sir; when I returned from Milletts I met a number of white men coming towards Milletts from Robbins.

COLUMBIA, S. C., December 18, 1876.

WILLIAM I. ALLEN sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. Five miles from Robbins Station, in Barnwell County.

Q. What is your age?—A. Twenty-three on the 1st of January next.

Q. Your occupation?—A. Farmer.

Q. Do you own a farm?—A. No, sir; my father owns a tract of land.

Q. You work your father's farm?—A. Yes, sir.

Q. Have you ever been a teacher?—A. Not public; I have been a teacher of a private school.

Q. Who were the managers of the last election at Robbins precinct?—A. Myself, William Bush, and Mr. Wallace Bailey. The supervisor was B. K. Motte.

Q. Who were the marshals?—A. Only one, L. W. Mimms.

Q. Do you remember who the other supervisor was?—A. No, sir.

Q. Was Mr. Motte the democrat or the republican?—A. Republican.

Q. What time did you get to the precinct the day of the election?—A. About 6 o'clock, I suppose. I didn't have a time-piece.

Q. How many people had assembled when you reached there?—A. I suppose there was between three and four hundred.

Q. How long before the voting commenced?—A. About a quarter of an hour after I got there.

Q. Was there any disturbance during that day in the voting?—A. Yes, sir.

Q. What time?—A. Between 11 and 12 o'clock; near noon.

Q. Up to that time had the voting continued without interruption?—A. Yes, sir.

Q. How many had voted?—A. I disremember exactly how many, but I think there was about two hundred and eighty that had voted. That is according to my recollection. The papers got destroyed.

Q. Can you judge how many democrats and how many republicans had voted?—A. Well, there was about forty whites, who had voted and we considered them democrats.

Q. And were the balance republican tickets?—A. Yes, sir.

Q. What was the disturbance?—A. Firing into the depot where we was managing.

Q. Firing into the building?—A. Yes, sir.

Q. Which way does the railroad run?—A. East and West.

Q. Which way was the firing, across the railroad?—A. Yes, across the railroad.

Q. Was it from the north or from the south?—A. I think it was from the west.



Q. The west would be along the railroad?—A. From the south, then.

Q. How many guns were fired?—A. According to my recollection, I suppose there was about ten that fired right into the depot.

Q. Where did the balls go?—A. Right through the depot.

Q. Through both sides?—A. Yes, sir.

Q. Above your heads?—A. Yes, sir; above our heads.

Q. Did you see where the balls went through the boards?—A. Yes, sir.

Q. Whereabout was this firing; how many shots?—A. There was three right after one another just as fast as they could come, and then it continued again about three more, and again until there was about ten, according to my recollection.

Q. What was then done?—A. The people all ran away then. The colored and whites all left the house where they were holding the election.

Q. Did they go out of the building?—A. Yes, sir.

Q. You went out?—A. Yes, sir.

Q. How was it with the people outside?—A. Part of the democrats, they, I suppose, had arms in another house there.

Mr. PHILIPS. Do not state what you suppose; only what you know.

The WITNESS. They did have arms there.

Mr. PHILIPS. State what you saw.—A. Well, I saw that. I heard them, "Close up, democrats, and all you republicans stand back."

Q. What did you hear them say?—A. I heard them say out there, "Democrats, close up." I don't know who said it, because I was in the house.

Q. Did you see white people have arms there after that?—A. Yes, sir.

Q. When did you first see them have arms?—A. When I went out after the firing.

Q. Had you seen any before that?—No, sir; I had not seen any at all.

Q. In what direction did the white people who had procured arms go?—A. They went right off north from the station.

Q. Was there a building there?—A. Yes, sir; a depot.

Q. They went away from the depot?—Yes, sir.

Q. Was there any building in the direction in which they went?—A. No, sir, not in sight of the depot.

Q. How far did they go before you saw them with the arms?—A. They had the arms right at the depot.

Q. Do you know where they got them?—A. They got them out of a house right there.

By Mr. COCHRANE:

Q. Did you see them?—A. Yes, sir; there was some of them coming out of the house.

By Mr. LAPHAM:

Q. What kind of arms?—A. There was some double-barreled guns, and some rifles.

Q. You say you all left the building; now what further occurred?—A. We went off, the managers and others, and consulted what to do, and we considered that we would hold the election at another place a little distance from the place where we were shot in at.

Q. Who held that consultation?—A. Myself, William Bush, and Mr. Motta.

Q. What did the white people do?—A. I don't know; they went off and I don't know where they went.

Q. Do you mean that they left the locality?—A. They left the locality altogether.

Q. Did they go away together?—A. Yes, sir; they went off in a crowd.

Q. What did you do?—A. We held another box and persons came and voted.

Q. Where did you open that box?—A. Between a quarter and a half a mile from the house where we had the election.

Q. Was it at or near any building?—A. Yes, sir; an old school-house that had been taught.

Q. What became of the ballot-box that you used that forenoon?—A. We don't know what became of it. We left it in the depot.

Q. You left it there when you fled?—A. Yes, sir.

Q. Have you ever seen it since?—A. I have not.

Q. You don't know what became of it?—A. No, sir.

Q. How long did the voting continue at that point?—A. It continued until about 6 o'clock.

Q. From what points in the county did people come there and vote?

(Mr. Phillips objected to the question as leading and as assuming that voters did come from other places, and that the witness knows that they did so come. The chairman overruled the objection.)

A. Do you mean from what precincts?

Q. Any way you choose to answer it.—A. We supposed, sir—

Mr. PHILIPS. State what you know.—A. Well, there were other men that I knew was from other precincts.

By Mr. LAPHAM:

Q. What precincts?—A. Some from Millett's and some from Red Oak, which I knew by sight.

- Q. How about Cainan's?—A. And also from Cainan's.
- Q. How many votes were cast there that afternoon?—A. There was 1,317 votes.
- Q. Did any persons vote there more than once?—A. No, sir; not to my recollection.
- Q. There was no repeating?—A. No, sir; not at all.
- Q. Were the votes taken in the usual way, as you had been taking them in the forenoon up to the time of the interruption?—A. Do you mean did we swear them in the same way?
- Q. Yes—A. Yes, sir.
- Q. Each elector was sworn?—A. Yes, sir; they were sworn.
- Q. What was done at the close of the voting by yourself and the other managers?—A. We taken the box on home. The votes were counted, and then we taken the box.
- Q. Was any return made there anything more than counting them?—A. Yes, sir. The returns were made out and signed.
- Q. Signed by whom?—A. By Supervisor B. K. Motte.
- Q. Did you assist in the canvass?—A. Yes, sir.
- Q. State whether you signed the return.—A. Yes, sir; I signed it also.
- Q. Who was the other manager?—A. William Bush.
- Q. Did he sign?—A. Yes, sir; he signed.
- Q. After you had canvassed the votes and made the return what did you do with it?—A. We taken the box on home that night—to my house.
- Q. And the returns?—A. Yes, sir.
- Q. You took them to your house?—A. Yes, sir.
- Q. What time did you reach your house?—A. I suppose it was about 10 o'clock when I got home.
- Q. What was done with them after that?—A. The next day we started to Barnwell with them—the county-seat.
- Q. To take them to whom?—A. To the county officers.
- Q. What time did you go?—A. We left home, I suppose, about 11 o'clock.
- Q. What time did you reach Barnwell?—A. We didn't reach Barnwell until about 9 o'clock that night.
- Q. How far was it that you had to go?—A. It is about eighteen miles.
- Q. What day of the week was this?—A. That was on Friday, according to my recollection. It was three days after the election.
- Q. The box and the returns remained at your house how long?—A. The box and the returns remained two days. The reason we did not get to Barnwell early enough for them to take the box was that we were stopped on the way.
- Q. How were you stopped?—A. By an armed body of white men.
- Q. Where was that?—A. That was between my house and Salt Ketcher.
- Q. What occurred there?—A. The armed body of men asked where was we from.
- Q. How many of them were there?—A. I suppose about fifteen.
- Q. On horseback?—A. No, sir. Walking.
- Q. What arms had they?—A. Some had double-barreled guns, and some had rifles.
- Q. Did you notice whether they had any side-arms—any pistols?—A. No, sir.
- Q. Tell what occurred.—A. They asked us where we was from, and I told them that we was from Robbins and had the box and poll-list. They said to us, "You damned sons of bitches! If you don't turn back I will put a hole through you, and that damned quick!" and upon these remarks we turned back.
- Q. You managers turned back?—A. Yes, sir.
- Q. Who was with you?—A. Bill Bush, one of the managers.
- Q. Mr. Motte was not with you?—A. No, sir; he was not.
- Q. Where did you go?—A. We went another road and went around and come up on the back of Barnwell Village, the county-seat.
- Q. How far out of your way did you have to go to reach Barnwell?—A. About ten miles.
- Q. Were you on foot?—A. No, sir; riding on horseback.
- Q. And in that way you reached Barnwell at what time?—A. About 9 o'clock.
- Q. Whom did you see when you arrived?—A. When I arrived there I saw Mr. Knopf, one of the county officers.
- Q. What is his first name?—A. A. Knopf, I think is his name. That was on Friday evening.
- Q. Did you see any others of the county officers?—A. Not that night.
- Q. What did you tell Knopf?
- Mr. PHILIPS objected to the statement of a mere conversation.
- Mr. LAPHAM insisted that it was an official communication between two election-officers and therefore admissible.
- Mr. PHILIPS withdrew his objection.
- Q. What did you inform Mr. Knopf?—A. I told him that we had the box of Robbins precinct and the returns.
- Q. Where was he?—A. He came outside of the house where they were canvassing the votes. It was at the place where they were canvassing.
- Q. What did he say, if anything, in reply?—A. He told us that he was afraid to take the box.

Mr. PHILIPS. That is objectionable.

Mr. LAPHAM. I do not offer this as evidence of Knopf's fears, but only as evidence of the mode in which he declined to take the box.

(Objection withdrawn.)

The CHAIRMAN. I certainly shall object to any further detail of conversation between these gentlemen.

Q. What further was done at that time, if anything?—A. We returned with the box and poll-list to Blackville.

Q. Did you see either of the other county officers except Knopf?—A. Not that night.

Q. What did you then do?—A. Next morning we took the box and poll-list and started back to Barnwell.

Q. What time did you reach there?—A. I suppose it was about 9 o'clock when we got back there.

Q. What day of the week was that?—A. It was on Saturday morning.

Q. You got there about 9 o'clock Saturday morning?—A. I suppose about that hour.

Q. In the day-time or in the evening?—A. In the day-time.

Q. Whom did you see then?—A. I met Mr. Gennerette, one of the county commissioners, before we reached the village.

Q. Did you say anything to him?

The CHAIRMAN. That is entirely out of order. It is a conversation entirely outside of the commissioner's official business and when he was not acting in that capacity.

Mr. LAPHAM stated that he merely wished to prove the tender of the box on Saturday; and the Chairman ruled that that was admissible.

Q. When you met Gennerette what occurred? What was said and done?—A. He told us that the board of canvassers had adjourned.

Q. What did you tell him before he said that?—A. We told him that we had carried that box overnight, brought it to Mr. Knopf, and he did not receive it.

Q. What did you say about having it there again; did you tell him that you had it there with you?—A. Yes, sir; I told him that we had it that morning.

Q. And the return?—A. Yes, sir.

Q. And he answered that the board had adjourned?—A. Yes, sir.

Q. What did you then do?—A. We returned to Blackville.

Q. Didn't you go into the building where they were canvassing?—A. We did not. We went back to Blackville.

Q. Taking the return and the box with you?—A. Yes, sir.

Q. Did you do anything more with the view of having the vote canvassed?—A. After we got to Blackville we presented the poll-list to Mr. Knopf and Mr. Gennerette. Mr. Knopf refused.

Q. You met them together?—A. Yes, sir.

Q. Did you present anything but the poll-list?—A. Yes, sir; the returns.

Q. You there offered the returns to Gennerette and Knopf?—A. Yes, sir.

Q. And the ballot-box?—A. No, sir; I did not offer the box.

Q. And Knopf refused?—A. He refused to sign the returns after he got to Blackville also.

Q. Did any one sign them?—A. Mr. Gennerette did.

Q. He signed the county return?—A. Yes, sir.

Q. Who was it signed by?—A. It was signed by Mr. Gennerette.

Q. Was it signed by any other of the county commissioners?—A. No, sir.

Q. What did you do with it after that refusal; who took it?—A. Mr. Gennerette took it.

Q. You delivered it to him?—A. Yes, sir.

Q. What office did he hold?—A. He was one of the county officers.

Q. All this that you have now stated occurred on Saturday morning?—A. Yes, sir; and on Friday night.

Q. The last of it was Saturday?—A. Yes, sir.

Q. Who filled out the county return that Mr. Gennerette signed?—A. Of that precinct, you mean?

Q. Yes.—A. B. K. Motte.

Q. The precinct return was drawn up by Motte?—A. Yes, sir.

Q. Who drew up the paper that Mr. Gennerette signed?—A. Mr. Motte. He was supervisor, and also acted as clerk.

By Mr. COCHRANE:

Q. What paper was it that Gennerette signed?—A. The return of the election from Robbins.

Q. The return that you brought him?—A. Yes, sir.

By Mr. LAPHAM:

Q. He signed the statement which you brought him of the canvass of the Robbins poll?—A. Yes, sir.

Q. Do you know, of your own knowledge, what became of that?—A. I don't know what he did with it.

Q. You left it with him?—A. Yes, sir.

Q. What became of the ballot-box?—A. It was left at Blackville.

Q. With whom?—A. Mr. Frank Miller.

Q. Who was he; was he an officer?—A. No, sir; he was running for sheriff in his campaign on the republican ticket.

By Mr. LAPHAM:

Q. Do you know where it is now?—A. No, sir; I don't know where it is now.

Q. Did you hear anything said before the firing into the depot, by way of disturbance or threat?—A. I didn't hear anything myself before the firing occurred.

Q. Was there any disturbance while you were voting that afternoon?—A. Not any.

Q. Did any democrats vote there that afternoon?—A. No, sir; not any.

Q. You say the white people there went away in a body; in which direction did they go?—A. They went north from the depot.

Q. Toward what place?—A. I don't know where they went after they left.

Q. Which way is Millett's from Robbins?—A. It is down.

Q. Is it in the same direction that they went away?—A. Pretty much the same direction—toward Millett's station.

Q. Now, how many votes are there at Robbins's precinct?—A. I don't know exactly.

Q. About how many?—A. I suppose between six and seven hundred.

Q. Do you know how many there are at Calnan's fair?—A. I think there is between three and four hundred.

Q. How many voters are there in the Red Oak precinct?—A. I don't know exactly.

Q. You know whether it is a large or a small precinct?—A. I think between four and five hundred at Red Oak generally.

Q. Do you know how many there are at Millett's?—A. No, sir; I don't know how many they generally poll there.

Q. Don't you know something about the number at Millett's?—A. No, sir.

Q. Is it a thickly settled or a scattered population about Millett's?—A. The village is very small, but the people are very thickly settled about there.

Q. Are there more or less at Millett's than at Red Oak?—A. There are more at Millett's, I think.

Q. About how many white people were there at Robbins's when this firing began, according to your best judgment?—A. There was about seventy-five, sir, according to the looks of them.

Q. How many were armed?—A. Nearly all of them were armed, sir.

Q. Were any of them republicans?—A. Not to my knowledge, sir.

By Mr. PHILLIPS:

Q. You have stated your age?—A. Yes, sir; twenty-three years on the 1st of January next.

Q. You live in that precinct?—A. Yes, sir; about five miles from the station.

Q. You began voting there that morning between 6 and 7 o'clock?—A. Yes, sir.

Q. Who was the clerk of the poll that morning at the depot?—A. I disremember his name. He was a young man. I heard his name called, but I don't know him.

Q. Was it Turner?—A. I think it was Dr. Turner.

Q. Two of the managers, yourself and Bush, were colored men? What was the white man's name?—A. Mr. Wallace Bailey.

By Mr. COCHRANE:

Q. You and Bush were republicans, and Bailey a democrat?—A. Yes, sir.

Q. Do you know Daniel Maxson?—A. No, sir.

Q. You say this firing began between 11 and 12 o'clock?—A. Yes, sir, about.

Q. There had been no disturbance up to that time?—A. None.

Q. And you think that about forty white men had voted and some 280 colored men up to that time?—A. Yes, sir.

Q. You say that when this firing began you all went out of the depot?—A. Yes, sir.

Q. Did all three of the managers and the clerk go out together?—A. Yes, sir; pretty much together?

Q. And you left the box there on the table?—A. Yes, sir.

Q. You don't know what became of that box?—A. No, sir.

Q. Had you seen any arms there that morning before that disturbance?—A. No, sir; not any.

Q. Did you see any of the colored men have any arms?—A. No, sir.

Q. How long after you all went out of the depot was it before these white men went off to the north?—A. They went right away, sir.

Q. Did you leave for this other point at the time they left, or did you hold this consultation that you spoke of after they had gone?—A. We held it after they had gone.

Q. They went off and left you all there?—A. Yes, sir.

Q. How far were you all from the depot at the time they left; were you right around it?—A. We had left the house about a quarter of a mile, I suppose.

Q. But did they leave?—A. They went right off, and we went behind them.

Q. They had gone north before you went off to this point down in the woods?—A. Yes, sir.

Q. At what point did you hold this consultation that you speak of?—A. Between north and west, I think.

Q. How far from the depot?—A. Between a quarter and a half mile.

Q. You concluded to continue the election at that point?—A. Yes, sir.

Q. Did you hold it in that school-house?—A. Yes, sir, right in the school-house.

Q. Was that in the woods or on open ground?—A. An old field, right at the edge of the woods.

Q. Between a quarter and a half-mile from the depot?—A. Yes, sir, about that.

Q. This supervisor of election, Motte, was a colored man, too?—A. Yes, sir.

Q. And the other two managers, you and Bush, were colored men?—A. Yes, sir.

Q. Motte was a United States supervisor?—A. Yes, sir.

Q. At this school-house, then, he acted both as United States supervisor, manager, and clerk?—A. No, sir; he did not act as manager. He acted as clerk and supervisor.

Q. And you two acted as managers?—A. Yes, sir.

Q. You had no third manager?—A. No, sir.

Q. How many men went down with you from the depot to the school-house in that crowd that went down all together?—A. Well, sir, I could not tell how many there was altogether that went from there or that came up.

Q. About how many?—A. I suppose, from the looks of the crowd, about six hundred.

Q. After you went into this school-house to hold the election you were not outside any more in the afternoon?—A. No, sir.

Q. All those men that went down were colored men?—A. Yes, sir.

By Mr. PHILIPS:

Q. You were not outside of the school-house that afternoon after you began the balloting again?—A. No, sir.

Q. How did these men who voted there deposit their ballots; did they come inside of the house or hand them in from the outside?—A. They handed them in from the door.

Q. The door was open?—A. Yes, sir.

Q. Was there a table in there?—A. Yes, sir; we had a table.

Q. Where did you get the table?—A. The old table was in the school-house.

Q. Was the table near the door?—A. Yes, sir; we set it near the door.

Q. How did the voters come up to vote; in front of the door or inside?—A. Right up in front of the door on the steps.

Q. Which of the managers sat next to the door?—A. William Bush.

Q. On which side of the table did he sit?—A. On the right-hand side, I think.

Q. Where did you sit?—A. Right behind him.

Q. Then he was between you and the door?—A. Yes, sir; he was sitting to one end of the table and I was right behind him at the other end.

Q. These voters came up, and what did they do with their ballots?—A. They put them in the box themselves.

Q. They did not hand them to either one of the managers?—A. No, sir.

Q. They put them in themselves and then passed on?—A. Yes, sir.

Q. Did you know every man that voted there that day?—A. No, sir; I did not.

Q. They were all colored men?—A. All colored men.

Q. You don't know of your own knowledge whether any of these men repeated or not?—A. No, sir; if they did, I didn't know anything about it.

Q. They could have done it without your knowing about it; you did not know all of them. You closed the balloting about 6 o'clock?—A. Yes, sir.

Q. Where did you get the ballot-box that you used there?—A. We got a box down there at the station.

Q. Was it a covered box?—A. It was partly covered, and we finished covering it and cut a hole in it.

Q. Did any one there that evening challenge any voter?—A. Yes, sir.

Q. Who did?—A. The supervisor.

Q. The man who was acting as clerk?—A. Yes, sir.

Q. Whom did he challenge?—A. I don't remember the names of them.

Q. Were they men that were supposed to come from other precincts?—A. Yes, sir.

Q. How many did he challenge?—A. I don't know how many he challenged.

Q. Was any vote rejected?—A. Yes, sir; some were rejected.

Q. On what ground?—A. That they were not old enough.

Q. How many of those?—A. I don't know. I don't think there was over five or six.

Q. There was no other objection made to them except that they were minors?—A. No, sir.

Q. You spoke about the amount of the vote at Cainan; what are your means of knowledge as to the voting population at that precinct?—A. Do you mean how do I know?

Q. Yes; how do you know the number of voters there?—A. Well, sir, I just heard how many there was there, and I supposed there was about that much in the neighborhood.

Q. You were never a judge at an election there?—A. No, sir.

Q. You did not live in that precinct?—A. I live just between the two precincts.

Q. How far do you live from Cainan's?—A. About six miles, and five miles from Robbins's.

Q. Did you ever examine the vote at Cainan's precinct at any time to see the number of voters?—A. I never have.

Q. You have never seen the vote announced there?—A. No, sir.

Q. You never have made any canvass of that precinct to get the number of voters?—A. No, sir.

Q. How far is Red Oak polling-place from Robbins's?—A. I suppose it is about fourteen miles.

Q. What is your information about the number of voters at Red Oak? Were you ever present at a voting there, and did you count the voters?—A. No, sir; I never was present at a voting.

Q. You have not seen the number of votes given at that precinct?—A. No, sir; but according to the situation of the people I would suppose there was about the number I have said.

Q. What information have you as to the number of people at that precinct; is it from hearsay?—A. Generally, sir. Of course I have heard.

Q. How far off is Millett's?—A. About ten miles from my house.

Q. Have you ever examined the poll there, or seen a return from that precinct at any time before this?—A. No, sir; I never have.

Q. How far is Millett's from Robbins's?—A. I don't know how far it is from Robbins's.

Q. When they quit voting at that school-house that evening, what did you do?—A. I went home.

Q. After they quit voting?—A. Yes, sir; after they counted the votes.

Q. Where did you get dinner that day?—A. There was parties had provisions at the station selling.

Q. Did you get dinner before you left the station?—A. Yes, sir.

Q. What time did you take dinner?—A. I suppose about a quarter after twelve o'clock.

Q. Then you took dinner at that station before you went down to this school-house?—A. I just got a snack. I didn't stop at all. I took a piece of bread and meat in my hand.

Q. You went to this stand and got a snack before you went down?—A. Yes, sir; and I was passing right on by.

Q. Where did you get supper?—A. At home.

Q. After the voting, did you leave this school-house?—A. After we counted the votes.

Q. You did not leave before?—A. No, sir.

Q. Who was present when you counted the votes?—A. We managers, and the supervisor, and others:

Q. How many others were present?—A. I suppose that in the house there was about ten.

Q. How did you make the count?—A. In what way do you mean?

Q. How did you get at the ballots, and in what way did you make up the result?—A. I taken the ballots out of the box.

Q. How did you get them out of the box?—A. We pried the top off and counted them.

Q. You emptied them out on the table?—A. No, sir; took them out one by one.

Q. What did you do with them?—A. We counted them and placed them back in the box.

Q. As you counted them you laid them on the table, did you?—A. Yes, sir.

Q. How large was this school-house?—A. About 16 by 18 feet, I should suppose; a very small school-house.

Q. What sort of light had you in there?—A. We had a caudle.

Q. One candle?—A. Yes, sir.

Q. How did you count those ballots when you took them out?—A. We counted them one by one.

Q. Your republican tickets, as I understand it, were the red ones?—A. Yes, sir.

Q. Did you just assort the tickets out and count them, or count them one by one?—A. We counted them by tickets, and also it was noticed that there was not any democratic tickets in the whole lump, because we had no democratic tickets there.

Q. You counted the tickets then as republican tickets?—A. Yes, sir.

Q. What sort of poll-list had you?—A. We had a portion of the regular poll-list paper, but we hadn't enough, so we used other paper with it.

Q. You made a poll-list after you had exhausted the regular list?—A. Yes, sir.

Q. About what time did the regular list give out?—A. I suppose it was about half past five o'clock when it gave out.

Q. Then the balance of the vote was taken upon a list that was made there?—A. Yes, sir; after we got down to Blackville there was some paper left there and we took it off'n that and put it on the regular poll-list.

Q. When was that?—A. That was the next Saturday morning.

Q. So the next Saturday morning you transferred that list onto a regular list?—A. We carried the whole of it that night down to Barnwell, and then we went back to Blackville, and after we got there we got some regular poll-list paper and put it on it before we started back to Barnwell next morning.

Q. Did you write out all the names on it?—A. Yes, sir; all that was on the blank paper.

Q. What did you do with the other piece of paper?—A. It was left at Blackville.

- Q. Whom did you leave it with?—A. With Miller; we left the box and all right there.
- Q. You opened the box at Miller's and put this in it, after copying it, and nailed the box up again?—A. Yes, sir.
- Q. What time did you get through that count that evening?—A. We got home about 10 o'clock.
- Q. How far from the station did you live?—A. About five miles.
- Q. Did you go on foot or on horseback?—A. On foot.
- Q. How long were you going from this school-house home?—A. About an hour, I suppose; perhaps not so long.
- Q. Do you walk five miles an hour?—A. Well, it was five miles from the station, and this place where we voted at was on towards my house, which would make it about 4½ miles from my house.
- Q. You got home by 10 o'clock; then you finished the count before 9 o'clock?—A. Yes, sir.
- Q. How many ballots were there?—A. One thousand three hundred and seventeen.
- Q. Were the names that were voted for all on one ticket?—A. Yes, sir; they were all on one ticket; one kind of ticket, you mean?
- Q. I mean the officers voted for were all on one ticket?—A. Yes, sir.
- Q. How many officers' names were on that ticket, do you recollect?—A. No, sir; I don't remember how many there was.
- Q. You counted all those ballots before 9 o'clock?—A. Yes, sir.
- Q. How did you keep the count as you took it?—A. We kept it on blank paper.
- Q. Who kept the count?—A. Myself and the supervisor.
- Q. Who took the ballots out of the box?—A. Manager Bush.
- Q. Bush took them out of the box, and then what did he do?—A. He counted them.
- Q. You were keeping a tally and the supervisor was keeping a tally; now how did Bush announce the balloting?—A. He called them "republican;" and we counted also the number of votes that each member on the ticket got.
- Q. Did you do that at that time?—A. Yes, sir; that was the second time after they called it over. He first counted the tickets and then looked over afterwards to see the number of votes that each one got.
- Q. Then, in making up the return, how did you do?—A. We looked over the ticket and saw the names of the officers on each; there was none scratched.
- Q. Then you just made up the general result from the number of tickets?—A. Yes, sir.
- Q. You did not go through each ticket and call the name, going over the 1,300 tickets in that way?—A. Yes, sir; called the name of each man and put it down; put each officer on the ticket.
- Q. Did you go over the names of all the 1,300 ballots, or just go through one?—A. We noticed on the ballots, when we was counting them over, that there was not any scratched.
- Q. And then you took the names off one ballot and footed up the 1,300?—A. Yes, sir.
- Q. Was the return fixed up there, or after you went home?—A. Pretty much all was fixed up right there.
- Q. What was fixed up there?—A. Well, the count was fixed up there; all but a portion of this blank paper.
- Q. When did you fix up the returns for the managers to sign?—A. We fixed it right there.
- Q. Who wrote that?—A. The supervisor wrote it.
- Q. He wrote it and signed that there?—A. Yes, sir.
- Q. What did you do with it?—A. Placed it in the box.
- Q. What did you do with the poll-list?—A. We put it all in the box.
- Q. Had you any nails and hammer there?—A. Yes, sir.
- Q. Who went with you that night home?—A. Myself and Bush, and Motte also.
- Q. Did you three all go together?—A. Yes, sir.
- Q. Did they go to your house?—A. Yes, sir.
- Q. Did they stay at your house that night?—A. Yes, sir.
- Q. Did any one else stay there?—A. No, sir; no one else.
- Q. It was the next Friday morning that you started to Barnwell?—A. Yes, sir.
- Q. Where did this box remain during the interval?—A. At my house.
- Q. Did Bush and Motte stay there all that time?—A. No, sir; Mr. Motte stayed there; Bush left.
- Q. Motte is the supervisor?—A. Yes, sir.
- Q. Did he stay there all the time?—A. He stayed there two days after the election.
- Q. Did any one else come to see you in the mean time?—A. No, sir; no one else.
- Q. When did Motte leave?—A. He left on Thursday, I think it was.
- Q. Then, who started with you on Friday to Barnwell?—A. William Bush.
- Q. How were you carrying this box?—A. In a sack.
- Q. Where was it you met these men on Friday who turned you back?—A. Between Barnwell and my house.
- Q. How far from your house was it?—A. It was about two miles and a half from Barnwell; I don't know exactly how far from my house.
- Q. Did you know any of those men?—A. No, sir.

- Q. How many of them were there?—A. I suppose about fifteen.
- Q. They were on foot?—A. Yes, sir.
- Q. You told them at once that you had this box?—A. Yes, sir; from Robbins.
- Q. And you turned back after the conversation with them, and went around another way, and got to Barnwell at 9 o'clock at night?—A. Yes, sir.
- Q. Where did you go immediately after you arrived there?—A. We went up to the house.
- Q. Did you meet any one after you got to Barnwell, before you met Knopf?—A. No, sir; not any one.
- Q. Where did you find him?—A. He was just outside of the house.
- Q. Was he outside when you rode up?—A. No, sir; he was inside when we first got up there, and he came out.
- Q. Did you send in for him?—A. No, sir.
- Q. How did he happen to come out when you arrived?—A. I don't know, sir.
- Q. Did you call for any one?—A. No, sir.
- Q. Were you still on horseback when he came out?—A. No, sir.
- Q. Did you knock at the door?—A. No, sir; we had just got to the house.
- Q. What house was that?—A. I don't know what the name of the house is.
- Q. Was it a private house?—A. A public house. It had different offices in there.
- Q. You had got up to the door?—A. Yes; we had got up to the steps, and he came out.
- Q. Did you ask for any one else after seeing him—for either of the other commissioners?—A. Yes; we asked was they in, and he said they was all in.
- Q. And he refused to take the box?—A. Yes, sir.
- Q. Did you send for the other commissioners then and ask them to come out?—A. No, sir.
- Q. You just turned off and went back to Blackville?—A. Yes, sir.
- Q. How far is that from Barnwell?—A. About ten miles.
- Q. You remained there until the next morning?—A. Yes, sir.
- Q. Where did you stay at Blackville?—A. At Mr. Miller's.
- Q. He was the candidate for sheriff on the republican ticket?—A. Yes, sir.
- Q. Is he a colored or a white man?—A. A white man.
- Q. You staid at his house, and next morning you started back to Barnwell?—A. Yes, sir.
- Q. Then returned to Mr. Miller's and left this box with him?—A. Yes, sir; I left it down there.
- Q. How came you to leave it with Miller?—A. Well, I didn't think we would have any use for it any more, so we left it there.
- Q. You left that and the poll-list with him?—A. Yes, sir.
- Q. Why didn't the managers keep that box?—A. We didn't think there would be any use to keep it, so we just brought it to that house and left it there.
- By Mr. ABBOTT:
- Q. Do you know Daniel Maxson?—A. Yes, sir; I know him.
- Q. Did you ever go by the name of Daniel Maxson?—A. No, sir.
- Q. Who is he?—A. He is a gentleman who lives in Barnwell County.
- Q. Did he act that morning as one of the managers of election in the station-house?—A. Yes, sir; he acted as one of the managers.
- Q. You did not act that morning as one of the managers?—A. Not right at present.
- Q. You did not act at Robbins that morning as one of the managers?—A. Yes, sir; I acted there.
- Q. Who were the other managers; you say Maxson was one?—A. You asked me if I knew him.
- Q. Did you not tell me just now that he acted as one of the managers?—A. At the first part of the morning.
- Q. All through the morning did he not act as one of the managers of the election?—A. Yes, sir; in the first part.
- Q. Up to the firing he acted?—A. Yes, sir; up to the firing.
- Q. And you did not act?—A. Not at the present.
- Q. You did not act at all at the station as a manager until after the firing took place?—A. I did not act as a manager.
- Q. As a manager you had nothing to do with the election until after the firing took place?—A. No, sir.
- Q. You did not go into the building to interfere or act as a manager that morning?—A. Yes, sir; I was in the building.
- Q. Did you interfere or act as manager?—A. Yes, sir; I was acting as manager.
- Q. In the morning?—A. Yes, sir.
- Q. Who else besides you?—A. Wallace Bailey and Mr. Bush.
- Q. And Daniel Maxson?—A. Yes, sir; he was.
- Q. Then there were four managers at the election?—A. Yes, sir.
- Q. Do you mean to say there were four managers?—A. Yes, sir.
- Q. How did you get your commission to act as manager?—A. Well, sir, I will tell you; I was appointed a manager at Cainan's Fair.
- Q. Were you appointed to act as a manager at Robbins Station that day?—A. No, sir.



- Q. Were you appointed as a manager there?—A. No, sir.
- Q. You never had any appointment then?—A. Never by the—
- Q. By anybody who could give an appointment?—A. No, sir; only by those men that were there.
- Q. What do you mean?—A. The managers that were there.
- Q. Do you mean to say that Bush, Maxson, and Bailey appointed you a fourth manager?—A. They swore me in.
- Q. Who?—A. Mr. Bush and the supervisor.
- Q. Did the three managers, Bush, Maxson, and Bailey, ever appoint you?—A. They never did. Bush or Bailey didn't have anything to do with it.
- Q. When did Motte, the supervisor, and Bush (who was the only manager appointed) swear you in?—A. Right there, that morning.
- Q. At the station?—A. Yes, sir.
- Q. See if you understand me. Did you act as a fourth manager at Robbins Station on that morning?—A. Yes, sir; I did.
- Q. And you were sworn in by one manager and a supervisor that morning?—A. Yes, sir.
- Q. Are you sure?—A. Yes, sir; I am sure of it.
- Q. And you were made fourth manager that morning?—A. Yes, sir.
- Q. Acting at the election?—A. Yes, sir.
- Q. And you had no commission whatever as a manager for Robbins Station?—A. Not for Robbins Station.
- Q. Then at the school-house the only manager appointed at Robbins was Bill Bush, was he not?—A. Yes, sir.
- Q. And you were not a manager at Robbins?—A. No, sir; no more than sworn by the supervisor—
- Q. When did you commence with Bill Bush to take votes at that school-house that afternoon, according to your best recollection?—A. I suppose it was about half past twelve o'clock.
- Q. When did the firing commence?—A. Between eleven and twelve o'clock.
- Q. Do you mean to say that the firing commenced before twelve o'clock?—A. Between eleven and twelve.
- Q. Before twelve?—A. It might have been about twelve.
- Q. Didn't it commence nearer one o'clock?—A. No, sir; I do not think it did.
- Q. How long did it continue?—A. Not more than ten minutes, I suppose.
- Q. How long was it after the firing commenced before you opened the poll at the school-house?—A. I don't suppose it was more than half an hour or three-quarters.
- Q. Now, was Bill Bush there from before one o'clock until the polls closed at the school-house?—A. Yes, sir.
- Q. Don't you know he went off home with Dr. Turner, and rode behind him, on horse-back?—A. No, sir; he did not.
- Q. Are you sure?—A. Yes, sir; I am sure.
- Q. What became of Mixson?—A. I know he left the school-house behind some man.
- Q. Who left the school-house?—A. Maxson.
- Q. But Bush did not?—A. No, sir.
- Q. Whom did Mixson go behind?—A. I don't know who it was.
- Q. Did you ask Mixson to stop?—A. Yes, sir.
- Q. What was the reason he would not stop?—A. He was afraid.
- Q. And Bill Bush staid the whole time?—A. Yes, sir.
- Q. And you closed the polls at six o'clock, and between the time you opened and closed there you administered 1,317 oaths?—A. Just about, sir, as near as we could get at it.

By Mr. LAWRENCE:

- Q. Motte was the United States supervisor?—A. Yes, sir.
- Q. Was he there during the whole of the election?—A. Yes, sir.
- Q. Were any votes put into the ballot-box except those that were given by voters?—A. No, sir.
- Q. Was any change made in the votes in the box afterwards?—A. No, sir.

By Mr. LAPHAM:

- Q. When a voter came up to vote what was first done?—A. We told him to raise his right hand.
- Q. Then the first thing was that he was sworn?—A. Yes, sir.
- Q. Then what did he do after he was sworn?—A. After he was sworn he put his ticket in the box.
- Q. Did the voter put it in or did the manager?—A. The voter put it in.
- Q. Was it done so at the depot in the morning?—A. Yes, sir.
- Q. Each voter put in his own ballot?—A. Yes, sir.
- Q. The manager did not take the ballots from the voters?—A. No, sir.
- Q. But each voter put in his own ballot?—A. Yes, sir.
- Q. Is that the way in which the voting is done in this State, or in that precinct?—A. Yes, sir.

Q. The way you voted that morning there?—A. Yes, sir; each voter put in his own ticket

Q. How long did Mixson stay in the afternoon at the school-house?—A. He went right off.

Q. When?—A. In fact, he went off with one of the white men, started off with one of them.

Q. Was he at the school-house at all?—A. No, sir; he was not at the school-house at all.

Q. He did not act at the school-house that afternoon; he went away with one of the white men?—A. Yes, sir.

Q. You had been appointed a manager at Calnan's Fair?—A. Yes, sir.

Q. And there being no election there, you went over to Robbins?—A. Yes, sir.

Q. Who suggested you should be sworn in there as a manager?—A. Mr. Bush.

Q. Was that before the voting commenced?—A. Yes, sir.

Q. Was there any objection made to it there?—A. No, sir.

Q. Was the democratic manager there?—A. No, sir; he was not there when he first made the suggestion.

Q. Was he there when you were sworn in?—A. No, sir; I was sworn in by Bush and Motte, the supervisors.

Q. Then there was not a full board there at the time you were sworn in?—A. No, sir; only the supervisor and Bush.

Q. You took an oath to do what; to act as manager there?—A. To act as manager there.

Q. At that precinct?—A. Yes, sir; as assistant.

By Mr. COCHRANE:

Q. You say you were one of the managers at the school-house?—A. Yes, sir.

Q. And that you administered over 1,300 oaths?—A. Yes, sir.

Q. Did you administer some of them yourself?—A. Yes, sir.

Q. What was the oath that you administered?—A. No, sir; I did not administer any of the oaths; it was the chairman, Bill Bush.

Q. In your presence?—A. Yes, sir.

Q. What was the oath?—A. I disremember the words exactly.

Q. Give them to us as nearly as you can.—A. I think that the words was: "You do hereby swear that you have a right to vote at this place, and have not voted elsewhere." Those were the words as near as I can remember; we told him to hold up his right hand and he swore that he hadn't voted anywhere else, and that he had a right to vote at that place, or something to that effect.

Q. Bush did all the swearing?—A. Yes, sir.

Q. When you met Mr. Gennerette did you have the ballot-box with you?—A. Yes, sir; I had it.

Q. You had it at that time?—A. Yes, sir.

Q. Did you show it to him?—A. No, sir; it was in the sack, and so I did not; he did not accept of it. He said he had no use for a ballot-box, and I just gave him the returns.

Q. Whom have you talked with since you came to Columbia?—A. No one at all, not concerning—

Q. These matters?—A. No, sir.

Q. Have you seen Mr. Corbin?—A. No, sir; I have not seen him.

By Mr. PHILIPS:

Q. You were sworn in as assistant manager?—A. Yes, sir.

Q. You say the democratic manager was not then present?—A. No, sir.

Q. But he came at the time they began voting and took his seat?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Do you know where Bush is now?—A. Yes, sir; he is sick.

Q. Not able to come here?—A. No, sir.

By Mr. COCHRANE:

Q. Do you know that of your own knowledge?—A. No, not of my own knowledge.

Q. You don't know of your own knowledge whether he is sick?—A. No, sir.

By Mr. ABBOTT:

Q. Do you know Leslie?—A. I have seen him.

Q. Did you see him after that day between the time you took the votes up in the woods, at the school-house, and the time you went to Barnwell?—A. No, sir.

COLUMBIA, S. C., December 18, 1876.

L. W. MIMMS recalled.

By Mr. LAPHAM :

Question. You know Bush who was the manager of election ?—Answer. Yes, sir.

Q. When did you see him last ?—A. I saw him last Saturday mornning.

Q. Where was he ?—A. He was in bed at his house, sick.

Q. What was the matter ?—A. Chills and fever.

By Mr. COCHRANE :

Q. How did you know that he had chills and fever ?—A. That is what he told me.

Q. You don't know yourself whether he had the disease ?—A. I saw him sick.

Q. Do you know whether he had chills and fever ?—A. I know he was sick.

Q. Did you know that he had chills and fever ?—A. I did, sir.

Q. Of your own knowledge ?—A. Yes, sir.

Q. You saw it ?—A. Yes, sir ; I saw him.

Q. Are you a doctor ?—A. No, sir ; but I know that he was trembling then when I left him last Saturday.

Q. You are not a physician ?—A. No, sir ; but I have waited on a great many sick people, and I have such a knowledge of chills and fever that I can tell when a man has a chill.

Q. Was there a doctor attending him ?—A. No, sir.

By Mr. JONES :

Q. He shook, anyhow, did he ?—A. Yes, sir.

By Mr. LAPHAM :

Q. He was sick ?—A. Yes, sir : he was sick, or he would have been here this morning.

Q. Do you know whether he had a physician ?—A. No, sir ; he didn't tell me anything about that.

Q. You did not ask him about that ?—A. No, sir.

COLUMBIA, S. C., December 18, 1876.

Mr. Lawrence put in evidence a certified copy of the menagers' return of Robbins precinct, as follows :

B.

STATE OF SOUTH CAROLINA.—BOARD OF MANAGERS OF ROBBINS PRECINCT, BARNWELL COUNTY.

*Statement and return of votes for presidential electors.*

We, the board of managers for the Robbins precinct, of the county of Barnwell, State of South Carolina, make the following statement and return of the votes given for presidential electors, voted for in the said county on the 7th day of November, A. D. 1876.

Whole number of votes cast by white persons.....	0
Whole number of votes cast by colored persons.....	1,317
	1,317
Total number of votes cast.....	1,317
The whole number of votes given for presidential electors was.....	1,317
Of which C. C. Bowen received.....	1,317
Of which John Wismith received.....	1,317
Of which T. B. Johnson received.....	1,317
Of which T. Hurley received.....	1,317
Of which W. B. Nash received.....	1,317
Of which Wilson Cook received.....	1,317
Of which William F. Myers received.....	1,317
Of which J. J. Harrington received.....	0
Of which J. J. Ingram received.....	0
Of which William Wallace received.....	0
Of which J. B. Irvin received.....	0
Of which Robert Aldrich received.....	0
Of which Theodore G. Barker received.....	0
Of which Samuel McGowan received.....	0
	1,317
Total number of votes cast.....	1,317

We do certify that the foregoing statement is correct in all respects.

In witness whereof we have hereunto subscribed our names this 7th day of November, in the year 1876.

WILLIAM BUSH,  
W. J. ALLEN,

Board of Managers for the Robbins Precinct of the County of Barnwell.

STATE OF SOUTH CAROLINA,  
Office Secretary of State.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct copy of the original on file in this office.

Given under my hand and the seal of the State this fourteenth day of December, 1876, and in the 101st year of the Independence of the United States of America.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

B. K. MOTTE sworn and examined.

By Mr. LAWRENCE :

Question. What is your age and your residence ?—Answer. I am twenty-three years of age, and reside in Barnwell. That is where I call my home now, but my real home is in Charleston.

Q. What office did you hold, if any, at the last presidential election ?—A. United States supervisor.

Q. At what place ?—A. Robbins precinct.

Q. State what occurred as to the election.—A. The polls were opened, I think, between 6 and half past 6 at Robbins, and the voting continued until between 11 and 12 o'clock, as near as I can recollect, and then the building in which we were voting was fired upon.

Q. By whom ?—A. I could not say, sir.

Q. Where did the firing come from ?—A. That depends upon the direction I was sitting in. I was sitting at the table—the window was on that end of the house—as if I was sitting with my face toward that window.

Q. Did it come from the east, west, north, or south ?—A. That depends upon the direction that I was sitting. It came from the east. It came from across the railroad.

Q. State whether any shots were fired into the building.—A. Yes, sir; the first shot that was fired came directly, or three shots came directly over my head. The ball passed through three wallings. It came from that side and through a little room we was in, and out on the other side of the depot.

Q. Were the three shots in succession, or all at once ?—A. Just one after another; it seemed from the succession in which it was fired as if it was fired from some gun that can be loaded very quick. It just came, bang! and then, in a second of time, another bang—just in that succession.

Q. Did you go out of the house then ?—A. No, sir; I did not.

Q. How long did you remain there ?—A. I remained there until the firing ceased; but not in the same room. It was in the depot we was voting, and there was a ticket-office, and then a large part, the freight-depot, and I ran from the ticket-office into the back part of the depot, where the cotton was, and remained between two bales of cotton until the firing ceased.

Q. How long did the firing continue ?—A. I could not say.

Q. About how many shots were fired ?—A. I think there was not less than ten, and no more than about sixteen.

Q. Did you look yourself to see if you could ascertain who the men were, or where they were firing shots ?—A. At the time of the shooting?

Q. Yes, or afterward ?—A. No, sir; all I know is the shots came from that side of the depot right straight on through.

Q. Did you see anybody there ?—A. I did.

Q. Where were they at the time of the shooting, or just afterward ?—A. There was a very few when I came out scattered around there. All I could take any notice of was three men on horseback.

Q. Were they armed or not ?—A. I could not say. I did not see any arms.

Q. What became of them ?—A. They went off on the horses.

Q. Did the voting continue there ?—A. Yes, sir; it was continued; not directly there in that place.

Q. What became of the ballot-box that was being used there ?—A. We left it there.

Q. Where did you go ?—A. We went, I reckon, about between a quarter and a half mile, and the voting began there again.

Q. At what place ?—A. It was at a school-house. They told me it was a school-house. I know there had been teaching there before.

Q. You commenced the election there again ?—A. Yes, sir.

Q. You did not take the same ballot-box with you ?—A. No, sir; we had nothing to do with the box at all. We left it there.

Q. About how soon did you commence the voting at the school-house?—A. Well, I could not give any exact time that we commenced it; but as near as I can say, if it had been 12 o'clock, it could not have been much past 12.

Q. How long did you continue there?—A. As near as I can recollect it was after the sun was down, at any rate, when I left there.

Q. Do you know how many men voted there that afternoon?—A. Yes, sir; I think 1,317, as near as I can say.

Q. What place did you occupy when the voting was going on at the second voting?—A. I acted as a clerk.

Q. What did you do?—A. I registered the names of the voters.

Q. State whether you know that that number of persons voted?—A. Yes, sir.

Q. Colored men or white men?—A. Colored.

Q. When the voting was over, who counted the votes?—A. I am the one that counted them.

Q. Who assisted you?—A. Mr. Allen.

Q. Was a return made of the votes?—A. Yes, sir.

Q. Was the managers' return signed?—A. Yes, sir.

Q. Do you know what was done with it?—A. The returns were handed over; the two managers took charge of the returns, Allen and Bush.

Q. What time did you get through counting?—A. I think we got through about between sundown and dark.

Q. When you got through counting is what I want to know.—A. After we got through counting the vote, it was dark.

Q. Did you have a candle there?—A. No, sir; we didn't have no candle.

Q. Where did you go after the counting was over?—A. I went to Allen's house at night.

Q. Do you know what time it was when you got there?—A. I could not say.

Q. Was it in the night?—A. O yes, it was in the night.

Q. Do you know about what time it was when the polls closed?—A. No, sir. As I stated, it was about sundown, or a little after sundown, when the voting stopped.

Q. Are you able to state how long it took you to count the votes and make the returns?—A. It did not take us very long to count the votes, because men voted and we would just look at the tickets and found out that they were all republicans, and that not one had been scratched, and we just counted the number of the votes and made out the returns accordingly.

Q. State whether you know if there were 1,317 names registered.—A. Yes, sir; there were 1,317 names registered.

Q. Who were the officers that managed the election in the morning before the firing upon the house?—A. Bush was one of the managers. Do you wish to know the supervisors and all?

Q. Yes. Give the managers first.—A. There was Bush, Maxson, and Allen, I think. I think those were the three.

Q. What United States marshal, if any, was there?—A. L. W. Mimms.

Q. Was any supervisor there?—A. I was there.

Q. Who was the other?—A. W. J. Wood; he was the democratic supervisor.

Q. Did he remain there during the time the voting was being done?—A. Yes, sir; at the first place.

Q. Did he go to the second place?—A. No, sir.

Q. What became of him?—A. I could not tell you.

Q. What was done with the ballot-box after the voting was over?—A. Allen and Bush took it in charge.

Q. Where did they take it?—A. They took it to Barnwell, I believe. I could not say about that.

Q. Where did they take it that night?—A. I could not tell you.

Q. You went to Allen's house that night?—A. Yes, sir.

Q. Do you know whether it was taken to Allen's house?—A. Not as I saw it, sir. I made no inquiry about it, and did not see it there.

Q. Where did Bush live?—A. He does not live over three miles from Allen's, if that.

Q. Did you see any white men have arms that day?—A. When the firing was going on, a remark was made, I could not tell by whom; he said, "You damned republicans stand back, and you democrats come this way and get your guns."

By Mr. LAPHAM:

Q. You heard that?—A. I heard that.

Q. Did you see any guns?—A. That was after the firing, please remember; and the democratic supervisor after the firing ceased—I didn't come out immediately after the firing ceased—he said—

The CHAIRMAN. State what you saw and said and did yourself.

The WITNESS. One of the bullets made a cut through the door, and I put my eye to the hole and I saw a young man standing back from the platform with his gun.

By Mr. LAPHAM :

Q. Was that after the order to get their guns?—A. Yes, sir.

By Mr. LAWRENCE :

Q. You got between the cotton-bales?—A. Yes, sir; when the firing commenced.

Q. How long did you stay there?—A. I staid until the order was given to "Get you guns," and then I ran and looked through the bullet-holes to see how things looked out there. He was standing off on one side, but the balance, I don't know where they were.

Q. Was he a white or a colored man?—A. He was a white man.

Q. How many white men did you see there that forenoon, before the firing, or while the election and all was going on?—A. I don't think there could have been more than forty.

Q. When you went out how many were there?—A. All I took any notice of was those three men on horses.

Q. Do you know what became of the ballot-box in which the voting was done in the forenoon?—A. No, sir.

Q. You have never seen it since?—A. No, sir.

Q. What do you know, if anything, of voters coming in the afternoon from other precincts or parts of the county?—A. I recognized some from other precincts.

Q. What precincts were they?—A. They were from Cainan's; they were from Red Oak, and they were from Millett's.

By Mr. PHILIPS :

Q. You say that your home is in Charleston; were you appointed from Charleston as supervisor of election?—A. No, sir.

Q. Where were you appointed?—A. Barnwell.

Q. How long had you been at Barnwell?—A. About seven years. I have been teaching school up there.

Q. Seven years?—A. Yes, sir; between six and seven years.

Q. You began quite young, then?—A. Yes, sir; I don't think I was fifteen.

Q. You were not quite fifteen years old when you began to teach school at Barnwell. What sort of a school were you teaching?—A. A public school.

Q. What time in the morning was it when you got to that precinct?—A. I got there between five and six o'clock.

Q. It was after sunup when you got there?—A. No, sir; I don't think it was.

Q. Who was there when you got there?—A. There was some white men.

Q. Can you name any of them?—A. No, sir.

Q. There were no colored men there when you got there?—A. Yes, sir; a few colored men.

Q. You were on the ground before the managers got there, were you?—A. That part I am not able to state; I don't know, sir; I could not give a correct statement concerning that at all.

Q. Were you present when the managers organized that morning?—A. Yes, sir.

Q. What managers participated in that organization; who were present when they first organized?—A. Allen, Bush, Maxson, and this white man; I don't know his name.

Q. Was the white man there when they first met?—A. Yes, sir.

Q. Do you know his name?—A. No, sir; I could not recall his name.

Q. Was it Dr. Bailey?—A. Yes, sir; I think that is his name.

Q. Were Allen, Bush, and Maxson all colored men?—A. They were all colored men. Bailey was the white man.

Q. The three colored men were republicans, were they?—A. I could not tell you their politics.

Q. Do you know the politics of the white man?—A. No, sir; I could not tell you.

Q. Did all four of them sit at the same time?—A. Yes, sir; I believe they all did sit down there.

Q. Did they all take their seats before any ballots were cast?—A. Yes, sir.

Q. All four acting as managers?—A. No, sir; I don't say that they were sworn in; I could not say that all four acted as managers.

Q. You did not see anybody sworn in?—A. Yes, sir; I saw them sworn in when the voting started.

Q. Who swore the managers in?—A. Dr. Bailey, I think; I could not give a positive answer concerning that, however.

Q. What is your best judgment as to that?—A. According as I think, Dr. Bailey swore them in.

Q. Whom did he swear in?—A. Bush and Maxson.

Q. Did anybody swear Allen in?—A. Yes, sir; Bush and myself swore Allen in.

Q. Both of you swore him in?—A. Yes, sir; we had something to do with it. We didn't do it exactly; when I claim that both of us swore him in, I mean to say that Bush—he repeated the oath to him and I made it out.

Q. How did you make it out?—A. By filling up the blanks. There was blank oaths there, and I filled up the blanks.

Q. Bush, then, administered the oath to Allen, and you filled up the blank, and Allen signed it?—A. Yes, sir.

Q. How came Bush to swear Allen in?—A. I could not say.

Q. Was there no conversation about it previous to the administration of the oath?—A. No, sir.

Q. He just presented himself and Bush swore him in?—A. In fact he was the regular appointed manager for Cainan's Fair.

Q. Yes; but he was not appointed for Robbins precinct, was he?—A. There was some threats about it that they would kill the managers.

Q. How do you know there were threats about it? Did you hear them?—A. Well, I am going to tell you.

Q. Did you hear any threats?—A. Suppose I should tell you that I saw some intimation of threats.

Q. I will give you an opportunity to explain afterward. Did you yourself hear any threats?—A. No, sir; I did not hear any; but, coming in upon my question now, I saw a note written to the managers saying that they must not go to the polls that day.

Q. Where is that note?—A. I have not got it.

Q. Where is it?—A. It was given to one of the commissioners of election.

Q. What right had Allen to sit as a manager at Robbins precinct?—A. I could not tell you.

Q. Was there no discussion among the managers and yourself as to his right to sit there?—A. None that I heard.

Q. He just presented himself and Bush swore him in?—A. Yes, sir; as a manager from Cainan's not being allowed.

Q. What was Bailey doing there?—A. I could not say.

Q. Was he a manager?—A. I could not say; he had a claim himself as a manager.

Q. Was he not recognized by Bush and Maxson as a manager?—A. I reckon so, sir; I cannot give a definite answer to that; if you will give me time to explain, I shall do so. I didn't take hardly any notice of any of that proceeding at all, simply for the reason that my life had been threatened so much I kept as quiet and still as I possibly could.

Q. That did not prevent you from seeing anything. Were you in the house when they organized?—A. Yes; I was in the house.

Q. You saw these oaths administered?—A. Yes, sir; I saw the oath of Allen administered.

Q. Did you see any other oath administered?—A. No, sir; I don't think I did.

Q. Have you not stated that Bailey swore in Allen?—A. No, sir; Mr. Bush. I saw that; and according to the slight recollection that I have of the matter, Mr. Bailey swore in the balance of them.

Q. Did Bailey swear in those parties after Bush swore them in?—A. What parties?

Q. Whom did Allen swear in?—A. Allen did not swear in anybody.

Q. Who swore in Allen?—A. Bush.

Q. Who swore in Bush?—A. Bailey.

Q. Who swore in Bailey?—A. That part I could not tell you.

Q. Bailey swore in Maxson and Bush, but you did not see anybody swear in Bailey?—A. No, sir.

Q. Were you there when Dr. Bailey first came in?—A. That is another question that I am at a loss to answer.

Q. Did you, as supervisor of election, understand that a manager appointed for one precinct could act at another precinct?—A. I didn't think there was any harm; I didn't know it was anything against the law, or anything of that kind.

Q. Where were you during that morning after the organization of this board, up to the time that this disturbance occurred?—A. I was sitting down at a table there, after everything got quiet.

Q. Did you remain in the room all the morning at the table?—A. Yes, sir.

Q. What were you doing?—A. Taking the names of the voters.

Q. You were not acting as clerk for the managers, were you, that morning?—A. No, sir.

Q. Who was acting as clerk that morning?—A. I think a man named Turner.

Q. Up to the time that this disturbance occurred, how many votes had been polled there?—A. As near as I can recollect, I think there had been about 280.

Q. Do you know how many white men had voted up to that time?—A. I think not higher than fifty, nor less than forty.

Q. Have you any information on this subject?—A. What kind of information?

Q. Have you any personal knowledge as to how many voted, or is it a mere conjecture? The election had gone on in the ordinary way up to that time?—A. Yes, sir.

Q. There was nothing special to call your attention to the number of whites or blacks that had voted up to that time?—A. No, sir. I had just seen them come in and give their names.

Q. What enabled you to give us the hour at which this disturbance occurred?—A. The train goes down some time after ten o'clock, I think; I don't rightly know that, either. It

goes down, I think, between ten and eleven o'clock on the Port Royal Road, and it was not a considerable time afterward that this occurrence took place.

Q. This firing came from what direction?—A. Across the railroad.

Q. Is the railroad north and south, or east and west?—A. It runs on the east, on the right-hand side of the depot.

Q. Was the room you were sitting in taking the ballots next to the railroad?—A. Yes, sir. There was a door leading out to the railroad.

Q. And they were balloting at the door?—A. No, sir; they were balloting at the window.

Q. When you went into this other room, was the room in which the ballots were being taken between you and where the firing came from?—A. No, sir; there was a door.

Q. Did the firing strike the depot on the side on which the window was?—A. The window was in front.

Q. Where did the firing come from; that side?—A. The right-hand side.

Q. What part of the depot did these balls strike?—A. All the parts, I should say. The first shots were fired pretty near in the direction in which we were sitting, and it kept going that way. Then they quit on the place where we were sitting. Just as I went into the other large part of the depot they stopped firing on that part.

Q. To which side of the depot did you go when you looked out through that bullet-hole?—A. On the left-hand.

Q. How high up were these bullet-holes?—A. They were high and low.

Q. Were any of the bullet-holes low in that room?—A. When I was passing out there was one that I thought would catch me about my waist.

Q. That is, if you were standing up?—A. Yes, sir.

Q. Where were those parties standing when you heard that conversation about "republicans standing back, democrats getting their guns"?—A. On that side, the left-hand side.

Q. How long did you remain in that room?—A. I remained until the firing had ceased and everything appeared to be quieted down.

Q. Was there anybody else in that room besides you?—A. There was men there—some other men; but who they were now I do not know.

Q. How many?—A. I could not form any idea.

Q. Do you know the names of any of them?—A. No, sir; I do not. I was so scared that I could not tell you.

Q. Did any of the other officers go in there with you?—A. Yes, sir; there was some there, but who they were I could not tell you now. I know there was some of these tellers that were putting down the names of the men behind me, and putting down the tickets they voted.

Q. Who was behind you taking names and the tickets?—A. There was some democrats. There was one standing on that corner of the window, and one standing on the other side window, and two sitting behind us, each with a paper in his hand. This one on this side of the window, every man that would come up and vote he would ask his name and set it down, and when he started to put his ticket in the box this man would look, and he would holler out, "Democrat!" and he would put a "D" to his name; but if he voted republican he would put an "R" to his name; and this one behind would do the same thing.

Q. How many men were in there besides the officers?—A. That I am unable to say, because they kept going out and coming in, and they were all white men. No colored men came in at all.

Q. Including yourself, there were four republican officers in there?—A. As I said before, I could not tell you the politics of those other men.

#### By Mr. COCHRANE:

Q. You know that Allen is a republican, do you not?—A. I could not say.

Q. You know that Bush is a republican?—A. I could not say. All I know is that I am a republican.

Q. After this firing occurred and you went out these white men had all left except three?—A. Yes, sir; that is all I recollect. I saw three on horseback.

Q. Where were the black men when you went out?—A. They were scattered around, and I could not tell exactly how many there was—a few.

Q. How long did you remain in that house after the firing ceased; how many minutes?—A. I could not form any exact idea.

Q. About how long did you stay? Can you not tell how many minutes or hours?—A. It was not hours, I think.

Q. Did you stay there as long as five minutes?—A. As near as I can come at it, according to my judgment, after the firing had ceased, it could not have been over ten or fifteen minutes.

Q. The white men then had all gone?—A. As far as I saw.

Q. And a few black men were scattered around there?—A. Yes, sir.

Q. Then you were the last one that left the depot?—A. Yes, sir; near about the last.

Q. And this ballot-box was then on the table?—A. Yes, sir.

Q. No one with it?—A. No, sir.



Q. You don't know what became of it after that?—A. I do not know.

Q. Did you leave any black men about the depot when you went off down to this other place?—A. I don't know that either. If there were any there, there could not have been over five or six.

Q. Where did you rejoin the other colored men? Or did you go down with them to this other place?—A. No, sir; I did not see any of them until I got to the place.

Q. How did you know where they were?—A. When you say these other men, you mean the managers, don't you?

Q. No. When you went down to this other voting-place, where you renewed the voting, did you go down with the other black men that went there; and, if not, how did you ascertain that they were there?—A. O, when I got out and got off a piece from the depot, I met a colored man, (I don't know who he was, either,) and he said they were going to finish the voting down there by the school-house.

Q. When you got there what were they doing?—A. They were fixing a box.

Q. How long were they engaged in fixing that box?—A. I could not say; they were not long engaged in fixing it.

Q. How did you organize there?—A. There was no organization to go into at all there, as I saw. Bush and Allen were there. When I say there was no one there, I mean there was no other manager.

Q. Did you act as manager at this place?—A. I acted as clerk.

Q. Were you sworn in?—A. I was sworn in as supervisor.

Q. You acted as a clerk and supervisor at that place?—A. Yes, sir.

Q. Can you tell what time of day it was when you began to ballot there?—A. When we began to ballot it was near about 1 o'clock.

Q. And you got through about sundown?—A. Yes, sir.

Q. And finished counting the votes before it was quite dark?—A. Yes, sir; it was quite dark.

Q. Was the return also written up at that time?—A. No, sir; it was not written up.

Q. When was that written up?—A. The day after.

Q. Who wrote that up?—A. I wrote it up.

Q. The next day?—A. Yes, sir.

Q. Where did you write up that return?—A. Where I am staying.

Q. Where was that?—A. It is George Morgan's place.

Q. How far was that from where Allen lived?—A. I think it was about a mile and a half or two miles.

Q. Was any one with you when you wrote it up, or did you write it up and take it there afterward?—A. I just wrote it up and took it over.

Q. What did you write it up from; your recollection?—A. No, sir; I had a ticket, and then we took a memorandum of the number of votes cast that night, and that was all that was necessary, as there was no—

Q. Then you took the names from the ticket and wrote opposite each name 1317?—A. Yes, sir.

Q. When you wrote out that return what did you do?—A. I gave it to Manager Allen.

Q. Where?—A. At his house.

Q. What time next day?—A. I could not say.

Q. Was it dark when you left the school-house, all of you, that night?—A. Yes, sir; I think it was.

Q. You left there before you had any candle?—A. Yes, sir.

Q. You don't know who took that box?—A. No, sir.

Q. You did not go to Allen's house that night?—A. Yes, sir.

Q. Who went with you?—A. I went by myself.

Q. Did you stay at Allen's that night?—A. Yes, sir.

Q. Who else staid there?—A. Only the family.

Q. No one else besides yourself and the family?—A. No one, sir; no one else besides myself and the family.

Q. You were the only one outside of the family who remained there that night?—A. Yes, sir.

Q. What became of Bush?—A. I could not say. He went to his house, I reckon. I don't know.

Q. He did not stay there?—A. No, sir.

Q. You did not see the ballot-box that night?—A. No, sir.

Q. You went from the school-house with Allen?—A. No, sir; I went alone.

Q. You did not see the ballot-box after you got to Allen's?—A. No, sir.

Q. Nor after you left the school-house? You have not seen it since up to this time?—A. O, yes; I have seen it since.

Q. Where did you see it?—A. At Blackville.

Q. When?—A. It was some time ago.

Q. State about the time.—A. As near as I can recollect it was not many days after the election.

Q. About how many; a week?—A. I think it was the Monday following Tuesday, the day of the election.

Q. Whereabouts in Blackville was it?—A. It was at a house in Blackville; Mr. Miller's house.

Q. Whereabouts in the house was it?—A. It was in one of his rooms.

Q. Setting on the table?—A. No; it was setting down in a corner.

Q. Was that a room where parties went in and out?—A. No, sir.

Q. How came you in there?—A. I went in to get a book.

Q. Was any one in there when you went in?—A. I and Mr. Miller went in together.

Q. What was in that room; was it a family room?—A. I don't know what he used it for. There was a book in there that I wanted. He got the key, and I went with him and got it. The only way that I know that that was the box was that it was wrapped up in paper and tied up, and I saw on the outside of it "Robbins's box."

Q. You have not seen it since?—A. No, sir.

Q. Who reached Allen's house first; you or Allen?—A. I got there first.

Q. How long was it before Allen came after you got there?—A. I don't think it was over an hour.

Q. Did you see him when he came in?—A. No, sir; I didn't see him.

Q. Where was he when you first saw him after he got there?—A. I was in the kitchen eating, and he came in.

Q. How many rooms are in his house?—A. I think there is four or five rooms.

Q. Did you hear him when he came in?—A. Yes, sir.

Q. Did he come into the room next to where you were eating?—A. The kitchen is not joining onto the house, and I was out there, and heard him when he came up the front steps.

Q. Did he come into the kitchen, or did you go to the house where he was?—A. He came into the kitchen. I don't think he came in directly from the road.

Q. Did you see that ballot-box there that night?—A. I did not, sir.

Q. Then you did not go home along with Allen?—A. No, sir.

Q. You took this return that you had fixed the next day to Allen or Bush; which?—A. To Allen.

Q. And you delivered it to him?—A. Yes, sir.

Q. Did you remain with Allen that night?—A. Yes, sir; I staid there that night.

Q. Was any one else there besides you?—A. No, sir.

Q. Have you ever seen that return since?—A. No, sir.

Q. You never saw it signed?—A. No, sir.

Q. When did you next see Allen after that night?—A. I am accustomed to seeing him very often, because I am a general visitor at his house, and I see him more or less every day, or every other day at least.

Q. How long was it after that that you went to Barnwell?—A. I had nothing to do with going to Barnwell.

Q. You did not go there at all?—A. No, sir.

By Mr. Annott:

Q. Do you not know Dr. Turner?—A. Which Dr. Turner do you mean?

Q. You know Dr. Turner, do you not?—A. Yes, sir.

Q. You know two Dr. Turners?—A. Yes, sir.

Q. You know all the Dr. Turners there are in that country?—A. Yes, sir.

Q. I mean the Dr. Turner who was there at that election as clerk of the board?—A. By sight I do.

Q. You have spoken to him, have you not?—A. Well, yes; by sight I know him.

Q. You have known him and spoken to him, have you not?—A. I don't quite understand that.

Q. You have spoken to him?—A. Yes, sir; no more than "Good evening, doctor."

Q. He was there all that morning, was he not?—A. Yes, sir.

Q. He was there as clerk of the election?—A. Yes, sir.

Q. You know that perfectly well?—A. Yes, sir.

Q. He went off at the same time with you?—A. No, sir; I don't think he did.

Q. Don't you know whether he did go away with you?—A. I can't safely say that he did go away with me.

Q. Can't you safely say who went away with you?—A. I should say I went off from the depot with no man.

Q. And you will not swear that you did not go with Dr. Turner?—A. Yes; I will swear that I did not go with Dr. Turner.

Q. Do you mean to say that you did not go—you, and Bailey, and Bush, and Maxson—three or four miles from that voting-place? Don't you know that you four went off together?—A. No, sir; I would not swear it, nor I did not go three nor four miles with him.

Q. Well, did you not go off a couple of miles with him?—A. No, sir; I did not go off a couple of miles.

Q. Did not you go beyond that school-house with Dr. Turner?—A. No, sir.

Q. You did not "ride and tie" with Dr. Turner?—A. No, sir, I did not.

Q. I want you to be sure of this, because you know, of course, whether you went off with

Turner, Balley, Bush, and the other man.—A. I am positive on oath that I did not go off "riding and tie" with Dr. Turner.

Q. Did you go with Mr. William Bush and Mr. Daniel Mixson and Dr. Turner?—A. No, sir.

Q. Are you sure?—A. Yes, sir.

By Mr. COCHRANE:

Q. Or with any or either of them, off beyond that school-house?—A. No, sir.

Q. And you never had any conversation afterward with Dr. Turner about this matter?—A. No, sir.

Q. How many white men were there around the table at the time the firing first commenced?

Mr. LAPHAM. Your question assumes what the witness has not said.

Q. Were there any white men in that building around the table at the time the firing commenced?—A. Was there any white men there right around the table?

Q. Any where in the room, or where the voting was going on?—A. There was some.

Q. How many, and who were they?—A. I could not tell you.

Q. Give us an estimate about how many?—A. I could not tell you.

Q. Two dozen?—A. I could not form any idea how many were in the room.

Q. Were there thirty?—A. All I know is there were white men there.

Q. Were there one hundred?—A. No; I know there was not one hundred, because the room was not large enough to hold one hundred.

Q. Were there fifty?—A. I should not say any more than that. I know that the room was not large enough to hold one hundred.

Q. Was Dr. Turner in there?—A. I am unable to tell you that.

Q. Was Dr. Wallace Balley in there?—A. I am unable to tell you who was in the room.

Q. How many of those tellers were there at the time the firing commenced?—A. I am unable to tell you.

Q. But you do recollect that some time after the firing commenced some of these white democratic tellers fled for protection and took refuge with you behind the cotton-bales?—A. Yes, sir; they were in the room there. I don't know whether they fled for protection or not.

Q. You all got down behind the cotton-bales?—A. Yes, sir; we did that.

Q. And you did that for the purpose of avoiding the firing?—A. Yes, sir.

Q. Do you know what became of those men afterward that were in the room? Did they come out with you?—A. No, sir; they did not come out with me.

Q. They were in there when you left?—A. I could not tell you that; there was three or four doors to the place, and I got out one way and they might have got out another way.

Q. And the only arms you saw about that place was the gun in the hand of one white man?—A. Yes, sir.

By Mr. LAWRENCE:

Q. How many republicans had voted up to the time of the firing?—A. I could not make any estimate of that. I know, as far as I can get at it, the whole time that they were there there was no less than forty nor more than fifty white men had voted, and the total vote as near as I can get at it was about 280.

Q. You said you had been threatened?—A. Yes, sir.

The CHAIRMAN. Speak only of what was done within your own knowledge.

Q. When?—A. From the time the campaign opened until the close of the election.

Q. What was said to you, and who said it?—A. I could not tell you who said it. I know that at least two hundred came to George Morgan's house, where I was staying.

Q. Whom was that?—A. That is another point that I didn't take any exact recollection of.

By Mr. LAPHAM:

Q. How long before election?—A. This was just after the Ellenton and the Robins riot.

Q. Was anything said to you after that?—A. No, sir; not to my face.

Q. Nothing was said to your face down to the day of the election?—A. No, sir; not to my face. The reason was—

Mr. ANNOTT. You need not state the reason.

By Mr. LAWRENCE:

Q. Where did you stay?—A. At George Morgan's.

Q. How long were you there?—A. I staid there from the 3d of June up to the time of the election.

Q. Did you remain at the house, or did you go out through the country anywhere after the threats were made against you?—A. I staid in the swamp.

Q. How long?—A. About a week.

Q. Why did you go into the swamp?—A. There were some colored men there who were in confidence with these men who I call raiders, and they would tell—

By Mr. PHILIPS :

Q. How did you know they were in confidence with them?—A. Because they have taken sides with them.

By Mr. LAWRENCE :

Q. State why you went into the swamp?—A. These men were in confidence with these white men, as I said, and—

Mr. COCHRANE: Do not tell what other men said.

By Mr. LAWRENCE :

Q. State why you went into the swamp?—A. In plain words, sir, because I was afraid of bodily injury.

Q. Did you see or hear anybody around the swamp?—A. Yes, sir; one place I was at they came. Yes, I can state an instance why I staid in the swamp exactly. After I left the place where I was staying I came down about 20 miles lower down the country, and was staying there, and at that time a report got out that there was some men—

Q. Never mind the report.—A. At that time they were raiding around in the north section of the country.

By the CHAIRMAN :

Q. How do you know that? Tell only what you know yourself.

The WITNESS. While I was there at that gentleman's house, about two hundred men came there and asked for me.

Q. How do you know they asked for you?—A. Because I was there—right there—and they asked for those men that came up from the section where the riot was.

By Mr. LAWRENCE :

Q. Did you see the men?—A. I did.

Q. Were they white men or colored?—A. They were white men, and those that hadn't double-barrel guns had pistols.

Q. What time did they come?—A. It was in the morning. I don't recollect the exact day.

Q. On foot or horseback?—A. They were on horses.

Q. What did they do and say?—A. They asked for those men that came from the section where the riot was, and then they pointed personally to me and asked who I was and where did I come from, and the gentleman told them that I was one of his sister's children; that I came from lower down in the country, and they went off after that.

Q. Are you one of his sister's children?—A. No, sir.

Q. Whose house was it that you were at?—A. Bill Mixson's.

Q. Was this before or after you had been in the swamp?—A. This was after—it was during the time.

By Mr. PHILIPS :

Q. You say that two hundred men, after the Ellenton riot, came to Morgan's?—A. Yes, sir.

Q. Did you see them?—A. I had a glimpse of them, sir.

Q. Did you see them?—A. I did not come right out and look straight at them, because that would have been—

Q. Where were you when they came to Morgan's?—A. I was in the room.

Q. Who else was there?—A. His family was.

Q. Was Morgan there?—A. No, sir; he was not there himself; his wife was there.

Q. You had a glimpse of them; is that all? Did you count them?—A. O, no, sir.

Q. How far were you from them?—A. The fence is in the yard, right in front of the road, and they were in the road.

Q. Passing by?—A. No, sir; they were standing there.

Q. Did they stop?—A. Yes, sir.

Q. Did they come into the house?—A. No, sir; they hallooed into the house and asked "Where is Motte?"

Q. How far off were they?—A. Right beside the paling.

Q. How far off from the house?—A. It is no considerable distance.

Q. How many yards?—A. I think about twenty-five or thirty yards.

Q. And one of them asked where was Motte?—A. Yes, sir.

Q. Was any response made to him?—A. No, sir.

Q. Was that all that occurred?—A. Then, when they said that, they said "Hullo, Motte!" and no answer was made, and they used an oath and said "We will make you answer," and I slipped out the back way and went off.

Q. Was that in the day-time or at night?—A. O, in the night.

Q. Did you know any one that was in that party?—A. No, sir; I did not recognize them.

Q. What time was it in the night?—A. I could not say; it was not late in the night.

Q. Had you gone to bed?—A. No, sir; I was sitting down in my room reading.

Q. You had not gone to bed?—A. No, sir.

Q. How long was that after you went to Morgan's house to stay?—A. That what I told

you just now was the first part that I wanted to bring in before—what made me stay in the swamp.

Q. I ask you how long that was after you first went to Morgan's house to stay?—A. That was just after the Ellenton riot. I went to Morgan's the 3d of June.

Q. How long was it after you went to Morgan's?—A. Tell me how long it has been from the 3d of June to the first Ellenton riot?

Q. I don't know anything about the Ellenton riot. Was it the same month?—A. I say I have forgotten the date of the Ellenton riot.

Q. Can't you state whether it was in June or not?—A. No, sir; if I go to stating the month I may go over. It was not the first month I went there.

Q. Was it the 1st of July?—A. No; I don't think it was.

Q. When was it?—A. Just as I told you; it was after the Ellenton riot.

Q. How far is that from where the Ellenton riot occurred?—A. It was between eight and ten miles.

Q. Were you at the Ellenton riot?—A. No, sir.

Q. You had no connection with that riot?—A. No, sir.

Q. Had you ever seen those parties before that night?—A. I did not recognize any one.

Q. You went out and went into the swamp?—A. Yes, sir.

Q. How long did you stay in there?—A. Backward and forward, I staid there a week.

Q. Where is that swamp?—A. At the back of his house.

Q. Then you went how far from there to where this second affair occurred?—A. I think it is about twenty miles.

Q. What county is that in?—A. The same county, Barnwell.

Q. And you stopped there at whose house?—A. William Mixson's.

Q. What town is that near?—A. Near the village of Baldoek.

Q. When those men asked who you were they just turned and left?—A. Yes, sir; after the gentleman told them that I did not come from where the Ellenton riot was they left.

Q. And that was about a week after the first affair occurred?—A. Yes, sir; about a week.

Q. After that did you return to Morgan's?—A. Not right away.

Q. How long was it before you went back?—A. It was about a week or two before I went back.

Q. Did you remain at Mixson's all that time?—A. Yes, sir.

Q. And then went back to Morgan's?—A. Yes, sir.

Q. Did you remain at Morgan's until after the election?—A. No, sir; I went backward and forward from Morgan's to Blackville.

Q. How far is Morgan's from Blackville?—A. I think it is between twenty and thirty miles.

Q. After you went back to Morgan's no one disturbed you up to the time of the election?—A. No, sir; no one ever disturbed me, because they could not get the chance to disturb me.

Q. You went to this town and from there back to Morgan's how often?—A. Well, about once a week, I think; and all the time I traveled about one or two o'clock at night.

Q. Where did you stay at Blackville?—A. I just boarded about there; paid my board and staid with my friends there sometimes.

Q. How large is the place?—A. I am unable to tell you; it is not very large.

Q. What did you do when you were at Morgan's?—A. I was teaching school.

Q. Then during this time you were at Morgan's that you are now speaking of you were teaching school, were you?—A. O, no, sir. Now I can tell you the exact time of the month that this disturbance took place. It was in September. I stopped teaching school right in the month of September.

Q. When did you resume teaching?—A. I have not been teaching since.

Q. This was in September and October that you were passing from Blackville to Morgan's?—A. Yes, sir.

Q. Were you not attending political meetings at any time during the campaign?—A. Yes, sir; I attended one or two of them.

Q. You went to political meetings the same as any other citizen would?—A. Yes, sir.

COLUMBIA, S. C., December 18, 1876.

Mr. Lawrence offered in evidence the following certified copy of the supervisors' return from Robbins precinct:

*Return of the election held at Robbins precinct, Barnwell County, November 7, 1876.*

The whole number of votes given for electors was .....	1,317
Of which Christopher C. Bowen received .....	1,317
John Winsmith received .....	1,317
Thomas B. Johnson received .....	1,317
Timothy Hurley received .....	1,317
William B. Nash received .....	1,317
Wilson Cook received .....	1,317
William F. Myers received .....	1,317

Of which Theodore G. Barker received.....	0
Samuel McGowan received.....	0
J. W. Harrington received.....	0
John Isaac Ingram received.....	0
William Wallace received.....	0
John B. Erwin received.....	0
Robert Aldrich received.....	0
The whole number of votes given for Member of Congress was.....	1,317
Of which Robert Smalls received.....	1,317
G. D. Tillman received.....	0

We the undersigned supervisors certify that the above is a correct return of votes cast at the election held at Robbins precinct, of Barnwell County, on the 7th day of November, 1876.

B. K. MOTTE,

Supervisors.

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
Columbia, December 13, 1876.

I hereby certify that the foregoing is a true copy of the election-return of Robbins precinct, Barnwell County, on file in this office; and that B. K. Motte, whose name is affixed thereto, was one of the supervisors duly appointed for said precinct.

SAMUEL I. POINIER,  
Chief Supervisor of Elections.

SUMPTER H. BLOCKER (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you live?—Answer. Blackville, Barnwell County.

Q. How old are you?—A. Within a month of 22.

Q. Did you hold any office at the last election?—A. I acted in the capacity of supervisor at Millett's precinct.

Q. What time did you reach there?—A. At a quarter to 6 o'clock on the 7th of November.

Q. What occurred at that precinct?—A. I prefer that you will ask me questions.

Q. Was there any interference with the election there? and, if so, tell what.

Mr. Cochran objected to going into the question of interference or intimidation at this time, as a violation of the understanding of the committee.

The Chairman said that the committee had agreed unanimously to postpone the question of intimidation until after the completion of the examination of the election-returns, and that, therefore, testimony upon that subject would not now be in order.

Mr. COCHRANE. I do not object to proof that parties went there from another precinct.

Q. Was there interruption during the day at Millett's when white voters came from Robbins's?—A. Yes, sir.

Q. What time was it?—A. Different times.

Q. Name the different times?—A. Well, they were so numerous. There came down at one time about twenty, I suppose.

Q. At what hour in the day was that?—A. About 1 o'clock in the afternoon, as near as I can remember.

Q. How did they come there?—A. They came on horseback.

Q. Was there any time that afternoon when colored voters left there and went to another place?—A. Yes, sir; at different times; the same as the whites came from Robbins's to and fro.

Q. How many colored voters left and went elsewhere?—A. Why, they went in crowds.

Q. From your observation and recollection, how many colored voters went over from Millett's to Robbins's?—A. I cannot state the number, because they were going all the time.

Q. Can you state anything about the number?—A. I saw some twelve leave at once and go in the direction of Robbins's, and others at different times after that, and some before that.

Q. You are unable to say how many in all went?—A. I cannot say exactly, because I did not count them.

Q. How is the fact as to whether the colored men generally voted at Millett's that afternoon to any extent?—A. No, sir; not to a great extent.

Q. Do you know where they did vote?—A. I cannot tell you where they went.

Q. You were there all day, were you not?—A. I was standing there, and a man was standing there, and he said—

The CHAIRMAN. You need not state what you heard any one else say.

Q. Do you know how many colored people went away from that poll and who did not vote there, wherever they went?—A. That is what I want to explain now.

The CHAIRMAN. Answer the questions and do not explain. How many people left there?—A. I cannot say.

By Mr. LAPHAM :

Q. State your best knowledge as to the number of colored people who refrained from voting at that poll that day ?—A. It is impossible for me to tell you exactly how many.

Q. You can give an estimate ?—A. I will make a supposition.

By Mr. LAWRENCE .

Q. State your opinion, from the circumstances, and from the best of your judgment ?—A. Well, there were—I will make a supposition. I will suppose about fifty to seventy-five—between fifty and seventy-five. I made a supposition. I cannot tell positively, because I did not count them.

Q. That was up to the time that you left, was it ?—A. Yes, sir.

Q. What time did you leave, if you did leave ?—A. I don't recollect the exact time that I did leave.

Q. Was it in the afternoon ?—A. I left in the afternoon.

Q. About what time in the afternoon ?—A. I cannot tell positively.

Q. State it as near as you can judge ?—A. It was late in the evening. I only make a supposition of it.

By Mr. LAPHAM :

Q. Was it after the polls had closed, or did you leave while they were voting ?—A. I felt in so much danger that I left while they were voting.

Q. Did you make a report to the district supervisor ?—A. I did.

Q. If you would see that, would your recollection be refreshed as to the time you left ?—A. Probably it would.

Mr. LAWRENCE exhibited to witness a certified copy of the report.

A. [Referring to the paper.] It was somewhere along about 3 o'clock.

Q. Have you examined that paper ?—A. I have.

Q. Is that a correct copy ?—A. It is, sir ; a correct copy.

Q. State whether the facts it contains are true.

Mr. COCHRANE objected, on the ground that this was raising the question of intimidation, contrary to the understanding of the committee.

The CHAIRMAN. This is simply accomplishing by indirection what we have decided shall not be done at this stage directly. We do not propose to take any *ex-parte* statements as evidence of facts ; and if you gentlemen propose to prove outrages and intimidation by the *ex-parte* reports, and not simply the *ex-parte* but the purely partisan reports of election-officers, certainly you cannot expect us to admit such evidence.

Mr. LAWRENCE said that this testimony was competent, not to make proof of the substantive fact of intimidation, but to show that men did go from this precinct to Robbins's, and the reason why they did go.

The chairman excluded the testimony.

COLUMBIA, S. C., December 18, 1876.

LAWRENCE W. GENNERETTE (colored) sworn and examined.

By Mr. LAWRENCE :

Question. State your age and residence ?—Answer. I am about twenty-two years old. I reside at Midway, Barnwell County.

Q. Did you hold any official position on the 7th of November last at the presidential election ?—A. Nothing more than an appointment as a commissioner for the election, as a member of the board of county canvassers.

Q. What do you know, if anything, of the appointment of Allen as a manager of election ?—A. I know that he was appointed.

Q. For what precinct ?—A. I cannot state directly unless I had a list of the appointments.

By Mr. PHILIPS :

Q. Are these appointments of the precinct managers made in writing by the county commissioners ; if not, how are they made ?—A. We make an appointment and notify the managers by sending them a card.

Q. Is that appointment made a matter of record ?—A. No more than that each of us as a commissioner takes a list.

Q. Then you notify him in writing, and that notification is his authority for acting ?—A. Yes, sir.

Q. Where were you on the day of election ?—A. At Midway precinct, where I reside.

Q. How far is that from Robbins's ?—A. I cannot say exactly. Robbins's is situated near the Port Royal Railroad.

Q. What do you know of the return having been made to the county officers of the vote

at Robbins's?—A. I know that these men, or the managers, presented a return to us—that is, myself and Mr. Knopf—on the morning after we had canvassed the votes: that was on the road; we met them coming to Barnwell, the county-seat. I refused to take them in the road, and I went to Blackville.

Q. What time did the commissioners adjourn?—A. I cannot say exactly, but I think it was about 7 o'clock in the morning of Saturday following the election.

Q. Go on and state what you know about this Robbins precinct.—A. I know the returns were presented to us on the road, and I refused to take them on the road.

Q. What time were the returns offered to you?—A. I really cannot state the time.

Q. Who was present when it was presented on the road?—A. The other commissioner, Mr. Knopf and myself were riding in a buggy, coming from Barnwell. After we got to Blackville I received the returns in the presence of Mr. Knopf. Mr. Knopf refused to sign the return. He said that he didn't think it would be safe; that he knew that if he did sign it he could not live in the county. I told him that I would sign it, because I thought I had a right to do it.

Q. Then what was done with the return?—A. That same evening I took the train and came up here to Columbia, and on Tuesday I presented it to the State board of canvassers.

Q. You gave it to the secretary of state?—A. Yes, sir, or his clerk.

Q. Were the board of officers in session when you delivered it?—A. Yes, sir.

Q. Did you state to them the reason why it was not in the county returns?—A. Yes, sir; I put in a statement to that effect.

Q. Did you make an affidavit?—A. Yes, sir.

Q. And filed it with the secretary of state?—A. Yes, sir.

Q. Who was present when you were canvassing the county returns?—A. There were a good many of us present. Among the number, Judge Mahor, and General Hagoood, and others.

Q. Who was Judge Mahor?—A. The former judge of that circuit.

Q. In what capacity did he appear there?—A. He asked to come there as an adviser to the board, and the board agreed to take him.

Q. Was he a republican or a democrat?—A. A democrat.

Q. What was said in the board, if anything, about waiting for the return from Robbins to come in?—A. Well, after the board had organized for the purpose of receiving the boxes, returns, &c., I made a motion to adjourn until the next day at 9 o'clock. We didn't reach Barnwell until some time near 5 o'clock that evening. I made a motion to adjourn until Saturday, at 9 o'clock. This was on Friday, the 10th of November. Judge Mahor said to me that it was no use. I told him that, according to the act that governed the election, we should proceed to canvass on the following Tuesday after the election, and I would like to go by that instruction. He said that I was right, but the instruction of the attorney-general of the state was to go right through with it, and I did not understand it. The democratic commissioner was willing to go through with it, but Mr. Knopf hesitated, and I insisted upon my motion. He asked me then what was the use of my being so hard; to go to work at it. I told him I thought I had reason; and while sitting down to the table, just like this here, Mr. Knopf whispered to me and told me that I had better not go any further; that it would not be safe, because the democrats were there in such force that, if we objected and did not do what they wanted us to do, he would not give a cent for our lives. There were over thirty or forty men there dressed in red shirts, and with their rifles standing around us, cursing and going on in all sorts of style.

Q. Who was Mr. Knopf?—A. The republican commissioner.

Q. You were a republican?—A. Yes, sir.

Q. Who was the chairman?—A. Mr. Knopf.

Q. What was done then?—A. I just went to work with them; I took his advice.

Q. Did you proceed with the canvass?—A. Yes, sir.

Q. What time did you finish it?—A. About 7 o'clock in the morning.

Q. Did you sit up all night at work on the canvass?—A. The whole night.

Q. Did you hear anything of Robbins's box that evening?—A. No, sir; I did not hear anything about it.

Q. You have said that Mr. Knopf spoke of the number of men who were there. What is the fact about it?—A. Well, they were there, about thirty-five or forty of them, dressed in red shirts, and they had their guns with them.

Q. What were they democrats or republicans?—A. All democrats.

Q. Were there any republicans there who were armed?—A. Not a single one, save myself and Mr. Knopf.

Q. Did they stay there all night?—A. Not the whole crowd of them, but a good many of them staid the whole night, and some slept around the building.

Q. Did any returns come from Calnan's Fair church?—A. No, sir; the box was presented to us by that manager, with a blank we gave them to make out the return, and a statement, and we, each one of us, looked at the writing on the other side—

(Mr. Phillips objected to the witness stating the contents of the paper.)

Q. Who brought the ballot-box there?—A. One of the managers.

Q. Who was it?—A. I know his name was Maxson—I think it was David.



Q. Maxson was one of the managers at Cainan's Fair?—A. He was.

Q. Were there any ballots in the box?—A. I never examined the box at all.

Q. Was there any return of the election from Cainan's Fair?—A. No, sir; no return.

Q. And no canvass?—A. No, sir.

Q. Did you see the paper which was produced by Mr. Maxson?—A. Yes, sir; I saw it and read it.

Q. What was done with that paper?—A. We gave it back to him. We just took a copy of it and handed the original back to him.

Q. You spoke of these men having red shirts; what is the significance of that?

(Question objected to, and excluded by the Chair.)

Q. What was the political complexion of Cainan's Fair precinct—democratic or republican?—A. I cannot tell.

Q. What was Robbins—republican or democratic?—A. O, a republican majority.

Q. Do you not know how it was at Cainan's?—A. I cannot tell directly.

By Mr. LAPHAM:

Q. You had, by law, until the Tuesday after election to make your returns to the State canvassors?—A. Yes, sir.

Q. And you made the return of the Robbins vote within that time?—A. Yes, sir.

By Mr. PHILLIPS:

Q. You say you are twenty-two years of age, and live at Midway; how far is that from Burnwell Court-House?—A. I think it is about thirty-five miles.

Q. What recollection have you about the appointment of Allen as precinct manager?—A. I know that he was appointed manager.

Q. You do not know for what precinct; you know he was not appointed manager for Robbins?—A. I cannot say, without I had a list here.

Q. Did not the county commissioners preserve any record or memorandum of the appointments of precinct managers?—A. No, sir.

Q. You kept no record of it at all?—A. Yes, sir; I think we did; but that is with the chairman.

Q. How long have you resided at Midway?—A. I think since shortly after the breaking out of the war.

Q. How old were you when the war broke out?—A. I cannot say directly.

Q. The war broke out in 1861; do you know in what year you were born?—A. Yes, sir.

Q. What year was it?—A. 1855.

Q. Were you born at Midway?—A. No, sir; I was born at Charleston.

Q. Did you go from Charleston to Midway?—A. Yes, sir.

Q. And you have lived at Midway ever since?—A. Yes, sir.

Q. If I understand you, the first time this Robbins box was presented to you was on the highway, when you were going from Burnwell to Blackville?—A. Yes, sir.

Q. And at that time you had met and canvassed the precinct returns, and made out your returns and adjourned?—A. Yes, sir.

Q. What time of day was it that you met this box?—A. I have no idea of the time.

Q. You were the only one of the managers that signed that return?—A. Yes, sir.

Q. And you signed that at Blackville?—A. Yes, sir.

Q. When?—A. Just as soon as I got to Blackville.

Q. Then what did you do with it?—A. I kept it in my possession until evening, when I took the train from there and came up here. That was Saturday evening.

Q. Did you reach here Saturday night?—A. Sunday morning.

Q. When did you take that return up to the secretary of state's office?—A. I think it was Tuesday.

Q. Where was the return in the mean time?—A. I had it with me all the time.

Q. Did you submit it to any one for examination in the mean time?—A. No, sir.

Q. Did you show it to any one?—A. No more than to Mr. Knopf, one of the commissioners. He was up here at the same time and brought the general return with him.

Q. You and he came together?—A. Yes, sir.

Q. Did you show that to any one here in town?—A. No, sir.

Q. To any one at all?—A. No, sir.

Q. Did any one talk to you about it here in town?—A. No, sir; not as I know of.

Q. In what shape did you bring the returns up?—A. I wrapped them up by themselves and tied a string around them.

Q. Wrapped them up in what?—A. Nothing but the paper itself.

Q. You just had a string tied around the returns?—A. Yes, sir.

Q. You presented that return on the Tuesday following and delivered it to whom?—A. Mr. Hayne.

Q. To him in person or to his clerk?—A. I know he was present. I cannot tell whether I handed it to him or the clerk.

Q. Is this Judge Maher judge of the circuit court of that place?—A. He was formerly.

Q. How long is it since he was judge?—A. I cannot say.

Q. What is your recollection about it?—A. I cannot recollect what time the present judge came there.

Q. How long is it since Judge Maher was judge of that circuit?—A. I would rather not say unless I could make a direct statement.

Q. How came Judge Maher to be regarded by your board as your legal adviser? Do you state that he came and requested to be regarded by the board as its legal adviser?—A. No, sir; not to me.

Q. Did you see him go to any member of that board and request that they should take him as a legal adviser?—A. No, sir; but Mr. Knopf told me.

Q. You did not see or hear him make any such application?—A. No, sir.

Q. You say that the board consented to take him as their legal adviser?—A. That was my understanding of it. Mr. Knopf told me that he asked.

Q. Did you acquiesce?—A. No, sir.

Q. Did you object to it?—A. I objected to it.

Q. To whom did you make your objection?—A. To the chairman of the board.

Q. Where?—A. Right in the room.

Q. When?—A. At the same time.

Q. Who was present when you made that objection?—A. A good many were present.

Q. State the names of those who were present.—A. There were a good many strangers and I could not recall the names.

Q. Was General Hagood there?—A. I do not know as he was at that time, but he was there all along.

Q. Was this after your board had organized and was in session for the purpose of canvassing the precinct returns?—A. Yes, sir.

Q. You made it publicly there before the board?—A. Yes, sir.

Q. Was Judge Maher himself present then?—A. No, sir; he was outside.

Q. Was he notified that you had objected to him?—A. I do not know, sir.

Q. At what time did Mr. Knopf tell you that Judge Maher had requested to be taken as an adviser of the board?—A. I cannot tell what time.

Q. Was it after your board had organized?—A. Yes, sir.

Q. How long afterward?—A. A few minutes afterward.

Q. Where did you organize?—A. In a building in the village.

Q. In the court-house?—A. No, sir; there is no court-house there.

Q. That is the county-seat?—A. Yes, sir.

Q. And Blackville, where you received the box, is how far from the county-seat?—A. Ten miles.

Q. What time on Friday did your board organize?—A. About 5 o'clock.

Q. Did you make this motion to adjourn until Saturday immediately on the organization of the board?—A. Yes, sir.

Q. Who was present when you made that motion?—A. A good many of them.

Q. Name any who were present, outside of the board?—A. Judge Maher was present.

Q. Who else?—A. I cannot recollect any of their names.

Q. Was General Hagood there?—A. I do not know as he was there right at that time. That was near about the time when I objected to Judge Maher—near about the time, or right after. I do not know as he was there at the time.

Q. Did you assign any reason for the adjournment of the board until the next morning?—A. Yes, sir.

Q. What was it?—A. I stated that my objection was that the Robbins box was not present, and if we adjourned to some time the next day the box might have come in.

Q. Had you any information at that time about the reason why the Robbins box was absent?—A. No, sir.

Q. How did you ascertain that it was absent?—A. We had just organized ourselves as a county board of officers.

Q. Now, I ask you if you had learned of the absence of the Robbins box before that, and, if so, how? Did you go to make an examination to see what returns were there before you organized as a board?—A. The first organization was as commissioners.

Q. You met as commissioners to canvass the precinct returns?—A. We met then and organized to receive them.

Q. You met about 5 o'clock and organized. Now, before you had met and organized as a board, for the purpose of canvassing the precinct returns, had you gone there to the office to see and to count what precinct returns were there?—A. No, sir.

Q. Then when did you learn that the Robbins precinct was absent?—A. When the chairman called out for all the boxes by name all were present except that one.

Q. Had that been done before you made a motion to adjourn until the next morning?—A. I never made a motion to adjourn until the next morning.

Q. Haven't you just said that you made a motion to adjourn until the next morning on account of the absence of the Robbins return?—A. I made that motion in the evening, just after we met.

Q. Was that the first thing you did on meeting?—A. After we received the boxes.

Q. You did not make that motion until after the boxes had been presented?—A. No, sir; not until after the boxes were presented.

Q. Who did you say objected to that adjournment?—A. Judge Maher.

Q. What did he say?—A. He said that he thought we had better go through with the counting.

Q. State exactly what he said as far as you can recollect it.—A. That is all he said until I objected further and stated my grounds, and then he said I was right, but according to the instruction of the attorney-general of the State, he said, we had better go through.

Q. Did he state what that instruction of the attorney-general was?—A. He said that the instruction was that three days after the election was over we should proceed to the canvass.

Q. That you should meet and begin the canvass?—A. Yes, sir.

Q. Was that all he said?—A. Yes, sir; that was all he said.

Q. And thereupon you all entered into the canvass and continued it until you completed the canvass of all the returns, at 7 o'clock the next morning?—A. Yes, sir.

Q. You then made up your return as county commissioners, to be forwarded to the State board, and adjourned?—A. Yes, sir.

By Mr. ABBOTT:

Q. You said you signed some return at Blackville; what was it that you signed there?—A. I signed the returns.

Q. What returns? The returns that those persons gave you?—A. Yes, sir.

Q. Where did you sign them?—A. At a private building at Blackville.

Q. Is that [handing witness a copy of the return] the form of the paper that was given to you? If so, tell us where you signed the return which was given to you and given to the secretary of state.—A. I do not know as I signed this, because I cannot find my name on it.

Q. That purports to be a copy of the paper that is in the secretary's office. Now, whereabouts did you sign it?—A. I signed it about here, [indicating.]

Q. Did you do anything more than put your name to it?—A. Nothing more.

Q. How sure are you that you put your name to the return which was produced by Allen and Bush? Are you sure that you put your name to it at all?—A. Yes, sir; I am sure of that.

Q. Was that paper signed by Allen and Bush?—A. Yes, sir.

Q. Was it under their names that you put yours?—A. Yes, sir.

Q. You stated nothing in this paper above your name?—A. No, sir. I only put my name.

Q. You only put your name under the managers' names?—A. Nothing else on that paper.

Q. Did you on any other paper?—A. I sent in an affidavit.

By Mr. COCHRANE:

Q. At the time that your board of canvassers organized, were the boxes containing the returns all there in the room?—A. There was not a single box there at the time we organized.

Q. How long after you organized was it that the boxes were brought in?—A. As soon as we had organized we called for them.

Q. Who called for them?—A. The chairman of the board.

Q. What did he say?—A. He commenced alphabetically and called from the first precinct down to the last.

Q. Who brought them in?—A. At first some of the chairmen of the precinct managers, and others.

Q. Where did they have the boxes?—A. They had them in their hands, outside.

Q. They were standing outside?—A. Yes, sir.

Q. What was said when Robbins precinct was called?—A. No one answered at all.

Q. Were all the boxes there at that time except Robbins?—A. Yes, sir.

By Mr. LAPHAM:

Q. Do you remember that, during this canvass, there was a discovery made that Hurley, one of the republican electors, had no votes at Blackville? Do you remember that there was a precinct where Hurley was left out or was missing?—A. I do not know as the name was missing.

Q. Was there any difficulty about the electoral vote of Hurley?—A. There was a little mistake made, but that was by the managers.

Q. What occurred in reference to that?—A. Well, we agreed to send that return up before the State board of canvassers.

Q. What occurred before your board?—A. Nothing occurred, only we all concluded that it was a mistake.

Q. Was not one of the managers there with the return?—A. No, sir. As soon as we received the boxes and the returns, then the managers all left.

Q. Are you not mistaken about the manager from Blackville; was not he still there when this mistake was discovered?—A. No, sir; he was not there.

Q. Do you remember how you ascertained that it was a mistake?—A. Nothing more than we just concluded that it was a mistake.

Q. You don't remember anything being said by the manager of that precinct about it?—  
A. No, sir.

Q. Or do you remember whether you took the advice of the counsel about it?—A. He said that we had better send it up.

By Mr. PHILIPS:

Q. Who said?—A. Judge Maher.

By Mr. LAPHAM:

Q. Do you remember that his advice was asked about it by either of you commissioners?  
—A. No, sir; I cannot remember.

Q. What did he say about it, whether he was asked or not?—A. He said that it was a mistake.

Q. What else did he say?—A. That we had better send it up to the State board of canvassers, and it would be determined there.

Q. What did he say as to whether you could correct it there?—A. No, sir; he didn't say that we could correct it.

Q. Did he say that you could not, or anything upon the subject?—A. Well, he said that he didn't think that we could correct it there; that we had better send it up.

Q. State whether that was the reason it was not corrected by the commissioners, the advice he gave?—A. Yes, sir; that was the reason.

Q. Do you remember the number of votes at that precinct?—A. Something over eleven hundred.

Q. I mean the number of republican votes. Do you remember how many Hurley lost by that mistake?—A. I know that the majority for the republicans at that precinct was something over two hundred, but all the republican votes I don't recollect.

Q. If I understand you, Mr. Knopf was the person selected to bring the returns from your county to the secretary of state?—A. Yes, sir.

Q. You have spoken of bringing to the secretary of state's office a return from Robbins precinct. Now, I want to know whether you brought it and filed it at the same time that Mr. Knopf filed the other returns of the commissioners?—A. Not at the same time, but on the same day.

Q. That was the last day you had to make returns, was it not?—A. Yes, sir.

Q. And at that time you met and filed an affidavit of the facts?—A. Yes, sir.

Q. Are you one of the accounting-officers?—A. Yes, sir.

Q. Did you sign their returns?—A. Yes, sir.

Q. Did you also sign the managers' return for the Robbins precinct?—A. Yes, sir.

Q. How did you happen to sign the Robbins precinct return?—A. I signed it because I thought I had a right to sign it. One of the commissioners was present, Mr. Knopf. He refused to sign it, and he stated his reason.

Q. Now, there is no mistake about this: this return which Allen and Bush produced to you you did sign your name upon that paper; that you do know, if you know anything about these things, do you not?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Where was that?—A. That was at Blackville.

By Mr. PHILIPS:

Q. You did not correct that mistake, as you supposed it to be with reference to Hurley; you just sent it up to the State board?—A. Yes, sir.

COLUMBIA, S. C., December 18, 1876.

ABRAHAM KNOPF sworn and examined.

By Mr. LAPHAM:

Question. Where do you live?—Answer. At Blackville, Barnwell County.

Q. How long have you lived there?—A. Next March it will be twenty-two years.

Q. What is your occupation?—A. I was merchandising; I am not now.

Q. What is your age?—A. About forty-four.

Q. How long have you lived in this State?—A. Twenty-two years.

Q. All the while at Blackville?—A. I have lived at Blackville ever since 1865. Previously I lived out in the country about eight miles from the place.

Q. Did you hold any office at the last election?—A. County auditor.

Q. How long have you held that office?—A. Nearly two years. I hold it now.

Q. Were you elected to the office?—A. I was appointed, on the recommendation of the delegation, by Governor Chamberlain.

Q. As county auditor were you one of the board of county canvassers?—A. Yes, sir.

Q. Who were the other members of the board?—A. W. T. Blanton and L. W. Gennerotte.

Q. When did you first meet for the purpose of canvassing?—A. I don't exactly remember the day; some time in October.

Q. I mean for the purpose of canvassing the vote after the election?—A. We met at Barnwell on the 10th of November, Friday, about one o'clock in the afternoon.

Q. What returns had come in at that time?—A. There were thirteen returns, and the fourteenth was empty; that was the box for Calnan's Fair; there was no election held there. At Robbins there was none. There were thirteen in all.

Q. Including the Calnan's Fair box?—A. No, sir; aside from the Calnan's Fair box and the Robbins box.

Q. What time did the commissioners organize for the purpose of the canvass?—A. As soon as I got there.

Q. How many people were there at that time?—A. Well, I traveled ten miles to get there, (from Blackville to Barnwell,) and when I first got in there were not more than one or two, but in the course of a few minutes there were a good many there.

Q. How many?—A. Two rooms, perhaps the size of this, were well crowded, and a good many in the yard.

Q. Were any of the persons armed?—A. I did not see any.

Q. That evening?—A. I did not see any arms that day.

Q. Did you that night?—A. No, sir; I saw some the next morning in the room.

Q. What time in the morning?—A. After we got there. It was about eight o'clock before I saw any arms.

Q. Where were they?—A. They found them in the corner. There were only three guns.

Q. In the room that you were in?—A. In the next room.

Q. Were there any persons in red shirts there?—A. Yes, sir; during the afternoon, but none at night.

Q. When you ascertained that the Robbins precinct return was not there, was there any application made or anything said about adjourning over your canvass?—A. O, it took us until about four o'clock to canvass, but we didn't certify until about eight or nine o'clock in the morning.

Q. Was there any motion made to adjourn the canvass on account of the absence of the Robbins precinct return?—A. Not as I remember; not during the day.

Q. At any time before you got through?—A. Well, next morning—

Q. No; that evening I mean?—A. No, not that evening.

Q. Do you not remember Mr. Gennerotte's making that motion?—A. I don't remember that any one made any such intimation to me during the day.

Q. Now, you say you got through with the canvass about four o'clock in the morning?—Yes, sir.

Q. Was there anything said then about adjourning for the Robbins precinct?—A. I called Mr. Blanton; I remember that. I ain't certain whether I called Gennerotte. Says I, "We are through now; let us adjourn and go home." That was about eight or nine o'clock the next morning.

Q. You do not understand my question. Was there any application made to wait for the returns from Robbins?—A. Not as I remember.

Q. Did you see any one from Robbins the previous evening while you were engaged in the count?—A. I saw two of the managers at nine o'clock that night, as near as I can recollect.

Q. Who were they?—A. William Bush and W. J. Allen, I think. Allen I did not speak to; Bush is the one that I spoke to.

Q. What was said?—A. He called to me at the time while we were canvassing. I suppose there were twelve or fifteen in the room where we were sitting, and I heard my name called. I saw Bush, and he said, making a motion, "I have brought the return from Robbins." I said, "Have you got the box, too?" Said he, "Yes." At the moment I said, "I shall receive nothing from Robbins." This was at nine o'clock at night. He insisted for a while on my taking it. He said, "That is as soon as I could come." Said I, "You get away just as quick as you can." I would not touch it.

Q. What reason did you assign for that?—A. Well, I feared to receive it.

Q. Didn't you say so to Mr. Bush?—A. Yes, sir; I tried to cut it as short as I could to get him away.

Q. Did you mention it to either of the other commissioners?—A. No, sir; I never mentioned anything at all.

Q. Why didn't you do that; why didn't you tell Gennerotte and Blanton?—A. Well, I hardly know myself; I was excited at the time at the idea of the box—

Q. Excited with what?—A. Well, I expected that I was pretty closely watched.

Q. Excited with what, anger or fear?—A. Sort of fear; of course it was fear.

Q. Was there any other reason than that, why you didn't speak to your associates?—A. Well, it seemed like the whole weight was on me, because Mr. Blanton—

Q. Just answer my question; was there any other reason than these fears for your not speaking to Blanton and Gennerotte about their having come there with that return? Can

you assign any other reason?—A. At that moment I thought they might suspect me of something wrong, a party that was inside.

Q. Well, that was part of your fear?—A. Well, that was my fear.

Q. And you did not say anything about it?—A. No, sir; I did not say anything during the whole night.

Q. What time Saturday morning did you adjourn?—A. Between 8 and 6 o'clock.

Q. Where did you then start for?—A. Back for Blackville, after I had seen doctor. I was made messenger to bring the returns to Columbia.

Q. On your way to Blackville, did you meet either of the officers of Robbins Parish?—A. Yes, sir; as we got outside of the gate at Barnwell, they approached us.

Q. While you were there at Barnwell, you met them?—A. Yes, sir; right at the gate as we got out of the building where we had been canvassing.

Q. Who was Mr. Blanton?—A. I think he remained in the building.

Q. You left him in the building and you and Gennorette started to go to Blackville and they met you?—A. Yes, sir; we met three of them, Allen and Bush and the supervisor.

Q. How far from the door of the room where you had been canvassing were you?—A. I suppose about twenty yards.

Q. What occurred there?—A. Well, they said, "We come to you to take your returns." They demanded of me to take the returns of Robbins.

Q. Who made that request?—A. All three of them. Mr. Motto said, "I am supervisor, and I demand of you to receive this box." I told them, "My return is sealed up, and I consider that I have finished my work."

Q. What did Mr. Gennorette say?—A. After they had talked there awhile he said he would take it, and he received it.

Q. Did you state there any other reason for not taking it than that the returns were sealed up?—A. I told them that I considered that we had done our work, and I didn't consider that we had a right to receive anything else after it.

Q. Did you say anything there about your fears in case you should take it?—A. I think I said something about that. I told them I would not dare touch anything now.

Q. Where did you go then?—A. On to Blackville.

Q. Did they go back with you?—A. They didn't go with me, but I saw them there, and they approached me again.

Q. Did you and Mr. Gennorette go together?—A. Yes, sir.

Q. How long after you got there did you see them first?—A. I think it must have been about 3 o'clock when I met them. I got there about twelve.

Q. You saw them, then, within an hour or two after you reached Blackville?—A. Yes, sir.

Q. What occurred then?—A. In fact, they sent for me and asked me why I didn't receive it, and they tried to tell me the reason that they could not bring it any sooner. I told them not to tell me anything at all. I said I had done my work and I could not take anything from Robbins. I said, "I cannot endanger myself by taking anything now."

Q. What reason did they give you for not bringing it sooner?

Mr. PHILLIPS objected to the question as calling for a mere conversation.

Mr. LAPHAM contended that the question called for an official communication.

The committee overruled the objection.

Q. What was said to you by Mr. Bush, or either of these gentlemen, in regard to the reason why they were not earlier with the Robbins return?—A. They told me that some of them got out in the road and hunted him and wanted to kill him, or wanted to take the returns from him, (I don't recollect the exact words,) and that they had to ride around out of their way.

Q. At what time did they state this to you?—A. In the morning when they came to Barnwell, and then at Blackville.

Q. Who was counsel for the board while you were engaged in making the canvass?—A. One was with us all the time, Judge Maher.

Q. He is a democrat, is he not?—A. Yes, sir.

Q. Do you remember in the course of the canvass a defect in one of the precincts, an omission of any electoral vote for Mr. Hurley?—A. Yes, sir; at Blackville.

Q. How many votes?—A. Six hundred and ninety-five.

Q. Tell the committee what occurred when you discovered that defect. You discovered it during the canvass, I understand?—A. Yes, sir.

Q. What was said and done?—A. I handled all the returns. When I got to Blackville, in calling out the electoral votes I made mention, "I see Tim Hurley's name ain't there," and at that time one of the managers from Blackville that brought the returns hadn't left Barnwell, when he called the attention of the board to the fact that Mr. Hurley's name was left out, and he said, "It isn't there." I told him, "There it is." He took out then the tally-list and showed the board that his name was there. I told him, "'Taint here where you are signed to it; 'taint here officially." Then we understood there the reason it was left out. He offered to give it to the board. I told him, "We cannot receive it; you are only one."

Q. What was the reason it was left out?—A. They all got tired and slept, I suppose,

the latter part of the night. The democratic supervisor copied it, and while he was copying he, through mistake, lost it out.

Q. That was said there, was it?—A. Yes, sir; by the messenger.

Q. Was he one of the managers himself?—A. Yes, sir; he was one of the managers.

Q. What was said then?—A. Judge Mahor ruled me that I could not receive it, and I thought he was right.

Q. Was that the reason the correction was not made?—A. Well, he said we could not put anything there without the managers put it there themselves; that we could not go behind the returns.

Q. And it was not done?—A. It was not done.

By Mr. BANKS:

Q. For that reason?—A. At that time it was not changed at all; it was left that way.

By Mr. LAPHAM:

Q. Did anybody advise that you should not correct that mistake?—A. Well, the attorney for the board (he offered his services voluntarily) he advised that I could not go behind the returns.

By Mr. LAWRENCE:

Q. You speak of him as the "attorney of the board"?—A. He offered voluntarily to act for us if we needed any advice.

Q. Did the board employ him or ask him to act as their counsel?—A. No, sir.

Q. Did he not appear in fact as counsel for the democratic candidates?—A. I cannot say. As soon as I got there he said, "Mr. Knopf, if you need my advice I will give it to you voluntarily." I told him I had no objection.

Q. Where was your precinct?—A. Blackville.

Q. Was it there that this deficiency was?—A. Yes, sir.

Q. What do you know as to whether Mr. Hurley was voted for by the voters that day?—A. Yes, sir.

Q. Did you see any republican tickets on which Mr. Hurley's name did not appear?—A. No, sir.

Q. Now, if I understand you, by the return of the managers, Mr. Hurley had no vote at all?—A. None at all.

Q. But you know you voted for him?—A. Yes, sir.

By Mr. ABBOTT:

Q. You know Mr. Blanton, I suppose, perfectly well?—A. Yes, sir.

Q. You were not afraid of him?—A. No, sir.

Q. He was not a man who would have done you any violence under any circumstances?—A. Well, he took no part at all.

Q. He was one of your commissioners; now he would not injure you if you communicated to him the fact that you had had that return offered?—A. Well, I did not feel like mentioning it to any one.

Q. You were not afraid of Mr. Blanton?—A. No, sir; not of him.

Q. You were not afraid of Gennerette?—A. No, sir.

Q. General Hugood was there at the time?—A. Yes, sir.

Q. You were not afraid of him?—A. Well, I do not know that I thought much about it; there were a good many there.

Q. You hadn't seen a gun in the room that night?—A. Not a gun that night.

Q. Nobody had threatened you?—A. Not that I had heard.

Q. So that there was an absence of arms, there was an absence of any threats whatever, and, so far as Mr. Blanton was concerned, you were not afraid of him?—A. I would not have been afraid of him if the board had been by itself.

Q. You were not afraid of Judge Mahor, the counsel?—A. No, sir; but I did not feel right in telling him.

Q. Your only reason was that you were afraid of something?—A. I just had a fear.

Q. When did Mr. Gennerette first take that return?—A. He received it there at Barnwell.

Q. When did he sign it?—A. At Blackville. We were in a buggy when he received it.

Q. Then he took it into the buggy and drove on to Blackville, and when he got to Blackville he then signed it?—A. Yes, sir.

Q. And you saw him sign it?—A. Yes, sir.

Q. Then you came with him to Columbia?—A. I did not come with him.

Q. You came to Columbia?—A. Yes, sir.

Q. He came at the same time, didn't he?—A. No, sir.

Q. How soon after did he come?—A. I don't know.

Q. Didn't you meet him here?—A. Yes, I saw him.

Q. Did he get here before you, or afterwards?—A. I think he must have got on the train before.

Q. You carried the general returns for the county to the secretary of state?—A. Yes, sir.

Q. Would he receive them when you brought them there?—A. I did not see the secretary of state at first.

Q. Would they receive them?—A. No, sir; they would not.

Q. What time did you go there?—A. It was on Monday that I went there to deliver them, and they would not receive them, and I did not go there again until Wednesday.

Q. Why didn't you go next day?—A. Well, I thought I would stay away until Wednesday, and maybe they would take them, and when I went there they took them.

Q. What reason was there for not receiving them when you carried them to the secretary of state's office?—A. Well, I thought they didn't want to receive them.

Q. Well, they said they wouldn't receive them, didn't they?—A. Said he, "Have you got a full return for Barnwell County?" Said I, "I have got thirteen boxes." He asked me if I did not have the balance of the returns, the other two. I told him that was all I had. Said he, "We cannot receive them."

Q. Which other two were they?—A. Robbins and Cainan's Fair.

Q. Did you see the secretary of state, or any other person, in that office between that and Wednesday?—A. No, sir.

Q. Did you see anybody between that and Wednesday?—A. No, sir; I didn't go to the state-house at all.

Q. Did you see anybody here to talk with upon that subject of returning your papers?—A. Yes; I made mention to General Hagood; he is the only man that I remember.

Mr. LAPHAM objected to the witness stating his conversation with General Hagood.

Mr. ABBOTT. I want to know what the witness did in reference to those returns, as bearing upon his conduct in not delivering them.

The CHAIRMAN. Anything that occurred in this connection which was directly connected with the delivery of the returns to the secretary of state, is competent.

Q. Did General Hagood in any way advise you not to deliver them, or offer any inducement not to deliver them.

Mr. LAPHAM objected to the question as incompetent.

Q. Did General Hagood in any way offer any inducement to prevent you delivering those returns to the secretary of state?—A. No, sir.

Q. Did not he advise you to deliver them to the secretary of state?

Mr. LAPHAM objected to the question as immaterial.

The CHAIRMAN. I think that is a material fact which may be brought out, whether strictly and legally competent or not.

Q. Did General Hagood urge you in any way to deliver those returns to the secretary of state's office?—A. He only asked me whether I had made a return. I said, "No; they have not received the returns from me yet." He then, next day, said that he would send some one to be at the side of me and watch and see whether the secretary of state would refuse to receive them. I said, "No." Said I, "I am going to return them to-morrow morning." That was Tuesday. He said he would send some one to be at my side to see that the secretary of state did not refuse them. I told him that I did not offer them directly to the secretary of state; that I only saw his clerk. The general wanted me to deliver them that Tuesday afternoon. I told him, "No; I believe I will not go over there until Wednesday morning."

Q. He did urge you to deliver them Tuesday?—A. Yes, sir.

Q. And he wanted to have some witnesses present to see whether they would take them or not?—A. Yes, sir.

Q. You did not assent to that?—A. No, sir; I did not, but he did send witnesses.

Q. Did you give any reason for not assenting?—A. No; I told him, "I see they are crowded and excited, and I believe I will wait until to-morrow to deliver them."

Q. Did you give any reason for not having any witnesses?—A. I told, "Taint necessary." I told him, "They will certainly receive them from me."

Q. Didn't you make some arrangement with the general to have somebody to see whether they would or would not receive them?—A. He partly insisted. In fact two men approached me on Wednesday morning and said, "Here, we want you to go and hand in the returns, if they receive; if not, we will take out a mandamus." I told the men I was just getting ready. It was a few minutes of 10 o'clock.

Q. Did you see anybody else in reference to delivering these returns?—A. Not as I remember.

Q. Did you go to the governor about it?—A. No; I went in to the governor the first morning I came in.

Q. I inquired only in reference to the time when you came to deliver the returns?—A. I did not see him after Monday morning.

Q. Did you go to him or say anything to him about the delivery of the returns?—A. Yes, sir; I had the returns in my hand when I went.

Q. Did you say anything about this subject?—A. Well, we talked a little about it.

Q. About the delivery of the returns?—A. Not exactly about the delivery.

Q. About giving those returns to the secretary of state?—A. I did not mention anything to him, because I did not think he was the person.

Q. I don't care for any conversation with the governor except what had reference to these



returns.—A. I have not mentioned to the governor anything in regard to their not being received.

Q. Did you say anything to him about having the returns with you?—A. Yes, sir.

Q. He knew, then, that they had not been received?—A. Well, it was the same morning. I went from one room to the other.

Q. I don't want to draw out any conversation, except about those returns. If there was anything said on that subject tell me.—A. He did not say anything, as I remember, in regard to it.

Q. And you said nothing to him about it?—A. Nothing, only just general talking. I don't remember exactly the wording of it. I didn't offer them to him. I told him, "I have got the returns."

Q. Did you talk about that Barnwell precinct?—A. We talked about the Robbins box.

Q. Did he say anything to you about delivering or not delivering the returns?—A. He didn't say anything about the delivery in regard to the secretary of state.

Q. Or about not delivering them?—A. Not a word mentioned.

Q. Or holding them back until something else was done?—A. No, sir; nothing.

Q. He gave no advice in any way in reference to the delivery or non-delivery of those returns?—A. Nothing; not a word was said. I don't know for certain whether I went into the governor's office before I went into the secretary of state's office.

Q. All I want to get is, what was said between you and the governor upon the subject of delivering these returns or not delivering them?—A. What little time I was in there he said something to me about the returns, if I had them here; but I don't remember whether I went in there first or not.

Q. No matter whether you went in there first or last. You had the returns with you?—A. Yes, sir.

Q. He said something about the returns; can you tell us what that was?—A. Nothing, but that he asked me, "How about that Robbins box?"

Q. What did you say to that?—A. I told him exactly as I have stated here, that it was brought to me that night. And he asked me, "What is the reason you didn't receive it; do you think there is anything wrong about it?" I told him I could not conscientiously receive it; and he answered me, "Don't you do anything against your conscience, or anything dishonest." I remember that conversation between us.

Q. And that is all you recollect?—A. That is all I recollect.

Q. You told him you could not conscientiously receive it, and he told you, "Don't do it?"—A. He asked me, "How is it what I hear about that Robbins box, that you did not receive it?" And I told him it came to me, but I could not receive it; and then says he, "What do you think; is there anything dishonest, anything wrong?" Says I, "Governor, I cannot conscientiously receive it."

Q. And that was true, was it not?—A. Sir?

Q. You told him the truth?—A. Well, I told him something—that I could not receive it.

Q. You told him what you thought to be the truth?—A. Yes, sir.

Q. And thereupon he said, "Don't do anything against your conscience"?—A. Yes, sir.

By Mr. BANKS:

Q. Who is General Hagood?—A. He was running for comptroller-general.

Q. What had he to do in this matter, that he advised you about it?—A. He was the chairman of the democratic party of Barnwell County.

Q. And an active democratic partisan?—A. Yes, sir.

Q. What was the reason that you did not accept his proposal to send a democratic witness to your offer of the returns?—A. I told him I did not see it was necessary, because certainly they would receive it from me.

Q. You did not think it was necessary?—A. I did not think it was necessary.

Q. Did he or did he not say to you in that conversation that if you made this tender of the returns and they received them, that the democrats could get in other returns on the other side upon the precedent thus established?—A. I don't remember.

Q. Are you sure he did not say that?—A. I don't remember.

Q. Did General Hagood come to see you to talk upon this matter or did you go to him?—A. No, sir; we just met.

Q. Where did you meet?—A. I think he was coming out of the State-house and I was walking in.

Q. Which broached this subject first; did you ask his advice or did he offer it to you? What did he say?—A. I think he did, first. He was walking with a gentleman, and he said to him, "I want to see this gentleman (me) for a moment or two;" and he took me off to one side, and he asked me, "Have you delivered your returns?" Says I, "No, sir." Then, from that we walked on until we got to the Wheeler House.

By Mr. LAPHAM:

Q. In this conversation between you and the governor, did you say anything to him about their coming in the evening and your declining to take them?—A. I told him exactly the same as I have stated here, that they came in about nine o'clock, as well as I remember, and again in the morning at between nine and ten.

Q. Did you say to him that you declined to take them in the evening because you were afraid to take them?—A. Yes, sir.

Q. You told him the same as you have testified here?—A. That is, that I had a fear on my mind to touch anything further.

Q. You have used the expression here that you could not conscientiously receive that return?—A. I said that to the governor.

Q. Does that apply to your not receiving it at night, or to your not receiving it after you had adjourned?—A. I answered the governor, the reason that I did not sign them at all with Gennerette.

Q. When you said you could not conscientiously do it, you were speaking of your refusal to sign, were you not? What were you speaking of when you said that to the governor?—A. I think, as well as I remember, that I told the governor of my living in a very dangerous section, and that I did not feel right to sign anything from that place.

Q. You explained your fears to the governor?—A. Yes, sir.

Q. You signed the general county officers' return for county officers, didn't you?—A. Yes, sir.

Q. All three of you signed it?—A. Yes, sir.

By Mr. ABBOTT :

Q. You did tell the governor that you could not conscientiously sign those returns?—A. Yes, sir; that Robbins box.

Q. And you understand what you mean when you say you cannot conscientiously do a thing, don't you?—A. Yes, sir.

Q. That it is wrong, that it would be something in which you would feel that you had done wrong?—A. The reason I construed it so, the reason I did not receive it, and after I had not received it that night, I did not feel right in receiving it afterward.

Q. That you could not conscientiously do it?—A. I could not conscientiously sign any paper after we adjourned.

Q. And that is all your remark had reference to?—A. That is all.

By Mr. PHILIPS :

Q. In your examination-in-chief you are made to say that as county auditor you were acting as county commissioner of election; you were not county commissioner by virtue of your office as auditor? You were appointed commissioner separately?—A. Yes, sir; it is a separate appointment.

Q. You received your appointment from Governor Chamberlain as county commissioner?—A. Yes, sir.

Q. You say you met and organized as a canvassing-board on Friday, about one o'clock?—A. Yes, sir.

Q. And concluded the canvass about four o'clock in the morning?—A. Yes, sir.

Q. You heard no motion made when you met on Friday to adjourn to Saturday morning at nine o'clock on account of the Robbins box, or on any other account?—A. No, sir; not that I remember.

Q. How long have you known Judge Maher?—A. Ever since I have been living in the county, twenty-two years.

Q. How old a man is he?—A. He is about my age, or a little older; between forty-five and fifty.

Q. Is he a man of very high character?—A. Yes, sir.

Q. A man of great probity, is he not? Is he not very much respected as a judge and a gentleman?—A. Yes, sir.

Q. How was it brought about that he acted as legal adviser for the board there?—A. I think Mr. Blanton, the democratic canvasser, got him there.

Q. Did you see him bring him there?—A. O, he was already living there.

Q. But did you see him bring him into the room?—A. No, sir; the reason I say that is, when we met a few days before Mr. Blanton says to me, "We ought to have counsel, and we ought to have a guard." I said we didn't want anything of the kind. I told him I didn't see what we wanted with either of them.

Q. And you did not then agree to have any?—A. I did not. We met at Blackville to select the managers. We had two meetings previous to the canvassing.

Q. When this matter about Timothy Hurley's vote was discussed by the board, Judge Maher advised you that the functions of that board were simply ministerial?—A. Yes, sir.

Q. That you had no right to go behind the face of the precinct managers' returns?—A. Yes, sir.

Q. Didn't he further tell you that that matter in respect to Mr. Hurley, if it was a mistake, could be corrected by the State board? Didn't he tell you that you could just certify the facts?—A. I don't remember that part, but I know that about two or three o'clock in the night he advised me that I could place Tim. Hurley there—that was afterwards—that is, provided I would make a swap.

Q. What sort of a swap?—A. When I reached Graham's precinct (which was about midnight) I discovered that there was also a mistake between the State officers, between the comptroller and the attorney-general; they were placed by the managers on the wrong

pages. There was another attorney there, by the name of Thompson. There were 226 against General Hagood because he run for comptroller-general, and they made a mistake. General Conner was running for attorney-general, and his votes were placed to the comptroller-general, and the other attorney, Mr. Thompson, had a short conversation with Judge Maher, and they both agreed that they would allow me to replace Mr. Hurley and give him 696 votes, by replacing the other 200 votes.

Q. Who was Mr. Thompson?—A. He was an attorney from Williston. He was there pretty much the whole night, too.

Q. Was he acting for any political party?—A. No, sir.

Q. Just a looker-on?—A. Just the same as Judge Maher. He was not there as steady as Judge Maher, but pretty much; he was there nine-tenths of the time.

Q. Did your board make that change?—A. No, sir; I told him that I should make no changes; and then he said, "You are right."

By Mr. BANKS:

Q. Who was it that proposed this?—A. Mr. Thompson; he was not a candidate. General Hagood was not there at the time. He had gone out about half an hour before, and he didn't hear any of that conversation.

Q. On the Friday night when you were in there canvassing, at the time Allen and Bush came up with the Robbins return, were you called out of the house?—A. No, sir; I was called in from one room to another—from the room where we canvassed to another room.

Q. By whom?—A. By Mr. Bush, I think it was.

Q. Was Mr. Allen there when Bush came out with you?—A. Mr. Allen was in the rear of him.

Q. You had no conversation with Mr. Allen at all?—A. No, sir. It was dark and cold, and I did not care to go too far from the fire. Says I, "Have you got the box?" Says he, "Yes. Mr. Allen is here; he has the box." Says I, "Just take it and leave."

Q. You had no conversation with Mr. Allen?—A. No, sir; not until the next morning.

By Mr. LAPHAM:

Q. You have stated a conversation with your associate, Mr. Blanton, at a meeting before the election?—A. Yes, sir.

Q. How long before?—A. Five or six days.

Q. Where was it?—A. At Blackville.

Q. That was when you met to appoint managers?—A. Yes, sir. We had two meetings to appoint managers.

Q. Who were appointed managers for the Robbins precinct?—A. We revised the list right smart at the second meeting, and I don't remember. We agreed that each commissioner should give one.

Q. Do you remember whether you transferred one from Cainan's Fair?—A. I made transfers of several boxes, and so did Mr. Blanton—in the second meeting.

Q. In the revision, do you remember whether you transferred one manager from Cainan's to Robbins; if so, who was it?—A. The first meeting, I think it was, I had Bush, Nixon, and I don't remember the democratic manager; and the next meeting Mr. Blanton himself, I think, changed the democratic manager, and I made one change.

Q. What change?—A. I took Allen. We had a general changing, so that I don't remember the names unless I had a list. We made a general change.

Q. I am only inquiring about the Robbins precinct.—A. As well as I can remember, it was J. W. Allen, Mr. Bush, and Dr. Bell.

Q. At which meeting was it that Mr. Blanton advised you that you had better have counsel and a guard?—A. The second meeting.

Q. On what occasion was it that he said to you, "We ought to have counsel and a guard?"—there that day?—A. No; when we canvassed the votes.

Q. Did he state any reason why you had better have a guard?—A. No, sir; he did not. I said we had no need of anything of the kind.

Q. Was Mr. Gennerette present?—A. Yes, sir; I think he was.

Q. You were all three together?—A. Yes, sir; I think we were all three together.

By Mr. PHILLIPS:

Q. When your board appointed the precinct managers, you notified each precinct manager of his appointment, in writing, didn't you?—A. Yes, sir; by postal card.

Q. Did you keep any record or memorandum of these appointments?—A. I think I have a list at home.

Q. Didn't you make an entry in any book of any sort?—A. I think I have got the first list with me, but different changes were made, and I don't remember them.

Q. Whatever nomination you made of Allen you notified him of in writing?—A. Yes, sir.

By Mr. COCHRANE:

Q. Do I understand you to swear that in your revision of that list you appointed Allen & Barnwell?—A. I am not able to say. We made a revision of nearly all the boxes.

Q. That is not the point. You do not undertake to swear now that you appointed Allen in your revision of the list?—A. Well I do not say—I don't remember.

Adjourned.

COLUMBIA, S. C., December 19, 1876.

THOMAS C. DUNN sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. At Columbia.

Q. How long have you lived here?—A. Two years.

Q. Where was your residence before coming here?—A. In Horry County, in this State.

Q. How long have you resided in the State?—A. I have been in the State eleven years.

Q. What office do you hold?—A. Comptroller-general.

Q. When were you elected?—A. In March, 1875.

Q. What is your age?—A. Forty-seven.

Q. You were a member of the State canvassing board?—A. Yes, sir.

Q. Do you remember what day you commenced the canvass?—A. We assembled on the 10th of November. We commenced canvassing the votes on the 17th, I think.

Q. What was done on the 10th, if anything?—A. There was nothing done on the 10th, except the assembling together of the board and some conversation, or discussion in the nature of a conversation, with some of the democratic lawyers who were present.

Q. You transacted no business?—A. No business.

Q. When did you adjourn to?—A. Until the next day at ten o'clock.

Q. What was done on the 11th, if anything?—A. I don't recollect precisely what occurred on that day, but I know there was no business with regard to counting or canvassing the votes. The time was taken up in discussions with the democratic lawyers who were present as to the manner in which the canvass should be conducted; also with regard to the time within which the canvass had to be concluded. If I remember rightly, it was on that day that there was a discussion as to whether the time for canvassing the presidential electors was not limited to five days, and some oral argument was made by Mr. Youmans on that point. He is a democratic member of the bar here. He was there representing the democrats.

Q. What position was taken by him on that point?—A. That we were not limited to five days, but were limited to ten days.

Q. When did you adjourn to on that day?—A. We adjourned to Monday, the 13th, at ten o'clock.

Q. What occurred on that day?—A. We were still discussing the powers and duties of the board; the democratic counsel taking the position that the canvass of the votes by the board was purely ministerial. We had been asked on the preceding Saturday by General Conner whether we proposed to entertain contests and decide between contending parties. The time that we were together that day was mainly occupied with the discussion of that question, as to whether we had any judicial powers or not; and during Saturday and Monday several protests were entered by General Conner, representing the democratic party.

Q. They contended that yours was a purely ministerial power, and confined to what?—A. To the aggregation of the votes as returned from the county boards.

Q. Was there any business transacted on Monday, more than that general discussion?—A. No, sir; no business looking to the canvassing of the votes.

Q. When did you adjourn to from that day?—A. Until Tuesday, at ten o'clock.

Q. What was done that day?—A. The same general discussion was continued; and I think on that day (if I remember rightly; I will not be positive whether it was that day or the next) we were served with a notice of an application to the supreme court for a writ of prohibition and *mandamus*. I think this was on Tuesday, but the minutes of the board may show that I am in error with regard to the date.Q. You have gone so far as to say that on that day, or the next, you are not certain which, you were served with notice of the application for a *mandamus* and prohibition.—A. Let me correct that. We were notified, but there was no formal service of notice. On Wednesday the service was made upon us from the court to appear and make answer to their application for a writ of prohibition and *mandamus*.

Q. What further was done, if anything, Wednesday?—A. Nothing.

Q. When did you adjourn to?—A. To Thursday.

Q. What occurred on that day?—A. On Thursday, as soon as we assembled, a motion was made to adjourn, or take a recess, to appear in court and make answer.

Q. Did you adjourn?—A. Yes, sir; we took a recess and went to court, and met the same day, afterward.

Q. What was done that day?—A. We met after returning from the court, and I should have to refer to the minutes for what we did on that afternoon. I don't remember what we did. As far as I recollect, though, I think we adopted some resolution; at some time during the course of the week we had adopted a resolution, in answer to the request or demand of the democratic lawyers, as to the method of our procedure, that we would act upon no proposition from them until our powers should be determined by the court. I think it was adopted upon that day, but it may have been on the day previous. We had been summoned before the court to make answer why we should not be prohibited from doing certain things.

Q. What occurred on Friday?—A. On Friday we received the order made by the court; upon the receipt of that we proceeded to canvass the votes in obedience to the order.

Q. Something has been said here about examining precinct returns in connection with the canvass of the vote and time; what was there about that?—A. When we began the canvass in obedience to the order of the court, some of the members of the board, myself included, (I believe I was the one that made the proposition,) decided or wished to take up the precinct returns, aggregate them, and compare the result with the statement as returned by the county board. When we began to do that the democrats, through their counsel, General Conner, objected, and entered into an argument before the board to show that in doing that we were going beyond the order of the court; that the language of the order was that we were to aggregate the final statements forwarded to us by the county boards; and they referred to the law which speaks of the precinct or managers' returns as "returns," and speaks of the returns of the county board as "statements," they claiming that we were to aggregate the statements of the county boards, and not to correct them by the precinct-managers' returns.

Q. What further occurred then?—A. The board then decided that, in deference to what was claimed by General Conner, while they would go on examining the precinct returns for their own satisfaction as far as they chose to, yet they would not correct anything in the statements of the county boards, but would aggregate them just as they were returned. We then went on in that way, making up our record for the court precisely as indicated by General Conner as being in the order.

Q. How many persons were permitted by the board to witness this canvass?—A. Eight on each side in addition to the members of the board. We decided first upon five, but made it eight at the request of the democratic counsel, who wanted to have some clerks present—experts.

Q. How far did you go in examining the precinct returns in connection with the others?—A. We examined the precinct returns until we got through Charleston County. I think that is the sixth county.

Q. What time did you commence the canvass?—A. I think it was at one o'clock Friday; we finished Charleston County about half past ten at night.

Q. What did that canvass embrace; anything but the electoral vote?—A. Nothing but the electoral vote. We decided to take up the electoral vote first, and go through with that before we touched the State election.

Q. When you got through with Charleston, what then occurred?—A. Several times before we reached Charleston some of the members of the board had objected to going on in that way, because it took up so much time, particularly as we were not to make any correction, even if we discovered an error; and before taking up Charleston County there had been quite a little discussion among the members themselves as to whether they had not better go right on taking the statements of the county boards, because of the time that had been consumed, and, I think, mainly because of my persistence in wanting to look at the precinct returns, they continued that way until they got through Charleston County. Then a motion was made by one of the members of the board that we should not take up any more precinct returns.

Q. That motion was made on what ground?—A. On the ground that it would be impossible for us to go through with the canvass within the time specified by law if we went on in that way. That was not, however, included in the motion; the motion was simply that we should go on and aggregate the statements of the county boards without looking at any more precinct returns.

By Mr. LAWRENCE:

Q. Had you been served with an order of the court fixing the time within which you should make a return to the court?—A. No, sir; I do not think there was any order specifying the time. I do not at this time recall that any order was made fixing the time.

Q. When this proposition was made to drop the managers' returns because it was taking so much time, what occurred?—A. The majority of the board decided to go on without the precinct returns.

Q. Was anything said by the by-standers, democrats or republicans?—A. There was nothing said by them at that time. But, as I have said, some of the board raised the question before we took up Charleston County at all, and at that time some of the democratic lawyers, I think General Conner, expressed a desire that we should go on, saying that as we had commenced that way they would be willing that we should continue; it was not a matter of discussion, however, but a mere expression of opinion. They made no objection at that time.

Q. Up to that time, when the board decided to drop the managers' returns, do you remember whether there were any precinct returns missing in the six counties canvassed?—A. I do not think there were any missing precinct returns up to and including Charleston County.

Q. Do you remember whether the returns embraced in all cases up to that time the electoral vote?—A. It was the electoral vote solely that we were examining. I am speaking now from memory, which I would not say is exactly correct, but I don't remember any precinct returns having been found missing.

Q. From that time on you canvassed only the returns of the county managers?—A. Per-

naps it would be proper for me to say, in further answer to your question whether any precinct returns were missing, that there were differences and irregularities found and noted at the time, but no actual absence of any one-precinct return.

Q. Was there any statement of the discrepancies made as you went along?—A. We noted them as we went along.

Q. Where is the record?—A. I think that the abstract of the precinct returns that we made are in the possession of the secretary of state, who was chairman of the board.

Q. You made that abstract as you went along?—A. Yes, sir; an abstract of the result of the examination of the precinct managers' returns.

Q. That abstract would show if there were any absent return, would it not?—A. Yes, sir; and it would also show what irregularities were noted as we went along.

Q. How much longer, if at all, did you work that evening in the electoral vote?—A. I think we worked until half past eleven that night.

Q. When did you resume?—A. Next morning. I don't remember whether it was at the usual hour or not.

Q. What time did you finish the electoral vote?—A. We finished the electoral vote about twelve o'clock next day.

Q. From what was the aggregate electoral vote made up as you aggregated it in your return?—A. It was made up exclusively from the statements of the county boards.

Q. Do you remember the deficiency in the electoral vote of Mr. Hurley from Blackville, in Barnwell County?—A. Yes, sir.

Q. Was that included?—A. No, sir; that was one of the irregularities we noted, as I have stated.

Q. Do you recollect the number of votes?—A. Yes, sir; six hundred and ninety-five.

Q. That vote was not given to Mr. Hurley in your canvass?—A. No, sir.

Q. Do you remember the deficiency in the vote of Mr. Cook in this county, Richland?—A. I can only approximate that; it was about three hundred.

Mr. COCHRANE. I object to the witness stating these facts. The records we have before the committee are the best evidence.

The CHAIRMAN. Yes; it is hardly worth while for the witness to refer to the record itself and then state its contents to the committee.

Q. What precinct in this county was that deficiency at?—A. Acton precinct.

Q. What distance is that from the city?—A. I think it is in a southeasterly direction from the city.

Q. Was that vote given in the canvass to Mr. Cook, or was it omitted?—A. It was omitted.

Mr. COCHRANE. I object. These facts all appear in the record.

Mr. LAPHAM. No; they do not appear in the record. The record is an aggregate, and Mr. Cook has so many less than the other electors, and I am explaining how it occurred.

Mr. COCHRANE. We have certified copies of the aggregate vote canvassed by this board for all the electors, including this.

Q. You have stated that there was a deficiency in the vote of Mr. Cook in this county, at Acton precinct; now was that number of votes, that deficiency, whatever it was, embraced by the State officers in the canvass of votes which they made for Mr. Cook?—A. It was not included; nor was the number for the democratic candidate included either. I forget which of the democratic electors it was. Mr. Ingram was a democrat. His vote at the same precinct was not included.

Q. Give the vote for each.—A. Three hundred and ninety-seven for the republican and one hundred and ten for the democrat.

Q. Those omissions in the Acton precinct were not corrected or included in your canvass?—A. No, sir.

Q. Do you know of or remember any other instance where there was any difference between the vote for the electors, any omission?—A. There was an omission of the electoral vote for Mr. Nash, one of the republican electors, in Charleston County, but I don't remember enough about it to give the particulars.

Q. Was that corrected in your canvass?—A. No, sir. No correction whatever was made in our canvass from the statements of the county boards.

Q. When did the time expire for completing your canvass?—A. On the 22d. That was what we supposed.

Q. Was anything said during the progress of the canvass about the effect of the order of the court upon the time—whether it extended it?

Mr. COCHRANE. Said by whom?

Mr. LAPHAM. By any one of the democrats or the republicans present, or by the board.

The WITNESS. Yes; it was a matter that was frequently spoken of by the board, and also spoken of with the democratic counsel.

Q. What was said upon the subject?—A. The board desired to know whether the time occupied by these court proceedings would be counted in the ten days that we considered that the board was allowed to sit by law.

Q. What was claimed or said upon the subject?—A. My understanding was that the democrats—

Q. Just state what was said upon the subject of the effect of the order of the court.—  
A. There was a good deal of conversation between the board and the democratic lawyers, but no decision was arrived at.

Q. What was claimed on the part of the democratic lawyers, or said?—A. That the time would not be included; and the board asked that an order of the court might be gotten to that effect; but no order was gotten.

Q. How did the board claim that the time was extended to the 22d?—A. Sundays were not included. We deducted the two Sundays.

Q. Then nothing was allowed for the order of the court?—A. No, sir. We had no order of the court to the effect that the time would not be included, although we had asked for it.

Q. If the board had continued the examination of the precinct returns as they began, state whether the canvass could have been, in your opinion, completed within the time allowed by law?

Mr. PHILLIPS objected to the question, for the reason that it calls merely for the opinion of the witness.

The CHAIRMAN ruled that the question was admissible, because a similar one had been put to other witnesses.

The WITNESS. You mean the whole canvass, including all the county and State officers?

Q. Yes.—A. It would have depended a good deal upon how many hours a day we worked.

Q. I mean working the ordinary hours.—A. I should say it would have been difficult to have completed it all in that way. I will not say that it could not have been done within that time.

Q. Was anything said when the proposition was made to drop the managers' returns about whether it could be completed?—A. That was the basis upon which those who wanted to drop it argued, that they could not complete it in that time. Taking the electoral vote alone, we had only completed six counties in about nine hours' continuous work.

Q. My question is on the assumption that you worked the ordinary hours for such a canvass; and I want your opinion or judgment whether it could have been completed within the time allowed by law.—A. I do not think we could have made such an examination as we commenced, and gone through with all the State and county officers, within the time; or, at least, it would have consumed the whole time. I think it would have taken us four or five to have done it. It took two days just to aggregate the county statements alone, and the returns from those six counties.

Q. Some of the board of State officers, acting under this order, were candidates for re-election?—A. Yes, sir.

Q. Was any determination made by the board as to the part which those who were candidates should take in the canvass of the votes for the offices for which they were running? If so, state what it was.—A. There was a resolution adopted by the board before we began to canvass that when the votes for any of the State officers or members of the board who were candidates should be canvassed they should not be present and vote upon them. I forget the precise language of the resolution.

Q. Was that resolution followed out in practice?—A. It was followed out in practice so far as voting was concerned. So far as the aggregation of the statements of the county boards, the members of the board were all present when that was done. When the question of declaring the election of any one of the State board, or of the office for which he was a candidate, was up, the member whose case was to be acted upon retired.

Q. Who acted with you in making this canvass?—A. The members of the board, Mr. Stone, the attorney-general; Mr. Hayne, the secretary of state; Mr. Cardozo, the State treasurer; Mr. Purvis, the adjutant and inspector general; and myself.

Q. Were those persons present during the entire canvass of the electoral vote?—A. Yes, sir.

Q. Did the spectators there participate in the examination of the precinct managers' returns so far as they were examined in the first six counties?—A. Yes, sir. One of the democratic lawyers looked over the shoulder of the chairman as he examined them.

Q. Did that lead to discussions occupying time—the discrepancies that were found—were they a subject of talk?—A. Well, it was very brief. Some little time was occupied, mainly by the members of the board, however. I do not think the by-standers said very much. The most of the time that was occupied was by General Comer, when the matter of Robbins' precinct in Barnwell was up. General Hagood was there also; he was a candidate. He had something to say about it.

Q. How much time was occupied with that?—A. I should say perhaps half an hour on the admission of that Robbins' poll.

Q. Was the vote from Robbins' precinct included in your canvass?—A. No, sir; it was not.

Q. What was the position taken by the democrats in reference to that before your board?—A. That the return was not officially before us from the county board, not in the original statement of the county board.

Q. Was there any objection made to it that you remember?—A. No, sir; the objection was based wholly upon that, that it was not before us officially, and therefore could not be

included ; and it was not included ; not because there was objection, but because we did not make any correction.

Q. Do you remember whether there was a return from any of the managers, of Robbins ?

—A. Yes, sir ; there was a return regularly signed by the managers.

Q. And from any of the county canvassers ?—A. It was signed by one member of the county board.

Q. Was the return by the member of the county board a separate paper from the managers' return ?—A. Yes, sir ; the member of the county board made what purported to be a supplemental county-board statement, but it was signed by only one member of the board.

Q. [Showing paper to witness.] Is that the supplemental return to which you refer ?—A. Yes, sir ; to the best of my recollection, that is the supplemental return. That accompanied the managers' return.

Mr. LAPHAM offered the paper in evidence, as follows :

“ SOUTH CAROLINA, *Barnwell County* :

“ We, the undersigned commissioners of election for Barnwell County, respectfully submit the following supplementary report in relation to Robbins precinct, the returns from said precinct having been presented to us while we were engaged in canvassing the votes, and for that reason not included in our original report. See affidavits attached.

“ We do hereby certify that the foregoing statements are correct in all respects.

“ In witness whereof we have herunto subscribed our names this 11th November, 1876.

“ L. W. GENERETTE,

“ Commissioner of Election.

“ Witness :

“ B. K. MOTTE, Jr.

“ OFFICE SECRETARY OF STATE, SOUTH CAROLINA.

“ I certify that the foregoing is a true copy of the original on file in my office.

“ Given under my hand and the seal of the State this 19th of December, 1876.

[SEAL.]

“ H. E. HAYNE,

“ Secretary of State.”

Q. Was there a protest in writing by General Connor against the Robbins precinct ?—A. Yes, sir.

Q. Have you that ?—A. It is attached to the abstract that we were making at the time. It was not entered upon the minutes.

Q. Mr. Hayne has that paper, has he not ?—A. Yes, sir.

By Mr. COCHRANE :

Q. What is your age ?—A. Forty-seven.

Q. How long have you resided in South Carolina ?—A. Eleven years.

Q. Where have you lived during that time ?—A. Nine years in Horry County and two years in Columbia.

Q. Are you a native of the South ?—A. No, sir.

Q. From what State did you come ?—A. Massachusetts.

Q. How long have you occupied the position of comptroller-general ?—A. Since April, 1875.

Q. Did you occupy any official position prior to that time ?—A. I was a representative in the State senate from Horry County for two years preceding.

Q. Any other position ?—A. No, sir ; no other official position.

Q. In what business did you engage after you came to this State ?—A. I engaged in the business of having turpentine distilled, and shipping it to New York, and general merchandizing.

Q. Are you engaged in that business now ?—A. No, sir.

Q. How long did you carry on that business ?—A. Between nine and ten years.

Q. You are a member of the republican party ?—A. I think so.

Q. Have you any doubt about it ?—A. Not very much.

Q. Have you any ?—A. Not any.

Q. Is Mr. Stone, the attorney-general, a republican ?—A. He professes to be.

Q. Is Mr. Hayne, the secretary of state, a republican ?—A. He professes to be.

Q. Is Mr. Cardozo, the State treasurer, a republican ?—A. I think he is.

Q. Is Mr. Purvis, the adjutant and inspector general, a republican ?—A. He so says.

Q. Then all the members that constitute this board of State canvassers were members of the republican party ?—A. To the best of my knowledge and belief.

Q. How many of this board were candidates for re-election ?—A. Three of them.

Q. Please give the names.—A. Mr. Cardozo, for State treasurer ; Mr. Hayne, as secretary of state ; and Mr. Dunn, as comptroller-general.

Q. If I understand you correctly, all the members of this board were present during the whole count of the vote ?—A. During the whole aggregation of the statements of the county boards.

Q. And none of the candidates for re-election withdrew until the time came for declaring the parties elected ?—A. No, sir ; none withdrew until then.



Q. Did they participate in the discussion and ruling of questions which from time to time were raised as to the precincts and counties?—A. I do not know that there were any discussions raised or rulings made during that time.

Q. Were there any made?—A. I do not know that there were any made.

Q. Do you know that there were not any made?—A. What do you mean by rulings? If you will explain what you mean, I may be able to give you a more definite answer.

Mr. Lapham objected, on the ground that as the only question now under investigation was in regard to the presidential electors, it was a waste of time to examine the witness on the questions relating to the State election.

The chairman overruled the objection.

Q. In the canvassing of the managers' and the county canvassers' returns, were those members of the board who were candidates for re-election present and did they participate in the canvass?—A. Yes, sir.

Q. Were they present, discussing any questions which might arise before the board?—A. They were present discussing all questions except as related to the election of any one of them to the office for which he was a candidate; during any discussion that may have taken place in regard to that; they were not present.

Q. Was there any such discussion?—A. None that I remember until the question of the declaration of the election.

Q. Then they were present all the time?—A. They were present all the time until then—that is, I do not mean to say that some member of the board was not absent at any time, but there was a quorum there all the time.

Q. Were they present when the question of the admission of Robbins precinct came up?—A. Yes, sir.

Q. Were they present when it was concluded to canvass the precinct managers' returns in all instances?—A. Yes, sir.

Q. Were they present after you had concluded Charleston and when the resolution was passed to abandon the precinct managers' returns and proceed to count the vote by county canvassers' returns only?—A. Yes, sir.

Q. Did they vote for the first and the second proposition?—A. Some of them did; some of them voted against it.

Q. Which of them voted against it?—A. I could not say exactly, because I don't remember; I remember that there was a difference of opinion at the outset and also when they abandoned it. I will say for myself that I voted for taking up the precinct returns in the first place and voted against abandoning them in the second place.

Q. Do you remember that any member of the board voted against abandoning the precinct returns?—A. I don't remember any but myself.

Q. Did you so vote?—A. Yes, sir. It was an informal vote, that did not go upon the record, however, being a mere matter of the action of the board.

Q. Upon what day did your board of State canvassers first meet?—A. The 10th November.

Q. How long did you continue in session on that day?—A. About three hours.

Q. What time of day did you meet?—A. At 12 o'clock, and adjourned about 3.

Q. What day of the week was that?—A. Friday.

Q. When did you meet again?—A. On Saturday.

Q. How long did you continue in session?—A. About the same length of time; met at 12 and adjourned about 3.

Q. When did you meet again?—A. On Monday.

Q. How long did you continue in session?—A. We were in session on Monday about the same length of time. I think we came back after dinner on Monday, but I am not certain about that.

Q. You met again on Tuesday?—A. Yes, sir.

Q. How long did you continue in session then?—A. About the same length of time.

Q. You met again on Wednesday?—A. Yes, sir.

Q. How long did you continue then; the same length of time?—A. No, sir; we adjourned and went to court.

Q. But you returned again?—A. Yes, sir; but we were not together

Q. It was not until Thursday that you got down to active work?—A. No, sir; we could not; the democrats prevented it by raising questions all the time.

Q. You did not dispose of those questions that were raised by the democrats?—A. The time was taken up in argument, but we came to a conclusion as far as we could.

Q. But you sat only three hours a day?—A. That is all. Allow me to say that for the first three days we could not have taken up the examination of the returns if we had been disposed to, simply because they were not there.

Q. How many were missing on the 10th?—A. There was only a return from one county.

Q. How many had come in about the 11th?—A. I think about three counties, as far as I remember.

Q. How many on Monday?—A. Perhaps three or four more. Probably there were not more than half of them on Monday.

Q. Did you make an examination to find out how many had been returned?—A. We were informed by the chairman.

Q. Do you know of your personal knowledge how many had been returned?—A. No, sir; I have no personal knowledge whatever, except what came from the Secretary of State.

Q. Did he tell you on Monday that not more than half the counties were in?—A. I will not make a positive answer with regard to that, because it is a matter of memory; but I know there were a great many missing.

Q. Do you recollect that you asked him any questions on the subject on Monday?—A. I think, as far as I remember, that there was not any day but what we inquired generally how many counties were in. Whenever any new counties would come in we inquired about them. As far as I remember there was not any day that we did not make that inquiry; that is, on the first three or four days.

Q. That would be Friday, Saturday, Sunday, and Monday. Now, were they all in on Tuesday?—A. I do not know whether they were all in, but if they had been we could not have commenced the canvass, because we were notified by the counsel for the democrats that they would go into court to prohibit us.

Q. Prohibit you from what?—A. From doing anything in the way of making a judicial determination; from doing anything to correct the returns.

Q. But they did not prevent you from doing anything in a ministerial way, did they?—A. No, sir; they did not prevent us from proceeding to count the vote in a ministerial way if we had had the returns there.

Q. But you say you could not have gone on on Tuesday because they prevented you?—A. Yes, sir, because they notified us they were going to take us to court, and it was to be a *mandamus* generally; we did not know what would be included in it. It was on Tuesday that they notified us; on Wednesday the process was issued.

Q. Did not the democrats state what they were going to include in their *mandamus*?—A. In the notification they gave, do you mean?

Q. Yes, sir.—A. No, I do not think they did. If they did, I have not any recollection of it. I know generally that they were going into court to bring us into their way of thinking, or to bring us to act according to their way.

Q. Up to Tuesday had your board decided that they would act in a judicial capacity unless prevented by order of the court?—A. Yes; I think we had.

Q. At what date had you decided that?—A. I cannot answer that. The minutes will show.

Q. You have given us your opinion about other things; won't you give us your opinion about that?—A. No, sir; I would not undertake to say what day we decided to answer questions put by General Connor as to whether we should entertain contests or protests or not. I know we did so decide, but on what day I could not say. The minutes will show.

Q. Are you quite sure that on Wednesday all the returns were in?—A. I am not sure that they were all in on Wednesday or that they were not all in. I think it is very probable that by that day they had all got in; no, I believe that returns from Laurens County did not get in until Thursday.

Q. Were they not all in on Wednesday except Laurens County?—A. I think they were; that is, a number came in that morning and they were all there at 12 o'clock in the day. Those are matters that I did not especially charge my mind with, and I would not swear to the correctness of my recollection.

Q. Your board met on Friday, as I understand you, about 1 o'clock?—A. Twelve o'clock.

Q. How long did you continue your session before taking a recess; didn't you adjourn for dinner?—A. I think we adjourned finally at that time. I do not think we took any recess. If I remember right we met about twelve and adjourned about three, and did not meet again.

Q. I am referring to the following Friday, when you met as a board and commenced counting?—A. We met on that Friday about 1 o'clock, or began the count about 1 o'clock.

Q. Did you adjourn for dinner?—A. We did.

Q. At what time?—A. I don't remember clearly; probably about 3 o'clock, that being our usual hour.

Q. For how long did you adjourn?—A. Probably an hour and a half; the minutes will show; as near as I remember, we met at half past four, but it is a mere matter of memory.

Q. Then you met again and continued the count?—A. Yes, sir.

Q. Did you adjourn for supper?—A. I am not certain but I may be mistaken in saying that we came back at half past four. I do not clearly recollect that we met, adjourned, and went to dinner, came back and adjourned again for supper. My memory is not clear on that point. It is barely possible that when we adjourned in the afternoon at three or half past three, we did not meet again until six or about that time, and that we had gotten supper before we came.

Q. Then at six you proceeded with the count?—A. Well, I do not wish to give exact hours in that way unless it is clearly understood that it is a matter of memory, and that I have only a vague recollection about it. My impression, however, is that we did meet at

half past four that afternoon, and that we must have adjourned some time for an hour for supper.

Q. You think it was about 10 o'clock when you had completed the canvass of the six counties? Do you recollect how long you adjourned for supper?—A. O, no, I do not; because I do not recollect whether we adjourned.

Q. By 10 o'clock on Friday night you had completed the canvass of the six counties?—A. About half past ten.

Q. How many precincts were there in the six counties?—A. That I cannot tell, except that Charleston had, I think, forty-five.

Q. Charleston is a very large county; the largest in the State?—A. Yes, sir.

Q. There are about one hundred and fifty-three precincts in these first six counties, are there not?—A. I do not know that I have even added them up. It is very easy to tell. I should judge there are something like one hundred and fifty.

Q. Do you know how many precincts there are in the State?—A. No, sir; I never added them up.

Q. When you first resolved to canvass the vote and compare the county returns with the precinct managers' returns, what was the understanding as to the return which you were to make to court?—A. The understanding was that we were to make a return utterly disregarding any precinct returns; we were to make the returns as the county boards' statements footed them up.

Q. Was it not then understood that you were to make a double return to the court—a return of the figures as they appeared by the county canvassers' return, and a return of the figures as they appeared by the precinct managers' return?—A. Not by any manner of means. The very point that the democrats argued against was that we had no right to touch the precinct returns at all.

Q. That was in the first instance?—A. Yes, sir; when we had commenced the aggregation.

Q. They did not argue in that way when you did proceed to canvass the six counties?—A. No, sir; they made no argument at all then. I have said that before taking up Charleston County, when some of the board wanted to drop the precinct managers' returns, then, and in the discussion as to whether we should drop it, some of the democratic lawyers took part. The chairman, I think, asked General Conner whether it would be agreeable to them to do so, and he replied that as we had commenced in that way they would prefer we should go on, although General Conner had made the argument in the first place against taking them up at all.

Q. Tell me why it was, if you did not design returning to the court the aggregates by the precinct managers' returns, you touched them at all?—A. I can only tell you why I touched them or took them up; it was because I considered that we could not tell anything like what had been the legal vote of the State unless we examined those returns. I considered it a part of the duty of the board, if they were to verify anything, to verify the returns of the county boards by the precinct managers' returns.

Q. But you did not intend to change anything?—A. We would not change them in the report we would make to the court, but that does not say what our subsequent action was to be.

Q. Then you did take them up with a design to some subsequent action?—A. So far as I was concerned I should have been governed by them.

Q. For example, if the figures of the county canvassers' return had not agreed with the managers' you would have felt at liberty to touch them?—A. I should have felt at liberty to decline giving a certificate of election except upon what I considered a true rendering of the vote.

Q. Was General Gordon present with General Conner when you commenced to count this vote?—A. General Gordon was present himself all the time, and I think it very probable that he was present at that time.

Q. You say that when you resolved not to further count the precinct managers' returns the democrats made no objection. Was General Conner present when you passed that resolution?—A. He had been present during the evening; whether he was there just at that time or not I cannot say.

Q. Do you know that he had just gone out previous to the passage of that resolution?—A. No, sir; I do not. If you tell me that he had gone out I have no doubt that he had; I don't remember it.

Q. Was General Gordon present?—A. As I say, he had been going in and out, and he may have been present; I don't know.

Q. Who was present at the time?—A. The room was full.

Q. I mean among the democrats?—A. So far as I know they were all there, or they may have been all there.

Q. Can you give me the names of those who were present?—A. I can tell you the names of some who were there; I do not know that they were all that were present.

Q. Who were they?—A. Mr. Le Compto was there. I remember him distinctly because he was standing behind the chairman. I think General Conner was present. I am certain that Mr. Le Compto was present, and I won't undertake to swear to the presence of any of the rest of them except that the room was full; that there was about the usual number.

Q. What was the usual number?—A. Eight on each side; but sometimes there were ten on each side, and the room was nearly full. We were not over-strict in enforcing the rule; and at the time we adopted that, at half-past 11 o'clock at night, I won't undertake to say which of the gentlemen were present, because they were coming in and going out just as suited their inclination. I remember that Mr. Le Compte was present, and also Mr. Janney, because he sat near their clerk, correcting him. There were a dozen other gentlemen present, and I think General Conner was.

Q. Who made the motion to abandon the precinct managers' returns?—A. I think it was Mr. Cardozo.

Q. And you don't remember whether any of the board voted against it but yourself?—A. I don't remember that there was any other.

Q. The democrats subsequently filed a protest against your abandonment of the count by those returns?—A. No, sir.

Q. Did they file any objection?—A. If they filed any objection to it I don't know it.

Q. Don't you know that the next morning, General Conner and General Gordon filed a protest with the board, against your action in abandoning the count by the precinct managers' returns?—A. No, sir; I have no recollection of their doing anything of the kind.

Q. Did not General Gordon appear before the board and protest against it verbally, and afterward did he not protest?—A. The only time that I know of General Gordon saying anything about the precinct returns at all, was Saturday night, when he asked the chairman of the board to allow the democrats to take those returns, to make copies of them. That, of course, is not an answer to your question.

Q. Did the board permit him to make copies of them?—A. No, sir.

Q. Do you say that there was not a protest filed?—A. I say if there was any protest filed by General Conner or General Gordon or anybody else, this is the first I know of it.

Q. Or any objection made by either of them?—A. When you speak of a "protest," you speak of a formal objection?

Q. Well, any sort of protest, whether formal or otherwise?—A. No, sir; no one that I know of. I do not say that there was none made. I say if there was any made it was made when I was not present, and I never heard of it until now. His request to make copies of the papers was in writing.

Q. Did you permit him to make copies of the papers?—A. No, sir; we told him we would give him an answer on Monday; that was Saturday night. As to that protest, I say positively that there was no such protest made to the board at all, that came within my knowledge.

Q. You told General Gordon you would give him an answer on Monday?—A. Yes, sir; we told him that so far as his question raised on Saturday night, we would give him an answer on Monday.

Q. Did you give him an answer on Monday?—A. I don't think he pressed his question on Monday.

Q. Was there any answer given to him at all?—A. I don't think there was any answer given him, nor any further action taken at all.

Q. Do I understand you to say that it would have been impossible to have completed the count by the precinct returns, within the time provided by law?—A. I don't think I said it would have been impossible. I said if I remember right, and I say it again, that considering the number of officers, which exceeded some 400 altogether, to be voted for, to have compared the precinct managers' returns in that manner with them all would have consumed all the time that was left between the 17th, when we commenced under the order of the court, and the 22d, when our time ceased by limitation.

Q. Suppose you had worked twelve or fifteen hours a day, do you think you could have gotten through with the whole count within the time by law?—A. O, yes, sir; if we had worked fifteen hours a day we could have done it.

Q. You stated, in your examination-in-chief, that several times during the count members of the board objected to going on on account of the time that was being consumed; what members of the board objected?—A. I think that when the matter was discussed, before Charleston County was taken up, Mr. Hayne and Mr. Cardozo were the ones that made the objection, and Mr. Purvis. They said it was not our place to take up the time in going on in that way when we were not permitted to make any corrections even if we discovered any errors; that this was extra work we were doing, which we could not include in our report to the court.

Q. And it was upon that account that they voted to abandon the precinct managers' returns?—A. Yes, sir; so I understood.

Q. When they made the suggestion, however, as I understand you, the democrats objected, saying that the board had commenced in that way and they preferred they should go through the whole in that way?—A. Yes, sir.

By Mr. PHILLIPS:

Q. In speaking of the time at which you did not include the Robbins precinct in the aggregation of your vote, you say you did not do it, not on account of the objection alleged against the integrity of that poll by the democrats, but because, under your construction of the law, you could not go behind the commissioner's return?—A. I don't think that at that

time the democrats made their objection to it for any other reason except the one I have stated, that it was not a paper received through the regular official channel.

Q. But you said that you did not exclude it on account of their objection, but because you had no right to make a change in the commissioner's returns?—A. Yes, sir; that was the reason.

Q. Was that the construction of the board of their powers?—A. At that time we were acting under the order of the court, and that was our construction.

Q. Did you at any time in making the canvass abandon that construction?—A. We made no other canvass except that character of statement made by our report.

Q. You finished the electoral vote when?—A. On Saturday.

Q. When did you make the official count or announcement of the election?—A. On Saturday. We made the announcement before taking up the State count; not the final determination.

Q. When did you make that determination?—A. That was on the 22d.

Q. Between Saturday and the day that you arrived at that determination of the electoral vote what did the board do?—A. They were engaged in making up the State canvass and in attendance on the supreme court.

Q. If I understand it the board did not make any canvass of the gubernatorial vote?—A. No, sir.

Q. You did not canvass that vote at all?—A. No, sir.

Q. You canvassed the other State officers' vote and the legislative vote?—A. Yes, sir; the electoral vote, members of Congress, State officers, members of the legislature, and county officers.

Q. Did you pursue the same course in counting all the vote clear through, taking the county commissioner's returns?—A. Yes, sir.

Q. You did not go behind them?—A. Except that in the case of Edgefield and Laurens we gave no certificate of election to anybody.

Q. On what principle did you go behind the county commissioner's returns there?—A. Because we had evidence before us of fraud and violence so far as Edgefield was concerned; in the case of Laurens because the statement of the county board was signed by two managers only, and one of them had signed it under protest.

Q. Then you did go behind the county commissioner's returns in Edgefield County?—A. We went behind them to the extent of not determining the election at all.

Q. You made no determination at all then?—A. No determination at all. We gave no certificate of election to any person whose election depended on the vote of Edgefield or Laurens, neither on one side nor the other.

Q. In the matter of candidates for the legislature?—A. No, sir; nor county officers.

Q. You gave no certificate to any one in these counties?—A. No, sir.

Q. You simply declined to act on them?—A. Yes, sir.

Q. And you refused to act on account of something found outside of the commissioner's returns in these cases?—A. Yes, sir.

Q. Why did you so act in one case and decline to act in the other?—A. Because the persons declared electors would have been the same whether we had counted the votes of those two counties or had rejected them.

Q. Then you were governed merely by policy and not by the question of what was the law. What right had you to determine the vote as it affected the result one with the other?—A. We determined the result on the electors in favor of the republicans, because, had we excluded Edgefield and Laurens, they would have been elected, and had we included them, which we did, they would have been elected all the same.

Q. But you did include those counties of Edgefield and Laurens in the aggregation of the electoral vote?—A. Yes, sir; we did.

Q. The same evidence was before you on Saturday when you concluded your review that was before you when you went to review the vote for State officers?—A. Yes, sir; had we excluded the vote of Edgefield and Laurens, or declined to act upon it, we still would have certified to the election of the same men that we did certify to.

Q. But still you included those two counties when you made your count?—A. We did in our report to the court. We made no other count.

Q. Then, when you came to aggregate the vote for State officers and legislators you did not include them at all?—A. We made no decision in regard to those counties, because then we had to act on those counties separately.

Q. You certified the vote of the other counties separately?—A. Do you mean to the court?

Q. To the legislature.—A. No, sir; we simply certified to the election of certain men to the secretary of state.

Q. Did not you certify to the secretary of state the election of certain other men as members of the legislature?—A. Yes, sir; we certified their election, but gave no aggregate figures.

Q. You made no certificate at all in respect to the election in Laurens or Edgefield for members of the legislature?—A. We made no certificate in regard to the election of any officer whose election depended upon those counties.

Q. Did you include Edgefield and Laurens in the count for any of the State officers?—A. Yes, sir; for all of them except for members of the legislature and for county officers.

Q. Why did you count the vote for other officers and leave it out for members of the legislature and county officers?—A. I might answer that it was for the same reason that it was done for the electoral vote, the same men would have been elected in any case whether it was included or not.

Q. Then if it would not have elected those men you would not have excluded it?—A. Allow me to explain, because I see that perhaps you do not clearly understand the method by which we arrived at results. We were ordered by the court to aggregate the statements of the county boards and certify that result to the court. We made such a statement to the court, protesting at the same time against the jurisdiction of the court in the matter, but at the bottom the statement, (the statement being the aggregate of the votes of all the counties including those two.) We said that the unfairness, fraud, intimidation, and illegality were such that we could not certify to the true result in those counties as to who had the largest number of legal votes. Now there was no other canvass of that votes than that made by order of the court. When we came to take our action upon the last day that we were a legal body we declared the election of all those officers who were not affected adversely or otherwise—not affected at all by the result in Edgefield—that is to say, those whose election did not depend upon that county.

By Mr. LAPHAM:

Q. You mean where the election would not be changed by it?—A. Yes, sir; and we included all the State officers. My own election, for instance, as an illustration. The board decided that I had a small majority, including Edgefield and Laurens; had the including of those counties affected the result adversely to me, then they would have been obliged to include them or decline to give me a certificate of election at all, or decline to give it to my opponent at all. That is to say, if the result had depended upon counting that vote then they would have given neither party the certificate.

Q. I do not know how you know what they would have done when you were not present?—A. I am not saying what they would have done in that case. What I want to make you understand is that the board would not declare any officer elected whose election depended upon the vote of that county; but if he was elected including the vote of that county, that is, where their counting the vote of that county did not change the result, then they gave him a certificate of election.

By the CHAIRMAN:

Q. And counted it in?—A. It was aggregated in the statement we made to the court. They did not certify to the number of votes.

Q. But in the election for electors it was counted in?—A. In the election for electors it was counted in, because, including the vote of that county, the average majority for the Hayes electors was about 800. Had this been excluded, then the aggregate majority would have been about 5,800. But they would have been elected all the same. That is what I want you to understand, that in no case did the board give a certificate to a man who would not have been elected if that vote had been excluded.

By Mr. PHILIPS:

Q. You were acting as an officer charged with the discharge of a duty; now if in your judgment you were not permitted to count those votes for members of the legislature or for any State officers because you supposed there was intimidation and fraud there, how could you count that vote for electors whether it affected the result or not?—A. Can you say that we did count them? We made an aggregation of votes under the order of the court and submitted it.

Q. This electoral vote, as I understand, you did not, under the order, submit to the court until you had arrived at a determination. You arrived at a determination on the 22d and then immediately adjourned?—A. We made no report to the court as to our action on the 22d, because we were not obliged to.

Q. Did you make any report of the electoral vote to the court?—A. Certainly, we must have done so.

Q. State what you recollect about it.—A. I base my opinion upon the fact that we first took up the electoral vote. We made the report to the court of exactly what they included in their order, whatever that may be.

Q. Did you send up to the court the aggregation of the electoral vote, including Edgefield and Laurens Counties, as canvassed and counted?—A. Yes, sir.

Q. Did you file that aggregation in the office of the secretary of state?—A. Yes, sir.

Q. When did you do it?—A. We filed that in the office of the secretary of state on the 22d.

Q. Did not that aggregation thus filed include Laurens and Edgefield Counties? Look at this copy and see.—A. I do not think we filed those papers with the secretary of state.

Q. How did it get into his office, then? Does not the law require it to be filed?—A. I think it was in his office as a part of the record of the proceedings of the board. I never acted upon the board of state canvassers before and am not perfectly familiar with the regulations. This appears to be a part of the certificate we gave as a State board to the secretary

of state. You asked me whether we certified the electoral vote to the supreme court. I say yes, because I know that we took that up first, and although I don't remember the exact terms of the order, yet I think that the order must have been that we should give it to them, and, if so, we did give it; and if we gave it, it certainly included Edgefield and Laurens.

Q. Your construction of the order of the supreme court as it affected the electoral vote was that it was not binding upon you?—A. We obeyed the order of the court, although we protested against their right to order us to do anything.

Q. But you did obey the order, and certified the returns and adjourned?—A. We obeyed the order of the court and sent the report asked for. Then, on the next day, the 22d, we made a declaration of the result of the election, and certified to the secretary of state the election of certain persons; not to the court.

Q. Including in that certificate Edgefield and Laurens Counties as canvassed by you?—A. Yes, sir.

Q. Then, when you came to the State election, you did not include them?—A. We did include them in all the certificates of election we gave.

Q. You did not for members of the legislature?—A. We did not give any certificates.

Q. But in the presidential electors you canvassed and included those without objection, while in the others you did not?—A. We included it in everything that we gave a certificate of election for.

Q. When it came to giving certificates to the members of the legislature from those two counties you failed to act?—A. We failed to act. We never excluded the vote of those two counties from any certificate of election we gave.

Q. And when you came to the electoral vote, you included it?—A. Yes, sir.

Q. And you were governed in that by its effect on the election?—A. Yes, sir. I will illustrate that by the vote for solicitor for this circuit. His vote depended on four counties. Had Edgefield been included, it would have given the election to one solicitor; had it been rejected, it would have given it to the other. That was so, although three other counties were included in that vote. Now, we gave no certificate to either of the candidates.

By Mr. COCHRANE.

Q. In other words, if Edgefield had been counted it would have elected the democrat, would it not?—A. Yes, sir.

Q. You declined to give him the certificate?—A. We declined to give a certificate to any one whose election depended on Edgefield County, whatever party he belonged to.

By Mr. PHILLIPS:

Q. How was it as to members of Congress?—A. As to members of Congress the result would have been the same whether we included or excluded that vote.

Q. Did you, as a matter of fact, include them?—A. We included them in every case where we gave a certificate of election.

Q. Then you did, as a matter of fact, include Edgefield and Laurens in the congressional election?—A. Yes, sir; we included them in every case that we gave a certificate of election for.

Q. Have you ever examined this managers' return from Richland County?—A. No, sir.

Q. I see Killian's precinct on the managers' return appears blank as to the electors, but there is a memorandum on the margin that it appeared that the vote was so much for "Tilden and Hendricks," and so much for "Hayes and Wheeler;" that vote seems to have been counted, however, in aggregating Richland County for both sides; it is included on both sides except as to McGowan. Do you recollect anything about that? McGowan has only 2,188; all the others get their full vote, including the 211 at that precinct.—A. I have seen this paper here, but I never compared it.

Q. Is there any reason known to you for omitting those 211 votes from McGowan's vote?—A. None whatever. That is the footing of the county board's statement, which we took; we never made any alterations in their figures.

Q. You speak in your examination-in-chief of an abstract made by your board of certain irregularities and changes during the time you were examining the first six counties and comparing them with the statements of the county commissioners; what was the form of that memorandum or abstract that you made? Was it upon a separate piece of paper or was it upon the returns of the managers themselves?—A. It was not upon the returns of the managers. It was made upon an abstract that we were making.

Q. Where is that paper?—A. It belonged to the secretary of state.

Q. Is there on file, then, in the office of the secretary of state your canvass of the first six counties according to precincts and the memorandum of the changes?—A. Those would not be on file, because they were not formal papers; they were mere memorandums, and they would no more be filed there than any other memorandum; when I say they are there, I say it because I know they were there yesterday.

By Mr. LAWRENCE:

Q. In the return which you made to the writ of *mandamus* issued by the supreme court you reported that Bowen had received 91,786 votes, and the other republican electors about the same number, while Barker had received 90,896, and the other democratic candidates sub-

stantially the same number; state whether those numbers of votes included all that were returned in the county commissioners' returns from all the counties of this State?—A. Yes, sir; those figures give all the statements of the votes given in the statements of the county boards to the respective canvassers, but do not include any that were given, or claimed to have been given, but where errors were claimed to have been made by not allowing them in the statement. In other words, we corrected no errors in the county commissioners' returns.

By Mr. LAPHAM:

Q. It does not include Robbins's box?—A. It does not.

Q. It includes all those votes reported by the county canvassers from all the counties?—A. Yes, sir.

Q. Does it include any votes except those which are reported in the county canvassers' returns?—A. No, sir.

Q. You closed your canvass on the 22d, being the last day you were allowed by law to continue it, as you supposed?—A. Yes, sir.

Q. And you were served with the order of the court subsequently?—A. Yes, sir; at 10 o'clock that night.

Q. Were you subsequently arrested?—A. Yes, sir; for contempt.

Q. And confined where?—A. In Richland County jail.

Q. How long?—A. From Saturday at 5 o'clock until Monday at 10 o'clock.

Q. You continued in the custody of the marshal until Judge Bond made his decision?—A. I was in the custody of the marshal several weeks.

Q. Who else were in that custody?—A. The rest of the State board.

Q. Who transacted the business of your respective offices during that time, or was there any done?—A. From Saturday to Monday there was no business transacted.

Q. What time Saturday were you arrested?—A. The order of arrest was served on us about 1 o'clock in the day; but the sheriff gave us until 5 o'clock in the evening to arrange our business matters. That was a matter of favor so far as regarded our official business.

By Mr. PHILIPS:

Q. You speak of being in the custody of the marshal; did you not, after you were taken out on a writ of *habeas corpus*, have the liberty of the city; were you all the time in the presence or custody of the marshal?—A. No, sir; we were not in his presence, but we were in the custody of a deputy marshal.

Q. How much of the time did he accompany you?—A. Well, he should have been with us all the time; and I for one took the liberty of walking from my house to my office.

Q. You staid at home with your family?—A. I staid at home, but the other members, I understand—

Q. Confine yourself to your own knowledge. You staid with your family?—A. Yes, sir.

Q. You were not under the eye of the deputy marshal much of the time?—A. No.

Q. Were you not at large and at liberty to go at your will about the city?—A. Well, I suppose I could have gone anywhere, but I did not, from motives of honor.

Q. You were out on the street wherever you wished to go?—A. I had a deputy marshal accompanying me.

Q. All the time?—A. For the first two or three days, until the matter was heard in the court, and then the democratic counsel made a complaint, so to speak, that we were practically at liberty, and Judge Bond decided that that was a matter of responsibility for the marshal; that he was responsible on his bond to have those persons present in court, and if they were present that was all that was required. After that we felt more at liberty to go about without the presence of the deputy marshal, although a deputy was in attendance upon me until finally released.

Q. This proceeding was for an alleged contempt?—A. Yes, sir; for not obeying that order, which we did not receive for hours after we had finally adjourned.

Q. Judge Bond is a judge of the United States Supreme Court, is he not?—A. He is district judge, I think. I am not a lawyer. I do not know whether he is a district judge or not.

Q. Judge Wright is the district judge, is he not?—A. No, sir; Judge Wright is in the circuit court of the State. I wish to correct or add a word of explanation to something that I have testified to. When the question was asked me whether General Conner or General Gordon had made any protest the next morning against our having ceased the examination of the precinct returns—

Mr. PHILIPS. That night or the next morning?

The WITNESS. I said that if they had made any I never heard of it. Upon thinking further about it I remember that at one time on Saturday, after we had completed the canvass for the electoral vote and were about to declare it, (that is, the chairman was about to read it off; that was the extent of the declaration,) General Conner and others interposed and objected to its being given publicly, as they said, from our board; and at that time he gave as his reason why it should not be made public, (remember we had taken this vote the night before and continued the canvass during the forenoon of that day, no objection being



made,) that if we had made an examination of the precinct returns he thought it would have vitiated the result; he did not say to what extent, nor whether it would have made a final difference.

Q. Was not that objection made on Friday night just after you made that determination?—A. No, sir.

Q. And then did not General Gordon come in next morning and make the protest in writing?—A. No, sir; the only protest or objection in writing that I know of in regard to this matter of ceasing the examination of the precinct returns was when we were about to make the declaration of the final result on the presidential electors; he then objected to making it public because, he said, an examination of the precinct returns might make a difference.

COLUMBIA, S. C., December 19, 1876.

A. KNOPP was recalled, at his own request, to make a correction, which he did, as follows: Last night I was asked whether any motion was made in the board by Mr. Gennerette to adjourn. When we first started we said to each other that we would be back, because we would do nothing to-day until the Tuesday following. When we met we organized, and I made mention, "That is about all we can do, to organize and then meet next Tuesday. We will have received all the returns." Then there was attorneys from Blackville and Barnwell, and they disagreed. Some said that we could only organize and do nothing else until next Tuesday, and some of the attorneys say, "No; they had better go right on." Mr. Gennerette came to me, to one side, and says he, "There is too many people in here. We had better adjourn. We can do nothing here with so many people in the room." I said to him, "Let these lawyers agree, and whatever they agree we had better abide by." They did not agree, but I consented to what Judge Maher said, and I stepped up to Gennerette and said, "We had better follow Judge Maher's advice. Let us go on and not adjourn."

By Mr. LAPHAM:

Question. Do I understand you now to say that Mr. Gennerette did make an application for an adjournment?—Answer. Yes, sir. He called me one side and said, "We can't do nothing here. We had better adjourn."

Q. Adjourn to when?—A. "For to-day," he said. "Let us adjourn for to-day;" says he, "we can't do nothing here; there is too many people in the room."

Q. Your previous suggestion was to adjourn to Tuesday?—A. Yes, sir.

By Mr. PHILIPS:

Q. How came you to think of this matter? You were asked about it yesterday evening, and you did not remember anything of that sort.—A. My attention was called to it by Mr. Gennerette. When we went out he said, "Don't you remember?" and he reminded me, and then I remembered that I told him we should adjourn till Tuesday.

Q. Your attention was called to this by Gennerette after you had testified here yesterday evening?—A. Yes, sir.

Q. He was not here when you testified yesterday evening?—A. I think I noticed him here once.

Q. But he came to you after you testified and asked you about the matter?—A. Yes, sir; he asked me, "Don't you remember that I told you we should adjourn?" and I said I did now, but I could not recollect distinctly in my mind.

Q. We asked you about that here a short time before that?—A. Yes, sir.

Q. Why could not you remember it as well then as you did when Gennerette mentioned it to you?—A. I could not get it to my mind.

Q. What circumstance brought it to your mind when Gennerette asked you?—A. Well, I felt more deliberate. It came into my mind that I remembered the thing well then.

Q. When Gennerette mentioned it to you?—A. Yes.

Q. Gennerette did not make the motion before the board, but called you one side and mentioned it to you alone?—A. I don't think he said it to the board, but only to me.

By Mr. ABBOTT:

Q. He gave as a reason for adjourning that there were too many people about?—A. Yes, sir.

Q. That was all the reason that he gave?—A. Yes, sir; that is all he said. That is the only reason. I did not feel like telling any one to go away until Judge Maher said, "You had better clear the room."

COLUMBIA, S. C., December 19, 1876.

HENRY E. HAYNE sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. In Columbia.

Q. How long have you resided here?—A. Four years.

Q. Where did you reside before coming here?—A. At Marlton, in this State.

Q. How long had you resided there?—A. From 1866 until 1872.

Q. How long have you resided in this State?—A. I was born in this State.

Q. What is your age?—A. I will be thirty-six the 30th day of this month.

Q. You are at present the secretary of state of South Carolina?—A. Yes, sir.

Q. And were in November last?—A. Yes, sir.

Q. How long have you held the office?—A. From about the 5th of December, 1872.

Q. As secretary of state, were you a member of the board of State canvassers at the last election?—A. Yes, sir.

Q. On what day this year did the canvassers first meet?—A. On the 10th of November.

Q. How many days were you allowed by law for the canvass?—A. Ten days.

Q. The 10th of November was Friday of the same week of the election?—A. Yes, sir.

Q. Do you remember whether any returns had been sent in at that time?—A. On Friday, the only return that I remember being in was from the county of Richland—this county.

Q. What was done that day by the board?—A. We met, organized, and adjourned.

Q. Were any persons before you that day representing the different political parties?—A. I think there were. I think five or seven gentlemen came as lawyers representing democratic candidates at the election held on the 7th.

Q. What subjects, if any, were discussed?—A. I think the question was asked by one of the gentlemen when we proposed to canvass the returns, or whether we proposed to canvass the returns; and my answer was that there were no returns in but one, and that we should only organize and adjourn.

Q. To when did you adjourn?—A. Next day at 10 o'clock.

Q. What occurred that next day, Saturday?—A. I think there were three or four more returns in—I cannot tell positively how many—but we did not go into the canvass that day.

Q. What was done?—A. If I had the minutes before me I could refresh my memory. This committee has a certified copy of them.

Q. You have a right to refer to them. Can you state from recollection what county returns had reached you from Saturday?—A. I cannot testify to that.

Q. You adjourned to Monday?—A. Yes, sir.

Q. Without reference to the minutes, can you state the events of Monday from memory, whether you transacted any business that day?—A. I cannot say positively as to transacting any business. I think that was the day that the first protest was made by General Conner, though I am not sure.

Q. Was that protest in writing?—A. Yes, sir.

Q. How many returns had reached your office then?—A. I don't think there were more than ten.

Q. When did you adjourn to from Monday?—A. Tuesday at ten.

Q. State what occurred on Tuesday.

Mr. COCHRANE. As we have the minutes of the board, and as the witness says that he cannot remember anything that occurred except as it appears in the record, it seems useless to spend time in proving the contents of the record.

Mr. LAPHAM. I do not propose to change the record or add to it by this testimony.

The CHAIRMAN. The chair is not inclined to limit the examination in this respect.

By Mr. LAPHAM:

Q. State briefly what occurred on Tuesday, the 14th of November, after the meeting of the board on that day.—A. [Referring to the minutes.] After the board met that morning these gentlemen came into the room. After their submitting, the day before, several protests, the board decided to hear oral argument on the question as to the time for canvassing the presidential vote, and General Conner gave as his opinion that we could wait five days for the respective returns before we commenced to canvass, but that the limitation to five days did not refer to completing the canvass in five days; that we had five days to wait for the respective returns and then five days after; that we had the same time to canvass the presidential returns that we had to canvass other returns, but we could not wait beyond five days before we began the canvass of those returns.

Q. What else occurred that day?—A. It is some time since, and I have not had a chance to refresh my memory, and I will have to refer to the record now and then.

The CHAIRMAN. I understand, Judge Lapham, that you are not attempting to verify the record by this witness, but simply to let him look at the record to refresh his memory as to other matters?

Mr. LAPHAM. Yes.

The WITNESS. I think after that the board asked the gentlemen to retire, and we deliberated on the matter and came to the same conclusion ourselves, that the five days was not intended to be the limitation for the completion of the returns.

Q. Was there any business transacted that day, that you remember?—A. None, that I remember.

Q. Do you remember whether any notice was given that day about the application to the court?—A. No, sir; I do not think there was. I think that General Conner said that he desired the board to give an answer to a proposition that he had submitted the day before, as they were anxious to know just exactly what were the views of the board. I think he did say that they were anxious to know, and he said something in regard to the court. I don't remember now what.

By Mr. COCHRANE:

Q. He asked the board to give an answer to what proposition?—A. I think it was as to whether those who were candidates had a right to sit as members of the board. There were several orders submitted—one in regard to the members of the general assembly, and another in regard to the returns for governor.

Q. What answer, if any, was given as to the participation in the canvass of the members of the board who were candidates?—A. The decision was that they had a right to sit, except in their own cases, when they came before the board.

Q. State whether notice was given to the democrats thore of that decision.—A. Yes, sir; we passed a resolution to that effect and gave them a copy of it.

Q. Was there anything more said on Tuesday, that you remember?—A. [Referring to minutes.] Tuesday was the day that the notice was served on us by the court of the application for a writ of prohibition and mandamus. That was the 14th.

Q. What time in the day was that notice served?—A. I think it was something after 12 o'clock.

Q. What action did the board take, if any, on the service of that writ?—A. They referred the matter to our counsel.

Q. Did you transact any further business?—A. No, sir.

Q. When did you adjourn to?—A. We adjourned to Wednesday.

Q. Are you able to say how many of the returns had come in from the different counties at the close of that day?—A. I think we had all the returns in on Wednesday.

Q. I am inquiring about Tuesday.—A. After the writ was served on Tuesday we did not transact any more business on that day.

Q. How many of the returns were in at that time when the writ was served?—A. I think all the returns were in, except the county of Kershaw.

Q. Do you mean all the returns from all the precincts, or from all the counties?—A. From all the counties.

Q. Do you remember when the return from Kershaw County was received?—A. The return from Kershaw County was received, I think, on Wednesday morning.

Q. What time on Wednesday?—A. Ten o'clock.

Q. What business, if any, was transacted that day?—A. That was the day that General Conner submitted an order asking that clerks be allowed to verify the statements, or make an aggregation of the returns of the precinct managers.

Q. What action, if any, was taken upon that order?—A. No action was taken that day.

Q. What was done on Wednesday?—A. Mr. Cordozo offered a resolution that we should entertain no proposition until the supreme court had decided our powers and duties.

Q. Did the board decide not to take any action?—A. Yes, sir.

Q. What was done beyond that, if anything, on Wednesday?—Nothing, sir; that was adopted, and we adjourned until Thursday.

Q. What occurred on Thursday?—A. On Thursday, the case being before the court, we did not do anything that day; we met and took a recess until three, and then at three the board met without a quorum, and adjourned until the next day at ten for want of a quorum. The next day was Friday.

By Mr. PHILIPS:

Q. Who was absent?—A. I think the attorney-general was absent. We met Friday morning, and that was the day that we proceeded to canvass the returns.

Q. What time did you commence?—A. We passed a resolution in the morning to allow so many persons from each party to be present—eight, I think, including the clerks—and we took a recess until two o'clock.

Q. To enable the parties to arrange their men to represent them?—A. Yes, sir.

Q. When was the order of the supreme court directing the manner of your counting served?—A. I think that was on the 17th.

Q. That was Friday?—A. Yes, sir; the same day.

Q. What time in the day?—A. I think the order was given just after we had met.

Q. And before you determined how many should be present?—A. No, sir; I think not.

Q. After you met in the afternoon?—A. The court met that morning at eleven o'clock.

Q. When did the board first have notice of the action of the court?—A. That afternoon, I think, after we had taken the recess.

Q. When you met at two o'clock?—A. Yes, sir.

Q. Who served it?—A. The deputy sheriff of Richland County; I am not sure whether it was the deputy sheriff or not.

Q. You do not remember the person who made the service?—A. I cannot remember just now whether it was the clerk or the deputy sheriff.

Q. Was there a question raised at that time as to the mode in which you would canvass under the order?—A. The order read that we should make our statement from the county canvassers' statements, but the comptroller-general suggested, I think, that we had better, for our own satisfaction, take up the managers' returns in connection with the commissioners' returns; which was objected to by General Conner, as not being in accordance with the order of the court, the court having directed us to make up a statement to them from the canvassers' returns. I think his answer, so far as I can recollect, was that we were doing this simply for our own satisfaction. I think he said, "General, we are only doing this for our own satisfaction." The objections were not made in writing. We took up then the managers' returns from Abbeville, Aiken, Anderson, Barnwell, Beaufort, and Charleston.

Q. Had you opened or examined returns from the county of Abbeville up to that time when you commenced the canvass?—A. No, sir.

Q. Or the county commissioners' returns, either, from that county?—A. No, sir.

Q. Do you remember whether the precinct managers' returns were all in from that county or whether there were some missing?—A. There was no return from two precincts for presidential electors, Calhoun's mills and Magnolia.

Q. Have you the original county commissioners' returns of Abbeville County?—A. Yes, sir.

Q. [Showing witness a paper.] You knew the precincts in that county?—A. Yes, sir.

Q. Have you ever seen any returns from either of those precincts for presidential electors at the last election?—A. No, sir.

Q. Are there returns from those precincts for the other officers?—A. There are, from Calhoun's mills, but not from Magnolia.

Q. There is a return from Calhoun's mills, but it does not embrace to presidential electors?—A. No, sir; there was no election held at Magnolia.

Q. Do you remember whether the electoral vote returned by the county officers was or was not larger than that shown by the precinct returns?

Mr. PHILLIPS. That appears by the papers themselves, and they are the best evidence. I object.

(The chair sustains the objection.)

Q. Do you remember any precinct in that county where only a part of the names of the electors were included in the precinct returns, only the surnames, for instance?—A. Yes, sir; they ran in that way; not only in that county, but in others.

O. I am only inquiring about this county.—A. I cannot remember just now.

Q. Do you remember whether there was any precinct where only one of the managers had signed the return?—A. Yes, sir; precinct Ninety-six.

Q. Was this absent precinct, Calhoun's mills, embraced in the aggregate of the county commissioners' returns from Abbeville?—A. Yes, sir.

Q. And the cases where there were defective returns not signed by all?—A. Yes, sir; it was the first county that I noticed where there was a return missing, and I telegraphed all three commissioners that there was no return sent for Calhoun's mills as to presidential electors.

Q. Has any ever been made yet?—A. Not up to that time. One of the commissioners of election, Mr. Perrin, came into my office to see me in regard to other business, and I asked him in regard to Calhoun's mills, and he said that the managers sent out no return, but they took the supervisors' books, and, finding the names of the electors on both tickets, and that they talked with the supervisors' returns, they took up the supervisors' returns as corroborating the ballots in the boxes.

By Mr. LAWRENCE:

Q. And that was included in the county commissioners' returns?—A. Yes, sir.

By Mr. LAPHAM:

Q. Had you ever opened or examined the returns from Aiken County until you took up the canvass?—A. They were brought open.

Q. But had you ever examined them with the view of seeing whether they were all there or imperfect?—A. No, sir.

Q. How did you say they were brought?—A. They were brought by one of the commissioners, wrapped up in a newspaper.

Q. Do you remember by whom?—A. Mr. S. B. Spencer.

Q. On looking at them with a view to the canvass, state whether there were any returns of electoral votes missing from that county.—A. There were no managers' returns from Silverton and Windsor precincts.

Q. Were there managers' returns of the other vote?—A. Yes, sir.

Q. How was it with Aiken Court-House?—A. Aiken Court-House was returned.

Q. Aiken was first reported missing, but you found it afterward and supplied it to us.—A. Yes, sir; they made it out on a blank that was intended for the commissioners, and that is the way we overlooked it the first day, when this committee's clerks were at the office.

Q. Were there election returns from all the precincts in that county? I do not confine

my question now to the electoral vote, but any kind of returns?—A. Yes, sir; from all the precincts, but not of the electoral vote from Silverton and Windsor.

Q. Had the county commissioners in that county allowed the electoral vote for Windsor and Silverton?—A. I think not, sir. Not by their return as compared with the precinct returns.

Q. Look at that abstract furnished to this committee from your office, and then take the county commissioners' return and compare them.—A. I made a comparison with the return before I came here. There is a difference of three votes on the republican electors, without Silverton and Windsor precincts, and a difference of 240 in the democratic electors.

Q. Is that difference included in the returns of the county commissioners?—A. I made a comparison of the precinct returns with the county commissioners' return, and I found that the precinct returns footed up 2,215 for the republicans, and 2,653 for the democratic electors, without Silverton and Windsor. The county return of the commissioners of election shows 2,218 for the republicans and 2,903 for the democrats.

Q. Which number of votes is embraced in the canvass made by your board?—A. We took the commissioners' returns.

Q. The largest number?—A. Yes, sir.

Q. That number is more than the precinct-managers' canvass?—A. Yes, sir; without Silverton and Windsor.

By Mr. LAPHAM:

Q. You have no evidence of the number of votes given at those precincts?—A. None at all.

Q. If you should give the party vote at each of those precincts, which would it increase, the republican or the democratic?—A. Giving both of those precincts to both parties, it would leave the democrats one hundred and something less than their vote in the commissioners' return.

Q. It would make the democratic majority one hundred less than it is now on the commissioners' return?—A. Yes, sir. I may be mistaken, but I think I am right. I can send for those returns.

By Mr. LAWRENCE:

Q. What two returns?—A. The precinct returns for State and county officers.  
[The witness was directed to produce the returns in question.]

By Mr. LAPHAM:

Q. That brings us to Barnwell. Had you looked at the Barnwell returns until you took up this canvass on Friday afternoon?—A. No, sir.

Q. Do you remember whether any returns for electors from precincts in that county were missing?—A. Yes, sir; Cainan's Fair Church. Robbins was in.

Q. It was not in the general returns?—A. No, sir; not in the return sent by the messenger.

Q. Do you know whether the county canvassers' return in Barnwell embraced the vote from Cainan's Fair Church or Robbins's?—A. It did not.

Q. The county return and the State canvassers' agreed in regard to that count?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Was there, in fact, any election held at Cainan's Fair Church?—A. No, sir.

Q. The abstract of votes, as made up by the State canvassers for Barnwell County, gives Bowen 2,835, and the other republican electors substantially the same except Mr. Hurley, who only has 2,140; and it gives Barker 3,695, and the other democratic electors substantially the same. State if these figures are the same as found in the county commissioners' return for that county.—A. They are, sir.

Q. These figures include the vote at Barnwell Court-House?—A. Yes, sir.

Q. Was there a managers' return sent up from Barnwell Court-House?—A. The one I have just mentioned. General Hagood appeared before the board and said that was the return, and we took it as the return.

Q. You have furnished a certified copy to the committee?—A. Yes, sir.

Q. It is not signed?—A. No, sir. There is no name of the poll attached to the papers. I have a certified copy of the poll-list, certified before a trial-justice.

By Mr. ABBOTT:

Q. Was that poll-list returned to your office?—A. No, sir; it was not sent up with the other papers, but afterwards.

Q. Then it is a paper not sent to you officially, but simply a copy attested before a trial justice?—A. Yes, sir.

By Mr. LAPHAM:

Q. What is that paper?—A. It is a certified copy of the poll-list, sent to me while our board was in session.

Q. Certified to by whom?—A. The two managers of the precinct.

Q. Which is a democrat?—A. I do not know, sir.

Q. This paper accompanied the affidavits, copies of which you have furnished?—A. Yes, sir.

Q. Why didn't you furnish a copy of this?—A. I think that at that time it was in the hands of the Committee on Privileges and Elections with some other papers.

Q. You have a list of the missing precincts in the electoral returns?—A. Yes, sir.

Q. Please bring with you after recess the managers' returns from those precincts, whatever return there is of managers of elections held, whether it includes the electoral vote or not.

The WITNESS. I will do so.

Recess until 4 p. m.

The committee re-assembled at 4 p. m.

HENRY E. HAYNE, secretary of state, direct examination continued.

By Mr. LAWRENCE:

Question. State if any managers' precinct returns failed to be returned to your office from Beaufort County?—Answer. Yes, sir; Beech Branch. I mean for presidential electors. There was a return for the other officers.

Q. Was the electoral vote for that precinct included in the county canvassers' returns?—A. I think it was.

Q. State whether the State board of canvassers in the abstract of votes which they made up included the entire vote of that county?—A. That I cannot say. We only took, in every case, the county commissioners' return.

Q. You have stated that the county commissioners' return in that county did include Beech Branch?—A. I think so. I think you will find that there is a difference on these tabulated sheets of between seventy-four and twenty-two votes—seventy-four on the democratic side and twenty-two on the republican.

Q. There was a county commissioners' return from that county?—A. Yes, sir; for State and county officers.

Q. State whether there was a county commissioners' return from every county in the State?—A. Yes; from every county.

Q. State whether the State board of canvassers, in making up their abstract of votes, included all the returns as they were sent up by the county canvassers in all the counties?—A. Yes, sir; for every county.

Q. Robbins precinct was not included in the returns of the county canvassers?—A. No, sir.

Q. State whether any managers' returns were missing from Charleston County, or whether returns were made for all the precincts?—A. I think that returns were made from all the precincts, but in one instance I think they only returned a portion of the electors, or they returned the number and not the names, or something of that kind.

Q. Was there any error in Charleston County?—A. There were two precincts, I think, where they only gave the names of two electors on each side. Those precincts were Dutart's Creek and Cross-Roads.

By Mr. LAPHAM:

Q. Was there not one precinct in Charleston County where the name of one republican elector was left off?—A. I really cannot say.

By Mr. LAWRENCE:

Q. What is the state of the vote, as shown by the managers' return, for Dutart's Creek?—A. Sixty-six for Bowen and Whismith each, and Barker and McGowan twenty each.

Q. Is any vote shown for the other electors?—A. Not on the precinct returns.

Q. Is it shown on the county canvassers' return?—A. The county canvassers evidently included this vote the whole way through for every candidate.

Q. State what the vote is on the managers' return for Cross-Roads.—A. Bowen and Whismith 68, Barker and McGowan 105.

Q. But the deficient votes are given for all the electors in both those precincts, in the county canvassers' return?—A. Yes, sir; there does not seem to be any difference between them.

Q. So the vote of that county is complete?—A. Yes, sir.

By Mr. ABBOTT:

Q. All you know about it is that the county canvassers returned one way and the precinct managers the other way.—A. Yes, sir.

Q. State whether any managers' returns were missing from Chester County.—A. Yes, sir; presidential returns for the Boyd's store precinct. The returns for State and county officers were made.

Q. State whether the vote of Boyd's store was included in the county managers' return?

—A. I can tell you better by comparing the return with this tabulated sheet. Chester County gives the republicans 2,441 as an average, and 1,973 for the democratic electors.

Q. Did the county canvassers' return for Chester County include the vote for presidential electors at Boyd's store?—A. I think it must have included it.

Q. What is the republican vote at Boyd's store?—A. The average is 203 republican to 209 democratic.

Q. That is for the candidates for State officers.—A. Yes, sir.

Q. In Colleton County were there any precincts from which any managers' returns for presidential electors were sent up?—A. Yes, sir.

Q. What are they?—A. There are several. Bell's Cross-Roads, Preacher's Mill, Ashapoo, Iron's school-house, Cross-Roads, and Bennett's Point.

Q. State whether any election was held at Bennett's Point?—A. No election was held at Bennett's Point.

Q. Were managers' returns sent up from Iron school-house, Ashapoo, Preacher's Mill, or Bell's Cross-Roads?—A. Yes, sir. Some returns came by mail, the other day. Here is the package just as they came.

Q. What day did they come?—A. I received that by Mr. Myers, the senator from that county, on the 16th of December, from the chairman of the board of county canvassers.

Q. You have the managers' returns from Bell's Cross-Roads here?—A. Yes, sir; it is signed by all the managers on the 7th of November.

Q. What is the vote?—A. Republicans, 35; democrats, 105. That is the vote for each elector.

Q. When did you get that return?—A. December 16th, by mail.

Q. From whom did you receive it?—A. The senator of the county.

Q. Have you before you the envelope with the post-mark on it in which that managers' return was sent to you?—A. Yes, sir.

Q. How came it to be post-marked when you received it through Senator Myers?—A. Because the package was addressed to Senator Myers.

Q. Where is it post-marked at?—A. "Charleston and Savannah Railroad agent."

Q. What is the date of the post-mark?—A. December 15.

Q. Was any managers' return for Bell's Cross-Roads precinct brought to you or to your office with the other managers' returns from that county?—A. Yes, sir; for State and county officers; not for electors.

Q. Was any managers' return for electors brought for Bell's Cross-Roads when the other returns were brought?—A. No, sir.

Q. Or any one received except that one which was sent by mail?—A. None except this one which I hold in my hand.

Q. Can you state whether the vote for electors at these points, Bell's Cross-Roads, Preacher's Mill, and Iron school-house, were included by the county canvassers in the returns which they sent up?—A. I think they were. The only thing sent up from Preacher's Mill in regard to the presidential electors was the supervisors' return. They told me that was what they counted as the electoral vote there.

Q. You have that before you now?—A. I have.

Q. What vote does it show?—A. It shows 100 for all the republican electors, and 164 for all the democratic electors. No return was sent up from Ashapoo for presidential electors.

Q. Was a managers' return sent up from Ashapoo for State officers?—A. Yes, sir.

Q. What was the republican vote there for State officers?—A. The vote for State and county officers at Ashapoo was 437 republican and 96 democratic.

Q. Have you the returns for Iron school-house?—A. Yes, sir; it shows 180 republican to 44 average democratic vote.

Q. Have you the county canvassers' return for Edgelyield?—A. Yes, sir.

Q. State whether there were any precincts in Edgelyield County from which no managers' returns for electors were received?—A. Yes, sir; Cheatham's store and Richardson.

Q. Was there any managers' return for the State officers?—A. Yes, sir.

Q. What was the character of the vote for State officers at these two precincts, as shown by the managers' returns?—A. Two hundred and eighty-eight republican and 320 democratic; that is at Richardson,

Q. How many at Cheatham's?—A. One hundred and seventy-three democratic and 88 republican.

Q. State whether the county canvassers' returns included the vote of these two precincts for electors.—A. I believe they did. I find that Cheatham's store is the only absent precinct. Richardson is only a defective precinct; there is a return for that precinct, but it is not signed.

Q. State whether managers' returns for the electoral vote were sent to you from all the precincts in Fairfield County.—A. There is one precinct, Ridgeway, from which no return at all for presidential electors is made.

Q. Was there any return from there for State officers?—A. Yes, sir.

Q. What was the return for State officers?—A. I have not got that with me.

Q. State whether the county commissioners' return included the vote of Ridgeway precinct?—A. Yes, sir; I think it did. The chairman told me so.

Q. State how the vote for State officers, as shown by the managers' return made to you, compares with the electoral vote, included by the county commissioners in their return?—A. I cannot tell you that just now. I have sent for that.

Q. You have stated that you received a return sent by mail to the senator from Colleton County for Bell's Cross-Roads since the State canvassers canvassed the State?—A. Yes, sir.

Q. Have you received any managers' returns for any other precinct in that county since the canvass by the State officers?—A. No, sir.

Q. There are two mentioned in the letter?—A. There are affidavits that he refers to. He calls them "returns" in his letter, but they were in fact affidavits.

Q. To what precincts did they relate?—A. To Ashepoo and Blue House.

Q. Where are these affidavits?—A. You have a copy of them here.

Q. What is the matter with Blue House?—A. At the time that we thought we overlooked Colleton we did not know that any of the presidential returns were attached to the general returns at all. Judge Abbott and Mr. Saylor came and examined the county returns of this very county, I think, in regard to some of these precincts. They suggested that they might have been put with the general returns, and in looking over them we found them.

Q. The Blue House return is included in the abstract of county returns which you furnish?—A. I think so.

Q. Let me see those two affidavits. [The affidavits being produced, Mr. Lawrence proposed to insert them as defective returns, but Mr. Phillips objected to them as *ex-parte* affidavits, and also as not having been filed within the time prescribed by law, and they were excluded.]

Q. In Georgetown County were there any presidential returns from Upper Waccamaw and Pedee?—A. Upper Waccamaw is returned as Brook Green, and Pedee as Birdfield.

At this point the examination of the witness was suspended.

COLUMBIA, S. C., December 20, 1876.

PETER M. GREGORY sworn and examined.

By Mr. LAWRENCE:

Question: Where do you reside?—Answer. In Charleston.

Q. What office did you hold at the last presidential election?—A. One of the canvassers; commissioners, they are called.

Q. State what the vote was for electors for President and Vice-President at Cross-Roads precinct.—A. I cannot remember the number of votes.

Q. What vote was shown by the managers' return?—A. Sixty-eight votes were given in one instance.

Q. At Cross-Roads?—A. Sixty-eight votes; I only know what the return shows.

Q. Did you examine the votes in the ballot-box for Cross-Roads precinct?—A. Yes, sir.

Q. State whether all the electors were voted for.—A. They were all on the tickets; on all the tickets from Cross-Roads.

Q. Johnson and Hurley and Nash, then, received the same vote that Bowen and Winsmith received?—A. Yes, sir.

Q. State whether you examined the ballots to find in the box for Dutart's Creek, also.—A. We would take out the poll-list and the tally-list on the return as they were called, and then we would aggregate the amount of the votes given to each candidate, and see if they would correspond.

Q. Do you remember whether the Cross-Roads return for Dutart's Creek was blank for Johnson, Hurley, Nash, Cook, and Meyers?

Mr. ABBOTT. The return is the best evidence of that.

Q. Did you count the ballots at Dutart's Creek?—A. Yes, sir.

Q. State whether the names of all the electors were on the ballots for Dutart's Creek.—A. In every case, sir, we found all the electors on the tickets.

Q. And the same vote for all the electors?—A. Yes, sir; with the exception of where the ticket of one party would be more than the other. But I do not remember any cut tickets, or split tickets.

Q. Whatever vote was given to Bowen and Winsmith in Dutart's Creek precinct was given to the other republican electors?—A. Yes, sir.

Q. And so of the democratic electors?—A. Yes, sir.

By Mr. ABBOTT:

Q. Did you count the votes in all the different precincts, also?—A. Yes, sir.

Q. The whole fifty-five?—A. Yes, sir.

Q. How long did it take you, if you counted the votes from each box?—A. We would do every one. We were several days doing that.



Q. At every precinct did you open the box and look at the votes?—A. Yes; every precinct.

Q. Do you recollect anything special in regard to Dutart's Creek precinct?—A. There was some omission on the part of the managers there.

Q. If you opened the boxes and examined the votes, why didn't you, in your returns, put it down as you found the votes were?—A. We have placed everything in that way. Every irregularity that occurred we noted.

Q. You, by counting, ascertained that the precinct managers' returns were incorrect, and then you would correct the errors in your return to the secretary of state?—A. Yes, sir.

Q. So that your return you intended to be, in this respect, in regard to these two places, precisely as the votes showed?—A. Yes, sir.

Q. The canvassers' return included all the votes from all the precincts?—A. Yes, sir.

Q. And wherever there was an irregularity in the managers' return you corrected it by looking into the ballot-boxes and examining the tickets?—A. Yes, sir.

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COLUMBIA, S. C., December 20, 1876.

B. G. YOCOM sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside?—Answer. I reside in Chester.

Q. What office did you hold at the last presidential election?—A. I was chairman of the board of canvassers.

Q. Did you canvass the vote of Chester County?—A. I did.

Q. On what day?—A. It was on Friday following the election, the 10th of November.

Q. Did you have the managers' returns from all the precincts of the county?—A. We did, sir.

Q. Can you state what the vote was at Boyd's-Store precinct for electors of President and Vice-President?—A. I believe the vote was 208 for the democrats and 204 for the republican ticket.

Q. State whether this was included in the county canvassers' return.—A. It was.

Q. All the managers' returns were included?—A. All the managers' returns were included; the vote of each of the precincts.

Q. All your precincts were sent forward, I suppose, to the secretary of state's office?—A. Yes, sir.

Q. You inclosed them or saw them inclosed?—A. I inclosed them myself. I rolled them all into a bundle of paper and tied a twine around them and gave them to the messenger.

The secretary of state, being present, remarked to the witness that one of the returns was missing.

The WITNESS. Then it must have been the fault of the messenger. I started them properly. I handled them myself, and we had the return from every box, and there was no return left in the office, so it must have been his fault.

By Mr. LAWRENCE:

Q. What was it you gave to Walker?—A. I gave him a tabular statement of the vote at each box, showing the number of votes counted for each candidate.

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COLUMBIA, S. C., December 20, 1876.

HENRY E. HAYNE recalled and examination resumed.

By Mr. LAPHAM:

Question. Have you the managers' return for the State officers for Ridgeway precinct, in Fairfield County?—Answer. Yes, sir.

Q. What is the republican vote at the last election, as shown by these managers' returns, and what is the democratic vote?—A. The average seems to be 390 republican and 352 for the democrats.

Q. State whether the canvassers for Fairfield County included the vote of Ridgeway precinct in their canvass and statement.—A. I think that the aggregate will show that they did. I do not think you will find a discrepancy between the managers' return and the commissioners' return anywhere except in Aiken.

By Mr. LAWRENCE:

Q. And the Robbins box?—A. Well, the Robbins box was not included in the commissioners' return, because it was not handed to them to canvass.

Q. You said, if I understood you, last evening, that Upper Waccamaw precinct, in Georgetown County, was returned to the State board under the name of Brook Green?—A. Yes, sir.

Q. And Peedee is returned under the name of Birdfield?—A. Yes, sir.

By the CHAIRMAN :

Q. You have not found any of the missing Horry County returns, I suppose?—A. No, sir.

Q. Granby, in Lexington County, under what name is that returned?—A. It is returned as Red Store, and Casey's as Sandy Run.

Q. Oconee County?—A. Fenton Falls is the only precinct missing. There was no return at that poll for any officers.

Q. What is the fact as to whether there was a poll there or not?—A. That I cannot say.

Q. How is Hurd's, in Pickens County, returned?—A. As Hurricane.

Q. What was the vote at Central Station?—A. 86 republican and 309 democratic. I see that the witness, Mr. Bradley, of Pickens County, thinks that he brought me the returns. That is a mistake. When he came into the office with the Pickens papers, without opening the package, I said to him, "Why, you have nothing but the poll-list here." He said, "The others have been sent by mail, and we did receive the others by mail."

Q. What are these papers that Mr. Bradley did bring to you?—A. The managers' poll-lists; nothing else.

Q. For each precinct in the county?—A. For such as are here. This is one of the papers that was brought by him, a tally-list. There is nothing on the paper to indicate to what place it belongs; that it was Pickens Court-House.

Q. On this tally-sheet, which appears among the Pickens County papers, there is a tally for State officers?—A. Yes, sir; there are thirty-seven on this paper for the democratic electors, and none for the republican.

Q. What do you suppose this paper containing the thirty-seven tallies for the democratic electors to be?—A. I really cannot tell.

Q. On this large tally-sheet which you suppose to be from Pickens Court-House, what is the vote?—A. 345 democratic, and 141 republican.

Q. That seems to have been counted by the canvassers as the Pickens Court-House, return though it is not signed by any one?—A. Yes, sir. The excuse they give for making the return in this form is that the blanks did not reach them in time, but they were sent out on the 15th of October at the same time as the others were sent out, and we have the express company's receipt for them.

Q. This large tally-sheet includes the surnames of the republican and the democratic electors, but no Christian names, and does not indicate what offices they were voted for?—A. No, sir. The papers were very incomplete in that county, but I am satisfied that all the precincts from Pickens were included in the county commissioner's return, canvassed by the State board.

Q. What is the vote at Union?

Mr. ABBOTT. One hundred republican and 103 democratic.

Q. To whom were the canvassers' returns and the managers' returns made—to you as secretary of state, or to the State board of canvassers?—A. To me as secretary of state.

Q. When did you open the returns that were made to you?—A. In almost every instance I opened the returns on receipt of them to get out the commissioners' returns.

Q. But sometimes you opened them afterward?—A. Yes, sir.

Q. State whether you have preserved and have on file, and have produced for the inspection of the committee, all the returns which you received.—A. Yes, sir; every return that I received.

Q. Have you suppressed or changed any?—A. None, sir. It is not my interest as a public officer to do anything of the kind.

Q. State whether you received any returns after the State board had canvassed the first six counties.—A. Yes, sir; I think we did. The county of Kershaw came in the very last. It was very late in getting in.

Q. Did you receive other returns?—A. Yes, sir. Some of the commissioners had an idea that under the law they had ten days to canvass the precinct returns, and we had to notify them that such was not the fact.

Q. Who certified the election of the electors for President and Vice-President?—A. The entire board.

Q. State whether this paper now produced is a correct abstract of the votes as canvassed by the State board of canvassers for President and Vice-President.—A. To the best of my knowledge it is. It is a certified copy.

Q. This is the paper which you have furnished to the committee under your certificate and seal of office?—A. Yes, sir.

Q. What had been the custom of the State board of officers previously as to the mode of canvassing the votes for officers?—A. I have been a member of the board for four years; and the custom since I have been a member has always been to canvass the commissioner's return of election, except in cases of contests and protests, and then those polls that were contested were taken up.

Q. In the cases of contests and protests, what did you do?—A. We took evidence in those cases.

Q. If there be any other fact which you know of or think of as material, you may state it.

—A. The only fact I desire to bring to the attention of the committee is as to the manner

of canvassing the returns. Always, since I have been a member, we have canvassed from the commissioner's returns unless in cases of contests and protests.

Q. State whether this that I now hand you is an official document.—A. Yes, sir.

Q. The tables now handed in from pages 0126 and 0127 are taken from this volume, are they not?—A. Yes, sir.

Mr. Lawrence offered the tables in evidence, as follows :

EXHIBIT F.—Comparative statement of the votes cast for governor of this State at the general elections of 1870, 1872, and 1874.

Counties.	Governor.					
	1870.		1872.		1874.	
	R. K. Scott.*	R. B. Carpenter.†	F. J. Moses, jr.*	Reuben Tomlinson.†	D. H. Chamberlain.*	John T. Green.†
Abbeville.....	3,385	2,104	3,618	1,517	4,181	2,486
Aiken.....	1,475	1,868	2,224	264	2,388	2,520
Anderson.....	3,870	2,216	1,209	1,808	1,762	2,534
Barrow.....	6,142	999	2,510	577	3,797	2,320
Beaufort.....	13,411	6,080	4,995	1,445	4,778	2,076
Charleston.....	2,704	1,366	6,237	7,593	8,727	11,393
Chester.....	945	1,092	2,316	293	2,630	1,364
Chesterfield.....	1,534	762	620	270	918	1,122
Clarendon.....	3,960	1,680	1,524	342	737	1,895
Colliton.....	2,968	1,703	3,420	207	3,530	2,106
Darlington.....	4,547	3,704	2,858	275	3,729	1,851
Edgefield.....	2,647	1,134	3,878	219	3,308	2,900
Fairfield.....	2,541	342	2,747	674	3,022	1,478
Georgetown.....	1,455	1,840	1,707	20	1,821	753
Greenville.....	503	970	1,111	2,132	1,870	2,288
Horry.....	1,704	947	529	816	597	1,288
Kershaw.....	1,087	855	1,333	1,013	1,983	1,264
Lancaster.....	3,022	1,067	982	1,004	1,169	1,137
Laurens.....	1,081	1,432	2,153	935	2,892	1,815
Lexington.....	1,997	2,186	356	1,883	1,153	1,562
Marion.....	1,440	1,145	2,468	2,239	2,343	2,529
Marlborough.....	2,915	1,645	1,538	78	1,841	1,322
Nowberry.....	627	900	2,879	1,048	3,181	1,476
Oconee.....	3,797	1,893	411	1,078	582	1,238
Orangeburgh.....	612	775	3,444	835	3,779	2,014
Pickens.....	3,500	1,382	486	256	591	745
Richland.....	1,423	1,923	3,364	760	3,974	1,401
Spartanburgh.....	3,593	1,004	862	2,421	1,240	2,657
Sumter.....	1,862	1,744	3,268	1,183	758	4,091
Union.....	1,765	1,126	1,272	1,546	1,810	1,993
Williamsburgh.....	2,366	1,873	1,773	60	4,313	1,243
York.....			1,641	1,789	2,588	2,067
Totals.....	85,071	51,537	69,838	36,533	80,403	68,818

\* Regular republicans.

† Liberal republicans, supported by the democrats.

EXHIBIT F.—Comparative statement of the votes cast for lieutenant-governor of this State, at the general elections of 1870, 1872, and 1874.

Counties.	Lieutenant-governor.					
	1870.		1872.		1874.	
	A. J. Ransier.*	M. C. Butler.†	R. H. Gleaves.*	J. N. Hayne.†	R. H. Gleaves.*	M. R. Delaney.†
Abbeville.....	3,301	2,243	3,628	1,153	4,185	2,920
Aiken.....			2,222	232	2,224	2,159
Anderson.....	1,451	1,982	1,260	1,440	1,746	2,220
Barrowell.....	3,833	2,232	2,847	148	3,739	2,149
Beaufort.....	6,125	1,016	5,058	1,301	4,924	1,857
Charleston.....	13,384	7,032	6,034	6,749	8,713	11,275
Chester.....	2,702	1,367	2,315	16	2,623	1,325
Chesterfield.....	947	1,094	621	157	917	1,078
Clarendon.....	1,529	773	1,547	285	745	1,796
Colleton.....	3,960	1,688	3,417	133	3,536	2,072
Darlington.....	2,964	1,797	2,867	13	3,735	1,804
Edgefield.....	4,542	3,722	3,820	55	3,396	2,783
Fairfield.....	2,633	1,162	2,772	485	3,034	1,320
Georgetown.....	2,538	343	1,799	3	1,822	743
Greenville.....	1,410	1,863	1,104	1,374	1,335	1,913
Horry.....	521	1,001	548	171	593	1,147
Kershaw.....	1,792	749	1,341	975	1,986	1,242
Lancaster.....	1,083	857	980	1,011	1,169	1,123
Laurens.....	3,020	1,965	2,153	615	2,899	1,755
Lexington.....	1,056	1,456	347	1,504	1,149	1,303
Marion.....	1,994	2,193	2,456	2,248	2,353	2,490
Marlborough.....	1,447	1,140	1,544	1	1,848	1,241
Newberry.....	2,909	1,655	2,920	168	3,179	1,418
Oconee.....	573	964	370	608	537	937
Orangeburgh.....	3,788	1,686	3,549	656	3,793	1,950
Pickens.....	586	817	461	54	474	329
Richland.....	3,476	1,425	3,379	494	3,977	1,387
Spartanburgh.....	1,401	1,929	862	1,830	1,510	2,307
Sumter.....	3,539	1,030	3,221	1,107	753	3,910
Union.....	1,855	1,755	1,274	1,487	1,793	1,914
Williamsburgh.....	1,761	1,131	1,780	18	2,314	1,220
York.....	2,376	1,875	1,693	1,409	2,572	1,783
Totals.....	84,606	51,951	70,247	27,969	80,073	64,088

\* Regular republicans.

† Liberal republicans, supported by the democrats.

‡ Democrat.

Q. State whether there was an official census of the State of South Carolina taken in 1875?—A. There was.

Q. Please furnish to the stenographer a copy of that census as shown by the report of the secretary of state for 1875.

The paper was put in evidence, as follows:

Population of the State, by counties. Census of 1875.

Counties.	Number of children under 6 years of age.				Number of children between 6 and 16 years of age.				Number of persons between 16 and 21 years of age.				Number of persons over 21 years of age.				Total number of persons, all ages.				Grand total.
	Males.		Females.		Males.		Females.		Males.		Females.		Males.		Females.		Males.		Females.		
	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	
Abbeville	1,271	3,290	1,170	3,259	1,442	3,213	1,433	3,114	723	1,096	664	984	2,928	4,951	3,404	6,026	6,364	12,550	6,671	13,333	38,968
Aiken	1,279	2,136	1,189	2,044	1,422	2,129	1,455	2,106	719	1,127	842	1,126	2,494	3,473	2,997	3,766	5,914	8,865	6,483	9,042	30,304
Anderson	1,801	1,722	1,690	1,659	1,976	1,712	1,769	1,583	814	623	791	552	3,329	2,215	4,237	2,654	7,920	6,272	8,487	6,448	29,127
Barnwell	1,460	3,580	1,301	3,459	1,454	3,177	1,307	2,946	594	1,051	847	967	2,583	4,734	2,860	5,533	6,991	12,542	5,985	12,905	37,523
Beaufort	788	4,048	797	4,223	822	4,021	746	4,201	302	1,057	301	938	1,760	8,241	1,663	9,094	3,672	17,427	3,507	12,456	43,062
Charleston	2,884	9,886	3,069	9,925	3,661	9,196	4,042	10,476	1,843	4,714	2,005	5,407	7,398	17,687	8,704	22,592	15,786	41,423	17,820	48,400	123,429
Chester	665	2,248	699	2,216	781	2,101	779	1,911	365	732	392	584	1,604	3,290	1,943	3,917	3,415	8,371	3,813	8,625	24,227
Chesterfield	792	605	751	646	1,070	796	1,014	833	335	305	371	248	1,543	1,199	1,974	1,334	3,740	2,905	4,120	3,061	13,826
Clarendon	568	1,492	536	1,553	618	1,301	592	1,199	271	426	262	351	1,171	2,202	1,299	2,402	2,628	5,421	2,689	5,505	16,243
Colleton	1,462	2,640	1,335	2,482	1,515	2,872	1,568	2,709	561	978	744	1,357	2,478	4,217	2,797	4,168	6,016	10,707	6,444	10,716	33,883
Darlington	1,306	2,492	1,127	2,406	1,386	2,642	1,261	2,355	600	682	538	628	2,362	3,747	2,609	4,260	5,654	9,563	5,595	9,649	30,461
Edgefield	1,292	2,735	1,295	2,225	1,607	3,109	1,350	2,922	645	933	582	677	2,722	4,400	2,973	4,972	6,266	11,177	6,200	11,396	35,039
Fairfield	590	2,123	598	2,091	708	2,061	636	1,786	322	625	258	542	1,451	3,370	1,648	3,966	3,077	8,189	3,140	8,385	22,791
Georgetown	289	1,688	265	1,820	425	1,531	369	1,799	157	415	151	511	643	3,119	630	3,834	1,514	6,753	1,415	7,964	17,646
Greenville	2,292	1,736	2,257	1,626	2,371	1,451	2,073	1,377	1,009	634	1,000	653	4,165	2,146	5,046	2,870	9,837	5,967	10,376	6,526	32,706
Horry	975	465	926	472	1,115	467	993	480	369	122	321	140	1,696	712	1,855	844	4,155	1,766	4,153	1,936	12,012
Kershaw	774	1,862	730	1,966	840	2,094	740	1,650	310	598	272	460	1,225	2,421	1,552	3,148	3,209	6,975	3,294	7,424	20,902
Lancaster	776	1,161	747	1,034	861	992	754	890	359	343	235	349	1,330	1,364	1,750	1,740	3,326	3,860	3,536	4,013	14,735
Laurens	1,060	2,228	1,014	2,263	1,072	2,153	1,038	1,959	509	729	519	567	2,259	2,844	2,807	3,324	4,900	7,954	5,378	8,173	26,405
Lexington	1,058	821	1,036	836	1,137	873	1,049	849	474	442	296	2,031	1,378	2,564	1,468	4,700	3,373	5,091	3,449	16,613	
Marion	1,805	2,530	1,675	2,425	1,758	1,968	2,033	762	740	751	646	3,081	2,883	3,495	3,417	7,406	8,121	7,606	8,521	31,654	
Marlborough	827	1,354	782	1,421	908	1,343	755	1,156	352	424	326	415	1,583	1,925	1,791	2,321	3,670	5,046	3,654	5,313	17,683
Newberry	682	1,948	647	2,010	707	2,055	714	1,942	379	683	556	1,725	3,254	1,899	3,737	3,493	7,940	3,648	8,245	23,326	
Oconee	1,241	533	1,093	449	1,277	432	1,207	435	447	151	506	156	2,046	703	2,550	849	5,011	1,819	5,356	1,889	14,075
Orangeburgh	1,339	3,506	1,340	3,394	1,262	2,898	1,117	2,739	525	904	452	762	2,181	4,324	2,340	4,928	5,306	11,692	5,249	11,823	34,070
Pickens	1,034	407	991	363	1,022	411	959	350	422	137	378	99	1,815	545	2,215	659	4,293	1,500	4,543	1,471	11,807
Richland	1,037	3,173	966	3,066	959	2,986	989	2,823	531	1,108	565	949	2,162	5,036	2,176	5,719	4,689	12,303	4,696	12,557	34,245
Spartanburgh	2,148	1,369	2,135	1,452	2,449	1,345	2,407	1,285	1,088	520	1,122	496	4,267	2,015	5,621	2,365	10,052	5,249	11,289	5,598	32,184
Sumter	897	2,902	859	3,009	1,016	3,171	904	2,817	410	924	425	810	1,827	4,362	2,056	5,091	4,150	11,359	4,244	11,727	31,480
Union	951	1,497	992	1,525	1,100	1,656	990	1,421	526	638	485	669	1,979	2,356	2,437	2,743	4,556	6,147	4,904	6,358	21,965
Williamsburgh	822	1,921	725	1,916	940	2,080	822	2,050	293	381	257	381	1,412	2,576	1,550	2,929	3,467	6,958	3,354	7,276	21,055
York	1,223	2,126	1,259	2,200	1,684	2,627	1,582	2,250	905	1,252	817	939	2,789	2,995	3,480	3,511	6,601	9,000	7,138	8,900	31,639
Total	37,387	72,234	36,066	72,035	41,365	70,923	39,099	68,646	17,927	25,353	17,789	24,215	74,199	110,744	86,922	130,241	170,878	279,254	179,876	295,137	925,145

Q. Will you produce also a table of the population of towns and villages in the State?—A. Yes, sir; here it is.  
The paper was put in evidence, as follows:

EXHIBIT H.—Population of the principal cities, towns, and villages in the State.

	Number of children between 1 and 6 years of age.				Number of children between 6 and 16 years of age.				Number of persons between 16 and 21 years of age.				Number of persons over 21 years of age.				Total number of persons, all ages.				Grand total.
	Males.		Females.		Males.		Females.		Males.		Females.		Males.		Females.		Males.		Females.		
	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	
Charleston, ward 1 .....	165	165	155	153	183	195	247	203	96	60	118	66	552	520	687	834	996	940	1,207	1,256	4,399
Charleston, ward 2 .....	192	226	173	226	204	264	219	268	93	61	141	113	580	681	719	1,047	1,069	1,232	1,252	1,674	5,227
Charleston, ward 3 .....	204	220	265	323	454	377	443	420	216	163	118	183	799	740	1,017	1,016	1,673	1,560	1,844	1,942	7,019
Charleston, ward 4 .....	408	579	472	633	531	643	626	770	278	289	239	340	1,349	1,536	1,644	2,266	2,566	3,047	2,988	4,029	12,630
Charleston, ward 5 .....	154	323	160	336	269	288	288	415	74	134	99	197	528	849	639	1,178	1,025	1,594	1,186	2,126	5,931
Charleston, ward 6 .....	293	570	324	744	456	438	388	755	191	282	276	549	714	1,172	904	1,883	1,654	2,462	1,892	3,931	9,939
Charleston, ward 7 .....	261	228	316	225	300	215	407	363	154	158	111	99	496	424	562	605	1,211	1,025	1,396	1,352	4,984
Charleston, ward 8 .....	231	313	210	305	335	383	272	356	106	141	145	184	604	900	666	1,260	1,276	1,737	1,293	2,105	6,411
Total Charleston City .....	1,908	2,684	2,083	3,025	2,732	2,803	2,890	3,570	1,208	1,288	1,247	1,731	5,622	6,222	6,838	10,089	11,470	13,597	13,058	18,415	56,540
Columbia, ward 1 .....	153	418	141	377	163	343	121	360	36	113	36	75	198	476	331	762	496	1,350	631	1,574	4,051
Columbia, ward 2 .....	81	113	59	119	91	121	115	149	38	50	33	62	261	315	262	490	471	599	475	820	2,365
Columbia, ward 3 .....	138	291	98	212	104	245	132	230	44	113	49	118	462	748	312	622	688	1,397	591	1,182	3,858
Columbia, ward 4 .....	190	346	140	236	148	277	136	272	78	118	203	212	462	478	363	516	877	1,219	842	1,236	4,175
Total Columbia .....	562	1,168	438	944	452	966	504	1,011	196	394	323	467	1,323	2,017	1,274	2,390	2,533	4,565	2,539	4,812	14,449
Greenville .....	231	350	250	284	272	281	260	286	107	148	152	162	702	510	781	771	1,312	1,269	1,443	1,503	5,547
Sumter .....	97	106	88	123	100	96	131	104	46	44	73	52	234	228	298	325	477	476	590	604	2,147
Windsboro .....	55	79	47	82	66	108	68	73	29	20	21	36	151	160	164	239	301	367	300	430	1,398
Anderson .....	68	82	84	76	95	115	91	87	50	22	45	33	185	128	229	189	398	347	449	385	1,579

By Mr. ABBOTT :

Q. I understood you to say that all these returns were made to you as secretary of state, in the first instance ?—A. Yes, sir.

Q. Do you open those returns as they are received ?—A. Yes, sir.

Q. So that from the time you received them until the present time the returns have all been opened ?—A. On the receipt of each package I place them in my safe until the meeting of the board of canvassers.

Q. And they are open ever after that ?—A. Yes, sir.

Q. These returns were produced open to the State canvassers ?—A. Yes, sir.

Q. Since the State canvass where have they been kept ?—A. They have been kept in my office.

Q. They are open to any one who comes there ?—A. No, sir ; not to any one.

Q. Well, they are open to a great many persons ?—A. They are not open to any one except by permission.

Q. You are not always in the office ?—A. No, sir ; but there are clerks there.

Q. They are open to the clerks ?—A. Yes, sir.

Q. Have these papers been examined by any persons other than these committees ?—A. Since the committee examined them ; they have not before.

Q. By whom have they been examined since that time ?—A. Well, they have been examined by the committees of the house and senate.

Q. But not before this committee examined them ?—A. No, sir ; no papers were examined before this committee examined them.

Q. And they have been kept in your office all the time since the State board canvassed them ?—A. Yes, sir.

Q. This paper is a return, by precincts, of the vote for 1874 ?—A. Yes ; a return for some of the precincts and some of the counties.

Q. Well, for whatever counties it purports to be a return for, it is a correct return ?—A. I would not swear to that ; but this is, as near as I can say, a correct copy of these precincts at the time it was taken.

Q. It was taken by yourself or by your order ?—A. Yes, sir.

Q. Whatever precincts appear here you believe to be a correct transcript for the election for 1874 ?—A. Yes, sir.

Q. Turning to Red Oak, Barnwell County, I see the total vote cast there is 259 ; that you believe is correct as given here ?—A. Yes, sir.

Q. The colored vote is given as 206 ; white vote, 53 ; Milletville, total, 312 ; colored, 46 ; white, 66 ; Robbins, total, 366 ; colored, 293 ; white, 67. Will you leave this statement with us ?—A. If it is desired.

Q. Some of these precinct returns for electors have been found since the committee made the first examination, have they not ?—A. Yes, sir.

Q. They were mislaid in some way or other so that they could not be found when the first examination was made ?—A. Only in one case, Aiken Court-House, when the presidential electors return was made on a commissioner's blank.

Q. Was not Barnwell Court-House returned here last Monday morning ?—A. We brought that sheet purporting to be Barnwell Court-House, but it is not signed.

Q. A great many of these reports are not signed ?—A. Yes, sir. But I desire to say this : that in nearly every instance where these copies were made, they were called out and copied by one of your clerks.

Q. Yes ; but they were made from papers furnished by you.

By the CHAIRMAN :

Q. You or one of your deputies were present when our clerks made these copies ?—A. O, yes.

Q. And you superintended the examination of the papers ?—A. I got the bundles out for Mr. Myers and Mr. Devine. I staid with them. My clerk was with the other two gentlemen.

Q. You or your clerk produced whatever papers were produced there, and the committee's employes took only the papers that were produced by you ?—A. Well, these papers were in the package at the time it was handed to them.

Q. You had a clerk to produce them and hand them to them ?—A. Yes, sir ; we handed the packages to them.

Q. This Barnwell Court-House return, for example, where was that return found ?—A. In the package. I don't suppose they would have taken it for a return any more than I would myself, unless it was explained.

Q. It is a return regular in every respect except that the managers did not sign it ?—A. There is no name of the managers or the precinct attached.

Q. Is that the only such one that appears in your office ?—A. No, sir ; I think there is one in the case of Pickens.

Q. Is that the only one that appears in your office for Barnwell Court-House ?—A. Yes ; the only one.

Q. And there was no other received by you ?—A. No, sir.

Q. The Aiken Court-House return was also overlooked?—A. Yes, sir.

Q. Because it was a little out of its place?—A. Because the blank, instead of having "Precinct," had "Commissioners" at the head, and "Precinct" marked below.

Q. What time on Friday, the 17th of November, did you begin making your returns as a board of State canvassers?—A. I think it was between one and two o'clock, because immediately after the re-assembling of the board we commenced to canvass.

Q. How long were you engaged in going through the first precincts, the canvass of which it has been stated were made by a comparison of the managers' returns with the statement of the county canvassers?—A. I know it was late in the evening.

Q. About what time should you suppose it was?—A. About half past nine o'clock, I should think.

Q. About half past nine before they completed all these counties?—A. Yes, sir.

Q. During what portion of the time between one or two and half past nine were you engaged actually at this work?—A. We only took one rest, to my best recollection.

Q. Did you not adjourn for dinner?—A. Yes, sir; that is the only adjournment.

Q. Did you not take a rest for supper?—A. I have no recollection of it; we may have taken one.

Q. How many other counties did you canvass after you finished the canvass of these six counties by precinct returns?—A. I cannot tell exactly; you have a copy of the minutes here.

Q. A number of them?—A. Yes, sir.

Q. What formal action was taken after you had finished the canvass of Charleston County with reference to the manner in which you should canvass?—A. Well, before we had canvassed Charleston County I called the attention of the board to the fact that if we proceeded by the managers' returns we would never get through soon enough to make the return within the time allowed.

Q. What I want to know is what formal action was taken at the time you changed the method of your count?—A. No formal action, any more than that I called the attention of the gentlemen present to the time it would take; that we had to make a return not only for the electors, but also for State officers.

Q. Was there anything like a resolution of the board formally adopted after you finished Charleston County that you would no longer continue that method, but would simply make up your statement from the statement of the canvassers?—A. I think I put the motion, and I think all the members except one voted. But I don't know as any other one made the motion.

Q. You put the motion?—A. Yes, sir.

Q. And the board then formally resolved that they would proceed to make their canvass thereafter from the commissioners' returns?—A. Yes, sir.

Q. State the method that you pursued during the canvass of those first six counties?—A. We had sheets prepared and a general blank like this large one here. When they got through calling off the precinct returns, then they inserted the commissioners' return on this general blank, this large sheet.

Q. You noted the discrepancies and irregularities in the returns of the county commissioners during that time. State what formal notice you took of them; what abstract of these irregularities you made.—A. Nothing except what you see on the margin of the papers.

Q. Were there no separate papers?—A. No such separate papers kept by us.

Q. Is there no paper in your office containing a statement of the canvassing that was done of those six counties?—A. None at all.

Q. And you made no memorandum at all of the irregularities or discrepancies except what were made on the precinct-managers' returns?—A. We made no statement at all on their returns. When we called off, for instance, this precinct, and the return was not signed, we would mark it on the margin, "No return," or "Return not signed," on those tabular statements we prepared of these six counties, but we took no note otherwise.

Q. Do you mean to say that you had papers like this county abstract of precinct returns for those first six counties?—A. Yes, sir; we have them in the office now.

Q. Please produce them.—A. I will do so.

By Mr. LAWRENCE;

Q. You have stated that you opened the returns from the counties as they were received?—A. Yes, sir; to get at the commissioners' blanks for each presidential and State officer.

Q. Do you mean that it was done immediately, in the presence of the officer who brought the returns, or soon after?—A. Not immediately. It is my duty as secretary of state to lay before the board of State canvassers the returns from the different counties, and, as I stated before, it was the custom of the board only to canvass.

Q. When you broke open the package to take out the returns, did you do it immediately or subsequently?—A. In some cases I did immediately, before the messenger. In some cases they were not sealed, but rolled up in bundles; and in some cases they were brought in satchels and little trunks, the papers rolled together. In very few cases were the precincts sealed.



Q. Did you in all cases make an examination before the messenger left, to see that all the returns were there, or did you make your critical examination before them at a later period?  
—A. The time fixed for the canvass was on the 10th of November by the amended law, which would be three days after the general election, so you will see that the board was in session before the majority of the counties could have had their returns in, and as the returns came in I took them and in some instances opened them before the messenger, but in other instances I did not.

Q. When the abstract of Barnwell County was made out for this committee, it was done by clerks furnished by this committee, was it not?  
—A. Yes, sir.

Q. The Barnwell precinct return, or the paper which you have certified, supposing it to be the managers' return for Barnwell Court-House, was that in the bundle of papers furnished to the clerks?  
—A. Yes, sir.

Q. Was it their omission, or yours, that it was not at that time put into the abstract?  
—A. I have stated, just now, that it was in pencil, in two sheets of paper, and I don't suppose that they thought it was a return any more than any man not acquainted with the fact would have thought so.

Q. State whether you had any purpose to conceal it.  
—A. None whatever.

Q. It was there, open to their inspection?  
—A. Yes, sir.

By Mr. ABBOTT:

Q. You don't mean to change what you told me in reference to opening these returns; you opened them before giving them to the board of canvassers?  
—A. O, yes, sir. They came to me as secretary of state.

COLUMBIA, S. C., December 20, 1876.

A. C. SHAFFER sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside?  
—Answer. In Colleton County.

Q. What office did you hold at the last election?  
—A. I was one of the commissioners of election.

Q. State who was the messenger to bring the return from that county to the secretary of state.  
—A. I was appointed by the board.

Q. Was there any election at Bennett's Point?  
—A. None.

Q. What was the vote for the republican electors at Ashpoo precinct?  
—A. 437 for the republicans; 96 for the democrats.

Q. At Iron school-house?  
—A. 180 republican and 444 democratic.

Q. State whether managers' returns were before the canvassers from all the precincts?  
—A. No, not from all of them. From Prescher's Mill all the return we had was the supervisor's return.

Q. Is that included in the canvass for the county by the county canvassers?  
—A. Yes, sir.

Q. Do you remember what the vote was?  
—A. No, I do not.

Q. It was a democratic majority?  
—A. I think it was.

Q. Then in the canvassers' return you included the vote at all the precincts in the county except Bennett's Point, where there was no election?  
—A. Yes, sir.

Q. State what returns you brought to the secretary of state.  
—A. I brought the returns from all the precincts except Bennett's Point, where there were none, and Bell's Cross-Roads, that was left out by mistake; it was not returned at the time I brought the others. I discovered it afterward.

Q. What was there about Rantoul's precinct?  
—A. The managers there, I believe, could not agree. They counted the votes over and found how they stood, and they could not agree in regard to the counting, and as they could not agree, they left the whole matter to the county board of canvassers; did not fill up any return at all. Two of the managers came up with the ballot-box and the poll-list. We then canvassed the vote from the ballots and it tallied with the poll-list and with what they stated was in the box. We certified so on the returns. I had a tabular statement prepared of the vote at each precinct in the county, which I gave to Mr. Fox.

Q. You say there was one of the managers' returns, Bell's Cross-Roads, which you did not bring up to the secretary of state?  
—A. Yes, sir; it was left out by mistake.

Q. Was it subsequently sent up?  
—A. Yes, sir. I will tell you how it was. I am county treasurer, and in my table is a drawer where I keep *nulla-bona* tax-lists. When these votes were canvassed Mr. Fox and the other commissioners opened the papers, and I called out the figures to the clerk, who put them down. We first made the tabular statement, and the vote was corrected from that. After we finished the different returns the other managers folded them up in a roll, with a string tied around them and marked with the names of the different precincts, and they were laid in this drawer. We worked all that night until about five o'clock the next morning, and when we concluded they appointed me as messenger, and I went to my house to prepare to bring the return to Columbia. I returned as quick as I

could, in an hour or an hour and a half, so as to be in time for the morning train. I left one side of my valise for those papers. Mr. Fox and I and the clerk went into the office together and they opened the drawer and took out these papers and laid them in the valise. I verified them to see that they had the right number, 18, (there are 19 precincts, but there was none from Bennett's Point,) and they had 18, so that the number was correct, though one was left.

Q. Did you examine the votes from Preacher's Mill?—A. No, sir; we did not count the votes. We took the supervisor's return, as it tallied with the vote given for all the other officers. I think there was a return for the State officers made from that precinct, and where they all tallied we thought it was unnecessary to count the votes. There was no objection made by the board at all.

Q. You were going on to say how you left this out?—A. I brought them to Columbia and untied each package as I turned them over to Mr. Hayne. I opened them and took out the returns for governor and lieutenant-governor, and when I came to open one I found that it was nothing but one of my *nulla-bona* tax-lists, which they had tied up.

Q. You discovered that there was one return absent?—A. No, sir; I did not.

Q. You discovered a *nulla-bona* tax-list?—A. Yes, sir; but I did not discover that the return was missing, because I did not check them. I went home without discovering it. Afterward they informed me that Bell's Cross-Roads had not been turned over. I went to my office; the first place I searched was in that drawer, and sure enough, in the back part of the drawer, with some *nulla-bona* tax-papers, I found this list.

By Mr. ABBOTT:

Q. The governor's return you gave to the governor's private secretary and not to the secretary of state?—A. Yes, sir.

Q. So that the secretary of state had nothing to do, so far as you were concerned, with the returns for governor and lieutenant-governor?—A. I did not take them out of the office; they were sitting there at the table.

Q. Well, you delivered those returns to the governor's private secretary?—A. Well, I don't know if he took them.

Q. What do you mean us to understand when you say that? Do you mean us to understand that you did deliver them, as you said, to the governor's private secretary, or are we to understand something else?—A. I will give you exactly what I mean in regard to it. When I came to turn them over I was told that the governor's return should be turned over either to the governor or his private secretary. His secretary was sitting at the table, as I opened them, but whether Mr. Jones took these papers I do not remember. I did not take a receipt from any one for them.

Q. But let us understand. You intended to hand those papers to Mr. Jones?—A. That was my intention, as they said they belonged to him. I intended to do it, but I do not think he took charge of them in my presence.

Q. What he did in reference to that you don't know?—A. No, sir.

Q. But your intention was to hand them over to him?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Was there a return for governor apart from that for the other State officers?—A. Yes, sir; the law requires that there shall be a return separately for the governor and lieutenant-governor.

Q. State whether the vote for governor and lieutenant-governor was not in the precinct returns with the other State officers?—A. My impression is that it was. It is very easy to ascertain.

COLUMBIA, S. C., December 20, 1876.

H. E. HAYNE recalled and further examined.

By Mr. LAWRENCE:

Question. State what return was made as to Colleton County of the vote for governor.—Answer. The managers make a return to the secretary of state from each precinct of the vote for governor.

Q. How were they in the case of Colleton County, if you recollect it?—A. They returned for the precincts for governor and lieutenant-governor.

Q. And those managers' returns were brought to you by Mr. Shaffer?—A. Yes, sir.

Q. What papers were delivered to the private secretary of the governor?—A. A copy of the return, as required by law, with all the officers on it, from the governor down to the corner.

By Mr. ABBOTT:

Q. Do you mean that there were double copies, one delivered to the governor's private secretary and another to you?—A. Yes, sir; one package comes addressed to the governor, and the other to me.

COLUMBIA, S. C., December 20, 1876.

A. P. HOLMES sworn and examined.

By Mr. LAWRENCE :

Question. What office did you hold at Colleton?—A. I was first appointed one of the commissioners of election.

Q. Did you perform the duties of the office?—A. Up until within five or six days of the election; after everything having been arranged, I then resigned.

Q. Were you present at the canvass by the county officers?—A. I was, by invitation of the board of canvassers.

Q. State what was done; how many precincts were in that county?—A. There were nineteen precincts in that county, and eighteen at which an election was held. There was no election at Bennett's Point.

Q. What did the county canvassers include in their canvass?—A. They canvassed all the returns of seventeen polls and the ballots of Rantoul's poll. The managers there disagreed, and they never made any returns, but just returned the tally-list together with the ballot-box and ballots, and the county officers made the return.

It is agreed that Wilson Cook received 379 votes for presidential elector in Acton precinct, Richland County, at the presidential election on the 7th of November last, and that those votes were by mistake not included by the canvassers in their return of the votes to the secretary of state, and so were not included by the State board of canvassers in their abstract of votes, and that Cook is entitled to that number of votes in addition to those which appear in the abstract of votes made out by the State canvassers, as certified by the secretary of state.

COLUMBIA, S. C., December 20, 1876.

J. N. STANSELL sworn and examined.

By Mr. ABBOTT :

Question. You live in Barnwell County, at Barnwell Court-House?—Answer. No, sir; I live within two and a half miles of the court-house.

Q. Were you one of the managers at Barnwell Court-House precinct at the last election?—A. Yes, sir.

Q. Is that paper now shown you one of the returns that was made of the election?—A. This is one of them.

Q. That is signed by all the managers?—A. Yes, sir; by all three of them.

Q. Were you present and know it was signed?—A. Yes, sir; I know it.

Q. How many were made?—A. Three.

Q. What was done with them?—A. One was put in a box and returned to the county canvassers; one we mailed in an envelope to the secretary of state, H. E. Hayne, and that is the other, which we kept.

Q. Were they all three signed?—A. I am confident they were.

Q. Were they signed in your presence?—A. I am confident we signed three, sir.

Q. And they were all checked like this one which you kept?—A. Yes, sir.

The paper was put in evidence, as follows :

*State of South Carolina, board of managers of Barnwell precinct, Barnwell County.—  
Statement and return of votes for presidential electors.*

We, the board of managers for the Barnwell precinct, of the county of Barnwell, State of South Carolina, make the following statement and return of the votes given for presidential electors, voted for in the said county on the seventh day of November, A. D. 1876 :

Whole number of votes cast by white persons .....	245
Whole number of votes cast by colored persons .....	259

Total number of votes cast .....	504
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The whole number of votes for presidential electors was .....	3,507
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Of which Christopher C. Bowen received .....	211
Of which John Winsmith received .....	211
Of which Thomas B. Johnston received .....	211
Of which Timothy Hurley received .....	211
Of which William B. Nash received .....	211
Of which Wilson Cook received .....	211
Of which William F. Myers received .....	210
Of which Theo. G. Barker received .....	290
Of which Samuel McGowan received .....	290

Of which John W. Harrington received.....	290
Of which John Isaac Ingram received.....	290
Of which William Wallace received.....	290
Of which John B. Erwin received.....	290
Of which Robert Aldrich received.....	291

Total number of votes cast..... 3,507

We do certify that the foregoing statement is correct in all respects.

In witness whereof we have hereunto subscribed our names this seventh day of November, in the year 1876.

F. W. LASPORLAD,  
JOHN N. STANSELL,  
W. H. SANDERS,

Board of Managers for the Barnwell Precinct of the County of Barnwell.

By Mr. LAWRENCE :

Q. You were one of the precinct managers ?—A. Yes, sir.

Q. Were you present when the county vote was canvassed ?—A. No, sir ; I delivered my box and was dismissed.

Q. Did they have this precinct returned ?—A. They did ; sealed up inside of the box returned of the canvassers.

Q. It was canvassed, then, by the county commissioners ?—A. Yes, sir.

Q. Do you know anything about the Blackville precinct ?—A. I know nothing about it officially.

Mr. ABBOTT. We do not make any question about that precinct. Hurley's vote was 695 at that precinct.

COLUMBIA, S. C., December 20, 1876.

JAMES MCCUTCHIN sworn and examined.

By Mr. ABBOTT :

Question. You live in Williamsburgh County ?—Answer. Yes, sir.

Q. Where ?—A. ———

Q. What office did you hold at the last election ?—A. I was one of the county commissioners.

Q. And you assisted in canvassing the votes ?—A. Yes, sir.

Q. Were the precinct managers' returns present from each of the precincts in the county ?—A. Yes, sir.

Q. Were they present from Muddy Creek and Black Mingo ?—A. Yes, sir.

Q. Give us the democratic presidential vote at Black Mingo.—A. Barker, 906 ; Harrington, 90 ; Wallace, 90 ; Aldrich, 90 ; McGowan, 90 ; Ingraham, 90 ; Erwin, 90.

Q. Give the republican vote at Black Mingo.—A. Bowen, 79 ; Winsmith, 79 ; Johnson, 79 ; Hurley, 79 ; Nash, 79 ; Cook, 79 ; Myers, 79.

Q. Now give the democrats at Muddy Creek.—A. Barker, 210 ; Harrington, 210 ; Wallace, 210 ; Aldrich, 210 ; McGowan, 210 ; Ingraham, 210 ; Erwin, 210.

Q. Now the republicans.—A. Bowen, 142 ; Johnson, 142 ; Nash, 137 ; Meyers, 137 ; Winsmith, 142 ; Hurley, 137 ; Cook, 137.

Q. Did you seal up, or tie up, or inclose the returns from these and all the precincts to the secretary of state ?—A. I saw it done, sir. One of the canvassers did it in my presence.

Q. From each precinct in that county ?—A. Yes, sir.

Q. How do you know that ?—A. They were left in charge of the clerk, with instructions to forward them by the messengers.

Q. Do you know of your own knowledge whether they were forwarded by the messenger ?—A. didn't see him depart with them. They were left there to be forwarded, and I have the affidavit of the clerk of the board that they were so sent.

Q. At any rate you saw them sealed up, and the instructions of the board were to send them ?—A. Yes, sir.

Q. In the return that was made to the secretary of state did you include the vote of Black Mingo and Muddy Creek ?—A. Yes, sir ; they were included.

Q. You included the vote also of Sutton's precinct ?—A. Yes, sir.

Q. In the county abstract Sutton's precinct is blank.—A. There was some informality in regard to that ; there was no notice of any objection on the part of any person representing the republican side as to any of the polls in the county before the board, and the full vote, as returned, was summarized by the canvassers and forwarded to the secretary of state for all the precincts.

Q. Do you remember what the vote at Sutton's was ?—A. No, sir ; I don't remember precisely.

Q. It is marked here 142 republican and 80 democrats.—A. I think that was about the vote, though I cannot swear positively that that was the precise result at that poll.

COLUMBIA, S. C., December 20, 1876.

C. PERRY QANATTLEBAUM sworn and examined.

By Mr. ABBOTT:

Question. Where do you reside?—Answer. At Conwayborough, South Carolina.

Q. That is the county-seat, I believe?—A. It is.

Q. Were you present when the canvassers were canvassing the vote at the last election?—A. I was in the office between the time when the returns were received and the time when they were sent to this place while they were making up their statements.

Q. Did you request them at any time to let you examine and take a memorandum from the precinct managers' return?—A. I did.

Q. Did you do it?—A. I did, in connection with another party, Mr. Cooper, who called off from the original returns and I took down in pencil.

Q. Were there precinct managers' returns from each of the precincts in Horry County?—A. There were.

Q. Have you here that original memorandum made at the time?—A. I have; I would like to state that there is one set of figures here for presidential electors that were put down by Mr. Cooper. I was called out of the office into the court-room just before completing this, and Mr. Cooper put down the last set of figures, which you can see are different from mine.

Q. The democratic electors all received the same vote?—A. They all received the same number of votes, as I recollect.

Q. How was it with the republicans?—A. They varied very little.

Q. How much?—A. I don't remember, very few votes, not more than three or four, if that many.

Q. How did you take it, the highest or lowest?—A. I took the highest. I did not take the separate names in putting down the republicans, I took the highest number received by any republican elector.

Q. So that they got the benefit of the highest vote given for any one of them?—A. Yes, sir.

Q. Now give Conwayborough?—A. Democratic electors, 416; republican, 170.

Q. Dog Bluff?—A. Democratic, 211; republican, 8.

Q. Gallivant's Ferry?—A. Democratic, 117; republican, 25.

Q. Socastee?—A. Democratic, 138; republican, 61.

Q. Little River?—A. Democratic, 103; republican, 64.

Q. Simpson's Creek?—A. Democratic, 221; republican, 33.

Q. Give us the vote at Dogwood Neck.—A. Democratic, 73; republican, 27.

Q. Were you present when these managers' returns were rolled up?—A. I was not.

By Mr. LAWRENCE:

Q. What is the total democratic vote for electors in that county?—A. [Referring to paper.] The total number of votes is 1,935 for the democrats, and 599 for the republicans. I think you will notice that there is a discrepancy of one vote between my statement and the certified returns filed with the clerk which will be before you.

Q. That aggregate which you have given includes the vote of all the precincts of the county?—A. Yes, sir.

COLUMBIA, S. C., December 20, 1876.

JOHN R. COOPER sworn and examined.

By Mr. ABBOTT:

Question. Where do you live?—Answer. Within a mile of Conwayborough Court-House, Horry County.

Q. Were you present at any time during the canvass of the vote by the canvassers of that county at the last election?—A. Yes, sir.

Q. Did you assist Mr. Qanattlebaum in taking the tally of the votes cast for presidential electors?—A. I did.

Q. What did you do?—A. I called off the votes.

Q. For presidential electors what did you call it from?—A. From the precinct returns, which I asked the commissioners of election to give me, and they handed them to me.

Q. Were there precinct returns present from all the precincts?—A. Yes, sir.

Q. Did you give them correctly to Mr. Qanattlebaum?—A. Yes, sir; I did.

Q. Can you tell us whether these presidential returns were on separate pieces of paper, or whether they were all tied up together with the county and State returns?—A. There was a portion separate, but I cannot say what number, and a part attached to the county returns.

Q. Were you present when they were inclosed in a bundle by the county canvassers?—A. No, sir; I was not.

COLUMBIA, S. C., December 20, 1876.

JOSEPH T. WALSH sworn and examined.

By Mr. ABBOTT :

Question. You are a member of the bar at Conwayborough, Horry County ?—Answer. I am.

Q. At the presidential election were you chairman of the democratic county committee ?—A. I acted as chairman of that committee.

Q. Did you, in the discharge of what you considered your duty, take any pains to ascertain whether the returns by the county canvassers were made up and forwarded ?—A. Yes, sir. On the night that they were closing their report there, I was present when it was done and furnished a secretary to assist them in doing it.

Q. Did you see the different precinct returns from all the precincts in your county inclosed ?—A. I did, and furnished tape to tie them up and saw them delivered to the messenger.

Q. Who was the messenger ?—A. Ferd. D. Bryant.

Q. You saw them delivered to the messenger, but beyond that you cannot say ?—A. I cannot.

COLUMBIA, S. C., December 20, 1876.

TIMOTHY HURLEY sworn and examined.

By Mr. LAWRENCE :

Question. Where do you reside ?—Answer. In Charleston.

Q. What office did you hold at the last election ?—A. I was chairman of the commissioners of election for that county.

Q. State whether there was any defect in the managers' returns from Cross-Roads precinct.—A. Let me understand the question.

Q. All the managers' returns from Cross-Roads precinct failed to give the vote for some of the electors, both republican and democratic ?—A. The returns did not mention the presidential electors, but the board of canvassers went to the tally-sheet and there found the names of the parties for whom the votes of that precinct were cast.

Q. Did you examine the ballots ?—A. We looked at the tickets and saw that on all of them were the names of the parties who were voted for on both sides.

Q. The tickets in the box from Cross-Roads had the names of all the electors, democratic and republican ?—A. Yes, sir.

Q. And the tally-sheet had the vote for all the electors ?—A. Yes, sir.

Q. And you included in your canvass the vote for all the electors ?—A. That is the view we had of it. We counted all the votes that were returned for Hayes and Wheeler, and we counted for the men on that ticket, and those for Tilden and Hendricks were counted for the other parties.

Q. So that the full vote cast was counted for both sets of electors ?—A. Yes, sir ; I think the whole poll was less than 200 ; I know the democrats had the majority at that poll.

Q. Were all the votes counted also in the return which the canvassers made for the electors at Dutart's Creek ?—A. Yes, sir ; we counted at every poll where there was a case of that kind the votes for the parties whose name appeared on the tally-sheet.

Q. So that all the votes were counted ?—A. All the votes were counted that were returned on the tally-sheets where there was a discrepancy in the managers' returns.

By Mr. ABBOTT :

Q. That is, you corrected the managers' returns by examining the votes and seeing that they had been absolutely cast ?—A. No, sir ; we did not do that. We looked at the tally-sheets, and where they bore on their faces that John Smith, for instance, had received 165 votes and John Jones 68 votes, we looked into the ballot-boxes and saw that the tickets were there ; but we did not count the tickets ; we verified our report by the tally-sheet.

Q. The tally-sheet had the names of the presidential electors and the vote under each ?—A. Yes, sir.

Q. And when you found on the tally-sheet the vote of each of the presidential electors you corrected the managers' return by that tally-sheet ?—A. Yes, sir.

Q. Then did you go further and verify by looking into the votes ?—A. We did in one case. There was a man on the ticket, John Isaac Erwin, and he was returned on the managers' return as John "Isington." We knew there was no such person and we gave Erwin the votes, 200 and odd votes, for "Isington."

COLUMBIA, S. C., December, 20, 1876.

A. C. SHAFFER recalled.

The WITNESS. You asked me in regard to Colleton County, if the returns were all complete. I stated that they were not at Preacher's Mill, and before I could answer as to the others I was asked some other question. From Ashepoo and Iron Cross-Roads precinct there was no presidential return. They had a tally-list with the votes given for each one of the presidential electors, and also for the State officers; and we corrected the returns for those two precincts from those two tally-sheets. I discovered that on turning them over, and I brought them up and showed them to the secretary of state, and he told me I must get the returns, and I took steps to do so.

By Mr. ABBOTT:

Q. But you had a tally-list for all the electors?—A. Yes, sir.

Q. And you took the vote as it appeared by the tally-list?—A. Yes, sir.

Q. Did you look into the box to see that the tickets were regular?—A. No, sir; we did not. You also asked me in regard to my turning over the returns to the secretary of state and to the governor's private secretary. It was the commissioners' returns for the general officers that were turned over to Mr. Jones, while the votes for governor and lieutenant-governor were turned over to the secretary of state.

Q. Then you did not mean what you testified before?—A. No, sir; I got the wrong impression from my opening the packages there and Mr. Hayne and Mr. Jones being present.

Q. You have seen Mr. Hayne since and he told you you made a mistake?—A. I know very well.

Q. He told you you made a mistake?—A. Yes, sir; but I am certain of the fact.

Q. You were certain the other way when you swore the other way, were you not?—A. Yes, sir; because Mr. Hayne told me that those returns were short.

Q. When you swore before that you gave the returns for governor and lieutenant-governor to Jones, you thought you were telling the truth?—A. Yes, sir.

Q. And since that Mr. Hayne has told you that you were mistaken, and now you change your testimony?—A. Yes, sir; and from a certain fact I am certain I did not give them to Mr. Jones.

COLUMBIA, S. C., December 20, 1876.

H. S. VANDERVEER sworn and examined.

By Mr. ABBOTT:

Question. You were one of the county managers for Oconee County at the last election?—Answer. I was.

Q. Were all the precinct managers' returns present before the managers?—A. They were.

Q. You returned one as Hall's. Is "Fenton" (Fenton H. Hall's) and "Hall's" the same?—A. Yes, sir; I presume so, because I know of no "Fenton" precinct.

Q. How many precincts are there in your county?—A. Fourteen, I believe.

Q. Have you your original canvass?—A. Yes, sir; the one from which we made up the whole thing. (Referring to paper.) "Hall's" appears on this canvass. It is the same as "Fenton."

COLUMBIA, S. C., December 20, 1876.

JOHN A. BARRE sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside?—Answer. In Columbia.

Q. What office did you hold at the last presidential election?—A. I did not hold any office; nothing more than a clerkship in the senate. I was manager of election at Acton precinct, Richland County.

Q. Was there any omission in the managers' return at Acton precinct?—A. Yes, sir; there was an omission of the name of Wilson Cook, one of the electors. His name was omitted by mistake.

Q. State whether he received the same number of votes that the other republican electors received.—A. The same number, sir.

COLUMBIA, S. C., December 20, 1876.

AARON W. GILBERT sworn and examined.

By Mr. LAWRENCE:

Question. What is your age and residence?—Answer. I am thirty-five years of age, and live in Aiken County.

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Q. What office did you hold on the day of the last presidential election?—A. Clerk of the Silverton board in Aiken County.

Q. Was there an election held at Silverton precinct?—A. There was.

Q. How many votes were given for electors of President and Vice-President?—A. Four hundred and fourteen.

Q. How many votes were given for the republican electors?—A. There were 232, and 182 for the democrats.

Q. There was a republican majority of 50?—A. A republican majority of square 50. There was not a scratched ticket in the box.

COLUMBIA, S. C., December 20, 1876.

ALBERT CARROLL (colored) sworn and examined.

By Mr. LAWRENCE :

Question. What office did you hold at the last election?—Answer. I was a challenger at Silverton precinct.

Q. How many votes were cast?—A. There was 414, if my memory serves me right.

Q. Do you know what the republican majority was for presidential electors?—A. Fifty; a straight ticket.

COLUMBIA, S. C., December 20, 1876.

J. W. BROWN (colored) sworn and examined.

By Mr. LAWRENCE :

Question. Where do you reside?—Answer. In Beaufort County.

Q. Were you one of the county commissioners of election on the 7th of November last?—A. I was.

Q. Did you canvass the votes given at the election?—A. Yes, sir; at the time appointed, three days after the election.

Q. About how many votes were cast at Gray's Hill precinct?—A. I cannot certify correctly as to the number; it was four hundred and odd.

Q. Was it nearer 500 than 400?—A. Yes, sir; to the best of my recollection there was four hundred and eighty-odd votes cast.

Q. Did you open the ballot-box for Gray's Hill and examine the ticket?—A. Yes, sir; we was compelled to open the box to get at the poll-list.

Q. Did you notice the tickets?—A. Yes, sir; and on the return of the managers there were votes assigned to Hayes and Wheeler and Tilden and Hendricks that should have been assigned to the presidential electors.

Q. How were the tickets themselves in the box?—A. They were straight, with all the electors on them, but the votes were given to "Tilden and Hendricks," and "Hayes and Wheeler." The names of the electors and also of the President and Vice-President were on the tickets.

Q. Were there any scratched tickets?—A. Not to my recollection.

Q. In the county canvass you included them with the other votes for both sets of electors?—A. Yes, sir.

Q. Was there a return from Beech Branch?—A. Yes, sir.

Q. You canvassed that return?—A. Yes, sir; but I can't say as to the number, because it was very small.

Q. Black Creek was very small, too, was it not?—A. Yes, sir.

By Mr. ABBOTT :

Q. Did you examine all the votes?—A. Yes, sir.

Q. Do you mean to swear that you took each one of the four hundred and odd votes and examined each one?—A. If I am not mistaken, we did.

Q. I want to know whether you are mistaken or not?—A. I am stating now to the best of my recollection.

Q. Are you willing to swear that you examined all those votes in the box at Gray's Hill?—A. I state just what I stated just now.

Q. Are you willing to swear positively that you did examine all of them?—A. It is so long ago that I can't remember everything, you know.

Q. Did you examine all those votes for Gray's Hill, and are you willing to swear that you did examine all the votes in the Gray's Hill box as you now recollect it?—A. Yes, sir; as I recollect it we did.

Q. Do you recollect it so certainly that you are now willing to swear that you examined all the votes in that Gray's Hill box?—A. I can't swear to anything that is untrue.



Q. Precisely that. You won't swear to it?—A. Yes, sir; I will swear that we did.

Q. Will you now swear that you examined each and every vote in the Gray's Hill box?—

A. Yes, sir.

Q. So that you recollect now that you examined each and every vote?—A. I stated that before. That is how we found the discrepancy.

Q. Well, you do recollect now that you examined each and every vote?—A. Yes, sir.

Q. You recollect the fact now that you examined each one of the votes?—A. Yes, sir.

Q. Are you sure?—A. Yes, sir; to my recollection we did.

Q. Why didn't you bring some of those votes up here?—A. Which votes?

Q. The Gray's Hill votes.—A. The votes are in the box.

Q. But the box is in the control of the commissioners, is it not?—A. Yes, sir.

Q. Then, in a case of this kind, why didn't you bring some of the votes up here?—A. I was not told to bring them.

Q. How was it with Black Creek; do you know anything about it?—A. I know that Black Creek is one of the precincts in Beaufort County.

Q. Do you know anything about the votes in Black Creek?—A. I don't know what you want to know about them.

Q. Do you recollect about there being any trouble with the votes there?—A. Not as I recollect; only there is a very small number of votes.

Q. You did not examine any of the votes at Black Creek?—A. Yes, sir; we could not help seeing them, they were so very few.

Q. Did you take out the votes at Black Creek and examine them?—A. Yes, sir.

Q. For what?—A. In taking out the poll-list we took them out and you could see them every one.

Q. The poll-list lay on top of the votes, did it not?—A. Yes, sir; we took the poll-list out of the boxes.

Q. I am speaking of this box.—A. It was not necessary to take the poll-list out to get at the vote.

Q. Did you take the votes out at Black Creek and examine them?—A. It was unnecessary.

Q. Then you did not do it?—A. Not to my recollection.

Q. Then you cannot tell anything about what the vote showed at Black Creek?—A. O, from the returns I can tell.

Q. Confine yourself to the votes. You did not examine the votes at Black Creek, did you?—A. I won't swear that we did not.

Q. Have you any recollection of examining the votes at Black Creek?—A. I think we did.

Q. What makes you think you did, now, when you did not recollect anything about it a little while ago?—A. Because the votes at Black Creek were very small, and we could not help seeing in taking out the poll-list.

Q. You say there were few there, but did you take them out of the box to examine them?—A. If I am not mistaken we did.

Q. Did you take them out of the box to examine them?—A. I won't swear that I did take them out, and I won't swear that I didn't, as I don't recollect.

Q. Is there anything about Black Creek especially different from any of the others that makes you recollect anything about it?—A. Yes, sir.

Q. What was it?—A. Simply because the votes were very small.

Q. That is all?—A. That is all.

By Mr. LAWRENCE:

Q. Were the same electors found voted for in the box at Gray's Hill which were voted for at all the other precincts?—A. Yes, sir.

COLUMBIA, S. C., December 20, 1876.

W. H. HURD (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside?—Answer. In Beaufort County, at Mount Carmel.

Q. Were you one of the officers of election in that county?—A. Yes, sir; I was deputy United States marshal.

Q. Where did you vote on that day?—A. At Calhoun's Mills.

Q. Were you there during the entire day?—A. No, sir; I were run off between two and three o'clock, I think; I didn't have the time.

Q. What do you know of the return of the vote for that precinct at the presidential election on the 7th of November?—A. Well, by some mistake, I reckon, the electoral returns were left out, and Secretary Hayne telegraphed to Abbeville—

By Mr. ABBOTT:

Q. Are you telling what you know?—A. I am telling what I saw.

By the CHAIRMAN :

Q. You saw him telegraph?—A. I saw the telegram, because I had it in my hand. He telegraphed to send the returns down here for Calhoun's Mills precinct. One of the commissioners told me —

By Mr. ABBOTT :

Q. Did you get the managers' returns for Calhoun's Mills?—A. Yes, sir; I was sent as a special messenger down to get the returns.

Q. To whom did you apply to get them?—A. I applied to one of the managers, Jefferson Clay.

Q. Did you receive the managers' returns?—A. About eleven or twelve o'clock he came to church, where I was, and gave me the returns, and told me to go on and take them to Abbeville, as the managers' returns, signed by all three of the managers. He told me to take them on to Abbeville now, as he thought all the people had gone to church, and there had been threats; so I took the returns and jumped on my horse and started to Abbeville. When I got within six miles and a half of Abbeville I looked behind me and saw two men coming. I knew the men and I suspected something, so I commenced loping. They hallooted to stop, but I didn't do it, and they commenced shooting at me, and when they shot at me five times I returned their shots. They fired three shots after that. I quit shooting and looked in front of me, and there were eight or ten other men. I then jumped down off my horse and took to the woods, and ran between a half and a quarter of a mile. I didn't know much about the place, and when I got out I ran upon some houses, and saw some people there. The people ran out after me and shot at me two or three times, and I thought they would kill me, so I ran up to the house where the ladies were, thinking they would not kill me in their presence. They then surrounded me, and kicked me and choked me, and took my pistol and searched me, and took away the returns and some private letters I had, and my little memorandum-book; they took that from me, and they asked me some questions, and then they put me on the same horse that I were on, (they had caught him and brought him down,) and they carried me off through the woods, a near way, until they came to the next house, and then they got a rope and tied me, and had a halter and a rope, so that one man could ride beside me and keep hold of it, and they came to the house of a man named Thomas Brown, and they took supper there. They put me in the kitchen with a man to guard me while they were eating supper. After supper they went on to Harper's Ferry. The next morning we got to the house of Colonel Harper, and they took breakfast there, and had a man to guard me there in the kitchen while they took breakfast. They untied me then and carried me across over into Georgia, to a little town named Ruckersville. When they got me there they said I was a United States deputy marshal that had come over to make arrests of parties from Georgia that had voted in South Carolina on the day of the election. One of the men there came up to me and said that he thought I was not fool enough to come to make arrests in Georgia with five or six men. I told him I was captured and brought there. They went down to the house of a man named Taylor. I had Taylor's name, under the enforcement act, for voting in South Carolina. They turned me over into Taylor's hands, and him and two or three others took me into the woods four or five miles, and when they got down a piece I jumped down and run. They shot at me four or five times. They captured me again in a gully and carried me round there, and that night about ten o'clock they carried me back to Taylor's house where we had left Brown, and he sent down and got ropes and tied me. I staid in a pile of cotton all night. Next morning we started, after breakfast, to Ed. D. Stark's. I had his name, under the enforcement act, for voting at my precinct. They carried me down there about two or three o'clock. When we got within a piece of the house we stopped, and I asked Taylor to ask Stark not to kill me. Directly Stark came and another man with him. This man came up and cocked his pistol and told me to get down. He asked me if I knew him. I told him I did not. They said, "Take him up there," and I thought they were going to kill me, but he said he was a peaceful man and was only going to guard me for the others. I went up there on a log and he guarded me for a while, and directly Stark and two or three others came and gave me something to eat. One of the men, a man named Bradley, wanted to kill me right there, but Stark told him not to do it, because his wife would hear the report of the pistol and she would think something. They cussed me there a while, and about dark Stark and Bradley and a man named Kelley—they had gone back to the house, and they came up to me with a pistol at this time, and he said, "Well, Hurd, it's night now and darkness hides all crimes." I begged them not to kill me, and I said, "I am willing for anything if you just don't kill me." Says he, "O, by God! it's no use; that is what we have been waiting for;" and they asked which I would rather, be hung or be shot. I told him I had never been killed, and I didn't know which, but I hoped they would not kill me at all. I told them I was not ready to die. They asked me if I could get ready in fifteen minutes. I told them I didn't think I could. This man Kelley had his shot-gun, and he told them to let him shoot me, that he would do it, no matter what I said. Stark said my life was in his hands, and, says he, "You know, Hurd, that I hate you as I do the devil; you are just as if you were hanging over hell." Says he, "I would rather kill you than twenty common niggers, because you have some sense, and you would do more harm

than twenty common niggers." I told him not to kill me; that if they would not kill me I would do anything they said. Stark and thom went up to the store and left me there with Brown. I began begging Brown to let me loose. He was from South Carolina. He said no, if he let me loose they would say he did it on purpose. I was just fixing to run then, but he didn't know it. He told me they were not going to kill me then, but they were going to carry me to Elverton and put me in jail there until after Tilden was inaugurated. He asked me if I wanted to send my buttons to my wife. I said no, if I get out of that jail I will want my buttons myself; and I told him if they started with me to that jail twelve miles that night I knew they would be certain to kill me, and I would die with my buttons in my shirt. Kolley came back, and he asked if there would be any impropriety in taking me up to the store the back way. He said "No." They showed me eight double-barrel shot-guns there that they had, but Stark said that "the Lord had prevailed" with him, and they would let me off if I would go to Athens, Ga., and stay there the balance of my life, until Tilden was inaugurated, and never come back unless I supported the democratic ticket. I told them not to kill me and I would do what they said. Says he, "Will you come here and wait on me?" I said, "Yes, I would do anything." So they went off and held a consultation, and they came back and said. "Well, Hurd, sit down and write your wife a letter that you are released and all right." They wouldn't let me date it from any place but just "Georgia." I was to say just that I was released and well, and that they had treated me well. Then a company of four men, armed with shot-guns, escorted me down to the ferry, and one old colored man went along to see that they didn't kill me; and I thought they would kill me, so I got into a position so that they could not shoot at me unless they shot him. So they put me across, and Stark told me "good-bye;" and when I got to Athens I must write him the price of cotton that he might know I was there. So they released me on a promise that I was not to come back here and not to have anything more to do with politics.

Q. Where did you go then?—A. It was about twenty miles from that to Washington, Ga., but I got lost, and I walked about thirty-two miles without eating or drinking. I got to Washington a while after day. I slept under the ear-shed, and when the train whistled I got on the train, and when I got to Augusta, I went over from Augusta to Hamburg. I took the train there the next day and went to Aiken; and when I got to Aiken I came from there here. I laid over a day or two in Aiken.

Q. Are you a member of the state senate of this State?—A. Of the house, sir. Well, they took the electoral vote from me and said they was going to deliver it to Colonel Cothron, the chairman of the executive committee of Abbeville County, but I don't know what ever became of it, any more than that I know they took it from me. On that vote there was the same number for each man of the republican electors, 467, and the democratic vote was 247. Votes were even for every man; I believe there was but one blank vote. The total vote was 715.

Q. That was the vote at Calhoun's Mills precinct as shown by the managers' returns?—A. Yes, sir.

Q. Have you ever seen it since?—A. I have never seen it since.

Q. Were those men white men?—A. They were white men that took me—all white men.

Q. Do you know the politics of any of those white men who took you?—A. I know them all to be democrats. Some of them had on red shirts. I know some of the men.

By Mr. ABBOTT:

Q. Can you give their names?—A. The two that rode behind me when they first came up to me, was William Ward and Eli Thornton. The names of the crowd that was up in front of me was Sam Link, Marion Link, Tom Link, Percy Brown, Willie De Bose, Tom Brown, Ed. Mitchell, and William Miur. That was all I knew. There was four or five others that I didn't know.

Q. You are originally from Georgia?—A. Originally from Georgia.

Q. How long have you lived in South Carolina?—A. About five years.

Q. In Abbeville all the time?—A. Yes, sir; in the same place.

Q. But from Georgia originally?—A. Yes, sir; Elbert County there.

Q. That is somewhere near the South Carolina line?—A. Yes, sir.

Q. These people that you have named, are they South Carolinians or Georgians?—A. They are all South Carolinians and live in Abbeville County.

Q. How many times were you fired at?—A. I was fired at three times, and I was fired at eight times by the men behind me.

Q. How many times by the men before you?—A. They shot at me twice after I jumped down to run.

Q. Then before they caught you, how often?—A. They only fired twice at me there—twice in front.

Q. That makes ten times?—A. And then five times in Georgia.

Q. That makes fifteen times?—A. Yes, sir.

Q. Were they armed with guns?—A. They were armed with pistols.

Q. No guns?—A. Yes, sir; they had one gun.

Q. Did they fire with guns or pistols?—A. With pistols, I think. They shot two shots behind me.

Q. How far were they from you when they fired at you?—A. About twenty-five steps, I reckon.

Q. And you were fired at fifteen times and they did not hit you?—A. No, sir; they didn't hit me any time.

Q. And the moment you were released you went back to Aiken County?—A. Yes, sir; from Augusta.

Q. Right near the place where these men had captured you and threatened to kill you?—A. No, sir; that was in Abbeville County.

Q. Is it not near the same place?—A. No, sir; there is Edgefield County between.

Q. You are a member of the legislature from where?—A. Abbeville.

Q. You came up to Aiken and remained there two days?—A. Yes, sir.

Q. People knew you were there, I suppose?—A. Nobody knew me there.

Q. You did not conceal yourself any way?—A. Yes; I kept sort of hid there, and at Hamburg, too.

Q. You mean you did not go out?—A. I didn't go out much.

Q. Whom did you stay with?—A. A man named Dixon, at Aiken.

Q. Did you know him before?—A. No, sir.

Q. Why did you go there?—A. I knew Hayne, and he told me he thought I could get to stay there.

Q. What Hayne?—A. I believe his name is C. D. Hayne. He used to be senator.

Q. And then you came directly to Columbia?—A. Yes, sir; I came directly to Columbia with the witnesses in the Hamburg case.

Q. You have been here since?—A. Yes, sir.

Q. You have taken no proceedings against those people?—A. No, sir.

Q. And you have made no attempt to have them arrested?—A. No, sir; because I told them if they would spare my life—

Q. Did you ever write a letter about the horse?—A. I wrote a letter to the people that the horse belongs to Mrs. Jones.

Q. To whom did you write a letter?—A. I wrote the letter to my father asking if they had returned the horse and pistol.

Q. Did you ever write a letter here about returning that horse?—A. No, sir.

Q. Are you sure of that?—A. Yes, sir; I am very sure.

Q. Perfectly sure?—A. Yes, sir; I am. I have not wrote a word; but I said something.

COLUMBIA, S. C., December 21, 1876.

JOHN J. MAHER sworn and examined.

By Mr. ABBOTT:

Question. You live in Barnwell, and you have been, until recently, judge of your circuit, I believe?—Answer. The second district.

Q. How long have you been judge of that circuit?—A. Four years.

Q. Your term expired in August last?—A. Yes, sir; the 26th of August.

Q. Since that you have been a practicing lawyer in your county, I suppose?—A. Yes, sir.

Q. Did you act as legal adviser to the board of county canvassers in November last?—A. Yes, sir; by their invitation. Before the meeting of the board, I think the day after the election, I was requested by Mr. W. T. Blanton to attend and act as legal adviser. I told him I would do so if the board desired it. On the day the board assembled a messenger came to my office and said that the board desired to see me. I went over and I was met on the outside by Mr. Blanton, who said that he had decided to have me present as adviser. I walked into the room and told them that I was informed that they desired me to assist and give them any legal advice that might be required; and they all said that that was their desire. I took the pains to say to them that my advice would be confined to the application and construction of their written instructions, and that, if any difficulty or embarrassment should occur in the construction of those instructions, they might call upon me and I would be there for the purpose of giving them my views.

Q. What was the first question that arose and was referred to you?—A. It was with reference to the electoral vote, which was canvassed first. When the Blackville precinct returns were opened I heard the remark that Timothy Hurley had been left out entirely, that his name was not there; and a Mr. Asher, who represented himself to be a manager of that precinct, happened to be in the room, and he walked up and said that it was a clear mistake; that he had a tally-list; and he took the tally-list from his pocket and exhibited it to the board, and after some discussion between the members of the board, they asked me in reference to correcting the clerical error. I looked at the printed instructions, which required that the ballot-boxes should be delivered to the board sealed, and that the board should canvass upon the managers' statements, and I told them that my view was that they had no right to open ballot-boxes, which were the highest evidence of any clerical error; that the

tally-list was not an official paper before them, and that I thought their instructions precluded them from inquiry; that they were bound to take the managers' statement, and that the State board would correct any error in the case. That was the first question, and I think the only other question except as to the manner of arranging the certificate arose when they were canvassing the votes as to the State officers. In that case, at the Graham's precinct the return of the managers showed that the names of Hagood and Conner, who were the democratic candidates respectively for comptroller-general and attorney-general, had been transposed, the votes for Dunn were put down for the attorney-general, and the votes for Conner and Elliott were put down for the comptroller-general. A discussion arose between the members of the board, and the drift of the discussion seemed to be that this must be a mistake, for there was not a single vote given for those gentlemen for the offices for which they were notoriously candidates. There was no paper exhibited in that case at all, and I was not called upon for any expression of opinion for the minute or two that they were discussing the matter. Then Mr. Knopf, the chairman of the board, said, "Well, if we correct this, we must correct Timothy Hurlley too." Said I, "You cannot correct it; this case is like the other, and if it is corrected at all the State board must do it." Mr. Thompson, of Williston, a lawyer, happened to be there, and he prepared, at their own instance, papers in the nature of protests for Hagood and Conner, claiming that it was a clerical error which should have been corrected by the county board, or should be corrected by the State board. Those papers were sealed up and filed.

Q. I need hardly ask you whether you gave any advice that the error in Hurlley's case should be swapped off against the other?—A. O, not at all, sir; nothing of the kind. I was consistent throughout in confining them to their printed instructions, which I thought were very clear. I should have stated, however, that the very first question, the first business after the board organized, (I instructed them how to do that, swore in their clerk, and suggested to him to keep regular minutes,) after that the managers were called in, and delivered their boxes and tally-lists, and when that was completed, Knopf said: "This is all we can do to-day, we will adjourn now until Tuesday." Said I, "Have you looked at the printed instructions in regard to that?" They were submitted and the direction was of the clearest and most peremptory character that they should complete their business within three days from the election. This was the 10th, the election having been on the 7th, and the State board was in session that day. The law originally did direct that the board should meet within three days to receive the votes, and within three days meet to canvass, but the law was changed. The State board was to meet on the 10th of November; that law was not altered, and consequently these inconsistencies had to be reconciled by construction.

By Mr. LAWRENCE:

Q. Have you the attorney-general's instructions?—A. No, sir; I have not.

By Mr. ABBOTT:

Q. You instructed them upon the instructions?—A. I instructed them go on and continue their business according to those instructions, and not adjourn until Tuesday.

Q. And you instructed them that the attorney-general's instructions were such that they were obliged to go on?—A. Yes, sir.

Q. I understood you to say that you concurred in that construction with the attorney-general?—A. Subsequently. At the time, my impression was that Tuesday was the proper day to meet, and two lawyers came in and urged it upon me that the board should be advised to adjourn and meet Tuesday, but I insisted that the instructions of the attorney-general should be followed.

Q. Your idea of the duty of the board was that when instructions were given by the legal officer of the board they should be followed?—A. Yes, sir; I would not have been willing to have attended in any other capacity than to give advice on their construction of their instructions.

Q. Did you hear anything about adjourning on account of waiting to get in Robbins precinct?—A. I never heard of Robbins precinct at all, except that when the managers came in to deliver their boxes, that box did not come in; it was notorious that the box had been fired into.

Q. From the time the managers assembled until the business was completed, were there any armed men, so far as you could see, about the place of meeting?—A. I saw no armed men that night. I remained from one o'clock until four o'clock next morning, until all the papers were completed. I saw no armed men.

Q. Any trouble or threats?—A. Nothing of the kind, sir. Mr. Knopf, chairman of the board, opened all the returns and the clerk took them down; the other two managers kept their seats. He had the whole direction of everything, and managed the business very quietly. There was no threatening in any appearance that I saw there.

By Mr. LAWRENCE:

Q. Where did you remain during the preparation of the canvassers' statement?—A. In the room, sir; they sat with closed doors.

Q. How long did you remain?—A. From one o'clock, I think, until about four o'clock next morning. I remained continuously until the canvass was completed.

Q. You did not go Tuesday to see what men there were out there?—A. No, sir; I did not go out of the building. I went into another room.

Q. There might have been armed men outside without your seeing them?—A. Yes, sir; and I have no doubt there were armed men in there that night, because we had been keeping guard in the village for at least a month previous on account of incendiary fires. Persons would come in during the night—it was a bitter cold night and there was a good fire—and they would walk in and warm themselves, and pass out, but I saw no arms.

Q. Do you know how many men there were outside?—A. No, sir; I do not.

Q. Do you know from the number that came in whether there was a large number of them outside?—A. No, sir; I do not.

Q. You know Mr. Knopf?—A. Yes, sir; very well.

Q. State whether he is a correct and reliable man.—A. I have regarded him so.

Q. Truthful?—A. I think so. So far as I know I have regarded Mr. Knopf as a very worthy man.

Q. Can you produce the instructions which you say were issued by the attorney-general?—A. Well, sir, I never took charge of any instructions. That paper, though, that has been submitted here; is the same, I think. That is the paper that was furnished to the precinct managers as well as to the board. I know in the instance of Barnwell it was furnished, because they called upon me.

The paper was put in evidence, as follows:

#### ELECTION LAW.

SECTION 1. That the general elections in this State shall be held, pursuant to the constitution thereof, on the first Tuesday following the first Monday in November in every second year, and the same shall be conducted at the voting-precincts fixed and designated by law in the various counties, cities, and towns of this State.

SEC. 2. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under disabilities named in the constitution, without distinction of race, color, or former condition, who shall have been a resident of the State for one year, and in the county in which he offers to vote for sixty days next preceding any general election, shall be entitled to vote: *Provided*, That no person while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote.

SEC. 3. That for the purpose of carrying on such election, it shall be the duty of the governor, at least sixty days prior to any such election, to appoint in and for each county three commissioners of election, whose duty it shall be to appoint three managers of election for each election-precinct of the county for which they shall respectively be appointed. The said commissioners of election and said managers of election shall take and subscribe, before any officer authorized to administer oaths, the oath of office prescribed by section 30 of article 2 of the constitution, and the same shall be immediately filed in each instance in the office of the clerk of the county in which said commissioners and managers shall be appointed; and if there be no such clerk duly qualified by law, then in the office of the secretary of state.

SEC. 4. The managers are authorized to appoint a clerk to assist them in whatever duties may be required of them, who shall take the oath of office prescribed by section 30 of article 2 of the constitution before the chairman of the board of managers.

SEC. 5. The commissioners aforesaid, and the managers aforesaid, at their first meetings respectively, shall proceed to organize themselves as a board, by appointing one of their number chairman of the board; and such chairman, in each instance, shall be empowered to administer the necessary oaths.

SEC. 6. The polls shall be open at such voting-places as are designated by law at six o'clock in the forenoon, and close at six o'clock in the afternoon of the day of election, and shall be kept open during these hours without intermission or adjournment, and the managers shall administer to each person offering to vote an oath that he is qualified to vote at this election, according to the constitution of this State, and that he has not voted during this election.

SEC. 7. The State constables, and other peace officers of each county, are required to be present during the whole time that the polls are kept open, and until the election is completed; and they shall prevent all interference with the managers, and see that there is no interruption of good order. If there should be more than one polling-place in any county, the State constable is empowered and directed to make such assignment of his deputies and other peace officers to such polling-places as may in his judgment best subserve the purposes of quiet and order.

SEC. 8. The voting shall be by ballot, which shall contain written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen; and shall be so folded as to conceal the contents; and such ballot shall be deposited in a box to be constructed, kept, and disposed of as hereinafter provided.

SEC. 9. There shall be one general ticket, on which shall be the names of the persons voted for as Representatives in Congress, electors of President and Vice-President, and State,

circuit, and county officers. Upon the same ticket, the amendments proposed to the constitution of the State shall also be voted for.

SEC. 10. The commissioners of election shall provide one box for each election precinct. An opening shall be made in the lid of such box, not larger than shall be sufficient for a single ballot to be inserted therein at one time, through which each ballot received shall be inserted by the person voting, and by no other; each box shall be provided with a sufficient lock, and such box shall be publicly opened and inspected to see that it is empty and secure, and then locked just before the opening of the poll, and the keys returned to the managers, and shall not be opened during the election. Each box for such precinct shall be labeled as follows: "Congress," "State," "Circuit," and "County officers."

SEC. 11. Each clerk of the poll shall keep a poll-list, which shall contain one column headed, "Names of voters;" and the name of each elector voting shall be entered by the clerk in such column.

SEC. 12. At the close of the election, the managers and clerk shall immediately proceed, publicly, to open the ballot-box and count the ballots therein, and continue such count, without adjournment or interruption, until the same is completed, and make such statement of the result thereof, and sign the same, as the nature of the election shall require. If, in counting, two or more like ballots shall be found folded together compactly, only one shall be counted, and the others destroyed; but if they bear different names, the same shall be destroyed, and not counted. If more ballots shall be found, on opening the box, than there are names on the poll-list, all the ballots shall be returned to the box and thoroughly mixed together, and one of the managers, or the clerk, without seeing the ballots, draw therefrom, and immediately destroy, as many ballots as there are in excess of the number of names on the poll-list. Within three days thereafter, the chairman of the board of managers, or one of them, to be designated in writing by the board, shall deliver to the commissioners of election the poll-list, the boxes containing the ballots, and a written statement of the result of the election in his precinct.

SEC. 13. The commissioners of election shall meet in some convenient place, at the county-seat, within three days after the close of the election, and shall proceed to organize, and shall form the county board of canvassers.

SEC. 14. They may appoint some competent person as secretary. The chairman shall then proceed to administer the constitutional oath to each member of the board, as canvassers; and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he shall have administered to the other members of the board.

SEC. 15. They shall then proceed to canvass the statements of the result of the election made by the several boards of managers, and shall make such statements thereof as the nature of the election shall require.

SEC. 16. They shall make separate statements of the whole number of votes given in such county for Representatives in Congress; and separate statements of all other votes given for other officers; and separate statements of votes given for and against the proposed amendments to the Constitution. Such statements shall contain the names of the persons for whom such votes were given, and the number of votes given for each, which shall be written out in words at full length.

SEC. 17. Duplicate statements shall be made and filed in the office of the clerk of the county; and if there be no such clerk duly qualified according to law, then in the office of the secretary of state.

SEC. 18. The returns of the election of governor and lieutenant-governor shall be sealed up by the managers of election in their respective counties, and also by the several boards of county canvassers, and transmitted by mail to the seat of government, directed to the secretary of state, who shall deliver them to the speaker of the house of representatives at the next ensuing session of the general assembly, and a duplicate of said returns shall be filed with the clerks of the courts of said counties, whose duty it shall be to forward to the secretary of state a certified copy thereof upon being notified that the returns previously forwarded by mail have not been received at his office.

SEC. 19. There shall be prepared by the commissioners three separate lists of each statement, besides the lists to be filed in the office of the county clerk or secretary of state, and each list shall be certified to as correct by the signatures of the commissioners subscribed to such certificate.

SEC. 20. After the final adjournment of the board of county canvassers, and within the time prescribed by law, (to wit, within three days after the close of the election,) the chairman of said board shall forward, addressed to the governor and secretary of state, by a messenger, the returns, poll-list, any protest, and all papers appertaining to the election. The said messenger to be paid his actual expenses upon a certificate to be furnished him by the secretary of state. Said certificate shall be paid out of the funds provided for the payment of commissioners and managers of election.

SEC. 21. All bar-rooms, saloons, and other places for the sale of liquors by retail, shall be closed at six o'clock of the evening preceding the day of such election, and remain closed until six o'clock in the morning of the day thereafter, and during the time aforesaid the sale of all intoxicating liquor is prohibited. Any person duly convicted before a competent court

of a violation of this section shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 22. Every person who shall vote at any general election who is not entitled to vote, and every person who shall by force, intimidation, deception, fraud, bribery, or undue influence obtain, procure, or control the vote of any elector to be cast for any candidate or measure other than as intended or desired by such elector, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in jail not less than three months nor more than twelve months, or both, within the discretion of the court.

The joint resolution of March 26, 1875, proposing an amendment to the constitution of the State of South Carolina, is as follows:

That the following amendment to the constitution of the State be submitted to the qualified electors of the State at the next general election, and if a majority of the electors qualified to vote for members of the general assembly, voting thereon, shall vote in favor of such amendment, and two-thirds of each branch of the next general assembly shall, after such election, and before another, ratify the same amendment, by yeas and nays, it shall be part of the constitution, to wit, that section 5, article X, be amended so as to read as follows:

"SEC. 5. The boards of county commissioners of the several counties shall levy an annual tax of not less than two mills on the dollar upon all the taxable property in their respective counties, which levy shall not be increased, unless by special enactment of the general assembly, for the support of public schools in their respective counties; which tax shall be collected at the same time and by the same officers as the other-taxes for the same year, and shall be held in the county treasuries of the respective counties, and paid out exclusively for the support of public schools as provided by law. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be applied solely to educational purposes: *Provided*, That no person shall ever be deprived of the right of suffrage for the non-payment of said tax. No other poll or capitation tax shall be levied in the State, nor shall the amount assessed on each poll exceed the limit given in this section. The school-tax shall be distributed among the several school-districts of the counties in proportion to the respective number of pupils attending the public schools. No religious sect or sects shall have exclusive right to, or control of, any part of the school-funds of the State, nor shall sectarian principles be taught in the public schools."

That the question of adopting this amendment shall be submitted to the electors as follows: Those in favor of the amendment shall deposit a ballot with the following words written or printed thereon: "Constitutional amendment—Yes." Those opposed to said amendment shall cast a ballot with the following words written or printed thereon: "Constitutional amendment—No."

Q. Do you know whether this was in fact prepared by the attorney-general?—A. I do not, sir; I understood it to be, because it was published about the same time that certain opinions of the attorney-general upon the election-laws were published in the official paper here.

Q. This is the paper, at all events, which you had there and upon which you gave your advice?—A. Yes, sir; the paper that they had themselves, furnished by the same authority.

Q. Please examine this and see whether it is a correct transcript of the laws which relate to elections in this State. You may examine it at your leisure and bring it in hereafter.—

A. I will do so, sir.

By the CHAIRMAN:

Q. Did you adjourn for dinner or supper at all during that business?—A. No, sir; I had my dinner sent to me, and I remember that about dark General Hugood came in and some member of the board, I think Mr. Knopf himself, was complaining that he had had no dinner; and the general, who was county chairman and had possession of some funds, very politely said that he would have some sent.

Q. Was there any hallooing or noisy demonstration about the building?—A. Nothing of the kind. I never knew the village quieter, and never saw any business transacted more quietly. At first, when we all went into the room, the managers, not understanding what was proper and having waited some time for the board, crowded in, and I said to the chairman, "I think you had better have your room cleared, and then let each manager be called in in the order in which you may indicate; it will save you time, you will not have so much trouble, and you can look into the poll-lists and ballot-boxes with greater ease." With the exception of that crowding in, everything was quiet, and there was nothing disorderly in that; it was only a manifestation of their impatience to get rid of the boxes, some of which had been there for three days.

By Mr. ABBOTT:

Q. You speak of the patrol or watch; there was nothing that night different from what there had been for two or three weeks previously?—A. No, sir; nothing.

Q. There had been some incendiary fires and they had found it necessary to have a watch?—A. Yes, sir; the people were very much alarmed.

Q. It was a volunteer watch?—A. Yes, sir; a volunteer watch. The oldest citizens



would turn out whenever notified. Occasionally one of the guard would carry a gun; we all went armed on such occasions.

Q. How many was the guard?—A. I think six was the usual number. Two would go, at a time and patrol the town. We never assumed to interfere with anybody or ask their business.

By Mr. LAWRENCE:

Q. When the room was first opened a crowd came in?—A. Yes, sir; it was crowded with managers.

Q. Those that came in other than officers, and those who came in during the evening, were they white men or colored?—A. I think in every instance they were white men; there were some colored managers that came in.

Q. Were you acquainted with them?—A. Yes, sir; they were citizens of the town.

Q. Democrats?—A. Every one, sir. The truth is, we have no white republicans there save one.

Q. Did they have on red shirts?—A. There was one box came into the village and I think there were three or four men with red shirts who brought that box in. It was one of the first delivered, and I saw nothing of the red shirts afterward. They did not intrude into the room.

Q. What is the significance of the red shirt worn by citizens here?—A. Well, I never saw it, sir, until during this last campaign. When General Hampton came to our county I saw a great many in red shirts and a kind of regalia or uniform. It had no special significance in our county, except as a kind of uniform, and I was a little surprised to see it that day. Not more than a couple of weeks before General Hampton went through and there was an escort for him; the people turned out in large numbers and escorted him through the country. They had various kinds of regalia.

Q. The red shirts were worn by democrats only?—A. Yes, sir; only by them, I think. I never saw the colored people wear them.

Q. Did the colored people have any badge or uniform?—A. Not that I know of, sir.

COLUMBIA, S. C., December 21, 1876.

JOHNSON HAGOOD recalled and further examined.

By Mr. ABBOTT:

Q. You told us that you were present at the county canvassing in your county?—A. Yes, sir, from 1 o'clock until, I think, between 10 and 11 o'clock, when I was very tired and went home. Things were then going on very quietly.

Q. You were there when the board met?—A. Yes, sir.

Q. When the board met did you hear from any source any suggestion to adjourn on account of the absence of Robbins's box?—A. No, sir. Indeed, I did not hear what Judge Maher has testified to about Mr. Knopf's suggesting to adjourn to Tuesday. My business was not immediately in connection with the board.

Q. During the time you were there were there any armed men in the room or about the house, so far as you saw?—A. I saw none in the house nor out of it. I was not confined to the room as Judge Maher was. It was a large, rambling building. The court-house had been burned, and it was a private dwelling that was used; and I went into a vacant room, two rooms off, and laid down on a bench there and dozed a while. I saw no armed men there that night.

Q. With the exception of the watch spoken of by Judge Maher, did you see any armed men about the place?—A. There were no armed men that day in Barnwell that I saw.

Q. You were about all day?—A. I was about all the time; I hadn't been home for three days.

Q. Was there any disturbance or noise about or in the building?—A. Not the slightest.

Q. Any excitement or crowding?—A. Not the slightest, beyond the anxiety to have the votes counted. It was an excitement that did not find expression. There was a pretty strong feeling on the part of the democrats to have the votes counted. We knew that we had carried the county, and we wanted the votes counted, and fairly counted. That feeling did not find expression in words, but it did exist. I felt it myself.

Q. You were not present at Robbins's?—A. No, sir; I was at Barnwell village, thirty miles off.

Q. Did you meet Mr. Knopf here in Columbia after the canvass?—A. Yes, sir; I came up with him from Barnwell, and met him here afterwards.

Q. What did he say to you in reference to his returning the votes?—A. We left Blackville on the same train on Sunday night. I think it was Monday afternoon, but it might have been Tuesday morning when we got here. We separated and went to different hotels, and I did not see him until Monday evening or Tuesday morning, I think. I met him near the State-house, accidentally, and perhaps I remarked to him, "You have not gone home yet." Said

he, "They have not received my returns—my package." He had been appointed messenger by the board to fetch up the returns to the secretary of state. I asked him, "Why?" Said he, "They want me to put in a supplemental report about the Robbins box." I had heard nothing of the Robbins box, and neither had he, for he told me so, until he got here.

Mr. LAWRENCE. Is this competent evidence?

Mr. ABBOTT. We do not claim that it is of itself competent, but simply to control Knopf's testimony on that point.

The WITNESS. I am speaking now of the Swamp box, where the 1,300 votes were put in. Mr. ABBOTT. Confine yourself to the conversation between you and Mr. Knopf.

The WITNESS. We talked for a few minutes. He all the time used the word "they." He mentioned no names. Said he, "They will not receive my box." Said I, "Why?" "Because," said he, "they want me to put in a supplemental report about the Robbins box," meaning the Leslie box, or the Swamp box, which had those 1,300 votes, and of which I had then heard for the first time. He went on to say, "I will not do it. My conscience won't let me do it. I won't sign any paper that the board don't sign, and the board has adjourned." I was in a hurry, and I said so to him, and asked him if he would walk on up this street and talk as we walked. We then had a conversation, walking along in this direction. I said to him, "They have no right to refuse to receive such papers as you are prepared to deliver;" and I asked him to make another application to the secretary of state to receive his papers, and to allow me to be present to see him refuse, and I think I said, "If he refuses, Knopf, I will make him take them through the courts. He has no right to refuse what you offer him." He declined to let me be present, but said I might have witnesses. "Very well," said I, "I will send witnesses; when will it suit you?" Said he, "The witnesses must not go in with me, but you can have them to follow me in to see me do it." And we made the arrangement that I was to have two men, one of whom he named, from Barnwell, John V. Brown. Knopf knew and I know that he was to go down at a certain hour the next day. (By the way, Knopf refused to make the third application until the next day.) Brown was to go down and stand in the State-house door, where we agreed upon, and Knopf was to walk by to let me see him, and this man was to follow Knopf into the secretary of state's office as a stranger, (there is very little discipline in that office, you may have noticed,) and to witness the thing. I asked him to let me have a lawyer there from the town—Mr. Janney, a young gentleman—and he agreed to it; and he agreed to brush by Brown, so that there should be no mistake. I asked him where his papers were, and he said, "At Rose's Hotel." Said I, "You may be chloroformed, and those papers taken from you and destroyed, and the whole county vote thrown out." The county vote had been lost in a previous election by being burned, and that made me think of the suggestion. He said that he was too smart for that, or words to that effect; that the papers were in the safe of the hotel. "Very well," said I; "that is a safe place." As we came up the street we passed by a group of men; I think Mr. Hubbard, the chief constable, was one of them; and Mr. Knopf said, "There, now! they see me walking with you; they see me with you!" He showed trepidation. Said I, "What if they do? Are you not a free man? Can't you walk with whom you please?" I asked him, "Who were they? Was not Hubbard one?" I think he said he didn't know Hubbard. He said Eaton was one. Said I, "Who is Eaton?" Said he, "The man that was United States marshal in Barnwell. He is clerk in the comptroller-general's office here." Said I, "Why don't you want him to see you walking with me?" Said he, "They say I am under your influence; that is why I won't do this thing." Said I, "I must see your receipt when you take it; won't you show it to me?" Said he, "Yes, sir." Said I, "If you don't want to be seen in public with me, and if you wish to see me any more, I am staying in Pollock's, and you can meet me in the back-yard of his place." He acquiesced. I sent the witnesses—Mr. Brown and I think, Mr. Janney—according to our agreement. They followed Knopf in.

Mr. LAWRENCE. That you don't know of your own knowledge?

The WITNESS. Afterwards I was standing in front of Pollock's door, and I saw Knopf coming toward me, and I, perhaps, greeted him and walked back into Pollock's back-yard, and he followed me into the back-yard and said, "I have delivered the papers;" he produced a receipt, and I took my pencil to copy it, but observing that it was the regular printed form, I did not copy it. I then asked him what they had said to him about this matter. We all the time said "they." He mentioned no names and I mentioned none in the conversation. He commenced replying to me and stopped. Said he, "No, I won't say, but I will do what is right; I will tell what is right." He said distinctly, "General, you don't know what they do to me," or "What they say to me," I don't know which; but my impression is that he used the word "do." Said I, "Tell me, what did they do?" "Well," said he, dismissing the subject, "If you put me on the stand, I will tell, but I ain't going to talk about it without." I have twice since tried to get him to tell me.

By Mr. LAWRENCE:

Q. How long have you known Knopf?—A. He has been a resident of the county where I live a long time. I had not spoken to him and didn't know him save by sight.

Q. You know him to have lived there and you know his reputation as a citizen?—A. Well, sir; I think his reputation has been an insignificant one until recently, he has been

appointed county auditor, and, I have heard, has made an excellent one; he is a man of business habits.

Q. Is he regarded as a man of truth?—A. I know nothing of his general reputation.

Q. Do you know anything against his general reputation?—A. No, sir.

Q. There has been no allegation against his character for truth?—A. None at all, sir. If you wish me to speak of the impression he has produced on my mind, I can tell you that.

Q. I don't care for that. Where do you live?—A. Just outside of the limits, Barnwell village.

Q. Where does Knopf live?—A. Ten miles farther, at a place called Blackville.

Q. For what purpose did you come to Columbia?—A. I was chairman of the county democratic committee. I came up in the discharge of the duties of that office. The election was over and Columbia was the central point. I was a candidate on the State ticket for comptroller-general. Those were my special reasons.

Q. For what purpose were you here?—A. To look after the canvass. I had been here off and on ever since the election.

Q. What was to be done in looking after the canvass?—A. Well, sir; nothing more than the interest that a candidate has in seeing the result of the election of which he has been a candidate.

Q. How long did you remain here?—A. I must have been here about ten days. I have been here for the last month, with the exception of two or three visits home of two or three days at a time.

Q. In what were you engaged when here?—A. I was engaged about the democratic State headquarters, frequently in consultation with General Hampton and the executive committee about the election generally in the State, and in particular conferences about the Barnwell County vote. It was being canvassed up here, and I was present, at one time only, before the canvassers. The rule that the State canvassers adopted was that so many should be present on each side, and that when a county was called and the vote being counted, one man, in addition, from that county should be present, and I was kept here on purpose for that. I remember now that my first return home was for the canvass of the Barnwell vote. That was the only time I was present at the State canvass.

Q. On the afternoon and night when the county canvassers canvassed the vote of Barnwell, where did you remain; in the building where the canvass was going on?—A. I went in with Knopf about 1 o'clock. I remember being in company with him. I stood around while the managers were handing in the boxes and the board was being organized. I talked to various persons, but did not speak to one of the board that I remember, except about the supper. I was, in the afternoon, in that and the room beyond that, and late in the afternoon I went into the room beyond that, and dozed there about half an hour, when somebody came and waked me.

Q. How long did you remain in the building?—A. I was there from about one o'clock in the day until between ten and eleven.

Q. Where did you go after that?—A. I went to my home and went to bed. I was very tired. My route home did not carry me through the village.

Q. There was an armed crowd that night in the village?—A. I have not a shadow of a doubt of it. There is a watch there now. It has been kept up since about a month before that.

Q. Do you know whether there were men there uniformed in red shirts?—A. Yes, sir; I know all about that matter that Judge Maher refers to. There was a precinct called Baldock, ten or fifteen miles below Barnwell. When that box came up, four or five men came up with the box. They came as a sort of escort, riding behind the carriage in which the managers were with the box. Those men were not armed; no arms were visible. My reason for noticing it was this, that, as county chairman, I had instructed the democratic party not to carry arms publicly anywhere or under any circumstances, and when I saw these men coming up I was a little alarmed lest it should look badly, and I examined them carefully.

Q. Those men were not officers of election?—A. I don't know whether they were or were not. They rode as an escort.

Q. How many were there?—A. There were four, I think; there may have been five.

Q. From what precinct did they come?—A. Baldock it is called.

Q. Was that a democratic precinct?—A. Yes, sir; they were all democratic except two, I think, in the county. There was a large colored and white vote there.

Q. You say there was a pretty deep excitement that was felt rather than expressed there?—A. I heard no expression in words there, but the excitement, I am confident, existed. I felt it myself. I was anxious to see votes legally and peacefully counted.

Q. Was it not apparent to an observer that that excitement did exist?—A. I cannot tell what other people observed; it was apparent to me. I must say that there was no more excitement apparent to me, and certainly less exhibited, than I have frequently seen whenever there was anything like a contest in that election. I mean in that community.

Q. Were there any colored men there?—A. I don't know, sir. I don't remember. It appears to me that I saw some, but I don't remember.

Q. Were there any republicans there except Knopf?—A. Gennerette was a republican. If there were others I cannot recall them. Gennerette was a negro manager.

Q. Those two were all the republicans you saw there that afternoon or night?—A. I think they must have been all, because there are but nine white men out of 3,100 who voted that ticket, and I know them all, and I don't recall seeing them. There may have been negroes in and out. I don't remember, but I think I saw some negroes. I can count up the white men. I know who they were. Of course ballots were closed, and some may have voted the republican ticket without its being known, but there were only nine reported to me, and I know most of them by sight. I think it likely those were the only republicans there. There were plenty of republican negroes outside of the house, along the streets and elsewhere, and there was one republican white man who lived in the town, but I don't remember to have seen him about the boxes.

Q. Mr. Knopf had no difficulty in having his returns received?—A. When these witnesses went there—but that, you would say, is not testimony—he told me he had no difficulty, and the witnesses told me the same. That was when he went there a third time.

By Mr. ABBOTT :

Q. This watch you speak of is a watch with reference to fire?—A. Yes, sir; it is a watch on which I serve when my turn comes. In the early part of the campaign a house was burned and the democratic headquarters was fired.

Q. How large was this watch?—A. I don't think it exceeded six. Two generally served at a time.

Q. There was nothing unusual about it this night?—A. To my personal knowledge there was not. Other men may have volunteered to go around that night; I cannot say what I don't know. I saw no armed men up to 11 o'clock, when I left.

By Mr. LAWRENCE :

Q. There may have been armed men there whom you did not see?—A. Of course, sir; it was a dark night. But not in the house; if they had been in the house I should certainly have seen them. There is one little matter in respect to which I perhaps was not strictly accurate in my first examination. I was asked if I had heard of persons intending to come from Georgia to vote. I replied to that that I had vaguely, and I mentioned one person I had heard it from, a railroad conductor. Then I was asked whether after the election I had heard that any had come. I replied, "No," without any qualification. But, upon reflection, I remember that one person told me that there were some Georgians, as well as I can remember he said about fifteen or twenty, at the Robbins box. I asked him what became of them after the Robbins box was abandoned, and he said they went, or that he supposed they went, and voted at the other box.

JOHN J. MAHER was recalled at his own request and made a correction of his testimony, as follows:

I said that I did not leave the building from 1 o'clock in the day until 4 o'clock next morning; I remember now that General Hagood and myself left and went to a restaurant and had supper. That was after dark, and we both returned to the building. I was absent during that time.

COLUMBIA, S. C., December 21, 1876.

J. H. BOATWRIGHT sworn and examined.

By Mr. ABBOTT :

Question. Where do you live?—Answer. Within two miles of Robbins.

Q. How long have you lived there?—A. Two years the 13th of this month.

Q. Are you a native of South Carolina?—A. Yes, sir; I was born and raised in Barnwell County.

Q. Were you present at Robbins precinct when the election commenced?—A. Yes, sir.

Q. Did you remain through the forenoon?—A. Yes, sir; I staid there for some time after 12 o'clock; I don't know exactly the minute.

Q. Where did you go then?—A. I went to William Wood's to dinner.

Q. Who was William Wood?—A. He is the supervisor of that place.

Q. Did you go with any one?—A. I went with his brother.

Q. How far is the place from the station?—A. It is between a half and three-quarters of a mile.

Q. When you were going there did you have occasion, for any purpose, to go out of your way at all?—A. No, sir; I went right straight to the house.

Q. Did you go aside to get any water or anything of that sort?—A. Not after I started. Just before I started, Wood came to me and said, "Come down and have some dinner." I told him to hold on a minute and let me go to the well and get some water.

- Q. Where was the well?—A. It was something over one hundred yards from the depot.
- Q. In which direction?—A. South.
- Q. When you were down at that well, did you see anything?—A. I saw some negroes in the woods, sir.
- Q. Where were those negroes that you saw?—A. They were a little southwest from the depot.
- Q. In or out of the woods?—A. They were in the edge of the woods.
- Q. What was between the negroes and station, if anything?—A. Some underbrush and briars.
- Q. How many negroes were there?—A. I could not exactly tell; I didn't pay a great deal of attention to them. There was five or six, or perhaps more; there was that many any way.
- Q. Were they armed?—A. Yes, sir; they had guns. That drew my attention. We all had orders not to have any arms there that day, and I saw them with the guns, which caused me to notice them.
- Q. Did you then go to your dining-place?—A. I then came back to the depot and met this young Mr. Wood, and we started on down to dinner.
- Q. Did you communicate this fact to him?—A. I told him about it. I told him they had orders not to have any arms there that day, and that I saw some negroes in the edge of the woods with guns.
- Q. Did you get to his house before you heard firing?—A. Yes, sir; just cleverly got to the house when we heard it.
- Q. Did you go back again?—A. Yes, sir; we told one of the negroes on the place, named Dexter, to hitch a horse in a little wagon, and we drove back as quick as we could.
- Q. When you got there had the firing stopped?—A. It stopped before we got started.
- Q. Could you tell about how many guns were fired?—A. I think there were between sixteen and seventeen, as near as I could guess. I didn't count them. There may have been more; there was that many any way.
- Q. When you got back to the station whom did you find there?—A. I found very few there. Captain Woods was there, and J. E. Cochrane and Barney Cochrane, and another young man that lives not far from there; I can't recall his name, though I know it as well as I do my own.
- Q. He was a white man?—A. Yes, sir.
- Q. Did you see any negroes there?—A. There were two or three negroes.
- Q. Did you know them?—A. No, sir; I know the name of one.
- Q. How long did you remain there?—A. I staid until sundown that night. We didn't know but there might be some more trouble, and there were some men expected to be ambushed on the road, and we didn't know—

By Mr. LAWRENCE:

- Q. Did you know any of those six negroes that you saw in the woods?—A. No, sir; was a good way from them.
- Q. How far were they from the depot?—A. About three hundred yards, as near as I can guess at it.
- Q. What were they doing?—A. They were just standing there; they looked as if they were talking to one another. I paid but little attention to them.
- Q. How do you know they were armed?—A. I saw the guns. That is what drew my attention, and I knew they had orders not to have any arms that day.
- Q. Where were the guns?—A. They had them in their hands; some had them on their shoulders and some were holding them in their hands.
- Q. You say you had orders not to have any arms there?—A. That was the order.
- Q. Who gave that order?—A. I don't know, sir. I was told that by several persons. Almost every person that I spoke to said that. I asked them if they were going to be armed, and they said, "No; nobody was to have arms."
- Q. Did you have arms yourself?—A. O, no, sir.
- Q. Why did you inquire if they were to be armed?—A. I heard the supervisor of our club company say that he didn't want any arms brought there by any person.
- Q. What is your club-company?—A. The "Four-mile Club."
- Q. A democratic club?—A. Yes, sir.
- Q. How many members does it consist of?—A. Something over one hundred; I don't know the exact number.
- Q. The members have arms?—A. Some of them have double-barreled guns, and some have pistols.
- Q. They are all armed, are they?—A. I don't know about that.
- Q. How frequently do they meet?—A. Sometimes they meet every Saturday and sometimes every other Saturday.
- Q. When was it organized?—A. I think it was in August.
- Q. Are there other similar clubs in the neighborhood?—A. O, yes; there are clubs all over.
- Q. Democratic clubs?—A. There are both democratic and radical clubs.

Q. Do you know of any radical clubs being armed?—A. They were all the ones that were armed, so I have been told.

Q. Haven't you just stated that your Four-Mile Club was armed?—A. I said they had double-barreled guns and some of them pistols. I don't know that they all had that or not.

Q. You never were in a republican club, were you?—A. I have been to two republican speeches; that is all.

Q. Republican speeches?—A. Well, the club meeting.

Q. That is the only republican club there is, where there is—that club where there are speeches, so far as you know?—A. So far as I know.

Q. You never attended any other republican clubs or meetings except where they had speeches?—A. No, sir; I only went to two.

Q. You never heard of any others?—A. I heard a good deal about them, but I never paid any attention to them.

Q. Did your Four-Mile Club, the members of it, travel on horseback?—A. Some of them did. I did often, and a good many others.

Q. When they attended the meetings, did they come armed?—A. O, no, sir. They left their arms at home. Sometimes some of them would carry their guns hunting; sometimes there would not be a gun at the meeting, that I saw.

Q. What time did your club meet?—A. It generally met at eleven o'clock, Saturday.

Q. In the day-time?—A. Yes, sir.

Q. Not at night?—A. O, no.

Q. How long would your meetings be?—A. We would generally break up at two o'clock.

Q. Did you have any colored men belonging to it?—A. Yes, sir.

Q. But few colored men, I suppose?—A. There were not a great many. I don't remember how many.

Q. How far did you live from Robbins?—A. Two miles.

Q. Where did you vote on the day of the election?—A. At Robbins.

Q. Before the firing?—A. Yes, sir; I voted before I started to my dinner.

Q. Did you come down to where they were voting after the firing at the school-house?—A. It was not at the school-house; it was at the depot.

Q. The election was held at the depot before the firing?—A. Yes, sir.

Q. But did you go down to the school-house after they opened a poll there and commenced voting?—A. No, sir; I did not.

Q. Where did you remain during the day?—A. I remained at Robbins after I came back.

Q. Whom did you see there after you came back?—A. J. E. Cochrane, Barney Cochrane, and this white man that I can't tell his name, and Captain Bill Wood.

Q. What were they doing?—A. They were not doing anything of—

Q. How long did you remain there?—A. I staid there until sundown.

Q. Doing nothing at all?—A. Yes, sir.

By Mr. ABBOTT:

Q. Did you hear of any poll being opened at the school-house that afternoon?—A. I didn't hear it that day; I have heard of it since.

By Mr. LAWRENCE:

Q. Are you certain about the time you left the depot to go to your dinner?—A. I told you just now that I was not certain of the minute. It was after twelve o'clock, but I am not certain of the minute. I didn't have the time.

Q. You did not look at any time-piece?—A. No, sir; I have no watch.

COLUMBIA, S. C., December 21, 1876.

Mr. LAWRENCE offered in evidence the following certified copy of the county canvassers' return for Aiken County:

State of South Carolina, board of commissioners of election, Aiken County.—Statement and return of votes for presidential electors.

We, the board of commissioners of election for the \_\_\_\_\_, of the county of Aiken, State of South Carolina, make the following statement and return of the votes given for presidential electors voted for in the said county on the 7th day of November, A. D. 1876:

Whole number of votes cast by white persons.....

Whole number of votes cast by colored persons.....

Total number of votes cast..... 5, 122

The whole number of votes given for presidential electors was 5,132.

Of which Christopher C. Bowen received.....	2,218
John Winsmith received.....	2,218
Thomas B. Johnston received.....	2,218
Timothy Hurley received.....	2,218
William B. Nash received.....	2,217
Wilson Cook received.....	2,217
William F. Myers received.....	2,218
Theo. G. Barker received.....	2,901
Samuel McGowan received.....	2,904
John W. Harrington received.....	2,903
John Isaac Ingram received.....	2,903
William Wallace received.....	2,903
John B. Erwin received.....	2,903
Robert Aldrich received.....	2,904

Total number of votes cast.....

We do certify that the foregoing statement is correct in all respects.

In witness whereof we have hereunto subscribed our names this 13th day of November, in the year 1876.

S. B. SPENCER,  
CHR. EDMONDSTON,

County Board of Canvassers for the County of Aiken.

OFFICE SECRETARY OF STATE, SOUTH CAROLINA:

I certify that the foregoing is a true copy of the original on file in my office. Given under my hand and the seal of the State this 21st December, 1876.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

NATHAN R. WILLIAMS sworn and examined.

By Mr. ABBOTT:

Question. Where do you reside?—Answer. In Aiken County.

Q. How long have you resided there?—A. Eight years.

Q. In what business are you engaged?—A. For the first two years I was clerk to the county commissioners there. For the last four years I have been in the legislature as a committee clerk.

Q. What office did you hold at the recent presidential election?—A. I was clerk to the commissioners of election in Aiken County.

Q. When did the commissioners meet to count the votes of the county?—A. They met on Friday after the election; but as there was no returns before them, and as there was some difference of opinion in regard to the day of counting the ballots, they adjourned until the following Tuesday, one week after the election.

Q. State whether any returns had come in from precincts before the Friday on which they met to count the vote.—A. Yes, sir. Returns were all in on Wednesday, the 8th of November.

Q. Who took possession of them?—A. Mr. Charles Edmonston, clerk of the court and of the commissioners of election.

Q. Did he produce them at the Friday meeting?—A. No, sir.

Q. To what time did the canvassers adjourn at their first Friday meeting?—A. Until the following Tuesday.

Q. At what time did they in fact meet?—A. On Monday morning, at six o'clock.

Q. Who met?—A. Mr. Charles Edmonston and Mr. Samuel B. Spencer.

Q. Were they democrats or republicans?—A. One democrat and one republican.

Q. Who else was present?—A. George Croft, Mr. Jordan, Mr. W. Williams, (democratic candidate for probate judge,) Mr. Oakley, Mr. Hudson, and J. St. Julian Yates.

Q. What were their politics?—A. With the exception of Mr. Spencer, they were democrats.

Q. You were there?—A. I came in afterward; about half past six in the morning.

Q. Where was this meeting?—A. In the clerk of the court's office, at Aiken Court-House.

Q. What was done there?—A. When I arrived they had the returns, or papers purporting to be the returns, on the table, and Croft was calling off, and these other gentlemen keeping the tally—Williams, Yates, Hudson, and Aldrich.

Q. Was Fountain Academy precinct there?—A. No, sir; that came in a few minutes after I did.

Q. Who brought it in?—A. Mr. W. F. Carson.

Q. How were the votes canvassed for presidential electors?—A. The votes were called off from the managers' returns, with the exception of Windsor.

Q. Who called them off?—A. Mr. Croft called off from the managers' returns. The returns for Windsor were not filled out as regards the number of votes cast, and Mr. Croft called off from a piece of paper that he said was a supervisor's return, giving 360 votes to the Tilden electors all the way through, and none to the Hayes electors.

Q. For what precinct was that?—A. Windsor.

Q. For that precinct no republican votes were put down for any of the republican electors?—A. No, sir; the returns were not filled out from that at all. There were at Windsor 360 for Tilden and none for Hayes.

Q. State if that was carried into the county canvass.—A. It was. It was put down on Edmonston's tally and forwarded in the returns that were forwarded to the secretary of State in the county canvassers' return.

Q. What was done about Silverton?—A. There was no return at all called from Silverton.

Q. Was any vote for either the republican or democratic electors included in the county canvassers' return for Silverton precinct?—A. No, sir.

Q. Who signed the county return?—A. Mr. Edmonston and Mr. Spencer.

Q. What part did Spencer take in the canvass?—A. No part at all, sir.

Q. Do you know about the reasons why he signed it?—A. Yes, sir; I know what he told me.

Q. What was said there at the time?—A. He said nothing in the presence of the board. I only know what he told me.

Where is Mr. Spencer now?—A. He lives at Hamburg, in that State.

Q. Where did Croft get the paper from which he gave the county canvassers—the democratic votes from Windsor?—A. He got it out of the Windsor box.

Q. From what sort of a paper?—A. It was a small piece of paper, five or six inches long. I didn't examine it. I saw it when he held it up. It was larger than a ballot.

Q. Did Croft say anything about any republican votes in the precinct?—A. No, sir; nothing at all as regards the electors. The State and county officers were filled out.

Q. Was there any meeting of the county commissioners on the Tuesday to which they had previously adjourned?—A. No, sir.

Q. You say you were clerk for the county canvassers?—A. Yes, sir; clerk for the board of commissioners of election, which was the same. I was secretary of the county canvassers.

Q. Did they permit you to take any part in the canvass of the county?—A. None at all, sir; I had nothing to do with it.

Q. State whether you signed the county canvassers' return.—A. No, sir; I did not.

Q. Why not?—A. Because I didn't know what it contained. I had nothing to do with it, and I didn't see any of the figures put down, and didn't know what I was signing; so I refused to sign.

Q. Who kept the tally?—A. Mr. Edmonston made out the canvassers' return and Mr. Croft called off; Mr. Jordan and Aldrich, and Jordan and Williams, and Yates kept the tallies.

Q. What is Spencer's first name?—A. Samuel B. Spencer.

Q. Do you know what the vote of Silverton precinct was?—A. No, sir; I don't know what it was.

Q. Do you know what the vote of Windsor was?—A. No, sir; I could not tell. I didn't see any of the returns.

By Mr. ABBOTT:

Q. You were clerk of the board, you say, and took no part in the canvass?—A. No, sir.

Q. You examined no figures, no returns?—A. No, sir.

Q. Did you take any memorandum or any minutes?—A. No, sir; nothing at all. I impressed on my mind.

Q. I am asking if you took memorandum or minutes?—A. No, sir.

Q. Then there is no memorandum or minutes from which you can give us any of those figures whatever?—A. No, sir; not while they were canvassing the votes. I can, previous to that.

Q. You heard the declaration made from every precinct, did you not?—A. No, sir.

Q. Were you not there?—A. I was sitting there, but I didn't pay any attention.

Q. You were in the same situation when the others were called out that you were in when Windsor was called out?—A. Yes, sir; but I paid more attention to Windsor, because they said there was no return from there.

Q. But you were in the same situation?—A. Yes, sir.

Q. And there is no other vote for presidential electors in the county that you can give us?—A. I might.

Q. I don't want what you might; can you?—A. No, sir.

Q. You took no memorandum of the Windsor vote?—A. No, sir.

Q. Silverton; do you recollect anything about that?—A. I didn't hear Silverton called at all.

Q. Do you recollect any other precinct that was absent?—A. Fountain Academy.

Q. No other one?—A. No, sir.



- Q. Was Fountain Academy called?—A. Yes, sir; it was called, but it was absent at the first call.
- Q. It was there before they finished?—A. Yes, sir; before they had up the total it was added in.
- Q. Were there any returns from Windsor for the other officers?—A. Yes, sir.
- Q. Can you give us the returns for governor?—A. No, sir, I cannot, because I paid no attention to it.
- Q. There is no single vote at any other precinct that you can give except the vote for presidential electors?—A. No, sir; because the peculiarity of it impressed it on my mind more than anything else.
- Q. That is the only one you can give, at any rate?—A. Yes, sir.
- Q. You were there on Monday morning yourself, at half past six?—A. Yes, sir.
- Q. There was some understanding that you were to be there, and that the rest should be there?—A. No, sir; I had never been notified to be there until Monday morning at half past six.
- Q. Why were you there?—A. Well I understood they were going to count the votes. If I could state the situation I could tell.
- Q. Well, it was from some understanding?—A. Not from the commissioners of election; it was from outside parties.
- Q. By whom were you appointed clerk?—A. By the majority of the board.
- Q. At their first meeting?—A. Yes, sir.
- Q. You were not one of the commissioners?—A. No, sir; only the secretary.
- Q. And you heard, not from the commissioners, but from outside parties, that the votes were to be counted?—A. Yes, sir.
- Q. And you went there at half past six in the morning, and the commissioners came soon after, and the votes were counted?—A. They were there when I came there.
- Q. Edmunston is clerk of the court, is he not?—Yes, sir; I don't know whether he is now.
- Q. He was clerk of the court when you last heard of him?—A. Yes, sir; but I think his successor qualified.

COLUMBIA, S. C., December 21, 1876.

Mr. Lawrence put in evidence the following papers:

*Return of the election held at Silvertown precinct, Aiken County, November 7, 1876.*

The whole number of votes given for electors was four hundred and fourteen:

Of which Theo. G. Barker, at large, received.....	One hundred and eighty-two.
Samuel McGowan, at large, received.....	One hundred and eighty-two.
Jno. W. Harrington, first district, received.....	One hundred and eighty-two.
John Isaac Ingram, second district, received.....	One hundred and eighty-two.
William Wallace, third district, received.....	One hundred and eighty-two.
John B. Erwin, fourth district, received.....	One hundred and eighty-two.
Robert Aldrich, fifth district, received.....	One hundred and eighty-two.
Christopher C. Bowen, at large, received.....	Two hundred and thirty-two.
John Winsmith, at large, received.....	Two hundred and thirty-two.
Thomas B. Johnston, first district, received.....	Two hundred and thirty-two.
Timothy Hurley, second district, received.....	Two hundred and thirty-two.
William B. Nash, third district, received.....	Two hundred and thirty-two.
Wilson Cook, fourth district, received.....	Two hundred and thirty-two.
William B. Myers, fifth district, received.....	Two hundred and thirty-two.

The whole number of votes given for member of Congress was four hundred and fourteen:

Of which G. D. Tillman received .....	One hundred and eighty-two.
Robert Smalls received.....	Two hundred and thirty-two.

We, the undersigned, supervisors, certify that the above is a correct return of the votes cast at the election held at Silvertown precinct, Aiken County, on the seventh day of November, 1876.

A. T. WALKER,  
Supervisor.

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
Columbia, December 14, 1876.

I hereby certify that the foregoing is a true copy of the election-return of Silvertown precinct, Aiken County, and that A. T. Walker, whose signature is affixed thereto, was the democratic supervisor duly appointed for said precinct, and that no return has been made to this office by the republican supervisor appointed for that precinct.

SAMUEL I. POINIER,  
Chief Supervisor of Elections, District of South Carolina.

*Return of the election held at Griffin's precinct, Orangeburgh County, November 7, 1876.*

The whole number of votes given for electors was 367 :

Of which Theo. G. Barker received.....	134
Samuel McGowan received.....	134
J. W. Harrington received.....	134
J. J. Ingraham received.....	134
William Wallace received.....	134
John B. Irwin received.....	134
Robert Aldrich received.....	134
C. C. Bowen received.....	233
John Winsmith received.....	233
T. B. Johnson received.....	233
T. Hurly received.....	233
W. B. Nash received.....	233
Wilson Cook received.....	233
W. F. Myers received.....	233

The whole number of votes given for member of Congress was 367 :

Of which unexpired term of 44th Congress, M. P. O'Connor received.....	134
unexpired term of 44th Congress, C. W. Buttz received.....	233
for 45th Congress, M. P. O'Connor received.....	134
for 45th Congress, R. H. Cain received.....	233

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Griffin's precinct, of Orangeburgh County, on the 7th day of November, 1876.

F. W. DANTZLER,  
Supervisor.

OFFICE OF CHIEF SUPERVISOR.

I certify that the above is a correct return of the vote cast at Griffin's precinct, Orangeburgh County, as filed in my office, and that F. W. Dantzler was the democratic supervisor regularly appointed for that precinct.

SAMUEL I. POINIER,

*Chief Supervisor of Elections, District of South Carolina.*

COLUMBIA, SOUTH CAROLINA, December 21, 1876.

E. A. WEBSTER sworn and examined.

By Mr. ABBOTT :

Question. Where do you reside?—Answer. In Orangeburgh County, in this State.

Q. What is your age?—A. Twenty-seven years.

Q. What office did you hold at the last presidential election?—A. I was a commissioner of election for Orangeburgh County; elected by the board chairman of the board.

Q. On what day did you meet to receive the returns?—A. On the Wednesday following Tuesday the day of the election.

Q. What did you do on that day?—A. We received the boxes and returns from the managers of the various precincts, and gave receipts for the same. On the next day, the boxes being all in, we organized as a board of county canvassers, and began to canvass the votes.

Q. Had you received the return for Griffin's precinct?—A. We had received the ballot-boxes and all returns, as we supposed, but on examining them we found that the return for presidential electors was wanting. The blank was there, but had not been filled out.

Q. What did you do as to the presidential electors?—A. We then proceeded to aggregate the statements, the returns from the different precinct managers. I read the returns from the managers, and Mr. Fows, the democratic commissioner, took the figures; also the clerk took the figures at the same time. After going through one precinct we verified, and then came to another. When we came to Zeigler's precinct, the return of the managers gave the vote as cast for Tilden and for Hayes, 123 for Hayes and Wheeler and 90 for Tilden and Hendricks. The board, without any disagreement at all, concurred that this should be counted for the presidential electors without examining the ballots; and we accordingly return them in our aggregate as so many votes for the Tilden electors, and so many votes for the Hayes electors.

Q. Zeigler's was included in the county canvassers' return for the republican and the democratic electors?—A. Yes, sir.

Q. In that box how were the tickets in fact? Were they for the electors?—A. I could not state, because we did not examine the ballots at all. The box has not been opened.

Q. Was one uniform printed ballot used all through the county?—A. Yes, sir.

Q. Both for the republican and democratic electors?—A. Yes, sir.

Q. And there were no tickets for "Hayes and Wheeler" and "Tilden and Hendricks?"—  
A. No, sir; they were on the regular ticket with the electors.

Q. Proceed with your statement.—A. In reference to Griffin's precinct, from which there was no return, the question arose with the board of canvassers whether they could make a return for it. We agreed to telegraph the attorney-general of the State, to ascertain if the law would allow us to open the box and recount the ballots, stating that at this precinct the managers had failed to make a return for presidential electors; I telegraphed to him as chairman of the board. He answered that we were authorized by law under such circumstances to open the box and examine the ballots. We then opened the ballot-box from Griffin's poll and counted the ballots, and found the following to be the result in that box: Bowen, 232; Winsmith, 232; Hurley, 232; Johnson, 232; Nash, 232.

Q. How many for the democratic electors?—A. One hundred and thirty-five each.

Q. That is the result from the counting of the ballots?—A. Yes, sir. Then we included that in the return of the county canvassers to the secretary of state.

Q. What was the total aggregate for Bowen in the county?—A. Four thousand four hundred and eighty-six, and for Barker two thousand eight hundred and thirty-five.

Q. And the other electors on each side the same?—A. There were three republican electors that received one less each; Johnson, Nash, and Myers received 4,485 each.

COLUMBIA, S. C., December 21, 1876.

EUGENE W. FERRIS sworn and examined.

By Mr. LAWRENCE:

Q. Where do you reside?—A. At Kingstree, Williamsburgh.

Q. What office did you hold at the last presidential election?—A. Commissioner of election for that county.

Q. When did you meet to count the votes?—A. On the third day after the election, Friday.

Q. Had you a managers' return before you from Sutton's precinct?—A. We had.

Q. Was it included in the county canvassers' return?—A. Yes, sir.

Q. What was the vote for the republican electors?—A. There was no vote for republican electors. The managers sent a return, "Republican, for President," so many; "Democratic," so many; I could not give you the figures on the poll.

Q. We have the figures here as 142 republican and 80 democratic; is that right?—A. That is my belief; I could not swear positively to it.

Q. State whether there were any tickets used in Williamsburgh County except the regular printed ticket for both democratic and republican electors?—A. Not to my recollection.

Q. The regular printed republican ticket and the regular printed democratic ticket were used by the voters at Sutton's precinct?—A. Yes, sir; none other used that I am aware of.

Q. State what occurred in the board of canvassers as to that precinct?—A. At the time Sutton's precinct was being canvassed, I think the return of the board of managers was read by Mr. McCutchin, the democratic commissioner of election. After we counted the vote for the governor and county officers, then it was read on the managers' returns, "Republican, for President," so many, and "Democratic," so many; and the question came up whether it should be counted as if the electors had been voted for by name. The democratic commissioner of election found no fault, and the republicans found no fault, the democratic chairman of the county found no fault, nobody about there found any fault, and it was agreed by everybody that they should be included as if they had voted for electors.

Q. It was agreed on all hands that the voters at Sutton's precinct had voted for the regular electors on the republican and democratic tickets?—A. Yes, sir.

Q. And so the vote was included in the canvass?—A. Yes, sir.

By Mr. ABBOTT:

Q. I suppose they were on the same ticket with the rest of the State ticket?—A. Yes, sir.

Mr. Lawrence puts in evidence the returns from Sutton's precinct, as follows:

*Return of the election held at Sutton's precinct, Williamsburgh, County, November 7, 1876.*

The whole number of votes given for electors was	222 :	
Of which T. G. Barker received	.....	80
Saml. McGown received	.....	80
J. W. Harrington, first district, received	.....	80
Jno. Isaac Ingram, second district, received	.....	80
William Wallace, third district, received	.....	80
Jno. B. Erwin, fourth district, received	.....	80
Robt. T. Aldrich, fifth district, received	.....	86

Of which C. C. Bowen, received.....	142
Jno. Winsmith, received.....	142
T. B. Johnson, first district, received.....	142
T. Hurley, second district, received.....	142
W. B. Nash, third district, received.....	142
William Cook, fourth district, received.....	142
W. F. Myers, fifth district, received.....	142

The whole number of votes given for member of Congress was:

Of which J. S. Richardsou received.....	86
J. H. Rainey.....	142

We, the undersigned, supervisors, certify that the above is a correct return of the votes cast at the election held at Sutton's precinct, of Williamsburg County, on the seventh day of November, 1876.

W. R. COOPER,  
MOSES MCBRIDE,  
*Supervisors.*

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
*Columbia, December 18, 1876.*

I certify that the foregoing is a true copy of the election-return of Sutton's precinct, Williamsburg County; that W. R. Cooper and Moses McBride, whose names are affixed thereto, were the democratic and republican supervisors duly appointed for said precinct.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

COLUMBIA, S. C., *December 21, 1876.*

T. H. BLOCKER recalled and further examined.

By Mr. LAWRENCE :

Question. Where do you live ?—Answer. At Blackville.

Q. You were supervisor of that precinct ?—A. Yes, sir.

Q. What time did you go to the polls ?—A. I went there about a quarter to six.

Q. What did you see when you got there ?—A. When I arrived voting was going on, and I saw white men took every colored man that started to vote at the poll by the arm, and forcibly brought him to the box where I was.

Mr. ABBOTT. That is outside of this branch of the inquiry.

Mr. LAWRENCE. Yes, I think it is.

Q. You were at Millett's precinct on the day of election ?—A. Yes, sir.

Q. What do you know, if anything, of colored republican voters leaving Millett's precinct polling-place to go to any other place to vote ?—A. I saw the leader apparently of about a dozen or more men, and heard him say to these men, "Come, let's go to Robbins; I can't vote here."

Q. How many men did you see start in the direction of Robbins ?—A. I saw about two dozen start in that direction.

Q. Do you know of your own knowledge of others going ?—A. Yes, sir.

Q. On the day of the election ?—A. Yes, sir; some came to me and they took my advice; men who were around the box came to me and asked my advice. I told them I was there as supervisor, and I could give no advice. He told me, the man that was speaking to me, "We are going to Robbins." He appeared to be the leader of about thirty men.

Q. He was a colored man ?—A. Yes, sir; all republican voters.

Q. State the reason colored men went there; was it because of any obstruction or difficulty thrown in the way of their voting by white men ?—A. Yes, sir. If any of these men would start toward the box, a dozen or more white men would run right up to him and carry him to the box and say, "What ticket are you going to vote ?" and he would say the republican ticket—

Mr. ABBOTT. That is going beyond the present stage of the investigation.

By Mr. ABBOTT :

Q. There was a squad of soldiers stationed at that box ?—A. Yes, sir.

Q. Under the command of a lieutenant ?—A. Yes, sir.

Q. And they were known to be there by everybody ?—A. Yes, sir.

By Mr. LAWRENCE :

Q. Was there a United States marshal at that box ?—A. No, sir; there was no marshal there. I went to the lieutenant and asked him if he would keep the peace, and he told me I was unable to act unless the marshal came to him and said that he was powerless to act

By Mr. ABBOTT :

Q. How do you know there was no marshal there?—A. Because I asked permission to leave.

Q. How many United States troops were there?—A. Only nine and the lieutenant.

Mr. Lawrence put in evidence the following papers :

*Return of the election held at Ninety-six precinct, Abbeville County, November 7, 1876.*

The whole number of votes given for electors was 360 :

Of which C. C. Bowen received.....	355	Of which S. McGowan received.....	5
John Winsmith received.....	355	Thomas G. Barker received...	5
Thomas B. Johnson received.	355	John W. Harrington received..	5
Timothy Hurley received....	355	John Isaac Ingram received..	5
W. B. Nash received.....	355	William Wallace received....	5
Wilson Cook received.....	355	John B. Erwin received.....	5
W. F. Myers received.....	355	Robert Aldrich received.....	5

Whole number of votes given for member of Congress was 360 :

Of which L. C. Carpenter received .....	352
D. Wyatt Aiken received .....	8

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Ninety-six precinct, of Abbeville County, on the seventh day of November, 1876.

P. T. RICHARDSON,  
*Supervisor.*

OFFICE OF THE CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
*Columbia, December 19, 1876.*

I hereby certify that the foregoing is a true copy of the election-return of Ninety-six precinct, Abbeville County; that P. T. Richardson, whose name is affixed thereto, was the republican supervisor, duly appointed, for said precinct.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

*Return of the election held at Blackville precinct, Barnwell County, November 7, 1876.*

The whole number of votes given for electors was 1,164 :

Of which Theo. G. Barker received.....	467	Of which Christopher C. Bowen received	695
Samuel McGowan received ..	467	John Winsmith received.....	695
John W. Harrington received	466	Thomas B. Johnson received.	695
John Isaac Ingram received..	466	Timothy Hurley received....	695
William Wallace received....	466	William B. Nash received.....	696
John B. Erwin received.....	466	Wilson Cook received.....	697
Robert Aldrich received.....	464	William F. Myers.....	696

The whole number of votes given for member of Congress was 1,164 :

Of which G. D. Tillman received.....	467
Robert Smalls received.....	691

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Blackville precinct, of Barnwell County, on the seventh day of November, 1876.

JOHN R. BELLINGER,  
J. H. JOHNSON,  
*Supervisors.*

OFFICE OF THE CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
*Columbia, December 19, 1876.*

I hereby certify that the foregoing is a true copy of the election-return of Blackville precinct, Barnwell County; that John R. Bellinger and J. H. Johnson, whose names are affixed thereto, were the democratic and republican supervisors, duly appointed, for said precinct.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

RECENT ELECTION IN SOUTH CAROLINA.

Return of the election held at Calhoun's Mills precinct, Abbeville County, November 7, 1876.

The whole number of votes given for electors was 714.

Of which C. C. Bowen received.....	467	Of which Samuel McGowan .....	247
John Winsmith received.....	467	Thomas G. Barker.....	247
Thomas B. Johnson received..	467	William Wallace.....	247
Timothy Hurley received.....	467	John W. Harrington received.	247
W. B. Nash received.....	467	John I. Ingram received.....	247
Wilson Cook received.....	467	John B. Erwin received .....	247
W. F. Myers received.....	467	Robert Aldrich received .....	247

The whole number of votes given for member of Congress was 708.

Of which L. Cass Carpenter received .....	467
D. Wyatt Aiken.....	241

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Calhoun's Mills precinct, of Abbeville County, on the 7th day of November, 1876.

WILLIAM WILSON,  
WM. H. TAGGART,  
*Supervisors.*

OFFICE OF THE CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
Columbia, December 19, 1876.

I hereby certify that the foregoing is a true copy of the election return of Calhoun's Mills precinct, Abbeville County; that William Wilson and William H. Taggart, whose names are affixed hereto, were the democratic and republican supervisors, duly appointed for said precinct.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

Return of the election held at Robbins precinct, Barnwell County, November 7, 1876.

The whole number of votes given for electors was 1,317.

Of which Christopher C. Bowen received	1,317	Of which Theodore G. Barker received	0
John Winsmith received....	1,317	Samuel McGowan received...	0
Thomas B. Johnston received	1,317	J. W. Harrington received...	0
Timothy Hurley received..	1,317	John Isaac Ingram received..	0
William B. Nash received..	1,317	William Wallace received....	0
Wilson Cook received.....	1,317	John B. Erwin received .....	0
William F. Myers received..	1,317	Robert Aldrich received .....	0

The whole number of votes given for member of Congress was 1,317.

Of which Robert Smalls received .....	1,317
G. D. Tillman received .....	0

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Robbins precinct, of Barnwell County, on the 7th day of November, 1876.

B. K. MOTTE,  
*Supervisor.*

OFFICE OF THE CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
Columbia, December 19, 1876.

I hereby certify that the foregoing is a true copy of the election return of Robbins precinct, Barnwell County; that B. K. Motte, whose signature is affixed hereto, was the republican supervisor, duly appointed for said precinct; that the democratic supervisor appointed for said precinct has made no return of said election.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

*Return of the election held at Gray's Hill precinct, Beaufort County, November 7, 1876.*

The whole number of votes given for electors was 481.

Of which C. C. Bowen received .....	472	Of which T. G. Barker received .....	9
J. Winsmith received .....	472	S. McGowan received .....	9
T. B. Johnson received .....	472	Jno. W. Harrington received .....	9
T. Hurley received .....	472	Jno. Isaac Ingram received .....	9
W. B. Nash received .....	472	Wm. Wallace received .....	9
Wilson Cook received .....	472	Jno. B. Irwin .....	9
W. F. Myers received .....	472	Robt. Aldrich .....	9

The whole number of votes given for member of Congress was 481.

Of which Robert Smalls received .....	472
G. D. Tillman received .....	9

I, the undersigned supervisor, certify that the above is a correct return of the votes cast at the election held at Gray's Hill precinct, Beaufort County, on the 7th day of November, 1876, I being the only supervisor present during said election.

JOHN F. PORTEOUS,  
*Supervisor.*

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
*Columbia, December 19, 1876.*

I hereby certify that the foregoing is a true copy of the election return of Gray's Hill precinct, Beaufort County; and Jno. F. Porteous, whose name is affixed thereto, was the democratic supervisor duly appointed for said precinct; that the republican supervisor duly appointed for said precinct has made no return of said election.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

*Return of the election held at Millett precinct, Barnwell County, November 7, 1876.*

The whole number of votes given for electors was 448.

Of which T. G. Barker received .....	299	Of which C. C. Bowen received .....	149
S. McGowan received .....	299	John Winsmith received .....	149
J. I. Ingram received .....	299	T. B. Johnson received .....	149
Wm. Wallace received .....	299	Tim Hurley received .....	149
J. B. Irwin received .....	299	W. B. Nash received .....	149
Robt. Aldrich received .....	299	Wilson Cook received .....	149
J. W. Harrington received .....	299	W. F. Myers received .....	149

The whole number of votes given for member of Congress was 451.

Of which G. D. Tillman received .....	308
Robt. Smalls received .....	143

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Millett precinct, of Barnwell County, on the 7th day of November, 1876.

L. W. DUNN,  
*Supervisor.*

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

Personally appeared before me, a notary public for the State of South Carolina, L. W. Dunn, one of the United States supervisors for the precinct of Millett, in said county and State, who, on oath, says that S. J. Blocker, the other United States supervisor at said precinct, left the polling-precinct about 3 o'clock p. m. on the day of election, held 7th November, 1876, before the closing of the polls, and this deponent has not been able to find him since, and is, therefore, compelled to return the within statement to the chief supervisor without the signature of the said S. J. Blocker.

L. W. DUNN.

Sworn to before me this 11th day of November, 1876.  
[SEAL.]

H. M. THOMPSON,  
*Notary Public.*

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
*Columbia, December 19, 1876.*

I hereby certify that the foregoing is a true copy of election return of Millett precinct, Barnwell County, and that L. W. Dunn, whose signature is affixed thereto, was the democratic supervisor duly appointed for said precinct.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

BLACKVILLE, S. C., November 15, 1876.

SIR: Herewith inclosed find my report of intimidation. I endeavored to act in accordance with the instructions sent me. I discharged my duties faithfully as long as I was allowed to do so, which was up to 3 o'clock p. m., 7th instant. Then, to save my life, I were compelled to abandon my post, in consequence of which fact I am unable to make any report of the number of votes polled for electors and Congressman. Not only my life was threatened, but that of most every man that professed republicanism. There were men at my precinct that came from Georgia—thirty-three in number—which was the leading men in intimidating the colored voters, and notwithstanding I tried hard, I could not find out the name of but one of the number mentioned above, which you will find in my report.

Your obedient servant,

S. H. BLOCKER

Mr. SAMUEL T. POINIER,  
Chief Supervisor, Charleston, S. C.

OFFICE OF THE CHIEF SUPERVISOR OF ELECTIONS,  
DISTRICT OF SOUTH CAROLINA,  
Columbia, December 19, 1876.

This is to certify that the foregoing is a true copy of the election return of Millett's precinct, made to me by S. H. Blocker—whose signature is attached thereto—the republican supervisor duly appointed for said precinct.

SAMUEL T. POINIER,  
Chief Supervisor of Elections, District of South Carolina.

Return of the election held at Brick-Church precinct, Beaufort County, November 7, 1876.

The whole number of votes given for electors was 735.

Of which Christopher C. Bowen received	719	Of which Samuel McGowan received	16
Thomas R. Johnson received	719	John W. Harrington received	16
Timothy Hurley received	719	John Isaac Ingram received	16
William R. Nash received	719	William Wallace received	16
Wilson Cook received	719	I. B. Erwin received	16
William F. Myers received	719	Robert Aldrich received	16

The whole number of votes given for member of Congress was 733.

Of which Robert Small received	717
G. D. Tillman received	16

We, the undersigned supervisors, certify that the above is a correct return of the vote cast at the election held at Brick church precinct, of Beaufort County, on the 7th day of November, 1876.

WALTER G. ROBINSON,  
JOHN A. ALDIN,  
Supervisors.

OFFICE OF THE CHIEF SUPERVISOR OF ELECTIONS  
DISTRICT OF SOUTH CAROLINA,  
Columbia, December 19, 1876.

I hereby certify that the foregoing is a true copy of the election return of Brick-Church precinct, Beaufort County; that Walter G. Robinson and John A. Aldin, whose names are affixed thereto, were the republican and democratic supervisors duly appointed for that precinct.

SAMUEL T. POINIER,  
Chief Supervisor of Elections, District of South Carolina.

Return of the election held at Dutard's Creek precinct, Charleston County, November 7, 1876.

The whole number of votes given for electors was 86.

Of which Theo. G. Barker, at large, received	20
Sam'l McGowan, at large, received	20
Jno. W. Harrington, first district, received	20
William Wallace, third district, received	20
John Isaac Ingram, second district, received	20
John B. Erwin, fourth district, received	20
Robert Aldrich, fifth district, received	20
Christopher C. Bowen, at large, received	66
John Winsmith, at large, received	66
Thomas B. Johnston, first district, received	66
Timothy Hurley, second district, received	66



Of which William B. Nash, third district, received..... 66  
 Wilson Cook, fourth district, received..... 66  
 William F. Myers, fifth district, received..... 66

The whole number of votes for member of Congress was 86.

Of which Charles W. Buttz (unexpired term Forty-fourth Congress) received..... 66  
 Richard H. Cain (Forty-fifth Congress, second district) received..... 66  
 M. P. O'Conner (unexpired term Forty-fourth Congress) received..... 20  
 M. P. O'Conner (Forty-fifth Congress, second district) received..... 20

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Dutard's Creek precinct, of Charleston County, on 7th day of November, 1876.

D. RICHARDSON,  
*Supervisor.*

OFFICE OF THE CHIEF SUPERVISOR OF ELECTIONS,  
 DISTRICT OF SOUTH CAROLINA,  
 Columbia, December 19, 1876.

I hereby certify that the foregoing is a true copy of the election return of Dutard's Creek precinct, Charleston County; that D. Richardson, whose signature is affixed thereto, was the democratic supervisor duly appointed for said precinct; that the republican supervisor appointed for said precinct has made no return of said election.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

*Return of the election held at Darlington precinct No. 2, Darlington County, November 7, 1876.*

The whole number of votes given for electors was 480.

Of which Christopher C. Bowen received 448	Of which Theodore C. Barker received.	32
John Winsmith received.... 448	Samuel McGowan received..	32
Thomas B. Johnson received. 448	John W. Harrington received	32
Timothy Hurley received... 448	John Isaac Ingram received.	32
William B. Nash received... 448	William Wallace received...	32
Wilson Cook received..... 448	John B. Erwin received....	32
William F. Myers received.. 448	Robert Aldrich received.....	32

The whole number of votes given for member of Congress was 480.

Of which Joseph H. Rainey received..... 448  
 J. S. Richardson received..... 32

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at No. 2, Darlington precinct, of Darlington County, on the 7th day of November, 1876.

E. E. JACKSON,  
 JOHN H. EARLY,  
*Supervisors.*

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,  
 DISTRICT OF SOUTH CAROLINA,  
 Columbia, December 18, 1876.

I hereby certify that the foregoing is a true copy of the election return of Darlington Court-House, No. 2 precinct, Darlington County; that E. E. Jackson and John H. Early, whose names are affixed thereto, were the republican and democratic supervisors duly appointed for said precinct.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

*Return of the election held at Coleman precinct, Edgefield County, November 7, 1876.*

The whole number of votes given for electors was 367.

Of which Christopher Bowen received. 136	Of which Theo. G. Barker received....	231
John Winsmith received.... 136	Samuel McGowan received..	231
Thos. B. Johnson received.. 136	John W. Harrington received	231
T. Hurley received..... 136	Joh. I. Ingram received....	231
Wm. Nash received..... 136	Wm. Wallace received.....	231
Wilson Cook received..... 136	John B. Erwin received....	231
Wm. F. Myers received.... 136	Robt. Aldrich received.....	231

The whole number of votes given for member of Congress was 367.

Of which Robt. Smalls received..... 136  
 G. D. Tillman received..... 231

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Coleman precinct, of Edgefield County, on the 7th day of November, 1876.

ANDERSON FRANKLIN,  
*Supervisor.*

OFFICE OF THE CHIEF SUPERVISOR OF ELECTIONS,  
 DISTRICT OF SOUTH CAROLINA,  
 Columbia, December 19, 1876.

I hereby certify that the foregoing is a true copy of the election return of Coleman's precinct, Edgefield County; that Anderson Franklin, whose signature is affixed thereto, was the republican supervisor duly appointed for said precinct; that the democratic supervisor appointed for said precinct has made no return of said election.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

*Return of the election held at Acton precinct, Richland County, November 7, 1876.*

The whole number of votes given for electors was 489.

Of which Theo. G. Barker received.... 110	Of which C. C. Bowen received..... 379
Samuel McGowan received.. 110	Jno. Winsmith received..... 379
Jno. W. Harrington received 110	Thos. B. Johnson received.. 379
Wm. Wallace received..... 110	Timothy Hurley received... 379
Jno. B. Erwin received..... 110	Win. B. Nash received..... 379
Jno. Isaac Ingram received.. 110	Wilson Cook received..... 379
Robert Aldrich received..... 110	Wm. F. Myers received..... 379

The whole number of votes given for member of Congress was —.

Of which D. Wyatt Aiken received..... 109  
 L. C. Carpenter received..... 379

We, the undersigned supervisors, certify that the above is a correct return of the votes cast at the election held at Acton precinct, of Richland County, on the 7th day of November, 1876.

LOUIS G. SMITH,  
 ALLEN J. GREEN,  
*Supervisors.*

OFFICE OF CHIEF SUPERVISOR OF ELECTIONS,  
 DISTRICT OF SOUTH CAROLINA,  
 Columbia, December 19, 1876.

I hereby certify that the foregoing is a true copy of the election return of Acton precinct, Richland County; that Louis G. Smith and A. J. Green, whose names are affixed thereto, were the republican and democratic supervisors duly appointed for said precinct.

SAMUEL T. POINIER,  
*Chief Supervisor of Elections, District of South Carolina.*

COLUMBIA, S. C., December 21, 1876.

STEPHEN W. SWAILS sworn and examined.

By Mr. LAWRENCE :

Question. What is your age?—Answer. I am forty-four years of age.

Q. Where do you reside?—A. I reside at Kingstree, Williamsburgh County.

Q. What office did you hold at the last election?—A. I was commissioner of election and chairman of the board.

Q. Did you canvass the vote at Sutton's precinct?—A. Yes, sir.

Q. That was included in the county canvassers' return to the secretary of state?—A. Yes, sir.

Q. Do you know how many votes there were canvassed at Sutton's precinct?—A. As to electors I have not got the count. There were 142 for Chamberlain and 80 for Hampton.

Q. The vote for the electors was the same?—A. Yes, sir; to the best of my knowledge.

Q. Did you examine the ballot-box for Sutton's precinct to see whether the voters had voted for the regular electors?—A. No, sir. The question came up before the board at the

time that the return was opened. The return merely said, "142 republican and 80 democratic." Mr. McCutchin, who was a member, said, "What will we do with this?" I said, "Here is the box; we can go through the box." He says, "It is not necessary; I know and believe that they voted the straight ticket."

Q. Do you know whether the printed ticket was circulated all over the country?—A. Yes, sir. There is another matter in connection with that that has been, for the last ten days, in my possession, and should be there now—the supervisor's return for that precinct, which had the names of all the electors on it. It is now in the hands of the supervisor, and I have sent for it.

Q. You will get it and bring it here?—A. Yes, sir.

Q. You know that in Sutton's precinct the full ticket, with all the names of the republican and democratic electors, was circulated among the voters?—A. Yes, sir. I have also the affidavits of two of the managers at that poll.

Q. They show that the electors were voted for by ballots?—A. Yes, sir.

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COLUMBIA, S. C., December 21, 1876.

ROBERT SISSON recalled :

Question. State if you can furnish to the committee now one of the printed republican tickets used at Blackville precinct, Barnwell County.—Answer. Yes, sir.

Q. Were any of the republican electors scratched at that precinct?—A. No, sir.

Q. The full ticket was voted?—A. Yes, sir.

The witness produced the ticket, as follows :

UNION REPUBLICAN TICKET.

[Victory. Cut of an eagle.]

For President: Rutherford B. Hayes.

For Vice-President: William A. Wheeler.

For presidential electors: At large—Christopher C. Bowen, John Winsmith; first district, Thomas B. Johnston; second district, Timothy Hurley; third district, William B. Nash; fourth district, Wilson Cook; fifth district, William F. Myers.

For governor: Daniel H. Chamberlain.

For lieutenant-governor: Richard H. Gleaves.

For secretary of state: Henry E. Hayne.

For comptroller-general: Thomas C. Dunn.

For State treasurer: Francis L. Cardozo.

For attorney-general: Robert E. Elliott.

For State superintendent of education: John R. Tolbert.

For adjutant and inspector-general: James Kennedy.

For Forty-fifth Congress, fifth district: Robert Smalls.

For solicitor, second circuit: Samuel J. Lee.

For State senate: Charles P. Leslie.

For house of representatives: Frederick Nix, jr., Austin S. Jackson, Scipio Bennett, Silas Cave, William M. Brabham.

For sheriff: Frank C. Miller.

For clerk of court: George E. Osborne.

For judge of probate: William J. Mixson.

For school commissioner: Benjamin K. Motte, jr.

For county commissioners: James G. Varn, John F. McMillan, James H. Moody.

For coroner: George H. Harris.

Constitutional amendment: Yes.

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COLUMBIA, S. C., December 21, 1876.

R. R. DESVERNEY (colored) sworn and examined.

By Mr. LAWRENCE:

Question. What is your residence?—Answer. Abbeville Court-House.

Q. Were you an officer of election on the 7th of November last?—A. I was; one of the commissioners of election.

Q. What canvass did you make of the vote of Abbeville County?—A. We met and organized the day after the election, but did not make any canvass that day because of the returns not having been all in. Thursday we met again and then proceeded with the can-

78-16.

Q. Did you examine the box at Calhoun's Mills precinct?—A. We did.

- Q. Did you examine the tickets in the box?—A. We did,  
 Q. How many votes were cast at Calhoun's Mills?—A. Seven hundred and fourteen.  
 Q. How many of those were given for the republican electors?—A. Four hundred and sixty-seven for all the republican electors; 247 for all the democratic electors.  
 Q. And you included that vote in the return which you made to the secretary of state?—  
 A. We did. We done that upon the affidavit of the United States supervisor. The managers failed to make a return for electors at all at that time, and we summoned the supervisor and from him got the report and compared it with the canvass that we made of the votes, and they corresponded.  
 Adjourned.

COLUMBIA, S. C., December 22, 1876.

WILLIAM J. WOOD sworn and examined.

By Mr. ABBOTT:

Question. How old are you?—Answer. Thirty-six years.

Q. Where do you live?—A. At Robbins, Barnwell County.

Q. How long have you lived there?—A. Three years.

Q. Are you a native of South Carolina?—A. Yes, sir.

Q. You were supervisor at the last election at Robbins precinct?—A. Yes, sir.

Q. When did you get to the polling-place that morning?—A. I was there about six o'clock.

Q. Whom did you find there?—A. Dr. Bailey was the only manager there when I got there.

Q. Who were the other two managers?—A. The other two managers were Daniel Mixson and Bill Bush.

Q. Were you the democratic supervisor?—A. Yes, sir.

Q. Who was the other supervisor?—A. Ben. Motte.

Q. When did the other supervisor and the two managers get there?—A. About half past eight o'clock.

Q. How soon did the polls open?—A. About half an hour afterwards, as soon as we could make arrangements to swear each other in.

Q. Was a man named Isaac Allen there at that time, or during the forenoon, with the managers?—A. No, sir; he was not.

Q. Was there any such person sworn in, or acting as a manager during the forenoon, to your knowledge?—A. Yes, sir.

Q. Were you there during all the forenoon, until the firing commenced?—A. Yes, sir; I was there the whole time.

Q. Who were the persons inside, do you know?—A. Bailey, Bush, Mixson, myself, and Motte were the officers of the election. Dr. Turner was clerk, and there was one other white man present, T. S. Dunbar.

Q. What was he doing?—A. He was helping the clerk to keep the tally.

Q. Were those you have named the only persons present?—A. Yes, sir.

Q. Did that continue until the breaking up of the poll?—A. Yes, sir.

Q. What time did the firing begin?—A. About twelve o'clock.

Q. How long did it last?—A. A few minutes.

Q. How many shots were fired?—A. Some ten or a dozen; I never counted them.

Q. Was there anybody hit, to your knowledge?—A. No, sir.

Q. What did you do after the firing was over?—A. I left the building where we were taking the votes and walked about over the grounds; there is a little station there, and I went first into one store and then in another, walking about.

Q. Did you ascertain who fired?—A. I did not.

Q. How soon did the people who were there leave after the firing commenced?—A. They left immediately.

Q. During the rest of the afternoon were there any people there about the polling-place?—A. None at all, sir.

Q. Did you hear of any other poll being opened that afternoon?—A. I did not.

Q. When did you first hear of it?—A. I did not hear of it until after the boxes were returned here.

Q. That was a week after?—A. It was over a week; I don't remember the exact time.

Q. How near do you live to the station or original voting-place?—A. A short mile.

Q. That has been your residence for three years, and you have lived there ever since the election?—A. Yes, sir.

By Mr. LAWRENCE:

Q. You live about a mile from there?—A. Yes, sir.

Q. Were you away from home during the first week after the election, or did you remain at home all the week?—A. I was going backward and forward from my home to Augusta and to Allendale, below.

Q. You live in the country, on a farm?—A. Yes, sir.

Q. How far from Augusta?—A. Twenty-eight miles the station is. My residence is one mile from the station.

Q. During that week did you remain at home, or were you most of the time at Augusta or Allendale?—A. I don't remember, sir. I frequently go to Augusta. I think I was at home most of the time.

Q. You did not see any of the neighbors round about there to converse with them?—A. I met the neighbors every day or two.

Q. Did you during that week meet and talk with any of the neighbors?—A. I have no precise recollection of that.

Q. Did you meet and talk with any of the colored people of that neighborhood during that week?—A. Very probably I did, sir. We talk about it continually whenever we meet each other.

Q. Do you now remember having met and talked with any colored people during the first week after the election?—A. I do not; I have no recollection of any special conversation.

Q. That polling-precinct of Robbins is a largely republican precinct, is it not?—A. It has voted a majority for the republican party heretofore, but we were hoping to carry it for the opposite party that time. We had been working very hard to do it and had got the promise of a great many of the colored men to vote with us.

Q. You are a democrat?—A. Yes, sir.

Q. Did you belong to the democratic rifle-club?—A. I belonged to a democratic club; we never had a rifle-club.

Q. What did you call your club?—A. We called it the Four-Mile Democratic Club.

Q. Did any colored men live on your land?—A. Yes, sir; a good many.

Q. Did you intercede with them to vote the democratic ticket?—A. I did, sir.

Q. How many colored men live on your land?—A. I will have to count them; about seventeen.

Q. How far from Robbins polling-place?—A. Robbins station is on my place, the polling-place.

Q. Did you say or indicate to them in any way that they would not be permitted to remain on your land unless they voted the democratic ticket?—A. I did not tell them if they did not vote the democratic ticket. I told them if they persisted in supporting a corrupt government in South Carolina I should cease to employ them.

Q. What did you mean by a "corrupt government"?—A. Well, supporting the party that was in power here at that time.

Q. That was the republican party?—A. That was known here as the republican party.

Q. You told all of them, did you, substantially that?—A. I don't know that I spoke to all of them. They understood it, however.

Q. Do you know whether Isaac Allen was appointed one of the managers at the adjoining precinct, Cainan's Fair?—A. I don't know, sir.

Q. In the morning and during the forenoon was not there quite a large number of colored men there at Robbins?—A. There were a good many there.

Q. Allen might have been there without your observing him?—A. O, yes, sir. I was in the house, in the room where the vote was being taken.

Q. There were occasionally some other colored men in the room where the voting was going on besides the officers you have named?—A. Not a single exception.

Q. Did you exclude them?—A. Yes, sir; we excluded all. There was not another colored man in the room during the morning.

Q. Were white men allowed in?—A. No, sir; only those that I have mentioned; only the officers of the election.

By Mr. ABBOTT:

Q. Have you any idea of how the vote was divided when the poll was broken up?—A. My impression is that the vote was about equally divided.

Q. You have no means of knowing with certainty?—A. No, sir; it was so early in the day that we had not made any reckoning.

By Mr. LAWRENCE:

Q. Do you know whether the white men who had voted in the morning went to other places to vote?—A. I don't know, sir; I can only answer for myself.

Q. Did you?—A. I did not.

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COLUMBIA, S. C., December 22, 1876.

A. WALLACE BAILEY sworn and examined.

By Mr. ABBOTT:

Question. Where do you live?—Answer. In Barnwell County, near Robbins precinct.

Q. How long have you lived there?—A. I have been living there all my life.

- Q. What is your age?—A. I am about thirty-seven.
- Q. At the last election were you chairman of the managers at the Robbins precinct?—A. I was.
- Q. How early did you get to the polling-place in the morning?—A. About 6 o'clock.
- Q. Who was with you at first?—A. Mr. William Wood was with me—the democratic supervisor.
- Q. When did the other officers of the election arrive?—A. At about 8 o'clock.
- Q. Who were the other managers beside yourself?—A. Daniel Maxson and Bill Bush, two colored men.
- Q. Who was the other supervisor?—A. Motte, a colored man.
- Q. When did you begin the voting?—A. They got there about 8 o'clock, we swore in each other, and got ready to commence voting about 9 o'clock.
- Q. Did you see there at the voting-place a colored man by the name of Isaac Allen?—A. I did not.
- Q. Was any such person in there taking part as an officer or manager in your room with you?—A. No, sir; there was no such person in the room.
- Q. Who were the persons present in the room where you were receiving the votes?—A. Mr. William Wood and myself, Dr. Milton Turner, the clerk, and the other two managers, Maxson and Bush, and a gentleman named Tom Dunbar.
- Q. What was he doing?—A. He was only helping to keep the tally.
- Q. Were there any other persons, up to the time of the firing, assisting in any way?—A. No, sir; I reckon not.
- Q. Did you see Allen there that day?—A. I don't recollect seeing him.
- Q. At all events, he did not take any part in the management of the election?—A. No, sir; he took no part, if he was there.
- Q. About what time did the firing commence?—A. I think it was about 12 o'clock.
- Q. How long did it occupy?—A. It was a very few minutes; perhaps three or four minutes.
- Q. Do you know of your own knowledge of any one being hit or injured?—A. No, sir.
- Q. What did you do after it stopped?—A. I left there.
- Q. How long did you remain there?—A. I suppose half an hour or an hour.
- Q. When you left had the people generally left?—A. Yes, sir; everybody had left, and I thought there was no use in my remaining.
- Q. How near to the voting-place do you live?—A. Within about three miles.
- Q. Did you hear that afternoon of any new poll being opened at a new place?—A. No, sir.
- Q. When did you first hear of the new poll being opened?—A. About a week afterward. That was the first I heard.

By Mr. LAWRENCE:

- Q. You say Mr. Dunbar was in the room while the voting was going on?—A. Yes, sir.
- Q. He kept the tally?—A. Yes, sir.
- Q. Were there occasionally some other persons who came in during the forenoon besides the officers?—A. No, sir; as a general thing we kept them out.
- Q. As a general thing; but occasionally some would come in?—A. Some would ask permission to come in, but they would come in and go right out.
- Q. They were in, then, occasionally?—A. I don't recollect any one being in there except Mr. Dunbar, in that capacity.
- Q. When persons asked permission to come in was not the permission given?—A. Yes, sir; occasionally there was.
- Q. Were they generally white or colored men?—A. Sometimes colored men would come in.
- Q. And sometimes a white man?—A. Yes, sir.
- Q. You allowed as many colored men to come into the room as you did white men?—A. Where they wanted to see any one on particular business, and go right out, we did.
- Q. You live three miles from the polling-place?—A. Yes, sir.
- Q. Where were you during the week after the voting?—A. I was at home all the time.
- Q. You didn't see or talk with any of the colored men during that week?—A. Yes, sir; I saw the colored men there who lived there among us.
- Q. Did you talk with any of them?—A. Yes, sir.
- Q. About the election?—A. Well, the fact of being fired upon I think I talked to some of them about.
- Q. You live in the country?—A. Yes, sir.
- Q. How far is it to your nearest neighbor?—A. Well, sir, I live in a pretty thickly settled country. There are four or five houses just around me where I live.
- Q. White or colored men?—A. White men; they employ a great many colored people on their places who live there also.
- Q. How many colored men have you on your place?—A. I have about thirty.
- Q. Were you a member of the Four-mile club?—A. Yes, sir; I am a member of the Four-mile democratic club.
- Q. Did you urge any of the colored men on your place to vote the democratic ticket?—A.

I only asked them to vote with me; I never tried to insist on their voting except as they thought proper. I left them to do and vote as they pleased.

Q. Did you give them to understand that if they continued to vote the radical ticket you would not want them to continue on your land?—A. No, sir; I have never told them that.

Q. Did you give them to understand that in any way?—A. I don't know that I ever did.

Q. None of them?—A. No, sir; I have told them that I would like them to vote with me, but that they were free and had a right to vote as they pleased and to do as they pleased. I have told them that I would like for them to vote for General Hampton for governor, and as for the President, that it did not matter to me who they voted for; that I would like them to vote for Governor Hampton, any way, and if they wanted to vote for Governor Hayes, they could do so, that I preferred their voting with me for Hampton; I did not care how they voted for President.

By Mr. ABBOTT:

Q. Are you a practicing physician in that neighborhood?—A. Yes, sir.

Q. Are you the only practicing physician in that neighborhood?—A. No, sir; there are several physicians in that neighborhood.

Q. You are one of several practicing physicians there?—A. Yes, sir.

COLUMBIA, S. C., December 23, 1876.

JOHN T. MARTIN sworn and examined.

By Mr. ABBOTT:

Question. How old are you?—Answer. I am thirty-six years old.

Q. Where do you live?—A. In Barnwell County, in this State, about eight miles from Robbins' station.

Q. Did you vote at Robbins?—A. I voted there.

Q. How soon did you get there in the morning?—A. I got there about half past eight o'clock. I think.

Q. Had the voting commenced when you got there?—A. Yes, sir.

Q. Did you remain there until the firing commenced?—A. No, sir; I left when the train came down about eleven o'clock.

Q. Was there any disturbance or trouble there before you left?—A. None at all, sir; there was perfect order when I left.

Q. Do you know a colored man named Isaac Allen?—A. No, sir; I do not.

Q. Who were the persons in the voting-place taking part in the election when you were there?—A. I remained there from half past eight until eleven, and I was about the room in which they were voting during that time.

Q. Were you in the room?—A. No, sir; I was not in it, but about it.

Q. Who were there?—A. Mr. William Wood, B. K. Molte, with the United States supervisors of election, and two colored men, William Bush, Daniel Mixson, and Dr. Bailey were the managers, and Dr. Milton A. Turner was the clerk.

Q. Was Mr. Dunbar?—A. Yes, sir; Mr. Dunbar was in the room.

Q. There were no other colored men in the room?—A. None but those.

Q. Was there any trouble or disturbance about the premises?—A. No, sir.

Q. Did you vote anywhere else?—A. No, sir; I voted there early in the morning and went home at eleven o'clock, and knew nothing of the disturbance until near night.

Q. When did you first hear of there being another poll?—A. I heard of it—I am not sure whether it was the Sunday following the election, or the second Sunday after.

Q. You had a conversation with this Bill Bush on that Sunday?—A. Yes, he came to my house on that Sunday.

Q. Do you know where Bill Bush lives?—A. Yes, sir; he lived about a mile from my house until some time during the last week, when he moved from that neighborhood, and he has moved his family about eight or ten miles below me.

Q. Is he sick, so far as you know?—A. Not so far as I know. He was not sick a few days ago; that is, I heard from him, though I have not seen him since that Sunday.

Q. Is he said to be in Charleston now?—A. I heard that he was.

Q. At all events, he has left that neighborhood?—A. He has left that neighborhood.

Mr. ABBOTT proposed to prove the declarations of Bush to this witness in regard to the "Swamp box" at Robbins.

Mr. Lawrence objected to the testimony as incompetent.

By Mr. LAWRENCE:

Q. You do not know of your own knowledge where Bush is, do you?—A. I do not.

Q. You got to Robbins polling-place early in the morning?—A. About half past eight o'clock.

Q. And you voted immediately?—A. Yes, immediately upon my arrival.

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- Q. The voting was going on when you got there?—A. Yes, sir.
- Q. How many men had voted when you got there?—A. I have no idea; I had no means of ascertaining.
- Q. How many men there?—A. I should judge there were some 150 or more.
- Q. Had the men who were there voted by the time you got there?—A. I have no idea. They were voting when I got there and were voting when I left. As to what proportion had voted I could not say.
- Q. You are sure you voted as early as half past eight?—A. I voted immediately upon my arrival at the voting-place, and I think I got there about half past eight o'clock.
- Q. There were colored men and white men both there?—A. Yes, sir.
- Q. Did they allow, occasionally, persons to go in the room where the voting was going on?—A. I don't know that; I saw no one in that room except those gentlemen that I have mentioned. In fact, I know that I did not see any one.
- Q. The voters were sworn?—A. Yes, sir.
- Q. When they came up in considerable numbers, how did they swear them; each man separately or in squads?—A. Each man was sworn separately as far as I saw. I do not think they were sworn in squads at all; I know they were not during my stay there.
- Q. When they come in crowds are they sometimes sworn in squads; is that the usage?—A. I don't know that I ever saw it; not in voting.
- Q. Were there any rifle-clubs in Robbins that you know of?—A. There were none in my vicinity that I know of, sir.
- Q. Were there any armed men that you saw about the voting-place as long as you remained there?—A. I saw none at all.

COLUMBIA, S. C., December 22, 1876.

MILTON A. TURNER sworn and examined.

By Mr. ABBOTT;

- Question. How old are you?—Answer. I am twenty-seven years old.
- Q. Where do you live?—A. In Barnwell County, South Carolina.
- Q. How near Robbins polling-place?—A. Between six and seven miles.
- Q. Were you present at the last election at Robbins polling-place?—A. I was.
- Q. In what capacity?—A. As clerk.
- Q. When did you arrive there in the morning?—A. About six o'clock.
- Q. Did you come first or was Dr. Bailey there before you?—A. I believe I was there first. I am not certain, but I am under that impression.
- Q. Who came next?—A. I found Captain Wood there when I got there, and I think Dr. Bailey came after me. That was about all. The other managers did not come until some time afterward.
- Q. Who were the other two managers—the colored managers?—A. Bill Bush and Daniel Mixson.
- Q. How soon did the voting commence?—A. It commenced a little while after they got there and swore each other in.
- Q. Who was present in the room with the officers of the election until the time of the firing?—A. There were Captain Wood, Ben Mott, and myself; Daniel Mixson, Dr. Bailey, Bill Bush, and Tom Dunbar.
- Q. What was Tom Dunbar doing?—A. He was there sort of keeping a list of the names of the voters.
- Q. From the time that the polls opened until the firing began were there any other persons in the room with you?—A. None at all.
- Q. Do you know a colored man by the name of Isaac Allen?—A. I do.
- Q. Was he in that room with you?—A. He was not.
- Q. Do you know of his acting as manager that day in any way whatever?—A. I heard that he was manager of another box.
- Q. When did you hear that—soon after the election?—A. I heard that in a day or two after the election.
- Q. Did you see him there about the polls?—A. I did not see him at Robbins at all.
- Q. Where did you first see him that day, if you saw him at all?—A. I never saw him that day at all.
- Q. About what time did the firing commence?—A. About twelve o'clock.
- Q. How long did it continue?—A. Not more than three or four minutes.
- Q. What did you do after the firing ended?—A. I left.
- Q. How long did you remain after the firing ended?—A. Not more than half an hour.
- Q. Did you have a horse?—A. I had.
- Q. Who left with you, if any one?—A. Daniel Mixson, Bill Bush, and Ben Mott left with me.
- Q. Any one besides?—A. Tom Dunbar went a piece with me.
- Q. Did he have a horse?—A. Yes, sir.



Q. Did either Mixson or Bush ride on your horse with you?—A. They both rode on my horse. Daniel Mixson rode first some three or four hundred yards from the box; then he got down and Bill Bush got up and rode about a mile.

Q. You say Mixson rode first with you on the horse, and then Bill Bush got up and rode about a mile?—A. Yes, sir.

Q. What was done then?—A. I went on and left Bill Bush, Daniel Mixson, and Ben Mott coming on, going in the direction of their home; I left them in the public road.

Q. How far was that from the station?—A. It was about a mile; maybe a little more.

Q. About what time of day was that?—A. Between one and two o'clock.

Q. Was there anything said by Bush, Mixson, and Mott as to where they were going as you left them?—A. Nothing at all, sir; only they said they were going home.

Q. How soon did you see Bush after that?—A. I saw him the next morning after break fast.

Q. How soon did you see Mixson after that?—A. I saw Mixson the next day in the afternoon, after dinner.

Q. Had you a conversation with Bush in reference to what had occurred the day before?—A. I did.

Mr. ABBOTT proposed to show to witness the declarations of Bush, one of the managers of election at Robbins, in reference to the "Swamp box."

Mr. LAWRENCE objected to the testimony as incompetent, and it was not received.

Q. Do you know anything about Bill Bush, or where he is?—A. I do not; only what I have heard. He has moved from where he lived during the election. He lived within three or four hundred yards of me, but he has moved.

Q. When did he move?—A. Some two or three weeks ago.

Q. Did you hear anything about his being ill?—A. I never heard of that until I came here. I saw a negro that was with Bush Saturday and Sunday both.

Mr. LAWRENCE objected to the witness stating what the negro told him.

Q. When did you first hear of the second box being opened?—A. Several days after the election.

Q. You heard nothing of it that day?—A. Nothing at all.

Q. And Bush lived within three or four hundred yards of you?—A. Yes; within three or four hundred yards.

Q. It was three or four days after the election when you heard of the second box?—A. Yes, sir; it was Friday, and the election was on Tuesday.

By Mr. LAWRENCE:

Q. You got to the polling-place at Robbins about what time?—A. About six o'clock.

Q. What time did the poll open?—A. The poll did not open until about half past eight.

Q. How many men were there at that time when the poll opened?—A. I don't know.

Q. Was there quite a crowd of men?—A. Yes, sir; a good many men.

Q. One hundred?—A. No; there were not one hundred.

Q. Were there colored men and white men mixed up—all sorts?—A. Yes, sir.

Q. Occasionally during the forenoon were men admitted to go into the room when they requested it?—A. No, sir. I was busy writing, and I saw no one at all in the room, except the gentlemen that I have mentioned.

Q. Was the door kept shut?—A. The door was kept shut.

Q. Where were the ballots received?—A. At a window. They were allowed to come up at a window, and the box was on a table by the window.

*Columbia, S. C., December 22, 1876.*

J. W. PERRIN sworn and examined.

By Mr. ABBOTT:

Question. You live in Abbeville County, I believe; how long have you lived there?—Answer. I was born and raised there.

Q. You were one of the county canvassers of that county?—A. Yes, sir.

Q. When did your body have a meeting first before the election?—A. About a week or ten days previous to the election we organized.

Q. At that meeting was it proposed to open two polling-places at Abbeville Court-House?—A. It was.

Q. What was done by you?—A. I objected, upon the ground that the statute did not provide for it. Two years previous I was commissioner of the election, when, according to the act of the legislature, the board had a right to establish as many precincts as they saw proper, and designate them; but in 1875 the law was changed, and I objected upon the ground that the statute did not provide for it.

Q. Was this the first election ever held in that county after the statute of 1875?—A. It was.

Q. Was there any action that you know of at that time?—A. The matter was adjourned until the next meeting, which was the Saturday previous to the election.

Q. At the next meeting what was done?—A. At that next meeting they insisted upon opening the precinct, and I entered a protest.

Q. Have you that protest with you?—A. I have not got it with me.

Q. Can you get it here?—A. I find that it cannot be found this morning.

Q. Well, in fact, you did protest?—A. I did protest, and had it entered on the proceedings.

Q. And the polling-place was opened?—A. Yes, sir, the polling-place was opened.

Q. That was polling-place number two?—A. Yes, sir; number two.

By Mr. LAWRENCE :

Q. What had the voting-place been called in prior years?—A. Two years before it was designated the A. M. E. school-house. That is the same place that is now called Number Two. I ought to state in that connection that they professed to have a written opinion of the attorney-general.

Q. Did you take any counsel?—A. I did; I got the written opinion of the bar of Abbeville and I read it to the board.

Q. And at the second meeting they insisted on opening the poll?—A. They insisted on opening it, and I read the opinion to them, and they still insisted, but refused to show me the opinion of the attorney-general.

Q. The second polling-place was established?—A. It was.

Q. How far apart were the polls?—A. About three hundred yards; one was in the courthouse and the other on the back street.

Q. There were officers of election at both places?—A. Yes, sir.

Q. All duly qualified?—A. I believe so.

Q. No objection was made on the day of election to voting at the second poll?—A. Except that a great many of the voters were cautioned not to vote at that box.

Q. Where did you vote?—A. I voted at Childs' Cross-Roads, the nearest precinct, and where I reside.

Q. You were not at Abbeville number one or two?—A. Yes, sir; I was at both during the day, but very late in the day. I left Childs' Cross-Roads after the voting was pretty well over, at eleven o'clock. I think there were about 25 or 30 votes polled after eleven o'clock. I went by way of Cedar Springs, which was directly on the route to Abbeville.

Q. Who were the officers that directed this poll number two to be opened?—A. The commissioners of election, the majority of them; Tolbert and Desverney were the other two.

Q. You were all three present?—A. Yes, sir.

Q. Don't you know that it has been usual to open two boxes in several places?—A. The act provides that there shall be two in several counties.

COLUMBIA, S. C., December 22, 1876.

J. C. HEMPHILL was recalled and produced the following letters, referred to in his former testimony :

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,  
Columbia, November 15, 1875.

DEAR SIR : I accept, with thanks, your election as an honorary member of the Abbeville Rifle Club, and I remain, yours very truly,

D. H. CHAMBERLAIN,  
Governor.

J. C. HEMPHILL, Esq.,  
Abbeville, S. C.

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,  
Columbia, May 27, 1876.

To the ABBEVILLE RIFLE CLUB,  
Abbeville, S. C. :

GENTLEMEN : By direction of his excellency the governor, I have the honor to thank you for your invitation to " Concert Hall " on the evening of yesterday, and to inform you that it arrived too late for acceptance.

Very respectfully, your obedient servant,

W. R. JONES,  
Private Secretary.

By Mr. LAWRENCE :

Q. At the time Governor Chamberlain sent that letter of acceptance, had he not to some extent cut loose from the republicans, and was he not acting with the democrats?—A. Well, I never regarded him so, and I was rather leaning toward him at that time. He was avowedly a republican.

Q. Still, was it not generally understood, and to a large extent published in the newspapers, that he was falling over to and co-operating with the democrats in this State?—A. Here is the way my people understood it: I supported him in my paper; we thought he was doing the best for us of any governor we had had.

Q. Was he not supported or sustained to a large extent by the democrats after he had entered upon the discharge of his duties as governor, and as the democrats fell in and supported him didn't the republicans to a large extent become lukewarm in his support, or in opposition to him for a time?—A. Yes, sir; for a time.

Q. Didn't that state of things continue until the democratic State central committee met and took a vote upon the question whether they would adopt him as a candidate?—A. It continued to that extent. He was frequently thought of by a great many democrats in the State until Hampton was nominated.

Q. A few days before Hampton was nominated, didn't the democratic State central committee have a meeting and take a vote whether they should adopt Governor Chamberlain as their candidate?—A. I don't know whether they had such a meeting as that. I don't know that I ever heard of it; I know that he was very popular with them.

Q. Didn't you know it as a matter of common notoriety, if not of your own knowledge?—A. No, I cannot say that I did.

Q. Was it not spoken of?—A. I never heard anything spoken about it by the executive committee. It was generally spoken of that Chamberlain would be the best man.

Q. Was it not regarded as probable among the leading democrats of the State, up to within a few days of the nomination of Hampton, that Chamberlain might be adopted as their candidate by the democrats?—A. That was the opinion.

Q. And at that time was it not expected that the republicans would oppose him and take some other nominee?—A. Yes, sir; that was expected; at least I expected it individually.

Q. When the democrats nominated Hampton, Chamberlain then fell back to the republicans?—A. I don't know that he fell back; I don't think he had ever deserted them.

By Mr. ABBOTT :

Q. You were a republican at that time?—A. No, sir; I never was much for any party. I was a kind of independent. My mother is a northern lady, and my father a native of this State, but opposed to slavery. I have been rather exceptional in my political views. I was raised in South Carolina with the idea that slavery was a sin.

Q. You were an independent?—A. Yes, sir; and I supported Chamberlain because I thought he had done the best.

## INTIMIDATION AND VIOLENCE.

### TESTIMONY IN BEHALF OF THE REPUBLICANS.

COLUMBIA, S. C., December 25, 1876.

B. G. HUGHES (colored) sworn and examined.

By Mr. LAWRENCE :

Question. Where do you live, and what is your age?—Answer. I live in Barnwell County, at Allendale; I was thirty-eight years of age last October.

Q. Where were you on the day of the presidential election last November?—A. At Allendale, in Barnwell County.

Q. State what you know, if anything, respecting voters being driven away from the polls or denied the right to vote.—A. On the morning of the election I got to the polls between five and six o'clock to act as United States deputy marshal, for which I was commissioned. The democrats had the polls in possession when I got there, captured—between two and three hundred of them. Between nine and ten o'clock, or may be later, I asked them would they not give the republicans a chance to vote on that day. The answer was 'turned to me, "Damn the republicans and you too!" I waited until twelve or one o'clock. I then goes to Captain McLaghlan. He comes to the poll with me. After he came the whites would come to the door that we went in at and locked the door that we went out, and they then would bring in the democrats—bring in men at the side door, and obstruct the way of the colored people voting. I then came out. I found between two and three hundred men going off that had not voted. I said to them, "Men, this will not do! See! come back and vote."

Says they, "They will be here until night and we can't get to vote, and we may be killed on the wayside as we go home." I then goes to Captain McLaghlán again. Captain McLaghlán said to me, says he, "If you call for the Federal troops to come out I will have to turn them out, but (says he) if there is any way to stop the Federal troops from going out let us do it." He came down himself about that time. The white people then entirely backed off from the polls while he was present. As soon as he left they taken possession again.

Q. How soon did he leave?—A. I suppose in about twenty-five or thirty minutes. They then said, "Our object is that none of you vote here unless you vote for Wade Hampton." About that time two or three dozen of them got at me with their pistols pointed on me, some of the parties.

Q. Democrats or republicans?—A. Democrats, white men. I was then surrounded by a gang of colored men and carried over to Captain McLaghlán's room at the hotel. Then the captain said to me, "You stay in here with my boys and you shall not be hurted." In the course of a few hours Dr. Ogilvie and Mr. Youmans, one of the democratic candidates for the legislature, came in and said to Captain McLaghlán that they would take me and see that I would not be hurted that night, that I might be where the votes were counted. Mr. McLaghlán asked me what did I think of it. I told him I was not afraid of Dr. Ogilvie or Mr. Youmans, either one, of hurting me. He asked me would I go along with them. I asked him where to. He said to where they were counting the ballots, about twenty or thirty steps away in another house.

Q. What time was that?—A. That was after night; I suppose about 7 or 8 o'clock at night. I went with the two gentlemen. Dr. Ogilvie soon left the house, and I have not seen him since. The counting went on very well for about two hours. Then some white parties, who was Mr. O'Bryant, a young lawyer, started a row with me, and went on after me, I suppose, for some time. Mr. Youmans said to the captain that I should not be hurted while the ballot was being counted. He would turn me over to the captain next morning alive. He then said to Mr. O'Bryant, says he, "You can't kill him here. If you want to shoot, fight, or cut," says he, "now, God damn you, come down-stairs, and you shall get it out of me." He stood between me and Mr. O'Bryant and would not let him hurt me at that time. He then turned Mr. O'Bryant out of the room where we were counting. Mr. O'Bryant was then taken off to his house with some young men. After daylight next morning I went down-stairs, and was then captured by some democratic parties. The policemen ran up from the town and took me away from them and turned me back to Mr. Youmans's.

Q. What do you know, if anything, of republicans going away from the polls and not voting?—A. There was between two and three hundred, to the best of my knowledge, didn't vote at all.

Q. What was the reason?—A. There were men there what drew their pistols and made threats and said they should not vote, and one thing and another, and kept kicking up a row, drinking, and going all day long, and it seems they were scared away, some of them, and some parties said they would go off rather than be killed on the way home.

Q. State if any threats were made against republicans.—A. They were.

Q. What, if anything, was said by any parties about not renting land to republicans in case they voted the republican ticket?—A. That was a neighborhood chat among them. That has been told to me myself very often; in other words, I know parties who were discharged from off the places on that account.

Q. State if any of the democrats told you that they would discharge republicans from their lands if they did vote the republican ticket.—A. They did, sir.

Q. Did you hear anything of the sort?—A. I did.

Q. What time in the afternoon or evening did those republicans go away from the polls without voting?—A. They began to leave the polls from twelve until late in the afternoon.

Q. How far was it to any other polling-place?—A. I think one was about eight miles, and the other between six and eight, the two highest.

Q. State what numbers of armed men there were there, if any?—A. There was a good many men there armed with pistols on that day.

Q. Republicans or democrats?—A. Democrats—white men.

Q. State how they were divided, the white men and the colored men, generally; who were the democrats and who were the republicans?—A. Well, the white men were the democrats and the colored men were the republicans, of course.

Q. If you know any other fact in relation to this subject, you may state it.—A. There was a boy voted there that looked to be about thirteen or fourteen years old. He was rejected by all parties, even the democratic managers themselves. He was brought in by one of these notorious characters, and he says he be God dammed if he wouldn't vote or he would kill Ben Hughes. I then stepped back and said not another word, and he was made to vote. There came in another man, to our knowledge, and he was rejected, and he was boot-licked out by Dr. Ogilvie. I see that myself.

By Mr. ABBOTT:

Q. You got there at six o'clock, before the polls were opened?—A. Yes, sir; between five and six.

Q. You say a band of two or three hundred had captured the polls?—A. About.

Q. You mean that they had got there and that no man could vote unless they were willing?—A. Yes, sir.

Q. They kept the polls captured how long?—A. Until about twelve or one o'clock.

Q. Then you went to Captain McLaghlin and he came down?—A. Yes, sir.

Q. How long was it that the polls were open so that the republicans could vote?—A. I suppose from that time on until between half past one and two o'clock.

Q. There was some half-hour or so, when the captain came down, that the colored men could vote?—A. No; when the captain came down the polls was open. He opened it at the door that we went in at, and the captain then left, and there was another door that was—

Q. How long did the captain stay there?—A. I suppose twenty or thirty minutes.

Q. While the captain was there the black men could vote?—A. Yes, sir.

Q. When he went away?—A. They began the same game then.

Q. They captured the polls again, and there were three or four hundred there. Now, how long after that did they keep the polls captured?—A. Well, they kept it captured about the same way the whole day.

Q. So that there was never really but about twenty minutes or half an hour, while the captain was there, when the colored men could vote?—A. No; they kept it captured that way. After it got late and the men got through voting, up until late in the evening, they still guarded that door.

Q. The polls were closed then, were they not?—A. Yes, sir.

Q. But when the polls were opened did these two hundred or three hundred democrats keep the polls captured pretty much all day?—A. They would let them in occasionally. They would vote a man about the fourth man.

By Mr. LAWRENCE:

Q. The republicans?—A. No; the democrats. In other words, they would go out and bring in a colored man from that door and make him vote, and obstruct the way, until the white men themselves says, "You ought not to do this."

By Mr. ABBOTT:

Q. Well, the result was that, except when the captain was there, the polls were captured all day, so that a republican could hardly vote?—A. They worked it in such a way, they delayed the time. In other words, to get to it, in about five hours—somewhere in that length of time—it seems that the democratic party vote about five or six hundred. Well, if the republicans had had the same chance at that poll, they could have voted six hundred, too, which they hadn't.

Q. Tell us only what you saw done.—A. I would not give anything else, sir.

Q. Is it true that from the time you got there until between 12 and 1 o'clock the polls were captured, as you say, by democrats?—A. It seemed to be they had the power of the polls all day. There was so many in the room that nobody could vote at all.

Q. Is it true that from the time the polls were opened until between 12 and 1 o'clock the polls were captured by the democrats, as you have sworn here three times over?—A. Certainly; the democrats were in charge of that.

Q. You used the term "captured." By "captured" do you mean that republicans were refused permission to vote?—A. I mean to answer you correctly. I am on my oath, and I am going to do it correctly.

Q. Now, tell me whether during that time when the democrats had captured the polls the republicans were prevented from voting?—A. There was a good many prevented.

Q. Did any of the republicans vote during that time?—A. They did.

Q. How many, in your judgment?—A. In my judgment, they voted about every fourth man.

Q. During the rest of the day, after the officer went away, were the polls captured and in the hands of the democrats?—A. That is what you just asked me, and that is what I am speaking about. Up to these hours that I spoke about previous to now the republicans did not vote at all; the democrats had it indeed when the republicans went to vote.

Q. Stop. See if you understand me. From 6 o'clock in the morning, when the polls were opened, until between 12 and 1 o'clock, did any republicans vote? Were they permitted to vote at all from the time the polls were opened, at 6 o'clock in the morning, until you went and brought the officer there?—A. None, as I know of.

Q. Then again, in the afternoon, from about one to four?—A. Yes, sir.

Q. And that is what you mean by "capturing the polls"?—A. Yes, sir.

Q. This O'Bryant—was he drunk?—A. The best part of them was drunk.

Q. You have been living up there in Barnwell ever since, have you not?—A. No, sir.

Q. Where have you lived?—A. I live everywhere.

Q. Where have you lived?—A. Some time I staid at home; some time I was in Aiken County; some time I was in Richland County, here.

Q. Haven't you made your home in Barnwell since the election, just the same as you made it before the election?—A. No, sir; I could not say that. My family is there.

Q. Haven't you been there a greater part of the time?—A. No, sir; I have not been in Allendale since the election.

Q. Have you not been at and about your home a greater part of the time since the election?—A. I have been a greater part of my time within about thirty-five miles of home.

Q. Haven't you been at and about your home the greater part of the time since the election, as you were before?—A. I have been in the country.

Q. Understand the question. I asked you if, since the election, you have not been at and about your home the greater part of the time, as you were before the election?—A. I have not.

Q. Have you been at home at all?—A. I have.

Q. How large a portion of the time since the election?—A. Well, I go home when I can, and knock around some two or three days.

Q. Two or three days at a time?—A. Yes, sir.

Mr. ABBOTT offered in evidence the vote at Allendale at the election on November 7, 1876, as follows: republicans, 451; democrats, 673.

Mr. LAWRENCE objected to the introduction of the evidence at this point. The objection was overruled.

Mr. ABBOTT. By the certified return to the secretary of state, in 1874, the vote in Allendale was: colored, 367; white, 722.

By Mr. LAWRENCE:

Q. State the reason why you have not been at home since the election as you were before?—A. The democrats told me that if I staid about there they would kill me.

COLUMBIA, S. C., December 25, 1876.

PHILIP MCKNIGHT (colored) sworn and examined.

By Mr. LAWRENCE:

Question. What is your age?—Answer. Thirty-seven.

Q. Where do you reside?—A. Allendale, Barnwell County.

Q. How long have you lived there?—A. Eleven years.

Q. Where were you on the day of the last presidential election?—A. I was at Allendale.

Q. State if you saw any men that day armed with guns and pistols.—A. I seed men with pistols.

Q. How many of them?—A. I never noticed particular how many. I seed I reckon about may be twenty.

Q. State whether you know of any republicans who were at the polls that day leaving without voting.—A. Yes, sir; I was one of the managers; I was in the little room and I didn't come out at all outside; I staid inside of the box all day. That evening, when I came out, there was about, I reckon, one hundred men that was right there; that was after the polls closed at 6 o'clock; there was about one hundred there ready to vote, but they could not vote; the time was out.

Q. Who were they, white or colored men?—A. Colored men. All the white men, they voted first. The democrats, they crowded first and said they would vote first and then give up the poll and let the republicans vote, and the republicans must stand back until the democrats had voted. They got through about 1 o'clock and then the republicans started to vote. It was about 1 o'clock when they got through voting, but they didn't give up the poll when they got through voting.

Q. State whether any obstruction was thrown in the way of the republicans voting?—A. Well, after the democrats got through voting they crowded the way to the poll. It was about twelve foot square, and the democrats were crowdod all round there. There was two colored men in there, managers, and that was all; there was two republican and one democratic manager, with two colored men, was all the colored men that was in there during the day; there was about twenty others in there, democrats, crowdod around.

Q. How was it outside, around the voting-place?—A. Outside it was crowdod, too; I never went outside; I went out once or twice, but came right back; I didn't notice anything outside.

By Mr. ABBOTT:

Q. No republicans, as I understand you, voted up to about 1 o'clock?—A. No; I didn't say none didn't vote.

Q. Do you know whether any republicans voted?—A. Well, I could not tell the ticket. They brought the tickets foldod, but the arrangement was made that the democrats should vote first.

Q. Well, the arrangement was carried out, was it not; the democrats voted up to 1 o'clock?—A. Yes, sir; until they got through.

Q. A very few republicans voted at that time?—A. Very few.

Q. And then in the afternoon the republicans voted somewhat?—A. That was the republican time.

Q. But they didn't vote, you say; they were interferred with by the democrats?—A. Well, they had a heap of questions to ask, "Where do you live?" and so on.

Q. They would crowd the republicans out, too, and prevent their getting in?—A. Well, they were always crowding around the box, the democrats, during the time of the voting.

Q. And they would prevent the republicans from getting up to the box?—A. Well, they asked questions, which consumed the time; that was all.

Q. How was it about preventing them, crowding and telling the republicans they shouldn't come in to vote?—A. After 1 o'clock?

Q. Yes; after 1 o'clock.—A. That must be outside. I was inside. As they came in they came in a little narrow lane, and the box was back in the room.

Q. But didn't the white men get in and shoulder them and prevent their coming up?—A. They stood in the way.

Q. Then they put a great many questions?—A. Yes; a great many questions.

Q. And made each one swear separately?—A. Yes; they had to swear. They had a book that they called a registry-book, and if they could find their name there of course they would let them vote.

Q. And then the voters had to swear, hadn't they?—A. Yes, sir.

Q. And the democrats questioned the republicans; put a great many questions to them, didn't they?—A. Yes, sir.

Q. Well, were they gone at 1 o'clock? It took a great while for a single republican to vote?—A. It took a great while. The supervisor would swear every man, of each party, as they voted.

Q. And then questions would be asked by the democrats, so that it took a great while for a republican to vote?—A. The supervisor asked questions of both parties.

Q. Well, it would take a great while for a republican to vote, would it not? The democrats would ask questions, and it would take a great deal of time for each republican to vote?—A. Yes, sir; a great deal of time consumed there.

COLUMBIA, S. C., December 25, 1876.

L. W. MIMMS (colored) recalled.

By Mr. LAWRENCE:

Question. Where do you reside?—Answer. In Rosemary, Barnwell County.

Q. At what precinct?—A. Cainan's Fair precinct.

Q. Where were you on the day of the last presidential election?—A. At Robbins precinct.

Q. State whether you saw any armed men there that day.—A. Yes, sir.

Q. Where were they?—A. About 12 o'clock in the day all the white men at that precinct, with the exception of very few, was armed.

Q. Did you see any white men armed away from the polls or near to the voting-place?—A. I only saw one man, about one hundred yards away from there; one of the men that was supposed to be thought that shot into the box. I saw him with a gun presented toward the house; only one.

Q. Where was he standing?—A. Between seventy-five and one hundred yards from the depot.

Q. What sort of a place was it?—A. Bushes; only he was out in the edge.

Q. Were you at the school-house where the voting was done in the afternoon?—A. Yes, sir. I was the United States deputy marshal.

Q. Who were the managers at the election at the school-house?—A. D. K. Motto, W. I. Allen, and William M. Bush.

Q. State whether they were there all the time that the voting was going on at the school-house?—A. Yes, sir; they were there.

Q. What, if anything, do you know of threats being made by democrats owning land against colored men living on their lands in case they voted the republican ticket?

The CHAIRMAN. State what you know, not what others told you.

A. They made threats in my presence that in case the colored men voted the republican ticket, they would turn them off.

Q. State if you know of any being turned off.—A. Yes, sir; there is a man by the name of Henry Wright that was turned off the place of E. W. Peacock and J. A. Peacock and N. W. Peacock, three brothers, and plenty others that I know of.

Q. Did you hear that threat?—A. Yes, sir; I heard it, and I heard Mr. W. H. Duncan tell his hands that they could hunt their homes: that they couldn't stay there any longer.

Q. While the voting was going on at Robbins station, in the forenoon, state what threats, if any, you heard made by democrats against republicans, in case they voted the republican ticket.—A. I heard a Mr. Wood tell a crowd of colored men that if they voted the republican ticket, they would turn them off, and I heard him tell a colored man that if they didn't vote with them, they would make them vote with them.

Q. State whether you know anything of any interruption or interference with republican

meetings before the election.—A. Yes, sir. I was not allowed to stay home ever since the 14th of last September until after the election, because I wouldn't agree to take part with the democrats. They went to my house and destroyed my books and other things. A crowd of thirty-five men rode there and asked for me, including E. W. and N. W. Peacock and H. H. McGoey. The rest of them I don't know. My father only knew them. They swore they intended to kill me.

Q. Did they state why?—A. Yes, sir; because they said I was a leading republican, and there was only one way for me to save myself, and that was to come over and bring over thirty-five republicans to the democratic party, and then they would save my life.

By the CHAIRMAN:

Q. They told you that, did they?—A. Yes, sir.

Q. Had you attended any republican meetings prior to that?—A. Yes, sir.

Q. Was there any disturbance at any of the republican meetings where you attended?—A. No disturbance at any of the republican meetings until then.

Q. State whether there was any afterward.—A. There was no disturbance at any of the republican meetings, only the Robbins box that I attended. I was not allowed to attend any republican meetings or democratic, either.

Q. After what time were you not allowed to attend republican meetings?—A. After the 14th of September until after the election, for fear of being assassinated. They sent me word that they intended to guard the roads for me.

By Mr. ABBOTT:

Q. There were republican meetings holden in your county?—A. O, yes, sir.

Q. And holden down to the time of the election?—A. Yes, sir; there was three more after the 14th of last September that I attended.

Q. I thought you said just now you did not attend any after that?—A. I said I did not attend only those three up to the election.

Q. You did attend three then after the 14th?—A. Yes, sir.

Q. Were there other republican meetings in the county?—A. Yes, sir; but not where I live.

Q. But in the other parts of the county there were?—A. Yes, sir.

Q. When did you first see arms at the Robbins box?—A. About twelve o'clock in the day.

Q. There were no armed men until the firing commenced?—A. No, sir.

Q. And then they armed themselves?—A. Yes, sir; they had the arms in a house about twenty steps from the depot.

Q. How many armed men did you see?—A. Not less than forty nor more than fifty-five.

Q. How long did you remain?—A. About ten minutes.

Q. Where did you go then?—A. I went down to Millett's station.

Q. That is about nine miles off, is it not?—A. Yes, sir.

Q. How long did it take you to go down?—A. I run the horse every step of the way.

Q. You ran your horse nine miles?—A. Yes, sir; I never stopped.

Q. How long did it take you?—A. I don't suppose I was over fifteen minutes.

Q. How long did you stay there?—A. About an hour and a half.

Q. How long did it take you to go back?—A. I didn't go back quite so fast; I suppose I went back in half an hour.

Q. That was about eighteen miles in three-quarters of an hour; how was your horse when you got back?—A. He was pretty tired when I got back there.

Q. You were pretty tired, too, weren't you?—A. Yes, sir; I was that.

Q. You left about half past twelve to one o'clock?—A. I left directly after twelve; I won't say it was half an hour, not over ten or fifteen minutes.

Q. You staid there an hour and a half and it took you about half an hour to come back—two and a quarter hours; then where did you go?—A. I came back to Robbins.

Q. What did you find at Robbins when you came back?—A. I found no one there at all.

Q. How long did you remain there?—A. Well, sir, I didn't remain there a minute; I didn't stop there at all.

Q. Where did you go then?—A. I went between a half and three-quarters of a mile off, where there was polling going on.

Q. You didn't see anybody at Robbins station with whom you talked?—A. No, sir; right this side of Robbins I met one man, and he told me they was at the old school-house voting.

Q. They had opened the poll, I suppose, when you got there?—A. Yes, sir.

Q. Motte was not a manager?—A. No, sir; he was supervisor.

Q. There were only two managers then, Allen and Bush?—A. Yes, sir.

Q. How many colored republicans did you see at the depot that forenoon?—A. I could not say exactly.

Q. You say there were only about forty white men, or not more than fifty-five?—A. That I know by the votes that were polled.



Q. Now, tell us in the same way how many colored men there were?—A. Not more than from five hundred to seven hundred.

Q. Isn't that setting it a little high?—A. No, sir. If anything, I am beneath it.

Q. You would not put it under 500?—A. No, sir.

Q. Did any of them vote?—A. A good many of them voted.

Q. Well, black men voted freely there, didn't they?—A. Not until after ten o'clock; after that they voted pretty freely.

By Mr. LAWRENCE :

Q. How were the voters sworn at the Robbins voting-place in the afternoon?—A. Well, those that were sworn under my observation, if I am not mistaken, there were some seven or ten sworn at a time.

Q. A batch or group of men brought up and the oath administered to them all at once?—A. Yes sir.

COLUMBIA, S. C., December 25, 1876.

GEORGE A. OSBORNE sworn and examined.

By Mr. LAWRENCE :

Question. What is your age?—Answer. Thirty-two or thirty-three.

Q. Where is your residence?—A. Williston, Barnwell County. I am a merchant.

Q. How long have you resided there?—A. About six years.

Q. What, if anything, do you know of any intimidation at the last presidential election, or preceding it?—A. Well, sir, if you wish to know about the general intimidation, I can tell you by starting back previous to the Ellenton riot.

The CHAIRMAN. Confine yourself to what you personally know.

The WITNESS. That is what I propose to do. As county chairman of the republican party, I called a large meeting sometime previous to the late Ellenton riot. Governor Chamberlain and other republicans came down to that meeting to speak; the meeting was at Midway; I presided over the meeting as chairman. As soon as the meeting was organized, about 800, I suppose, mounted white men rode into town and came up to the meeting and demanded a division of time. I told them that the meeting was called by the republicans of the county for the purpose of hearing republican speakers, and that as no request had been made of me by their committee, that I could not allow a division of time. They insisted upon it, and I saw that if I refused, there would be some trouble, and I thought the best to do was to put it to the vote of the republicans. So I stated to the republicans that the democrats wished a division of time, and put it to the vote, and they thought as I did, that it was best to allow them a division of time, and did so. Well, they spoke turn and turn during the day, republicans and democrats. On one occasion Mr. Hoge, a member of Congress from this district, was speaking; some remarks passed between him and one of the democratic speakers, and I saw a person, Sigmund Liedman, pull out a pistol; and about that time twenty-five or thirty more white men pulled out pistols. I thought it was a pretty hard place, or would be in a second or two, and I got down off the stand, but some gentleman controlled them, and he put his pistol up. But it would have taken very little—

Q. State what you saw.—A. Well, this is from observation. That was about the first of the intimidation that I saw through the county. After that the Ellenton riot took place, and I suppose about 150 of the leading republicans, in different portions of the county, came into Blackville. I also had to go there myself, and put myself under the protection of Captain McLaglan, with these other leading republicans from the different precincts. We remained there under his protection for I suppose a week, off and on.

By the CHAIRMAN :

Q. That was during the Ellenton riot?—A. Yes, sir. I saw armed bodies of men riding through the county at all times of the day. On several occasions in the town of Blackville I was accosted and insulted, but that had become almost a common thing.

By Mr. LAWRENCE :

Q. By white men; democrats?—A. Yes, sir; they claimed to be. The morning I left my residence I was coming down town to the village, (I live in the suburbs of the village;) that was the first I knew of the Ellenton riot. I was coming down the morning after the Robinson Bridge affair, and I saw about fifty mounted men in their shirt-sleeves, with double-barreled shot-guns and rifles, in front of the store. I walked into the store to protect myself; I thought the crowd looked somewhat angry. Several of them came into the store and remarked that they were going to clean out the damned negroes that morning. I got around behind the counter for fear some of them might pitch into me; and I heard some one in the crowd remark, (I don't know who he was,) "There is that damned son of a bitch, Osborne; best commence on him first."

Q. These were white men?—A. Yes, sir; men that I know and who had been very friendly to me before this campaign, or on very intimate terms, but they have drawn the line so sharply that they were pretty rough customers.

Q. They were democrats?—A. Yes, sir. I staid in the store until they left, and then went immediately back home and got some clothes and left the town. I went down to Blackwell and went under the protection of Captain McLaughlin of the United States Army. When I got there, there was a large number of republican leaders that kept coming in for days, from Allendale, Millett's, Robblus, Cainan's Fair, Red Oak, and several of the precincts; in fact they staid there off and on until the election.

Q. For what purpose did they come there?—A. They were run off from their homes by these armed bodies of men.

By Mr. ANBOTT:

Q. That is only what you have heard from them?—A. That is all; I never saw any of it.

By Mr. LAWRENCE:

Q. For what purpose did they come there?—A. For protection. I saw these men passing through the town two or three days; it was at least three days before they got back home. They were all very angry and cursing and swearing in all this election-campaign. We usually open the campaign about six weeks to two months before the election; this time I was not able to get the convention together earlier than a month previous to the election, on account of the general intimidation throughout the county. There were several portions of the county, such as Robbins and down there, that could not get represented at all in the county convention. We could not get the men to hold meetings there.

Q. Who are the principal land-owners of the county?—A. The white men own the greater portion of it, but there are some very wealthy colored men.

Q. State if you know anything of threats made by democrats owning lands against tenants on their lands in case they should vote the republican ticket.—A. O, that has been a common remark all through the county. I have heard it time and again in my presence, that if the colored men did not vote with them this time—

By the CHAIRMAN:

Q. Was it said to the colored men?—A. They were told in my presence. I have had them tell colored men right in my presence, using profane language, that if they did not vote with them this time, damned if they should stay on their places. That was v  
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By Mr. LAWRENCE:

Q. Where were you on the day of the election?—A. At Blackville.

Q. State any other facts that you know.—A. Well, I saw no violence at all myself, because I did not and could not go out in the county. I had to stay under the protection of the United States troops; my life had been threatened time and again.

Q. How long did you remain under the protection of the troops?—A. I was off and on there until the day of the election, until they were taken away. On the day of the election about eleven o'clock I left Blackville and went down to Midway on the cars, under the protection of the United States marshal. I had to go down there and call upon an officer to clear the box; it was so crowded that I didn't think the voters could get through. The white men had crowded into the box, and a great many colored men were complaining of not having a chance to vote, and I asked the officer to go there and clear the polls for them; and he did so.

Q. State how the election had been managed up to the time that the officer got there.—A. Well, there was a great many complaints of repeating, &c., on the part of the republicans. They complained that the democrats were repeating there, and strangers and men that they thought didn't have a right to vote; that is somewhat general, however, at all elections. There was no violence, that I know of.

Q. State whether republicans had the opportunity to go up and vote as freely as democrats.—A. No, sir; I have just said that the poll was so crowded that the black people, (I don't know whether republicans or democrats,) were complaining of not having a chance to vote, and I went down to an officer and asked him to clear the polls, that those colored people could have a chance; and he did so, and they voted somewhat more freely than they had done.

Q. If you know any other fact which is material, you may state it.—A. I don't believe there is anything else.

By the CHAIRMAN:

Q. You were chairman of the republican county committee of Barnwell County?—A. Yes, sir.

Q. And you say that you opened the canvass in that county at Midway, in September?—A. Yes, sir.

Q. Was that a large meeting?—A. About 800 on each side.

Q. In this affair that you say occurred between Judge Hoge and some man in the crowd,

when a man drew a pistol, and you say others drew pistols, was any one hurt?—A. No, sir; I stated that.

Q. Did it result in any riot?—A. No, sir; the leaders on the democratic side stopped it.

Q. And the meeting was quietly and peaceably held?—A. Well, I suppose we would call it quiet down here.

Q. I understood you to say that you saw no armed men traveling through the country until after the time of the Ellenton riots?—A. None with arms exposed.

Q. Well, no armed men; there may have been men with pistols. It is very common in this country, is it not, for men to carry pistols, both democrats and republicans?—A. Yes, sir; it has been for the last year or two.

Q. Did you know of the Ellenton riot at the time it broke out?—A. No, sir.

Q. Did you take part in any way in attempting to suppress that riot?—A. No, sir; I had been here to the State convention, and had just got home.

Q. Do you remember the date of the Ellenton riots?—A. It was in October, I think.

Q. These men that stopped in front of your store were a party of men who were endeavoring to suppress the Ellenton riots, were they not?—A. That is what I understood.

Q. The only body of armed men that you saw in the county was during this period of the Ellenton riots, and it was at that time that you became alarmed for your own safety?—A. Well, no; I cannot say that.

Q. You had been at home attending to your duties until this body of armed men stopped in front of your store?—A. Yes, sir; but my life had been threatened long before that.

Q. It was subsequent to the Ellenton riots that these bodies of negroes gathered into Blackville, was it not?—A. Yes, sir.

Q. Was there a military force at Blackville?—A. Yes, sir.

Q. And they came within that region for protection?—A. Yes, sir.

Q. Prior to the time of the Ellenton riots, had you any disturbance at any of your campaign meetings that you know of?—A. No, sir; none that we would call disturbances.

Q. Then, you did open your campaign in September, did you not, in Barnwell County?—A. Yes, sir; that Midway meeting was the opening of the campaign.

Q. How long was that prior to the election?—A. About two months.

Q. You say that at Midway the white men crowded about the box in the morning, upon both sides. Under your system of voting, has it not been the custom for one side or the other to get to the polls and vote first, if they could get there first in the morning?—A. It has been the custom somewhat, but in any election previous to this the crowding has never been—

Q. Don't you know that prior to this election it has generally been the custom of the colored people to get to the polls early in the morning and take possession, where they were in the majority?—A. No, sir.

Q. Don't you know that to be a fact?—A. No, sir; I know this much: that the polls in the counties, at all the elections I have been to, the colored men never could keep a white man from voting.

Q. Where have you attended the polls?—A. At Williston, Blackville, and Midway.

Q. Don't you know that it is a part of the policy under this system for one side or the other to get their voters out as early in the morning as possible, and get their votes in first, for fear that from the custom you have of making voters swear to their right to vote there will not be time enough for all to vote?—A. Well, sir; I don't know that it has been the system. We always try to get the voters out as early as possible.

Q. And if you succeed in getting a very large number of voters there first under your system, and with the manner in which they come from one township to another to vote, it is altogether likely that some of the other side would be kept from voting in the evening, is it not?—A. It is very seldom that any of the whites are kept from voting.

Q. Well it is just as likely, is it not?—A. No, sir; a white man can always crowd himself in and scare off forty or fifty colored men, and get a chance to vote.

Q. Do you mean to say that one white man would scare off forty or fifty colored men?—A. Well, I don't mean to say that, but one determined white man could crowd his way in, no matter how thick they were, and get a chance to vote.

Q. Well, a determined colored man could do the same thing, could he not?—A. No, I don't think he could.

Q. You took a pretty active part in this campaign, did you not?—A. Yes, sir.

Q. How many speeches did you make?—A. I only made three public speeches.

Q. Where did you make these?—A. I made one at Blackville, one at Allendale, and one at Robbins.

Q. When did you make those speeches?—A. In the latter part of October, two weeks previous to the election.

Q. Were you attended by any armed guard from one of these places to another?—A. Yes, sir; we carried two or three United States marshals along with us.

Q. Not United States soldiers?—A. No, sir. We went to where soldiers were, though.

Q. Were those meetings disturbed?—A. No, sir.

Q. Peaceable meetings?—A. Yes, sir.

Q. You said some very bitter things, did you not?—A. No, sir; I always, made it a point not to make a bitter speech; I never approved of that.

Q. Did you ever give any advice to the negroes to assert themselves?—No, sir,

Q. Didn't you say to them in your speech that they had the power now, and they must do it, if it took the torch or anything else?—A. No, sir; I never used or approved of any such language.

Q. If you have not used such language, have you not used other words equivalent?—A. No, sir; I was always opposed to incendiary speeches.

Q. You say that you did not use that or any other language calculated to rouse the negroes to acts of violence?—A. I do say so, because I always disapproved of it.

By Mr. LAWRENCE:

Q. Why were those meetings held where there were United States troops?—A. For protection; because we could not hold them anywhere else.

By Mr. ABBOTT:

Q. There were no United States troops at Robbins?—A. No, sir; but I will state the way that we came to hold those meetings. If those meetings had been held simply for the interest of the local ticket, I don't know that we should have been allowed to speak. They were called in the interests of the national ticket. It was so stated in the call, and when I opened the meeting I stated that this meeting was called in the interests of Hayes and Wheeler.

Q. At Robbins there were no soldiers?—A. No, sir; there were very few there that day for this reason.

Q. There was no disturbance?—A. No, sir.

Q. And you had a quiet, peaceable meeting?—A. Yes, sir; because on that day General Hampton had a meeting at Allendale, and we took the back track on him.

By Mr. ABBOTT:

Q. Are you a native of South Carolina?—A. Yes, sir.

COLUMBIA, S. C., December 25, 1876.

W. I. ALLEN recalled and further examined.

By Mr. LAWRENCE:

Question. When you were examined before you stated that each man was sworn at the Robbins voting-place in the afternoon?—Answer. Yes, sir.

Q. Will you state how they were sworn?—A. What number you mean?

Q. Yes; just how the swearing was done?—A. Do you mean how many were sworn in, or the words?

Q. Not the words, but how they were sworn?—A. Sometimes they were sworn in one at a time when we first started to swear them in; that continued, I suppose, for about half an hour. After that we saw we was getting on too slow, and we started then to swear them in about seven to ten and twelve in squads.

Q. What time did you leave the voting-place?—A. I suppose it must have been about nine o'clock at night when I left there.

Q. Who left with you?—A. Myself and Bush left at the same time.

Q. Where did you get your supper?—A. At home.

Q. Who went to your house before you got there, if anybody?—A. Mr. Motte, the supervisor. He got there a little before I did.

Q. He left the voting-place before you did?—A. Yes, sir.

Q. You stated before here that you had a candle or light there?—A. Yes, sir.

Q. That was the fact?—A. Yes, sir.

By Mr. ABBOTT:

Q. When you were swearing them there I suppose you would wait until you got from seven to twelve ready, getting their names down and getting them ready to be sworn?—A. They would have all gone out at a time.

Q. They would all have to give their names separately?—A. Yes, sir.

Q. And you would take their names down, and when you got them down you would administer the oath to the whole number?—A. Yes, sir.

Q. Who administered the oath?—A. William Bush.

Q. Do you know what the oath was?—A. I cannot tell, sir.

Q. Nobody else administered the oath but William Bush?—A. No, sir.

By the CHAIRMAN:

Q. In what part of the county do you live?—A. In Barwell County, within five miles of Robbins Station.

Q. Do you know anything of the strikes of the laborers engaged in cultivating the rice-tracts?—A. No, sir.

COLUMBIA, S. C., December 25, 1876.

W. H. HURD (colored) recalled and further examined.

By Mr. LAWRENCE:

Question. What is your age?—Answer. Twenty-seven.

Q. Where were you on the day of the election?—A. At Calhoun's Mills, in Abbeville County.

Q. What, if anything, do you know of intimidation toward republican voters on the day of the election?—A. Well, in the morning, about six o'clock, after we had got to the polls, about 140 went to the polls at the same time, (because we was afeard to go alone, for fear that we would be prevented from going; there was men riding all night, shouting and hallooing, and shooting off their pistols)—that morning, about six o'clock, about the time the poll opened, there came up a crowd of about eighteen men from Saint Charlotte's precinct. They wore armed with carbines, strapped to their backs. They rode round three times, and said, "We'll see the damn radicals that vote here to-day!"

Q. Were they white men?—A. They were white men. Part of them had on red shirts.

Q. Democrats?—A. Yes, sir; they were democrats. They dismounted then and stood for a while by the fire; then they went up and hitched their horses, and stacked their guns by the side of the fence about fifty yards from the polls. They then came back and surrounded the polls so that it was impossible for any one to get to them. I asked them to go away. They said they would not do it, and asked me what authority had I there, and one of them said, "O, he is U. S." Said they, "We'll show them we don't give a damn for U. S. here to-day." I asked them to give way, but they would not pay any attention. I then started for Lieutenant Barnhart. I met him and asked him to come up and make these people give way so that the people could vote. He came up and spoke to them and they gave back about three feet, or maybe more, so that the people could vote. These fellows from Saint Charlotte's Township voted, and while they were voting some Georgians voted with them. Some of them I knew and some I didn't know by name. They would vote there six men at a time, and every time some of these South Carolinians would vote two or three Georgians would mix in and vote with them. Some of these Georgians I would tell that they ought not to vote there, as they lived in Georgia. They would say, "O, we live up here on the river." I would object, but the manager would say if they would take the oath let them vote. I would say, "Well, I know this man ever since he was a boy; don't let him vote." But he said it is his own responsibility if he votes. I would tell him that he knew he could vote there and get over in Georgia and never be bothered. They would detail one man to stand right where they came in at and another man where they would go out at, and another man right over where they could see the box. Then these men would say to them, "Are you going to vote that radical ticket? If you do I will tell him, (naming his employer,) and we'll see whose land you work next year." And if he worked on his land he would say, "You go home and get off my land before I get there;" or sometimes he would say to him, "Did you vote that damn radical ticket?" or, "I saw you vote that damn radical ticket." All that didn't have much effect on them. The colored people voted pretty well, because I told them that I didn't think this would have any effect, and that I would try to have them protected, and they voted along pretty well except some two or three was afraid that they would be turned off, and some did vote and was turned off afterward, but about between one and two o'clock up came R. B. Cade. He had gone on the previous day to Magnolia precinct.

Q. Who was he?—A. A white democrat. He had a guard of about thirty with him. They came up and B. C. Walls went out to meet them and joined in with them, and they came right on up to the poll hallooing and cursing, "Where's Henry Hurd?" or, "Where's that United States marshal? By God, we want to see him!" One of that crowd walked right up to me without saying anything and struck me in the face.

Q. State if any of them were armed.—A. Yes, sir; they had all revolvers, and they had one sixteen shooter in Cade's wagon. He walked up and struck me in the face, this man. Lieutenant Barnhart was off twenty-five or fifty yards talking to a crowd of white men. I went over there to ask him to make an arrest, and when I got about ten steps from this man that struck me in the face, J. T. Cleveland, he throw a rock and struck me on the right arm, and when I got a little piece farther he shot at me. I got to the lieutenant and asked him to stop that. When I done that, Henry Vickers, from Washington, Georgia, walked up and struck me on the side of the head and he throwed a rock at me. By that time there was seven or eight rocks throwed at me, and he drew his pistol. When he drew his pistol the colored men got around me, and the lieutenant says, "Hold, Henry! don't do that! Don't do that!" Then he put up his pistol. The colored men surrounded me and carried me off a piece. My arm sort o' quit hurting, and I got up and said I would try to have a man arrested. But the sheriff said there could not be no arrests made that day. These men, when they struck me, said, "Now, G--d damn you, make your arrests, make your arrests; we'll see who makes any arrests here to-day!" The sheriff said there could not be any arrests made. I said, "There must be arrests made, live or die." Lieutenant Barnhart said that he didn't think any arrests could be made then, but to make them in the future. A Mr. E. C. Mars told me that he was for peace; he said, "You know me, Hurd; you know I will do what is right; don't try to make an arrest to-day; there's no man will

be arrested here to-day." I told him well, I thought I would try to make an arrest, no matter what would happen to me. There was men walking around, these Georgians, telling me, "Get out, God damn you, get out, or we will kill you!" The sheriff told me I had better go up on the stand. I went up and took a seat. When I done that a fellow come up in front of me and drew his pistol and said, "Get out of that, God damn you; I will shoot your head off." The democratic supervisor said, "Get out of that; I don't want to be shot here;" and the republican manager said, "Yes, get out; they will shoot you and they may shoot somebody else." I walked off a piece, and Mr. Mars came to where I was to tell me he thought I had better go up to the soldiers' camp, about half a mile off. I said I hadn't voted. He says, "Well, you know I am a friend, and if you want to vote I will go to the polls with you." Well, I went right alongside of him, and we went up to the polls. The democrats asked me if I wanted a ticket. I told 'em no; I had one. When I went to vote they said, "Do you hear that God damn rascal, that he is nearly killed, voting that damn radical ticket! Shoot him now." - Mr. Mars told them, "No." I voted, and this same fellow with long whiskers, he says, "We only give you five minutes to get away from here, and if you don't do it, damned if I don't kill you!" There was a crowd of colored men, about 150, as near as I could estimate it, told me they hadn't voted, but they said they would all go, for they could not vote there; if they voted there they'd be killed, and one of them says, "You come on and go over to the soldiers' camp."

Q. They were republicans?—A. Yes, sir; colored republicans. Me and the sheriff made a estimation that there was about 150. I went to the soldiers' camp, and the others went on down the road toward their homes. I went to the camp and staid until night. At night, when they came over there to count the votes in the trial-justice's office, I went and asked if they would let me come in. They said no; nobody could be admitted except the supervisors and managers. I then jumped on my horse and rode over to my home and staid all night, and next morning I went over to Abbeville, and there I staid until I was sent down there after the electoral vote, when I was captured and carried to Georgia.

Q. What time was it when these 150 republicans left the polls without voting?—A. I think it was between two and three o'clock.

Q. How far was the nearest voting-place from there?—A. In the direction they were going, the nearest voting-place was Lowndesville, which was about twenty-two miles off.

Q. Were they on foot or on horseback?—A. On foot.

Q. Why did they leave without voting?—A. Well, they said they could not vote; they saw that I was run off from the polls, and they were afraid that Cade would shoot them. The name of Cade is a terror down there, all the colored people and some of the whites is afraid of him; he is a terrible desperado. Had not Cade come with his guard, I think our majority would have been 350 in that precinct.

Q. Did you know any of Cade's guard of 30?—A. Yes, sir; I know Cade, and Reuben Smith, and Stark, (he was from Georgia,) and this man Cleveland that struck me, and two or three of the Hesters that I know, and some other Georgians that I didn't know.

Q. Did any of the Georgians vote?—A. Yes, sir; about twenty voted that morning before I left there. This man Stark voted while I was on the ground. I saw him when he voted; I was standing off about twenty-five or thirty yards.

Q. How near to the polling-place do you live?—A. About two miles and a half.

Q. How long have you lived there?—A. Since January, 1873.

Q. To what extent are you acquainted with the people of that precinct?—A. I know them tolerably well.

Q. State to what extent strangers voted at that poll that day?—A. Well, at that poll that day there was strange white men voted there before I left; I guess to the number of fifty or sixty.

Q. State whether you have heard any threats made against republicans by men on whose land they lived?—A. Yes, sir; this man Hugh McKelvy told a man that day if he voted to "Go home and get off my place." Says he, "Aleck, I like you and got nothing against you, but," says he, "G--d damn you, I told you if you voted the radical ticket to get off my land; now you get off before I get home." There was Hugh Burt, he told a colored man that I didn't know: "Put that ticket in there, God damn you, and go and get-off such a place," mentioning somebody's place. Says I, "That ain't your place, and it doesn't look as if you had anything to do with it." Says he, "Yes, he has got to get off there; and don't you say nothing, because, by God, we are going to take care of you after this." Says I, "You needn't make your threats." Says he, "Yes; I tell you, we are going to take care of you." Then there was R. M. Boyd, he told a colored man, "You go home and get off my place; every one; all of you that votes that ticket here to-day."

Q. How many colored men are on Boyd's place?—A. On Boyd's place there are eight or ten colored men, voters. This man Cade, after I had voted, said, "Not another damn radical shall vote here to-day;" and that was one of the main reasons why these other men went off without voting, because they were afraid of Cade.

Q. What time did you leave?—A. I went off between two and three o'clock.

Q. Did you return again?—A. No, sir; because I was afraid. They had been threatening my life all that day.

Q. You are a member of the legislature now?—A. Yes, sir.

Q. When were you elected?—A. At the last election.

Q. Did you hear any threats made before the election, through the canvass, by land-owners against persons who lived on their lands?—A. Yes, sir; this man R. B. Cade has on his place 85 families, I think; he told men in my presence, and he told me, that not a man that voted the radical ticket should remain on his place. He said he was going to see that a great many voted the democratic ticket, and he brought a good many of them there in wagons and made them vote that ticket. They have told me that since. A Mr. Caldwell said that no man should live on his land that voted the radical ticket. It was a general threat during the canvass;—they wrote me a letter.

By Mr. ABBOTT:

Q. Have you got the letter?—A. It is at Abbeville.

By Mr. LAWRENCE:

Q. Did you receive a letter during the canvass?—A. Yes, sir.

Q. Where is the letter?—A. It is at Abbeville; C. E. Bruce, the trial-justice, has it.

Q. For what purpose was it deposited there?—A. That it might be turned over to some of the authorities that could do something with it; that it would be to prove that there was illegality in the canvass and the election, if necessary. I gave it to him. He told me that he thought it would do some good in showing there was violence in that county at that time.

Q. Is the paper under your control now?—A. Yes; he told me that I could get it at any time.

Q. How far is it from here?—A. It is at Abbeville Court-House. I saw several letters received on the Sunday before the election.

Q. By colored men?—A. Yes, sir.

Q. Where did they come from; through the mail?—A. Yes, they came through the mail.

Q. Did they have any name signed to them?—A. No, sir; no name.

Q. In what business have you been engaged?—A. Teaching school.

Q. Were you at any of the republican meetings during this last campaign?—A. Yes; I was at two, at Abbeville Court-House.

Q. Were there any threats or violence?—A. Yes; in August, at the first meeting at Abbeville Court-House, there was a large number of red-shirt mounted men armed with revolvers, and during the speaking there they went on at a terrible rate. They would interrupt the speakers there, and that evening over in town they shot at a flag-man and beat up the head of one colored man there with a pistol.

Q. State any other facts that you know occurred during this last campaign relating to violence or intimidation?—A. During this campaign (I think it was the Wednesday after I received that letter) there was a crowd of mounted men went to my house.

Q. Were you there?—A. I was there, but I was not in the house. I locked the door and went out in the woods. They went around the house, and one of them said to me, after that, "If we had found you there we would have killed you."

Q. How many men were there?—A. There was thirty-four. Eight or ten got down and went round the yard. They first called for me off the road. Willie Ard told me since that he was one of the guard, and if they had found me they would have killed me. They rode there several nights. I had to break up housekeeping in August, and send my wife to Georgia.

Q. Where is she now?—A. She is here now.

By Mr. ABBOTT:

Q. You are a witness here before the United States court?—A. No, sir.

Q. Haven't you been summoned here by them?—A. Yes, sir; I was summoned here.

Q. How long ago were you summoned before the United States court?—A. When the crowd came here from Alkon.

Q. How long ago was that?—A. It was some time during this last month. I think it was about the 25th of November.

Q. And you have been here ever since, under their subpoena?—A. I have not been here under them, because I went to them and they told me that they didn't have time to do anything with me.

Q. You have been under their subpoena and drawing pay as a witness?—A. No, sir.

Q. Haven't you got any pay from them?—A. Yes, sir, I got some pay.

Q. How much?—A. Five dollars.

Q. Then you have been summoned before the Senate committee?—A. Yes, sir.

Q. And you were under their subpoena?—A. No, sir; I was not. I just went up and give my testimony.

Q. You got pay from there?—A. Yes, sir.

By Mr. LAWRENCE:

Q. How much?—A. Four dollars.

By Mr. ABBOTT:

Q. There were troops at Calhoun's Mills?—A. Yes, sir; eleven, with the officer.

Q. And they were directly in the neighborhood of the polls?—A. Yes, sir; about half a mile.

Q. How near was this man that shot at you?—A. I suppose about ten or fifteen paces.

Q. He did not hit you?—A. No, sir.

Q. And you were within ten or fifteen paces of Lieutenant Barnhart?—A. Yes, sir; right behind him.

Q. He was in the neighborhood, was not he?—A. O, yes; right there.

Q. How far is it from Calhoun's Mills to Magnolia Station?—A. About nine miles, I reckon.

Q. That is the nearest precinct to Calhoun's Mills, is it not?—A. Yes, sir; but there was election there.

By the CHAIRMAN:

Q. Was there anybody else hurt or struck at the polls?—A. I didn't see it.

Q. Did you see nobody struck but yourself?—A. No, sir; I didn't see anybody struck but myself.

Q. It is true, is it not, that wherever you have been you have been the hero of the trouble and the only man that has been in trouble?—A. No, sir; almost all the republicans have been in trouble.

Q. From the accounts you have given us, you have been a special object of animosity on the part of the democrats?—A. Others received the letters just as I did.

Q. Well, the other colored men got along peaceably.—A. No; the managers of the election at the polls—

Q. But you did not see anybody else hurt?—A. No, sir; I didn't see anybody else hurt.

Q. You were a member of the legislature voted in by the legislature?—A. Yes, sir.

Q. Was there any hearing before a committee?—A. We had a protest in.

Q. Was there any witness summoned?—A. There was no witness but affidavits. I don't think there were any personal witnesses except myself.

COLUMBIA, S. C., December 25, 1876.

LEWIS C. WALLER (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you live?—Answer. At Greenwood, Abbeville County. I was born and raised there. I am twenty-two years old.

Q. Were you an officer at the last presidential election?—A. I was deputy United States marshal at Centerville box.

Q. State what occurred there on the day of election.—A. I got to the box about half past five o'clock in the morning. I found armed white men in red shirts camped there, between sixty and one hundred of them. They were camped and had a fire. I went up to the box and the polls were opened. I stated to the managers of the box (two of them were colored and one white) what my business was, and showed them my authority as marshal assigned to that place. They said they hoped we would all get along together. Things passed off very well for a time. When the polls were opened, this same crowd that had been camped, with red shirts and pistols on, said, "No damn radical comes here to-day." We heard the hallooing before we could see them, and I think they were a drunken crowd of men; in fact, I know that they had whisky there. They spoke to me very kindly. About nine o'clock they asked me what business had I there. I told them I was deputy United States marshal. They asked my name, and I told them. They said they had heard it often before, and they said, "We have got enough of you in this county; we don't want no damn radicals here, and we don't know what business you have got here." I told them I was deputy marshal appointed there. They told me I must leave. I said, "I don't know whether I have done anything to leave." I told them I was only there in discharge of my duty, and I would like to carry that out if possible. They then asked me what kind of a ticket I was going to vote. I said, "Wait until evening, when everything is through, and when the managers vote, and you will see what ticket I vote." Says they, "You can't stay there." Says I, "Perhaps I am going to vote the democratic ticket. Why can't you wait till you see, and then, if I vote against you, say something?" When I said that, they said, "No; we know you by reputation, and if you vote, you are going to vote the radical ticket, and we don't intend another radical ticket to go in here. You must leave." I told the gentlemen that I was there under authority, and that I had taken my oath, and that I did not care for any disturbance. At that stage I stepped up to McAdam, one of the democratic managers, and asked him to please stop the row; that I did not want to report anybody. He said, "I will go out and see if I can stop them and make them let you alone." He came back to me and told me that he thought it was for my safety to leave; that he had been out, and he had as much influence among them as anybody, but that they were enraged against me, and I could not



stay there, and if I staid there he thought I would be killed. I staid around in the house. They pushed up to where the box was in the door, and he told me I had better go out in the street. I walked out in the street, and I said, "I am going to stay here until the thing is over. Let them do what they please." They said, "You can't do it." Says I, "Well, the only way to get me away is to kill me." A gentleman named Harkness stepped up to me and said, "I have known you for some time, and you know who I am. You are against us, and you are here to advise them to vote against us, and you must leave." Said I, "I am here as a marshal, and if you insist upon my leaving, I shall certainly do so." Says he, "We do insist." I started down street, and they commenced hallooing and running me off. That was between nine and ten o'clock. I moved off about two hundred yards from where the poll was and jumped from the fence and went to Abbeville Court-House and voted. They refused to allow me to put in my vote there. They said I was a radical and could not vote there.

Q. Did you hear any guns or pistols discharged there?—A. Yes, sir. They had pistols, and they never kept them concealed. They had them on their persons. While I was there there were several pistols discharged; and after I got out from the polls I heard pistols firing off. I was not fired at on the day of election; but when I went to the court-house to be sworn in, coming back from the court-house I was fired at and shot. That was betwixt Abbeville Court-House and Greenwood. It was on Saturday, the 4th of November, about eight o'clock in the evening. We rode along, three of us together—two in a wagon and one on a mulo. There was a crowd of men on the side of the road, and as we passed I looked around and the moon was rising, and just as I looked back somebody fired, and I felt my arm burn me. They fired again. One of the men jumped out of the wagon and commenced running. I was so excited that I could not do anything at all. Says I, "I am shot, certain," and the horse made a dash, and they fired about four times, according to my recollection, and they shot the mulo that was along with us, and he has since died from the wound. I got to Greenwood that night, and I went to the intendant of the town and told him what had occurred to me about three miles up the road. He said, "Well, I think you was very lucky to make your escape, for this is a time when the country is in a powerful stir." Mr. J. G. Boozer stepped up and asked me what was the matter, and I told him, and he said, "Well, the ball ought to have gone through your damn head instead of your shoulder."

[The witness here showed the committee the place in his coat where he said the ball went in, and where it came out, and stated that he had a corresponding wound on his shoulder.]

Q. The ball passed through the two coats that are on you now?—A. Yes, sir; the men were on the side of the road, and the moment we passed they stepped out into the road and fired and the horse made a dash. It was in a dark place in the woods.

Q. Could you see any of the crowd?—A. I saw two men, but I could not distinguish what color they were. I saw the persons of two men that was moving and felt the shot.

Q. Did you return to Centerville?—A. After I was shot on Saturday night, I went to Centerville, where I was assigned on the day of election, and they ran me away from there and I voted at Abbeville Court-House. I did not go back to Centerville afterward.

Q. Are these papers which you produce your commission as an officer of election, your oath of office, and instructions?—A. Yes, sir; that is my commission and here is my instruction.

Mr. Lawrence put the papers in evidence, as follows:

UNITED STATES MARSHAL'S OFFICE,  
SOUTH CAROLINA DISTRICT.

To all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the integrity, capability, and diligence of L. C. Waller, of Abbeville County, in the State of South Carolina, I have appointed him a special deputy marshal of the United States in and for the State of South Carolina in the said district of South Carolina, and do authorize and empower him to execute and fulfill the duties of that office, according to law:

And to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining unto him the said L. C. Waller, until the 31st day of December, 1876, unless I shall please sooner to revoke and determine this commission.

In testimony whereof I have hereunto set my hand and seal, at Charleston, in the district aforesaid, this twenty-seventh day of October, in the year one thousand eight hundred and seventy-six, and in the one hundredth and first year of the Independence of the United States of America.

[SEAL.]

[BADGE.]

R. M. WALLACE,  
United States Marshal, District South Carolina.

State of South Carolina, Abbeville County:

I, L. C. Waller, do solemnly swear that I will faithfully execute all lawful precepts directed to the marshal of the district of South Carolina under the authority of the United States, and true returns make and in all things well and truly, and without rancor or partiality, perform the duties of the office of a marshal's deputy of the district of South Carolina during my continuance in said office, and take only my lawful fees: so help me God.

L. C. WALLER.

Sworn and subscribed to this 4th day of November, in the year 1876, before me.

LEWIS D. BOWIE, C. C. P.

*Instructions to deputy United States marshals.—Their duties in connection with the congressional and presidential election on 7th November, 1876.*

To L. C. WALLER, Esq., deputy United States marshal :

SIR : You will carefully observe the manner of conducting the election at your precinct. Your duty will be substantially as follows : To institute proceedings against all and every person who shall commit any of the following offenses, and arrest or cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before the next term of the United States district or circuit court for your district, to wit :

1. It shall be the duty of every person and officer charged with the duty of furnishing citizens an opportunity to become qualified to vote, to give to all citizens of the United States the same and equal opportunity to become qualified, without distinction of race, color, or previous condition of servitude. If any person or officer whose duty it is fails to do this, it is a crime for which he should be prosecuted.

2. The offer of any citizen to perform any act required to be done to qualify him to vote, if it fail to be carried into execution by reason of the wrongful act or omission of any officer, the offer to perform shall be deemed and held as a performance, and the person so offering, being otherwise qualified, shall be entitled to vote in the same manner as if he had in fact performed such act; and any manager of election whose duty it is to receive such vote who shall wrongfully refuse to receive the same is guilty of an offense for which he should be prosecuted.

3. Any person who shall, by force, bribery, threats, intimidation, or other unlawful means, hinder, delay, prevent, or obstruct, or who shall combine and confederate with others to hinder, delay, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at the election, will commit an offense for which he should be prosecuted.

4. Any person who shall prevent, hinder, control, or intimidate, or attempt to prevent, hinder, control, or intimidate, any person from exercising or in exercising the right of suffrage, who has the right of suffrage under the constitution, by means of bribery, threats, or threats of depriving such persons of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats to refuse to renew leases or contracts for labor, or by threats of violence to himself or family, such person is guilty of an offense for which he should be prosecuted.

5. If two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise of the right or privilege of voting, or because of his having exercised the right of voting, (he having a right under the constitution to vote,) such person shall be guilty of a felony, and should be prosecuted.

6. If at the election for Representative in the Congress of the United States, any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead, or fictitious; or vote more than once at the same election for any candidate for the same office; or vote at a place where he may not be lawfully entitled to vote; or vote without having a lawful right to vote; or do any unlawful act to secure the right or opportunity to vote for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or otherwise unlawfully to prevent any qualified voter from freely exercising the right of suffrage, or by any such means induce any such voter to refuse to exercise such right; or compel or induce, by any such means or otherwise, any officer of election to receive a vote from a person not legally qualified or entitled to vote; or interfere in any manner with any officer of election in the discharge of his duties; or by any such means or other unlawful means induce any officer of election, or officers whose duty it is to ascertain, announce, or declare the result of any such election, to give or make any certificate, document, or vote in relation thereto, to violate duty, or any law regulating the same; or knowingly and willfully to receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act prohibited, or omit to do any duty imposed, or attempt to do so, every such person shall be forthwith prosecuted.

7. That any officer of any election at which any Representative in the Congress of the United States shall be voted for, who shall neglect or refuse to perform any duty in regard to such election required of him by any law; or violate any duty so imposed, or knowingly do any act, unauthorized, with intent to affect any such election, or the result thereof; or fraudulently make any false certificate of the result of any such election, in regard to such Representative; or withhold, conceal, and destroy any certificate of record, required by law, respecting the election of any such Representative; or neglect or refuse to make and return the same as required by law; or aid, counsel, procure or advise any voter, person, or officer to do any act hereinbefore described as a crime; or omit to do any duty, or attempt to do so, shall be deemed guilty of a crime, and should be prosecuted.

8. Every person claiming to act under the laws of any State, county, city, or town, or under the order of any judge or other officer of any State, county, city, or town, who obstructs, hinders, threatens, or in any way interferes with any supervisor of election or any deputy marshal, in the discharge of any duty required of him or them by the laws of the United States; or who shall obstruct, hinder, or threaten any citizen in voting or in going

to or returning from the polls; or who refuses when called on by any marshal or deputy-marshal to aid and assist him in the performance of his lawful duties, shall be liable to immediate arrest, without a warrant, and shall be carried before the proper officer, to give bail or be committed to jail. [See Section 5522.]

9. In the absence of a United States commissioner, or his refusal to act, you can procure a warrant of arrest from a trial-justice, who is authorized by the provisions of sec. 46, Revised Statutes of South Carolina, to take cognizance of offenses against the United States, and he will hear the case and require the prisoner to give bail for his appearance at the United States circuit court, at Columbia, on fourth Monday in November next, or commit him to jail to await his trial.

10. You will be governed by the instructions of the chief deputy marshal of your county, and you will report all cases that may arise to him or to this office and state what disposition was made of them. If you desire instructions in any particular case, apply to your chief deputy or this office. Cases of importance should be reported by telegraph.

11. The law does not make any provision for paying a salary to deputies outside of cities having 20,000 or more inhabitants, and your pay will be made up of the usual fees for executing warrants and making arrests.

12. It will be your duty on the day of election to preserve order around the polls, to assist the supervisors in the discharge of their duties, and to protect all citizens of all parties in their right to go to the polls and deposit their ballots without molestation. Discharge your duty firmly and with discretion, and let your official conduct reflect credit on yourself, your party, and your country.

R. M. WALLACE,  
U. S. Marshal, Dist. So. Cu.

U. S. MARSHAL'S OFFICE,  
Charleston, So. Ca., November 1st, 1876.

Q. Is this [producing a badge] the badge you wore on the day of election?—A. Yes, sir.

Q. Do you know of any other violence committed during the recent campaign?—A. Yes, sir. In the village I live in I have a brother who is butler in a hotel, and the landlord of that hotel told me that no man that voted a republican ticket could stay in his place any longer. My brother voted the republican ticket, and he was turned off.

Q. Do you know of any threats having been made by employers or land-owners against colored men who were republicans in case they should vote the republican ticket?—A. I was employed as an assistant school-teacher in Abbeville County, and I was informed by the chairman of the board of trustees that I could not teach any longer unless I changed my politics. I positively refused, and he told me I could not look to them for any more assistance; that any man that voted against them was against them; that if we were all together we ought to vote together, but they said, "If you are going to vote against us, we must certainly look for men that will vote for us; we are tired of the present administration, and we cannot employ you, because we can get plenty others."

Q. Have you been retained in your position as assistant teacher?—A. I was knocked out of it two months before the school-year expired.

Q. When was that?—A. They stopped me the last of August.

Q. Have you heard any threats made by land-owners?—A. No, sir. Before I conclude, I was served with a paper by the secretary of the democratic club at Greenwood, Abbeville County. This was in September. The paper was that they had understood—

By Mr. ABBOTT:

Q. Where is the paper?—A. The paper is not here; it is at home. I telegraphed from here that I would be at home on Saturday, and my people telegraphed me not to go home on that day, and that is the reason I do not exhibit the paper. The county treasurer of my county, who is a conservative that the democrats support, can testify to the same thing, because I showed it to him as soon as I got it.

By Mr. LAWRENCE:

Q. Have you been requested to produce it before this committee?—A. I was asked by a member of this committee to have the paper here by the time they called upon me, but they told me they would not call on me to-day; they said about Tuesday or Wednesday.

Q. Why is not the paper here?—A. It is from the fact that I am actually afraid to go home to get the paper. If I can be guaranteed or be in safety to go home I can produce the paper.

Q. Were you at any republican meeting during the campaign?—A. Yes, sir; at a place called the Promised Land and at Sims Cross-Roads.

Q. Were any white men at those meetings?—A. Yes, sir; they rode up and said that they intended to have half the time. Our chairman told them that it was a republican meeting, and he did not know whether they had a right there or not. They said, "Well, you have got men here and we have got men here." They had arms, and in fact our men were armed. They said, "We intend to have half the time." We told them they could not get it. They said, "Well, if anybody else spoke there they would put up their men." We

put up our candidate for the senate and they would not hear him, so we made a compromise, and allowed their candidate for the senate to speak first, and our candidate to follow him, and then two other speakers followed them. On Saturday night we went to Sims Cross-Roads; when we got there there were two rifle-clubs present, the Ninety-Six Club and the Greenwood Club. They said this was a democratic meeting; they intended to speak to the colored people and get them to join the club, and if there was any radicals that wanted to speak they would be heard. The republicans called the meeting; but the democrats got there before sundown, and said that if, after they got through, if any radicals wanted to reply they would hear them. Two of our men did reply to them, but their people was drunk and they cursed and abused them for everything; there was everything used there except decency.

Q. At the democratic meeting did the democrats allow the republicans a part of their time?  
—A. Not at all, sir; they would not do it.

By Mr. ABBOTT:

Q. Do you know that?—A. Yes, sir; I know it.

Q. You were present?—A. I was present at one meeting in my precinct at Greenwood, where the democrats called a meeting and they saw a republican ex-member of the house of representatives, and they commenced hallooing after him, and took him up and carried him there, and tried to make him acknowledge something that the republican party had done. No republican would go on the street when they had their meeting. And on one occasion they went to a prayer-meeting and broke it up. I was there. They said they understood it was a political meeting, and they intended to have half the time.

By Mr. LAWRENCE:

Q. The prayer-meeting was held by the colored people?—A. Yes, sir; by the colored people. It was very fashionable in the up country.

Q. Those colored people were republicans?—A. Yes, sir.

Q. Who were the people that came there and broke up the meeting?—A. I only knew two of them, Dr. Maxwell, a candidate for senator on the democratic ticket, and Taggart, captain of the democratic rifle-club at Abbeville.

Q. State any other fact that you know of showing intimidation.—A. I don't know anything more than that they were shouting and hallooing for Hampton at Greenwood, and cursing any Chamberlain men, saying, "We want to hear from them," or "We dare any man to own Chamberlain." They would discharge their pistols on the street, and say that Hampton was going to be the next governor, which I know frightened me, and it would have frightened anybody that was of a different opinion to what they were.

By Mr. ABBOTT:

Q. When was it that they made that noise and hallooing at Greenwood?—A. Along about the 1st of November.

Q. Was it at any meeting?—A. Yes, sir; at every meeting.

Q. Was it at any particular meeting?—A. Yes, sir; it was on Thursday night, at the Promised Land, in Abbeville County.

Q. I am asking about Greenwood?—A. No, sir; it was not.

Q. Then there was no meeting in Greenwood where there was any disturbance?—A. No, sir; it was at no meeting at all.

Q. And the people were hallooing in the streets?—A. Yes, sir.

Q. How many republican meetings did you attend?—A. Only two.

Q. Did you attend any democratic meeting?—A. Yes, sir; I attended one at Greenwood.

Q. When was that?—A. I don't know the day it was; some time in October.

Q. Did you go to the managers of that democratic meeting and ask them to divide the time?—A. No, sir; I would not dare to do it.

Q. Did you hear anybody ask them to divide the time?—A. I did not.

Q. When you went down to Centerville how far was that from the precinct in which you lived?—A. It was about thirty miles.

Q. Why did not you act as marshal in the precinct where you lived?—A. I don't know, sir; I received my commission and was assigned there.

Q. Had you ever been in Centerville before?—A. I never had been there before.

Q. Did you know any of the people at Centerville?—A. I did.

Q. Did you know any considerable number of the people there?—A. No sir; only a few.

Q. Do you know why you were sent to Centerville, thirty miles away, rather than left at home?—A. Yes, sir; I know.

Q. What was the reason?—A. Well, sir, it was for this fact, that it was hard to find a man competent, or a man that could take the oath for that office in our county. We held a meeting and they took certain men and assigned them to certain places.

Q. That is the only reason you know why you were sent there?—A. Yes, sir.

Q. You arrived there when the polls opened?—A. Yes, sir; I got there about half past five o'clock and found armed men there camped and they ran me off about ten. I remained there from about half past five until a quarter to ten.

Q. You did not go back after that?—A. No, sir.

Q. Did you know or hear of any interference with anybody else except yourself?—A. Yes, sir.

Q. Who was interfered with besides yourself?—A. I don't know the names of the men.

Q. How many were interfered with?—A. Two, to my knowledge.

Q. Any more than two?—A. Two to my knowledge.

Q. Were they prevented from voting?—A. They were, sir.

Q. How?—A. Somebody came up and told them that they lived on their places and if they voted against them they could not live with them any longer, and they gave them tickets that were headed Union republican ticket and with the same stamp as ours. The men asked me were that the proper ticket for them to vote, and I told them that I were not there to advise either way.

Q. Did those men vote?—A. They did not vote up to the time I left.

Q. How many colored people were there before you left?—A. There were about 165 colored votes cast according to the managers' return when I left.

Q. There were about 165 colored votes cast at about quarter past ten o'clock?—A. Yes, sir.

Q. And how many white votes?—A. I cannot tell you; I think there were about 125 or 130 as they came in from all points.

Q. You thought there were about 125 or 130 white men who had voted there, and about 165 colored, before you left?—A. Yes, sir.

Q. The polls were opened at six o'clock?—A. Yes, sir.

Q. Was there any interference with the peoples' voting except in the two cases you have mentioned?—A. No, sir; none that I know of.

Q. Were there any troops about there?—A. No troops.

Q. Was there anybody shot at?—A. No one that I know of.

Q. Anybody beaten or assaulted?—A. No one but myself. I were assaulted there.

Q. Was your skin broken by that ball that touched you on the shoulder?—A. Yes, sir; and you can see it for yourself. That was not on the day of election, though.

Mr. Abbott put in evidence from the official returns the vote at Centerville precinct, as follows:

Vote in 1876: republican, 178; democrat, 229. Vote in 1874: republican, 158; democrat, 131.

COLUMBIA, S. C., December 25, 1876.

ANDREW POOLE (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside?—Answer. At Greenwood, Abbeville County. I am twenty-five years old.

Q. Where were you on the day of the last presidential election?—A. I was at the box at Greenwood precinct. I was supervisor.

Q. State what occurred there on the day of the election.—A. Well, sir, there did not anything much occur there that day. The election was all fair there, pretty well; that is, they had a large hall and marched right up to the door, and they let ten men in in a squad, and they marched right down to the next door, and the box was right at that door, and they voted and passed right out. I was there at the box all day from early morning, and they did not have any row or anything like that. There were white men that would come in with so many colored men under their control and vote them right through.

Q. What ticket did those colored men vote that were brought in by white men?—A. The democratic ticket.

Q. State whether you heard anything said by any of the white men to the colored men about how they should vote?—A. They were telling them all the time that they must vote the democratic ticket, and a good many told them that if they didn't, they had to leave their places; they would not employ them any longer.

Q. They were white democrats who said that?—A. Yes, sir.

Q. What had those colored men been, democrats or republicans?—A. Republicans.

Q. About how many colored people voted the democratic ticket in that way?—A. I could not exactly tell. They brought in a great many. I think there were 936 votes cast there that day, and the colored people cast five hundred and something, but, anyway, when the votes were counted there was only 336 republican votes and five hundred and something democratic votes.

Q. Where were you at the election in 1874?—A. I was at Greenwood.

Q. What was the republican vote at Greenwood in 1874?—A. I declare I don't know.

Mr. LAWRENCE. At the election of 1874 the republican vote at Greenwood precinct was 430, and the democratic vote, 288. Did you hear any democrats make any threats against colored men who lived on their lands during the recent political campaign?—A. Yes, sir; I heard plenty say that they should not stay on their places if they voted the republican ticket; they would have to leave and go somewhere else; that they would not employ them any longer if they didn't vote in their interest, because if they voted the demo-

cratic ticket they would be voting the colored people's interests and the whites' interests too, and if they did not vote that ticket that they should not stay there.

Q. Do you know what effect that had on some of the voters?—A. It caused some of them to be very frightful and very afraid, because a good many of them had large families, and if they left these white men on account of voting the republican ticket, the others would hardly employ them, and they did not know what to do.

Q. What class of men generally own the lands in the county where you live?—A. White men—democrats.

Q. How do the colored people usually occupy land there—as tenants of the white men?—A. Yes, sir; generally.

Q. Were you at any republican meeting during the campaign?—A. No, sir; not any to amount to anything that I can recollect; just a small meeting of a few men.

Q. Do you know of any other acts of violence or intimidation?—A. No, sir; I do not.

By Mr. ABBOTT:

Q. Some of your colored people came in with white men and voted the democratic ticket this time more than they ordinarily do?—A. O, yes.

Q. Whether they were republicans or not, I suppose you do not know? You did not know them personally, but you took them to be republicans because they were colored?—A. I know the majority of them.

Q. A great many more of the white men voted this time than ever voted before, did not they?—A. Yes, sir; there was more votes voted there than ever was known before.

Q. You know that all the white men who were voters voted there?—A. Yes, sir. There were white men that voted there this time that I don't know that they ever voted before.

Q. That is, the white men on previous occasions had not voted their full vote there, but this time they did cast their full vote?—A. Yes, sir, with the exception of a few.

Q. And some of the colored race were induced in some way or other to vote with the whites?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Do you know of any illegal votes being polled at that precinct?—A. There was some votes polled there that was supposed to be under age.

Q. White men?—A. Colored.

Q. How many?—A. There was not very many; only five or six. White men brought them in to vote the democratic ticket.

By Mr. ABBOTT:

Q. Have you been a witness before the Senate committee?—A. Yes, sir.

Q. And also before the court?—A. No, sir.

COLUMBIA, S. C., December 25, 1876.

L. N. GUFFIN sworn and examined.

By Mr. LAWRENCE:

Question. State your age and residence.—Answer. About thirty-two; residence, Abbeville Court-House.

Q. How long have you resided there?—A. I was born there and have lived there all the time except four years that I was in the war and about two years in the West since the war.

Q. On which side were you in the war?—A. I was on the confederate side.

Q. What, if anything, do you know in relation to intimidation or threats against republican voters at the last presidential election?—A. I know there were a great many threats made there against republicans at Abbeville Court-House, and through the county.

Q. State, so far as you know, what threats were made.—A. I know that republicans were told that if they voted the republican ticket they would be discharged and not employed. The newspapers advocated that. Besides, I heard it personally in a great many instances.

Q. You heard it from land-owners, addressed to the colored people on their lands?—A. Yes, sir.

Q. On the day of the election where were you?—A. At the court-house.

Q. Were any threats made on the day of election?—A. I don't know that I heard any threats that day, further than this, that the democratic party had a committee of gentlemen at the box. The election was held in the court-house. The lawyers' bar or desk was a long table, rather in circular form, and at one end of the table there was a democratic committee that was keeping a list of the voters. There was a gentleman standing there, and when a colored man would come up, if he voted the democratic ticket, this gentleman that was standing looking directly at the box would say "that is right," and would give his name to the committee. If a colored man came up and voted the republican ticket, he

would give his name and say "that is wrong." I remarked to him at the time, "You have no right to make those remarks; these men have a right to come up and vote just as they see fit."

Q. Do you know of any illegal voting there?—A. Yes, sir; there was a great many votes there that I considered illegal. I challenged a good many votes until 11 o'clock. At that time I received a note from my wife to please to come home; that she wanted to see me. When I got home I found my wife very nervous, and she begged me not to go back to the polls. I remained at home for probably an hour, and then went back to the polls. When I went back there was a crowd of red-shirted men there jeering at me, saying, "Guffin, am I old enough to vote?" and saying that I had no business to challenge anybody there.

Q. To what extent were illegal votes received?—A. At that box I think there were twelve or fifteen illegal votes received.

Q. Democratic votes?—A. Yes, sir. If I had the poll-list that was kept by the managers I could tell exactly, because I challenged them, and had the clerk make a note of it; but everything has been in such an unsettled condition since, and they have made it so lively for me there since, that I have not prosecuted anybody, and I don't think I shall.

Q. State whether you know anything of republicans leaving the polls without voting from any cause?—A. I don't think there was anybody left the polls without voting that presented themselves at the box. I think every one voted there except two men that came in near the close of the polls, and asked to vote and some one challenged their votes, and I don't think they voted. My impression is they had voted before, they did not press the matter. I said to one of them, if you have voted anywhere else, you lay yourself liable to go to the penitentiary if you vote here now.

Q. Were you at any republican meeting during the campaign?—A. Yes, sir; I was at two at Abbeville Court-House.

Q. What was the condition of affairs there?—A. The first one was when Governor Chamberlain and some other gentlemen from Columbia came there. There were but a few republicans. The meeting had not been very well advertised, and there were not many there. At that time I was opposing Chamberlain and his administration, and I had taken no part in the meeting at all. There was about eleven or twelve hundred republicans there, and three or four thousand democrats in uniforms, red, and yellow, and blue shirts.

Q. Were they armed?—A. Some of them had pistols.

Q. Describe what occurred.—A. The meeting was called as a republican meeting. The republican committee met and there was a demand made on them for a division of time by the democrats. They acceded to it, and there was a stand or platform erected in the grove near the depot; the crowd marched down there, and the republican speakers went on the stand. After they had taken their position on the stand the democratic speakers came down, Colonel Aiken, Colonel Cothron, General McGowan, and there may have been others. Among the republicans were Governor Chamberlain, General Hoge, Mr. Jillson, and probably some others; the democratic clubs came down on horseback, and did not dismount. They formed a circle around the republicans. There was no seats for the audience; they were just standing in front of the stand. They crowded around with their horses and moved in toward the stand when the speaking commenced.

Q. What proportion of those mounted surrounding the republicans were armed?—A. O, I would think they were nearly all armed. I could not tell who were armed only where I saw the butts of the pistols sticking out. I saw no other arms but pistols. I staid until Chamberlain spoke, when Mr. King, one of the captains of a democratic rifle-club, came to me and said, "Guffin, you did me a little service on a certain occasion, and if I was you I would not stay here, I would go to my house." I taken him at his word, and I went. I got my dinner, and after my dinner the meeting was breaking up and the clubs was passing my house. I was there on the piazza, and had my little girl on my knee, and they cursed and abused me a good deal, but I did not feel much alarmed at it, because it was rather a common thing. They said, "Guffin, you went to school with us boys, and we have always been good friends; if you leave your politics out, we all like you, and will do anything we can for you."

Q. Did you see what occurred at the meeting?—A. After King came to me I didn't; I only saw the clubs passing my house.

Q. Did you hear anything that occurred at the meeting?—A. Before I left I heard them calling Governor Chamberlain a liar while he was speaking.

Q. To what extent was he interrupted in his speaking?—A. Considerable. All of the republican speakers were interrupted. When they would say anything they didn't like, the democrats would call them liars and shout. Colonel Cothron, though, the chairman of the democratic party, appeared to be doing all he could to preserve the peace.

Q. Were any of the democratic speakers interrupted by republicans?—A. They were not that I heard.

Q. How did you finally vote for governor?—A. I voted for General Hampton, but I voted the republican ticket straight, with the exception of governor and treasurer.

Q. At the democratic meetings did the democrats allow the republicans part of the time for discussion?—A. I never heard of it. I don't know that there was any demand.

Q. Did the democrats generally make a demand on the republicans for a division of time?  
—A. Yes, sir.

Q. Had this meeting been advertised as an exclusively republican meeting?—A. I so understood it.

Q. State whether when the demand was made on the republicans for a division of time, it was made in such a form that compliance was a necessity?—A. I so considered it at that meeting; there would have been no meeting at all if the republicans had not complied with the request for a division of time.

Q. State the general effect of the menacing manner in which the democrats surrounded that republican meeting. What effect did it have on the colored people?—A. It had this effect, that there were a great many colored men that were not in this ring or bull-pon that was formed there, and one-half did not attend the meeting through at all.

Q. State to what extent, if any, did colored men fail to attend the poll in consequence of threats or intimidation?—A. O, I think there were a great many. We did not vote our strength at all on the day of election. We ought to have voted nearly 5,000 votes. That is about our vote in the county.

Q. For what reason did so many republicans remain away from the polls?—A. The reason was this threat of turning them off and not allowing them to work their lands.

Q. State how general that threat was?—A. That threat I think was general through the whole county.

The CHAIRMAN. Confine yourself to what you know.

By Mr. LAWRENCE:

Q. State to what extent you have heard land-owners make that threat?—A. Every single land-owner that I have talked to has said it.

By the CHAIRMAN:

Q. In the presence of their own colored men?—A. Yes, sir.

By Mr. LAWRENCE:

Q. How many have you talked with?—A. A great number. I don't know how many.

Q. State any other fact within your own knowledge bearing upon the subject of intimidation.—A. After the speaking, when the meeting broke up, the crowd went into the public square and got up some difficulty there and commenced firing their pistols. I did not see it, but I heard the reports of the pistols. I heard may be 200, and I saw the colored people running from the square in every direction. I think they were more completely demoralized by that shooting than by any other one thing through the campaign.

Q. Are you well acquainted with the colored people through that part of the country?—A. I think I ought to be.

Q. What is their character as to timidity?—A. They are very timid; they have no confidence in themselves; as a body they are easily frightened; that has been my experience with them.

Q. How do they compare with the white men in that respect?—A. I hardly know what comparison to make. There is really no comparison between the white men and the black men in that respect.

Q. The white men are incapable of intimidation, while the colored men are extremely susceptible to it?—A. That is just what I think of it.

Q. Two could put ten thousand to flight?—A. Well, no; I hardly think that, but ten or fifteen resolute armed white men could scatter a whole neighborhood of them. A few nights before the election there was a large meeting at Lowndesville, and I heard the pistols fired off about one mile or a mile and a half from my house. I was sitting on my piazza, and a colored man came up out of breath and says he, "My God, we are all going to be killed. There is 500 red-shirted men down in the road just fixed to come down on you." Said I, "I guess I will see them when they come," but they did not come.

By the CHAIRMAN:

Q. You knew they would not?—A. I did not apprehend much danger. I did not think they were going to come here. I did not fear they were ever coming to attack me when I was awake. I helped my brother, the sheriff, to arrest sixty-three of them for what they did on that night.

Q. Arrests were made for what was done on that occasion?—A. Yes, sir.

Q. You state that you had been taking no part in the election until the time of this meeting?—A. I had been taking but little part in it.

Q. You were known as a republican?—A. I was.

Q. You went as a republican to the polls for the purpose of challenging illegal votes?—A. Yes, sir.

Q. Then you were in proper standing with the republican party, and went there in the service of that party?—A. Yes, sir.

Q. You say you challenged a few German voters?—A. Yes, sir; and a few boys that I thought were under age.

Q. What attention was given to your challenge?—A. The voters were sworn.



Q. Two of the managers were republicans and one a democrat?—A. Yes, sir.

Q. Then the votes were received by the managers, two republicans and one democrat, after your challenge?—A. Yes, sir.

Q. Then the managers were satisfied, I suppose, that the parties were entitled to vote?—A. I do not know as to that. I would infer that from their receiving the votes.

Q. You had no personal knowledge that those parties were under age, or were not entitled to vote?—A. Some of them I had knowledge of. Those Germans had told me themselves that they were not naturalized.

Q. Did they swear that they were?—A. They swore that they were entitled to vote.

Q. You had no personal knowledge as to whether they were naturalized or not?—A. No, sir; I had not.

Q. And the two republican managers received their votes upon examination?—A. The only examination was that they swore that they were entitled to vote.

Q. Did you see any fraudulent colored votes put in there that day?—A. Not one, sir.

Q. You said a while ago that there were two colored men who attempted to vote illegally?—A. There were two that attempted to vote.

Q. You were not much on the lookout for republican illegal voters?—A. Yes, sir; I was. I wanted a fair and square election. There were one or two republicans that were challenged by the opposition, two boys; and I told them, "Now, boys, if you are not twenty-one years old, don't vote," and they didn't vote.

Q. How many of the polling-places in the State have you attended as an officer of the election, or a challenger?—A. Only at this one poll on that day.

Q. Do you know anything of a custom here of persons of both parties being present and keeping a tally?—A. I never saw anything of it until that day.

Q. And this is the only poll you saw that day?—A. I have been at several different polls at other times. This was the only one I was at that day.

Q. And the only one where you paid particular attention to what was going on?—A. I had paid particular attention to elections for some years.

Q. Don't you know that it is very customary for each side to have a person there to keep a list?—A. I never saw it done before.

Q. You spoke about the rifle-clubs that were present at this meeting that Governor Chamberlain addressed. What do you mean by rifle-clubs?—A. Organizations of rifle-clubs.

Q. Were they anything but political organizations?—A. That I cannot say.

Q. Don't you know that, under the proclamation of the governor, the rifle-clubs had disbanded?—A. This was before the proclamation was issued.

Q. The rifle-clubs were subsequently disbanded?—A. I do not know that they were.

Q. You do not know that they were in existence after the proclamation of the governor?—A. I do not.

Q. What kind of arms did they have?—A. Pistols.

Q. Is it not the custom of the people in that part of the country to carry pistols whether in rifle-clubs or not?—A. It did appear to be the custom during the campaign.

Q. So that these men were not distinguished from the rest of the community by the fact that they carried pistols?—A. The way they were distinguished from the rest of the community was that they were in uniform.

Q. But they were not armed beyond what people generally were in that part of the country?—A. Well, yes, sir; I think they were a little more uniformly armed than the people generally are. As a general thing the republicans have very few arms, and what they have are of an inferior quality.

Q. They have as good pistols as the other side, have they not?—A. I think not.

Q. What means of knowledge have you on that point?—A. Well, I have been with them a good deal, and I have opportunities of seeing and knowing what they do. I told them plainly that I didn't think they could cope with white people in arms, and not to make any display to bring on any conflict.

Q. You say that those men were on horseback, and surrounded the meeting, and that there was a "bull-pen" there. What do you mean by a "bull-pen"?—A. I mean a circle.

Q. And the people who were on foot stood within, between the horsemen and the speakers?—A. Yes, sir.

Q. The horsemen did not come up close so as to crowd the people, did they?—A. I do not think any one could have gotten in after they formed.

Q. They formed on the outside of the crowd?—A. Yes, sir; and pressed them up together.

Q. Was there any kind of disturbance except the ordinary shouting that is usually heard at political meetings there?—A. I thought they unnecessarily abused Governor Chamberlain and the other republican speakers.

Q. Did you attend any democratic meeting at all?—A. I did not.

Q. It has been the custom among your people to divide time in political campaigns?—A. I never heard of it until this campaign.

Q. Has it not been the custom among the candidates for office in this State to hold joint discussions?—A. No, sir; I never heard of a joint discussion until this campaign.

Q. Have the democrats made much of the canvass in this State for several years past

until this campaign?—A. Yes, sir; we had a bolting ticket in 1874, when the county was thoroughly canvassed by both sides.

Q. That was a county canvass, not a State canvass?—A. A county canvass.

Q. Did Colonel Cothron and the other leaders of the democratic party seem inclined to excite disturbance in this campaign?—A. I do not think that General McGowan did.

Q. Did Colonel Cothron?—A. I do not know; there were one or two talks that I had with him when I considered his talk very bitter.

Q. I mean at this meeting that you have described?—A. No, sir; at that meeting I think they exerted very much influence to preserve the peace.

Q. And nobody was hurt at the meeting?—A. There was no one killed.

Q. Did you see anybody hurt?—A. I saw no blood of any kind.

Q. Was there anybody hurt at the meeting?—A. I think there was, but I would not be positive. I did not see it. When they commenced firing on the street—

Q. That firing was after the meeting, was it not?—A. Yes, sir.

Q. And there was nobody hurt there, either, was there?—A. No, sir; not that I heard of. I left my house; my wife was very much excited and asked me not to stay, and I left.

Q. You were not afraid of any personal injury, yourself?—A. Yes, sir; I was, that day.

Q. I thought you said a while ago that you sat at an open window with your little girl on your knee?—A. That was when they were passing. I knew that the feeling was very bitter, and I was afraid that perhaps if they should get up a row my life would be in danger.

Q. Where was this shooting—out of town?—A. I was at my brother's, about four miles west of the court-house. The firing was within my hearing; it was about ten or eleven o'clock.

Q. The parties who got up the disturbance were promptly indicted, were they not?—A. I think so; we arrested sixty-three of them.

Q. Was there any trouble about the serving of the process?—A. Colonel Cothron knew of the indictment, and he told my brother, the sheriff, that he would notify the Lebanon club, and they would come up and surrender themselves; which they did, and gave bonds for their appearance.

Q. And there was nobody hurt in the firing, that you know of?—A. No, sir.

By Mr. LAWRENCE:

Q. Did you see any republican armed at that meeting?—A. No, sir.

Q. But very few of the colored men have pistols?—A. Very few. They are very poorly armed. In fact, few of them have any arms that you could consider arms. There were two or three companies of national guards, two, three, or four years ago, and they have some State arms; but they have no ammunition, nor haven't had.

Q. The colored people have no pistols of any consequence?—A. O, no, sir.

By the CHAIRMAN:

Q. Is it not true that all the arms of the State are in the hands of the colored men?—A. I don't know that.

Q. So far as you know that is true, is it not?—A. As far as I know, in my own county, it is so. A few white men have arms, but they are very few.

COLUMBIA, SOUTH CAROLINA, December 25, 1876.

RICHARD WRIGHT (colored) sworn and examined.

By Mr. LAWRENCE:

Question. State your age and residence.—Answer. I am twenty-four. I live at Calhoun Township, Abbeville County.

Q. Where were you on the day of the last presidential election?—A. I was at Calhoun's Mills. I was one of the managers of the election.

Q. State, if you know, whether any intimidation was employed against republicans on the day of the election.—A. That morning, a little before six o'clock, there came in a company from Bordeaux Township, yelling and going on with their guns, and they said they was going to beat the republicans out; that they was going to gain the election or to kill the last republican. I think there was about forty of them.

Q. White men and democrats?—A. Yes, sir.

Q. State what occurred there during the day.—A. They reared around there about half or three-quarters of an hour, and then that company sort of quieted down. About half past one o'clock another company from Magnolia came, and they hit the United States marshal, W. H. Hurd, and ran him off, and kicked up a row.

Q. Were they armed?—A. Yes, sir. Then about two o'clock one of the white men that was in the club in our township went down to the branch, and he came loping back to the stand, and said the niggers were down at the branch bushwhacking, and some one shot at him. That raised another row, and some of them drew their pistols and said there should not be another republican ticket voted that day. The United States marshal was gone, and the lieutenant and Mr. Guffin had to get the other colored man to leave to keep down the fuss. Then Mr. Cade—he were drunk, and he is a very wild, rattling man anyhow—and

he got a petition and made me and the other managers sign it—that there was not any intimidation used there that day. So under that head me and Clay was compelled to sign it, for fear if we didn't sign it he would make us. We knew there was intimidation there; and after he got it up we had no protection there at all, and we was compelled to sign it.

Q. Do you know of any republican who left the polls without voting?—A. They just got scared after the white people commenced drawing their pistols, and left. They said they was afraid to stay.

Q. Did you hear anything said by democrats owning land which was calculated to intimidate colored men—republicans living on their land—from voting the republican ticket?—A. O, yes, sir; they said that. They had a little place about a yard wide for them to go in through. The men would stand outside as the voters came up in this little alley to vote, and they would catch them by the shoulder and tell them if they voted the radical ticket not to go back to their places any more. Some of them voted it, and they run a good deal of them off, and they made them leave the crop, too.

By Mr. ABBOTT:

Q. Do you know of any one being run off?—A. He is away from the place, and the white man himself said so.

Q. Did you hear what the white man said about running him off?—A. No, sir.

Q. State whether the republican left that place, and how soon after the election he left.—A. He left the next day after the election.

Q. What, if anything, do you know of colored men voting the democratic ticket, and under what influences?—A. There were some that voted the democratic ticket that joined the club. They voted right straight along; and then some said afterwards that they was forced to vote.

Q. What, if anything, do you know of democrats bringing colored men up to vote on the day of the election? What do you know of what they said to them to induce them to vote the democratic ticket?—A. There was a crowd there, off about a hundred yards; and when they would come up—I was one of the managers of the stand—and they would not say anything, only I would see them having a man by the arm, and they would lead him up, and he would vote. Then some of them would come in to vote the republican ticket, and they would stand behind them and punch them, and tell them if they voted that ticket they should not come on their place again, and should not get any employment nowhere around in the country, and that they would have to leave the State.

Q. What effect did that have on the colored voters?—A. I believe it kept a heap of them from voting. At least they said it did.

Q. To what extent did the colored republicans stay at home and not vote?—A. I think there was at least a hundred and fifty in that township that didn't vote at all. About a hundred went away from the polls, and about fifty, I reckon, staid at home and didn't vote, because a man told them that if they went and voted they must leave.

Q. Do you know the fact that colored men staid away from the polls on account of those threats?—A. Yes, sir; and I know white people that told me before the election that if I voted the republican ticket I would have to leave the county. They don't hide that up there.

Q. Do you know of any illegal votes being put in?—A. Yes, sir; some white men came from Georgia and voted the straight-out democratic ticket.

Q. How many?—A. There's two that I know personally; and there's several others that I don't know.

Q. Did you have personal knowledge of their being residents of Georgia?—A. Yes, sir.

Q. How long have you lived in that township?—A. I have lived there about ten years.

Q. To what extent are you acquainted with white men of that township?—A. I know most all of them.

Q. To what extent did white men—strangers to you—vote the democratic ticket at that poll?—A. There was a heap that came there from other townships, and I didn't know whether they was from Georgia or not; but these that I know of that came from Georgia didn't have the red shirt. All the South Carolinians had the red shirts.

Q. How many white men voted there that had not the red shirts?—A. Thirty or forty.

Q. Were they with those two men from Georgia that you knew?—A. Yes, sir; in the same crowd.

Q. Were you at any republican meeting during the campaign?—A. Yes, sir; at Abbeville Court-House; not at any other.

Q. If you know any other fact showing violence or intimidation, you may state it.—A. During the whole campaign we saw all the time that the white people up there were riding around at night, and going to people's houses and shooting off their fire-arms—

The CHAIRMAN:

Q. State only what you saw.—A. I am stating what I saw. They were passing up by our house every night.

Q. Were they armed?—A. Yes, sir. They even armed their little boys. A boy ten years old up there has a pistol and a big pocket-knife.

By Mr. ABBOTT:

Q. Did the colored people come up from Magnolia to vote there?—A. A few come from there.

Q. The white people came from Magnolia to vote at Calhoun's Mills in quite large numbers?—A. They came there.

Q. The black people didn't come with them, I suppose?—A. They brought about twenty, I think, that had joined the club.

Q. But no republican colored people that you know of came with them from Magnolia?—A. No, sir; because they were not mounted on horses.

Q. The republican Magnolians went to Abbeville?—A. A good deal of them did.

Q. So, then, you had mainly only the colored voters from your own precinct, Calhoun's Mills?—A. Yes, sir; I reckon there was about twenty or twenty-five came from Magnolia, but they came behind the club. Some of them voted. They objected to some of them voting because they had voted at Magnolia.

Q. Then there were about twenty of them from Magnolia that came with the republican colored people?—A. Yes, sir.

Q. Did you see anybody hurt during that meeting?—A. Yes, sir; Hurd.

Q. Did you see anybody hurt or struck, or shot at?—A. Yes, sir; I saw one of them hit Hurd. I saw the man when he struck him. Mr. Jim Griffin, from Abbeville court-house, I saw them hit him. Cade and J. T. Cleaveland.

Q. Was there anybody else hit?—A. No, sir; those were the only two.

Q. Did they interfere with the colored men's voting to any extent; did they shove them away and prevent their voting?—A. In the morning they crowded around.

Q. If any republican went up to vote, was there anybody who shoved him off and prevented him from voting?—A. No, sir.

Q. Were you prevented at the election at Calhoun's Mills in 1874?—A. I was there.

Q. Don't you know that there were a great many more colored voters at the last election than ever voted before at Calhoun's Mills?—A. I do not know; I didn't count them.

Q. But you were present at the election in 1874?—A. Yes, sir; I was there.

Q. In your judgment were there not more black people who voted at this election than in 1874 or in any previous election?—A. No, sir; I do not know whether there was or not.

Q. What do you think about it; do you think there were more black people who voted there in 1874 than in 1876?—A. I tell you I don't know, because I never saw the poll-list in 1874.

Q. I want your own judgment, as you were present?—A. Well, in 1874 every man voted that was there. There was no violence.

Q. Precisely. Now, were there as many colored people who voted in 1874, when there was no intimidation or violence, as voted in 1876?—No, sir; I think there was more colored people that voted the democratic ticket this time.

Q. But I mean people of your race who voted the republican ticket. Were there ever so many of your own race that voted the republican ticket at that precinct before, as far as you know?—A. I do not know, because I never saw the poll-list, and I never heard anybody say.

Q. You say this company from Bordeaux that came there in the morning were armed. How were they armed?—A. They had pistols.

Q. Anything but pistols?—A. I saw one gun. It was about the dawn of the day when they were riding around and hollering, and after day broke I saw one man sitting on his horse with one gun; but they had all pistols.

Q. How do you know that?—A. Because every one that I saw had a pistol. They had red shirts and pistols buckled outside, a heap of them, with a strap across the shoulder, and the pistol so that you could see it.

Q. How were the men armed that came down at one o'clock?—A. In the same way. Then there came in other clubs, from other precincts, and they were armed in the same way.

Q. The people generally were armed with pistols?—A. Yes, sir; the whole club through.

Q. The people outside of the clubs had pistols, didn't they?—A. I suppose they had a few, but nothing like the white people.

Q. Where do you live now?—A. I live there in Calhoun Township; the same place.

Q. You have been there ever since the election?—A. No, sir.

Q. Has anybody tried to run you off?—A. No, sir. I didn't vote; that was all the reason that they didn't bother me.

Q. Have they bothered other people who voted?—A. They bothered them by not showing them any favor, and telling them that they had best leave, that they wouldn't rent them no land another year, and all such ways as that.

Q. Did they run anybody else off by force or violence that you know of?—A. Yes, sir; they run some of them off, and turn—plenty of them there now. They say they sha'n't rent them no land another year; that they have got to move out of the county, or out of the State.

By Mr. ABBOTT :

Q. The United States soldiers were there that day ?—A. Yes, sir ; they were a'bout half a mile off.

Q. The officer in command was there, was he not ?—A. Yes, sir.

By Mr. LAWRENCE :

Q. You were the republican manager of the election there, but you didn't vote ?—A. No sir ; I didn't vote.

Q. Do the colored people in your township have arms ?—A. Some of them have pistols—a very few.

COLUMBIA, S. C., December 25, 1876.

W. H. TAGGART sworn and examined.

By Mr. LAWRENCE :

Question. State your age and residence.—Answer. I am fifty-four years old ; I live in Abbeville.

Q. What is your occupation ?—A. I am doing nothing now ; I have been farming.

Q. What office did you hold at the last presidential election ?—A. I was United States supervisor at Calhoun's Mills precinct.

Q. State whether you saw any violence at that voting-place on the day of election.—A. Yes ; I saw the marshal knocked down and shot at. His name was W. H. Hurd.

Q. Who knocked him down ?—A. Strangers to me, said to be Georgians.

Q. How long have you lived at Abbeville ?—A. I was born and raised within a mile and a half of the mills.

Q. To what extent are you acquainted with the white people of Calhoun Mills precinct ?—A. I know them all.

Q. State what you know, if anything, of Georgians voting at that precinct.—A. I don't think any of them voted there ; if they did it didn't come to my knowledge.

Q. Whether white men, strangers, voted there that day ?—A. Some.

Q. You didn't know their residences ?—A. No, sir ; I didn't ; but I challenged all the votes that I did not think were legal.

Q. How many white men, strangers to you, voted there that day ?—A. I could not say how many.

Q. Did you see any Georgians there ?—A. They were said to be, but I didn't know them to be Georgians.

Q. How many of those strangers were said to be Georgians ?—A. A pretty big crowd—ten, or fifteen, or twenty.

Q. Were any of them armed ?—A. They were all armed.

Q. State what they did with their arms, and if any of them used violence.—A. Only to Hurd, that I saw.

Q. Did you see the assault on Guffin ?—A. Yes ; I saw that. That was by Abbeville men.

Q. What threats of violence were made during the day there ?—A. I did not hear any, only that they would make them leave their plantations if they voted the republican ticket.

Q. Who made those threats ?—A. I heard a good many, but I could not locate them.

Q. Were they made by white men—democrats ?—A. Yes, sir.

Q. And the threats were made to the colored men living on the white men's lands ?—A. Yes.

Q. Did you see Ben Cade make an assault on Guffin ?—A. Yes ; I saw him draw his pistol and tell him he was going to kill him ;—he pushed him up against the stand and cocked his pistol, but he was seized by other parties and stopped.

Q. What is the character of the colored people of that county with regard to timidity ?—A. I don't think they are as timid there as in some other parts of the county ; but, still, they are timid.

Q. What effect does these threats have upon them in deterring them from voting ?—A. Very heavy, I think.

Q. To what extent were colored men, republicans of that precinct, prevented from coming to the polls ?—A. I could not say.

Q. To any considerable extent ?—A. I should not think there was many but what come to the polls, but a good many went off without voting.

Q. Did you advise any republicans to vote the democratic ticket, in order to save their places ?—A. I did advise the two managers.

Q. What, if any, threats were made against you that day ?—A. There was a pistol drawn, and a man said he was going to shoot me for my principles, being a republican ; but he didn't shoot.

Q. What effect did the threats that were made on the day of election and those assaults upon you and Hurd and Guffin have in deterring republicans who were present from vot-

ing?—A. I think that one hundred, or more, who were there, went off without voting. A good many went off en masse. They became frightened at this row and went off.

Q. What effect did it have upon the two republican managers?—A. I think that after I made that statement they didn't vote at all.

Q. What effect did the row have upon them in the discharge of their duties?—A. They were about to leave the box, and I told them to sit down; that they were safer where they were. They told me they were about to leave, and I think they were deterred from voting by the shooting by Cade.

Q. Were you present at any republican meetings during the campaign?—A. Yes, sir; at Abbeville.

Q. State whether republican speakers were interrupted, and, if so, to what extent.—A. Very much interrupted, and cursed, and called thieves and rascals and liars.

Q. Was there any interruption of the democratic speakers?—A. None.

Q. Had that meeting been announced as a meeting for joint discussion, or only as a republican meeting?—A. I think as a republican meeting.

Q. Do you know the character of the demand that was made upon the republicans for a division of time?—A. I don't know, sir; I have heard—

Q. At the democratic meetings were the republicans allowed any division of time?

By the CHAIRMAN:

Q. Were you at any democratic meetings?—A. I was at none at all.

By Mr. ABBOTT:

Q. The United States troops were in the neighborhood of Calhoun Mills all day?—A. Yes, sir.

Q. And the lieutenant was there all the time?—A. Most of the time he was in the box. The troops were off about a half a mile.

Q. And the whites voted a larger vote than usual that day?—A. Not to such an extent as the excess was.

Q. Didn't the white men all vote at that election?—A. I think so.

Q. And they voted to a much larger extent than they ever voted there before?—A. Yes, sir.

Q. And white men came up from Magnolia to vote at that precinct?—A. Yes; and a good many from below, too.

Q. And they all voted?—A. Yes.

Q. Was there not a larger republican black vote cast at this election than was ever cast before at that precinct?—A. Yes; I think so. There was no box at Magnolia, though, before.

By Mr. LAWRENCE:

Q. How far were the troops off?—A. Half a mile.

Q. How many of them were there?—A. I think there were fifteen or twenty.

Q. Was not the lieutenant away from the polls a part of the day?—A. Yes, sir.

Q. I understood you to say that there were not enough white men who voted there to account for the excess of the democratic vote. What do you mean by that?—A. I think that a good many negroes were made to vote to make up the democratic vote.

By Mr. ABBOTT:

Q. The negroes belong, to a certain extent, to democratic clubs in that neighborhood?—A. A few.

Q. Did the white men's vote at any previous election at that precinct cast more than half their vote?—A. O, I think a good deal more than half.

Q. What proportion of the white vote, should you think, at any previous election at that precinct?—A. I do not know, but I think most of them voted, except the extremely old men and a very few others. I think quite a small number were left out.

Q. There was no democratic ticket in 1874. Green and Chamberlain, the two candidates, were both republicans?—A. Yes, sir.

Q. Did the democrats come out in their full strength at that election?—A. No, sir; I do not think they did.

Q. How many democrats, should you think, came down from Magnolia?—A. I do not know.

Q. You say they came down in a crowd?—A. Yes, sir; I should say somewhere between twenty and fifty.

By Mr. LAWRENCE:

Q. What effect did the threats which you have described have upon the colored republican men of the precinct?—A. I could not tell you that. It kept out a good many of them. I know of several that stood around there and did not want to vote.

Mr. ABBOTT put in evidence from the official returns the vote at Calhoun's Mills precinct, as follows: 1874, white vote, 119; colored, 421; 1876, democratic vote, 247; republican vote, 467.

COLUMBIA, S. C., December 25, 1876.

JEFFERSON CLAY (colored) sworn and examined.

By Mr. LAWRENCE :

Question. What is your age, and where do you reside?—Answer. I am twenty-two. I reside in Calhoun Township, Abbeville County.

Q. What office did you hold at the last presidential election?—A. I was manager at Calhoun's precinct.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. Well, the reason was they got up an excitement there about 2 o'clock in the afternoon, and said that no damned radicals should vote there, and on those occasions I was not allowed to vote.

Q. You were afraid to vote, were you?—A. Yes, sir.

By Mr. ABBOTT :

Q. There were republican black votes cast at that precinct after 2 o'clock, were there not?—A. I don't think there was.

Q. Do you mean to say there were not?—A. I do not know as there was.

Q. Do you know whether there were or were not?—A. I would not say candidly that there was not.

Q. What is your best impression?—A. I do not think there was.

Q. The whole republican vote was cast before 2 o'clock, then?—A. Yes, sir; the biggest majority.

Q. The whole vote for the republican party was cast before 2 o'clock, as you believe?—A. I would not say candidly.

M. T. THOMAS (colored) sworn and examined.

By Mr. LAWRENCE :

Question. Where do you reside and what is your age?—Answer. I reside at Lowndesville, Abbeville County. I am twenty-three.

Q. Where were you on the day of the presidential election?—A. At Lowndesville.

Q. State what, if anything, you know of threats being made by white democrats against colored men residing on their lands in case they should vote the republican ticket?—A. I was there as a supervisor. The polls opened at 6 o'clock, and between fifteen and twenty minutes after the polls opened about twenty-five or thirty white men, with red shirts, came riding up to the polls with pistols, and they said, "Where is the God damned radicals?" and they commenced crowding around the polls. I said, "Gentlemen, this won't do; we want a peaceable election, and, remember, I am not here in the interest of any party. I am here as a supervisor." They said that any man that voted the republican ticket they would kill him, and then another man says, "Any man that is on my plantation has got to leave, and when I go home I am going to kill him." There was twenty-five or thirty colored men with republican tickets that wanted to vote, and I said, "Gentlemen, allow these men to vote." They said, "No, they sha'n't vote for these damned rascals, Chamberlain and the others;" and they said, "What are you going to do here?" I said I was supervisor. They said, "You had better go to the box, then, and stay there." I said, "No; I am sent here;" and a man there, Mr. Buckam, says, "You are doing tolerably well, and you had better keep your mouth shut." He said, "I want you to vote the democratic ticket here." Says I, "I can't." Says he, "Why?" Says I, "Because I am a republican. If I voted the democratic ticket I would be a member of the club." Says he, "You are a good ways from home and you had better do it." This was only a short distance from the Georgia line, and some men came out, and one of them says, "By God, we don't allow no God damned nigger to challenge our votes." I says, "If you vote I will report you, and carry you before the United States court." This man told me, "If you put my name on that list, we will murder you to-night." Says he, "How do you go home?" I told him I crossed the double bridges, but I didn't. He asked me when I was going home. I told him I was going in the morning. He says, "That's all right; you are going to stay here all night." I says, "Yes," but I didn't stay; I left. I went in another direction. There was six or eight boys under age that voted there, and then there was these men that voted from Georgia.

Q. Did they vote the democratic ticket?—A. Yes; every one of them voted the democratic ticket. I watched them very close. They called for the republican ticket there and dared any man to show a republican ticket. I took some out, and they said, "If any God damn man was going to show them the republican tickets, they would kill him." So I put them back in my pocket. After the polls closed that evening one of them asks me, "Where are you going?" Says I, "I am going to see the ballots counted." Says he, "What are you going to do about it?" Says I, "I am the supervisor of the United States and I have a

right here." A man named Lee says, "You can't come in here except you promise us to drink whisky every time we give it to you." I told him I didn't drink whisky. My instructions was not to drink any when I left home. He says, "Well, you can't do anything; if you do we will take you out." They had it fixed so I could not get out that night, and they made two of the managers vote the democratic ticket. I would not vote at all. They wanted me to vote the democratic ticket, but I would not do it.

Q. Were those colored managers that voted the democratic ticket?—A. O, yes, sir; I think they had been republicans up to that time.

Q. You spoke of some twenty-five or more colored men who wanted to vote the republican ticket. Did they get an opportunity to vote?—A. Some of them did, and then the others got scared, because they said the men that they was working for would discharge them, and they left.

Q. What do you know, if anything, of colored men coming there to vote and going away without voting?—A. Yes; they come there and went away without voting, because these men would not allow them. They come there off and on all day long and went away without voting.

Q. About how many colored men, republicans, came there to vote and went away without voting, as near as you can judge?—A. About one hundred and fifty, I think, that did not vote at all. Some had liens and the liens had not been paid, and they said that if the colored men voted the republican ticket they would break them up.

Q. Explain what you mean by liens.—A. Well, in January the colored people go to work and they give a lien on their property to a merchant to furnish them with provisions during the year to make their crops, and they had not paid up those liens, and these men that had the liens on them were not allowed to vote, and the men that were living on their plantations were not allowed to vote the republican ticket.

Q. State whether you intended to vote the republican ticket.—A. Yes, sir; I intended, and I would have voted it if I had not been afraid.

Q. How many Georgians voted there that day?—A. I know about twelve or thirteen, and there was a man there from Anderson, adjoining county to Abbeville, that voted. The men were strangers to me. I told them that I was a supervisor, and had a right to challenge the votes. This man said, "By God, I am from Anderson." Says I, "You can't vote here; you can vote in Anderson." Says he, "Yes, I will." Says I, "Well, you may vote for President." Says he, "No, by God; they will vote for all the ticket;" so I spoke to the manager and told him. They said they were going to swear them. One man says to me, "What's that you are doing?" Says I, "I am just writing." Says he, "Will you put down my name;" I told him, "No, sir."

Q. Why did you tell him that?—A. Because I was afraid. They had long pistols, and I was afraid they would kill me. Then, too, I let them search my papers to see that I had any names, but I had taken all the names and put the paper down in my boot.

Q. To what extent were men armed there that day?—A. I saw nothing but pistols.

Q. How many did you see have pistols?—A. I saw men with pistols buckled on the outside of their clothes, about twenty-five or thirty.

Q. Did you see any colored men have pistols?—A. Yes, sir; some colored men. I do not think there was more than about a dozen. They was of the democratic club, riding in the procession.

Q. Did you see any republican colored men have pistols?—A. No, sir; they might have had them, but I didn't see them.

Q. What has been your occupation heretofore?—A. Working in a printing office at Abbeville.

#### By Mr. ABBOTT:

Q. You didn't live in Lowndesville at that time?—A. I went there the day before election.

Q. But you lived at Abbeville?—A. Yes, sir; before I went to Lowndesville.

Q. You were sent to Lowndesville to be a supervisor?—A. Yes, sir.

Q. They threatened you and all the rest of the colored republicans, you say?—A. Yes.

Q. That is, they told them all that if they voted they would shoot them or destroy them?—A. They said that them that voted the radical ticket they would kill them and run them off the lands.

Q. Then you believe that if you did vote that ticket they would kill you?—A. Yes; I believe it, because they had killed one.

Q. And the other colored people were frightened in the same way?—A. Yes.

Q. And the result was that they didn't vote?—A. No, sir.

Q. It was pretty dangerous for one of you to vote, because your lives were threatened?—A. Yes, sir; I advised some of the colored people to go to Abbeville to vote.

Q. Well, the feeling among them was that no black person could be around that precinct without being in danger of his life?—A. Well, some of them had lands of their own.

Q. Yes; but they were all threatened with being shot?—A. Yes.

Q. You have no land, have you?—A. Yes, sir.

Q. How happened it that any of the black men dared to vote when they were threatened to be shot?—A. I say some of them had lands of their own.

Q. But they were all threatened to be shot if they voted; even if they had lands of their



own, that would not prevent them from being shot; and that was the universal threat to every black republican, was it not, that if he voted he would be shot?—A. Yes, sir.

Q. When you found some of those people voting the republican ticket, and that they were not shot, why didn't that encourage you?—A. Because I had to stay there all night and see the ballots counted.

Q. But you say that some of the colored republicans did come up and vote and were not shot; now, why didn't that encourage you?—A. Because these men could come and look at the poll-list.

Q. But they could see these other colored men's names on the poll-list too?—A. Yes.

Q. And they didn't shoot them?—A. No, sir; they shot some of them since.

Q. When you found that they didn't follow up their threats and shoot these other republicans who voted, why didn't you come up and vote?—A. Because I was afraid.

Q. But they were equally in danger, were they not? Why, then, didn't you come and vote as they did?—A. Because I had to stay there that night.

Q. Why didn't you go when you found that the others who voted were not shot?—A. I was afeared to do it. I was afeared that these men were going to kill me.

Q. Why should they kill you rather than the others?—A. Because I was acting as supervisor, and I challenged several white men's votes for the reason that they didn't live in the county or in the State.

Q. Then they were going to kill you not because you voted, but because you challenged votes?—A. Yes; and because I voted.

Q. How many of the colored republicans did vote?—A. There didn't any of them vote right at the time they were threatened to be shot.

Q. But these white democrats staid at the polls all day?—A. Yes, sir; and some of them rode around there all night.

Q. They were at the polls all day, threatening every black man who wanted to vote the republican ticket?—A. Yes.

Q. And there were not a great many black men there braver than you, I suppose?—A. Yes, sir; some of them.

Q. How many of them marched up and voted, notwithstanding that threat?—A. They didn't march up; they stood around and picked chances.

Q. How many of them were there who in the face of these threats and these armed men voted the republican ticket that day?—A. O, I suppose some one hundred voted during the day.

Q. But there were white men standing around the poll and threatened them all day?—A. Yes, sir.

Q. Threatened to shoot them if they voted?—A. They didn't call out any particular man.

Q. But they said that they would shoot anybody that voted?—A. Yes; and turn any man off their plantations.

Q. Now I ask you how many black men were brave enough in the face of those threats to come up and vote?—A. Most of them voted the democratic ticket.

Q. How many, then, did vote the republican ticket?—A. I don't know.

Q. How many should you think?—A. I should think about one hundred; but there were scratched tickets. They had to put on Hampton instead of Chamberlain.

Q. Then Chamberlain got no republican votes?—A. Yes; he got seventy-five or eighty, I think.

By Mr. LAWRENCE:

Q. You do not know just how many republican votes were cast?—A. No, sir.

Q. Have any of those colored men who voted the republican ticket been killed since?—A. Yes, sir; three.

Q. Do you know who killed them?—A. Only by report.

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COLUMBIA, S. C., December 25, 1876.

WILLIAM T. FINLEY (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside, and what is your name?—Answer. I am thirty-four next May. I live within two miles of the village of Abbeville, in the county.

Q. Where were you on the day of the last presidential election?—A. I was at first at the Magnolia box. I got there about sun-up or a little later, and I staid about two hours. I went there to vote, and when I got there the managers said that they had lost the blanks to take the names on. Then we walked about and waited to see if they could find them; they were not found. I left then, and went to Calhoun's Mills box.

Q. What was the condition of things there?—A. When we got there everything seemed to be tolerably quiet, and about one hundred and fifty of us went from this Magnolia box, and we commenced voting, and about twenty or thirty voted.

Q. All republicans?—A. There was one democrat, a colored man. A parcel of men followed on behind us with a man named Cade. They were on their horses. About thirty of us voted, and then these Georgians came up and said they had a fellow named Hurd, and that they had whipped him when he lived in Georgia; they got off the horses, and one of the Georgians said he knew Hurd before he came there, and he had whipped him once and he would do it again. He told him he had a United States badge on, and if he didn't take it off, damn his soul if he didn't whip him and kill him, too. Then he walked up to Hurd and hit him either in the face or on the head. Hurd moved around a little. By that time eight or ten had gathered round, and he sort of moved a little farther off, and then they commenced throwing rocks, and throwed seven or eight rocks at him, and then some colored people gathered round him. These men kept throwing rocks at him, and they said, "Kill him! kill him!" There was about fifty or sixty men shouting "Kill him; that he couldn't be a United States marshal; damned if they didn't marshal him, the damned radical son of a bitch." Then one man jerked out his pistol and fired right out amongst them, and he didn't hit anybody. He shot right by us. Then the whole troop of colored men gathered round him, and they didn't throw rocks so much at these other colored men, and they kept Hurd huddled up in the middle of them, so that they couldn't get to shoot him.

Q. Did you see any other pistols than that one?—A. O, yes; I saw more than two hundred pistols. Almost every white man there had a pistol. Some one or two colored people had pistols.

Q. How many shots were fired?—A. At that time there wasn't but one shot, but a few minutes after that there was about fifty or sixty.

Q. How far was that firing from the polls?—A. Some of it was upon the other side of the street, some of it about in the middle of the street, and some down as far as the State-house; where the big crowd of people would be standing they would be shooting around.

Q. Were there any men there on horseback?—A. All of them had their horses, and they all had red shirts and blue shirts.

Q. How were the South Carolina men dressed?—A. They were the ones dressed in red. The Georgians were in citizens' clothes.

Q. How many of those white men dressed in red were there?—A. About sixty or seventy.

Q. What, if anything, did you hear said by white men there—democrats—to the colored men?—A. When this row was kicked up with Hurd, the colored people still kept voting, and some white men came up and told them to get away from the poll. They said they were not doing anything; that they wanted to vote. They said, "Go away from this poll," and they took a colored man by the arm and led him away by the arm. They said if he didn't go, he would get hurt. One of the colored men didn't go right then, and three or four of them caught hold of him and took him out. Then about that time Guffin, the sheriff of Abbeville County, told them they must keep the peace, but they got into a row with him, and I think Mr. Cade knocked him down. He fell, and I didn't see anybody else strike him.

Q. State what you heard of threats made by white men against colored men.—A. When I get down to that, then I will tell that part of it.

The CHAIRMAN. You have your story all arranged?

The WITNESS. I have got it arranged just as the thing went.

Mr. LAWRENCE. Proceed and tell what occurred.

The WITNESS. They got after this fellow Guffin and knocked him down, and Guffin then said he wanted the colored people to go home; that the white people were accusing him of keeping the niggers there to vote the republican ticket. The row with Guffin took about half an hour, and the other men standing off couldn't vote, because the poll was pretty well surrounded by democrats, and neither white nor black voted. The disturbance got up and there couldn't anybody vote. The white people was there with their pistols lying on a piece of board by the ballot-box. Mr. Cade said that that pistol was telling the managers that that election had to go just as they wanted it to go, and if it didn't go as they wanted it to go, it couldn't go at all. Then the question came up of the niggers that they must vote the democratic ticket, and they told them the grounds. Says they, "You live on our land, we give you a home, we give you bread and sell you meat, and then why can't you vote for us down South? but you still vote with the damn carpet-baggers that come from the North down here and tell you lies. We are the people that freed you. You think the Yankees freed you, but they didn't. If it hadn't been for our action the Yankees never would have freed you, and if you don't vote with us you can't live on our land. We shall stop our mills grinding for you, and you shan't have doctors to attend on your families when they get sick, and we shan't give you no credit unless you have money to pay for it."

Q. You speak of colored men being taken away from the polls?—A. Four of them went up and voted, and these men got hold of them and put them out and told them they must go out further; that if they wasn't going to vote with the democrats it didn't make no difference to them whether they voted at all or not, and they must stand back from the poll.

Q. What do you know, if anything, of colored men going to the voting-place and going away without voting?—A. In that crowd that went down there was fully one hundred and fifty of us, but I don't think there was more than forty that voted. The others scattered off and went towards their homes. They said they must go off; that if they didn't, they would get killed or shot. Some of them asked me what should be on the ticket, if they should vote.

I didn't know what to tell them. Some of them said, "If we vote, we'll get killed." Others said, "We have to move to-morrow, and I would rather not vote than be put out."

Q. Were there colored men that came to the voting-place and went away without voting?—A. Yes, sir; they would persuade them that they would have to leave, that they couldn't live on their land; but they didn't commence drawing pistols, I think, until after this row. Then the colored people got scared.

Q. Those men in the crowd that came with you from Magnolia and went away without voting, in what direction did they go?—A. They went back in the direction that we came. The nearest voting in that direction would be twenty-two miles off.

By Mr. ABBOTT:

Q. You started from Magnolia about what time in the morning?—A. I couldn't tell you to save my life, because I had no watch and it was cloudy and rainy; it was about eight or nine o'clock in the day, as near as I could tell.

Q. All the voters there went up with you?—A. No, sir; part of them went to Abbeville Court-House, and about one hundred and fifty went with me down to Magnolia.

Q. About how many went to Abbeville?—A. I couldn't tell you.

Q. According to your recollection, how many?—A. I suppose about one hundred and fifty or two hundred went to Abbeville.

Q. About one hundred and fifty went up with you and a good many didn't go at all?—A. I couldn't tell you that.

Q. You have some idea about it?—A. I reckon there was about thirty men that didn't go.

Q. The rest went to one of the two places?—A. I guess so.

Q. Were there any white men there that morning?—A. Yes.

Q. They started before you?—A. No, sir; after me.

Q. They didn't get to the box, then, before you?—A. No, sir; they got to Calhoun's Mills box last; they came afterward.

Q. And when you got up there there were about one hundred and fifty of you?—A. Yes; about one hundred and fifty in that drove.

Q. How many voters were there at Magnolia when you got there?—A. Between four and five hundred; there were no less than that.

Q. How many white men?—A. About one hundred and fifty white men.

Q. Was that about the usual number that voted there?—A. That is more than votes there. Their white vote two years ago was about fifty-seven.

Q. They never had an election before at Magnolia, did they?—A. Yes; we call it Magnolia; they called it Riley's school-house, but it was all in the same township.

Q. Were there any more colored men collected there together that day than usually voted at that precinct?—A. No, sir.

Q. Then there were about four hundred colored men collected together that morning at Magnolia?—A. As nigh as I can give it to you, in truth; about three hundred and fifty colored men and about one hundred and fifty white men, as nigh as I can tell the truth.

Q. That was about the usual number of black men?—A. Yes, sir.

Q. Then there was not any unusual gathering of black men, though there was of white men?—A. Yes, sir; because there was men there that said they lived in Georgia.

Q. And your people were about the usual number?—A. About the usual number.

Mr. ABBOTT put in evidence the vote at the precinct known as Riley's in the election of 1874, as follows: Republican vote, 184; democratic, 101.

COLUMBIA, S. C., December 25, 1876.

F. E. WILDER sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside?—Answer. At Beaufort.

Q. What office did you hold at the last presidential election?—A. Commissioner of elections for Beaufort County.

Q. State whether you examined the ballot-box from Gray's Hill precinct?—A. We did.

Q. Did you examine the ballots for electors for President and Vice-President?—A. Yes, sir.

Q. Were they all regularly printed for the republican and democratic electors?—A. Yes, sir.

Q. There were none for Hayes and Wheeler and Tilden and Hendricks?—A. No, sir.

Q. How was it at Black Creek precinct?—A. That was the same; they were all regular; there were no scratched tickets.

Q. What do you know of colored men, republican voters, being imposed upon with spurious tickets at Hilton Head precinct?—A. I know there was spurious tickets there that were given out to several different colored men. The heading was "Union republican ticket."

Q. What candidates were on that ticket?—A. It was the regular democratic ticket, except the heading.

Q. To what extent did republicans vote that ticket?—A. There was only one that I know of.

Q. Do you know of any intimidation of republican voters?—A. No, sir.

Q. Or any violence?—A. No, sir.

COLUMBIA, S. C., December 25, 1876.

LEWIS CLAY (colored) sworn and examined.

By Mr. LAWRENCE:

Question. State your age and residence.—Answer. I am twenty-eight. I live at Mount Carmel, in Abbeville County.

Q. Where did you vote on the day of the presidential election?—A. At Calhoun's Mills.

Q. What time did you go to the polls?—A. About half past five in the morning.

Q. What occurred there?—A. When I got to the polls I saw a company of red-shirted men; they had a big fire, and I suppose they had camped there all night. I suppose there were forty or fifty of them.

Q. Had any of them pistols?—A. I didn't see any in that company, but after a while, about six o'clock in the morning, there came up about fifty or sixty on horses and rode all around us. About one hundred and fifty of us went there at about half after five o'clock, and we stood on the other side of the box, and they stood on this side. When the red-shirted men came up they rode around us and yelled and whooped and hollered; some of them had guns; we could see them as they rode around holding them up as if they wanted to get up a fight and run us off, I thought; they rode around and halted, and said that they had come to carry that election and damn all republicans; and they said they were going to kill us out that day or carry that election.

Q. You were there with a crowd of about one hundred and fifty republicans?—A. Yes, sir.

Q. How many of those one hundred and fifty republicans voted there?—A. I suppose all of them voted; we voted right smart there, but we lost about 150 votes there.

Q. What do you know of colored republicans coming to the polls to vote and going away without voting?—A. About one o'clock in the day there came a company there from the Magnolia box, about forty or fifty men; they came up yelling, and they called for the United States marshal; somebody pointed him out to them; they said they wanted to see him, and they went to him and commenced punching him right in the side with their fists; he walked off and ran to the left-hand for protection, and some of them threwed something at him and struck him on the arm and shot—I suppose they must have been shooting at him; I didn't see the pistol, but I heard the report, and he had to leave.

Q. How long did you stay at the voting-place there?—A. I staid until about three o'clock, I think.

Q. State what you know about republicans going away without voting.—A. There was a great many right at that time. That company of men said that no more republican votes should be cast there that day; that the men that voted for the balance of that day had to vote the democratic ticket or they couldn't vote at all.

Q. How many republicans went away without voting?—A. They went off in crowds; we made an estimate of it, and we thought there was about one hundred and fifty in all. They went off and they met some coming, and they told them—

Q. You left about three o'clock?—A. Yes, sir.

Q. Did you see any republicans vote after this crowd came up threatening them?—A. I didn't see none vote after that.

Q. Were you at any republican meetings during the campaign?—A. I was at several. I was at one at Abbeville. We didn't dare to have any in the country; we started it, but we had to stop it.

Q. Why?—A. They told us we should not do it.

By Mr. ABBOTT:

Q. Did anybody tell you that?—A. Yes, sir; D. Wyatt Aiken. He says, "When you see them going to have their meetings, go to see 'em;" and they hollered out, "We'll do it." Says he, "Whenever you hear of their meeting, go to see it and break it up;" and they told me time and again, "Whenever you have your meetings we'll be there."

Q. Have you any knowledge of republican meetings being withdrawn, or its being decided not to hold them, in consequence of such threats?—A. Well, I don't know of any being withdrawn, because we were afraid to appoint them after that.

Q. Have you any knowledge of republican committees or leading republicans determining not to call meetings because of their fear of trouble?—A. At Mount Carmel, myself as a leader, and Hurd as a leader, and Richard Wright as a leader, and Albert Burton, and several others, which always calls our meetings in that precinct, we came together and came to the

conclusion that we wouldn't have any more public meetings, because some of us might get killed. When it was understood that we must send our men to Abbeville to nominate for the legislature and other State officers, it has been always the rule that we should meet at the mill at eleven o'clock in the day-time, but we had to meet a little before day; we was afraid to have our meeting in the day-time, or in the first part of the night, because they would interrupt us we concluded; so we made the nominations a little before day. By the time we had got the men nominated it got out that we were meeting there at the church, and about sun-up we could see them on their horses coming to town to get up the clubs to come and "see us."

Q. You could see whom; democrats or republicans?—A. O, red-shirted fellows; regular democrats. They said they was determined we should hold no more republican meetings.

Q. What do you know of democrats and land-owners making threats against colored men if they voted the republican ticket?—A. I expect I have heard a thousand that said that. I heard them tell the hands right to their faces, and then tell me, "Lewis, if such and such a man votes the republican ticket, he has to leave my place."

Q. To what extent did colored men, republicans, stay at home or away from the polls in consequence of the threats that were made and the excitement existing?—A. There was a great many that staid away.

(Mr. Abbott objected to this witness stating the reasons why they staid away.)

The WITNESS. A few days after the election twenty-two armed men came to my door and told me—well, they didn't exactly get to see me, either, because I stepped out for fear they might kill me, but they told my wife—

Q. Were they white men?—A. Yes, sir; white men. They came to my door. Then after that I saw some of them, and I asked Mr. McBride, he was the captain, says I, "You was at my house the other day and left word for me to leave the State." He says, "Yes; I did. I had nothing against you myself; you never done nothing to me, but I was ordered to go there and order you to leave the State."

Q. How long have you lived there?—A. I was raised there; bred and born there.

Q. What business are you engaged in?—A. I am a minister of the Methodist church; I have a circuit.

Q. How long have you been preaching?—A. About six or seven years.

By Mr. ABBOTT:—

Q. Who first came down from Magnolia, the colored people or the whites?—A. The colored people were first.

Q. How many came down?—A. There was a good many there before I knew that they were there.

Q. How many did you see come down?—A. I saw some fifteen or twenty.

Q. How soon after that did the white men come?—A. About half an hour afterward I saw them.

Q. How many of them came?—A. I reckon there was about twenty or twenty-five.

Q. About the same number of each party came there?—A. I suppose so.

Q. Did you hear any firing aside from this at Hurd?—A. No, sir; I never heard no guns.

Q. There was about the usual number of people there to vote at that precinct?—A. No, sir; there was a great deal more than ever had been there.

Q. Didn't the blacks vote their full vote at previous elections?—A. Yes; Magnolia box broke up, you see, and some went off.

Q. With the exception of the twenty or twenty-five men from Magnolia Station, did you see any other black republicans there from other places?—A. Yes, sir; from Bordeaux.

Q. Is that the name of a voting-place?—A. Yes, sir; they call it Charlotte; there was a poll there.

Q. How many were there from Charlotte?—A. They came up in droves; I think there was a hundred.

Q. Did any white people come there from Charlotte?—A. About fifteen or twenty did, but not to vote.

Q. And there were about eighty or eighty-five black people?—A. I think there was about a hundred black people.

Q. Did the whites come from anywhere else?—A. The whites didn't vote at Calhoun's Mills; they just came to look around; I suppose they didn't get off the horses at all.

Q. Did the blacks vote there?—A. They couldn't vote.

Q. You don't know whether they did vote at Calhoun's Mills or not?—A. I don't think they did; I saw a good many leave there without voting.

Q. You don't know whether they voted at Charlotte?—A. No more than what they said.

Q. They may have been repeaters, who had voted at Charlotte, and had come up to repeat at Calhoun's Mills?—A. Well, I don't think so.

Q. You don't know?—A. No; I don't know it.

Q. At the previous election were you at Calhoun's Mills?—A. I have been there at every election.

Q. More people voted on the republican side at this election than ever voted there before?—A. I don't know as there was.

Q. Were there not more people about there apparently voting at the last election than ever before?—A. We had more colored people there; but there was a great many left and didn't vote.

Q. You saw more people about there voting than you ever saw before?—A. I saw more on the ground in the morning until they started.

Q. Don't you think that more people voted at this very last election on the republican side than ever voted before at Calhoun's Mills?—A. No, sir; I don't think so.

Q. Do you think fewer people than usual voted there?—A. I don't know the number. I think there was a larger number there, and if they had all voted I think there would have been more.

Q. You saw the men voting there?—A. Yes.

Q. Of the people voting don't you believe that there were more who voted the republican ticket at the last election than ever before at Calhoun's Mills?—A. I cannot say, sir.

Q. Do you think there was a less number?—A. You have got me hard there; I can't say whether there was less or more; I can't say which way it was.

Q. Do you belong to the Union League?—A. No, sir; I don't belong to any league at all.

Q. Do you belong to any republican society?—A. No, sir; my name can't be found.

Q. Did you never belong to one?—A. No, sir; I never joined any political society.

Q. In previous years have not there been elections held at Magnolia?—A. Yes.

Q. The fact that no vote was taken at Magnolia this year would naturally increase the vote at Calhoun's Mills?—A. Yes, sir; it would. That is the reason that I know there was more men there.

Q. Do you mean to say that there ever was a poll held at Magnolia before?—A. Yes; they have always voted there.

Q. Don't you know that this was the first time that a poll was ever held there?—A. O, no, sir; I don't know that. They have voted in Magnolia, but this is the first time it was ever held at the upper end of Mrs. Haskell's gin-house. It is the same township, though.

COLUMBIA, S. C., December 25, 1876.

ALEXANDER WILSON (colored) sworn and examined.

By Mr. LAWRENCE:

Question. State your age and residence.—Answer. I am twenty-eight years old, and live at Calhoun's Mills, Abbeville County.

Q. Where were you on the day of the last presidential election?—A. At Calhoun's Mills. I got there about seven o'clock in the morning.

Q. What, if anything, do you know of colored men, republicans, who were there to vote, but went away without voting?—A. There was some there that went away without voting.

Q. How many, as near as you can remember?—A. As nigh as I could come at it, about one hundred and forty or one hundred and fifty.

Q. What time did you leave the voting-place?—A. I left there about two or three hours of the sun in the evening. I left there after the riot was kicked up.

Q. How long did you stay after the row was over?—A. I staid there about half an hour, or probably three-quarters.

Q. State whether you saw any republicans vote after that difficulty occurred?—A. No, sir; not any.

Q. Did you see any armed men there?—A. Yes, sir.

Q. How many?—A. In the morning there was men mounted there on horses, and they rode around we black people there, with guns, and they had pistols there all day long.

Q. Were you at any other voting-place that day?—A. No, sir.

Q. State whether you heard any threats made by democrats who owned lands, against the men living on their lands in case they should vote the republican ticket?—A. The man that I lived with myself, he told me if I voted the republican ticket he would turn me out of doors; and he did.

Q. State if you know of any others being turned off lands for that reason?—A. No, I don't know of any others that was turned off, but several said they would let them stay until Christmas, and then turn them off.

Q. How long have you lived in that township?—A. Ever since the emancipation.

Q. How extensively are you acquainted with the white men of that township?—A. I am acquainted with a great deal of them in that town.

Q. Do you know anything of any persons voting at that voting-place who were not residents of the county?—A. I don't know any men's names, only some that came out of Georgia. I know they were Georgians, but I did not know their names. They went back in the evening after the riot. As near as I could guess there was about ninety or one hundred of them. Then there was some starting there, but the others coming away made them turn back, and all went back together.

By Mr. ABBOTT:

Q. About what time did you leave?—A. About two or three hours of the sun in the evening.

Q. Did the sun set about half past four?—A. I don't know, sir, what time.

Q. These Georgians all went off before you did?—A. No; they was all mounting their horses when we left.

Q. They left the mills before you did?—A. No.

Q. Then you don't know anything about their leaving there and going off all together?—

A. They was all mounting their horses. I left some of them there.

Q. You did not know where they went?—A. No, sir.

Q. Then why did you swear that you did know?—A. Those men they were mounting their horses there. I know it was some of the men that passed me on the road.

Q. But you left them at the voting-place, and went off about your business?—A. Yes.

Q. And you never saw any of them in Georgia?—A. Yes, sir; I saw them in Georgia. I worked there last year about August.

Q. How many of them did you see in Georgia?—A. I seen three or four.

Q. Do you know their names?—A. No, sir.

Q. Did you see them more than once?—A. Yes, sir; several times.

Q. How long did you work in Georgia last year?—A. Three months. I did not know the names. I seen them in passing their houses.

Q. You had no talk with them?—A. Not at all. I only knew them by sight.

Q. You saw them, in passing their houses, and seeing them a year afterward you know them?—A. It could not have been a year.

Q. Well, some months; how many months?—A. Two or three months.

Q. When did you work in Georgia?—A. I worked in Georgia along until about Christmas a year ago.

Q. Then you had not seen those people for eleven months?—A. Yes; passing backward and forward.

Q. You left there last Christmas?—A. Yes, sir.

Q. And you only saw them when you were in Georgia passing by their houses?—A. Yes.

Q. You have not seen them in Georgia since that time?—A. Yes; because I was passing backward and forward over the river.

Q. Where did you see them?—A. Over at Lisbon.

Q. Did you have any occasion to talk with them?—A. No, sir.

Q. You cannot give any account of their names so that we could summon them and see whether you are telling the truth or not?—A. No, sir; I don't know their names.

Q. How many of them had you seen in Georgia?—A. There was three of them.

Q. Was there any other men that you knew?—A. No, sir.

Q. How many came up from Magnolia?—A. I don't know.

Q. How many should you think came from Magnolia Township?—A. I cannot say how many with the crowd that came. I should give a rough guess that it was twenty-five or thirty.

Q. Would that number cover all that came—white men?—A. Yes.

Q. How many black men came from Magnolia?—A. I never seen only five black men.

Q. You saw all that came from Magnolia?—A. No; I did not see all.

Q. You were there, and could see the people who came?—A. Yes; I only saw five black men that came there from Magnolia.

Q. Did you ever before attend an election at Calhoun's Mills?—A. Yes.

Q. Were there not more people voting there this year than you ever saw vote there before?—A. Yes.

Q. A great many more colored people than ever voted there before?—A. Yes; I think there were.

Q. The whites never came out before as they did this time, did they?—A. Not to my knowledge.

Q. Did you hear any guns or pistols fired except the one at Hurd?—A. No, sir; only just one.

By Mr. LAWRENCE:

Q. What time did you get there?—A. About seven o'clock, and we and the managers came there together.

COLUMBIA, S. C., December 25, 1876.

BEVERLY VANCE (colored) sworn and examined.

By Mr. Lawrence:

Question. State your age and residence.—Answer. I am forty-four, and live at Abbeville.

Q. Were you in Abbeville County at the last presidential election?—A. I was at Cokesbury.

Q. What time did you get there?—A. About half-past five o'clock, and I remained until about half-past nine at night. There was a committee of six appointed to look after the arrangements of the election, and see if anything was going wrong, and I was considered the head of the committee.

Q. You were a republican?—A. Yes.

Q. State whether you heard any threats or intimidation there.—A. No threats, any more than charges that men that voted the republican ticket should not live on their places.

Q. What was said?—A. What I speak of was said by the democrats that had hands employed. They would go and take them out there by the hands, and say: "Look here, I am a good friend to you, and if you vote this radical ticket here to-day, you can't live with me any longer; and beside that, you owe me a good deal, and if you don't vote it I will give you a chance, but if you do you will have to leave my place, and I shall have to have the money now."

Q. To what extent were threats of that kind made?—A. There was a great many there that would have voted —

(Objected to as a matter of opinion. Excluded.)

Q. State what you know of republicans coming to the polls at that place that day, and going away without voting.—A. There was at least thirty that came there and went away without voting. These threats that I made mention of were the reason of their not voting. Many of them had got their tickets. I was one that gave out tickets, and many of them had got tickets from me and would come up to be sworn and some gentleman pull some of them away from the polls after they were sworn. There was a good many things done to entice them. There was whisky there, and guns, and a barrel of whisky within about fifty yards of the store.

Q. Who had the whisky there?—A. A democratic club.

Q. Was that whisky given to republicans?—A. Yes, sir; it was given to a great many of them. They would take them off by the arm and treat them, and some of them came up after that and voted the democratic ticket, and some wouldn't vote at all.

Q. Had they been republicans previously, up to that date?—A. Yes.

Q. State if you heard such threats made at any time prior to the election?—A. For months there has been threats of that sort; many of them had been turned out; myself had been thrown out as being an adviser. They had been defeated two years ago in the Green and Chamberlain election. I myself was in favor of the Chamberlain ticket this last time, and a great many of them would not take the ticket, or would come to me and ask what was my opinion about it. I told them it was the best thing for them to stick to their party, and the democrats has seen fit to set me and my family aside. I have a boy as big as myself. They undertook to push me out, and since the election they have met in the club and made all that belong to that club pledge themselves —

Mr. ABBOTT. You don't know what was done in the club?

The WITNESS. I don't know anything more about it than this: Democrats themselves, members of the club, have come to me. I bought a piece of land of Dr. Noah, a member of the club, and he has seen fit to receive eighty dollars from me since the election, and when I gave him my note to receipt me of the money, he saw fit to keep the paper and the money, and he has told me to give up the house on the first day of January, and I have paid him altogether three hundred and eighty-seven dollars.

Q. Are the members of the labor reform club democrats or republicans?—A. They are democrats.

Q. What have they said about employing you?—A. They have told me that I must not be employed by any of them any more; that if they saw no other way to get me away from there before the next election, they would kill me.

Q. You have not received any employment from them since July?—A. No, sir.

Q. Had you received employment from them previously?—A. O, yes; I have been very popular with the gentlemen, ever since 1868. They generally look to me as a man that advises the party sometimes. I do not go through the county stump-speaking, but a great many comes to me and puts confidence in me, and asks what I think best, and I tell them.

Q. How large a family have you?—A. My wife and eight children. From the threats made about me before the election there was several republicans that came there to guard me, expecting me to be killed; and these people passed by my house cursing and abusing me, and on Thursday night after the election they came through by my house, going down to ~~separate~~ Colonel Aiken, and they shot all through my yard, and shot bullets through my door, and shot into my house, and the bullets are there now. They put four in the door; and another man that lives about two hundred and fifty yards from me got two balls in his ~~door~~.

Q. How long have you lived in that neighborhood?—A. Twenty-nine years. I moved in there in 1847.

Q. To what extent did republicans remain away from the polls in that precinct, in consequence of threats?—A. I don't think they did remain away, but there was several came that didn't vote after they got there. Generally the most of them came to the polls, but about twenty-five or thirty did not vote.

Q. How far are you from the Georgia line?—A. About thirty or thirty-two miles.



Q. State any other facts, if you know any, relating to intimidation or violence.—A. They didn't do anything. There was arms there, and whisky, and all those things, but there was no threats of using them. They had about thirty or forty guns in a store about three hundred yards off, and a barrel of whisky about fifty yards off.

Q. Did any of the republicans have arms?—A. I never seen any. Our understanding was that nobody was to carry arms, not even a pocket-pistol. Everything went off quietly, so far as threats of arms or anything of that kind.

By Mr. ABBOTT:

Q. What is your business?—A. Farming. I used to be a carriage-driver for a gentleman named Major Vance, but since the emancipation I have been farming.

Q. Have you a farm of your own?—A. No, sir; I don't own any, only this place that I bought about two years ago.

Q. Have you been carrying on a farm on your own account?—A. Yes.

Q. So that you work upon your own land, or land that you hire?—A. Yes, sir.

Q. Well, if you were working on your own land that you hired, how can you have been turned out of employment since July?—A. I will tell you how we do in this country. I only bought five acres of this land, and that wasn't enough, but I attend to that land and then go out wherever I can get work outside. I have two sons, one of them nearly as large as I am.

Q. And you have not had any employment since July?—A. No, sir; very few of the colored people own land. They ask you fifty or a hundred dollars an acre for an old field.

Q. When these people fired at your house in passing, no one was hurt?—A. No, sir; I was in bed. They passed about midnight.

Q. The firing did no harm to anybody?—A. No, sir; the balls didn't come through.

Q. You don't know of anybody being harmed by the firing of that party?—A. No, sir; not by the firing. I saw three men break a bottle a piece over a man's head, and I have been laying out for ten days with messages sent from them that they intended to kill me, and they went in squads to the depot and asked for me.

Q. Did you see them?—A. Yes, sir; I have seen them in squads, and one of them came to my gate and asked for me.

Q. How do you know that if you were not there?—A. They asked my family. One of this crowd told me a few days before the election, at my gate, that he wouldn't vouch for my life for ten days.

Q. But you are still living?—A. O, yes.

Q. Who were these men that were beaten?—A. They were young men.

Q. Were they republicans or democrats?—A. Republicans.

Q. Who were the men that inflicted the violence?—A. Democrats. Some of them are young men that voted at fifteen or eighteen years old.

Q. Who owns the land in that neighborhood? Is it generally owned by democrats?—A. Yes, sir; generally. Very few of the colored people own any.

Q. Was this beating at any political meeting?—A. No, sir; it was since the election.

Q. The young men were drunk, I suppose?—A. Well, they played off that way.

Q. Well, they were drunk, were they not?—A. I don't think they were as drunk as they made out to be.

Q. They were under the influence of liquor, were they not, and a quarrel arose, and they broke some bottles over the other man's head; wasn't that the way?—A. No, sir; no quarrel. They just walked up to him and asked, "What ticket did you vote?" Says he, "That is a railroad ticket." Says the men, "That ain't the question." Says he, "Why did you ask me that question?" Says the other, "We have come to the conclusion to kill every nigger that voted the republican ticket." This colored man says, "If that is your conclusion, you had better begin on me," and he jumped up and caught hold of him, and got the pick. When he got the pick, this fellow said, "Now look here, Rich, I don't want no foolishness with you; let's go and get some tobacco;" and that was all about it.

Q. There was no trouble there; but in the other case where the bottles were broken, that was a drunken broil, was it not?—A. No, sir.

Q. Some drunken fellows hit another man with a bottle?—A. No, sir; there was three of them, and only one of them showed any whisky.

Q. Had you seen them just previous to the affair, and talked with them?—A. No; I had not talked with them, but I had been passing them all day.

COLUMBIA, S. C., December 25, 1876.

R. G. GRIFFIN (colored) sworn and examined.

By Mr. LAWRENCE;

Question. What is your age, and where do you reside?—Answer. Fifty years of age; I live at Greenwood, Abbeville County.

Q. How long have you lived there?—A. Fifty years.

Q. You are a white man, are you not?—A. No, sir; a colored man.

Q. Where were you on the day of the last presidential election?—A. I were at Greenwood, at the box.

Q. What, if anything, do you know of intimidation employed against republicans there on the day of election?—A. The democrats persuaded all of them they could vote with them on that day, but I could not see that there was any violence used where I was.

Q. What, if anything, do you know of threats against republicans that they would be turned off land, or refused employment, if they voted the republican ticket?—A. Well, I certainly heard men say time and again that day, "If you vote the republican ticket, you can't go back to my place."

Q. That was said by democrats to republicans?—A. Yes, sir; to men that they had employed. I heard it said often, I couldn't say how often that day, but I don't know more than two men who really didn't vote that day from what was said to them. I know two that didn't go to the poll, but turned around and went back home, men that I was well acquainted with.

Q. Do you know of any other republicans in that neighborhood who did not come out to the polls in consequence of the threats that had been made?—A. Well, I knowed of seven that didn't come, that I have seen since the day of the election.

Q. Were you at any republican meeting during the campaign?—A. Yes; I were to the conventions that was called, and I were to Abbeville to one the day that Governor Chamberlain spoke there.

Q. Were you at any other?—A. Yes, sir; I were at one at Abbeville, after the meeting that the governor spoke at.

Q. State whether any threats were made against you by democrats.—A. Yes, sir; there was threats made against me. They were taken back, though. The gentleman came to me afterward and asked my pardon, for he felt they had given me what I did not deserve. Therefore, of course, I pardoned them, and I would not like to mention them. There never was a word spoken cross to me only that time.

Q. Was that on the day of the election?—A. No, sir. That was about a month before the election.

Q. Where have you been since the election?—A. Right at my place, Greenwood. On the day that the words were spoken I had been up on my place, where I had some hands employed, and they had been robbed and very severely beat. I went up to see them, and I came back to Greenwood, and there was a council meeting there; and being one of the wardens, I went in. And after coming out, half a dozen gentlemen were standing on the street, and they called me up and asked me about it; and while I was telling them how it was done, about fifty white men got around me and commenced cussing me, and said to me that it was not the white men in that settlement, it was the damned radicals that abused those people. I said to them that it was not; that the men knew who they were. They then asked me why didn't they come down and report that to the club, and I said to Dr. Maxwell, Taggart, and Aiken, I said, "Gentlemen, they know that they would be abused and killed right off." At that these men commenced cussing me, and Mr. Aiken says to them, "Gentlemen, just stop. If you can't talk to him in the right manner, don't talk to him at all." There has not been a cross word spoken to me since. I am right amongst gentlemen that I was raised among, and I never had a cross word said to me until during this campaign, and I believe that was by men that didn't know me. Everybody was persuaded to vote the democratic ticket, of course, that could be. There was violence used, but I didn't see it, because I could walk up to any man that I knew and talk with him. They were shouting and riding around me; but they didn't say a word to me.

By Mr. ABBOTT:

Q. At that time, when you had cross words spoken to you, they asked you first why the men didn't come down and report the people that abused them?—A. Yes; and I said that they were afraid to have come, and this man came up and said, "It was you damned radicals." He said I was one.

Q. And you denied that, and they answered roughly, and Mr. Aiken interfered and said to them not to talk to you unless they could talk properly?—A. Yes, sir.

Q. And that ended it?—A. Yes, sir.

By Mr. LAWRENCE:

Q. When the democrats speak of "radicals," they mean republicans?—A. Yes, sir.

COLUMBIA, S. C., December 25, 1876.

A. J. TITUS (colored) sworn and examined.

By Mr. LAWRENCE:

Question. What is your age and where do you live?—Answer. I am thirty-two; I live at Abbeville Court-House.

Q. Where were you the day of the last presidential election?—A. Right at the court-house.

Q. What, if anything, do you know of threats being made to induce republicans to vote the democratic ticket?—A. There was threats made there against republicans voting the republican ticket; that if they voted the republican ticket, and did not vote for Hampton, they would have to leave the county; that they could not stay there.

Q. Who made those threats?—A. Well, there was so many that I could not say who all did it. They were democrats.

Q. To whom were those threats made?—A. The colored people; republicans.

Q. Do you not know of any threats made prior to the day of election?—A. O, yes; it was the general tone all over the county.

The CHAIRMAN. Confine yourself to your own knowledge.

The WITNESS. Well, they told me if I said anything for Chamberlain I would have to go away; that I could not stay there; that I would get my light put out if I said anything in behalf of the republicans.

Q. How long have you lived there?—A. I was born and raised within two miles of the town, and I have lived in the town ever since I was freed.

Q. Did you vote on the day of the election?—A. Yes; I voted at the court-house.

Q. Do you know of any violence there?—A. There was no violence at all in town more than the threats made by the democrats.

Q. How long were you at the polls that day?—A. I was at the polls all day long, for I was supervisor at box No. 1.

Q. What do you know of republicans coming there and going away from the polls without voting, in consequence of threats?—A. At Abbeville Court-House, every republican was allowed to vote. They did not prevent anybody from voting at the polls, but only told them that if they did vote the republican ticket they would not give them any more work, and they would have to go off their places.

Q. Do you know of any republicans who went away from the polls without voting?—A. None, but only three.

Q. What, if anything, do you know of republicans living in that precinct who did not come to the polls?—A. I don't know of any that did not come to the polls, only those three in town. There was a great deal of whisky used all around on the day of election. The bar-rooms were all closed, but the democrats had all the whisky they wanted, and gave it to the darkies to vote the ticket, and I suppose some of them voted it.

Q. Did any of the colored men who had been republicans vote the democratic ticket after being furnished with whisky?—A. Yes; a good many of them did. They had a big breakfast prepared over there, and whisky and things to induce the republicans to vote the democratic ticket, and after the breakfast was over they marched to the court-house, and a good deal of the men that I knew were strong republicans, after they got full of whisky they voted the democratic ticket.

By Mr. ABBOTT:

Q. Do you belong to the Union League?—A. Yes, sir; I did belong to it when it was organized here.

Q. You belong to it now, don't you?—A. I would belong to it if there was any, but it has not been kept up. It died out.

Q. Was it not kept up until the election?—A. O, no, sir; there has been no Union League in our town for the last two or three years.

Q. You have not had a meeting of the league for the last year?—A. No. We had private meetings of our own, but it was not called the Union League.

Q. It was a secret organization, though?—A. Yes, sir.

Q. You swear your men in?—A. Yes, sir.

Q. They swear that under no circumstances would they vote any but the republican ticket?—A. Yes, sir.

Q. And if any man voted anything but the republican ticket, he was considered a traitor to his religion and false to his party?—A. Yes, sir; a traitor to his party; that is right.

Q. And if he voted anything but the republican ticket he was to be kicked out of the union?—A. Well, we would just put him down as a traitor, and let him go.

Q. You would do as people do with a mad dog. You would give him a bad name?—A. Yes, sir; we would do that.

Q. And he could not live there comfortably if he got a bad name among you secret-society people?—A. O, yes, he could live about as well without it as he did with it, because the society did not keep him up. He would feel bad, of course.

Q. You put that oath to everybody that joined the Union League?—A. Yes, sir.

Q. You had a secret society that embraced all the colored voters, didn't you?—A. Yes.

Q. And you made them all swear?—A. Yes, sir; we made every one swear.

By the CHAIRMAN:

Q. What is the name of that society now?—A. The Laboring Union. They was all aborning on, you see.

By Mr. LAWRENCE:

Q. Is that society kept up now?—A. Yes, sir; it has not met since the election. It was kept up until the election.

By the CHAIRMAN:

Q. It exists all over the State, does it not?—A. I cannot say that it did beyond my own county.

By Mr. LAWRENCE:

Q. Were you ever in more than one society?—A. Yes, sir; I have been in two or three.

Q. When was that society started?—A. The Union League was started in 1868.

Q. That society did not administer any oaths?—A. O, yes; we administered oaths; and the next society we had, about four years ago, was the United Brethren, and after that the Laboring Union.

Q. When was that started?—A. Last year.

Q. Why did you hold your meetings in secret?—A. Because it would not do to let the democrats know everything we had to do; and they had their place that we didn't know anything about, and we thought it would be foolish to let them know our place.

Q. O, they have meetings, too?—A. O, yes, sir.

By the CHAIRMAN:

Q. Do you know that they had?—A. Of course I know they had them.

Q. How do you know that?—A. Because they had a lodge-meeting every night; and they had their democratic club-meetings. I asked one of the democrats could I join his club, and he told me no. I asked him the reason why, and he said "Because my face was black and they knowed I was a strong republican, and they didn't want no radicals in there."

By Mr. ABBOTT:

Q. Were they not glad to get black men to join their clubs?—A. Well, they would let some in, but they knew I wanted to get in for a purpose.

Q. They knew that you meant mischief?—A. I guess so, because they asked me to go into our club, and I told them I thought they could not be admitted.

By Mr. LAWRENCE:

Q. Did those white men belong largely to the secret democratic clubs?—A. O, yes, pretty largely.

COLUMBIA, S. C., December 25, 1876.

J. W. BRITT (colored) sworn and examined.

By Mr. LAWRENCE:

Question. State your age and residence.—Answer. I am 21; I live at Saint Charlotte's.

Q. Did you vote on the day of the last presidential election?—A. Yes, at Saint Charlotte's, Bordeaux.

Q. What, if anything, do you know about threats being made against republicans in case they should vote the republican ticket?—A. On the morning of the election there were fifty of us in the crowd and we met fifty armed men with rifles and sixteen-shooters and pistols; they met us at the cross-roads, about half a mile from the box. They turned our men back, and told them if they were going there to vote for that thieving son of a bitch, Chamberlain, they could not go to that box unless they would go and vote for Wade Hampton and good government. There was fifty colored men turned back, and there was fifty red-shirt armed men there to turn them back. We all started back together, but I went around through the woods and got up to the box, anyhow. There was a man named Jim Ransom, with a sixteen-shooter on his shoulder and a pistol in his hand, and he halloed out, "God damn you, you are all here to-day." We went up to the box. He asked who I was going to vote for. I told him I didn't know who I was going to vote for yet. Says he, "If you vote for that damned thieving Chamberlain, there is going to be blood spilt." I said, "I don't know, Mr. Ransom, who I am going to vote for." He was from Georgia. He hands me a democratic ticket, and says, "You vote that ticket." I says, "I don't know whether I will or not." I had a republican ticket in my pocket, and I put the democratic ticket in my pocket and voted the republican ticket. I knew if I showed him the republican ticket he would kill me, for he said so; and he sent word to the manager, Jake Hammond, if he was going to vote the republican ticket to bring his coffin with him.

Q. Did any of those 50 colored men who were turned back vote?—A. There didn't none of those 50 men go and vote but me. Jake Hammond, the marshal, came down to Captain Jones's place, and about 50 of them came there to hunt for that marshal. They asked us where that damned marshal was. We told them that he went down to Green's Corners. The marshal did go in that direction.

Q. Do you know this of your own knowledge?—A. Yes, sir; I know this myself.

Q. You were there?—A. Yes; I was there. I ain't telling more than I know. We were standing there and several of them got up on the stand to go and vote, and Ransom jerked them down. Says he, "Let me see the ticket you are voting." Says he, "They sent me from Georgia to have this election run out fair and square for Hampton to-day, and I am going to have it done or I will kill some damned radical;" and he marched all day with his sixteen-shooter on his shoulder and his pistol in his hand.

Q. What do you know of other colored voters going to that place to vote and coming away without voting?—A. There was 150 that came to that box that day and did not get to vote. The Sunday before the election Felix Turner was going to be manager at the election, and they came to the church and called him out. They said they wanted to see him.

Q. Were you there?—A. Yes, sir; I was there at church.

Q. You heard it?—A. Yes; I heard it. Says he, "What do you want of me?" Says they, "Never mind; God damn you, come out here;" and McIntosh said, "Come here, Felix, we ain't going to hurt you." When he came out a fellow named Ed. Nowbett struck Felix and knocked him down. His wife, she broke and ran. She jumped over the fence and the ball struck right in the rail.

Q. Was Felix a republican?—A. Ed. said, when he struck him, "I am knocking the damned republicanism out of you now. I want you to vote for good government on Tuesday."

Q. Did you see any other Georgian there?—A. I seen men there that they said were Georgians, but I could not be certain whether they were Georgians or not. I only knew one Georgian, named Ransom.

Q. Do you know the white men that live in that township generally?—A. I know the best part of them.

Q. How many strange white men were at the voting-place that day?—A. O, lots of them that I had never seen before.

Q. How many?—A. About eighty or ninety, or more than that.

Q. How far were they from the Georgia line?—A. About three miles from the river.

Q. Did any of those strange white men vote that day?—A. Yes, sir; the last one of those strange men voted.

Q. Did the first one vote?—A. Yes; the first and the last.

Q. What do you mean by saying that the last one voted?—A. I mean that every one of them voted.

Q. What do you know, if anything, of threats being made against the colored men before the election?—A. Threats were made before the election. They told them if they was not going to vote for Hampton that they had to go away from that place; that they be damned if they was going to keep them on their places voting against their interest.

Q. Who own the land there generally; the white men?—A. The white men.

Q. And the colored men live generally on the lands of the white men?—A. Yes, sir.

Q. How do the colored voters compare in number with the white men?—A. I don't know the total number of republicans, but I know there is a majority of three hundred and something in that precinct.

Q. Were you at any republican meeting during the campaign?—A. Yes, sir; about three miles from Saint Charlotte's school-house. We had a meeting there one Saturday, and the democrats had a meeting at the double bridge, about three miles from there. They came in that evening, excited, hooting and yelling, and ran the republicans away. They said that D. Wyat Aiken told them to be at every damned republican meeting.

Q. And that republican meeting was dispersed?—A. Yes, sir; at every republican meeting they was there and takes the time away from us and would not let us hold our meeting at peace; they would be there to raise an excitement.

By Mr. ABBOTT :

Q. What other meetings did you hold?—A. We held a republican meeting at Baler's Ferry on Monday, and they all met with us there.

Q. On the Monday before the election?—A. About three weeks before the election. They met us at that place and run us away. McIntosh was the captain.

Q. Do you mean that they drove you away from the meeting?—A. Yes, sir; they told us we could not hold any meeting, and some of the same men drove us away from both places, and we didn't hold any other meeting.

Q. They didn't want to divide the time with you there?—A. No, sir; they wanted all the time.

Q. And they drove you away, saying that you could not hold your meeting?—A. Yes.

Q. Do you belong to the Union League?—A. The company, do you mean?

Q. I mean the Union League, a secret society?—A. No, sir.

Q. Do you belong to the Laborers' Union?—A. No, sir.

Q. Don't you belong to any society where you meet secretly and take an oath?—A. No, sir.

Q. Have not you ever belonged to any society of that sort?—A. No sir.

Q. Are you sure?—A. Yes, I am sure of that.

Q. Do you know of any such meeting?—A. No, sir; I don't know of any in our precinct.

COLUMBIA, S. C., December 25, 1876.

BENJAMIN H. WIMMS (colored) sworn and examined.

By Mr LAWRENCE :

Q. Question. Where do you reside?—Answer. In Abbeville County.

Q. What business have you been engaged in?—A. I have been going to college all the time, but at the election I was appointed one of the managers at Long Cane, Mackay's Mills.

Q. What college have you been going to?—A. At Greenwood.

Q. What do you know of threats being made against republicans by democrats in case the republicans should vote the republican ticket?—A. They told me that, right in the presence of others on the day of election. I came about half past five o'clock, and there were apparently about 400 in red shirts, and they asked me who I intended to vote for. I had the box with me. They asked what I was going to do with that box. I told them I brought that box for the election. They said that is well, and they asked who we would vote for. I said the republican ticket. They said, well, if we voted the republican ticket they would turn us off, and they called me by name and said they would kill me. Then a young man got off his horse and ran out in the mill-house and said, "Come in, you Hampton men; you can vote." We employed a democrat for clerk, Frank Henry. He opened the door and told the Hampton men to come in. He said he was sent over from Laurens to see that Hampton was elected. After that he let some colored men come in now and again, but he would not let enough come in to turn the white people. About four o'clock about twenty-five of them went over on the bridge above the mill, and all kinds of shooting you ever heard of they had there. Then the democratic supervisor went out to try and stop them. And they ceased a little and then they started shooting again. Then about fifty colored men didn't vote at all; they stood down at the mill thinking they would break up and let them vote. And I went out and tried to get them to come in and vote one way or the other, but they said if they could not vote the way they wanted to they would not vote at all, and they did vote and they turned them out.

Q. Were you present when the men turned them off their premises?—A. Yes, sir; they told them right at the voting-poll.

Q. Do you know whether there were colored men who, after the election, left the places where they had been living?—A. Yes, sir.

Q. How many colored men and republicans were there at that voting-place who went away without voting?—A. I think there were about fifty; I didn't count them, but I thought there were about fifty.

Q. Had they made any effort to vote?—A. Yes, sir; but these men just stood there on their horses at the door, and the people could not get by them.

Q. How far is that from the Georgia line?—A. It is near about thirty miles.

Q. Did you hear any threats against republicans before the election?—A. O, yes; you could not have a republican meeting there no time; they would not let you.

Q. State whether any effort was made to have republican meetings.—A. Yes, sir; several times. The day the governor was there he could not get to speak.

By the CHAIRMAN :

Q. Were you present at every place where they tried to have meetings?—A. Yes, sir; every place that I am speaking of.

By Mr. LAWRENCE :

Q. Were you at any place when the colored men attempted to have meetings and failed?—A. Yes, sir.

Q. Why did they fail?—A. They got scared; these men would come there and they would first say that they wanted to divide the time. They would wait until you were about starting the meetings, and then they would ride up and surround the house, and as soon as a republican got up to speak they would not let him speak; they would abuse him and curse him, and everything.

Q. How many republican meetings of that sort were dispersed by democrats in that way?—A. I was at about ten in the same way, and every meeting I was at they never did hold them; they would break them off before they got through.

Q. You have stated that you saw armed men at the voting-places on the day of election?—A. Yes; with pistols, not guns.

Q. Did you see any colored men have arms?—A. Yes; one colored man had a pistol, but he had a red shirt on.

Q. Did you see any republicans have pistols or other arms?—A. No, sir; they better not have brought them there or they would have taken them from them.

By Mr. ABBOTT :

Q. Do you belong to the Union League?—A. Yes, sir.

Q. How long have you belonged to it?—A. About four years.

Q. You take an oath in that league?—A. Yes.

- Q. You take an oath to vote the republican ticket?—A. Yes, sir.
- Q. Can you repeat the form of the oath that you take?—A. No, sir; I cannot repeat. I don't exactly know what you mean.
- Q. Just tell us the words of the oath.—A. You mean when I joined the league?
- Q. So you take an oath that you will do certain things?—A. O, no, sir; I didn't take any oath when I joined the league.
- Q. Well, after you joined you took an oath, didn't you?—A. No, sir.
- Q. But you said just now you did?—A. I thought you meant when I came in here.
- Q. O, I did not ask you about coming in here. I asked if you took an oath when you joined the Union League, and you said yes. What did you mean by that?—A. Well, I could not repeat the words now.
- Q. O, you did take an oath?—A. Yes, sir; they had us to take an oath somehow, but I couldn't repeat the words.
- Q. Well, you took an oath, and the oath in substance was that you would not have any but the republican ticket?—A. It was something in that way, but it said "according to principle."
- Q. Well, one thing in it was, that you would not vote any but the republican ticket?—A. Yes, sir; but we was governed to it by principle though.
- Q. But the result of it was, that you should not vote any other than the republican ticket?—A. Yes, sir.
- Q. And that you should do everything you could to promote the success of the republican ticket?—A. Everything that was just. That was the way they brought it in.
- Q. What would become of a black fellow if he broke his oath?—A. He could not belong to the league any more.
- Q. But what would become of him if he broke his oath?—A. I don't know, because after I joined it I went off to college and I did not attend. We had a Hayes and Wheeler club.
- Q. Had you any laboring union?—A. Yes, sir.
- Q. You belonged to that, did you?—A. No, sir; I expect I would have belonged to it if I had been at home.
- Q. What is the name of this precinct at which you were present?—A. Long Cane.
- Q. What township is it in?—A. Long Cane.
- Q. Did it ever go by any other name?—A. Yes, sir; Clear Spring.
- Q. Were you at the election two years ago?—A. Yes, sir.
- Q. A good many more colored people voted there this time than voted at the preceding election?—A. No, sir.
- Q. Are you sure of that?—A. There would not have been more if they had all voted.
- Q. You are sure that more colored people voted at the election two years ago, than voted at the election of 1876?—A. Yes.
- Q. Cannot you be mistaken about that?—A. No, sir.
- Q. How do you know that?—A. Well, I know two years ago there was 136 colored men voted there, and this year there was only 118.
- Q. You are perfectly sure of that?—A. Yes.
- Q. How do you know that 136 voted there two years ago?—A. I was one of the secretaries, and I think I have the list at home now.
- Q. And you are perfectly sure of the number?—A. Yes, sir; at Clear Spring, 136.

By Mr. LAWRENCE:

- Q. You have before you the poll-list of the colored votes at the last election?—A. Yes.
- Q. How many names of colored voters are on it?—A. One hundred and eighteen.
- Q. How many white voters?—A. One hundred and twenty-seven.
- Q. You have that paper in your hand now, with all the names on it?—A. Yes, sir.

By Mr. ABBOTT:

- Q. What office did you say you held?—A. I was one of the managers.
- Q. You made a return to the county commissioners?—A. I signed the paper, and I signed it through fear.
- Q. What did they do to you to make you sign it?—A. They just asked me to sign it, but there was so many white men standing over me.
- Q. What was it you signed?—A. When you sign papers in that way you sign that everything went right.
- Q. What did you sign as to the vote? Did you read the paper to see whether it was right or wrong?—A. No, sir; I was excited to see so many white men standing there with pistols.
- Q. You signed the paper and the other republican managers signed it?—A. Yes, sir.
- Q. And nobody said that he would blow your head off, or anything of that kind?—A. No, sir; they just asked me to sign it.
- Q. You knew when the votes were being counted and you helped to count them?—A. Yes.
- Q. You knew what the count was?—A. Yes, sir.
- Q. And the other manager also knew what the count was?—A. Yes.
- Q. Who said it had been in the return?—A. Mr. Frank Henry the clerk.

Q. He said it had been from your count?—A. Yes; from all our counts, the three of us.

By Mr. LAWRENCE:

Q. Is this paper which you have in your hand the correct list of the white and colored voters who voted at that precinct at the last election?—A. Yes, sir.

By Mr. ABBOTT:

Q. Why did you not give it to the county commissioners?—A. We had two; one of the managers kept a list and the clerk kept a count.

By Mr. LAWRENCE:

Q. You returned the poll-list?—A. Yes, sir.

Q. And it is exactly like this?—A. Yes, sir.

Q. You are certain you have the number correct here?—A. Yes, sir; there was 118 colored men voted, but Chamberlain got only 114.

COLUMBIA, S. C., December 25, 1876.

WILLIAM R. FRAZER sworn and examined.

By Mr. LAWRENCE:

Question. What is your age and where do you live?—Answer. I am twenty-two; I live at Cedar Spring Township, Abbeville County. I have lived there ever since I was born.

Q. Were you at the last presidential election in that precinct?—A. I was supervisor at Childs's Cross-Roads about five miles from there.

Q. What do you know, if anything, of democrats making threats against republicans in case they voted the republican ticket at that election?—A. Yes, sir; they told them if they did not vote the democratic ticket they would be exiled from the county, and likewise they would not be employed. They would have nothing to eat, and they would turn them out immediately after they voted the republican ticket.

Q. State if you know anything of any colored men being induced by threats of that sort to vote the democratic ticket.—A. There was one or two I think, but I won't say: I think one or two voted in that condition.

Q. How extensively were threats of that sort made on the day of the election?—A. Well, they told them if they didn't vote they was going to exile them from the country, and likewise set them out of their premises.

Q. Was there much of that sort of talk?—A. Yes; there was a great deal. Every employer said so.

Q. You heard those threats made yourself to the colored?—A. Yes, sir.

Q. Who owned the land mainly in that precinct—the white men?—A. O, yes.

Q. Do the colored men in that precinct generally live on the white men's lands?—A. Yes, sir.

Q. Do you know of any republicans who reside in that precinct, who in consequence of threats remained at home and did not come out to vote?—A. Yes; two or three, to my knowance, promised, previous to the election, by these threats and by them telling them they were going to exile them and would not give them no employment; they promised to vote and they didn't come to the poll.

Q. Do you know of any republicans who came to the election and went away without voting?—A. Yes, sir; one, to my knowance.

Q. State whether you heard any such threats made before the election?—A. Yes, sir; I heard a great many threats made. The first threats I heard made was the time the governor made his speech at Abbeville. That was some time before the election. I was going home and there was a party up from Edgfield, and they asked me and two or three others did we have any pistols. I had one, but I had it in my pants pocket. I was on the opposite side from him; the others was between him and me. He says turn around, the last one of you, and hold up your coats. He drew his pistol then. I know him; his name was Len Lyon. I don't know the others. He told us to stop, and not to go another step until we pulled up our coats and showed whether we had pistols or not. And then, after having 'did that, we went on about one hundred yards farther, and two of them rode on before us, and they turned right around and turned back to meet us again, and examined us thoroughly. They was about two yards from us—not quite so far, either, I think. I had a watch and pistol, too, and I knew that they were going to take it. After that I got over in the field and went on a piece, and then they stopped the fellows that was with me, and asked them, "How came you not to tell them that that yellow nigger had a pistol?" "Well, I didn't know it," says he. "Yes, you did know it," says he, and cursed a great deal. I heard this myself. Then at the polls, where I was supervisor, they had great inducements there for the colored men. They camped at about 150 yards from the polls, and had tables and everything fixed there expressly to induce the voters to vote for them, and they told them what they was going to do for them—more than the republicans could or would do.

Q. Were you at any republican meeting except that at Abbeville?—A. Yes; I was at



two at Abbeville—one at the time the governor spoke, and then there was another after that, when Mr. Carpenter and Mr. Taft, from Charleston, and Professor Greener, from Columbia, was there. That day the democratic party spoke in town, and so the republicans got through and dispersed before the democrats did, and that is the reason they did not get a chance at them that day, I suppose.

By Mr. ABBOTT:

Q. They did not get a chance at them anyway?—A. No, sir.

By Mr. LAWRENCE:

Q. Were you at any other republican meeting?—A. No, sir.

Q. Do you know of any republican meetings being dispersed by the democrats?—A. Not of my own knowledge.

Q. Were you at any other meetings except those you have mentioned?—A. No, sir.

Q. Do you know, from the leading republicans who had the management of the campaign in your part of the county, whether they were prevented from holding meetings in consequence of threats?—A. I was afraid, myself, a great many times, to go to a meeting which was appointed.

Q. Do you know of any illegal voting at that election?—A. At the precinct where I was supervisor I know of three; I suppose there were a good many others, but I am confident of three democratic repeaters.

By the CHAIRMAN:

Q. Do you know of any republican repeaters there?—A. No, sir.

Q. There were no republican repeaters, that you know of, anywhere, were there?—A. No, sir; not at all.

Q. What do you work at when you are at home?—A. I teaches school.

Q. Do you belong to the Union League?—A. No, sir.

Q. Or the Laboring Union?—A. No, sir.

Q. Are you sure of that?—A. I am sure.

COLUMBIA, S. C., December 25, 1876.

P. T. RICHARDSON sworn and examined.

By Mr. LAWRENCE:

Question. Where do you live?—Answer. Abbeville County, at Ninety-Six precinct.

Q. How long have you lived there?—A. I was raised within two or three miles of there. I am now twenty-six years of age.

Q. What do you work at?—A. I have been a constable there during this year. I was supervisor at the election.

Q. Did you vote?—A. I did.

Q. What do you know of threats being made by democrats against republicans?—A. On the day of election to my certain knowledge I don't know that there was any threats, but I know there was a lot of people locked up in a house on the night before election, and told that they would have either to vote the democratic ticket or they could not stay on the premises where they were.

Q. What houses were they locked up in?—Q. Some store.

Q. How many?—A. About four people to my certain knowledge.

Q. Do you know of any threats being made before the election?—A. Yes, sir; they told people that they were going to bring men from Georgia over there, and they were going to see that they voted for Hampton; if they didn't vote for Hampton there would be people from Georgia to kill them on the road.

Q. How often were these threats made?—A. I heard it during the whole campaign.

Q. By whom were they made?—A. By democrats to the republicans.

Q. How far were you from the Georgia line?—A. Somewhere about 30 miles.

Q. Do you know of any republicans in your precinct who, in consequence of threats of any kind, did not go to the voting-place?—A. Yes, sir; to my certain knowledge there were about 50 that did not go at all; some of them came to the poll, and the white people stopped them before they got to the door, and told them that if they voted against them they would have to leave their premises, and some of them went on and voted and they had to leave.

Q. State whether there were any republicans who came to the polls and went away without voting?—A. Yes, sir; there was some came to the polls and went away without voting. I guess there was about 20 that went away without voting.

Q. Do you know whether threats were made against those?—A. Yes, sir; they told them they would have to leave if they voted the republican ticket.

By Mr. ABBOTT:

Q. Did they come and tell you that at the time?—A. I heard them tell them so at the election. I was supervisor, and I told some parties not to use intimidation; that the people

ought to let them vote as they wanted, and some said if they could not vote the democratic ticket they could not vote at all.

Q. How many of those people were locked up the night before?—A. Four to my certain knowledge.

Q. Did they make them vote?—A. Yes, sir.

Q. The whole four voted the ticket?—A. Yes, sir.

Q. Were there any more?—A. Not to my knowledge.

Q. Were there any more that you have reason to suppose voted the democratic ticket?—A. Yes, sir; in my township I know as far as nine that voted the democratic ticket.

Q. Nine aside from the four?—A. Yes, sir.

Q. That would make thirteen that you know of who voted the democratic ticket?—A. Yes, sir.

Q. Any more than that?—A. I don't know of any more that voted the democratic ticket.

Q. There was no violence, shooting, striking, kicking, or anything of that kind there?—A. No, sir; not at the poll where I was.

Q. Do you belong to the Laboring Union?—A. No, sir.

Q. Do you belong to any secret society?—A. No, sir; I don't belong to any secret society at all.

Mr. Abbott put in evidence the vote at precinct Ninety-Six, as follows:

1874, republican vote 374, democratic 138; in 1876, republican vote 355, democratic 5.

COLUMBIA, S. C., December 25, 1876.

AMOS LEONARD (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you live?—Answer. At Whitehall, in Abbeville County, about thirteen miles from Abbeville Court-House.

Q. Were you present at the election in November last?—A. Yes, sir.

Q. Did you vote?—A. Yes, sir.

Q. State what threats, if any, you heard made by democrats.—A. I heard right smart made on the day of the election, and right smart a while before the election. They came to my house on the 29th of June and left word there with my family if I held another political meeting they intended to 'gassinate me.

Q. You must confine your statement to what came within your own knowledge.—A. Well, they came again on the 10th of September, and I was not there then either.

Q. Did they make any threats to you?—A. Yes, sir; they told me that if I didn't join the democratic club I would have to leave the State.

Q. Do you know of any threats being made to other republican men?—A. Yes, sir; some one or two. They told them that they would have to leave their places if they didn't vote the democratic ticket.

Q. By whom were those threats made?—A. By the men that had them employed.

Q. Were they democrats?—A. Yes, sir.

Q. Were you at any republican meetings?—A. Yes, sir; some few.

Q. Were any republican meetings disturbed by the democrats?—A. Yes, sir; they was disturbed so that they could not hold a meeting at all. They had to break up and quit.

Q. How many such meetings were you at yourself?—A. One, sir.

Q. In the day-time or at night?—A. At night.

Q. Do you know of any violence being used?—A. Yes, sir; they threatened my life at that very meeting.

Q. Who did—white men—democrats?—A. Yes, sir. I can call both their names; I know them well.

Q. Were they armed?—A. Yes, sir; they were.

Q. Do you know of any other violence being used?—A. Yes, sir; on the 26th of August, I think, they came—about twelve of them—to the church, armed, and went into the church-yard, and looked into the church, and asked for me.

Q. Were the services going on?—A. Yes, sir; and they disturbed the people so that the church had to break up.

Q. It was a colored church?—A. Yes, sir.

Q. Were you there?—A. Yes, sir.

Q. Did they do anything to you?—A. They didn't get to see me.

By Mr. ABBOTT:

Q. Do you belong to the Union League?—A. Yes, sir.

Q. How long have you belonged to it?—A. About five years.

Q. Do you belong to the Laboring Union?—A. Yes, sir.

Q. You take an oath to vote the republican ticket, don't you?—A. Yes, sir.

- Q. Can you tell us what you swear to in that oath?—A. I could not repeat it all by heart.
- Q. There is something in it besides voting the republican ticket, is there not?—A. Well, it is to sustain the republican party.
- Q. And to do all you can to sustain the republican party?—A. Yes, sir.
- Q. Anything else?—A. I disremember.
- Q. Most of your colored people belong to that organization, don't they?—A. Yes, sir; generally. Some few of them don't.
- Q. Substantially all of them belong to it, and have belonged to it for a length of time?—A. It is beyond my power to say how many.
- Q. Well, about all your people that you know of belong to it, don't they?—A. O, I reckon there was one-third of them that didn't.
- Q. As many as one-third?—A. Yes, sir.
- Q. A good many voted the democratic ticket who did not belong to that organization?—A. There was a heap of them that voted the democratic ticket that joined it, too.
- Q. Did they join it after they joined the democratic clubs?—A. No, sir; but they joined the clubs.
- Q. Then they broke away from the league?—A. Yes, sir.
- Q. What would they do to you if you broke away?—A. They don't do anything.
- Q. What would they do to any one if he should break his oath?—A. Well, I don't say there was anything done. The meetings was not kept up regular and the people got careless about it.
- Q. What do you in your oath which you take in that organization say should be done to you if you break that oath?—A. I disremember, sir.
- Q. Was it not something very terrible was to happen to you if you should break the oath?—A. No, sir; I never take an oath of that kind.
- Q. You did not get beaten or struck during the campaign or the election?—A. No, sir.
- Q. You live at your own place now?—A. No, sir; I have had to leave there since the election.
- Q. When did you leave?—A. I just finished moving last Monday a week ago.
- Q. You staid there then from the election until last Monday, a week ago?—A. I had to move my family the second day after the election. They came to my house and took away my arms.
- Q. Did you remain in that place from election-time until last Monday?—A. Yes, sir.
- Q. How far off did you move then?—A. Several miles.
- Q. They knew where you moved to?—A. Of course they did.
- Q. There are people in the same neighborhood who knew all about you?—A. Yes, sir.
- Q. And you have lived at your old place and your new place ever since the election?—A. Yes, sir.
- Q. Have you been a witness before the Senate committee here?—A. Yes, sir.
- Q. And before the grand jury?—A. No, sir.
- By Mr. LAWRENCE:
- Q. Why did you move away from the place where you had lived?—A. Why, they said I could not stay in that township any longer.
- Q. Who told you that—the democrats?—A. Yes, sir; in fact I moved to my father-in-law's, where they have bought Government land, and it is uncertain whether I can get to stay there or not.
- Q. Has this Union League been kept up?—A. No, sir.
- Q. How long since it died out?—A. Two years and better.
- Q. Are you sure there was an oath administered in it?—A. Yes, sir; I am. Because I had to hold up my right hand as I did here to-night.
- Q. Do the democrats have political secret meetings also?—A. Yes, sir; I expect so.
- Q. They meet at nights?—A. No, sir; principally in the day-time, but sometimes at night.
- Q. Have they democratic clubs in every neighborhood?—A. In every neighborhood around about.
- Q. And they have their secret meetings?—A. Yes, sir.
- Q. Were those meetings kept up until the election?—A. Yes, sir; and kept up till yet.
- By Mr. ABBOTT:
- Q. The democrats had meetings of their clubs in the day-time?—A. They had some of them at night.
- Q. There was no secrecy about it when they met?—A. Well, they had the door shut.
- Q. Certainly; the members of the club were in there and no others. That is what you mean?—A. That is all.
- Q. Didn't you say that you belong to the Laboring Union?—A. Yes, sir.
- Q. That was kept up until the election?—A. No, sir.
- Q. When was that stopped?—A. 'Taint been kept up much to do much good in a year.
- Q. The Laboring Union was kept up until after election-time, was it not?—A. No, sir.
- Q. How late was it kept up?—A. Well, sir, I ain't been at a meeting of the Laboring Union in a year.
- Q. There have been meetings of it within a year, though?—A. Not in my neighborhood.

COLUMBIA, S. C., December 25, 1876.

WILLIAM M. HOLLAND (colored) sworn and examined.

By Mr. LAWRENCE :

Question. Where do you reside?—Answer. At Ninety-Six precinct, Abbeville County. I was clerk for the board of election at that precinct.

Q. What do you know of threats being made against republicans in case they should vote the republican ticket?—A. Well, I don't know of any threats being made on the day of the election, but I know that a day or two before the election they consulted me, myself—the democrats. They told me they wanted me to come around with them and influence the republicans, as I was the chairman and could do a great deal; and if I should do so, that I should be well taken care of. And if we didn't do what they wanted—they told me plain, "If they don't vote with us, they shall not be employed through the county," and furthermore that they would turn the men off their places; that they should not stay in their houses a day after the election. And the next day after the election I know myself there was two families turned out.

Q. Do you know of any republicans who did not go to the polls to vote in consequence of threats made?—A. I did not count them, but I know of a great many in Ninety-Six that didn't vote at all on account of hearing that they would be discharged from employment if they voted the republican ticket.

Q. Do you know of any republicans who came to vote and who went away without voting?—A. No, sir; I do not. I saw them walking around outside—colored men—but they didn't attempt to vote.

Q. Republicans?—A. Yes, sir.

Q. How many colored republicans were there that you saw at the voting-place that day who went away without attempting to vote?—A. I do not know certainly how many there were.

Q. Estimate as nearly as you can.—A. Well, I saw in front of the doors about four or five to my knowing. They were standing around about ten or twelve steps from the place where the voting was going on, and they were sitting on the railroad, and walking backward and forward, and finally they didn't vote at all. They lived right in the little village of Ninety-Six.

Q. Do you know of any others in the neighborhood who lived in that precinct who were there and did not vote?—A. No, sir; I do not know any of my own knowledge except those I have stated.

Q. Were you at any republican meetings this year?—A. Well, we had about three republican meetings—our secret caucus. We didn't have a chance to have any republican meetings, because when we had a meeting the democrats would come to our meeting anyhow. They even came into the church on Saturday and Sunday evenings, and they told us to our face that where we had a meeting they allowed to come to it.

Q. Why did you have secret meetings?—A. Just to talk over matters among ourselves.

Q. Was it in consequence of the fact that democrats would come to your meetings if they were public?—A. O, yes, sir; because when we met to elect our delegation to the county convention they often came there themselves.

Q. Were any of your republican meetings disturbed by the democrats?—A. No, sir; not disturbed. They didn't break up the meetings at all. They merely said they came there for peace, and they didn't do us any harm at all, but they would come to any meetings we had to see what we are doing. They said they intended to see what we were doing.

Q. Did you have any speeches at your meetings?—A. No, sir; we did not; because we were afraid to have any speaking.

Q. Why were you afraid?—A. We was afraid they would do something to us, because they came with pistols girded around them—the democrats.

Q. How many of them would come?—A. I could not tell you how many, because they would come in crowds.

By Mr. ABBOTT :

Q. How many black men were there that were induced to vote the democratic ticket at Ninety-Six?—A. I don't know how many.

Q. Were there any?—A. There didn't any vote the democratic ticket at Ninety-Six.

Q. Were there not four that were shut up in a building all night before the election and made to vote the ticket?—A. Not to my knowledge, sir.

Q. You never heard of that?—A. No, sir.

Q. Were there not nine other colored men that were induced to vote the democratic ticket at Ninety-Six?—A. No, sir; not to my knowance.

Q. Didn't you hear of anything of that sort, about thirteen colored men being made to vote the democratic ticket?—A. Not to my knowance.

Q. Were you one of the managers?—A. No, sir; I was the clerk.

Q. There were two republican managers, were there not, and you were the clerk?—

A. Yes, sir.

Q. How many white votes were there at Ninety-Six?—There was some six white votes polled there.

Q. That was all the votes cast for the democrats?—A. There was six white men voted and five democratic tickets.

Q. Then there were only five democrats who voted there?—A. Only five.

Q. Were you ever at an election before at Ninety-Six?—A. Yes, sir.

Q. The democrats cast over one hundred votes at the former election there, did they not?—A. Yes, sir.

Q. And this time they cast only five?—A. Yes, sir.

Q. Do you belong to the Union League?—A. No, sir.

Q. Or to the Laboring Union?—A. No, sir; I belong to none of that class.

Q. Where did the white men of that precinct vote that year?—A. They voted at Greenwood, I believe.

COLUMBIA, S. C., December 25, 1876.

ALEXANDER S. RICHARDSON (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you live?—Answer. At Chester Court-House, Chester County.

Q. How long have you lived there?—A. Over five years.

Q. What business are you engaged in?—A. I am a school-teacher.

Q. Where were you on the day of the last presidential election?—A. I was at Chester Court-House.

Q. Did you vote there?—A. I did.

Q. Did you hold any office at the election?—A. I was the secretary of the county executive committee of the republican party, and I acted as chairman a good deal of the time.

Q. What do you know, if anything, of intimidation of republican voters in that county?—

A. As secretary of the executive committee there, most of my knowledge came to me without coming under my personal observation.

—Q. State what you know, yourself.—A. I remember an instance in the early part of September. I went out to speak, in connection with three or four other persons, at Carmel Hill, fifteen miles west of Chester Court-House. It was a republican mass-meeting, but there were several democrats present and a number of democratic speakers went from Chester Court-House about the time of the organization of the meeting and asked for a joint discussion or a division of time, which was granted. Some of the speakers went on horse after the speaking was over, and others went on horseback. I, in company with three others who had spoken at the Carmel Hill precinct, was escorted back to Chester Court-House by a body of three armed men, democrats, I should judge from their affiliations, who threatened our lives if we dared to speak again in the county of Chester. They were riding behind me on horseback, and I was in a wagon without a top. Three pistols were pointed at me, and four pistols were pointed within four or five inches of my head, because I turned around and referred to their impoliteness in abusing men on their way from a political meeting where a joint discussion was allowed. We were subjected to gross abuse. This instance came under my own personal observation.

Q. Do you know of any intimidation on the day of the election?—A. The chief marshal of the county, Mr. Alexander George, who was shot a few days after the election, acted with me in accumulating the reports from the various United States marshals that were stationed at the various precincts in that county.

The CHAIRMAN. You need not state what the marshals reported.

Q. Did you attend any other republican meetings than the ones you have spoken of?—A. No, sir.

Q. Why not?—A. I was advised by my friends, in order to save my life, that I had better not speak any more in the county, and I concluded to do office-work.

Q. Were the republicans able to hold meetings in the county away from the county-seat?—A. They were able to hold joint meetings, but not republican meetings alone.

Q. How were they induced to hold joint meetings? Did the democrats demand of the republicans a division of time?—A. They always asked them to divide the time.

By Mr. ABBOTT:

Q. Are you speaking of your own knowledge or from what you heard?—A. I am speaking of my own knowledge, at one meeting that I have told you about.

Q. Was this meeting that you spoke of announced as a republican meeting alone?—A. Yes, sir; a republican mass-meeting.

Q. Did the democrats ever divide the time at their meetings?—A. No, sir; they were not requested to.

Q. Was there any republican meeting in the county, so far as you know, where the democrats did not make a demand for a division of time?—A. No, sir; no meeting in that county to my recollection.

Q. What, if anything, do you know of threats being made by land-owners to turn republicans off their lands if they voted the republican ticket?—A. Well, sir, that is a most bewildering question. I don't know of any republican in the county of Chester but what has in some way been intimidated.

The CHAIRMAN. Please confine your testimony to your own personal knowledge.

By Mr. LAWRENCE:

Q. What do you know, yourself, of threats being made against republicans in case they voted the republican ticket?—A. I don't know as I can present to you any better evidence of the feelings of those who are hostile to republicanism than simply to mention the fact that in the democratic clubs by resolution of the clubs, colored men who voted the democratic ticket were allowed a certificate of democracy called a diploma, a printed diploma.

Q. Do you know that?—A. I know that.

Q. What was the object of it? Do you know whether these men could get employment when republicans could not?—A. The persons who were presented with those diplomas were insured that as they had voted the democratic ticket they would receive favor.

By Mr. ABBOTT:

Q. Are you speaking now from what was told you, or were you present when any such assurance was given?—A. I have seen the diplomas, and I can say of my own knowledge that in two of the stores in Chester men have gone with those diplomas, with the certificate of the Tilden and Hampton club, countersigned on the back by the man who saw the colored men vote the democratic tickets, and have received goods.

Q. Were you present when these diplomas were presented?—A. Yes, sir; and I saw the goods put up.

By Mr. LAWRENCE:

Q. Have you heard any threats made against republicans in case they should vote the republican ticket?—A. Yes, sir; I have seen papers come from land-owners—

Mr. ABBOTT objected to the witness stating the contents of the papers.

Q. Have you heard threats made, yourself?—A. Often, sir. Very frequently, sir; right in the town of Chester.

Q. Covering what period of time?—A. Six or seven weeks preceding the election. Ever since Chamberlain was nominated for governor.

Q. Threats made against republicans and to republicans by democrats?—A. Yes, sir.

Q. What class of people own the land generally in Chester County—democrats or republicans?—A. The white people, the democrats, own most of the land.

Q. How do most of the colored men live there—on lands which they rent?—A. They work the lands of the democrats—the white people; but a great many of them own land of their own.

Q. Do you know any other fact that is material to this investigation, in regard to intimidation?—A. Nothing that I know of. I was at a precinct where the United States troops were stationed, and about twelve o'clock they were called in by the United States marshal, Mr. James Canton, to suppress the disturbance that was arising on account of the intervention of George Mackey questioning the right of the deputy United States marshal to interfere in the election, or even to discharge the duties that were assigned him to perform. I will say this, that heretofore at elections in Chester County the republican majority has been twelve hundred, but in the last election there was only four hundred. The republican vote was nearly the same as before, about three hundred less, but the democratic vote was increased by several hundred.

Q. Was there any immigration to the county which would account for that increase?—A. No, sir; none that I know of.

Q. What was the cause of it, so far as it is within your own personal knowledge?—A. Well, general intimidation, general intimidation. The falling off of three hundred colored voters in the county, and several cases of repeating which came under the observation of myself.

By Mr. ABBOTT:

Q. Tell me the name of a single man in the town of Chester whom you heard threaten a republican that if he voted the republican ticket he should be discharged.—A. His name is Marshall Given. He lives in Chestertown. He is a coach-driver. He used to drive for George Mountain.

Q. Does Marshall Given employ anybody?—A. No, sir; he is a coach-driver. He was threatened, he told me.

Q. Did you hear him threatened?—A. No, sir; I didn't hear anything; he told me.

Q. You were asked to give only the cases where you heard persons threatened?—A. Well, I heard William Rainey threatened.

Q. Who threatened him?—A. The man's name is Sample Alexander. He lives at Chester Court-House. He is a butcher. He told this man that if he voted the republican ticket he would never drive a wagon for him.

Q. Can you give any other name of a democrat whom you heard threaten a republican if

he voted the republican ticket?—A. Yes, sir; John Gill. He is a porter in a store in Chester.

Q. You heard him threaten somebody?—A. No, sir; the proprietor, Joseph Wylie, threatened him.

Q. You are willing to swear that you heard those two persons, whose names you have given, threatened?—A. Yes, sir.

Q. And those are the only names you can give?—A. I don't say that; but those are all that occur to my recollection.

Q. You cannot recollect any other man in Chester whom you heard threaten any one for voting?—A. No, sir.

Q. Do you belong to the Union League?—A. I believe that is a defunct organization. I do not belong to it.

Q. Did you, or do you, belong to the Laboring Union?—A. No, sir; I do not believe there was ever such an organization in this State as the Laboring Union.

Q. Do you belong to any other secret society than the Union League?—A. I would appeal to the chairman if I am obliged to answer that question.

The CHAIRMAN. Any political society, he means.

The WITNESS. No, sir; no political society.

Q. Do you say distinctly that there is no such political organization as the Laboring Union?—A. I never heard of any.

Q. What did you say had been the usual republican majority in Chester?—A. About twelve hundred. In 1874, to the best of my recollection, it was about that.

Q. Do you mean the majority at the court-house, or in the county?—A. In the county.

Q. There were two republicans running for governor in 1874, Green and Chamberlain?—A. There was a fusion ticket in the field.

Q. Were there not two republicans running for governor, and were they not the only candidates?—A. Not to my knowledge.

Q. Was not Green a republican?—A. Not that I know of. I don't believe he was.

Q. Hadn't he always been a republican up to that time?—A. No, sir.

Q. Do you mean to say that you do not understand that Green, who ran for governor in 1874, was a republican up to that time?—A. I don't believe he was. We didn't vote for him in our county.

Q. Didn't you understand, and was it not understood generally, that Green was a republican?—A. Not in our county.

Q. You never heard that he was a republican?—A. I don't know as I ever have. I am not acquainted with him.

By the CHAIRMAN :

Q. Did you know that he had always been identified with the republican party?—A. No, sir; he is a graduate of the South Carolina College, and he is naturally a democrat.

By Mr. ABBOTT :

Q. Was he known at that time as a democrat, upon your oath?—A. I don't know, sir. His force was in the lower country.

Q. Do you mean to say that you do not know what the politics of Mr. Green were in 1874?—A. I do, sir.

Adjourned

COLUMBIA, S. C., December 26, 1876.

T. A. JEFFERSON (colored) sworn and examined.

By Mr. LAWRENCE :

Question. Where do you reside?—Answer. In Greenwood, Abbeville County; I was bred and born there; and I am about thirty-nine years old.

Q. Where were you on the day of the last presidential election?—A. At box No. 1, Abbeville Court-House. I was deputy marshal.

Q. State what, if anything, you know of any threats being made against republican voters by democrats on the day of the election.—A. On the day of election I saw about one or two. I was marshal, and I prevented that as much as I could, and got them off from the school-house. At last one went away from me, and would not vote, by the intimidation of men around.

Q. What was the intimidation?—A. Men trying to force them that if they did not vote the way they wanted them to, that they should leave their places.

Q. What, if anything, do you know of threats or intimidation prior to the election? Do you know of any threats against republican voters?—A. O, yes; there would a great deal of it pass in the village.

By Mr. ABBOTT :

Q. Tell only what you heard.—A. I tell what I know, sir.

By Mr. LAWRENCE :

Q. How far do you live from Abbeville?—A. Fourteen miles.

Q. Do you know of any threats being made by democrats against republicans in your neighborhood?—A. I do; they have even made it a question that it would be "Death, or you vote the way we want you."

Q. What threats, if any, were made as to the privilege of occupying land in case republicans should vote the republican ticket?—A. Well, that they could not live there.

Q. What did you hear?—A. I have heard even this much, that my name is on the subscribed list in the county to be run away. I am on the club-list with them, and they have fought me down to the last minute and won't let me stay any place, not a job of work nor anything else to live. My name is on the list.

Q. Did you hear any threats made by democrats who owned land against republicans who lived on their lands as to what should be done if they voted the republican ticket?—A. Yes, sir; I heard my brother taken square in the street there, I thought every minute would be his last. I heard him censured to be away from the place, that he had to go away to get away from there.

Q. Do you know anybody that owns land there?—A. I do, a good man.

Q. Who own the lands generally; the democrats?—A. The democrats own a good deal, and some colored men owns some. I own some myself. It is principally owned by the democrats, though.

Q. Where do the colored men live; on the white men's land?—A. Yes, sir; generally.

Q. Have you heard any of those white men who owned land say anything about those who lived on their land, as to what they would do in case those men living on their lands would vote the republican ticket?—A. Heard themselves say the word, you mean?

Q. Yes.—A. I have not heard the man to come right out and say the word; I have not heard that, but it has been the general rumor.

Q. What do you know, if anything, of republicans being refused employment because they were republicans?—A. Of course I know a good deal of it if it would stand its value in telling it. It may be different you asking in a law department—it is different, now you want to come right to a fine point, but if you take the country in general you would find it hard enough to live there.

Q. Do you know of any violence being used to republicans?—A. Yes, sir; I know of this: Cornelius Arnold and Louis Wheeler; I know of a number that used violence upon them.

Q. Who used violence upon them?—A. The parties in the neighborhood.

By Mr. ABBOTT :

Q. Did you see it?—A. I did not, sir.

Q. Are you a member of the Union League?—A. I have been a member for years.

Q. And you are at the present time?—A. Yes, sir; I am a member now.

Q. And you took an oath to vote the republican ticket?—A. I took an oath to support the constitution.

Q. Didn't you take an oath to vote the republican ticket?—A. I did not, sir; to support truth and justice.

Q. Didn't you take an oath to support the republican ticket?—A. Well, sir, if my memory serves me right, according to the reading of the book it is to support truth and justice.

Q. See that you understand me now. Did not you take an oath to vote the republican ticket and support the republican party?—A. Support the republican party.

Q. Support the republican party?—A. I taken an oath in this way—

Q. Answer me directly?—A. I taken an oath simply this way. I taken an oath to simply support that which is right, and that which I conceived to be wrong I taken no oath to support it.

Q. I am going to have you answer this question if you stay all day; now I ask you again, didn't you take an oath to vote the republican ticket and support the republican party?—A. I believe I will study a while now. I won't answer you nothing but the truth. (After studying.) I taken an oath to support the constitution of the State.

Q. I am going to put that question to you until you answer it. Did not you take an oath in that league to vote the republican ticket and support the republican party. Now do you understand that?—A. I do understand that, to support the republican party and support the constitution.

Q. Answer that question directly.—A. I taken an oath in the republican—the Union League; the Union forever, of course—I taken an oath under that flag. I taken an oath to support that which was right—truth and justice.

Q. Now, witness, you cannot get rid of answering this question, and I wish you to answer it carefully. Did you take an oath to vote the republican ticket and support the republican party? You understand that, do you not?—A. Yes, sir; I understand it.



Q. Answer directly—did you or did you not?—A. I taken an oath, of course, in the Union League.

Mr. LAWRENCE, (to witness.) Answer.

A. The republican party, State of South Carolina—well, the republican party, no matter whether it was in South Carolina or Georgia. Well, I want to study how I taken an oath.

Q. Are you going to answer?—A. I am trying to get to it right, as near as I can.

Q. Don't you know whether you took an oath to vote the republican ticket or not?—A. Well, I suppose it must have been that I taken an oath—if that was the way that the ticket was got up; for I know when the tickets first came up I taken an oath to this, as near as my remembrance serves me right, I taken an oath to support the Union. I suppose that was the republican party at that time.

Q. You cannot get rid of answering this question directly.—A. Of course I do not deny answering you correct.

Q. Answer me, then. Did you take an oath to vote the republican ticket?—A. I suppose it must have been that, sir; that and the Union.

Q. Did the oath use the words "republican party"?—A. I suppose it must have.

Q. Do you remember whether it did or not?—A. I do not. That is the reason I can't answer.

Q. How long ago has that been?—A. That is nearly eleven years ago.

Q. Has that Union League been kept up since then?—A. We kept it up a little now and then. We got up the Brotherhood. I have the book at home.

Q. You have the book at home; how long will it take you to get us that book?—A. I do not know, sir.

Q. When did you see it last?—A. I have not seen it in a good while.

Q. What did you mean when you said that you had the book?—A. The Brotherhood, I mean.

Q. Have you it now?—A. Yes, sir.

Q. Will you send it to us?—A. If I can get it I will send it to Washington.

Q. What is the Brotherhood?—A. That is another organization.

Q. A secret organization?—A. No, sir; it is open. We have open doors.

Q. You take an oath there, do not you?—A. We do take an oath.

Q. Then there is another one—the Laboring Union.—A. I never joined that, but the Brotherhood.

Q. You take an oath there?—A. Yes, sir; we take an oath.

COLUMBIA, S. C., December 26, 1876.

JAMES JACKSON.

By Mr. LAWRENCE:

Question. Where do you live?—Answer. In Bordeaux, Abbeville County.

Q. How long have you lived there?—A. About forty-five years in that township.

Q. Where did you vote on the day of election?—A. At Bordeaux, then Saint Charlotte;

Q. What do you know of people from Georgia voting there?—A. There was three that voted there that day. They came on the day before the election, and they came to the polls next morning to vote. There was some parties said there was more; but I cut two of their tickets, and one voted the full ticket.

Q. Do you know the white men generally who live in that precinct?—A. Yes, sir.

Q. Were there strangers who voted there that day whom you do not know, besides those you have mentioned?—A. Yes, sir.

Q. How many?—A. I have no specified number, but a great many of them voted there—white men.

Q. What do you know, if anything, of threats being made by men who owned land, democrats, against republicans—living on their land, in case they should vote the republican ticket?—A. Well, it was a general threat.

By Mr. ABBOTT:

Q. State what you heard yourself.—A. What I heard them say to the men, you mean?

Mr. LAWRENCE. Yes; on the day of election or before.

A. Well, I didn't hear any of them say, on the day of the election, that they intended to discharge any of them, but the people said themselves that they were afraid to vote.

Q. Do you know of any republicans coming to the polls and going away without voting?—A. Yes, sir; there was about forty that came on the ground that day, and on the Monday before the election the whites camped out at Liberty, and they were well armed, in different companies; some dressed in blue, some in yellow, some in red, and they had uniforms, some of them; and they shot their pistols so rapidly on Monday that one-half of the republicans did not appear at all. They always number over three hundred votes there, and they were

fearful to turn out; and there was about forty came to the poll that day and went off and did not vote for fear of those men that was armed; and the Georgians had threatened to come over on the night before the election and kill us out, and we had to take the woods that night for fear. Those voters came to the polls and saw those strangers there with pistols and red shirts, and they would not vote at all.

Q. How far was that from the voting-place where they camped?—A. It was not more than a little over a quarter of a mile.

Q. Did the republicans have any arms?—A. Not at all; not a one of them.

Q. Were you at any republican meeting before the election?—A. No, sir. I am a preacher, and I never attended any of them. I am a traveling missionary.

Q. How long have you been preaching?—A. I have been preaching four years.

By Mr. ABBOTT:

Q. Do you belong to the Union League?—A. No, sir.

Q. Do you belong to any other association or society?—A. Nothing but the Union Laboring Society.

Q. You take an oath there, don't you?—A. Take an oath?

Q. Yes; take an oath.—A. Yes, sir.

Q. You take an oath to vote the republican ticket, don't you?—A. No, sir. I vote what I please.

Q. Do not you take an oath to vote the republican ticket?—A. No, sir.

Q. What is the oath in the Laboring League?—A. Well, it is just to help one another, the poor, &c.

Q. Is there not an oath in the Laboring Union to vote to support the republican party?—A. No, sir; I never taken any such oath as that.

Q. Did you ever hear it?—A. No, sir; none of them ever take any such oath as that.

Q. You say the people at Saint Charlotte, a good many of them, were frightened away; they saw other blacks voting, did not they?—A. Yes, sir; there was others voted. Those forty that didn't vote, they came up last.

Q. They had seen other blacks voting?—A. No, sir; they did not see us voting.

Q. But they knew colored men had voted there?—A. Yes, sir; that they had voted and went away.

Q. That is, they knew that they had voted and that they were not interfered with when they voted?—A. No, sir; there was only one man interfered with, Richmond Tate.

Q. Well, they knew that, with one exception, the colored men had not been interfered with when they voted?—A. Yes, sir.

By Mr. LAWRENCE:

Q. What was done with Richmond Tate?—A. Why, he was asfured. This man Ransom told him if he voted he would kill him.

Q. Was Tate a republican?—A. Yes, sir.

Q. What was Ransom?—A. He was a democrat, from Georgia.

Q. Did any republicans vote after that?—A. Very few of them.

Q. Did you see any?—A. Yes, sir; I saw several of them vote. I was supervisor, and was standing there.

COLUMBIA, S. C., December 26, 1876.

JOHN WARDLAW sworn and examined.

By Mr. LAWRENCE:

Question. Where do you live?—Answer. In Abbeville County. I was born and raised there. I am twenty-three years of age.

Q. What do you know, if anything, of republican voters coming to the polls at Saint Charlotte precinct and going away without voting?—A. Well, I made out a list, and I think there was about forty-five that came there, and on account of the democrats having arms they went back and never voted. They never attempted to shoot them, or nothing of that sort, but through their big blust they scared 'em.

Q. Did the republicans have any arms?—A. Not a one.

Q. What do you know of men from Georgia being at the polls there?—A. There were several of them there. I could not exactly tell how many. I know of one voting there, and that is all that I can say.

Q. Do you know the white people of that precinct generally?—A. I know right smart of 'em.

Q. Were there many strangers at the voting-place that day?—A. Yes, sir; a good many; there was a heap there that I didn't know, and I knows the most of 'em what lives in that precinct.

Q. Do you know of any threats being made against republicans by democrats owning lands in that precinct?—A. O, yes; a good many threats was made before the election.

Q. Did you hear some made?—A. Well, I heard several of 'em talking about if the republicans vote the republican ticket they should not work the land, and that backed a heap of 'em from getting to the box.

Q. Were you at any republican meeting during the campaign?—A. Yes, sir.

Q. Do you know of any republican meeting being disturbed by democrats?—A. No, sir we met on the sly; they did not know when we met.

Q. Why did you meet on the sly?—A. Case we was affeared to meet.

Q. Afraid of what?—A. Afraid of the democrats coming upon us.

Q. Do you know of any violence being used?—A. None that I knows of. There was not any around the box the day of the election.

Q. None that you saw?—A. None that I saw.

CO'UMBIA, S. C., December 26, 1876.

PARIS SIMPKINS (colored) sworn and examined.

By Mr. LAWRENCE :

Question. Where do you reside?—Answer. At Edgefield Court-House. I was born and raised in Abbeville. I am twenty-seven years old.

Q. What offices, if any, have you held?—A. I have represented that county twice in the general assembly of this State, the lower house.

Q. Were you a candidate for re-election at the last election, on the 7th of November?—A. With the consent of the committee I will read a statement that I would like to make, and afterwards, if they choose to ask any questions they can do so.

Q. Who prepared it?—A. I prepared it, from what transpired under my own observation.

The witness read the statement, as follows :

I am a resident of Edgefield County; have lived there all my life. I have represented that county twice in the legislature of this State; was a candidate for re-election at the last general election which was held on the 7th day of November. I was at the polls on election-day for the purpose of voting the republican ticket, but did not have the privilege of doing so. The polls at Edgefield Court-House, where I was, No. 1 and 2, were blocked, and otherwise crowded by armed democrats, who were uniformed in red shirts, and from one to two pistols buckled on the outside, and some with sixteen-shooters strapped to their sides, the major part of them being mounted on horses, and using threats of a violent nature toward republicans who would present themselves for the purpose of voting the republican ticket. After witnessing for several hours the violent and formidable demonstration of the democrats to overawe and deter republican voters, and knowing, as I did, that my life had been previously threatened by the democrats for political reasons, I came to the conclusion that if I voted the republican ticket I would be murdered. I know the fact that at least six or eight hundred republicans at Edgefield Court-House, who were at the polls for the purpose of voting the republican ticket, were prevented from doing so. I am quite sure if they had wanted to vote the democratic ticket, they could have done so with perfect safety. I know I could have voted the democratic ticket with perfect ease if I had so desired it. I saw a large number of republicans make several efforts to vote during the day at box No. 1, but as they would get near the polls, the democrats would immediately rush around the place of entrance, and keep the republicans back. The democrats had all voted, but notwithstanding this, they stood there armed and equipped as so many sentinels placed there for the specific object of preventing republicans from voting. During the day the democrats, who were mounted would gallop from box to box sometimes yelling and brandishing their pistols. At about three o'clock in the afternoon, the democrats organized a democratic meeting on the court-house steps, the place of entrance to the polling-precinct No. 1, at which several candidates on the democratic ticket made speeches. This was kept up until the polls were closed; during all this time republicans made repeated efforts to vote, but were not allowed to go up the steps. I would state further, in order to show to what extent the republican leaders were intimidated by the threats and violent demonstrations of the democrats, because of their political sentiments and party fealty, that it was utterly impossible to canvass the county in the interest of the Hayes and Wheeler electors, Congressmen, or State officers. On the day of the election I saw several republicans who had been violently assaulted and beaten over the head with pistols, and severe wounds inflicted on them, because they had endeavored to vote the republican ticket. The vote of the county is largely in excess of that of any previous election. There were about 3,000 votes polled over and above what we were legally entitled to by the census which was recently taken. The majority of the census-takers of Edgefield County were democrats; that census gives the colored men a majority over the white men of 1,678. Republicans were publicly threatened with being discharged from employment, and the probability of being killed, if they persisted in giving their support to the candidates on the republican ticket.

By Mr. LAWRENCE :

Q. Who did you say prepared this statement?—A. I prepared it.

Q. Did you have any assistance?—A. None, whatever, sir; I of course knew that I had to come before the committee to testify, and I wanted to testify correctly, and I thought I would reduce what had come under my own observation to writing in order that I might not make any misstatements.

Q. You did it without any request from any member of the committee?—A. Yes, sir; I did it without any request, for my own guidance.

Q. You say that a meeting was organized on the court-house steps on the day of election, which prevented the republicans from getting to the voting-place?—A. Yes, sir.

Q. Who addressed that meeting?—A. I don't know all who addressed it, but I do know that General M. C. Butler and Mr. J. C. Sheppard addressed it.

Q. How long did that meeting continue?—A. I suppose about three hours.

Q. State whether any democrats passed through the crowd to the voting-place.—A. I could see them continually going up the steps. The box was held inside the court-house, up-stairs, and of course I did not see them depositing any ballots, but I know they passed through the crowd.

Q. What is your occupation?—A. I am a farmer.

Q. Do you own land?—A. Yes, sir.

By Mr. ABBOTT :

Q. Are you a member of the loyal league?—A. No, sir.

Q. Have you ever been?—A. No, sir.

Q. Are you a member of any other society?—A. No secret society.

Q. Are you a member of the laboring union?—A. No, sir.

Q. Nor of any society of that sort?—A. No, sir.

Q. I understood you to say that the vote cast was nearly three thousand in excess?—A. Nearly three thousand.

Q. You mean by that, I suppose, within a very small number of three thousand?—A. Well, I cannot say that it was more than twenty-nine hundred. I should put it about three thousand.

Q. I want to get at the exact meaning of your statement.—A. Well, I think I could put it in this form: from twenty-five hundred to three thousand.

Q. If it now lies in your mind that it was from twenty-five hundred to three thousand, why did you say in your written statement that there were about three thousand?—A. Well, when I made that statement I didn't know the exact number, and I do not know it yet.

Q. But you meant us to understand that there were nearly three thousand votes in excess?—A. Well, I mean that yet.

Q. Do you know whether there were about three thousand votes in excess or not?—A. I am quite sure there was from twenty-five hundred to three thousand.

Q. But if it is in your mind that the true statement would be from twenty-five hundred to three thousand, why did not you put it so when you prepared that statement for the information of the committee?—A. Well, I said "about;" I didn't propose to be accurate as to numbers.

Q. You are an intelligent man: now, did not you mean us to understand that there were within a very small number of three thousand?—A. I meant you to understand that there were at least twenty-five hundred or three thousand votes in excess of the legal votes.

Q. When you used the expression about three thousand, did not you wish us to understand that it was within a very small number of three thousand?—A. Well, sir, I will explain again. I intended the committee to understand that there were at least twenty-five hundred or three thousand votes in excess.

Q. If you meant that, why didn't you say that instead of saying about three thousand in your written statement, which you say you prepared so carefully?—A. Well, I didn't know that it made any particular difference, as I did not state the number accurately.

Q. You meant us to understand exactly the truth, did not you?—A. That is it.

Q. The exact truth is, as you say now, from twenty-five hundred to three thousand?—A. Yes, sir.

Q. Then why did you not state that?—A. Well, I expected to be interrogated by the committee, and I could then explain.

Q. But you meant to have that statement of yours, which you prepared carefully, as correct as you could make it, didn't you?—A. If I intended to have made it as correct as I could on that point, I would have gone to the secretary of state's office and got the figures, examined the poll-list.

Q. Did you mean to make that statement for our information as correct as you could?—A. As correct as I could without further data.

Q. That is what I mean.—A. Certainly, I did.

Q. Then what has changed your mind since you made that statement so as to make you say now that there were from twenty-five hundred to three thousand?—A. My recollection of the vote is not certain as to whether it was twenty-five hundred or three thousand.

Q. When you wrote that statement you had no accurate recollection as to whether it was twenty-five hundred or three thousand?—A. No, sir; no accurate recollection; but at the same time I am still of the opinion that it was three thousand.

Q. Were there troops stationed at Edgefield Court-House?—A. Yes, sir; I think there were six companies.

Q. They were there during all the time of the election?—A. Not at the Court-House all the time; they were in the county.

Q. How many were there in that town or village of Edgefield Court-House?—A. I think there were three companies.

Q. Three companies in the village, ready to be called on if there was any disturbance?—A. I presume that is what they were there for.

By the CHAIRMAN:

Q. What census is it that you referred to in your written statement?—A. The State census, taken in 1875.

By Mr. LAWRENCE:

Q. Do you know of any republican meeting being disturbed in that county?—A. Yes.

Q. State what you know of your own knowledge about that.—A. Some time before the election, I don't remember the date, there was a meeting advertised there as a ratification of the nomination made at Cincinnati by the republicans of Hayes and Wheeler. It was advertised that Governor Chamberlain would be there in person to speak at Edgefield Court-House. There was quite a large assemblage there of republicans and democrats, and when Governor Chamberlain was escorted to the stand the stand was simultaneously mounted by General Gary and General M. C. Butler, and General Butler first addressed the meeting. I cannot remember what he said, but I know he addressed the meeting first; and I recollect he said that they proposed to be heard there, and that if they were not allowed half the time by the republicans they would not be responsible for the consequences of what might follow. General Gary also made that statement. The chairman of the meeting proceeded to introduce Governor Chamberlain to the audience as the first speaker. He was interrupted by General Gary, who told him that they did not need any chairman on that occasion, and that before any speaking was done some member of the republican party must first get up and assure the democrats that they would have a show or be permitted to speak in reply. Of course, the chairman of the meeting could not proceed any further. He had only spoken three or four words by way of introducing the governor. He stopped, and conferred with Governor Chamberlain and others who were there as republicans to speak, and the governor decided that it would be better, under the circumstances, to accede to the demands of these gentlemen. Of course, the chairman of the meeting had nothing more to say, but consented to what Governor Chamberlain had said. Governor Chamberlain then got up and spoke for the republicans, and said that it had been agreed that the demands of the democrats would be conceded, or at least that time would be granted them, and that they would be allowed half an hour each. He said he would speak first for half an hour, and General Butler, I think, was to follow, McKay next, and Gary next.

Q. McKay was a republican speaker?—A. He was at that time in the interest of Governor Chamberlain.

By Mr. ABBOTT:

Q. That was before the re-nomination of Chamberlain?—A. Yes, sir. They proceeded in that way, and the democrats rushed around the stand and took charge of the meeting, and the republicans began to leave the meeting, and, in fact, they all did leave before the meeting was concluded.

By Mr. LAWRENCE:

Q. Why did they leave?—A. Because they felt that there was a riot imminent, and they felt that they would be murdered. That is exactly why they left. I am very free to admit why I left. I was there, and I got away as soon as I could without attracting attention, because I didn't know at what moment there would be a riot. They were all there with two or three pistols each, and some with sixteen-shooters.

Q. State whether the democrats at their meeting allowed a division of time.—A. I have never gone right up to their meetings, but I have been where I could look on and hear the speeches. I was afraid to go to their meetings.

Q. State whether at their meetings they ever allowed a division of time to the republicans.—A. I knew of no republican who has affiliated with the republican party ever speaking at a democratic meeting in Edgefield County.

Q. State whether there was any republican meeting of any consequence at which the democrats didn't demand a division of time.—A. No; I don't know of any. I know that at the last meeting we had at Edgefield Court-House the democrats came, after the meeting was organized, and they marched around it, about 1,800 of them, I suppose, mounted, with red shirts; they marched around where the republicans were assembled, and commenced yelling and going around and around; they marched around and yelled, and so on, and

then passed away. Of course, the republicans could not continue their speaking while the others were kicking up all that noise, and the republicans were ordered to give three cheers for Hayes and Wheeler, and both parties were yelling there for a long time. A half an hour after the democrats marched off, General Butler came back, and stood at the stand on horse-back, and the only demand I know of—in fact, it was more of a request—was made by him that he be allowed the privilege of speaking. The chairman of the meeting told him it was a republican meeting, and no joint discussion had been agreed upon, and he could not speak at that meeting; so, of course, he did not urge any further. At that meeting, though, they were situated differently—there were United States marshals to preserve the peace; there were none at the first meeting.

Q. What do you know of republicans remaining away from the polls, in consequence of threats that had been made?—A. I don't know of any, except what I have heard. No one ever told me that they remained away, and I was rather of the opinion that they all came out to the polls; but I know of my own knowledge, as I have stated, that there was quite a number there to vote that didn't have the opportunity to vote.

By Mr. ABBOTT:

Q. Were you ever present at a democratic meeting when any request was made by the republicans for a division of time?—A. I don't think there was any republican in Edgefield County that ever had the temerity to ask such a thing.

Q. Were you ever present at a democratic meeting when any such request was made?—A. No, sir.

COLUMBIA, S. C., December 26, 1876.

AUGUSTUS HARRIS (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you live and what is your age?—Answer. I am about 32; I live at Edgefield Court-House; I have lived there about fifteen years.

Q. What office did you hold at the last presidential election?—A. I was deputy United States marshal.

Q. What obstruction, if any, was thrown in the way of republicans voting at the election in Edgefield?—A. Well, sir, they would not let them vote at the court-house at all; the republicans had box No. 2; they would not let them vote at all; I think I was the first colored man that voted there; I know I was.

Q. What prevented the republicans from voting?—A. They would not let them vote; they said that they had been holding the polls heretofore in the forenoon, and now the whites intended to hold them that day until the afternoon, and they called on me as deputy marshal to go up there and see that they voted. I went up and voted, and the colored people went up and voted, and they commenced frailing on them with pistols and sticks, and would not let them vote at all. General Butler rode up and spoke first.

Q. Did you see any violence?—A. Yes, sir; I saw them knock several men over the head.

Q. Who knocked them over the head?—A. Joe Wise was one. He struck a fellow named Joe Butler, and cut a gash in his head, with the lock of his pistol, about an inch and a half long.

Q. What did he strike him for?—A. Because he tried to get in to vote.

Q. What means were employed to enable the republicans to get to vote there at that poll?—A. They had made a rush to vote, and they kept them from it, and then I went down to the camp where General Brannan was, and told him the condition of affairs up at box No. 2, and he said to me, "Well, you will have to wait a minute. I just sent out an officer to every poll to find out, and as soon as he reports, I will tell you what I can do." I said, "It might be too late by the time your officer gets back, because I just left there, and there was about to be a big row." They had been knocking some of the colored men, and blooded up some of them right smart. He says, "Well, I can't help that; you will have to wait." By that time I got on my horse and rode back up there, and the colored men had stopped voting. About fifty or sixty had voted, and they would not let any more vote. So I come back and told him, "I have been up there, and they wouldn't let them vote at all." "Well," says he, "You have got to wait; you colored men want too much; you have been holding the polls at other elections, and now the white men wants a chance." "Well," I says, "I won't dispute your word, but there never has been a time when white men could not vote when they wanted to," and I says, "Now you can see whether they are fixed for a row." He says, "What's that?" I says, "Look at those fellows with double-barreled shooters going to the court-house." He says, "That's so, but that is no reason why there should be a fuss;" and he says, "Well, you colored men want too much, anyway; you have been in the habit of holding the polls during the forenoon. General Gary says so." "Well," says I, "I will make a demand on you whether you send the troops or not," and I wrote out a de-

mand and handed it to him; he took it and tore it up, and threw it down and said, "I will see directly." By that time another assistant deputy marshal came to report to me, and he says, "Major, will you take troop; up there?" and he said, "Yes," and he got out the troops, and they went up there.

By the CHAIRMAN:

Q. What major was that?—A. I think it was Major-Kellogg. I know him very well when I see him, but I don't know his name; the officer said to me when he started out, "Are you going up?" I told him "Yes." Says he, "Come on," and we walked up together. When we got there, the whites was there with their horses around the school-house, and the republicans could not get near. When the officer got up he lined his troops off about ten or fifteen yards from where the horses was, and he says, "You fellows must get off and let the people vote." Says they, "We ain't going to move a foot until General Gary comes." By that time he loped up on his horse, and he says, "Hello, Gus, there is going to be hell up there; what are you going to do about it?" I says, "I don't know; we propose to open these polls." He says, "You may have a God damned good time a-doing it." And he told them to move, and three or four of them came up to him and says, "General, what are you going to do; give back?" He says, "Not a God damned inch; you hold these polls, as I told you;" he says, "Damn the troops, you hold these polls as I tell you." They done just as he ordered them to do. They held it until, after a while, this Major Kellogg sent two guards and an officer, and told them to open a highway, so that the people could pass in. Even after he done that, while a colored man would be going in, these men would be sitting on their horses over him, and say, "You God damned radical son of a bitch," and they would hit them as they went in.

Q. What did they hit them with?—A. With sticks and pistols; if they hadn't sticks they took their pistols. I know several had to hold their heads down that way, [illustrating,] with the blood streaming out where they were hit, as they went in at the door.

Q. Did the republicans have any arms there that you saw?—A. No, sir; I didn't see any. I suppose some few men had on pistols, but I didn't see them.

Q. Do you know of any arms being there?—A. Yes, sir; there was a wagon about fifteen stops, I guess, from the school-house, down on the hill-side; as I went to the back window I saw a wagon standing there. It looked as if it had food in it, and then I saw a dozen double-barrel shot-guns lying in the wagon.

Q. Was that wagon removed?—A. Yes, sir; it was taken right away. As soon as the troops came up they took it over to General Gary's.

Q. What, if anything, do you know of republicans coming to the voting-place and going away without voting?—A. I know a good many that came there, and staid all day in the line trying to vote, but they found they could not do it, and several of them (over a hundred of them—two hundred, may be) left, and went to see if they could vote at the court-house. That was about half past five or six o'clock. They asked me, when did the polls close. I told them, about half past six. They said they would go up to the court-house. I went along with them. There was about two hundred of them followed me up, and when we got as near the polls as that building across the street, I think it was General Butler that was up speaking to the democrats, and they were all standing there with double-barrel shot-guns and muskets, and they just told them they would dare any republicans to come and vote at that poll.

Q. Did the republicans get to vote at that poll?—A. They didn't.

Q. How many went away without voting?—A. I think there was about three hundred that did not vote. Some wouldn't lose the chance of voting at the school-house.

Q. What do you know, if anything, of people from Georgia voting at Edgefield?—A. There was some men there from Augusta, Georgia, that I know personally. I know that Captain Fred Smith voted there, and Colonel Hewett voted there.

Q. Any others?—A. They were about the only persons I know personally.

Q. Did you know where they resided?—A. Yes, sir; they resided in Georgia. I knew them well; they used to live in Edgefield; they have been gone to Augusta only about four years.

Q. Do you know the white people generally who live in Edgefield?—A. I think I do, as a general thing, if I don't know their names; I know the faces of pretty nearly all the men in the county, because I have a great deal of business with them.

Q. State whether there were a great many strangers, white men, who voted at Edgefield on the day of the last election?—A. Yes, sir; I know some men there from North Carolina. I don't know their names, but I know they were dealers in whisky and drummers; they voted. I know one that voted at that school-house four or five times, and he came out and put on a red shirt and went to the court-house.

Q. What did you hear farmers, who were democrats, say to the colored men, republicans, as to what should be done if they voted the republican ticket?—A. I know one very large farmer there came up with about a dozen colored men to vote that worked on his place, and he says, "Look here, boys, if you are going to vote against me—are you going to still persist in voting that damn radical ticket?" They says, "O, yes; that is the party I must be 'ong to." He says, "Well, if you vote that ticket you just go on home, and be off my place

when I get home. Just take your wives and children and get off. I don't care where you go to, but you must be away when I get home." They voted, and started off as if they was going to do it.

Q. Do you know whether threats were made to any considerable extent through the county?—A. Yes, sir; there was threats of that kind made all over the county.

Q. Were you at any republican meetings during the campaign?—A. We had only two republican meetings in the campaign. We had one and attempted to have one.

Q. Was the first one advertised as a republican meeting alone, or for joint discussion?—A. As a republican meeting; we had not learned anything about the joint excursion; that was the only experience that we had on that day.

Q. What occurred?—A. When the meeting was called the republicans went over to the place where we had our meeting at the academy. When we got over there—you know men looks more than they really is on horseback—well, I will say there was about three hundred on horseback, headed by General Butler, and Gary and Sheperd, they was in front. They went on over to the stand. After seeing the republicans started, they went over and got there first, because they were on horseback. Cain was the republican chairman of the meeting. He got on the stand, and Governor Chamberlain and Smalls and Simpkins, and my brother and myself. General Butler says, "Hush; you don't need him; I am the chairman of this meeting to-day." Some one attempted to put the motion, and he said, "It is no use to put it, because he can't act. I am the chairman of this meeting to-day, and we are going to have part of this time or you don't have any meeting." It went on that way. He introduced General Gary, and he got up and spoke, and went on and abused the governor a good deal.

Q. Did they agree upon a joint discussion?—A. No, sir; we did not agree upon it. They agreed to it themselves. General Butler said that if Chamberlain wanted to speak, we will give him half an hour, but unless my men speak, you don't have any meeting here to day.

Q. Was there a joint discussion?—A. Well, Chamberlain got up and attempted to speak, but they bothered him so that he could not speak.

Q. Who did speak?—A. General Butler, General Gary, and Sheperd.

Q. Butler and Gary were democrats?—A. Yes, sir.

Q. Did you hold any smaller meetings around through the county?—A. Well, we could not hold any.

Q. Why not?—A. We knew it would be dangerous for any of us to leave the town. General Gary told me that himself. He says, "If any of you fellows leave this town, God, you won't come back here to hold your meetings, unless you let us go in with you."

By Mr. ABBOTT:

Q. Do you belong to the Union League?—A. I do not.

Q. Do you belong to any other society?—A. No, sir.

Q. Do you belong to the laboring union?—A. No, sir.

Q. You were marshal at the court-house?—A. Yes, sir; both precincts were in my charge.

Q. You were at precinct No. 2 most of the time?—A. Yes.

Q. You went there and remained how long?—A. I went there before the polls were opened and I remained there about half an hour.

Q. How long did you remain during the day?—A. I staid there off and on. I rode backward and forward. I don't know particularly how long I staid.

Q. Were you at No. 2 more than you were at No. 1?—A. I think I was there more.

Q. And these remarks of General Gary that you have given were made in the presence of the troops?—A. Certainly they were.

Q. He told you that he did not care a damn for the troops right in their presence and hearing?—A. Yes, sir.

Q. They could hear what he said?—A. Yes, sir; they could hear it as well as I could.

Q. And notwithstanding the presence of the troops the white people continued to keep the voters away from the polls?—A. They did.

Q. Even when the troops had made an opening for them to go up, the white people would hit the colored voters with their pistols and make the blood run?—A. Yes, sir.

Q. And the troops did not interfere?—A. The troops said they had no right to interfere.

By Mr. LAWRENCE:

Q. Was that at box No. 1 or at box No. 2?—A. That was at box No. 2.

By Mr. ABBOTT:

Q. And at box No. 2 about three times as many colored men as white people made out to vote, I believe?—A. No, sir; I don't think so.

Q. What do you think was the proportion? The white people I suppose all voted the democratic ticket?—A. I presume so.

Q. Well, that is what you understood, is it not?—A. Yes, sir.

Q. Now what is your idea of the proportion of colored voters to whites who voted there that day?—A. Well, I don't know, sir. I did not take particular notice about that. Most of the republicans who voted at all voted over there.



Q. But you can form some idea of the proportion. Were there twice as many colored republicans as democrats who voted at box No. 2?—A. I could not form any idea, for this reason: they came in squads from every direction and voted and went right off—some did and some staid there all the time. They kept about one hundred or two hundred there all the time.

Q. Did more white men vote at box No. 2 than colored?—A. No, sir; I think more republicans voted there.

Q. Twice as many republicans?—A. I don't think there was twice as many.

Q. This trouble you have described began early in the day; you went down for the troops in the forenoon, didn't you?—A. Yes, sir.

Q. How early did the obstruction to the republicans voting begin?—A. They began that when the polls first opened.

Q. Then they began to keep the republicans from voting, threatening to kill them, &c., when the polls first opened that day?—A. Yes, sir.

Q. They kept it up?—A. Yes, sir; they kept it up.

Q. And they absolutely beat the republicans over the head for voting during the day?—A. Yes, sir.

Q. And then they got up on the steps and had this democratic caucus or meeting?—A. That was about 5 o'clock.

Q. And after that they would not let any colored men go up?—A. No, sir.

Q. And then there was this trouble in the afternoon when General Gary came up and kept everybody away?—A. That was in the forenoon.

Q. How long was that kept up?—A. Well, it was a continual thing.

Q. Then it was a continual thing that they absolutely kept the colored men from getting to the polls?—A. Yes, sir.

Q. And when the colored men persisted in going to the polls, the whites would beat them over the head, so that the blood would run down as you have described?—A. Yes, sir.

Q. And neither the soldiers, the marshal, nor anybody else interfered?—A. No, sir; there was no marshal but me; I done all that I could do.

Q. You did not go to the troops and tell them to seize those men?—A. Yes, sir; I went to Kellogg twice.

Q. And he would not do it?—A. He said he had no orders to do it.

Q. Well, he would not do it. He saw the man hit, or he might have seen him hit, as you have described?—A. Yes, sir; and I think if you had him, he would testify that he saw him hit.

Q. If all this obstruction was kept up during the day, it could not be possible that twice as many republicans as democrats voted there?—A. I don't know about twice as many. I know there was colored men in line about four deep; about as far as from here to the next corner, and they staid that way.

Q. Do you think there were twice as many colored republicans who voted that day at box No. 2 as there were democrats?—A. No, sir; I don't think there was twice as many.

Q. You think that with such terrible obstruction as you have described, it would have been impossible?—A. Well, I guess so. They was determined to vote, if they could. Some of them would have voted if they got killed.

Q. Were you ever present at any republican meetings, except the two that you have spoken of, in the last campaign?—A. No, sir.

By Mr. LAWRENCE:

Q. Did you keep any account to ascertain what number of republicans voted at poll No. 2 as compared with democrats?—A. No, sir; I didn't.

Q. And you do not pretend to state with any accuracy the relative number of republican and democratic votes?—A. I do not.

Q. But you know that republicans went away without getting to vote?—A. Yes, sir; I know that.

JESSE JONES (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside and what is your age?—Answer. I reside at Edgefield Court-House. I am twenty-five years old, and have lived there all my life.

Q. State what you know about any violence or intimidation against any republicans during the recent campaign or during the election.—A. I was commissioner of elections. There was box number one and box number two at Edgefield Court-House. On the morning of the 7th of November I arose at 6 o'clock, and went to box number one to vote. I was there until 10 o'clock. I suppose at least two thousand colored men waited there until 9 or 10 in the day before a single man of them voted. The polls were surrounded by about four or five hundred white men, with red shirts, and on horses, a great many of them round the door and preventing colored men from getting up the steps. Then, there was a great many dismounted round the box, and they said that no Chamberlain men should vote there. We made an application to the marshal to see General Brannan, who was in command, to see if

we could get a detachment of troops to enable some of the colored men to go and vote. There was complaint made to me several times, and he finally said, the last time, "Who is surrounding the polls?" They says, "The white men have surrounded the polls, and no colored man can vote." He says, "Well, you must know those are white men." He seemed to speak as if they were privileged to vote. Senator Cain, from Edgefield, and myself and the other commissioner of election, went down to General Brannan and asked him to send up some troops, that we had at least three or four hundred men there to try to vote. The white men had completed their voting at box number one, but they surrounded the polls to prevent others from voting, and we asked him to send up troops. He just stood in the door and would not say whether he would send them or not; and while we was asking, three or four of the leading democrats in town came up to where we was standing and said to him, "By God, your men have voted already; and, by God, you shun't vote; 'tis a damn trick you are playing." While the conversation was going on the crowd of colored men held up their right hands and swore they had not voted that day. Some of the white men cursed and swore in the presence of General Brannan, and offered \$100 to some parties that was holding him to turn him loose to fight him in the presence of the troops. There was very little protection from the troops. We staid there until near 10 o'clock, and not a single colored man voted there. We went up to the school-house to box number two. There had not been any troops sent there at all until about 10 or 11 o'clock, and the white men were there with large hickory clubs, ax-helves, and pistols, and Remington rifles. They had a whole wagon-load of arms standing off about twenty yards from the grounds. They all stood around the box, and no colored man was permitted to vote. Some tried to go in to vote, but they were beaten with sticks and the blood knocked out of their heads. That was about 11 o'clock. We sent up to see if we could not get troops, and Major Kellogg went up to the box, and no colored man was permitted to vote until he got there. At that box we had about five hundred majority—the only box in the county. We have always had, in Edgefield, at these two boxes, about fifteen hundred at least.

Q. What, if anything, do you know of colored men going away from the polls without getting an opportunity to vote?—A. I know, I think, at least eight hundred that left the polls. They staid there until nearly six o'clock and found it was impossible to vote, and then they left. I didn't vote, and I tried from six o'clock in the morning until six o'clock in the afternoon.

Q. What, if anything, do you know of threats being made against the republicans on the day of the election, or before it, by democrats owning land, that the republicans should not stay on their land if they voted the republican ticket?—A. Those threats were universal throughout the whole county.

Mr. ABBOTT. State only what you heard yourself.—A. Yes, sir; I heard it myself. It was universal. It was a matter of public speeches on the stump by democrats.

Q. What class of men generally owned the land in that county?—A. White men, nearly altogether.

Q. Do you know anything of people from Georgia voting at Edgefield on the day of the election?—A. I saw a great many strange white men voting there. I have been clerk of the court there for two years. I have lived in Edgefield all my life, so I would know a great many of the men in Edgefield County. But there were men there that day that I never saw before or since, and men run their horses down voting from one box to another; some of the horses died. We were told there by prominent men, "Have you voted?" "Yes." "God damn you, go and vote again; I am responsible; vote as you damn please; let the consequences take care of themselves."

Q. Did you know of any double ballots by democrats?—A. No, sir; only what the sub-county canvassers reported to the commissioners. I know of men that voted twice in Edgefield.

Q. Did you see them vote twice?—A. Yes, sir. The evidence is this way: men that came in from the country I heard them say—

The CHAIRMAN. You need not state what you heard them say?

By Mr. ABBOTT:

Q. You went first to box No. 1?—A. Yes, sir.

Q. You were there at about what hour in the morning?—A. I was there about six o'clock in the morning.

Q. How many colored men were there then?—A. There was nearly a thousand colored men there at six o'clock in the morning.

Q. How many got there before you went down for the troops when they would not let you vote?—A. There was at least fifteen hundred.

Q. I understood you to say that there were about two thousand colored men there?—A. Well, I think there was; I mean about nine o'clock in the day. There was at least from fifteen hundred to two thousand.

Q. I understood you to say that in your judgment there were two thousand?—A. Yes, sir.

Q. You think there were two thousand there together in one crowd and none of them permitted to vote?—A. Yes, sir; none of them permitted to vote at nine o'clock that day.

Q. Then you went for the United States troops?—A. Yes, sir; with Senator Cain. Senator Cain made the request.

Q. And General Brannan refused to send any troops?—A. He did not refuse. He did not say anything.

Q. Well, he did not send any troops?—A. He did not.

Q. And you were not able to get from him an assent that troops should be sent to that poll?—A. No, sir.

Q. And no troops were sent so far as you know?—A. No troops were sent.

Q. Did you go back to that or to the other box?—A. To the other box.

Q. And you could not vote during the day?—A. No, sir.

Q. Can't you tell me what time you reached box No. 2?—A. I suppose about ten minutes after nine.

Q. You remained at box No. 1 until nine o'clock?—A. Yes.

Q. Then you left box No. 2 and went to the military and tried to get them to go to No. 1?—A. No, sir.

Q. When did you go for the military—before you went to box No. 2?—A. I went from box No. 1 to box No. 2, and after coming back from box No. 2 I went for the military.

Q. When did you return to box No. 2 a second time?—A. I suppose about half after nine.

Q. And at that time the polls were in possession of the white men, as I understand you?—A. Entirely.

Q. How long did they remain so?—A. They remained there till dark.

Q. The polls entirely in possession of the white men?—A. Yes, sir; both boxes. They were on horses, and whenever they saw colored men going from one box to the other they had couriers and they rode off just as fast as they could to head off the colored men.

Q. You mean that they prevented the colored people from voting at box No. 2?—A. Yes, sir.

Q. They surrounded the polls and beat the colored men, I suppose, when they attempted to vote?—A. Yes, sir.

Q. Were there troops there in the course of the day?—A. Yes, sir; they went there, I suppose, about ten o'clock, and remained there during the day.

Q. And you say that in the presence of the troops the polls were surrounded, and the black people prevented from getting to the polls?—A. Yes, sir.

Q. From ten o'clock clear up to the close of the polls?—A. No, sir; I didn't say that.

Q. I understood you so. At ten o'clock you found the whites in possession?—A. Yes.

Q. How long did they remain in possession?—A. Till Major Kellogg went there with his troops. That was near ten o'clock.

Q. You got there about ten, didn't you?—A. About half past nine.

Q. I understood you to say that after Major Kellogg got there with his troops the democrats still remained in possession of the polls?—A. They did until he ordered them away.

Q. How long was it before he ordered them away?—A. He ordered them away in five or ten minutes; they didn't move even then.

Q. How long before they went away from the polls?—A. They would not leave them at all.

Q. Then they staid and obstructed the polls, notwithstanding the presence of the military?—A. Yes, sir; notwithstanding the military.

Q. And kept the blacks all day from voting?—A. Yes, sir.

Q. And would beat them if any of them attempted to vote?—A. Yes, sir.

Q. So that really the blacks could not vote?—A. No, sir.

Q. And did not vote?—A. No, sir; a great many of them did not.

Q. How could any of them vote if they were obstructed and beaten in the way you have described?—A. Well, they did vote in some instances.

Q. You remained in plain sight of the poll all day; how many voted, should you think?—A. I suppose about two or three hundred I saw voting. The troops had to stand out and take in ten at a time.

Q. But if the polls were in possession of the democrats, and they were beating the black men and keeping them away, how did you get in those platoons of ten at a time?—A. An officer would come up—the corporal of the guard.

Q. Then the corporal interfered?—A. Yes, sir.

Q. And as often as a black man wanted to vote the officers interfered, didn't they?—A. No, sir; because there was eight or nine hundred that did not vote at all.

Q. Do you mean to say that any man asked to have an opportunity to vote and the soldiers would not give it to him?—A. They obstructed the entrance to the box so that the soldiers had to go in at the window. They surrounded the door with their horses, and the troops themselves had to go in at the window.

Q. Then the white men really took possession of the polls?—A. Yes, sir; all day.

Q. And you think there were only two or three hundred blacks that voted?—A. O, I know there was more than that, because I saw that many.

Q. But you saw all that voted?—A. No, sir; because I went from one box to the other, trying to vote from six o'clock in the morning until six in the afternoon.

Q. But they voted at both places?—A. Yes.

- Q. And you saw them voting?—A. I saw a few.
- Q. You could have voted there as well as the others, couldn't you?—A. No, sir.
- Q. Why not?—A. I will give you my reasons. After leaving box No. 2 I went back to box No. 1, the court-house box, and tried to vote.
- Q. What did you do in trying to vote?—A. I had about three hundred colored men with me going to the polls to vote, and when I got up there a man halloosed, "Democrats, dismount and defend your rights." At that time they was round the polls with their horses and three or four pistols stuck around them; the horses were several tiers deep around the box, and we then called upon General Brannan to send troops so that we could vote—that the white men had finished voting there, and here was three or four hundred colored men that had not voted at all. He did not say whether he would send troops or not.
- Q. You told us that. When you saw platoons of the colored people going up to vote why did you not go too?—A. I never saw platoons.
- Q. Well, eight or ten men together; I call them platoons.—A. I never saw that many.
- Q. You have told us that you saw eight or ten colored men at a time going up to vote.—A. No, sir.
- Q. Did you see more than one colored man go up to vote at a time?—A. Not at box No. 1.
- Q. Did you at box No. 2, where the troops were?—A. Yes; I saw ten or twelve go in there.
- Q. When you saw them do that, why could not you go in and vote as well as others?—A. Because the crowd was so terrible around the box, and it was rather late.
- Q. But why couldn't you go in as well as other colored men?—A. From the simple fact that the crowd was so great.
- Q. You mean that the other colored men did what you could not do?—A. A good many of them stood heavy licks over their heads that I would not risk.
- Q. Do you mean to say that these platoons of eight or twelve colored men, under the protection of the soldiers, to be taken to the polls to vote, were beaten over their heads as they went up to vote?—A. Yes, sir; and I mean to say, in addition to that, that I saw them push them away from the officer, and push and beat them over the head.
- Q. What officer was it from whose possession you saw men taken and beaten over the head?—A. I think it was Major Falk. He is now at Edgefield Court-House. I did not say that he had them in his possession. The corporal was standing at the door, and he would say, "Come in," and one or two would come in.
- Q. You have instanced Major Falk as the man from whose protection black men were taken and beaten over the head?—A. Yes, sir.
- Q. That is true, I suppose?—A. 'Tis true, sir.
- By the CHAIRMAN:
- Q. Was Colonel Randall one of the officers there?—A. That I do not know.
- Q. What other officers were there that you were in communication with?—A. Major Kline and Major Kellogg. Kellogg is here now.
- By Mr. LAWRENCE:
- Q. You say you saw two or three hundred colored men voting at box No. 2?—A. Yes, sir.
- Q. You don't know how many voted there while you were absent?—A. No, sir.

COLUMBIA, S. C., December 26, 1876.

LEWIS CASS CARPENTER sworn and examined.

By Mr. LAWRENCE:

Question. Please state your age and place of residence.—A. I am forty-one years of age, and live in Columbia. I have been in business here for eight years, and I have resided here for six years. I have been in the State off and on for eight years; part of the time residing at Charleston and part of the time here.

Q. What office do you now hold?—A. I am collector of internal revenue for this State.

Q. Were you a candidate for any office at the last election?—A. I was a candidate for Congress from the third congressional district of this State.

Q. At what points were troops stationed during the political campaign in that district?—A. At Columbia, at Newberry, at Abbeville, prior to the election, and I think on the day before the election there were some stationed in Oconee County and also in Anderson County, but I don't know about that; I never saw them there.

Q. About what was the republican majority in that congressional district at the election two years ago, and what was the democratic majority this year?—A. The majorities differ somewhat. Judge Hoge, who succeeded me in the Forty-fourth Congress, received thirty-five hundred and some odd majority in 1874. He was the republican candidate against

General McGowan. Mr. Chamberlain's majority for governor was forty-nine hundred and seventy-two. The majority for Aiken, the democrat, for the next Congress is between five and six thousand, I think.

Q. State whether republican meetings were interrupted in that district during the canvass.—A. When the canvass first began I was in New York. I received a telegram to be here on the 14th of October, when my canvass began, and I reached here on the morning of the 15th. My first meeting was at Newberry. One meeting had been held in my district, at Lexington, on the Saturday before I reached here. I was present at the meeting at Newberry with Mr. Taft and Professor Greener, who went to accompany me through my district and speak with me. We reached Newberry between ten and eleven o'clock in the day. We found the public square where we were to speak occupied by mounted and a med men, democrats. They occupied the whole public square in front of the court-house. We were to speak from the court-house steps, and they were placed so closely that it was impossible for anybody else to get into the square. We went upon the stand, and I sent a request to Mr. Pope, the intendant of the town, that they should give us at least half the public square. He ascended the steps part of the way and requested them to give us part of the square, which they refused to do. We waited I suppose fifteen minutes for them to make this arrangement, but they made none. They would not give us any chance at all. We deliberated about opening the meeting, and finally decided to speak off the end of the piazza. On the right-hand side, facing the court-house square, was a vacant spot, where from one hundred and fifty to two hundred men could stand. Our men got around to that opening and formed themselves there. Mr. Taft was introduced as the first speaker by the chairman of the meeting, Mr. Joseph D. Boston, who was also the chairman of the county. It was a republican meeting, called as such, advertised as such, and when the republican chairman went on the stand to introduce the speaker he advertised it as such, reading the call. He introduced Mr. Taft as the first speaker. Mr. Taft began his speech, and, with constant interruptions all the way through, finished it, I suppose, in the course of twenty minutes or half an hour.

Q. By whom were those interruptions made?—A. By these men sitting on their horses.

Q. Democrats?—A. I suppose they were; they were white men. After he concluded, I was introduced. Some one in the assembly—who he was I don't know—asked that they should hear me quietly. I spoke perhaps three minutes without interruption, and from that time on (I don't suppose I spoke more than fifteen or twenty minutes at the outside) I don't think my voice could have been heard across this room. Sitting in front of me was the commander of this detachment that was occupying the square, Mr. Lipcomb. I had not spoken more than four or five minutes before some one in the party says, "That's a damned lie; you lie, God damn you," and then it was taken up by the crowd all around. "Bring him down!"—"Take him off there!" I paid no attention to parties interrupting me, and tried to talk a little, but I couldn't be heard. While I was speaking there was a slight commotion made to the left of me, and these parties surged down to the left of them and the right of me toward the people in front of me that I was trying to talk to. I spoke probably five or ten minutes afterward and stopped, saying that I found that they were not disposed to hear me, and I would give way to some person that they would listen to. I went back from where I was speaking, and Professor Greener was introduced. He is a professor in the university here in Columbia. He began his speech and went along quietly for two or three minutes, and then they raised the same objection to him that they did to me. They told him that he lied, and that he was a "God-damned nigger," and so on; but he persevered and tried to talk for, I should think, thirty or forty minutes. I stood back of him not farther than across this room, and I could not hear one word in ten that he uttered. I was not more than twenty-five or thirty feet from him, on the same piazza with him, but I could not hear because of the noise and commotion below. They applied the same epithets to him—"You lie!"—"You are a damned liar!"—"You are a damned nigger!"—and everything of that kind. When he ceased speaking, the meeting closed. The chairman of the meeting never introduced any speaker after he introduced the first one. I was introduced by some person that I never saw before, a person who was not connected with the meeting. After Professor Greener closed we started down to the depot. I was going home the same night. General Purvis, who was also there, was to speak after we had got through. He remained there that night. Professor Greener also remained there. He was to go with me the next day to Abbeville. I came home that night. On our way to the train I was in company with Lieutenant Anderson, of the United States Army, in citizen's dress. He was stationed at Laurens; he was on his way to Charleston to meet his wife. The train from Laurens comes down to Helena, about a mile and a quarter or a mile and a half, and waits there for the train from Greenville. Lieutenant Anderson had three or four hours to stay in Newberry. These horsemen followed us all the way down to the depot, shouting and cursing. I was ahead of Lieutenant Anderson, and as we reached the platform I walked upon the platform, and lost sight of him until I saw him in the midst of a dozen of these men who were all around. I could not hear what was said, but there was some loud talking, and he finally got through and got upon the platform with me. Mr. Aiken, my competitor for congressional honors, was standing on the platform at the same time, a few feet from me. Two of these men on horseback rode up and said to me, "You

never shall be elected to Congress; this man we are going to elect, not you." I said, "Very well, gentlemen, if this man gets a majority of the votes, no man will acquiesce quicker than I will." Aiken said nothing. They bantered me three or four minutes in that way, when the train came in, and we took it and came home. The next day I had to go to Abbeville to meet my engagement for Wednesday. This was Monday. On Tuesday I left here to go to Abbeville in company with Colonel Low, General Dennis, Mr. Kirkland, and Mr. Thompson. Low, Dennis, and Kirkland were deputy United States marshals; the other gentleman was a United States commissioner. We went on until we passed Silver Tree, which is a depot in Newberry County. The first place we were interrupted was at Ninety-Six. I was sitting in the ladies' car with Colonel Low, and there were several ladies present and quite a number of gentlemen. When we reached Ninety-Six, Thompson, Dennis, Kirkland, and Mr. Taft and Professor Greener (who had got on at Newberry) were in the smoking-car. Three men came into the car at Ninety-Six. One of them had a wooden leg—I think his left leg. In his vest he had two pistols, crossed, with the butts sticking out, and one in his hand. The three passed into the car, the man with the wooden leg ahead. He said, "He is not here; no governor here," and they passed out at the end of the car. This was the rear car. When they got out on the platform some one told them that I was in the car; who it was that told them I do not know. They immediately came on to the front end of the car again. At that time there was an engine company on the train going from here to Greenville to take part in the parade. Two or three of those men came on to the front end of the car, and told these parties which was Carpenter; they said, "That's him back there; that red-whiskered man; that's Cass Carpenter back there," and they came back within five or six feet of me, and sat down on the arms of the seats. This man with the wooden leg sat nearest me, almost opposite to me, with his pistol in his hand. They did not say a word to me, but they talked to each other, talked at me. This man said, "Is this Cass Carpenter?" pointing at me, and the other fellows said, "Yes, that's the son of a bitch—that red-whiskered man." Colonel Low sat in front of me. I said nothing to him, and they said nothing directly to me. In the course of three or four minutes Captain Land, who had charge of the train as conductor, came in and ordered them out, and they left the car. Just as they were leaving, Mr. Tolbert, who was a candidate for superintendent of education, came into the cars. I said to him, "Mr. Tolbert, are you going up to Abbeville?" He said, "Yes." This wooden-leg man says, "So am I, too." Just then they walked out of the cars. We had no more interruptions there. When we reached Greenwood there was quite a number on the outside of the cars, and they greeted me very much as they had done at Ninety-Six. They called me a "damned radical son of a bitch," and wanted to take me out of the cars, and so on; but nobody came in. When we reached the dinner-station, and the place where we change cars for Abbeville, we left the main train and went into the ladies' car. There were, I think, five or six ladies and as many children. I went to the front end of the car, nearest the engine. A great many colored republicans there knew me, and they followed me in. I stood up with my back to the door three seats from the front, and the colored men formed all around me. The seat where I was standing was turned backward. The other seat on the other side was facing the engine. Between us was a place for a stove. Colonel Low, Mr. Thompson, the United States commissioner, and General Dennis, were in this open space. There was quite a number of people outside. They said there were two hundred, but I don't think there were more than fifty or sixty. They were very abusive to me. The first expression that I understood was, "Take out the damned radical son of a bitch and hang him here." I of course did not feel in the very best humor. I did not feel as I would have felt in a place where there was nothing of this kind going on, and I was constantly on the lookout. Thompson was walking up and down in the little open space. Colonel Low stood right beside him, and Dennis beside me. These fellows kept saying, "Kill him; shoot him; don't let him get in here." A man came into the car and touched me on the shoulder from behind, and said "Where are you going to sleep to-night?" He was a white man. I did not know him, and I turned around suddenly and said, "What is that to you?" When I answered he had edged his way through the crowd and got up close by me. Colonel Low said to him, "Here! I am United States marshal, and I do not want any trouble here. I have come here to preserve the peace." The other man replied, "I don't care a God damn if you are a United States marshal;" and then he said, "O, I don't want any trouble. I simply asked Mr. Carpenter because I wanted to call and talk with him." And he turned abruptly and left me. His name was D. B. Glynph. There was another very much younger man seated at my left, four seats in front of me. He had annoyed me very much by pointing me out and saying, "That is the son of a bitch; that's Cass Carpenter. He's got a stove-pipe hat on, and red whiskers." I stood it as long as I could, and at last I said to Colonel Low, "I wish you would ascertain for me that young man's name." The young man jumped up and said, "My name is Gury. I belong to the Mart Gary stock." I said, "I am very glad of that," and I took my book out of my pocket and wrote his name down on a piece of paper. He turned to the men outside and said, "He's taking your names down." He got up and left the car, and I didn't see him any more. In about two minutes afterward the car started, and there were no further interruptions until we reached Abbeville. One of these men, who had been on the car insulting me and talking badly about me, called General Dennis aside and said that he did not mean anything; that he was only joking with me; that he knew me very

well. We went to Abbeville and staid at Mrs. Holland's house, and at our meeting the next day I suppose we had between two and three thousand present. None of those gentlemen came there at all. It was perfectly quiet and orderly. That was the second meeting at Abbeville.

Q. There were troops near there at that time?—A. Yes, sir; there were troops there at that time. They had been sent there about four days before we went there. The meeting was perfectly quiet and orderly, and we left the next morning, driving across the country, thirty-three miles, in the rain to Anderson. Although there was railroad communication, we thought it best to go across the country. We arrived there about five o'clock in the afternoon, having started about nine in the morning. The meeting at Anderson was to take place the next day, the 20th. We spoke at Abbeville on the 18th and at Anderson on the 20th. I stopped at what they call the Sentinel Hotel. In the morning the rifle-clubs came in armed and mounted. They had been led to believe there would be a joint discussion. Mr. Hoyt had come to me the night before to ask me if there was to be a joint discussion, and I told him that I was under instructions from the State central committee, and that I could not go beyond those instructions; that they had sent instructions to the chairman of every county committee to permit no joint discussions, and I was simply a speaker sent out by the committee. When the rifle-clubs came in the next morning they rode in front of my hotel, and they took occasion to give some of their usual salutes to me. They held their meeting on the fair-ground, and we held ours at what is called the Greeley Institute, a school-house for the colored people. Fifteen or twenty of these men came down there, but no interruption took place at all. I was waited upon that afternoon by a delegation from their rifle-clubs, saying that they had no disposition to harm me; that while they did not like my politics, or the cause I was advocating, they had no disposition to do me any personal harm. I thanked them and told them that I had no disposition to harm anybody; that I wanted an opportunity to discuss my politics from my own stand-point, in my own way. That night we started for Walhalla, and arrived there about seven o'clock in the evening. I was treated, when I went to take the train, very much as I had been treated at Cokesbury, with the exception that persons did not come into the cars. I spoke at Waloola on the 21st. The people would point me out as I sat in the car and say, "That's Carpenter; that red-whiskered man," and they would use the epithets that had been used at other places. On the way up to Walhalla I had no interruption from anybody. We had our meeting there the next day, at the school-house. A delegation waited on me and asked if there was to be a joint discussion. I told them, as I had stated at Anderson, that I had no authority to agree to a joint discussion; that I was simply acting under the orders of the State committee, and if they had agreed to a joint discussion they had not informed me. We went to our meeting. I suppose we had about three or four hundred republicans present, and quite as many of the democracy, mounted and armed. We spoke from the school-house door. There had been some rude steps there, but they had decayed, and the door was four or five feet from the ground. Professor Greener was the first speaker. He went to the door and began his speech. There were only a very few persons in the building; the officers of the meeting and a few old gentlemen that could not hear unless they were close to the speaker, sat at the rear of the speaker. I had gone to the back of the building and gone out of the window, which was about three feet from the ground. The building was surrounded by scrub-oaks. Down in the rear of the building, about a hundred feet, was a spring. I was sitting on the stump of a tree, very close to the building, when I heard some persons near the spring in very loud conversation. I could not hear what they said, but I could hear that they were in angry conversation, and in the course of a minute or two I saw them come up to the building. One of them was very much under the influence of liquor, and he said, "I'll shoot the damned nigger; I'll shoot him anyhow," and he jumped in at the window in an instant, before his friend could catch him. His friend jumped in after him. Professor Greener, of course, heard nothing of this. I walked deliberately to the window and spoke to the man as he walked up. There was a long bench behind the professor. I said to him, "You must not do anything of the kind in there, because if you do you will get hurt." Mr. Alexander Bryce, jr., was the presiding officer of the meeting. A colored woman had gone down and called Brice at the same time, and he came up and spoke to this young man, and said, "I took you out of the guard-house yesterday; now you must get out of the way and go away." The young man said, "Very well, Mr. Bryce, if you say so I will do it." He sprang out of the window again, and this friend of his took him away, and I never saw any more of him. Professor Greener finished his speech, and Mr. Tolbert was introduced. He spoke, may be, thirty-five minutes, with such interruptions as questions being asked all the time, and such sallies as that he was a damned liar, and so on; but aside from this he got through. It came to my turn, and I went on the stand. In the mean time they backed up a large produce-wagon, and I stepped into it instead of standing at the door. I suppose I spoke ten or fifteen minutes without interruption, and then they began to serve me as they had done at Newberry. They said it was a damned lie, and I was a damned liar, and I was a damned liar. I turned to the president of the meeting and said, "I can't go on in this way. If these people won't hear me I will go off the stand." A man named Dendy, the probate judge of the county, rose and said, "Listen to Mr. Carpenter, and when he gets through, and when we have

heard him, we can refute all he says here." This man was a democrat. Except by the boys there, belonging to Waloola College, I was not interrupted again save once; but the boys kept interrupting me all the time, although they had their teachers with them. I paid no attention to them, however, and finally finished my speech. We left and went up to the hotel and took dinner, and left that night for Greenville. We reached Greenville, on Sunday morning about half past one o'clock. On Monday, the 23rd, I spoke at Pickens. We drove across the country in a carriage. We went along quietly until we came within six miles of Pickens Court-House, where the meeting was to be held. Then they came up with two mounted clubs, one in red shirts and the other in white shirts, with a rosette under the left arm. I suppose there were about sixty in the two clubs, and they were hurrahing all the way from there to the court-house for Hampton, and damning the radicals, but they didn't interfere with us at all. We followed right along behind them until we came to the road that comes from Easeley station; about three-quarters of a mile from that road, in plain sight, we saw a company coming in on the Easeley road. There were trees that obstructed the view, so that I could not tell the number, and as we ascended the hill which leads to the court-house we found them drawn up in two lines of, I should think, about a hundred on either side of the road, with the horses' heads toward the road, and we were compelled to drive through between the lines. There were four of us in the carriage. Everything was perfectly quiet; not a word said on either side. As we passed along, after we got through they formed in line behind us and followed us up about a quarter of a mile to the court-house, when they diverged, and we went on to the court-house and alighted and went into the auditor's room. It was then determined that instead of holding our meeting in the grove, we should hold it in front of the auditor's office; and we extemporized a stage, and Professor Greener was put forward as the first speaker. He had been speaking probably three or four minutes quietly, nobody but republicans being then present, when those mounted men came dashing up at full gallop and surrounded our meeting completely, in the form of a semicircle, with our people in the middle. They then dismounted.

Q. Were they armed?—A. Yes, sir; they were armed with pistols. They had no rifles or guns, but some of them had as many as three or four pistols. One man in front of me had two strapped around his body and one in each pantaloons pocket, making four. He was sitting side by side with Senator Bowen, the democratic chairman of the county. He was a young man, under age, I should judge. He had on a red shirt. Professor Greener spoke four or five minutes without interruption. He always announces himself when he goes on the stand as a negro, although he is newly as white as either of us are. He was interrupted at first by the same person that had these pistols. This man said, "No God damned nigger shall speak here." Mr. Bowen, the senator, was sitting by his side, and kept patting him on the shoulder; for what purpose—whether to restrain him or to urge him on—I do not know. Professor Greener worried along for nearly three-quarters of an hour, and then he closed. I don't think he said as much in the three-quarters of an hour as he could have said in ten minutes if he had not been interrupted. I was then introduced. Before I went on the stand, Captain Childs, a lawyer of Pickens County, and a captain of one of their clubs, appealed to the people to hear me without any interruption at all. Said he, "You have heard Mr. Carpenter speak here before, and now hear him without interruption." I spoke three or four minutes without interruption, and then they began, and they were tenfold more abusive than before. They called me a "God damned liar," a "damned radical son-of-a-bitch," and things of that kind, until my voice could not be heard at all. I then appealed to Senator Bowen, who sat there. Said I, "Senator Bowen, you see very well that I cannot be heard in this crowd. Your people don't intend to hear me, from the way they are going on, and I shall decline longer to speak. I came here for a quiet meeting. Our people have made no disturbance at all, and do not intend to make any, and upon you shall rest the responsibility," and I went off the stand. I had not been off for more than two minutes when General Dennis, one of the deputy marshals, ascended the stand, and told them that he had an ~~understanding with Bowen~~ understanding with Bowen that there should be no interruption, and he appealed to them to hear me again. Captain Clyde, who was very much under the influence of liquor, tried to urge me to go on the stand again, but I told him "It is useless for me to go on again: did you hear me out where you were?" "No," said he, "I could not hear you; there is a good deal of noise here, it is true, but it is all made by your men." Said I, "Captain, what do you mean by my men? Were there any republicans interrupting me?" "No," said he, "but they used to be republicans once." Said I, "That is another matter; they are your men now, ain't they?" "Yes," said he, "they have got my shirts on." The meeting broke up in half an hour. They finally went on the other side and held a meeting of their own. I staid until I got my dinner, and then left by way of Easeley station. The Easeley democratic club followed me all the way from Pickens Court-House to Easeley station. I should think there were not less than thirty men.

Q. Were they armed?—A. They had their pistols on. They would dash along by the carriage at a full gallop, hallooing and hurrahing for Hampton, and they would wait until we came up and passed through them, and then they would go by us again but that is all they did. We passed on, and arrived at Greenville about eight o'clock.



that night. I received a telegram from the department to come immediately home to attend to official business, and I came home. The rest of the party went to Laurens, which was the next place on the list, but I didn't go there. That was a Wednesday. On Friday, the 27th, I went to Newberry again from here. I spoke there that day in company with Mr. Tomlinson. Everything was perfectly quiet. No interruption at all, either going or at the meeting. I left that same afternoon on the two o'clock train, and on my way home, at a place called Prosperity, I was sitting in the front end of the car with Mr. Thompson, the United States Commissioner, when several of these red-shirted men came on the train. I was pointed out to them in the front end of the car, and they applied the same epithets to me that they had done when I went up the week before—such as this: "That's a God damn radical, is it?" "That's L. Cass Carpenter sitting on the front seat, that red-haired, red-whiskered man; he ought to be taken out here and tarred and feathered." They passed out at the rear end of the car, and then came back at the front end. General Dennis was standing by the door, and he placed his back against the door and covered the window so that they could not see me. We staid there the usual time for dinner. They came on to the end of the car and said, "Good bye, God damn you, Carpenter, good bye, we will get you yet." Who they were I don't know. I never had seen them before. They were white men and had red shirts on. That was the last speech I made in the up-country. I spoke here next day from the state-house steps, and was not interrupted by anybody.

Q. There were troops here?—A. Yes, sir; there were also troops at Newberry, at the last meeting. I spoke at Lexington Court-House the last Saturday before the election, and everything passed off quietly. Two days after I had left Newberry I received an anonymous message, postmarked Newberry, saying, "You must never come here again," and signed "Hampton." I paid no attention to it at all, as I have received a great many messages of that sort since I have been here. When I was editing a paper here from 1858 to 1875, I was in receipt of them very often. On the 20th of November I received a package by express. I was sitting in my private office attending to my duties. My chief clerk brought in a package wrapped up in paper, addressed to me. When he handed it to me he said, "I think it is a box of cigars." I looked at it, and saw the express label "Prosperity, S. C.," and I thought there is no cigar-maker there. It is not a box of cigars. There is something wrong about it. I immediately called in my deputy, Mr. Dennis, and another deputy, who happened to be in the office at the time. Dr. Ensor, the superintendent of the Lunatic Asylum, was there also, and he came in. The package was covered with brown paper. I told my clerk to cut the paper off. It was sealed at each end of the box with the Southern Express Company's seal, with a wax stamp on it, and with their red label telling where it came from, and addressed "Hon. L. Cass Carpenter, Columbia, S. C." It was marked also, "Value, ten dollars," with expressage paid. The clerk cut the paper and pulled it off. I found an ordinary yellow-pine box, the lid of which was secured with screws. I did not like the looks of it at all. It didn't look just right to me. I sent down for the fireman of the building, to have him bring a bucket of water. He brought it, and I took it myself and soaked the box in the water until I had saturated it fully. Dr. Ensor said, "How are you going to open it?" I said, "I think I will pry the bottom off. I won't unscrew the top." He said, "If I were you I would take it to the top of the building," (the United States court building, three stories high,) "and drop it off." He said he would let the fireman take it. I said, "No; I will do it myself." So I took the keys and went up on the roof and dropped the box off from the west end of the building, with these gentlemen standing in the first or second story below to see it drop. It dropped, and struck on its end, and the bottom came off, and in it was a small wooden coffin, very nicely made, packed around with hemp and cotton. I went down and took it up and took it into my room, and exhibited it.

Q. Can you produce it now to the committee?—A. I can. [Witness produces a small box, made of pine, about nine inches long, in the form of a coffin, painted dark brown, and packed in another box with hemp and cotton, the outer box bearing the label of the Southern Express Company.]

Q. Have you received other coffins?—A. I have received coffins made of pasteboard, but not by express. I have sometimes found them in my yard, and sometimes received them by post.

Q. Have you received them in this canvass?—A. No, sir; in 1871.

Q. State to what extent the republican managers decided not to hold meetings in the last campaign in consequence of the condition of feeling which existed.

By the CHAIRMAN:

Q. Were you one of the republican managers?—A. No, sir; I was not.

By Mr. LAWRENCE:

Q. Were you present when they consulted about these things?—A. I was present at the committee-rooms when the executive committee consulted about them.

Q. State whether they declined to appoint meetings which otherwise would have been appointed, in consequence of the condition of feeling existing here?—A. I began this campaign in June with Governor Chamberlain. We attended several meetings together in June, July, and August. The rifle-clubs did not attend our meetings until after the nomination of General Hampton. I spoke at Rock Hill with Chamberlain, at Chester, and at

Winnborough, where none of these clubs were present. I think it was on the 16th of August that Wade Hampton was nominated by the democrats. Immediately after his nomination the first meeting that we held was at Newberry, where we found a large number of them present, (they say a thousand men, but I don't think there was more than five hundred;) they surrounded our meeting and were very abusive to the speakers. I didn't speak. Governor Chamberlain, Judge Hoge, and Mr. Jilison spoke on our side. The second day after that they were to speak at Abbeville, at a meeting which I did not attend. It was determined by leading republicans, after they returned from Abbeville, to hold no more joint meetings. I think that was the 22d of August. There were several more meetings held afterward, but it was understood that there were not to be joint meetings, although the democrats did come and demand joint meetings. Three days after our meeting at Abbeville I attended a meeting at Midway, in Mr. Small's district; I was invited down by Senator Smith, who represented that county in the general assembly. I told him I would not go if it was a joint meeting, and he assured me there would be no joint meeting. We arrived there about two o'clock in the morning, and knew nothing about a joint meeting until about eleven o'clock in the day, when it was intimated by several persons who came to call upon the governor that they expected to have a joint meeting, and when we got on the stand we saw large numbers of these rifle-club men coming along two by two; they had no red shirts on at that time; that was before they introduced the red-shirt business.

We found that they demanded half the time. The democrats formed on the left of the stand, and the republicans on the right, the parties being separated by ropes, drawn out from the stand. Governor Chamberlain was introduced, and spoke for perhaps half an hour before any intimation of a joint discussion was given. Then somebody in the audience mounted the box, and pointed to the governor and said, "How long is he going to speak?" Mr. Osborne, the county chairman, said, "This is a republican meeting, and his time is not limited." This man turns to the crowd and says, "He can speak an hour, can't he?" They replied, "Yes, yes." The governor turned to me and said, "Shall we agree to a joint discussion?" I replied, "This is your meeting, governor; not mine." I had made up my mind not to agree, but he thought we had better agree to it. The governor spoke his hour, and they put up a man named Simms to follow him. After he got through I was introduced, and I spoke nearly an hour, including the interruptions, when Mr. George D. Tilghman was introduced. For the first ten or fifteen minutes of his speech he was quite moderate. While he was speaking I was sitting behind him on the stand, and he turned to his people on the left and said, "Why don't you hang these men—hang 'em here, and hang 'em now; shoot them down like the dogs they are." Governor Chamberlain got down off the stand, and, I think, got into a buggy with Colonel Crouch, or Couch, or some such name, a prominent man in that county. I staid on the stand until Tilghman got nearly through, and then I went over to the hotel to meet Judge Hoge, who was to follow Tilghman. Tilghman closed just a minute or two after the train came in. Hoge went on the stand, and hadn't spoken more than three or four minutes before he had half a dozen or more pistols drawn on him. He is the present member of Congress from this district. Simms mounted the stand and said, "As soon as this man Hoge apologizes he can speak." They had appointed twenty-six marshals, thirteen on each side, and they took these men out of the crowd, and the judge got up and finished his speech. Tilghman followed him again, but he said very little when he spoke the second time. After him came Jilison, who said very little. I was sitting in the hotel after the meeting with Senator Smith, when Mr. Burke, the proprietor of the hotel, came in and wanted to introduce a man named Dr. Carroll, a very prominent planter and doctor in that neighborhood. We sat down and talked perhaps ten or fifteen minutes in a quiet, gentlemanly way. The doctor rose to go, and held out his hand and said, "Now, Mr. Carpenter, this meeting has been a failure, so far as we are concerned." Said I, "Doctor, what do you mean by that? You have certainly had more men than we have had, and you have all the abuse on your side." "Well," said he, "it has been a failure in this, that they didn't kill eight or ten men to-day." Said I, "Doctor, you don't mean that you wanted any men killed to-day?" Says he, "I mean exactly what I say; we can't do anything with these niggers till we kill off eight or ten of their leaders." I asked Senator Smith, "Is that a sane man or a lunatic?" He said, "Well, he means just exactly what he says; he is a prominent man and a planter, and he means exactly what he says."

Q. At any of the meetings that you attended, did the republicans interrupt the democrats?  
—A. I never heard it.

Q. Were you ever at any joint meetings where the democrats did not interrupt the republicans?—A. No, sir.

Q. At democratic meetings, did the democrats ever allow the republicans to take part in the discussion?

The CHAIRMAN. Were you ever at any democratic meetings during the campaign?

The WITNESS. I was at several. At Honey Path, Judge Cooke, of the 8th circuit, was a speaker. He spoke as a republican although he voted the democratic ticket.

By Mr. LAWRENCE:

Q. With that exception did you know of any instance where they allowed republicans to speak at a democratic meeting?—A. No, sir.

Q. Where a meeting had been organized as a republican meeting, and the democrats demanded a division of the time, state whether the demand was accompanied by such circumstances and indications as that it was unsafe to refuse it.—A. I think that at the meetings at Newberry and at Midway, where I was present as one of the speakers, it would not have been safe if we had refused to allow them to have half the time.

Q. State whether the democrats at those meetings were generally armed with pistols.—A. I never have been at one of those meetings when I did not see a large number of them armed with pistols, either strapped about their person or in their pockets in plain sight.

Q. How was it with the republicans in that respect?—A. I never saw any of them armed at all at any meeting that I ever attended.

Q. What is the character of the colored population with respect to timidity; are they a courageous people, or timid and easily influenced by intimidation?—A. So far as I know them, (and I have now been eight years among them,) I think they are naturally very timid. I think they are particularly liable to all influences that are brought to bear to excite their fears. If a show of force is made, they are naturally very timid. As a body, they are unarmed. Some of them may have a squirrel-gun or a rusty old pistol that might go off once out of every ten or fifteen times, but they have no efficient arms. I am speaking now of the country districts. Here and in Charleston it may be different.

Q. How is it with the white men—the democrats; are they, as a class, liable to be easily influenced by intimidation?—A. I hardly think so. They are all armed with the best arms that money can purchase, so far as I know.

Q. In any of the democratic speeches, did you hear advice given to refuse employment to negroes if they continued to vote the republican ticket?—A. Yes, sir; I did, by Tilghman, at Midway.—After they refused to hear me, he said, "These are no better than trees; we can make these men do as we desire by turning them off the plantations." He has published letters to that effect. I also heard Lipscomb, at Newberry, use almost identical language. He was a democratic candidate for State senator.

Q. To what extent were threats of refusal to employ republicans current throughout the State?—A. I can only answer so far as my own district is concerned. I have heard myself from democrats themselves that they would not employ men upon their plantations who would not vote with them. They said it was common in the Northern States, and particularly in New England, for employers to refuse employment to men unless they voted with the employers, and they were going to carry that into operation here. Mr. Hemphill, the editor of a paper in my district, told me that they had a policy of "preference," not proscription, but preference; that they were going to prefer to rent their lands only to those that voted with them. It was not proscribing anybody at all; it was simply preferring somebody else that they liked better.

Q. What effect did the violence and threats which you have described have in deterring republicans from coming to meetings?—A. It had this effect: where we ought to have had meetings of two or three thousand people, and where we have had them until this campaign, we would have only from eight hundred to a thousand, or perhaps fifteen hundred.

Q. What effect did it have in preventing local meetings being held at minor points throughout the counties?—A. The effect was that they didn't hold them at all; they didn't dare to hold them.

Q. What effect did it have in preventing the colored republicans from coming to the polls on the day of election?—A. Every colored man that had a piece of land that he had rented felt that if he did go he would lose his home, and the consequence was that he did not go, and in the county of Abbeville I was deprived of at least eight hundred votes in cases where the voters did not go near the polls at all.

Q. State, if you know, whether the democratic rifle-clubs held meetings from which republicans were excluded, or were their meetings open for anybody to come in?—A. I only know about two or three of them, but so far as I know they were always private, and no person was allowed to come in unless he belonged to the club.

Q. Do you know whether there is any organization of those rifle-clubs, having a central head, the local club being subordinate to and receiving instructions from a common head?—A. I do not; I have heard that, but I don't know anything about it.

Q. What time did the legislature meet?—A. It met on the fourth Tuesday in November, the 27th or 28th of the month.

Q. What do you know of large numbers of armed men, democrats, assembling here in Columbia, at about the time of the meeting of the legislature, or soon after?—A. I saw them here.

Q. In what numbers?—A. From what I saw, I should judge that there were about two thousand. I was no lower down than this building except once. The men that I saw were in the upper part of the town, and they usually camped in the rear of my house, on what they called the fair-grounds.

Q. Were they armed?—A. They were, with all sorts of weapons; single-barreled guns,

doubled-barreled guns, rifles, and pistols. They walked up and down the streets with them.

Q. What time did they come into the town?—A. At various times in the day. One train came in about 1 o'clock in the afternoon on Monday after the legislature met. They came in during all those three days, Monday, Tuesday, and Wednesday.

Q. Where did they come from?—A. I don't know that.

Q. From how many directions did they come?—A. I know of some that came from the Greenville section, and some from the Sumter section, and some came in on the Charlotte road, because I knew some of the people among those, and knew where they lived.

Q. Do you know of any instructions sent out for them to come in?—A. I do not.

Q. Do you know how they could be brought in without instructions?—A. I do not, only what a man told me.

Q. Do you know whether they left the city immediately before this congressional committee came here?—A. Yes, sir; I know they did.

Q. Did they leave until it was known here that the committee was coming?—A. I don't know that. I knew the committee were coming; I don't know whether they did or not; the papers knew it.

Q. Did they begin to disperse until after it was announced this committee was coming?—A. No, sir.

Q. Did they then disperse?—A. They did.

Q. And they had mainly left before the committee arrived?—A. Yes, sir; I think there were but very few here when this committee arrived.

Q. You were a member of the Forty-third Congress?—A. Yes, sir.

Q. If you know of any other fact which is material to this investigation you may state it.—A. I think I have given the committee a fair resumé of what I know of this matter.

By the CHAIRMAN:

Q. What State are you a native of?—A. I was born in Connecticut.

Q. Where had you lived prior to coming to this State?—A. I had lived in Washington four years before coming here.

Q. How many years is it since you came here?—A. I came here in 1868, as editor of a newspaper, the Charleston Republican.

Q. You settled in Charleston then?—A. No, sir; I settled here, but I vibrated back and forth between Washington and Charleston for a year and a half. My home was in Washington that time.

Q. You edited the Charleston Republican for a year and a half?—A. I edited it until 1871.

Q. When did you first bring your family to this State?—A. In May, 1870.

Q. After you quit editing the Charleston Republican what was your occupation?—A. I edited the Union, at this place. I established the Union on the 15th of November, 1870, and ran the two papers together until the 8th of September, 1871, when I closed the Republican office and ran the other.

Q. Is that the same paper that is now known as the Union-Herald?—A. No, sir. They bought me out and never paid me, and I took it back again until March, 1875.

Q. Up to that time you held no public office in the State?—A. No, sir; the first public office I held here was my short term in Congress.

Q. You ran for Congress in the fall of 1875?—A. I did.

By Mr. LAWRENCE:

Q. Who was the candidate against you in the fall of 1875?—A. I had none.

Q. What was your majority?—A. Twenty thousand and some odd.

By the CHAIRMAN:

Q. When were you appointed collector?—A. On the 15th of March, and I took possession of the office on the 7th of April.

Q. You have held the office of collector of internal revenue since that, and you now hold it?—A. Yes, sir.

Q. You say your majority two years ago in your district was thirty-five hundred, and in the same contest Chamberlain received nearly five thousand?—A. Yes, sir.

Q. Who was candidate against Chamberlain?—A. Judge John T. Green.

Q. What was his politics?—A. He was a republican.

Q. There was no democratic candidate running?—A. None at all.

Q. State, as a matter of fact, whether since 1868 the democrats have made any political contest in this State.—A. I think they made a contest in 1870, when Judge Carpenter was a candidate for governor and General Butler for lieutenant-governor.

Q. Was Judge Carpenter a democrat?—A. He was so regarded. He was elected judge by the republicans.

Q. Has he not been identified with the republican party since he has been here, with the exception of his independent run in 1870?—A. Up to that time I don't know, but since that I think he has been.

Q. Do you know that he came here as a republican appointee, and was made register in

bankruptcy under a republican administration?—A. I know he came, but how he came I do not know.

Q. Don't you know that he was appointed under a republican administration?—A. Yes, sir; by Chief-Justice Chase.

Q. And that he has always been identified with the republican party with that exception in 1870?—A. He has been since that time. Prior to that I did not know him.

Q. Then, as a matter of fact, you do know that since 1868 the democrats have had no distinctive candidate for governor?—A. Not for governor.

Q. And the contest which they made this year is the first that they have made since 1868?—A. The first with a regular democratic candidate.

Q. Don't you know, also, that in these various contests, because of that fact, the great body of the democrats have remained at home and have not voted?—A. No; I don't know that, but I presume that to be the fact; but in this county I know they did vote. This county, however, is different from the others, because nearly all the democrats live in this city.

Q. You know that as a rule the democrats have not voted at past elections because they have had no candidates of their own?—A. A great many of them did not vote, that is true.

Q. This election of 1876 is the first time since 1868 when they have had a candidate of their own, around whom they have rallied?—A. As a party. I think that is true.

Q. They made no contest at all against you in 1875?—A. No, sir.

Q. They did not even put up a candidate against you?—A. No, sir; although they ran a candidate against Judge Hoge for the term in the Forty-fourth Congress, they ran none against me. The candidate against Hoge was Gen. Samuel McGowen.

Q. At the meeting at Nowberry, in October, which you have described, where you say you found the square filled with armed men, how were those men armed?—A. They had their pistols strapped around them; some had them sticking from their pockets, and others had them in holsters.

Q. They had no guns?—A. I saw nothing but pistols.

Q. Was there any shooting done?—A. I heard no shooting.

Q. Was there anybody in danger at that meeting?—A. Not that I know of.

Q. It was simply a large body of men who had taken possession of the public square?—A. Yes, sir.

Q. And some of them, I suppose, had been drinking?—A. I couldn't judge of that, because I was not in a position to see them.

Q. Those men that called out and said you were a damned liar were exceptional persons here and there, were they not?—A. Not at Nowberry. At other places that was exceptional.

Q. Was it a general cry from all those armed men at Nowberry?—A. It was pretty difficult to tell. It was so general that you couldn't hear my voice as far as across this room. I saw Lipscomb myself sitting on his horse, and I saw him rise in his stirrups and appeal to the crowd, and heard him say, "If you can't obey me, choose some man that you can obey." He was the commanding officer.

Q. And he attempted to keep those men quiet?—A. I think he did.

Q. Was it not the general effort of the democratic leaders to quiet their men?—A. I think it was.

Q. When you went down to the train there was no personal violence offered you?—A. No, they didn't strike me or touch me at all. They would ride by me, and back of me, and call me these fancy names.

Q. Did they say anything more to you down there except that you should not be elected?—A. No, sir.

Q. When you reached Ninety-six, and the men sat about you, they didn't offer you any personal violence?—A. No, sir; they never touched me; they merely talked at me, but not to me.

Q. Did those men have the appearance of having been drinking?—A. Yes, sir; the man with the three pistols, the lame man, had the appearance of being very much under the influence of liquor. He was the one that did most of the talking; he had a pistol in each hand and two in his vest.

Q. How about that young man who said his name was Geary; was he under the influence of liquor?—A. No, sir; I don't think he was at all.

Q. Did you know him?—A. Only his face. He was a very fine-looking young man, and I think a professional man of some sort. I think he lives at Hall's, Cookesbury.

Q. Did he make any interruption after you turned and spoke to him?—A. No, sir; not at all. I understood that he was going up to Abbeville with us, but he left the train and didn't get on again.

Q. Did the democrats at Anderson do anything more than make a demand for a joint discussion?—A. No, sir; and ride around in front of the hotel.

Q. Was the demand for a joint discussion attended with any threats, or manifestations of violence?—A. None at all, sir.

Q. And when it was declined, was it attended with any such manifestations?—A. No, sir; they held their meeting at one place, and ours was at another.

Q. And the meetings were quiet?—A. Ours was. I did not attend theirs.

Q. And there was no interruption?—A. No, sir; there were one or two questions asked but they were proper ones.

Q. Prior to the time that you decided not to have any more joint discussions, it had been the custom to have such discussions?—A. No, sir; it had not been the custom. We had been compelled to have them against our will.

Q. Had it not been a custom in this State to hold political canvasses in that way?—A. No, sir; not since I have been here. In 1870 Judge Carpenter, who was then a candidate on the democratic ticket, held a joint discussion with Governor Chamberlain, who was then a candidate for attorney-general, but aside from that I have never heard of joint discussions.

Q. This armed man that you saw come up from the spring, with the other man, how was he armed?—A. He had a short sack coat on, with one pistol in his pocket, and another in a holster behind him.

Q. Was his companion armed?—A. Yes, sir; he had a pistol.

Q. And the one with the two pistols was drunk?—A. Yes, sir; very much under the influence of liquor.

Q. When they came up and jumped in at the window, did they offer any violence to anybody?—A. No, sir; they passed directly up to the rear seat, from which the professor was speaking. They had not any more than got to the seat before I spoke to them, and they left immediately. Mr. Brice came and told this young man that he must leave, and he immediately got up and went away.

Q. Mr. Brice was a democrat, was he?—A. No, sir; a republican.

A. And when he spoke to them they left?—A. Yes.

Q. And the sober man was trying to quiet the drunken man?—A. Yes, sir; I saw him several times afterward, but not the drunken man.

Q. Is it true that the democratic leaders were endeavoring to preserve quietness in the crowd?—A. So far as I could judge from appearances, they appeared to be. I saw that gentleman patting this young man on the shoulder, but I could not hear what he said.

Q. Was there any more interruption at that meeting than ordinarily attended an exciting political contest in this State?—A. O, yes; more than I have ever seen at any other meeting before.

Q. Is it not a custom here for men, and especially drunken men, to go around and use expressions of this coarse character at meetings?—A. It never has been the custom, that I have seen before this campaign.

Q. You have been in campaigns in other States than this, haven't you?—A. Yes, sir.

Q. Haven't you very often at meetings had drunken men come around and play the rowdy?—A. Yes, sir; but I have never had a majority of those present appear to be drunk.

Q. Were a majority of the people at that meeting apparently drunk?—A. Well, a majority of those at the meeting at Pickens acted as that young man did.

Q. I refer now to the meeting at Waloola.—A. O, no, sir; there were very few there.

Q. When Mr. Dendy quieted the crowd and asked them to hear you, were you interrupted after that, except by the boys?—A. No, sir; I was interrupted but once by the men. The rest of those that interrupted me were young lads from sixteen to twenty—college boys.

Q. It was a very characteristic performance on the part of the college boys, was it not?—A. Well, I didn't do exactly that way when I was in college, but sometimes we did. Their tutors were there and the boys were appealed to.

Q. Do you mean to say that their tutors seemed to approve of the conduct of the boys?—A. I do.

Q. What kind of an institution is that?—A. I don't know, sir; only that it is the college up there.

Q. Under the control of the State?—A. No, sir. It is a private school, but they call it Waloola College.

Q. How many professors or tutors are there connected with it?—A. I do not know. There were three there that day.

Q. And you really think that the tutors encouraged the boys?—A. A young man named Brice was sent by the postmaster, his brother, to a tutor in that college to ask him if he wouldn't keep the boys still, and the young man came back and reported that the man said it was none of his business; that there was no school that day.

Q. Do you know that tutor's name?—A. No, sir; but I can get it for you.

Q. Did the interruptions of the boys interfere seriously with your meeting?—A. No, sir; not seriously.

Q. Was it anything more than a little hurraing?—A. Well, nearly all the remarks applied directly to me.

Q. This club that you met on your way from Greenville to Pickens, did they in any way offer you or any of the gentlemen with you personal violence?—A. No, sir.

Q. Did they use any offensive remarks to you?—A. No, sir. They simply hurraed for Hampton and damned the radicals.

Q. They were simply a democratic club going to a meeting at Pickens and hurraing for their own candidates?—A. Exactly.

Q. And they did not interfere with you in any way?—A. No, sir; not at all.

Q. You came upon them accidentally; you overtook them?—A. Yes, sir. We were in a carriage and they were on horseback.

Q. When you came to have your meeting at Pickens, they didn't crowd away your people?—A. O, no, sir; the immediate surroundings of the stand were in our possession.

Q. They simply formed on the outside of the crowd, on their horses?—A. Yes.

Q. Were there any pistol-shots fired there?—A. They were fired after the meeting was over, but none during the meeting. Pistols were drawn once or twice, but no one fired that I heard.

Q. There was no one hurt?—A. No, sir. There was some one shot afterward, but it was among themselves. There was no interruption of the meeting.

Q. When Mr. Bowen appealed to them during the meeting, did they cease to make a disturbance?—A. No, sir. The crowd appeared to be divided into two parts. The crowd on his right and on my left was from Easley station. Those on the other side were from the country. He sat in the center. They were in uniform and he was not. He sat in front of me, maybe a hundred feet from me. I could see him make motions, but I could not hear what he said. The people on his left were quiet all the time. Those from Easley were the noisy ones. The others made no interruption of any kind. They were mostly dressed in gray shirts, and a great many of those from Easley were apparently under age.

Q. They made so much noise for a time that you quit speaking?—A. Yes, sir; I could not speak at all.

Q. Did the democrats give you any assurance after that that they would quiet the crowd for you?—A. Yes, sir; Captain Clyde himself came in and said if I would go on the stand again, he would guarantee me a fair hearing.

Q. Then the noise had been made by the young men or boys from Easley, who didn't seem to be under Mr. Bowen?—A. No, sir; they didn't seem to be under anybody's control. Those are the ones that rode home with me.

Q. But they offered you no violence on the way home at all?—A. O, no, sir. I started to the door when Clyde came to me, but some young man began to shout again, and I would not go on the stand.

Q. On the train at Prosperity how many of these men were there who came on the front end of the car?—A. I think there were about ten in all; but only three of them went through the car.

Q. Did any of them seem to have been drinking?—A. O, yes, sir.

Q. Did they offer any personal violence to yourself, or any one else in the car?—A. Not that I saw.

Q. Did they do anything except indulge in loud and coarse talk?—A. No, nothing, but telling them to take me out and tar and feather me.

Q. That was outside?—A. Yes, sir; at the car-door.

Q. And no effort of that kind was made?—A. No, sir.

Q. Did you regard the receipt of the little coffin as a very serious indication of your approaching death?—A. No, sir; I did not.

Q. It didn't frighten you at all?—A. No, sir; not a bit.

Q. It is not a very unusual thing I believe?—A. Not in this country.

Q. You didn't consider yourself under any obligations to get into the coffin, I suppose?—A. Not at all; it was not large enough in the first place.

Q. You have spoken of rifle-clubs. You do not mean to say that these organizations of political clubs during the campaign between General Hampton and Governor Chamberlain, were the same as the old rifle-clubs, do you?—A. No, sir.

Q. And when you speak of rifle-clubs, now, you mean simply democratic political clubs of the campaign, do you not?—A. No, sir; I do not mean that. In the spring of 1875, after the election of 1874, they began organizing what they called rifle-clubs, and we took their own name. They purchase rifles.

Q. When you say they, whom do you mean?—A. I mean the democrats.

Q. Don't you know that the governor was a member of one of those clubs?—A. No, sir; I do not know that.

Q. Don't you know that he was an honorary member of two of them?—A. No, sir; I do not know that; but I have no reason to dispute it.

Q. The membership of those clubs was not confined to democrats?—A. It was in my county.

Q. Those rifle-clubs were all abandoned, were they not?—A. After the proclamation.

Q. And these clubs that you speak of during the campaign were not rifle-clubs?—A. They were not armed with rifles, but it was the same club.

Q. They were political clubs, purely, were they not?—A. I suppose they were organized in that way.

Q. The republicans had organizations of a secret character, also.—A. I know nothing of that.

Q. Don't you know that they had the Union League first, then the United Brethren, and then the Laboring Union?—A. I know they had, in 1870, what they called the Union League.

Q. Don't you know that they had other organizations; don't you know that they had what was called the "Laboring Union" in this campaign of 1876?—A. No, sir; I do not.

Q. Don't you know that the negroes had organizations of that kind throughout the State?—A. No, sir; I never heard of one and never saw one.

Q. You spoke of secret political meetings of the democrats. Were they anything more than the meetings of those called political clubs?—A. I suppose not.

Q. Don't you know that it is a common thing for political parties all over the country to organize political clubs, and hold meetings?—A. I do.

Q. Then in that respect there was nothing unusual about the meetings of these clubs?—A. Not so far as I know.

Q. They were not held at undue hours, but in broad daylight, or in the evening?—A. So far as I know, they were.

Q. There was no concealment of the fact of the existence of the clubs or of their times or places of meeting?—A. O, no, sir; it was public.

Q. And the only secrecy about them was that they confined their meetings to their own members?—A. So far as I know, that is true.

Q. So that there was nothing unusual about the character of the clubs at all?—A. So far as I know, there was not.

Q. It was not until the latter part of August that the republicans determined that they would hold no more joint meetings?—A. That was the time.

Q. Prior to that time they had held joint meetings?—A. They had.

Q. Were Governor Chamberlain and General Hampton both in the field as candidates then?—A. No, sir; Chamberlain was not nominated until the 13th of September.

Q. Hampton had been nominated?—A. He had been.

Q. You referred to a meeting held at Midway, which you said was organized as a republican meeting, but the democrats came to it, and an arrangement was made for a joint meeting. State whether, in the opinion of both sides, ample provision had not been made to keep the peace.—A. It seemed to me there had been. There were thirteen marshals on each side.

Q. Was it not the evident purpose of the leaders on both sides that it should be a quiet meeting?—A. I think it was.

Q. Was it not the desire of both sides that the meeting should be quiet and orderly?—A. Yes, sir.

Q. And was not the disorder that did exist beyond the control of the leading men?—A. I think that is true, too, because they did control it afterward.

Q. Was it not made chiefly by a few persons who had been drinking?—A. At Midway I could not say that, because I did not see much of it until after the trouble began.

Q. You say that the democrats never gave the republicans an opportunity for joint discussion. Do you know of any instances where the republicans made application for a joint discussion and were refused?—A. Yes, sir; they made one at Newberry, and they were refused.

Q. Do you know anything yourself of that refusal?—A. No, sir; I was not there, but I was told of it. I never was at a democratic meeting where that application was made and refused. I never was at one where they did make the application.

Q. So you have no absolute knowledge on that subject?—A. No, sir.

Q. And therefore you cannot say that the democrats refused the republicans an opportunity to have a joint discussion at their meetings?—A. No, sir; I cannot. I can only state what I have heard on that point.

Q. You speak of these men carrying pistols. Is it not the custom in this country to carry pistols?—A. It is.

Q. Pretty nearly everybody who can buy a pistol has one here?—A. Yes, sir; I think so.

Q. So that these men were not very remarkable by the fact that they carried pistols?—A. No, sir; not very. Some of them, though, had more on than people ordinarily carry with them. I have seen some of them with as many as five.

Q. You state that you were deprived of 800 votes in Abbeville County. How do you know that?—A. I do not know it of my own absolute knowledge.

Q. Is not that a mere estimate on your part, a mere expression of your belief that you did not get as large a majority in that county as you think you ought to have got?—O, no, sir; I did not. If I had meant the majority I ought to have had I should have said two thousand.

Q. Is it not true that a great many colored men voted at the last election with the white people who never voted so before?—A. It is true that some did, but I mean that there were about 800 that did not vote at all that I ought to have had.

Q. You have stated that a great many white men voted the democratic ticket at the last election who did not come out at previous elections. Now, is it not true that a great many more colored men voted the democratic ticket at the last election than ever voted so before?—A. I think that is true, too, but I think also that a great many colored men did not go near the polls at all this time.



Q. What is the ordinary vote of Abbeville County?—A. I think there are about 4,000 colored and something like 2,183 white voters, by the census.

Q. How many votes were cast in the election of 1876 in that county?—A. About 7,500.

Q. That is more than the ordinary number of voters, is it not?—A. Yes, sir; a larger vote than was ever cast there before.

Q. And yet you think there were 800 men who did not vote who ought to have voted for you?—A. Yes, sir.

Q. These armed men that you speak of as having been in Columbia in the early part of this month remained here how long?—A. About three days, I think.

Q. Where did they stay?—A. One or two companies quartered up at Stenhouse Hall, and a large number quartered on the fair-grounds.

Q. Did they commit any acts of violence?—A. I heard of none.

Q. Did they fire their pistols, or anything of that kind?—A. O, yes.

Q. At anybody?—A. I did not hear of their firing at anybody. "They discharged volley after volley upon the fair-ground, but I suppose it was for amusement.

Q. That was their camping-ground?—A. Yes.

Q. What was their conduct about the city—did they interfere with anybody in any way?—A. They were rough and boisterous, as such men usually are, but I didn't see them interfere with anybody.

Q. They remained about the city for three days, you say?—A. A portion of them did. Some came in on Monday, and some did not go away until Friday, but a majority of them went away before the three days expired.

By Mr. LAWRENCE :

Q. At every election since you have been in the State have not the democrats had candidates whom they supported?—A. Yes, sir; they had candidates that they supported.

Q. Except in the single instance when you were a candidate for an unexpired term in Congress?—A. Yes, sir.

Q. At those elections didn't the democrats give substantially their vote?—A. At some of the elections they did, and at some they did not. In 1872 they did not, I think.

Q. Did they at other elections?—A. In 1870, I think they did, and in 1874 I am sure they did.

Q. Did you mean to say, then, in your testimony here, that at previous elections the body of the democrats did not vote?—A. O, no, sir; I did not mean to say that.

Q. Was it not a fact notorious and shown by the census that the colored voters of the State were largely in the majority?—A. Yes, sir.

Q. Both by the census of 1870 and that of 1875?—A. O, yes, sir.

Q. Was there any secret, oath-bound republican organization in this congressional district to your knowledge this year?—A. No, sir.

Q. Was there any in the State, to your knowledge?—A. No, sir.

Q. State whether for a time during Governor Chamberlain's administration he did not largely co-operate with the democrats, or whether the democrats did not seem to have his confidence, and to support his administration, even as against a large part of the republicans who were opposing him?—A. They did, from the time he was first inaugurated governor up to last July.

Q. Do you know whether the convention which nominated Hampton considered the propriety of adopting Chamberlain as the democratic candidate?—A. I do not.

Q. During that time he was in favor with the democrats of the State generally, was he not?—A. Yes, sir; if I can rely upon what the public press and individuals said.

Q. You spoke of a proclamation; what proclamation did you refer to?—A. The proclamation of Governor Chamberlain, commanding these rifle-clubs to disband.

Q. What was the date of that?—A. I cannot give you the date.

Q. Can you furnish us with a copy of the proclamation?—A. I can. It was followed a few days afterward by a proclamation of the President.

By the CHAIRMAN :

Q. Both the papers that you edited in this State were strong, active republican papers — A. Yes, sir; they were just as strong as I could make them.

Q. Pretty extreme?—A. Yes, sir.

By Mr. ABBOTT :

Q. What time was the anniversary of the attack on Fort Moultrie?—A. The 25th of June.

Q. Was there not a large number of these rifle-clubs in the procession in which Governor Chamberlain joined?—A. I was not at that procession, but I have heard so.

By Mr. LAWRENCE :

Q. Was that while the governor was receiving the favor and support of the democratic party?—A. Yes, sir.

COLUMBIA, S. C., December 26, 1876.

JESSE JONES was recalled, at his own request, to make a correction of his previous testimony; which he did, as follows:

I stated that Captain Falk was at the school-house, but I think it was Lieutenant Williams or Mr. Hoyt that was at the box. It was those two officers, with Major Kellogg here. I stated that when certain colored men were coming in to vote they were struck over the heads with sticks in the presence of these officers. My statement was that it was Major Falk, and I just want to correct the name.

By Mr. ABBOTT:

Q. Why do you want to correct the name? How do you happen to know that you were wrong?—A. Because I learned since that Major Falk was at Shaw's Creek, or some other place.

Q. Somebody has told you since you testified here that you were mistaken, and that Major Falk was not there?—A. Somebody has told me that he was not the man. I know it was one of the other officers.

COLUMBIA, S. C., December 26, 1876.

MILES P. MOORE (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside, and what is your age?—Answer. Whitehall Township, Abbeville County. My age is twenty-four. I have lived there for six years.

Q. What office, if any, did you hold at the last election?—A. I was major of the box.

Q. Do you know of any intimidation at that place on the day of election?—A. No, sir; not at the box. I was major at the box, and staid there all day. Every man was allowed to vote there; but I could not give an account of what happened outside. I stood at the box all the time.

Q. Do you know of any threats being made by land-owners in that township against colored men before the election?—A. To discharge them from their homes, do you mean?

Q. Yes.—A. I know of two. The man I live with told me that if I will vote and still taken an interest in the election, as he thought I did, he would remove me from the place.

Q. You are a republican?—A. Yes, sir; and he was a democrat.

Q. Do you know of any other instances?—A. I don't know of others that he threatened.

Q. Do you know of other persons making threats?—A. Just the same as that; they said they would turn them off if they voted the republican ticket.

Q. Who did the others say that to?—A. That would be talked to me about others, telling me if such and such a one voted they would turn them off the places.

COLUMBIA, S. C., December 26, 1876.

JACOB TRIBBLE (colored) sworn and examined.

By Mr. LAWRENCE:

Question. What is your age and where do you reside?—Answer. I am twenty-nine. I live in Abbeville, at Ninety-Six precinct. I have lived there nine years next April.

Q. Were you there at the last election?—A. I was.

Q. Did you vote?—A. Yes, sir.

Q. Do you know of any threats made against republicans on the day of the election?—A. No, sir; I never heard of any that day. I was chairman of the managers of the box; I was not out.

Q. Do you know of any threats made before the election?—A. I heard before the election there was a great many of them. I heard them say that if the hands that they had on their places voted the republican ticket they would turn them off.

Q. Who were the men that said that, white men and democrats?—A. Yes, sir.

Q. And the men on their places were colored men and republicans?—A. Yes, sir.

Q. Were you at any republican meetings before the election?—A. No, sir; we did not have any. I went to one at the time that Chamberlain spoke at Abbeville.

Q. Were you at any other republican meeting? Was any other held in your neighborhood?—A. No, sir. Up at a place called Sim's Cross-Roads, about seven miles off, there was one, but I did not go to it.

COLUMBIA, S. C., December 26, 1876.

J. A. BEATTY sworn and examined.

By Mr. LAWRENCE:

Question. What is your age, and where do you reside?—Answer. I am thirty-six years old. I reside in Columbia, and have resided there some five years.

Q. Where were you on the day of election?—A. I was at Edgefield village.

Q. What office, if any, did you hold?—A. I was acting as chief marshal of the county on that day.

Q. Did you see any violence on the day of the election?—A. Do you desire me to give in detail what I saw.

Q. Yes.—A. On the morning of the election, I and the commissioner went to the court-house. When we got there, I found the portico and around the bottom of the steps crowded with white people. I called on Dr. Jennings and Gen. M. C. Butler and asked them to have those parties removed from the steps and the portico, and allow the colored men to go up. He stated to me that the whites had got the inside track on the coloreds, and they did not propose to yield until they had all voted. I asked him what time he thought they would get through voting and allow the colored people to go up without molestation. I then called on General Brannan and consulted with him, and he told me not to take any steps to open the way until a few minutes after ten o'clock. He said that Butler and Gary had called on him and assured him that the whites would get through about ten o'clock and allow the colored people to vote. I submitted to that suggestion. I then visited box No. 2, and found some three or four hundred white armed men around the entrance to the polls, and also around the window where the voters had to pass out. I entered by the window. I could not get in by the door, and I was not allowed to enter until I told them that I was the United States marshal. After the crowd that I saw in there had voted, others passed in, too, and I think that was repeated two or three times, until they could not find any more whites. The colored men then made an effort to vote, and were stopped by the crowd of horsemen in front of the entrance. Some few did make their way in, but it was by beating their heads and running up against the church. Then, about half past eight I called on General Brannan, through the commissioner, for troops, and he sent a company under Major Kellogg, at about a quarter to ten, as near as I can recollect, to box No. 2. I immediately stated to Major Kellogg, on his arrival, the condition of things, and he sent me some men under Lieutenant Hoyt. We could not get admitted through the door, and we made an entrance through the window. After Lieutenant Hoyt satisfied himself about the condition of things, he made his way out in front and opened the crowd at the front, and after that there were some other colored men admitted at a time. The whites then blockaded the window. I called on Major Kellogg, and he cleared them away, and after that they went on voting very smoothly all day.

Q. What do you know of any violence against republicans on the day of election?—A. Well, there was a number of mounted horsemen there with pistols, clubs, bludgeons, and everything of that kind, yelling and screaming and beating niggers over the head.

Q. Was any violence inflicted upon any colored men?—A. Yes, sir, upon several; I cannot exactly name the number, but I know about three; I cannot recollect their names, though, at this moment.

By Mr. ABBOTT:

Q. Do you mean that you saw the violence inflicted on them?—A. Yes, sir.

By Mr. LAWRENCE:

Q. With what weapons was the violence inflicted?—A. They were struck in the head with pistols and clubs, and pistols were drawn on them, many of them cocked at the time. There was the appearance of a general row or fuss.

Q. Where did you remain during the day?—A. I remained the greater portion of the day in the building doing what I could to have all parties vote without molestation.

Q. What building do you mean?—A. In the church, where they were voting at box No. 2.

Q. You did not have an opportunity to see all that was going on outside?—A. There was a glass broken out of the window, and I could see the whole crowd.

Q. Did you have any knowledge of colored men, republicans, going away from the polls without having an opportunity to vote?—A. There was six or seven hundred when the polls closed that did not vote. I had a fair opportunity to see the crowd all day.

Q. Do you know of any democrats who failed to vote?—A. I think not.

Q. If the polls had remained unobstructed, could those six hundred colored men have voted?—A. Yes, sir; they could have voted had it not been for the questions that were asked at the box—useless questions.

Q. Do you know of any interruption to any democrats voting?—A. None whatever. There was not anybody there that dared to interfere with them.

Q. Did you hear any threats made by white men against colored men that occupied

their lands?—A. Yes, sir; I heard many of them that day; in fact, two or three of them told me that they proposed to send every nigger off their property that voted the republican ticket.

Q. Was that said in the hearing of the colored men?—A. It was the general talk outside.

Mr. ABBOTT. Confine yourself to what you heard.

The WITNESS. I cannot say of my own personal knowledge that any of the colored men outside took any notice; the confusion was so great that scarcely anything could be heard.

By Mr. ABBOTT:

Q. The troops first arrived at box No. 2 at what time?—A. I think about fifteen minutes before ten.

Q. And immediately Lieutenant Hoyt opened the way so that the blacks could go in by squads of ten?—A. Yes, sir.

Q. And then, when you found that the window was obstructed, another lieutenant was posted so as to keep that clear?—A. No lieutenant; there were some troops.

Q. And after that everything went on smoothly?—A. Except that now and then there was some confusion in the building.

Q. The soldiers saw that the blacks voted as they came up?—A. They didn't do anything but allow ten of them to come in at a time; they had no control over their voting.

Q. And every ten men that came up they let in as fast as they wanted to go in?—A. Yes, sir.

Q. And that continued all day?—A. Yes, sir; up to six o'clock in the evening.

Q. Who were the three men that you saw hit on the head?—A. I cannot recall their names now.

Q. Where did they live?—A. In Edgefield village.

Q. Who hit them?—A. That I cannot say.

Q. You cannot give the names of the persons hit, nor of the persons that hit them?—

A. I think I can give the names by referring to my notes.

Q. When you saw that done, did you take any means to prevent it?—A. I called on the supervisor of election, Mr. Shepard, and asked him to use his influence to stop it.

Q. Did you make an arrest?—A. I made no arrests that day.

Q. Did you attempt to make any?—A. I made no attempt to arrest any one.

Q. You had United States troops in the neighborhood, had you not?—A. Not at the time of the clubbing.

Q. But you had them within call?—A. Within about three-quarters of a mile.

Q. With three companies of United States troops did you fear resistance; did you expect any resistance to the United States troops?—A. I did expect to see bloodshed.

Q. There was no blood shed?—A. There was none, sir.

By Mr. LAWRENCE:

Q. You say you made no arrests; why didn't you?—A. For the reason that my life would not have been worth ten cents if I had undertook that.

Q. You were afraid?—A. I was not really afraid; but, of course, I knew it was not prudent to start anything of that kind.

Q. And with three companies of United States troops and with a lieutenant with thirty troops —?—A. [Interrupting.] No, sir; there were only six troops about the house.

Q. How many troops were there about there?—A. I think in all there were thirty in the company.

Q. There were thirty about the box?—A. No; not about the box—within a hundred yards of the box.

Q. Within call?—A. Yes, sir; within call.

Q. And three whole companies stationed in Edgefield Court-House village?—A. Yes, sir.

Q. And you swear here positively that you were afraid of your life if you had undertaken to arrest a man for assault on that occasion?—A. I have not sworn that I was afraid of my life.

Q. Is it true that you refrained from arresting a man for an assault committed on a peaceable citizen because you were afraid of your life?—A. The assault was—

Q. Answer my question. You did not arrest any one, did you?—A. No, sir.

Q. And you saw a person assault another without cause?—A. I saw them assaulting a man because he was trying to get to the box to vote.

Q. Well, the man who committed the assault had no justifiable cause, had he?—A. He had none.

Q. Yet you didn't arrest him?—A. No, sir.

Q. And you refrained from arresting him because you were afraid of your life?—A. If you will allow—

Q. I want you to answer that question?—A. I cannot answer that, for the reason that there was a general assault on this party.

Q. I asked you if you refrained from arresting a man because you were afraid of your life?—A. I refrained from arresting a hundred men.

Q. Did you refrain from arresting that man that you say you saw assault a man without cause because you were afraid of your life?—A. Do you mean the man that was assaulted or the man making the assault?

Q. Did you understand me, sir, to ask whether you refrained from arresting the man that was assaulted?—A. Yes; from the remark that you made a while ago. I would like very much to answer your question, but I don't hardly know how.

Q. Did you understand me to ask you if you refrained from arresting the man who was assaulted?—A. It seemed to me, the way that you spoke before, that you was trying to get me to say that I was afraid to arrest the man that was assaulted.

Q. Did you understand me to ask if you refrained from arresting the man that was assaulted?—A. I would like to answer your question.

Q. Do you understand the question?—A. I must say that I understood you before to ask me the question whether I was afraid to arrest the man who was assaulted—

Q. Now answer me, did you refrain from arresting the man who made that assault without cause because you were afraid of your life?—A. My life would have been in danger.

Q. Was that the reason that you refrained from making the arrest?—A. The very reason, sir.

COLUMBIA, S. C., December 26, 1876.

ALEXANDER BOWIE sworn and examined.

By Mr. LAWRENCE :

Question. Where do you live and what is your age?—Answer. I live in Abbeville County, Magnolia precinct. I am thirty-five years of age.

Q. Was there any election held at Magnolia at the last presidential election?—A. There was an election intended there, but on account of the blanks being misplaced the parties dispersed, and a portion went to Abbeville, and others to Calhoun's Mills and Lowndesville.

Q. Where did you go to vote?—A. To Abbeville.

Q. Were you at Ridge Springs precinct at any time during the day of the election?—No, sir.

Q. Did you see any violence inflicted on colored men on the day of election?—A. No, sir; not particularly. There was a great deal of stir distributing tickets, and so on, but I did not see any violence.

Q. How long were you at the election?—A. I was at the polls about two hours. It was about half past three o'clock when I voted.

Q. How soon after that did you go away?—A. I did not absent myself from the polls entirely. I went out into the street as soon as I voted.

Q. Did you go to box No. 1 or No. 2?—A. I went to both boxes. I voted at No. 1 at the Court-House. I went over to the school-house, but I could not get in, and I came back to the Court-House.

COLUMBIA, S. C., December 26, 1876.

CHARLES BARNUM sworn and examined.

By Mr. LAWRENCE :

Question. State your age and residence.—Answer. Forty-five; Columbia, S. C.

Q. How long have you lived here?—A. Ten years.

Q. Where were you on the day of the election?—A. I was at Laurens Court-House.

Q. Did you hold any office on that day?—A. I was deputy United States marshal.

Q. What, if anything, do you know of any obstructions thrown in the way of republicans voting on that day?—A. There were four polls very close together, and there was a system of arrests there started by the police of the town.

Q. Democrats?—A. Yes, sir; the first I saw was probably about 400 feet from one of the polls. I heard there was a difficulty there, and started immediately for that poll, and I saw a policeman of the town having a man going with him. At the time I thought it was some man arrested for fighting. I heard say they were taking him off, and there was three or four hundred men following him and hooting him. He was a colored man. I asked the cause of the arrest, and they said it was because he had voted twice.

Q. How many colored men were arrested there that day?—A. I only saw three.

Q. Do you know what they were arrested for?—A. For illegal voting, it was said. This was the first one. I protested against arresting a man for that—that they must

have a warrant. The next man I saw arrested and taken to the trial-justice's office. They said they had a warrant.

Q. Do you know whether those men had voted more than once?—A. No, sir; I do not. That was alleged.

Q. Do you know of any other obstructions thrown in the way of republicans voting?—A. Well, they had "rough riders" all that day—squads of men, twenty-five or thirty, in red shirts and blue shirts, and they were riding the county all the night before.

Q. White men—democrats?—A. Yes, sir.

By Mr. ABBOTT:

Q. Do you know whether they were riding the county all the night before?—A. I know they came in and went out.

By Mr. LAWRENCE:

Q. Were they armed?—A. I don't know that they were all armed; I saw a good many of them had pistols in their boots. The majority of the men that I saw that day did not have any arms that I saw; but I saw some that had pistols.

Q. Do you know of any threats made against republicans in case they should vote the republican ticket?—A. I did not hear any threats on the day of election, but I was in Laurens Court-House two or three weeks before, and I know it was the general talk.

Q. Did you hear anything said there in the way of threats?—A. Yes, sir; I heard people say that men who worked for them and voted the republican ticket could not work for them next year.

Q. Was that said to the colored men?—A. I don't know that I heard it said to the colored men. I heard it said to me.

Q. Do you know of violence on the day of election?—A. I did not see any.

Q. Do you know of any republicans going away from the polls who had had no opportunity to vote?—A. I think I saw three or four hundred men go away.

Q. Had they voted?—A. No, sir.

Q. Were there any armed democrats at the polls on the day of the election?—A. So far as I know the majority of those there had no arms, but I saw some with pistols in their boots and in their belts. They wore red shirts, and blue shirts, and yellow shirts.

Q. Do you know any reason for those colored men going away without voting?—A. The only reason I know is the system of arrests which was started there.

Q. Did you stop that system of arrests?—A. I went to the trial-justice. He had issued two warrants. The first arrest that was made was made without a warrant, as I was told; the next man that was arrested I went to the trial-justice's office and asked him why he had arrested this man, and he said, "I have issued a warrant against him for illegal voting."

Q. Did you see the charge against the man?—A. No; but he told me he had issued a warrant for illegal voting.

Mr. ABBOTT. You are not to state what was said to you.

The WITNESS. Well, I won't state that. I went to the trial-justice, and I said, "What are these arrests for?" and he told me. I said, "How is it you issue warrants when there is a United States commissioner in town." He said he did not know there was one there. The United States commissioner only got there the night before. I said, "How is it that you direct your warrants to the police—why don't you direct them to the United States marshal? You know that I am United States marshal!" He said, "Will you serve them. I have got no constable, and I can get none in the town." While I was there the third man was brought in, and was afterward released.

Q. Was any proof offered against them?—A. That I don't know; but they were released.

Q. Do you know of any illegal voting there that day?—A. I was a stranger.

Q. Do you know of any illegal voting by any of the republicans?—A. No, sir; I did not hear of any.

Q. What time in the day was it that these colored men went away without voting?—A. The first arrest that I saw was about half past seven o'clock. I was to have been sent to Clinton precinct, nine miles from there, but I could not get a team to go with, and I didn't get to the poll until about half past seven, and I found the poll very crowded. The chief deputy marshal there told me to come to that poll. I went there and got the crowd away, and gave the people a chance to vote. There were four polls right close together. When I got that poll cleared I started to make a round of the four polls, and as I got on the opposite side of the square I heard there was a difficulty there. That was the first arrest I saw. I suppose it was nearly eight o'clock; and by the time that everything got quiet and I had stopped the arrests I suppose it was a quarter to nine o'clock. After that I remained at that poll until twelve o'clock. Then most of the people had voted there, and everything was quiet, and I left. I was back there during the afternoon, but there was no crowd, and I did not see any violence.

Q. What time was it when you saw these crowds of colored men going away?—A. It was between eight and ten o'clock.

Q. How far was it to any other polling-place?—A. To any other poll except Clinton I don't know the distance, because I was a stranger in the county. There was four that I didn't know the distances to.

By Mr. ABBOTT:

Q. Near which polling-place were those three or four hundred men?—A. They were nearest to what I would designate as poll No. 1.

Q. Did they try to vote?—A. I don't know that they tried to vote. I saw them going away, and I went and told them that they would have an opportunity.

Q. Did you see any one of those men attempt to vote?—A. No, sir; I did not.

Q. Did you tell this trial-justice in substance that he could not issue a warrant for fraudulent voting?—A. I did not.

Q. Did you object to his issuing a warrant?—A. No, sir; I asked him why he issued the warrant when there was a commissioner.

Q. Has not a trial-justice the same authority to issue a warrant as a commissioner?—A. As I read the law, the trial-justice could issue a warrant only after the commissioner had refused to act.

Q. Do you understand that a trial-justice could not issue a warrant for false voting at a State election?—A. O, I suppose he could.

Q. Did you understand that he was acting according to the law?—A. As I would understand the law, he would not have a right to issue a warrant unless the commissioner refused to act.

Q. Did you give him to understand in some way that he could not issue a warrant because the United States commissioner was there?—A. I showed him the law as I had it.

Q. Did you mean to give him to understand that he could not issue warrants for false voting unless the commissioner was there?—A. I don't know as I can answer that question in that way. I am not a lawyer, and do not understand law; but as I read the law he had no right to issue it until the commissioner refused.

Q. Did you mean by what you said and did to have him understand that he had no authority to issue a warrant?—A. My intent was simply that the law should be carried out.

Mr. LAWRENCE. I object to the witness stating what his intent was. He may state what he said and what he did.

Q. What did you mean to have that trial-justice understand from what you said and did to him?—A. I will tell you exactly. The trial-justice there was a republican, but he was afraid to do his duty, and afraid to say his soul was his own, because he was afraid of personal violence. I went to him and showed him the law, and asked him if he understood it as I did. He was afraid to issue a warrant when it was asked of him, and my construction of the law was that when the United States commissioner was there he should issue the warrant, and if he refused that then the trial-justice could issue it.

Q. Do you believe that that is an answer to my question?—A. Well, I think it is.

Q. I will put it again. Did you mean by what you said and what you did in the presence of that trial-justice to make him understand that he had no right to issue a warrant?—A. My construction of the law as I had it laid down to me was that a trial-justice could not issue a warrant unless the commissioner refused.

Q. If you don't understand my question, say so. Did you mean to have that trial-justice understand by what you said and did to him that he had no right to issue a warrant?—A. No, sir; I did not mean to tell him that he had no right to issue it.

Q. Do you say you did not mean that he should so understand it?—A. No, sir; but I meant this: I showed him the law—I went to consult with him because probably he knew the law better than I did. I thought from the reading of the law as I had it laid down to me as a marshal, that a trial-justice could not issue a warrant unless the commissioner refused to act.

Q. You meant him to so understand it, did not you?—A. Well, I thought he would so construe it.

Q. That was your intention that he should so understand?—A. I thought he ought to understand it so.

Q. And you meant that he should understand it so?—A. I didn't mean to dictate to him at all.

Q. Did you mean that he should so understand it?—A. I tell you plainly that I did not mean to dictate to him. I meant that he should so understand it.

Mr. LAWRENCE, (to the witness.) Say yes or no.—A. Yes, I did.

Q. You have been auditor of this county, have you not?—A. No, sir.

Q. Or of any county?—A. No, sir.

Q. Have you held any office here?—A. I was city clerk in this town from 1872 to 1874.

Q. As city clerk you received certain fees that belonged to the public?—A. I received a salary.

- Q. Did not you receive certain fees belonging to the public?—A. I did.  
 Q. Are you not to-day a defaulter?—A. No, sir.  
 Q. Have you settled with the county or city?—A. I have.  
 Q. Did not you leave your office on account of being a defaulter?—A. I did not.  
 Q. Did you resign?—A. I did not.  
 Q. Were your accounts settled when you went out of office?—A. They were, sir, and audited.  
 Q. And you paid up all that was due from you in that office?—A. I did.  
 Q. Or in any public office?—A. Yes, sir.

COLUMBIA, S. C., December 26, 1876.

E. R. KELLOGG sworn and examined.

By the CHAIRMAN:

Question. What position do you hold in the United States Army?—Answer. I am captain in the Eighteenth Infantry and brevet major.

Q. Where were you on the day of the last presidential election?—A. At the court-house in Edgesfield County, in this State.

Q. State what occurred within your knowledge on the day of election at Edgesfield.

A. About half past nine o'clock in the morning I was directed by Major and Brevet Major-General Brannon, commanding that post, to take my company and go to box number 2, which was in the outskirts of the village. He said that the deputy United States marshal, Beattie, would be there, and I would receive instructions from him as to what he wished me to do. I went with my company, with First Lieutenant Hoyt. I got to the church, or school-house—I think it was a school-house, next to the church—where this box was, and I halted my company about fifty yards from the school-house. There was a very large crowd around the building, in front and on the two sides of it; not so many in the rear.

Q. White or colored men?—A. Right around the building, next to it, they were all white men, and mounted. There were very few that were dismounted, and all who were dismounted appeared to have their horses near. Just around the house they were all mounted; there were several hundred of them.

Q. Do you know whether they had pistols?—A. I only saw during the whole day some five or six men that I could not swear were armed. All were armed except those, and I presume those were, but I did not know it. Each man had from one to two or three revolvers on his person, generally carried so that they could be readily seen. The negroes at that time were in front of the school-house, between the whites and the fence, and running back in the road each way, more toward town than on the other side. There were a large number of them. Mr. Beattie came to me as soon as I got there and reported that the whites had obstructed the way to the box, which was inside of the building, so that no one could reach it.

Q. You mean so that the colored men could not reach it?—A. Well, no one, without the permission of those in the front; and he said that no one was going in at that time. I immediately detailed Lieutenant Hoyt and four men to go down. Beattie asked me to send a detachment to assist in opening a passage so that any one who wished to go in to vote could do so, and in compliance with that request I detailed Lieutenant Hoyt with four men to effect the opening to the box. I then gave some instructions to my company, and very soon afterward I went down myself to see the actual condition of affairs immediately around the building. When I got there Lieutenant Hoyt had succeeded in opening a passage from the door leading across the road directly in front of the building. The passage was about four or five feet wide—very narrow, but wide enough for any one to go through. I had a good deal of difficulty in getting through the crowd to reach Lieutenant Hoyt. The horses were jammed in so thickly that I could only get there by requesting men to turn their horses one side, and by squeezing my way through. A large number of the men had pistols drawn at that time, and a number of them next to this line that had been opened by Lieutenant Hoyt had their pistols in their hands, with their thumbs on the cocks and their fingers on the triggers, and many were shouting; in fact, nearly all of them were more or less shouting and swearing, and using such expressions as "Shoot! God damn it, shoot!" and others of that character.

Q. If a colored man attempted to pass through that line to vote, how near would he be to the muzzles of the drawn pistols?—A. If he went in the center he would be within three to four feet of the pistols on one side or the other.

Q. Do you know whether colored men did venture to pass through that opening?—A. Yes, sir; they were going through. I waited there some time, and one or two squads of men were taken in to vote. They would call them in by squads of from six to eight at a time, colored men and white, if the whites wished, but I think no white



men went in while I was there. I staid there about ten minutes. A man near this lane, ten or fifteen feet off, offered me his horse to sit on; and I got on the horse and staid there about ten minutes. When I was getting through the crowd, I came across General Gary. I came up behind him, and was passing his horse, trying to get through. He was the only man in the crowd that I knew, I think; the only one that I recollect now. As I came up to him, before he saw me, he had hold of his pistol, which was in his saddle-bags, and I heard a remark from him, "If there is going to be a riot here, by God there will be a lively one." I then spoke to him, and said something like this, "General, you seem to have some control over these people. I wish you would assist in preserving order." I don't think he made any reply to that; but very soon afterward I made the same request of him, and then he said, "I am a deputy sheriff, and that is what I am here for." I said, "General, there are several men in the front there who have their pistols out, and I wish you would see if you can get them to put them up." He did not pay attention to that request, and I repeated it very soon afterward. And then he called out to some one, "Tell those men over there to keep quiet." He did not mention any name; and that is all that he did to enforce order that I saw. The pistols were not put up for some time after that.

Q. Did you see any colored men armed?—A. I did not; I could not swear that a single black man had a pistol. I have no doubt that some of them had pistols, but I did not see anything of the sort.

Q. Did you see any hostile demonstrations by any colored men?—A. I did not.

Q. Go on and state what occurred during the day within your knowledge.—A. I saw that this force of four men was hardly sufficient to keep the crowd in check, and I sent down four more men to assist Lieutenant Hoyt, and with those he managed to make a little wider passage. Just after I sent Lieutenant Hoyt to the building, there seemed to be a commotion in the crowd of white men in front, and a number of negroes shouted out, "Its commenced! its commenced!" and started to run toward town. In fact, nearly the whole crowd that were some distance back from the school-house started to run. Those right near the school-house I don't think did; I called to them to keep quiet and come back, and they did so. I observed that whenever the negroes shouted in concert or in any considerable numbers, it seemed to make the white men angry, some of them at least; and I heard a number of times threats—I will not use the word threats—I heard such expressions as this, when the negroes would shout, "Now there is going to be a fuss," and I saw the white men handling their pistols at such times, and for that reason I called some of the negroes to me and requested them not to shout, but to keep quiet, and nearly all of them complied with the request as soon as it became known to them. During the day I frequently heard from white men such remarks as this: "These damn niggers ought not to be allowed to vote." I did not hear any remarks of that kind made directly to any particular person; but it was very disorderly there nearly all the time. These men were riding back and forth, but there was a large body of them that staid around the door until toward night.

Q. How many mounted men remained around the door in that way?—A. Until just before the closing of the poll there must have been at least sixty there all the time, and generally, I think, there were more than that right around the house. Then, a few rods off, there were a good many more.

Q. In all, how many mounted and armed white men were there that day, as near as you could judge?—A. I think when I first went there, there must have been altogether at least three hundred.

Q. How long did you remain at the voting-place?—A. I remained until about half past six o'clock, after the closing of the poll.

Q. Did you observe any colored men going away without voting?—A. I believe that a large number went away without voting. When the polls closed there was a large number of men standing right there who had been there ostensibly for the purpose of voting, and had to go away without voting.

Q. Did you make an official report of your operations?—A. I did.

Q. Is there anything else that occurred there which you can state, and which is material?—A. I don't know that there is. After the polls were closed, I was requested by one of the managers, to leave a detachment in the building for the purpose of protecting the managers while they counted the votes, as he seemed to be apprehensive that they would be disturbed. One of the other managers, however, (I do not know the names of any of them; one was white and the other was black, and the black man was the one that requested the presence of the troops,) one of the others, a white man, said, "I don't think it is necessary," but he made no objection. I reported to General Brannon for instructions, and he directed me to leave a detachment for that purpose.

By Mr. ABBOTT:

Q. How many United States troops were there at Edgefield Court-House?—A. I do not know, sir; Lieutenant Hoyt can tell you more accurately, as he was the post adjutant at the time.

Q. There were three companies, were there not?—A. There was my own company,

which had forty-one men; I don't think there were more than fifty or sixty men besides my own.

Q. There were something like one hundred men there, more or less?—A. Yes, sir; rather less than more, probably.

Q. Was Colonel Randall there?—A. Yes, sir.

Q. From what you have seen of the Edgefield people, state whether it is not usual for them to carry arms strapped about them.—A. Yes, sir; I think it is.

Q. I suppose that is a custom which is almost universal there?—A. I cannot say in regard to that, because I have not been there long.

Q. But, so far as you have seen, it is the ordinary custom there?—A. Well, from my knowledge I think it is a rare thing for a man to go unarmed there.

Q. Just previous to the election, white men had been shot at from ambush, had they not?—A. I was not there when that matter occurred which I suppose you allude to. I got there only on the 1st of November.

Q. You had been absent from that county how long previous to the 1st of November?—A. I had not been at that place since 1870.

By Mr. LAWRENCE:

Q. Have you had some opportunity to know the character of the colored people as to timidity and being easily alarmed?—A. I think I have.

Q. What is their general character throughout this State in that particular?—A. I cannot speak so intelligently in regard to the negroes in this State as I can in regard to those in Georgia and Alabama; but, I suppose, the negro character is generally the same. My observation is that heretofore the negro has been extremely adverse to getting into any conflict—in a fight, or riot, as they term it here—and I have never myself seen a negro try to incite a conflict, or engage in any controversy with a white man.

Q. In these States where slavery has existed, are not the negroes easily frightened by any display of force on the part of the white men?—A. I think they are; I think that probably they are more ready to defend themselves, or engage in a fight, than they have been heretofore.

Q. But have you ever known them to provoke a conflict?—A. I never did see anything of that kind in all my experience. I think that as a race they have been very peaceful—that is, so far as actual fighting is concerned. I wish to add, with the permission of the committee, that General Butler came around in the evening, after the closing of the poll, and thanked the company for the courteous and impartial manner in which they had performed their duties during the day.

COLUMBIA, S. C., December 26, 1876.

GEORGE S. HOYT sworn and examined.

By Mr. LAWRENCE:

Question. Please state your position in the Army.—Answer. I am lieutenant in the Eighteenth Infantry.

Q. Where were you on the day of the election, on the 7th of November last?—A. In Edgefield, S. C.

Q. Were you present at any time during the voting in Edgefield?—A. I was at what was called box No. 2.

Q. State whether you saw any violence inflicted by white men upon colored men.—A. I saw only one case. I saw one colored man struck over the head with a club in the hands of a white man.

Q. What was the occasion of that?—A. The colored man was trying to get up on the platform to go into the building to vote.

Q. To what extent was he injured?—A. I don't know, sir; I don't know that he was injured at all. I saw him hit on the head, and he sort of fell back off the platform. I was there from about the time when the polls opened until six o'clock. Part of the time I was right down near the door, and part of the time back about fifty yards distant with the company.

Q. You did not see all the occurrences of the day when the voting was going on?—A. No, sir; I was not there all the time.

Q. State whether you saw any colored men going away from the polls without being able to vote—men who had been seeking an opportunity to vote.—A. At the time the polls closed, in my opinion, there were four or five hundred colored men who I think had not voted, and who I think had to go away.

Q. Did you see any colored men armed with pistols or other weapons during the day?—A. I did not.

Q. Did you see any colored men attempt any violence upon any white men?—A. I did not.

Q. What number of white men did you see with pistols or other weapons?—A. I do not know; I don't think I saw a white man in the vicinity of the polls but what was armed with pistols.

Q. State if there was any obstruction by white men preventing colored men from voting.—A. At the time I went down, there was obstruction in the front of the door, which kept them from going into the building where the voting was going on. There were drawn up in front of the door, I should say, from thirty to fifty horsemen, in such a way as to obstruct the passage of people on foot and prevent their getting in.

Q. What time of the day did you reach the polls?—A. About ten o'clock.

Q. When you were away from the voting-place, was any other officer of the Army left there?—A. Yes, sir; Lieutenant Williams. He is now at Edgefield.

By Mr. ABBOTT:

Q. You arrived at the polls about ten o'clock?—A. Yes, sir.

Q. And remained there until they were closed?—A. At the polls and within about fifty yards of them.

Q. So that the polls were within plain sight?—A. Well, I cannot say that I kept any particular watch over matters there during the time I was away.

Q. You opened the way to the polls?—A. Yes, sir.

Q. How long did you remain there at that time?—A. That was about ten o'clock, and Lieutenant Williams relieved me for the first time about noon. I went back to the company, about fifty yards distant, and remained about two hours, and then relieved him again and staid until the polls closed. We were at the polls about four hours each.

Q. Each of you had how many soldiers there?—A. At first I had but four men, but afterward the guard was increased to eight.

Q. Very soon after, was it not?—A. Yes; in about half an hour.

Q. When it was found necessary, in order to keep the passage open, the additional men were brought down?—A. I think the men were sent down by Major Kellogg's order, as he saw it was advisable to have them there.

COLUMBIA, S. C., December 26, 1876.

DAVID T. CORBIN sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside?—Answer. Charleston, S. C.

Q. What office do you hold?—A. United States district attorney for this district.

Q. How long have you been district attorney?—A. Since April, 1867.

Q. What steps did you take to ascertain whether there had been any violation of the laws of the United States at the last election in Aiken County, in this State?—A. About the middle of September I went to Aiken County, taking a United States commissioner with me, to investigate the troubles that had been reported to me in a general way. Upon a very casual examination, I found that a large number of murders had been committed.

Mr. ABBOTT. I object. Anything that the witness knows of his own personal knowledge of course he may state.

The WITNESS. It was alleged that large numbers of murders of colored people had been committed on account of their political sentiments, and on account of their race and color. I proceeded to investigate those charges, and called before me and before the commissioner some two or three hundred witnesses, and took their testimony in writing, at great length. I had a stenographer with me to assist in the investigation. The witnesses were all sworn. Upon the affidavits thus made before me, I caused about five hundred warrants to be issued for the arrest of parties charged with those crimes in Aiken County.

Q. Crimes committed during this current year?—A. Yes, sir; during August, September, and October.

Q. What amount of testimony did you take in the form of affidavits?—A. I took about one thousand pages of legal-cap paper, and examined about two hundred or two hundred and twenty witnesses.

Q. You have that testimony now?—A. I have, at my office.

Q. You are ready to produce it to the committee, if they desire?—A. Yes, sir.

Q. What was done in the court upon the warrants which you issued?—A. The prisoners were arrested by the deputy marshal, aided by the United States troops, and brought to Aiken, and they appeared there with a large array of counsel and waived examination and gave bonds for their appearance before the United States court, the counsel stating that they did not propose to go into an examination and so give me an opportunity to produce before the country the testimony of the witnesses as to these outrages.

Q. What was done in the court?—A. The defendants, all that were arrested, were bound over to appear before the United States court. I think some one hundred and eighty or one hundred and ninety were arrested, and they appeared before the United States court at the term just adjourned. Informations were prepared against all of them, but not filed. A controversy arose in court as to whether informations would lie instead of indictments, and the court held that I should have proceeded by indictment, especially upon one section of the act which I had relied upon—section 5506 of the Revised Statutes—and they quashed the informations. No further proceedings were taken in court at that term, because we had discharged the grand jury, not apprehending that they would be required, and we could not then proceed further. The cases have been continued until the next term.

Q. Have you prepared a tabulated statement of the names of persons charged with crimes in that county, with the names of the witnesses in part on whose affidavits they were arrested, and the number of persons who were alleged to have been killed or injured in that county during the year?—A. I have.

Q. Can you produce it?—A. This is the statement, [producing a paper.]

Q. This signature is yours?—A. Yes, sir; I have certified to that as from the records of my office.

Mr. LAWRENCE offered the statement in evidence.

Mr. ABBOTT objected to its reception.

Q. What number of persons are alleged to have been killed in that county during this year?—A. Twenty-three or twenty-four, I think, in that county during this season.

Q. All colored men?—A. All colored.

Q. State whether any investigations were made in regard to other counties?—A. Very slight investigations were made in Edgefield and Laurens and Barnwell Counties by the United States commissioners, but they were not lawyers, nor did they have the advice of lawyers, and they made very little progress.

Q. Have the investigations been completed in the counties which you have just named?—A. No, sir; they are right in their incipency.

Q. So far as those investigations have gone, can you state the number of alleged violations of the laws of the United States by acts against colored men in any one of those counties?—A. No, sir; I don't think I have sufficient evidence to indicate, except in a very general way, the number of violations of law. From information which has come to me in my official capacity, I have reason to believe that they are very numerous.

Q. What is the character of the crimes alleged before you upon sworn testimony which you have now in your possession?—A. Eight or ten murders of colored men in Laurens, and in Barnwell County some ten or fifteen murders of colored men; but, as I said before, I have had no opportunity to personally investigate them. I have the names of the colored men alleged to have been killed, and the witnesses who have made the affidavits, and I can furnish those to the committee.

Q. You have the sworn testimony of the witnesses?—A. Simply affidavits furnished me by the commissioner.

Q. What other crimes have you sworn testimony of having been committed against colored persons during this year?—A. Whipping on account of their political sentiments or because they were going to vote the republican ticket, and quite a large number of them have been wounded, have been shot at, and have escaped with slight wounds. The crimes range from murder down to flogging and intimidation in lesser degrees; threats to turn them off the land; threats to turn them into the road; threats to kill them, &c.

By Mr. ABBOTT:

Q. All this testimony of which you speak is entirely *ex parte*, is it not?—A. Well, nearly so.

Q. Was there any appearance before you upon any of the testimony for the parties charged?—A. There was an appearance at Aiken in some few cases, very few.

Q. As a rule the testimony is *ex parte*?—A. Yes, sir.

Q. And that which was taken before the commissioners is all *ex parte* testimony?—A. Well, not so in the other counties.

Q. Do you know how—that is, of your knowledge?—A. I do not know it of my own knowledge, only by the statements from the commissioners.

Q. You spoke of affidavits.—A. Yes, sir; the other side had due notice of them, but did not choose to appear.

Q. Printed affidavits?—A. No, sir; they were all taken by the stenographer first, and then written out.

Q. The parties all appeared; there was no trouble in arresting them?—A. O, yes; we had great trouble in getting some of them.

Q. Well, they were all brought before the commissioner and gave bail?—A. Those that we arrested were brought before the commissioner and gave bail.

Q. Then the cases were proceeded against before the circuit court and the court

quashed the information, and the grand jury had been discharged; have you not power to resummon the grand jury at the same term of the court?—A. No, sir; not under our rules.

Q. Can you not resummon the same jury when it has once been summoned?—A. No, sir; not after it has been discharged.

Q. Is there any provision of law against that?—A. No provision against it and none for it. We have never done it in this district. The court discharges the grand jury, they are paid off, and they go home.

Q. But they can be brought in again. As long as the court remains they are the jury?—A. We have no such practice in this State.

Q. When was that adjudication quashing the informations entered?—A. It was about three or four days before this Senate committee came here.

Q. It was before the committee came here, was it not?—A. I recollect when you came, but the date is not in my mind.

Q. Was it not done before you knew about the House committee coming here? The date appears upon the record of the court, I suppose.—A. Yes, sir; I will ascertain.

Q. And ever since that time the witnesses have been holden?—A. The witnesses were discharged, and kept here for the purpose of testifying.

Q. How do you mean discharged? They were holden by some process?—A. No, sir; except by my telling them they would be needed here.

Q. Do you mean that they were to receive no pay from the United States?—A. No, sir; not unless you gentlemen pay them.

Q. Do you mean to say that they staid here voluntarily on their own account?—A. Well, by my advice.

Q. How long is it since they were discharged by the court and paid?—A. They were discharged within a day or two after the decision was rendered; it may have been a couple of days after.

Q. And as far as the court or the prosecuting officer is concerned they have not been kept at the expense of the Government?—A. O, no, sir. In explanation of their being kept two or three days and paid, I would say it was because after that decision I sent a petition to the supreme court for a special term to be held, and I held the witnesses two or three days in order to have them appear at that special term of the court if it was ordered. But the special term was not ordered, and the witnesses were discharged.

By Mr. LAWRENCE:

Q. General Banks and Mr. Lapham and I notified you within that time; thus, so far as the witnesses knew facts material to our investigations, we wanted them.—A. Certainly you did; and I also received the same notice from the Senate committee.

COLUMBIA, S. C., December 26, 1876.

JACKY HAMMOND (colored) sworn and examined,

By Mr. LAWRENCE:

Question. Where do you live?—Answer. At Bordeaux, in Abbeville County.

Q. Where were you on the day of the election?—A. At Saint Charles precinct, as a manager.

Q. You remained in the house most of the day?—A. Yes, sir; I continued there all day long.

Q. Do you know of any threats being made against colored men in that precinct before the election?—A. Yes, sir; I know that the white men, land-owners, objected to colored men voting the republican ticket, the men that lived on their places, saying, "If you vote you shall leave my plantation."

Q. Did you hear land-owners say that?—A. Yes, sir; I heard them say that.

Q. Did you hear any such threats made on the day of election?—A. Yes, sir; I heard them say it right there, "If you vote that ticket you need not come to my place any more."

Q. That was said by white men?—A. Yes, sir; by white men, of course.

Q. Were there any men at the election armed with pistols or other fire-arms?—A. Yes, sir; as I took my oath I can solemnly swear that I saw guns and pistols.

Q. Who had them—the white men?—A. White men, sir. I never saw a colored man with arms that day.

Q. How many white men did you see have pistols or other arms?—A. I could not number the pistols that were there, but I am certain that I saw a man come right in front of the box with a gun strapped around his shoulder.

Q. Were there many white men there with guns and pistols?—A. Yes, sir; I think every one had them, not only under their coats but buckled around their tops.

Q. Do you know of any colored men going there to vote and going away without voting?—A. Yes, sir; I do. There was to the amount, I would suppose, of thirty or forty men that I know of coming there to vote, and hearing word against them, they did not vote but went back home.

By Mr. ABBOTT:

Q. That is, hearing somebody say that they would not get employment, they did not vote?—A. Yes, sir.

COLUMBIA, S. C., December 26, 1876.

J. C. GRANT sworn and examined.

By Mr. LAWRENCE:

Question. What is your age?—Answer. Thirty-three.

Q. Where were you on the day of the last presidential election?—A. At Abbeville Court-House, box No. 2, part of the time; I voted there.

Q. Did you see any violence inflicted upon colored men there that day?—A. No great violence at that box, only this: The colored people had got unfortunately some way or other, and did not get to vote at the Magnolia box, and they then came on from the Magnolia box about one o'clock, or near there; I don't know the exact hour; any way, there were some white people that crowded the door, and it seems they did not want the colored people to come in, and they would not let them come in, and the colored people walked off to the court-house and said they were going over there; and I got into the road and waved my hand, (my house was right within a hundred yards of where the voting was)—I waved my hand and I says, "Meu, go back; 'tain't no use to go over yonder; you can't get to vote over there now." Says they, "Yes, we can; we can't get to vote here;" and they turned back, some of them, and part staid and voted. At the same time I heard some man say there were fifty more behind. Some one asked, "Why is it that they don't go on?" and another man replied, "They have started, but they are afraid to go."

Q. State what you saw.—A. Well, I seen these men standing in the door as if they wanted to bar these people out, and they turned back and went over to box No. 1.

Q. Were you at box No. 1 at any time during the day?—A. Yes, sir; I was there some part of the time during the day.

Q. Did you stay there any considerable time?—A. I staid there half an hour at a time, going backward and forward. I staid most of the time at box No. 2.

Q. What, if anything, do you know of colored men going away from the polls without voting?—A. I will tell you what I seen a colored man do. He went up stairs with his ticket folded up. I said, "Mr., let me see your ticket; what sort of a ticket do you vote?" Says he, "I am voting the ticket all right." Says I, "What sort of a ticket do you call an all-right ticket?" Says he, "The republican ticket." There was a white man came up just before him. I was behind him. You have to go up the steps at the court-house, and then it is about seventy feet to the box from where you get up to the steps. We got up the steps and the colored man stopped, and he had his ticket, and says I, "Let me see that ticket?" He showed me the ticket, and the white man he had a ticket and he said, "You vote this ticket," and the colored man wouldn't vote nary ticket, because this white man kept constraining him to vote the democratic ticket; and he just turned and went out, and said he would not vote at all.

Q. Do you know of any considerable number of colored men who had come to either of those voting-places to vote and who went away without voting?—A. No, sir; no great quantity. He was about the only man that I seen that went away and said he would not vote at all, because this white man was constraining him to vote the democratic ticket, and he would not vote any ticket.

Q. Did you hear any threats made that day against republicans?—A. I heard a man say to a colored man, "If you vote the republican ticket you cannot stay in the settlement you have been staying in any longer."

Q. Were any white men there that day armed with pistols or other weapons?—A. I did not see them with any other weapons but pistols; they had them, I am sure.

By Mr. ABBOTT:

Q. These colored people from Magnolia were about two hundred and fifty, in a body, were they not?—A. Yes, sir.

Q. And they went over and voted at box No. 2?—A. Some part of them, and some voted at No. 1.

Q. They came over shouting and hurrahing and making a good deal of noise?—A. Well, they came up as if they was rejoicing in going to the election.

Q. Well, they made a good deal of noise, did they not?—A. Yes, sir; right sharp noise.

Q. And the women turned out and cheered them as they came up?—A. Yes, sir; rejoicing to see them.

Q. Nobody interfered with them?—A. Yes, sir; they interfered with them after they got over to box No. 2.

Q. There were about ten white votes cast at box No. 2, all told?—A. Yes, sir; they did not vote there, but they would go over there with large gangs and come back.

Q. Over to No. 2?—A. Yes.

Q. Did not any of those Magnolia people vote at No. 2?—A. Part of them voted there; ninety voted there.

Q. And the other one hundred and fifty voted at No. 1?—A. I don't know exactly the number, but there were nearly about half and half. White people did not vote over there at that precinct, but they went over there continually during the day.

Q. More colored people voted there that day than ever voted there before?—A. I don't think so, sir.

Q. More voted there that day than voted in 1874?—A. Whatever did vote there might have been a few more, because there is a great many more that moved there, and a good many come of age.

Q. Has Abbeville increased in size very much since 1874?—A. A great many has come there from other counties.

Q. Well, there was a large vote in Abbeville this time?—A. There was a good vote, but I don't think there was much overplus than it has been, sir.

COLUMBIA, S. C., December 26, 1876.

JACOB HOPE (colored) sworn and examined.

By Mr. LAWRENCE:

Question. State your age and residence?—Answer. I am twenty-three; I live in Lexington County.

Q. What office did you hold at the last presidential election?—A. Supervisor of election at Spring Hill.

Q. Were you present at the close of the election?—A. I was present at the counting of the votes until the whole was counted.

Q. Were you present when the votes were canvassed by the county canvassers?—A. Yes, sir.

Q. Did you see the votes in the Spring Hill box?—A. I seen the tickets.

Q. Did you see the tickets for electors for President and Vice-President?—A. Yes, sir.

Q. State whether all the names of the republican candidates were on the ticket, and all the names of the democratic candidates on the democratic tickets for President and Vice-President?—A. Yes, sir; they were to my knowledge.

By Mr. ABBOTT:

Q. There was the regular printed ticket on both sides?—A. Both printed.

By Mr. LAWRENCE:

Q. The regular ticket, with all the names of the electors on it for both parties?—A. Yes, sir.

Q. You signed the return?—A. Yes, sir.

Q. There were no scratched tickets?—A. Yes, sir; there was some.

Q. For electors of President and Vice-President?—A. No, sir; not for electors.

Q. Did you hear any threats made against republicans before the election in your county?—A. No, sir; I did not hear any in my county.

Q. Did you hear any made on the day of election?—A. No, sir.

Q. Do you know of any colored men in your precinct who remained away from the polls and did not come up to vote?—A. Yes, sir; my father did not vote. He was sick at that time.

Q. Do you know of any remaining away in consequence of threats against them or intimidation?—A. No, sir.

H. N. BOWIE (colored) sworn and examined.

By Mr. LAWRENCE:

Question. What is your age and where do you reside?—Answer. I am twenty-five; I live at Edgefield Court-House.

Q. What business have you been in?—A. For the last two years I have been probate judge of Edgefield County.

Q. Where did you vote on the day of the last presidential election?—A. At Ridge Spring precinct.

Q. What time did you reach that voting-place?—A. I reached the precinct on the evening of the 6th, about eight o'clock. It is about seventeen miles from the Court-House.

Q. What did you observe on your way from the Court-House to Ridge Spring precinct?—A. I met crowds of red-shirted men all the way to the polling-place. They would number from about twenty-five to one hundred each.

Q. Did they offer any obstruction to your passing in the direction in which you were going?—A. They did not offer any resistance until I got down near the neighborhood of the Ridge Spring precinct. When I got down there it was getting dark, and I found they were camping in the roads. I passed by three crowds that were encamped. One of these crowds, I suppose, was about seventy in number. They halted me and the four men who were with me. We halted. I did not say anything to them. One walked up and looked me in the face, and said, "This is Bowie?" I did not say yes or no. Said he, "Where are you going?" Said I, "I am going down the road a piece." I didn't say anything more. "Which way are you going to vote to-morrow?" "I expect to vote as usual, sir." "Well, you shan't vote here, unless you make all these damned niggers vote for General Wade Hampton. We are tired of the government we are living under." My reply was: "Well, gentlemen, I suppose we will have time to talk this matter over to-morrow at the polls, and we may be able to compromise some way, and decide on some plan that we can carry out at the polls." I think this was Mr. Stanmore Watson that was talking to me, but he kept his face kind of sideways from me, and I could not identify him exactly. I spurred my horse around, and he didn't seem to offer any resistance to my going after I made that statement, and the men that were with me followed me.

Q. Where did you stay all night?—A. I staid about six miles from the polling-place. When we got to the house there was a crowd of about a hundred, I suppose, standing at the gate or in front of the house where I was going to stay. In fact, the gentleman who lived in the house was the United States supervisor. He came up to the Court-House, and I went down with him, and when we got to his house this crowd were standing at the gate, singing how they "Loved Hampton, because he first loved them." They tried to hold us, but we wouldn't stop for them. We went around and got in the gate. We were in about ten minutes when they commenced firing off their pistols. We could hear the bullets going through the trees. We stepped out in the yard, where they were paroling some green pease, and we heard the bullets going through the trees, and we all had to retire into the house. I reckon they fired about twenty-five shots at the house. I staid in the house during the day. Crowds were passing throughout the night, and as they passed they would stop and yell, and then fire off their pistols.

Q. Did any shots strike the house?—A. I do not know, sir; but they struck the trees, because we heard them while we were standing where the children were paroling the pease. During the night I could hear these cannons, or anvils, or whatever they were, bursting in every direction; down below me, and on either side of me, and up in front of me, where they were encamped.

Q. What time did you reach the polls the next morning?—A. I got there about daylight. I was there before the time for the polls to open. I talked with two of the managers of the election before the polls were opened.

Q. What, if anything, do you know of the democrats voting two tickets at a time there?—A. The voting went on quietly until about eight o'clock. I detected nothing of double voting until about nine o'clock. I then went into the house where the voting was going on, and stood and looked directly on the faces of the voters as they came up, and observed very closely their hands as they deposited their ballots. One man's ballots slipped. He had frided them separately, and then put them together, and he would raise up his right hand and I would notice. The first one that I detected had up two fingers, and I saw that the ballots slipped apart, but he pushed them back again and crammed them into the box. Then I called one of the republican managers to me, and said to him: "I see that these democrats are voting two or three tickets, and if you don't watch that clerk (he is a democrat) he will put down names to correspond. I noticed that gentleman who voted a while ago held up two fingers. I do not know what it meant unless it was to give the clerk a signal how many tickets he had voted." I staid there and watched, and for about twenty-five or thirty voters every single one of them voted a double ticket.

Q. Were they armed?—A. Yes, sir.

Q. What tickets did they vote?—A. Well, I do not know positively, but I think they were democratic tickets, because there was no white men down there that I know of that voted the republican ticket.

Q. Were you there when the managers counted the votes and made out their returns?—A. No, sir; I was not allowed to stay there.

Q. Have you any personal knowledge as to whether the number of names on the poll-lists corresponds with the number of tickets found?—A. All the knowledge I have



of that is that the United States supervisor and one of the managers of the election made affidavit—

Mr. Abbott objected to the witness relating what was not within his personal knowledge.

Q. You have no personal knowledge of that?—A. No, sir; I was not allowed to stay there; I was driven off for that purpose.

Q. How were you driven off?—A. Mr. Robert Watson came down and stated to me just exactly what these two managers had stated to me from Carwile. He came down to the house when I went from the polls and called me out.

Mr. Abbott objected to the witness stating what was said to him.

Q. Did you leave in consequence of what a leading man told you from Carwile?—A. I staid there notwithstanding these messages until I saw that Carwile had drawn around him a great crowd and commenced waving his pistol about, and cursing and swearing, and firing his pistol off, and then several of my friends came to me and said if I didn't go away from there—

Q. You need not state what they said to you; but you did leave?—A. Yes, sir; I had to leave. I felt that it was not safe for me.

Q. Were there any armed men at the voting-place?—A. If they had arms they were concealed. I did not see any.

Q. You did not see any pistols?—A. No, sir.

Q. But you heard firing?—A. Yes, sir; Mr. Carwile fired off his pistol late in the evening.

Q. What do you know of colored men, republicans, being interrupted and prevented from voting?—A. About eight o'clock there was a crowd of colored men, republicans, that came up to the polls, marching solidly in ranks, and there was one man ahead of them who was hurrahing for Hayes and Wheeler and Chamberlain, and when he would turn around and wave his hat all the others would halloo, too. There was 195 in the crowd, so they told me. They asked for that number of tickets, and I know the crowd was about that in my judgment. When that crowd came up, Mr. John Gaston, Mr. Carwile, and Mr. Robert Watson walked right up in front of them. They seemed to be perfectly infuriated. They were just as mad as men could possibly be, judging from appearances. They shook their fists in the faces of the men, saying: "This is a white man's country, and we be damned if you haven't got to stop; we will not stand it. This is our country, and we propose to take care of it from this time on." Mr. Robert Watson came up, and he was hallooing, "What ticket are you going to vote? You ain't going to vote for Chamberlain here to-day; if you do you will have to leave." These men came, most of them, from Clond's Creek, a place known as Mr. Watson's lands. When Watson looked in the crowd and saw me he commenced saying, "Let 'em cheer; they'll holler to-day, and we'll holler to-morrow." Mr. John Gaston went on saying, "You don't live in Edgefield County." The men answered, "Yes, I do. I don't want you to tell me where I live." Said he, "But the line is changed, and if you vote here to-day you vote illegally, and I will have you arrested, and Chamberlain's government isn't able to protect you." Mr. Carwile was coming up the line of colored men shaking his fist in their faces, and when he met me he stopped; but Mr. Watson kept on by me, but changed his line of expressions, and said, "Let them holler to-day and we will holler to-morrow." But they all stepped out right before that crowd of colored men, threatening them, and daring them to vote the Chamberlain ticket; that if they did vote they would vote illegally, and so on; and the result of it was that about forty of those men went off and didn't vote; they were afraid.

Q. Where did those men live?—A. Those men lived in Edgefield County. I was elected probate judge from that place, and I know the men.

Q. Were you a candidate at the last election?—A. Yes, sir; for sheriff.

Q. Were any threats made against you?—A. Yes, sir; threats were made against me from last March up to now.

Q. What were they?—A. The democratic party had their meetings on the first Monday in every month; and their speeches were to the effect—

By Mr. ABBOTT:

Q. Did you go to their meetings and hear their speeches?—A. Yes, sir; I went within hearing of some of them. I was within hearing of nearly all of them that was at the court-house on those first Mondays; and these speeches were to the effect that Lawrence Cain, Paris Simkins, and myself were to be driven out of Edgefield; and if they could not get rid of us in any other way, we were to be killed out. They said, "We have got to get rid of this government at any cost." I heard those remarks made more than once.

By Mr. LAWRENCE:

Q. What had been the practice of the republicans in previous years as to holding meetings over the county?—A. The chairman of the republican party always would set a series of meetings in different portions of the counties, and he would apportion

speakers to those meetings; or sometimes he would let them all come together, and have them so that all the speakers could attend every meeting, and thereby canvass the county thoroughly; but in this last campaign we were not able to have a single meeting outside of Edgefield Court-House village; and in fact General Gary told me right down that we should not have them; that he was satisfied that we did nothing but talk rascality into the heads of the negroes, and that we should not have them. We attempted to have one at the court-house there some time in August, and it was a total failure on account of the democrats taking possession of the stand and breaking it down, and carrying on the meeting to suit themselves. The republicans all became disgusted and retired from the scene in disgust. They broke the stand down before the republican speakers went over there. When we went there we found General Gary standing with his pantaloons in his boot-tops, standing on the broken-down stand.

By Mr. ABBOTT:

- Q. Do you belong to the Union League?—A. I know nothing about it.  
 Q. Did you ever belong to the Union League?—A. No, sir.  
 Q. Nor to any secret society?—A. No, sir; I am a member of the church.  
 Q. Did you ever belong to the Laboring Union?—A. No, sir.  
 Q. Or to the United Brethren?—A. No, sir.  
 Q. You know nothing about them?—A. I never was a member of but two societies: one was the Baptist Church, and the other a society in Augusta, called the Union Waiters and Benevolent Society. It had nothing to do with politics.  
 Q. All this firing that you have told us about, was anybody injured by it?—A. No, sir.  
 Q. There wasn't even a house hit?—A. I don't know; but I heard the bullets flying through the trees.  
 Q. No human being was hit or hurt by it that you heard of?—A. No, sir.  
 Q. Were you ever indicted?—A. No, sir.  
 Q. Was any charge of conspiracy ever made against you and one Jones and Paris Simkins?—A. One man made an affidavit to the effect, and he has been convicted.  
 Q. Was the charge made against you of conspiracy with those other persons to assassinate General M. C. Butler?—A. Yes, sir.  
 Q. Are you not under indictment now?—A. Well, I am not indicted, sir.  
 Q. Are you not under some legal process for a conspiracy to assassinate General Butler?—A. Yes, sir; that is different from an indictment.  
 Q. You and this Paris Simkins and Jones, who has been a witness also, are under that process?—A. Yes, sir.  
 Q. Is your time as probate judge up?—A. It was two years, but I am still holding over in Edgefield.  
 Q. Do you exercise the duties of probate judge at the present time?—A. Yes, sir.  
 Q. When did your term end?—A. I took charge of the probate court on the 24th of December, 1874.  
 Q. And your term was for how long?—A. Two years, constitutionally.  
 Q. Your term of office ends, then, regularly in December, 1876?—A. Yes, sir; if my predecessor is elected and qualified.  
 Q. Then you ran for sheriff of the county and did not get elected?—A. Well, I think I was elected.  
 Q. Well, you didn't get elected by the declaration of votes?—A. No, sir; I will admit that.

COLUMBIA, S. C., December 26, 1876.

GEORGE WASHINGTON (colored) sworn.

By Mr. LAWRENCE:

- Question, State your age and residence.—Answer. I am 28, and live in Aiken.  
 Q. What office, if any, did you hold at the last presidential election?—A. I was commissioner of elections.  
 Q. Do you know what the vote of Windsor precinct was?—A. I do not.  
 Q. Did you have any managers' returns from Windsor precinct?—A. Yes, sir; there was managers' returns from that precinct, but I don't remember what the vote was.  
 Q. Did you have a managers' return, or a statement of what the supervisors' return was?—A. I never seen the returns at all. I seen the votes at Windsor for the State and county officers.  
 Q. Did you see any for presidential electors?—A. No, sir; I never seen any.  
 Q. Did you have the vote of that precinct?—A. No, sir; I seen the vote of that precinct after it got here, but when the elections were declared in Aiken I was not present.

Q. Did you sign the commissioners' returns?—A. No, sir; I signed the supplementary report.

Q. Why did not you sign the original return?—A. I will tell you. The Friday following the Tuesday of the election, the commissioners of election, Mr. Edmondson, Mr. Spencer, and myself met, and proceeded to organize the board of canvassers, as the law required. After organizing the board of canvassers, we then elected Spencer chairman of the board.

Q. Why did not you sign the returns?—A. Because I were not present.

Q. Why were you not present?—A. Because we adjourned to meet on Tuesday at 10 o'clock, and Mr. Spencer was called upon by the democrats some time before day in the morning; he and Edmondson. I think Edmondson served a summons on him, calling on him.

By Mr. ABBOTT:

Q. You don't know about that, except what somebody has told you?—A. I know what Spencer told me.

By Mr. LAWRENCE:

Q. Did you have any notice of that meeting?—A. I had no notice of that meeting.

Q. Do you know why you were not notified?—A. I do not know any more than what they told me.

Q. Who told you?—A. Mr. Spencer, chairman of the board. After I got to Aiken, on Monday morning, very early in the morning, I heard on the street that they were over in the court-house declaring the election, so I went over, and the hall was occupied by Mr. Croft and other gentlemen, O. C. Jordan, and J. St. Julian Yates, and others. Mr. Spencer was sitting on one side of the table and Mr. Croft were calling out the numbers of the managers' returns.

Q. Do you know of any reason why you were not notified of that meeting?—A. No more than what Spencer told me.

Q. You were a republican?—A. Yes, sir.

Q. What, if anything, do you know of threats being made against republicans before the election?—A. I do not know of any threats myself, sir, made to republicans; only oaths made against different men in the campaign through the county; not against any one particular. I know of no one that said directly that he would do so and so if such a one did not do so and so in the campaign.

Q. Do you know anything about democrats saying that republicans should not live on their land if they voted the republican ticket?—A. No, sir; I don't know that.

Q. Did you hear anything of that sort said on the day of election?—A. No, sir; not on the day of election.

Q. You were not out?—A. No, sir; I was not out on the day of election.

Q. Where were you?—A. I was at Aiken and Fountain Academy.

Q. Where did you vote?—A. At Fountain Academy.

Q. How far was that from Aiken Court-House?—A. About six miles.

Q. Do you know of any threats being made there that day against republicans?—A. No, sir; there were no threats there when I was there.

Q. How long did you stay there?—A. I staid at Fountain Academy about fifteen minutes, and I went from there to Aiken and remained there during the day.

By Mr. ABBOTT:

Q. You don't know what precincts the two commissioners had before them when they finally made up the return; you did not examine to ascertain?—A. No, sir; I don't know anything about what they had on Monday morning.

Q. You found them reading from the precinct returns, but what returns they were you don't know?—A. No, sir.

Q. You heard the precinct returns being read from by somebody, and they were being taken down?—A. Yes, sir; by Mr. Croft.

Q. Edmondston, the other commissioner, is clerk of the court of Aiken, is he not?—A. Yes, sir.

COLUMBIA, S. C., December 26, 1876.

JOHN ANDERSON sworn and examined.

By Mr. LAWRENCE:

Question. What is your position in the Army?—Answer. I am a lieutenant in the Eighteenth Infantry.

Q. Where were you on the day of the presidential election?—A. At Laurens Court-House, S. C.

Q. State what, if anything, you know of any violence at the polls there on that day.—A. At the polls, in Laurens Court-House, on the day of the election, there was

no violence to my knowledge on the part of any one. There were several officers there, and I have reason to believe that there was no violence used at all on the day of the election; but I desire to make a remark in connection with that statement, that prior to the election a great many negroes came in from different plantations and reported to me—

Mr. ABBOTT. State only that which you have personal knowledge of.

The WITNESS. Well, sir, the only thing that is within my knowledge is that the negroes came in and made these reports to me.

Q. How large a military force was at Laurens Court-House on the day of the election?—A. We had about 28 men. We divided our command, and part went to Clinton.

Q. Was there any military force at the voting-place on the day of the election?—A. No, sir; not in Laurens.

Q. How near to Laurens voting-place were you?—A. About 200 yards.

Q. State whether there were any armed men around the polls?—A. I was not at the polls. I remained camped during the day and had no means of knowing what was going on immediately around the polls.

Q. You had no opportunity of knowing whether there was violence at the polls or not?—A. I had no opportunity of seeing that, but I had reason to believe that there was none.

Q. You had no opportunity of knowing whether there were any threats made against republicans?—A. I had none except what was reported to me upon what appeared to be pretty good authority.

Q. Reports were made to you?—A. Yes, sir; reports were made to me in great numbers, and when we moved to this place from Laurens we brought two men with us to save their lives.

Q. Colored men and republicans?—A. Colored republicans; they are here now.

By Mr. ABBOTT:

Q. You know nothing of that, I suppose, except what the men told you?—A. I know nothing of my own knowledge except the general appearance of things, and I must say that the general appearance of things confirmed their report.

Q. But the fact of their being brought here depended upon their report to you?—A. Upon their claim. Wherever I am stationed, if a man comes to me and reports that his life is in danger, I always give him the benefit of the doubt, if I have any, whether he is white or black, republican or democrat.

Q. And you brought these men here upon their report?—A. Yes, sir.

Q. Were you in command of the detachment?—A. No, sir; Major Stewart was.

Q. And while you were stationed about two hundred yards from the polls you had no demand made on you for the assistance of the military?—A. None whatever, sir. There was considerable noise, but I saw no violence. It appeared to be cheering for the different candidates.

By Mr. LAWRENCE:

Q. Were you at any republican meeting during this year?—A. Yes, sir; at Laurens.

Q. When?—A. I forget the exact date; it was some two or three weeks before the election.

Q. Was there any interference with the meeting, and, if so, by whom?—A. There was, in my opinion, decided interference. There was a republican meeting to be held at a certain time in Laurens. The republican meeting was appointed for one day, and there was a democratic meeting for the day following; I think the republican meeting was first. The republicans assembled there to have the meeting, and about the time when that meeting was to come together the "Hampton cavalry" came in with red shirts on, and all of them, or most of them, to my personal knowledge, armed with revolvers strapped outside of their garments, so as to be plainly visible. I believe one republican did speak, and then there was a great disturbance raised, and some of the county officers had to take refuge with me in order to save their lives.

Q. How near the place of holding the meeting were you?—A. At that time I was probably within one hundred yards.

Q. Could you hear what was going on?—A. Yes, sir; hear it a mile and a half or more. I heard yells and threats to kill certain men there who belonged to the republican party, repeatedly.

Q. Was that while the republican speaking was going on?—A. No, sir; after the speaking was over.

Q. During the time the speaking was going on, what was done?—A. During the time the speaking was going on I was not present at the meeting, because I made it a point during the whole campaign to absent myself from all political meetings whatever. I heard a great deal of noise, but I was not present at the time the political meeting was going on, and my knowledge of that is only hearsay.

Q. State what you know, if anything, of any noise or disturbance while the republicans were assembled, or while they were holding their meetings.—A. There was a great deal of noise while the republicans were speaking. After that I was in Newberry

where the republicans attempted to have a meeting, and I certainly know, of my personal knowledge, that they were drowned out by the noise that was made, and were not able to speak. Furthermore, some of the people took me for one of the politicians, and made an assault on me after that.

Q. Who did that? White men?—A. White men with red shirts. I don't know how many there were. I could not count them. They said there were 1,500 or 2,000.

Q. How would your own estimate correspond with that?—A. I don't know that. They filled the whole street from the depot up to the public square. I was passing from Laurens to Charleston. I had nothing whatever to do with their political meeting. I had to wait about an hour and a half at Newberry for the train, and while waiting I went up street to the post-office, which is kept by a friend of mine, and took dinner with him. After dinner I started to walk down street with a friend to the depot. About that time the republican meeting had broken up, and there was quite a number of republican speakers going along there. I had nothing to do with them. I was walking with my friend, who had nothing whatever to do with politics, (and even to this day I don't know what his politics are;) but before I reached the depot I was surrounded by a large crowd of horsemen with red shirts, who demanded to know my politics. I told them, as I would tell almost anybody who would ask such an impertinent question, that it was none of their business, and I continued my way up to the depot. Before I got there, however, they tried to ride over me; backed up their horses and tried to make them kick me; and in fact they heaped many insults upon me. I got upon the platform, and turned around to know what they had to say, and a number approached me and demanded to know my politics. I declined to tell them what my politics were. They shook their fists violently in my face. Some of them had revolvers; and they called me a God-damned radical, and quite a number of other names, and demanded to know who I was. While this was going on a gentleman whom I knew who was with that party, a democrat, rode up and begged them to stop. "That is Lieutenant Anderson, of the Army; I know him." It was some time before he could be heard, but as soon as he could be heard they stopped their demonstrations against me at once, and then they gave quite a number of cheers for "Lieutenant Anderson, a straight-out democrat." I had no further trouble from that party. The train soon left. I heard the speakers that were there insulted. I can give their names, if required. One of them was L. Cass Carpenter, of this city; another was a professor of the university; and another was Mr. Taft, of Charleston, a member of the legislature; and, I think, there was another one, but I am not sure as to the fourth.

Q. Have you any knowledge of any other meeting?—A. None, except the one in Laurens that I have referred to. I beg pardon; I was at a Hampton meeting in Laurens about the same time at which they all came in, but I saw no man armed at that time.

Q. Did any republican disturb the Hampton meeting?—A. No, sir: I don't think it would have been healthy for them.

Q. Have you any knowledge of any violence being inflicted upon colored men?—A. I have.

Q. State what it is.—A. The command to which I belonged was ordered from Greenville to Laurens the last of August of the present year. We started from Greenville on the 2d of September. Prior to that, quite a number of colored men had come in to Greenville and asked protection from the troops, and we gave them protection, and paid their expenses out of our private pockets.

Q. Did you give them protection in consequence of what they reported to you?—A. Yes, sir. We started out on the 2d of September to go to Laurens, thirty-six miles. We marched all night. About 7 or 8 o'clock in the morning our command arrived within ten miles of Laurens, and a white man came out and wanted to know if there was a surgeon in the command. We had a surgeon there, and the command was halted. I saw a negro who was shot; I did not examine the wound myself; he was lying in bed; I saw him but did not see the wound. He died within twelve hours after I was there.

By Mr. ABBOTT:

Q. That you don't know, except from what somebody told you?

The WITNESS. I know from the records of Laurens County.

Mr. ABBOTT. That is immaterial. What you know personally you may state.

The WITNESS. Well, sir, I know personally that I saw the negro who was shot, lying in bed, and I was asked to take his testimony, which I did.

By Mr. LAWRENCE:

Q. Was it a matter of common notoriety that he died next day?—A. It was.

Q. How many hours was it before his reported death that you saw him?—A. About twelve, as near as can I remember.

Q. State whether you were requested to write down his dying statement or declaration?—A. I was.

Q. State what he said as to the cause of his death.

Mr. ABBOTT. I object. A dying statement is not evidence, except in case of the trial of a man for murder.

Mr. LAWRENCE. I propose to show by this witness that this colored man, while in a dying condition, said that he had been shot by a democrat without any provocation, when he was endeavoring to escape from an assault made upon him by a democrat, and because he was a republican; that he was assaulted in the road by a democrat who met him and fired upon; that he attempted to flee, and while fleeing was shot by this democrat.

The committee sustained the objection.

Q. Do you know of any other acts of violence committed on republicans?—A. No, sir; I don't know of any other which I can call to mind now, except general insults.

Q. State what you know of them.—A. I heard the republicans insulted at Newberry the time of their meeting there. That is all. I have kept away from public meetings, and it was a mere chance that I happened to be passing through there that day.

Q. If there is any other fact which is within your own personal knowledge, showing violence towards republicans, or intimidation, you may state it.—A. No, sir; I don't know of any other fact within my personal knowledge.

By Mr. ABBOTT.

Q. There is no fact of violence within your personal knowledge there?—A. Yes, sir.

Q. What is it?—A. I have stated it, sir, in relation to Newberry.

Q. Did you see anybody shot at or anybody struck? What violence did you see?—

A. I should think it came very near violence, the matter I have described.

Q. Did you see anybody shot or struck at?—A. I did not.

Q. And you never have seen anybody hurt at the South since you have been here?—

A. Yes, sir.

Q. I mean in connection with political matters?—A. Yes, sir; I have.

Q. Where?—A. At Laurens Court-House.

Q. What was done?—A. I saw two negroes when I was in command of a detachment there four years ago—

Q. O, we will not go back four years.—A. Well, you asked me whether I had seen anything since I have been in the South.

Q. I mean within the last few months or a year.—A. I have not seen any personal violence applied; I mean where any blow has been struck or any shot fired, within the last two years. The last election was a little more than a year ago—about a year prior to the recent election.

Q. You were not present at the meeting at Laurens that you have referred to?—A. I was on the street at the time the meeting was being held. I did not go into the court-house where the meeting was being held, but I was on the streets and saw what was going on.

Q. You saw on the streets a great deal of violence and heard a great deal of noise?—

A. I cannot pretend to say that I saw a great deal of violence. I saw a large number of men, and heard a great deal of cursing and swearing, and saw a great many with revolvers.

Q. What was going on in the house you don't know?—A. I do not of my personal knowledge.

Q. And whether it was a meeting where the time was divided between the parties you don't know?—A. Not of my personal knowledge.

Q. At Newberry, did you attend the meeting?—A. I did not attend it. The meeting was outside.

Q. Did you go near enough to know what was going on?—A. I did.

Q. Who was speaking?—A. I saw Mr. Carpenter trying to speak, and I saw Professor Greener trying to speak.

Q. Did you leave before they stopped?—A. I did. I passed several times back and forth through the square. I did not stop to hear them because I had nothing there of interest, but I heard them both trying to speak, and I saw the crowd there making such demonstrations and so much noise that I know I could not hear a word that was said.

Q. But they continued to speak until you left?—A. They were trying to. I saw one of them come down and say that he would give it up.

Q. Well, the meeting was not broken up when you left?—A. No, sir; it was not.

Q. There were drunken people, a good many of them, around there, were there not?—

A. Probably nine-tenths of them were so.

Q. When you went down to the station, how many men were there who made these demonstrations toward you?—A. It would be impossible for me to state.

Q. About how many—fifteen or twenty?—A. More than that.

Q. They were on horse and you on foot?—A. Yes, sir; I was walking.

Q. If they had tried really to ride you down, those fifteen or twenty horsemen, could not they have done it?—A. I have no doubt that they could. They did not try it very hard until I was near enough to get on the platform.

Q. If they had been really in earnest they could have succeeded, they being on horse-back and you on foot?—A. Undoubtedly they could.

Q. That is what I want to get at, whether, if the attempt had been prosecuted in real earnest fifteen or twenty horsemen could not have ridden down one man on foot.—A. There is no question about that.

Q. And most of the men were drunk?—A. Most of them were, I think.

COLUMBIA, S. C., December 26, 1876.

GEORGE S. STEPHENS sworn and examined.

By Mr. LAWRENCE :

Question. What is your age, and where do you reside?—Answer. In Union County, in this State. I am 24 years of age.

Q. What office did you hold at the last presidential election?—A. United States deputy marshal, at Goshen Hill precinct.

Q. What time did you reach the voting-place on the day of election?—A. I didn't reach there until 7 o'clock.

Q. What occurred when you reached there?—A. As soon as I got off my horse a party of democrats came up to me and drew their pistols on me and shook their fists in my face and dared me to open my mouth. One of them snatched my marshal's badge and stampered it in the dirt. He said he didn't give a damn for United States marshals nor nothing else, and dared me to attempt to arrest any of them.

Q. State whether any voting was going on when you got there?—A. Yes, sir; it had been going on for some time before I got there. The republicans were prohibited from voting at the time I got there.

By the CHAIRMAN :

Q. At 7 o'clock in the morning?—A. Yes, sir; and the democrats were crowding the polls, and several remarks were made by several parties that no damn republicans could vote there that day, and if they did vote they could not have any land to work in that county, nor should not live in the county. I am sure there was a good many seeing the men with pistols on them and about half-drunk that got frightened and would not vote, and they left.

By Mr. LAWRENCE :

Q. Were any of the men armed?—A. O, yes; they had their pistols all around them. Where the ballot-box was was a small room, and in the room joining that there was fifty or sixty guns stacked up in the corner.

Q. Who had charge of the guns?—A. That I don't know.

Q. Did you see any colored men there that day armed with pistols or other weapons?—A. I did not.

Q. How many white men did you see have pistols?—A. All the white men there.

Q. What sort were the guns stacked up in that room?—A. They looked to be sixteen-shooters and breech-loaders.

Q. Did you make any effort to remove the obstructions from the polls, so as to give the voters an opportunity to vote?—A. I asked one or two to give way to let the voters come up, and they told me to hush my damn mouth, and said they were going to rule matters that day, and no marshal or anybody else could have anything to do with it.

Q. What do you know of republicans, who had come there to vote, going away without voting?—A. I know as many as seven or eight went away without voting, and there was a great many that I know, on account of being intimidated the day before the election, didn't go to the polls at all.

Q. Were they colored men who resided in that neighborhood?—A. Yes, sir.

Q. That was their nearest voting-place?—A. Yes, sir.

Q. To what extent were these colored men who remained away from that polling-place men who lived in that precinct?—A. To my certain knowledge about fifty or sixty.

Q. How long did you remain at the voting-place?—A. Until three o'clock.

Q. Why didn't you remain longer?—A. I could not remain. I was told that I had better leave; if I did not I would be killed, and the men were going around. In fact, before this time, several rows occurred there among republicans and democrats, though no one got injured at all. The colored men ran out of the way. One democrat came up to me and said, "Now, by God, you marshal go to work and stop this fuss." I says, "It is impossible for me to do that; here is seventy-five to one hundred men against me; if you desire order and peace, and will assist me in keeping order, I will do so; but it is no use for me to attempt it, and you know it." They says, "Ain't you

marshal?" I says, "Haven't you, eight or ten of you, told me that I was not to arrest any one at all?" Then, about one o'clock, four or five from Newberry, the adjoining county, came over mounted, with red shirts and two or three pistols on them. One of them came up to the precinct and said, "We are going to vote here to-day. Where is that son of a bitch of a marshal that is here?" Another democrat replied, "He sits in there." Says he, "All we want is the sun to go down, and we will make hash out of him for the dogs." About three o'clock they hoisted the red flag and said that all republicans that were there when that flag went down, they would go down with it. There was a conservative democrat there, and he came to me and told me I had better leave. I asked him why. I told him I was there as marshal, and I would like to stay until the votes were counted. He says, "Well, I tell you I am a friend to you, and you had better go away." Said he, "These fellows have said they were going to do it, and they are fixing up a plan to kill you as soon as the polls close." I said, "If that is the case, I think I had better go." I sent a boy around with my horse, and I went up through the field. In leaving the polls, in order to get away, I told them I was going to my dinner, and that I would be back directly. After I got where my horse was, I went to the little town of Union Court House. After I left, the United States supervisor, who was there, left also, and overtook me before I got to the town.

Q. When you left, how many republicans were there who had not voted, as near as you could judge?—A. About fifteen or twenty.

Q. Do you know whether they remained or left?—A. As many as five or six went off when I went. They did not go the same route that I did, but I saw them going away.

Q. Did you see any violence used upon republicans at the polls that day, either while they were attempting to vote or otherwise?—A. When they would come up to take the oath to vote, the democrats would exclaim, "By God, you will have to go to Georgia if you vote that ticket; you can't live here; we will put your name on the dead-list." There was a man there, the democratic supervisor, and he was taking the names of all who voted the republican ticket, and their names were registered on what they called the dead-list.

By Mr. ABBOTT:

Q. Did you see them registered there?—A. I saw him writing them down.

By Mr. LAWRENCE:

Q. State what that democratic supervisor said to you.—A. Well, he said that those names were on the dead-list; that is why he was taking them down, and that they could not live in that county; and I know myself that five or six families have left there since the election; they could not live in the county. I cannot live in my county, and I cannot ever get back there, either.

Q. What, if anything, do you know of the republican managers not voting?—A. I don't know anything more than what they told me, because I was not there.

Q. What is your place of residence?—A. Union County, right in the precinct. I was teaching school about eighteen months.

Q. How long had you lived there?—A. I had lived in the county about two years.

Q. Where did you come from before that?—A. Aiken County.

Q. Are you a native of this State?—A. I was born in Edgefield.

Q. Have you lived in the State all your life?—A. Only when I was off at school.

Q. How long were you away at school?—A. At one time as long as two years; at another time a year and a half.

Q. State whether you heard threats made against republicans before the election.—A. O, yes; those were numerous. On Monday night, the night before the election, I was going to the precinct from Union, and at a church I passed there was gathered about two hundred democrats, some dressed in black gowns and some dressed in white gowns. In passing, of course, I could not go so as to let them see me, and I went through the woods; but I heard them say, "We are going out to the place called Sand-tuck, and we will kill every radical nigger or make him vote the democratic ticket."

Q. Did you see the crowd of men?—A. I did.

Q. How many were there?—A. A great number; I cannot state exactly, because there were some in the church and some outdoors.

Q. Did you hear any land-owners make threats against republicans who lived on their lands?—A. Yes, sir; the man that lived at the precinct where the vote was taken. I heard him tell his hands that if they voted the republican ticket they could not live with him longer; he would not furnish them any supplies, but they would have to go to their republican friends to get their supplies.

Q. Were you at any republican meeting during the last campaign?—A. Yes, sir; I was at every meeting held in the county. I canvassed the county twice, though I was not a candidate.

Q. How many meetings were you at in the county?—A. We have ten townships, and we held a meeting in every township. Before the election we made about twenty meetings, besides two or three extra meetings at the court-house.



Q. Were any of your meetings interrupted?—A. We didn't hold but five meetings in the county but what we were interrupted. I was cursed several times on the stand for a damn son of a bitch, and dared to speak. On one occasion, at Gold Mine, I was speaking, and there was a gentleman who had run on the republican ticket four years ago, and I was saying something in reference to how many of the republican party was so that as soon as a native of this country would come in they would take him up and give him office. This man said I was a God damned lying son of a bitch, and dared me to open my mouth, and some of his friends ran up and drew their pistols. There was a candidate by the name of Joe Goss between me and them, and he said, "Any man that will take advantage of one man that way is a damn coward; put up your pistols." After I got through speaking they told me they would get me on the way home that evening. I was about ten miles from the county-seat, so I was somewhat afraid to go, still there came up a rain and we ventured to go. I was not molested on the way. At Jonesville, at one meeting, we had some white republicans and white democrats got into a fight, and that broke up the meeting.

Q. Who commenced the disturbance?—A. The democrats cursing any white man that joined the republican party for damned thieves and scoundrels, and a republican white man took it up, and they got into a fight, and that broke up the meeting. On one occasion we went out to a place called Cross Keys, and there was a wagon-load of guns sent out the night before, but Providence seemed to have something to do with it, and the creeks got up and they could not get exactly to the place with the guns.

By the CHAIRMAN:

Q. How do you know that the guns were sent out?—A. I saw the wagon that had the guns in it. It rained until next morning about 10 o'clock, from 12 that night. We republican speakers ventured to go in the rain; we started about 8 o'clock in the morning and we managed to get there. After we got there and opened the meeting there was a good many democrats that lived around the vicinity, and the crowd that went around the meeting and raised the fuss was from Union, but they didn't get there until the last speaker was on the stand, and that saved us, so we did not have any fuss that day. But the second time we went back to that place, about seven days before the election, when I had received my commission as marshal, several men drew their pistols on the speakers, and the republican speaker that was on the stand, after they drew their pistols on him he drew his pistol on them, but I managed to keep down the fuss, being a marshal.

I told them that I was there for the purpose of keeping the peace if I could, and to see that they didn't get into a fuss. There was not a great many democrats there, so we didn't have any fuss more than cursing and drawing pistols. Then on Saturday night before the election at the court-house we were to have a big meeting there, and I happened to be chairman of the meeting. Three speakers had spoken, when there came three or four democrats drunk. Two of them walked up to the bar where the lawyers sat, and one of them drew out a pistol and snapped it at one of the republican speakers. The pistol failed to go off. He struck the pistol on the railing and snapped it at him again; but he had turned around to go off, and the ball passed by his head and went over the head of the republican chairman of the county and struck the wall. At that time four or five that were standing in the door fired, and a general firing took place, and the court-house was cleaned out in about five or ten minutes. One colored man got wounded in the cheek and one in the leg. By that time they all got out on the street, and the republicans were out on the street and began to fire, and the democrats went down to the hotel and got all their guns out. By this time we had some troops there, and they were sent for. The democrats were out on the street going to kill the republicans, and the soldiers came right up just at the moment they started out; so they fell back to the hotel and hid their guns, and the soldiers came up and that saved the peace.

Q. Who were the men that commenced the firing; democrats?—A. Yes, sir.

Q. How many of them were there?—A. There was only one of them that started the firing in the court-house. Eight or ten were standing at the door, and they fired off as soon as he fired; but by the presence of the soldiers the fuss was squelched. The republicans wanted to go back into the court-house and have the meeting there again, but I prevailed upon them not to do so. I didn't think it would be safe. I also asked the advice of the officer, and he said we could have the meeting; he would not object to it; but we would do it at our own risk, and he thought it was safer for us to go home and not have any more meeting that night. So the republicans did that, and the democrats prowled the streets all night in squads, looking for republican leaders. I was in the house peeping through a crack where I could see them. They passed by the house several times. Then on Tuesday was the election.

Q. You live at Union, and have been there two years?—A. Yes, sir.

Q. Were you there at the election preceding the last?—A. I was.

Q. Were you at Goshen Hill precinct at that election?—A. I didn't take any part in the election at all.

Q. Do you know the number of votes cast there?—A. I don't remember.

Q. Don't you know that there was one-third more votes cast there for the republicans than ever before?—A. Well, I know; and I can account for that.

Q. Do you know the fact?—A. I know there was more polled there than ever before.

Q. And a very much larger number of republican votes than democratic votes?—A. Not very much.

Q. Nearly two to one?—A. Well, I don't remember exactly what the vote was.

Q. As you recollect it, was not the vote nearly two to one for the republicans this year?—A. The republicans had only forty-nine majority.

Q. Was not the vote nearly two to one?—A. No, sir; I don't think it was.

Q. What do you think was the proportion?—A. Well, I know exactly how many votes there ought to have been of democrats and republicans.

Q. I do not ask how many ought to have been cast; I ask you whether there was not a larger vote of republicans cast there than was ever cast before at that precinct?—A. Yes, sir.

Q. Having left the polls at 3 o'clock, you don't know what was done there afterward?—A. No, sir.

Q. You did have two meetings at each precinct, you say?—A. Yes, sir.

Q. And two or three additional meetings at Union?—A. Yes, sir.

Q. And there was more or less speaking at those republican meetings?—A. Speaking by whom?

Q. By the republicans.—A. Yes, sir; we had joint discussions at a good many places.

Q. Those joint discussions were agreed upon, I suppose?—A. They were when they were forced upon us. We were in such a condition that we couldn't do otherwise.

Q. They were agreed upon, were they not?—A. Well, I admit—

Q. I don't want you to admit anything; I want you to say whether they were agreed upon or not?—A. To some extent they were.

Q. On such occasions the republicans and the democrats spoke?—A. Yes, sir.

Q. And some drunken men made trouble?—A. All of them were not drunk.

Q. Some drunken men made trouble?—A. Sometimes they were drunk and sometimes they were sober.

Q. When there was trouble there was always some drunken man about, was there not?—A. No, sir.

Q. At that place was there trouble when there were no drunken men around?—A. At Gold Mine there was no drunken man made trouble. I didn't see a man drunk that day.

Q. Nor under the influence of liquor?—A. No, sir.

Q. If you attended two meetings at each precinct, there were thirty meetings?—

A. We had them by townships, not by precincts. Ten townships—twenty meetings.

Q. And two or three additional meetings at Union?—A. Yes, sir.

Q. With the exception of this wounding that you tell of, was there any one else shot or wounded or killed in your presence?—A. No, sir.

Q. What was the name of the man who fired the shot at that meeting as you have described?—A. Bet Vinson. He lives in Union. He is a clerk in a grocery store. He is a young man.

Q. Who were the other men that fired at the door-way?—A. I don't know, sir. I could see the firing, but I didn't know who they were.

Q. Has that man been prosecuted, or has there been anything done to bring him to justice?—A. No, sir; the parties are scared to do it.

Q. Do you mean to say that civil process cannot be executed in that county of Union?—A. Yes, sir; I do mean to tell you that it has been so.

Q. That is, if you got out a warrant for a person you could not execute it?—A. You can't get a man to make an affidavit.

Q. Then you cannot undertake to enforce the law in Union County now?—A. I don't know. I haven't been there since the election.

Q. Did you ever hold any office in your party?—A. I never did.

Q. You were never a candidate for office?—A. No, sir.

Q. You have lived in South Carolina all your life?—A. Yes, sir; only when I went off to school.

Q. Can you give the name of any other person who fired at anybody in that county during the campaign?—A. No, sir; I cannot.

Q. Cannot you give us the names of those democrats who fired so many guns that night, as you have described?—A. No, sir; I didn't say there was a gun fired on the streets. I said that the republicans in coming down out of the court-house fired their pistols.

Q. Some of the other party fired that night, didn't they?—A. No, sir; I said they were ready to fire, and were going to fire.

Q. Did they return the fire of the republicans?—A. Not after they left the court-house, to my knowledge.

Q. So you cannot tell the name of any one who fired, except this one man who started the firing?—A. No, sir.

Q. And you say he was drunk?—A. He acted as if he was drunk.

Q. You suppose he was drunk, do you not?—A. Yes, sir.

Q. You spoke of another man there. Who was he?—A. I don't know.

Q. What was the name of that supervisor that you spoke of?—A. C. W. Wade.

Q. Is he the one that kept the list?—A. He is the one that was at the precinct with me, and had the lead when I left.

Q. Who kept that list—the "dead-list"?—A. His name was Cofield—Jack Cofield, I think. He lives in Goshen Hill Township.

Q. Is he there now?—A. I don't know. I have been away from there for some time. I left him at the precinct.

Q. Have you been before the Senato committee as a witness?—A. No, sir.

Q. Have you been summoned before them?—A. No, sir.

Q. Nor before the United States court?—A. No, sir.

Q. Where were you summoned?—A. I was summoned to appear before this committee here in Columbia.

Q. You have been living in Columbia?—A. No, sir; I came down here about a week ago from Union. I had to leave there.

Q. You remained there from the time of the election up to a week ago, when you left?—A. No, sir; I got here on the 5th of this month.

Q. I understood you to say just now that you got here a week ago.—A. No, sir; I said I was summoned here a week ago.

Q. Where did you come from?—A. I came from Union here.

Q. When did you come from there here?—A. I got here on the 6th of December.

Q. You left there about the 4th of December?—A. Yes, sir.

Q. How long does it take to come from there here?—A. It is a day's ride, and I had to walk thirty miles before I could take the train.

Q. Are you a man with a family?—A. No, sir; I am not married.

Q. Where were you from the November election down to that time, when you left?—A. I dodged about there in town, and out in the country principally.

Q. Did you live in Union, or in that neighborhood?—A. No, sir; a greater portion of the time I lived around in the town, but I didn't come out in the day-time. I staid in the house.

Q. And you lived there where you had lived before?—A. Yes, sir; and I had democrats come up to me and cuss me, and tell me that I had better leave.

Q. I thought you didn't go out of the house?—A. I was standing in the store-door there. I had a room there.

Q. Standing in the store-door. That would be as public a place as you could find in the village, I suppose.—A. I said I didn't hardly go out. I didn't say I never went out.

By Mr. LAWRENCE :

Q. Why did you remain indoors in the day-time?—A. Because I could not be safe outside.

Q. Why did you come away from there?—A. Because it was not safe to live there.

COLUMBIA, S. C., December 26, 1876.

C. A. WINBUSH (colored) sworn and examined.

By Mr. LAWRENCE :

Question. What is your age, and where do you reside?—Answer. I am twenty-seven years old. I reside at Due West, Abbeville County.

Q. Did you vote at the last election?—A. Yes, sir; at Due West.

Q. What, if anything, do you know of threats being made against republicans on the day of the election?—A. There was a good deal on Monday night before the election. On Monday we had a meeting at Due West, and the democrats swore that we should not vote there unless we voted the Hampton ticket on the day of the election. On the day of the election there was not very much disturbance there; very little.

Q. Did you hear any threats on the day of the election?—A. Not much. There was some men that got men to promise on Monday to vote with them, and on the day of the election they didn't want to do it. That was about all I heard. Most of the colored people brought it on themselves. They hadn't no business pledging themselves. That is the way I took it. I thought they was more in fault than the whites was.

Q. Because they promised the democrats to vote for them and then wouldn't do it?—A. Yes, sir.

Q. How far was this voting-place from the court-house?—A. Exactly eleven miles.

Q. Do you know of any threats being made at or before the election, by men owning land, against the colored men living on their land?—A. O, yes; I am always hearing lots of them.

Q. What threats were made?—A. They didn't threaten to kill them.

By Mr. ABBOTT:

Q. State only what you heard the white men tell the black men.—A. I ain't going to tell anything else. They didn't threaten to kill them, but they said they allowed to throw them out; not to employ them; and they ain't doing it neither. They stuck up to that. I heard them say that myself.

Q. Who generally own the land there; the white men?—A. The white men owns it all generally around that place.

Q. They are generally democrats?—A. Yes, sir; there ain't a white republican around there nearer than the court-house.

Q. The colored men are generally republicans?—A. Most all republicans.

Q. Do you know of any republicans who, in consequence of these threats, remained away from the polls and didn't vote?—A. Yes, sir; there was a good many of them that wanted to vote the republican ticket and couldn't get to do it unless they run the risk of their lives, and they staid at home.

Q. How many such republicans do you estimate that there were in that township?—A. There was forty-eight colored men right in the village that didn't vote, and others out in the country. I live in the village, and I know there was forty-eight.

Q. Were you at any republican meetings?—A. Yes, sir; I was chairman there in the school-house in the outer edge of the town.

Q. Do you know of any republican meeting being disturbed?—A. Not in Due West.

Q. Did you have more than one meeting?—A. O, we had meetings there all the time; but they took half the time. They called for half the meeting, and they took it; and there was no disturbance.

Q. Were you always willing to let them have it?—A. The first time they took it they run all our men away but a few of us, who was not so scared of them. All the rest left. That time I was not willing. They took it by force.

Q. Why did those republicans run away?—A. Well, the democrats came with pistols, hallooing and whooping and shouting until they scared them.

Q. Did the colored men have any pistols?—A. Some few; but it would be well not to have them.

Q. Did the democrats have any?—A. Yes, sir; they had them outside of their clothes.

Q. Did the democrats at any of their meetings allow the republicans to discuss with them?—A. O, no, sir; they wouldn't let us have no discussion whatever with them.

Q. How long have you lived there?—A. I have been living there ever since 1868. I moved from Lowndesville, not very far from there.

Q. What business are you in?—A. I am a farmer.

Q. Do you know of any violence inflicted upon any colored man in that neighborhood?—A. There was some, but I won't state it, because I didn't see it. There's a man outdoors there, C. W. Winbush, that can tell you about it. He was with it all the time.

By Mr. ABBOTT:

Q. You never went to any democratic meeting and asked for a division of time?—A. I asked for the time on Monday before the election.

Q. Of whom did you demand it?—A. I didn't demand it; I only asked it.

Q. And they told you they would not let you have it?—A. Yes, sir.

Q. That was the only time you asked it?—A. The only time.

Q. As many republicans voted at Due West as ever voted there before?—A. O, no, sir.

Q. Are you sure of that?—A. Yes, sir.

Q. You were there at the election in 1874?—A. Yes, sir.

Q. And didn't as many republicans vote at this election as voted then?—A. No, sir.

Q. Are you as sure of that as of anything else you have stated here?—A. Yes, sir; I am, because I was manager in 1874 and manager in 1876.

(Mr. Abbott put in evidence the vote at Due West precinct at the election of 1874 and 1876, respectively, as follows: 1874, republican vote, 141; democratic, 160; 1876, republican vote, 141; democratic, 295.)

COLUMBIA, S. C., December 26, 1876.

C. W. WINBUSH (colored) sworn and examined.

By Mr. LAWRENCE:

Question. State your age and residence.—Answer. I live at Due West, Abbeville County; am twenty-seven; I was born there, and have always lived there.

Q. Do you know of any violence inflicted upon republicans by democrats during the last campaign?—A. Intimidation, you mean?

Q. Yes; or violence. Do you know of any republicans being hurt?—A. Yes, sir; I know of one.

Q. State what it was.—A. Well, they had a meeting there over the election, and there was one bruised over the head with a club—a republican.

Q. Who bruised him over the head?—A. It was done by the democrats.

Q. Was it at a republican meeting?—A. There was no meeting at all; it was just in town. There had been a democratic meeting; and we had had one and broke up, and were going home.

Q. What was the occasion?—A. They were talking about the democrats attending our meeting. They were young fellows; all of them. They was talking, and they misunderstood the one what was talking about the meeting; and one of the old men got in a passion, and never waited for this young fellow to tell him his statement about it, but just flew on him with a stick and bloodied him a good deal. That was about the only 'timidation; and I think they made it up afterward.

Q. What, if anything, do you know of threats being made against republicans by democrats?—A. Well, they did say that we should not vote. I was the head man of the box, and the head leader altogether; and they threatened my life several times. They said that if I didn't join the democratic party I would be killed by unknown parties. I didn't join. I told them that I was not working against the interests of them. If I was I didn't know it. If I thought I was working against the interests of them and myself, I would readily go with them; but I thought I was working for my own benefit and the benefit of them.

Q. Do you know of any threats being made by men who owned land, against republicans who lived on their land, in case they should vote the republican ticket?—A. Well, I don't know of any threats being made exactly on that occasion, coming out plain to say you could not stay if you didn't vote with them; but it had been said that if you didn't vote with them you couldn't work on the land; and several of them were throwed out, or they asked them to get out.

COLUMBIA, S. C., December 26, 1876.

W. P. RUTHERFORD (colored) sworn and examined.

By Mr. LAWRENCE:

Question. Where do you reside?—Answer. In Laurens County, in Hunter's Township. Clinton is the nearest voting-place to me.

Q. Where were you on the day of the election?—A. At Laurens Court-House.

Q. State what, if anything, you know of obstructions being thrown in the way of republicans voting that day.—A. On the morning of the election I went around to four polls, and found them crowded with democrats, armed with pistols and clubs, and they would raise their clubs over the heads of the republican voters in a threatening manner. They were yelling and cursing, and those that voted there voted with the sticks over their heads, as if they were going to be struck every minute. The polls were very crowded, and it was with difficulty that any one could get near. It was crowded with democrats. All I saw were armed with pistols and had red shirts, except those that I saw on horses, which had Winchesters and pistols.

Q. How many armed men were there on horseback?—A. I really can't tell. The majority of them got off their horses and hitched them just as they came into town. I only saw five or six ride into town with their Winchesters. The others got down off their horses and carried their Winchesters under blankets to the different stores.

Q. Were you at the polling-place during the day?—A. I was there the whole day.

Q. What do you know of colored men who came there to vote, but went away without voting?—A. I noticed one particular instance in which fourteen colored men left the polls. Fifteen colored men came up to vote. One of them walked up to the poll and went in and voted, and just as he voted a lot of democrats jerked him down and said, "You damn rascal, you voted twice," took him to a trial-justice's office, and I suppose got a warrant for him and put him in jail.

Q. What became of the fourteen republicans that were with him?—A. They left town right away. By that time they got the impression among the colored people

that if you voted the republican ticket it was a crime, and you would be put in jail for it. There was several put in before that.

Q. What do you know of republicans who had failed to get an opportunity to vote before leaving in the evening?—A. I disremember any particular occasion.

Q. Do you know of other republicans leaving besides those fourteen?—A. None that I can name. There was several came to me and told me that they could not vote, and gave their reasons for not doing it.

Q. Do you know of any colored men who came there to vote, going away without voting?—A. Yes, I know there was some that went away without voting.

Q. How many would you estimate did that within your personal knowledge?—A. I presume there was about twenty-five or thirty.

Q. State whether you found this obstruction of the polls by the democrats at more than one of the boxes.—A. I found the same thing at all four boxes in the village.

Q. What, if anything, do you know of colored men being taken away from the polls by democrats when they were attempting to vote?—A. I saw one or two instances where colored men were led from the polls by democrats and their tickets taken away from them. I was not near enough to hear what they said, but their tickets was taken away from them, and a conversation ensued between the democrats and them, and they went back and voted the democratic ticket, and others did not vote at all.

Q. And did not vote during the day?—A. No, sir.

Q. Were the democrats who talked with those republicans who voted the democratic ticket the owners of land on which the colored men lived?—A. I can't tell that on that day.

Q. What do you know, if anything, of threats being made to colored men before the day of the election?—A. I know a great deal. The first threats I heard were made in a general way in a speech by Col. W. B. Ball, at Laurens Court-House, at the time the democrats broke up a republican meeting. He said that they did not intend to employ any colored man or republican that voted for the republican ticket or voted for that damned thief Chamberlain. I also heard Mr. R. C. Watts make a speech at Clinton, and he said, in these words, "We democrats do not intend to employ any of you colored people who votes the republican ticket." He said that South Carolina belonged to the democrats, and they intended to have it. I also heard Mr. R. S. Finley, at his plantation. He entered into a conversation with me. I declined to talk politics to him. There was three or four men that worked on his place, and he commenced to talk to them, and he told them that if they voted the republican ticket they would have to leave; he could not employ them any longer; that he could not be disregarded by his own party for them; that he would like very well to keep them, but if they voted the republican ticket they would have to leave. I also heard Mr. Bell make the same remark, the postmaster at Clinton, and Mr. West, a merchant there. These were all leading democrats. There was another man, too, Mr. Harris.

Q. Did they all live in that precinct?—A. Yes, sir; except Mr. Watson and Mr. Bell, who lived in Laurens.

Q. Were you one of the county canvassers in Laurens County at the last election?—A. I was.

Q. Did you sign the county canvassers' return?—A. Under protest, I did.

Q. You added these words: "I hereby sign this paper under protest—W. H. Rutherford?"—A. Those were the words I used.

Q. Why did you append your protest?—A. Because I did not believe that the republicans had a fair chance to vote, and I believed the election to be a fraud. Therefore I declined signing, and would not sign it at all had I believed I would have been safe in refusing.

Q. Who else signed the return?—A. Mr. W. L. Boyd.

Q. Why did not the other manager sign?—A. He were not there.

Q. Why was he not there?—A. He left the morning before for Columbia.

Q. Do you know why he left?—A. To my personal knowledge I do not; but I suppose from fear of personal harm.

Q. Has he lived there since?—A. No, sir; he was a resident of that county.

Q. But he has not lived there since the election?—A. No, sir.

Q. How long have you lived in that county?—A. About six years.

Q. Where were you born and raised?—A. In Macon, Ga.

Q. How long have you lived in this State?—A. Since the first of 1870.

Q. Do you know anything of republican meetings being interrupted during the last campaign?—A. I do, sir; at a meeting of the republicans called at Laurens Court-House. There was a very large crowd of democrats mounted and armed with pistols, and they proposed to divide time, which we declined at first to do. But they said if we didn't divide time, why they would take it all; and so, to keep down a fuss, we consented to divide time with them. We went in the court-house and we allowed their speaker, Mr. Ball, to speak first. He spoke, and the republicans all kept very quiet until he got through. Just as soon as our speaker was introduced, then the row commenced. Our speaker was insulted, and called all kinds of names, and our candidates

were cursed, and finally they surrounded the desk where our speaker was standing, and they were cursing and shaking their pistols and drawing them, and finally they knocked one of the colored men in the head with a pistol, and that broke up the meeting. We all went, retired, left them in possession, and they organized a meeting of their own. This was in the day-time.

Q. Were the republican speakers able to proceed with that meeting?—A. No, sir; we had to leave.

Q. Who made those interruptions?—A. The democrats.

Q. Were you at any other republican meeting?—A. I were.

Q. Where?—A. At a township meeting I called in Hunter's township. Just before we met, a company of democrats, a red-shirt club they called the Martin's Depot Mounted Rifle Club, came up with a yell, shouting and hurrahing for Hampton. They hitched their horses and sent for me. I came to them. They commenced talking to me that I know very well that Chamberlain was a damned rascal and thief, and had stolen money from the State. I cut them short and told them I did not propose to talk politics to them. They said, "We came here to speak. We don't want to have a row. We want to divide time. We want these colored people to hear both sides of the question." I said, "I do not propose to have anything to do with it," and I walked off. They went into conversation with others, and after a while some of our people came to me and said they believed that it was best to divide time with them for fear they would break up the meeting, and we could not nominate our delegates to the county convention; so I consented that after that meeting was over we would have public speaking, which was agreed to, and it went on very well, only that they would interrupt us now and then.

Q. Were you able to have meetings wherever you desired?—A. No, sir.

Q. How many places were republican meetings appointed that could not be held?—A. I myself did not call any other meeting; but there were meetings at other places.

By Mr. ABBOTT:

Q. You were not there?—A. No, sir.

By Mr. LAWRENCE:

Q. Did the democrats allow the republicans to take part of their time at their meetings in any instance?—A. Only once that I know of. That was at Clinton. They had a little meeting there one evening, and I happened to be there. They invited me to speak after their speakers were through. They said they would hear me. I got up to speak and they interrupted me a great deal, and finally I stopped and got down and walked off.

Q. Were you able to finish your speech?—Well, sir, I suppose I could have finished it if I had went on and not minded their demonstrations; but I did not feel safe in going on.

Q. Did you finish your speech?—A. Well, I finished what I said; but I did not say what I would like to have said. I had to be very timid in what I said, and very particular. I could not speak my opinion.

Q. State whether the colored people of your county are generally timid and easily alarmed by threats?—A. Very timid, sir.

Q. Have you ever known any instance where they commenced a difficulty or were engaged in violence against the democrats which they commenced?—A. I never have.

Q. If you know of any other fact which has a bearing upon the subject we are investigating, you may state it.—A. There was a man killed at Clinton a while before the election.

By Mr. ABBOTT:

Q. Do you know anything of your own knowledge about that?—A. I know he was killed.

Q. You heard of the circumstances from others?—A. I saw where the bullet went through him; I did not see him killed.

By Mr. LAWRENCE:

Q. Was he a republican, and a colored man?—A. Yes, sir.

Q. Do you know how he was killed?—A. Not of my own personal knowledge.

Q. Did you see any wounds on him?—A. No, sir; he was lying on the ground, and I could not see to his skin.

Q. How soon after he was killed did you see him?—A. That night; he was lying on the sidewalk in Clinton.

Q. Was there anybody arrested for that killing?—A. No, sir.

Q. Was he bleeding?—A. I really don't know, sir; it was very dark and I couldn't tell. It was very crowded round him at the time, and I could only look over their shoulders and see him lying on the ground.

Q. Had he been recently killed?—A. Yes, sir; about 4 o'clock, I think.

Q. What became of him?—A. I don't know.

Q. Did you know him ?—A. Yes, sir.

Q. What was his character as a peaceable man ?—A. I never heard anything of him, only I heard that he was a man that would drink sometimes ; I never saw him drunk.

Q. What was his character as a peaceable, harmless man ?—A. I never heard anything at all about his character.

Q. Was he regarded generally as a peaceable, harmless man ?—A. O, yes ; when I say that I don't know anything about it, I mean that I never heard of his being in any trouble or difficulty.

Q. You are not able to state of your own knowledge the means by which he was killed ?—A. No, sir.

By Mr. ABBOTT :

Q. You were only present at the voting-place in Laurens on the day of the election, where there was a United States force stationed ?—A. Yes, sir ; it was about three blocks from the court-house.

Q. There were four voting-places in town ?—A. Yes.

Q. Was that force stationed so near that it could be easily called upon at any one of the voting-places ?—A. The nearest box, I suppose, was about three blocks off, and the others were three or four.

Q. The first was not half a mile from any of the voting-places ?—A. I guess not.

Q. Were there not more republican votes cast in this year than ever were cast before ?—A. I do not know.

Q. Were you present at the election in 1874 ?—A. I was not.

Q. Did you not live there at that time ?—A. I did ; but not in the village. I lived about fifteen miles from there.

Q. You did not vote at Laurens at that election ?—A. No, sir.

Q. Don't you know that the vote at Laurens this year was larger than ever before ?—A. I do not—wait a moment, I will take that back. Do you mean the whole county ?

Q. No ; I mean the four voting-places in Laurens town.—A. I don't know that ; but I suppose there were, on account that we advised all the republicans to come there, but I can't swear that they all voted there.

Q. What is your business ?—A. I am a school-teacher, and I farm too.

Q. Do you belong to the Union League ?—A. I do not.

Q. Have you ever belonged to it ?—A. I have not.

Q. Or to the United Brethren ?—A. I have not.

Q. Or to the Laboring Union ?—A. I do not belong to any society.

Q. Have you a family ?—A. I have.

Q. You have remained in Laurens ever since the election ?—A. No, sir ; I left the Friday after the election.

COLUMBIA, S. C., December 26, 1876.

IRA W. RICE sworn and examined.

By Mr. LAWRENCE :

Question. What is your age ?—Answer. Twenty-seven years.

Q. Where do you reside ?—A. At Laurens Court-House. I have lived in the county all my life.

Q. What business have you been engaged in there ?—A. I have been clerk of the court for the last five years.

Q. Do you know of any colored republicans being killed during this current year ?—A. Yes, sir ; I know of some.

Q. Where ?—A. In Laurens County.

Q. Whom ?—A. Butler Putman was killed. That was the only body that I saw after he was killed.

Q. Did you see his dead body ?—A. Yes, sir.

Q. How had he been killed ? Did you see any marks on the body indicating how he had been killed ?—A. Yes, sir ; he had been shot, I think, seven times, and it was thought by some that he was shot—

The CHAIRMAN. Confine the witness to his own knowledge.

By Mr. LAWRENCE :

Q. Where was his body ?—A. It was at his house when I saw it. It was about thirteen miles from the Court-House. It was near the road.

Q. Did you see any marks of violence on the house ?—A. Yes ; there were several shots in the house—bullet-marks.

Q. When was this ?—A. About the 23d or 24th of August last. He was a colored man.

Q. Do you know, of your own personal knowledge, the circumstances under which he was killed ?—A. Yes, sir.



Q. What were they?—A. Parties went to his house—

By Mr. ANNOTT:

Q. Were you there to see them?—A. I was not there, sir, the night he was killed.

By Mr. LAWRENCE:

Q. Do you know of other colored men being killed?—A. Yes, sir.

Q. How many?—A. About five others. That was the only body that I saw.

Q. Were you at the funeral of any others?—A. No, sir.

Q. Do you know, by general report, of the death of other colored men by violence?—A. Yes, sir.

Q. How many others?—A. I think there was about five killed.

Q. By violent means?—A. Yes, sir.

Q. All colored men and all republicans?—A. Yes, sir.

Q. During this current year?—A. Yes, sir.

Q. In what months?—A. In the months of August, September, and October. I think the first was killed, perhaps, along about the first or middle of July.

Q. What do you know, if anything, of threats made by democrats owning land, against republicans living on their lands, in case they should vote the republican ticket?—A. I know that threats have been generally made.

Q. Did you hear threats made?—A. Yes; I heard threats made on the day of the election.

Q. What were they?—A. Well, on the day of the election, the employers generally at the box where I noticed got near the box where the ballots went in, and when the employes came up to vote they would say if they voted the republican ticket that they should not go back to their plantations, and they would have what they had on the places put out in the road.

Q. The employers were the white democrats?—A. Yes, sir.

Q. The employes were colored men—republicans?—A. Yes, sir.

Q. Who owned the principal part of the lands in your county?—A. The white democrats.

Q. How are the colored men of the county generally employed in working on the lands?—A. They work on the lands for shares of the crops.

Q. What effect did the condition of things which prevailed at a preceding election have in keeping colored republicans from going to the polls to vote on the day of the election?—A. I think it had the effect to keep a great many from the polls, and it forced a good many to vote contrary to their wishes, and a great many that did vote the republican ticket have since been discharged. I know that of my own knowledge. I was up home a week ago, and a great many persons that voted the republican ticket have been discharged in accordance with the threats, and a good many have been discharged and have not received their portion of the crop.

Q. Do you know whether they continue to reside at the same places where they resided before the election?—A. They had moved. One family that I speak of now had moved, and the other had been out hunting a home, and hadn't been able to find one.

Q. Were you a candidate for any office at the last election?—A. Yes, sir; I was a candidate for re-election as county clerk.

Q. Where have you lived since the election?—A. I have been in Columbia pretty much since the election. I went up about ten days ago, or intended to return home about ten days ago. I didn't get to the court-house. I got within eighteen miles of it, to the place where I am interested in the rent of, and I stopped there a day or two. That is as far as I got.

Q. Why didn't you go to the court-house?—A. Well, I was afraid to go; I was attacked while there.

Q. By whom were you attacked?—A. By white democrats, I suppose; at least I would be willing to swear that they were, although I did not see them. The parties attacking me came after 11 o'clock, surrounded the house, and commenced shooting in with Winchester rifles. Several balls took effect in the wall close by where I was, and after firing commenced the men on the plantation there heard it and came to my assistance. The parties were out in the yard. Two of them had got inside of the gate, and the others were out on the road on horseback. They fired fifteen or twenty shots. I think the parties that fired walked in the yard and saw pretty nearly where I was, because the balls came near where I was; one of them struck the chair I had rose from; and next morning I saw the tracks in the yard.

Q. How were the shots fired into the building?—A. It was a room attached to the main building, and the shots came through the door into the opposite side.

Q. What kind of a door was it?—A. It was a door made of boards; not quite so thick as these doors; there was a little crack under the door where you could see my position.

Q. How near to you did their shots come, besides the one that struck the chair on which you were sitting?—A. Three of the balls came very near my head, and went into the wall about where my head would have been leaning against the wall.

Q. State whether, in consequence of that and other facts within your knowledge, you are afraid to return to your home?—A. Yes, sir; with other threats, some personal threats, and some threats to others that have been sent word to, &c.

Q. Do you own property?—A. I have no real estate there. I own personal property.

Q. Have you a family?—A. Yes, sir; my family was in the house at the time of the shooting.

Q. How many children have you?—A. One child only.

Q. What, if anything, do you know of republicans going to the voting-place on the day of the election and going away without voting?—A. There was a large number of republicans that came to the polls to vote with the intention of voting the republican ticket, and that were, I might say, so intimidated that they did not vote and went home. The mode of intimidation on the day of the election was in every form imaginable. The first form I have stated—the employers getting near the polls and telling the employes what the consequences would be. Then I saw a man at precinct No. 1, Mr. Langston; he had a very large stick, and he got up very near the polls, and when a republican would come up to vote he would call out his name and make him tell what place he lived on, and he would ask back to the crowd if there was any objection to this man voting; he would wait a minute, and if any objection was made, if anybody said he was too young, or he had been in the penitentiary or stole something, or broke a contract, no matter what it was, if there was a voice heard against him he had to stand aside, and that, of course, made the process of voting very slow. I noticed, however, that when a democrat came to vote those questions would not be asked. A great many that stood around saw that slow process, and they went off. Another form was that they would arrest them. They had a company of men that seemed to have been appointed for that time to arrest any man that they could get any clew on, especially if he was a republican, and they would march him around the streets two or three times and then carry him off to a justice of the peace's office for attempting to vote illegally. A good many of the others seeing that, were frightened and went off. Then I saw also men offering money for men to vote the democratic ticket. Men would be in a line trying to make their way to the polls to vote, and the democrats would call them aside and take them off—not aside either. I was at the court-house nearly all day and I stood in the court-house door, and when the lines went up to the box I could see the process. Those are all the forms that I can remember now, but every effort was used to prevent voters from voting the republican ticket. That was precinct No. 1, and I understand it was done generally at all the boxes.

Q. Did you attend any republican meetings during the year?—A. Yes, sir. We had one republican meeting at Laurens Court-House. We attempted to have several, but only succeeded in having one during the whole campaign.

Q. Do you know of republican meetings being disturbed by democrats?—A. Yes, sir.

Q. How many?—A. All that we attempted to have until the last one, which was a few days before the election, when the troops were there. The troops didn't go to Laurens until very late. We attempted to have one or two meetings in the country first, but they were overawed, you might say, by the clubs. We could not have them, and never had one successful meeting in the county during the campaign.

Q. If you know any other fact which is material to this investigation, you may state it.—A. I don't know as I do.

By Mr. ABBOTT:

Q. There were troops sent to Laurens?—A. Troops came there very late.

Q. They came there before the election; were they there for a week before the election?—A. Yes; perhaps several weeks.

Q. They were right in the neighborhood of all the voting-places in Laurens?—A. No, sir.

Q. They were within half a mile of any voting-place in Laurens?—A. No, sir.

Q. Do you mean to say that there was any voting-place in Laurens Court-House that was not within half a mile of troops?—A. Yes, sir they were within half a mile at the Court-House.

Q. So that in five minutes' time, if there had been any trouble, the troops could have been called out to any one of those precincts?—A. O, yes, sir; if there had been anybody with authority to call on them.

Q. Well, anybody where there was a row going on could call on the troops?—A. Yes, sir. They could have gotten to the precinct, I suppose, in five minutes.

Q. Were there more republican votes cast at the last election at the four precincts in Laurens than ever before?—A. O, no, sir; not by a great deal.

Q. You were there in 1874?—A. Yes, sir.

Q. You are as sure of that as you are of anything else that you have sworn to?—A. What is the ques ion?

Q. Were there not more votes cast at the four precincts than ever before?—A. O, no, sir; just the reverse.

Q. Didn't the republicans in this year, 1876, at those four precincts, cast more votes than they cast in 1874?—A. No, sir; I think not.

Q. Do you know anything about it?—A. Yes, sir; I profess to know.

Q. Are you as sure that they did not as you are of any other fact?—A. I am sure of this.

Q. Answer my question. Are you as sure that they cast fewer votes in 1876 at the four precincts together in the town of Laurens than they did at the election before in 1874 as you are of any fact that you have sworn to to-night?—A. Well, I am pretty sure of this: I am pretty sure that the vote ran far behind what it has in the previous year.

Q. Now, are you as sure that the republican vote ran far behind what it had been in 1874 as you are of any other fact that you have sworn to?—A. Of course I was not a manager, and I had to leave very soon after the voting was over; but it is my belief that the vote, taking them all together, ran far behind. It might have in this way, by the democrats crowding one particular poll, that might have forced the republicans to other polls.

Q. Taking all the polls together, you said that you were just as sure as you possibly could be that at this election fewer votes were cast?—A. O, yes, sir.

By Mr. LAWRENCE:

Q. You said fewer votes in the county?—A. Yes, sir.

By Mr. ANNOTT:

Q. No; I did not say a word about the county; I confined you to the court-house.—

A. I don't know about the returns.

Q. Never mind the returns; take the votes cast.—A. I think all the precincts ran behind the usual vote.

Q. So that the four together cast less than the vote in 1874?—A. Yes, sir; I think so.

Q. And you were present in the town of Laurens when the voting was going on?—

A. I was at precinct No. 1.

Q. Didn't you go to any other precinct?—A. I did not go until late in the afternoon.

Q. You did go some time or other to other precincts?—A. I went to one other precinct late in the afternoon.

Q. To any other but one?—A. No other.

Q. And your whole knowledge is confined to two precincts?—A. No; I know generally about all the precincts.

Q. I am asking you what you know from having been there; your knowledge is confined to two precincts?—A. No, sir; I didn't say that.

Q. Were you at any of the precincts except those two?—A. I don't remember now being at any but those two.

Q. Don't you know that you were not at any other precinct except two that day?—A. No, sir; I do not. I might have gone around the precincts; they were very near together.

Q. I don't ask what you might have done; you told me a little while ago that you never went to but two precincts.—A. No; I didn't tell you any such thing.

Q. You said you staid at No. 1 all day until late in the afternoon?—A. Yes, sir; and then I went to another, and I might have gone—I remember that I staid pretty much all day at No. 1, and then went to another precinct.

Q. Did you go to any other but this one that you have mentioned?—A. It is my recollection now that I did not; I might have done so.

Q. I do not ask what you might have done; you went to only two precincts, as you now recollect?—A. That is my recollection now.

Q. Then you do not know from having seen anything of the other precincts at all; you did not go near the other two?—A. They were all very near together.

Q. Did you go to the others that day, as you recollect?—A. My impression is that I was only in sight where I could see what was going on at these two precincts. Three of these voting precincts are in the court-house.

Q. So that you could see them all?—A. No; I could not see them all at the same time. I could see them by turning around.

Q. Well, you could see them all in the course of the day?—A. Yes, sir; take, for instance, No. 1 at this door, No. 2 at another door; you might place yourself so as to see what was going on at those.

Q. Well, you did see what was going on at the different precincts?—A. Generally, I did.

Q. Then you did see what was going on at the other two precincts?—A. Yes, sir.

Q. You remained in town after the vote was declared, did you not?—A. No, sir; I don't think the vote was declared at all.

Q. Didn't you hear of the vote?—A. No, sir.

Q. Didn't you ever hear of the vote?—A. I don't believe I ever heard the official announcement of it.

Q. Did you ever hear what the vote there was?—A. I don't believe I ever heard what the vote was.

Q. Don't you know whether you ever heard it or not?—A. My impression now is that I have not.

Q. From your general knowledge, was your republican vote larger in 1876 than it was in 1874, or smaller?—A. O, it was smaller, a great deal.

Q. You are sure of that?—A. Yes, sir.

Q. As sure as of anything else that you have sworn to?—A. Well, I don't know that I am as sure as of anything else, because I had nothing to do with the official count.

Q. But from your knowledge of what was going on in voting, are you sure as you are of any fact you have sworn to?—A. No; I am not as sure of that as I am of this intimidation at the polls that I saw, because I took notice of that and took no notice of the count of the vote, and I don't know that I asked any one the official result.

Q. You feel very sure of the fact that there were fewer votes?—A. Yes, sir; I think there were.

Q. And you were a candidate for an office, and had some interest to know about the votes cast?—A. I was a candidate for office.

Q. And for that reason you had some reason to see about the number of votes cast; to see if you were elected.—A. Well, I could have found out by observing the manner of voting in two hours after the polls opened, that I was not to be elected.

Q. Well, you had some interest in the election, because you wanted to know about your own election?—A. Well, any one could have known that there was no chance of any one being elected that those who had control of the polls were opposed to.

Q. Do you hold any other office under the republicans?—A. No, sir.

Q. Have you ever held any?—A. No, sir.

Q. Did you keep any account of the votes this year?—A. No, sir.

Q. So that any opinion you might give is a mere guess from what you saw?—A. Yes, sir.

Mr. Abbott put in evidence the republican vote at Laurens Court-House in 1874 and in 1876, as follows:

Republican vote, 1874, 1,062; republican vote, 1876, 1,160.

Adjourned.

COLUMBIA, S. C., December 27, 1876.

M. C. BUTLER sworn and examined.

By the CHAIRMAN:

Question. Please state your age and place of residence.—Answer. I reside at Edgesfield. I am forty years of age.

Q. Where were you on the day of the recent presidential election?—A. At Edgesfield Court-House.

Q. Please state, in your own way, the facts that came under your observation in regard to the conduct of the election at that place on that day.—A. I reside a mile from the Court-House, on the road leading to this city. At Edgesfield Court-House there were two voting-precincts, No. 1 and No. 2. Precinct No. 1 was in the court-house. Precinct No. 2 was at a negro school-house, about half a mile away, but within the corporation limits. I got to the Court-House about seven o'clock, or perhaps a little earlier. I found quite a number of white men and also quite a number of colored men at the polls. I did not go inside of the court-house. The entrance to it is by a flight of steps fifteen or twenty feet high. The box was inside of the court-house, and the door was closed, and nobody was there but the managers and the supervisors, and perhaps one or two challengers on each side, and the voters were admitted as the managers saw fit—from five to ten at a time. After I had been there some little time, Colonel Randall, of the Army, came out to where I was standing on the square in front of the court-house steps, and said to me that a deputy United States marshal had reported to General Brannan that the polls were obstructed and that the people were not allowed to vote. I said I had no knowledge of anything of the kind; that I was there simply as a citizen; that I had heard no complaint from the managers; but he could of course examine for himself. He looked in that direction and said, "I see the voting still going on. I see no obstruction." I said, "I think that upon examination you will find none." I then said to him that perhaps one of the grounds of the complaint was that hitherto the negroes in very large numbers had generally got possession of the poll at that place early in the morning so that the white people could not get access to it until mid-day or later, and that on this occasion we had taken time by the forelock and got there first, and proposed to retain possession of the poll until we got done voting. He said he saw no objection to that, and he went back and reported to General Brannan, I suppose, and denounced this man for making a false report. I went from precinct No. 1 to precinct No. 2 at about ten o'clock. I was under the impression that I reached there at an

earlier hour, but by conversation with Colonel Randall and others I am satisfied that it must have been about ten o'clock. There were some white men voting at that poll and some colored men I suppose. I did not go into the house at all. Just as I got there I saw that there was a row about to begin. The first thing that attracted my attention was a negro man with a pistol in his hand, and some commotion among the whites and the colored men. I rode up to him and said, "Put up your pistol; there is no occasion for it here." He made some reply and rather backed himself toward the fence, and I ordered a young man named Dr. Sheppard to arrest him. We had taken the precaution to have several persons deputized by the sheriff to preserve the peace. I had an authorization of that kind in my pocket at that time. Dr. Sheppard arrested the man and carried him off, and the difficulty subsided.

By Mr. LAWRENCE:

Q. You were a deputy sheriff?—A. I was, and so was Dr. Sheppard. After the difficulty subsided I went back down the street and in a very short time General Brannan sent up a company of soldiers, commanded by Captain Kellogg, and when I got back the soldiers had possession of the poll—that is to say, they had sentinels in front of the door. The white men were off on either side, some mounted and some dismounted. They were nearly all on foot strung along the fence. I got off my horse. There was a very small area between them and the crowd of negroes, who were rushing very earnestly to get at the poll, and Lieutenant Hoyt, with his sentinels, was in this area. I am speaking now of precinct No. 2. I got off my horse and walked into the space which was occupied by Lieutenant Hoyt and his men. The sentinels would take their bayonets and push the people back, and in some instances they would strike them over the head with the butts of their muskets. Lieutenant Hoyt himself would sometimes come and push them back. The area was diminishing in size, and I suggested to the lieutenant that he needed two more sentinels, and furthermore, that in my judgment the best way to preserve order would be to open a space from the front of the door to the fence. He sent an orderly to Captain Kellogg, who was about fifty yards off, I suppose, with his company in line, for two more sentinels. When they came he made a sentinel go forward and push back the people and open an avenue, and then they had no more trouble. The managers were inside, and the point of egress for voters was at a window. There also two sentinels were placed. The lieutenant would go around and select from the circle of colored people ten at a time, (the managers said they could dispose of ten at a time,) and in that way they voted until six o'clock in the evening. This was the only incident at that polling-place that I now remember. I went back to precinct No. 2 about four or half past four o'clock. The whites had given up that precinct entirely to the negroes, and were voting at precinct No. 1. I got down there about half past four. Somebody came up and said that the negroes were all coming back to poll No. 1, and I looked down the street and saw a column of, I suppose, 250 colored people coming up. As the crowd came up I rode down about one hundred yards across the square to meet them, for I was apprehensive that if they came there and rushed up the steps there would be a collision. In the mean time quite a number of men had come in from the country to report the result of the vote there, and I suppose there were from 100 to 150 white men in the square. As I rode down I recognized two of the negroes who had told me at precinct No. 2 that they had voted. I said to one of them, "You voted down there?" and he said, "Yes," and immediately got out. About the same time the other came out and I said to him, "You voted down there, too, sir, for you told me so." He said, "Yes, I did." I rode around to General Brannan's headquarters to remonstrate. I went into his office, and there I found Lawrence Cain, the republican candidate for senator, and I said to General Brannan that I protested against conduct of this kind. I said, "I have been here all day trying to preserve order, and I protest against bringing these people back here to produce a collision after they have occupied poll No. 2 all day; it is not fair, it is not right." General Brannan said, "Well, gentlemen, of course they must be allowed to vote." I said, "Certainly; and if there is any one here who wants to vote let him go with me and I will see that he does vote." Mr. Sheppard said the same thing. In the conversation I used some language that was perhaps rather more graphic than polite, because I was very much provoked. The voting went on until six o'clock. In the mean time the people were coming in from the country, as I have stated. The circumstances I have stated are the only ones of any note that occurred at Edgesfield Court-House that day. My judgment is that it would have been impossible for all the negroes and all the white voters to have voted at those two precincts. I said to General Brannan that the mistake that Cain and the other leaders made was in having the colored people there in such numbers that it was impossible for them to vote. I do not know exactly how many there were, but there was an immense crowd. At previous elections they had turned out in great crowds, and the result had been that many of the white people had to go off without voting at all, so this time we thought we would be ahead.

Q. Were any means used to prevent the colored people from voting, except that the

white people came to the poll first and put in their votes?—A. None whatever that I saw.

Q. I believe you swear each voter here.—A. Each voter. The managers had control of that matter. I took the ground with Colonel Randall, that the managers were the judges of that, and they took their own way and their own time in swearing the voters. As each one came in, they would swear him, and he would deposit his ballot, subject, of course, to challenge and the other legal rights which the people at the boxes had. But if anything more was done than is ordinarily done at elections, I did not know it.

Q. After the way was opened up to the voters at poll No. 2, about ten o'clock, was there any further difficulty in the way of the colored people depositing their ballots?—A. Not at all, to my knowledge. If there was, the officer was responsible for it.

Q. Did you see anything in the way of abuse of the negroes when they attempted to put in their ballots?—A. I have not the slightest knowledge of anything of the kind. When this little *mêlée* was about to occur—which I got there in time to prevent—one or two men were hit over the head. That matter has been investigated by the United States commissioner, and the parties accused have been discharged. I witnessed the affair. Of course, I cannot swear with absolute certainty as to who started it, but the first indication of an attempt to use arms that I saw was the pistol in the hands of this negro man when I ordered him to put it up. He was before the commissioner and gave his testimony, and a young man who was accused of making an assault upon him was discharged by the commissioner, and no further action has been taken in the matter.

Q. It has been stated here that bands of armed men were around the polls, hurrahing and intimidating the colored voters. What do you know of that?—A. I saw none armed there; that is, none armed beyond what is, unfortunately, the habit of our people here. I suppose almost every man carries a pistol. I did not see the pistols, but I suppose they had them on their persons, and I suppose most of the negroes had them, also.

Q. You say it is the general custom of the people in this part of the country to carry arms?—A. Yes, sir; to carry pistols. Beyond that, I saw no display of arms; and I think I may go further and say that during this entire canvass I saw no display of arms.

Q. It was rather understood, then, without any formal arrangement, that the whites having possession of poll No. 1, the negroes should take possession of No. 2?—A. That was the understanding, agreed to, as I thought, by common consent. There was no specific agreement to that effect, but the negroes went off to vote at No. 2, and the white people practically abandoned it. There were, perhaps, twenty or thirty whites there during the day.

Q. Did the white people retain possession of poll No. 1, or continue present in the immediate neighborhood of the poll, to the exclusion of the colored people, any longer than was necessary in depositing their votes?—A. Not at all, sir; there was perfect access to and egress from the polls that day. A statement has been made here in regard to a meeting which was organized at the court-house some time during the canvass. There was no organized meeting. I made a speech there, and so did Mr. Sheppard. The people began to be very clamorous, and we addressed them, but there was no difficulty in anybody's passing that chose to do it. About half past 4 o'clock, I think, the crowd coming in from the country began to be clamorous for me and other popular speakers, and I made a few remarks which were intended to be rather of a humorous character than otherwise. The people were passing up and down the court-house steps all the time, and if there was any obstruction I did not see it. It was immediately before that I went to General Brannan's office, and said that if any of these people wanted to vote, I would accompany them and see that they had an opportunity to do so, and Mr. Sheppard said the same thing.

Q. How large a force had General Brannan there?—A. He had ten companies in the county. He sent one to Shaw's Mill precinct, sixteen miles off, under the command of Captain Falk; he sent one to Liberty Hill, eighteen miles off, near the Abbeville line; one to Richardsonville, about seventeen miles off, in another direction; and one to Ridge Spring, about sixteen miles distant. Captain Keller, I think, was in command at Richardsonville. I am not sure about that, but I remember that Captain Falk, a German, was at Shaw's Mill. I have forgotten who was at Liberty Hill.

Q. Then there were six companies remaining, under command of General Brannan, at Edgefield Court-House?—A. Yes, sir.

Q. How far were they from the polls?—A. Their barrack was fifty or sixty yards from poll No. 1.

Q. How far were they from poll No. 2?—A. They had a company right at poll No. 2. I think all the infantry companies were at the old hotel just across the street from my office, not more than sixty yards from the court-house, and the artillery companies that came afterward were over at the academy in the grove.

Q. You took considerable part in the campaign throughout the State?—A. I was particularly active in Edgefield County. I made a speech in Fairfield County, at

Winnaburgh, on the day General Hampton was there; I made a speech on the following day, I think, at Lexington Court-House; I made a speech at Marion Court-House, in the eastern part of the State, and at Greenville Court-House, in the northern part of the State, and then along the railroad, as I was going to or returning from these different points, crowds would gather, and I would come out and make a few remarks. I made quite a number of speeches in Edgefield County.

Q. What was the general character of the meetings you attended as to peace and quietness?—A. At Winnaburgh there was an immense crowd. The democratic clubs had the habit of coming to meetings mounted. It was so in Edgefield, I know, and I think in all the counties. At Winnaburgh there came with them quite a number of colored democrats, who were also mounted. General Hampton at that place, and, as I understood, at most other places, took special pains to make provision for the negroes immediately in front of the speakers' stand, or, if the ladies were there, he made place for the negroes as near as they could possibly get, as he always expressed a very great desire to talk to them particularly. That arrangement was made at Winnaburgh when I was there, but at Edgefield Court-House, when General Hampton came there, I did not make it. General Gary, who was chairman of the democratic executive committee, requested me to act as chief marshal, for the purpose of preserving order more than anything else, and I declined to make this special provision for the negroes; I took the ground that they must take their chances with other citizens; I did not see the necessity for making any special provision for them; they came in the crowd like anybody else, and took their chances, like others, to hear or not. On that day I was especially anxious to avoid anything like a collision or difficulty. There was a great deal of enthusiasm, and the white men hallooed a great deal; they gave that "rebel yell" which has been talked about so much, and there were a great many such demonstrations as prevail, I presume, in most political campaigns; but in addition to the authority which I had from the executive committee, I took the precaution to get the intendant of the town to give me a special deputation to preserve the peace, and I had occasion, during the day, to arrest two of their men; but if there was any disturbance there it did not come under my observation. There was one young man who was drunk, and who had shot at a negro over on the square. They had got into a personal difficulty, and as soon as I heard of it I sent three of my assistants to arrest him and put him in jail. The young men came to me and said, "This man (mentioning his name) has been trying to raise a difficulty, and you have instructed us to avoid a disturbance, so we have come to you to report that you must protect us." I went at once to where this man was with two others. They were very drunk. I said to them, "If you do not behave yourselves I will put you in jail." One fellow said, rather defiantly, that I would have a good time doing it. I said, "Now, I mean what I say; I am determined that there shall be no disturbance." Two or three presidents of the clubs saw what was going on and came up and said, "General, if you wish any assistance to arrest these men you shall have as much as you want." As soon as the fellows heard that, they subsided. There was one other man there who was drunk, and who was taken off the ground. With this exception, the day passed without disturbance. I did not see what occurred at this encounter, but somebody told me that he knocked the man's pistol up. There was quite a large number of ladies there, and a number of speeches were made. That night, as one of the clubs were going home, they were ambuscaded by some negroes at a place called the Promised Land, and one of the young men named Gilmore was killed. There was a good deal of excitement about it, and a man came to my house about 11 o'clock at night, and complained that one of his companions had been killed and another wounded. I said to him, "General Gary has gone out to look after that, and you had better report to Major Kline and to him." "But," said he, "this has happened since General Gary went away." There was naturally a great deal of indignation about the affair, as it was a most wanton and unprovoked assault. There was not the slightest occasion for it. The white men had been kept in hand all day and had given no occasion whatever for this outrage.

Q. What was the general character of the meetings you attended as to peace and quietness and the presence of people with arms?—A. I have never seen any political canvasses more orderly and peaceable. With so much excitement there was, of course, some noise, but I saw no arms.

Q. These mounted clubs have been frequently referred to here as rifle-clubs. State their character, if you know it.—A. I have heard a great deal about rifle-clubs, but there was only one single rifle-club in the county that I knew anything about, and that was at Edgefield Court-House, and it was organized under a provision of our law which authorizes such an organization, by application to the clerk of the court, to procure a charter. This was organized by Captain Link, in the regular way, more than two years ago, and it has maintained a sort of passive existence ever since. Beyond that, I know of no rifle-clubs in Edgefield County.

Q. After the proclamation of Governor Chamberlain in regard to rifle-clubs what was done?—A. The club disbanded.

Q. What were the clubs which were present at meetings during the campaign?—A. They were democratic political clubs. Nothing more. They had their presidents, vice-presidents, and other officers, just as I suppose every political club in the United States has. The only difference between those and other democratic clubs was that they came mounted and in regular order to the meetings.

By Mr. ABBOTT :

Q. Is not that the usual and ordinary way in which your people here come to meetings?—A. It is very customary. Our roads under our present régime are very bad, and it is much more comfortable to travel on horseback. I invariably travel on horseback to my plantation, a distance of eighteen miles, and the great majority of our people go to church on horseback. These clubs were nothing more than ordinary democratic political clubs mounted. I dare say they all had their pistols; I have no doubt about it. I carried a pistol throughout the campaign; something I have never done before in my life. But I felt it necessary to my personal safety. As I said a while ago, I think it an unfortunate habit that our people have of carrying pistols, but it is the custom of the country. Beyond that, I saw no display of arms, and I saw every meeting that assembled at Edgesfield Court-House.

By the CHAIRMAN :

Q. You have referred to colored democrats; were there colored men belonging to those clubs?—A. Yes, sir; there was one club of sixty colored democrats six or seven miles above Edgesfield Court-House; they came in a body to this meeting at the court house when General Hampton was present; they came with red shirts and mounted on mules, and perhaps they had pistols too, though I do not know about that.

Q. State whether you know anything in regard to colored men voting the democratic ticket throughout this State at the last election more than usual.—A. O, very much more than usual. There were six on my plantation who voted the democratic ticket.

Q. You referred a while ago to the intendant of Edgesfield; that is the officer corresponding to the mayor of a city, is he not?—A. Yes, sir.

Q. Were you present at a meeting held in Edgesfield by Governor Chamberlain?—A. Yes, sir; I was there and made a speech.

Q. State whether that meeting was seriously interfered with by the democrats.—A. At that time I was not officially connected with the party in any way more than any other citizen. General Gary and Mr. Sheppard sent a committee to Governor Chamberlain and the party that were with him, to ask if they would allow us to divide time with them. The matter was taken under advisement, and my information was that the proposition had been declined by the committee of arrangements; Governor Chamberlain expressing a willingness on his own part that the arrangement should be made. When the crowd went over to the academy I went over with General Gary and ten or fifteen hundred white men, and perhaps as many colored men. They had been back and forth there that morning. I had been over there myself that morning. We found some people on the stand. The colored people were out in front of the stand, occupying the entire ground in front, and the white people were on the right and to the rear; the colored people coming right up to the stand. We got upon the stand, and, I think, though I am not sure, that I made the opening remarks, which were addressed to the white people, and the tenor of which was that Edgesfield had a reputation for being turbulent and disorderly, and I hoped that by their conduct that day they would prove that it was not deserved; that they would give the speakers a respectful hearing and preserve order. They exclaimed, "We will, we will," &c. Some preliminaries were gone through. I do not know just what they were, and then this man Cain got up to act as chairman. General Gary protested against that. Governor Chamberlain and Judge Mackey then got up and said that they were willing that we should have a share of the time, and suggested that each speaker should have half an hour, which we agreed to. Mr. Chamberlain opened the meeting with a speech, very general in its character, and I replied to him. I announced that with his personal character I had nothing to do, but that with his official career I should take the liberty to deal, as I had a right to do; and, in the course of my remarks, I did say that I saw sitting on the wagon Mr. Smalls, who had taken the liberty to denounce me on the floor of Congress as a leader of the Hamburg riot; that I was not upon equal terms with him in that place, and, therefore, could not reply to him; that Governor Chamberlain had also seen fit to couple my name in a very pronounced way with that affair, and that I now called upon Smalls and Chamberlain, in the presence of the people, to make good that charge, or to stand confessed as public liars. I said that upon my personal responsibility; I did feel bitter, and I feel bitter about it now, because I think Governor Chamberlain has done me very great injustice. That was about the most extravagant expression that I used. I also replied to the positions which Governor Chamberlain had taken in his speech. I then turned to this crowd of negroes and asked them if they had ever known of my doing even the humblest of them an injury, and said that if they did I desired that they should make it known. Judge Mackey replied to me, sustaining Governor Chamberlain's administration, and General Gary replied to Judge Mackey in pretty bitter terms.



Mackey then arose to make a speech in vindication of Governor Chamberlain. In the mean time the stand had broken down three or four times, and I saw that it was going to fall again, so I got up on a shelf that was there. When Judge Mackey got up to speak a second time the people interrupted him a good deal, and when Chamberlain arose they interrupted him and put a good many sharp questions to him, as they had done to me a thousand times in political canvasses in South Carolina, but nothing was done beyond what I thought was legitimate. I did on one occasion ask the crowd not to interrupt him even as much as they did, saying that we wanted nothing but fair play; but beyond that, there was nothing worse than what I have been subjected to, probably fifty times, by republicans and negroes. When Judge Mackey got up the second time there was very decided evidence of disapprobation. I rose and said I hoped they would be quiet, and that I would reply to Judge Mackey, and thereupon the noise subsided. Whilst we were indulging in this debate, Chamberlain went off with his crowd. I heard a good many things that were said to him on the way back. I do not know anything personally about what I heard, but I undertake to say this, that he was just as safe in Edgemoor as I was, or as he would have been in any part of the State. There was quite a good deal of excitement and noise, but nothing more.

Q. Has it been the custom in your city to hold joint discussions?—A. Yes, sir; it has been so sometimes. We supposed that that arrangement had been made by the two executive committees. Our object was to get access to the colored people. We wanted to talk to them. Chamberlain and his party had studiously kept them away from our meetings. We desired an opportunity to be heard by them, for the purpose of convincing them that we had the best of the argument. That was our real purpose. In political campaigns here joint discussions are not infrequent, and we supposed that such an arrangement had been made by the executive committees of the two parties, and that was the reason of our application. If Governor Chamberlain had objected when we arrived at the meeting, the proposal would not have been insisted upon; but he consented, and made the suggestion that it should occupy half an hour. There were a good many meetings at Edgemoor, and sometimes there was a great deal of enthusiasm and noise on the part of both parties; but nothing like any systematized or organized intimidation; at least I did not know of any, and I do not believe there was any. What individuals did, I cannot undertake to be responsible for; but our policy and our purposes were to adopt exactly the opposite course, and endeavor to persuade the colored people of the error of their ways. I know that General Hampton invariably, in a most pronounced manner, made that effort wherever he went. At Greenville Court-House I attended a meeting, and the white people there even went so far as to require the persons who occupied the lawyers' bar to bring the colored people in there and give them seats right in front of us. Such preferences were shown, I think, to a very great extent throughout the canvass.

Q. What was the general character of the appeal made by the democratic speakers to the colored people?—A. One of the leading arguments was that this party in South Carolina was destroying not only their prosperity but ours; that we had shown our willingness to vote for a republican if they would give us an honest one; that I had voted twice for a republican in South Carolina; that I had run on the ticket, in 1870, with a republican, Judge Carpenter, with colored men canvassing the State with me; that we had made every possible concession, as we thought, and the argument was that, by casting their votes for these men, who were denounced from one end of the civilized world to the other as a band of robbers, the colored people were doing injustice to themselves as well as to us; that their children were growing up in ignorance; that the school-fund had been plundered and misspent; that lands had been bought for the colored people by the land-commission, and they had made no progress in paying for them, (I do not think that one of the colored men, in seven years, has paid for his land,) and that the rule of this party in South Carolina was not republican at all; that these men were not the representatives of the republican party, but that they had borrowed the name of that party as a means and medium of systematized, legalized plunder and robbery.

Q. Do you know of any application on the part of the republicans for a division of time at democratic meetings?—A. Not of my own knowledge. I heard of it at Greenville, where it was granted.

Q. You do not know of any instances where the democrats refused a division of time when asked for?—A. No, sir; our effort was to get a joint discussion with them, if possible, upon any terms.

Q. You are the General Butler recently elected by one of the legislatures here as United States Senator?—A. Yes, sir.

By Mr. LAWRENCE:

Q. You are claiming a seat as a Senator of the United States under this recent election?—A. Yes, sir; I have just said that.

Q. You spoke of the soldiers at Edgemoor on the day of the election using their guns. Do you mean that they inflicted any violence on anybody?—A. No, sir; I do not know

that you can call it violence. They would take their bayonets and push at the crowd. I do not think they touched them. Then I saw the soldiers reach over where a tall man was pushing in the crowd and push him back, but I do not think they inflicted any wound.

Q. How many colored men did you cause to be arrested on the day of the election?—A. One.

Q. Did you cause the arrest of any white man?—A. No, sir.

Q. Do you know of any white men being arrested there?—A. No, sir.

Q. You say you saw one or two men hit over the head?—A. I saw them after they were hit. I saw the evidences on their heads that they had been hit. They went down and reported it to General Brannan.

Q. Who were those men?—A. I do not remember their names; they were two negroes.

Q. Did you take any steps to ascertain who were the men who assaulted them?—A. No, sir.

Q. You made no arrests of the persons who assaulted them?—A. No, sir.

Q. To what extent were those two men injured?—A. O, very slightly. As they walked by me I saw one with blood running down the side of his head. They afterwards appeared before the United States commissioner; their heads were bleeding—one of them, was or perhaps both. I did not see who inflicted the blow.

Q. In the morning did the democrats have possession of both the polls?—A. Yes, sir.

Q. You say you protested that the colored men should not vote at precinct No. 1?—A. No, sir; I did not say that. I said that I stated to General Brannan that I thought it was not fair that after having occupied poll No. 2 all day they should come back at that time and undertake to get possession of precinct No. 1. I did protest against that.

Q. But as a matter of fact the democrats did occupy both polls in the morning?—A. Yes, sir; early in the morning.

Q. Do you know of any white man who was prevented from voting at that election?—A. No, sir.

Q. What was the number of votes in Edgemoor at this election as compared with previous elections?—A. I cannot give you any definite information on that point. I am not familiar enough with the details to give you any.

Q. You spoke of some white men being ambushed.—A. Yes, sir.

Q. Where was that?—A. About two miles and a half from Edgemoor Court-House.

Q. Have you any personal knowledge of that?—A. I was not there.

Q. Then personally you know nothing about it?—A. No; I cannot say that I was present and witnessed it.

Q. You do not know of any white man being injured?—A. O, yes; I saw the man who was shot there. I saw him next morning. I have his hat now in my office, with a bullet-hole through it.

Q. The man himself was not shot?—A. He was shot and killed.

Q. Do you know who did the shooting?—A. No, sir; it was done in the evening, about sunset or dusk.

Q. Did you attend any democratic meeting at which the republicans were allowed a division of time?—A. No, sir; I never heard of their making application for it at any meeting that I went to.

Q. Did you give the republicans notice that you intended to ask for a division of time at the Edgemoor meeting until the day of the meeting?—A. No, sir; but we gave them notice that morning, by a committee.

Q. How many democrats were there present that day?—A. I suppose there must have been twelve or fifteen hundred.

Q. Were they generally mounted?—A. Yes, sir.

Q. And no notice had been given to the republicans of any joint discussion?—A. Not that I am aware of.

Q. Then they came there without knowledge that there was to be such a discussion?—A. You have confined me to what I know of my own knowledge, and I cannot undertake to answer that.

Q. There had been no notice given of any such discussion?—A. Not that I know of.

Q. Did the democrats who were there have pistols?—A. I will answer that as I did before. I have no doubt they did, but I did not see them. I can only speak for myself, I know I had one, and I think it quite likely that most of them had.

Q. Did the republicans select Mr. Lawrence Cain as one of the chairmen of the meeting?—A. I do not know about that.

Q. You said, as I understood, that General Gary protested against Cain's acting as chairman?—A. I said there was some parley on that subject. My information was that Cain attempted to act as chairman, and General Gary protested that, as Governor Chamberlain assented to a joint discussion, there was no necessity for either side having a chairman.

Q. Was there, in fact, any chairman?—A. No, sir.

Q. I understood you to say that before the meeting closed "Chamberlain and his

crowd" went off.—A. I said that Chamberlain went away with his crowd. Just about the close of the meeting, as Judge Mackoy and I were having a debate, he stopped down and went off.

Q. What number of men went off with him?—A. Almost the entire crowd.

Q. Of the republican party you mean?—A. Yes, sir; and I think a very great number of the democratic party.

Q. How many of the republican meetings did you attend at which a division of time was demanded?—A. That was the only one, and the meeting at Marion Court-House; I went there. The day I was invited to go, there was a republican meeting, and a committee was sent in the same way to ask a division of time. I was in Chancellor Johnson's office waiting, where Mr. Moise and others of the committee came and said the republicans had consented to a division of time. But just as I put my foot on the stand they declined it. They left the matter to the vote of a crowd of negroes, consisting, I think, of almost one-half women and children, and they voted to hear us—so I was told; but when we got to the stand the speakers declined it, and we went off and organized a meeting of our own around the court-house, and a good many of their crowd came and heard us speak.

Q. Did you say that it had been the custom here in this State to hold joint discussions?—A. I cannot say that it has been universally the custom.

Q. Had it been a custom to any considerable extent in previous years?—A. I cannot say that it had.

Q. Do you know of any instance where there had been a joint discussion in previous campaigns?—A. O, yes; repeatedly. I made the canvass of this State in 1870, and Governor Chamberlain and I had a joint discussion in Chester Court-House.

Q. Had the arrangement been made for a joint discussion prior to the time of the meeting?—A. I don't know that it had.

Q. Had not the meeting been announced as a republican meeting?—A. No, sir; it was a meeting of both parties.

Q. Had the republicans called a republican meeting distinctively as such?—A. I believe they had.

Q. Did not the democrats call a meeting upon the same day after the republican meeting?—A. I don't recollect, sir.

Q. When you got there, did not the democrats demand of the republicans a division of time?—A. I don't think they did.

Q. Didn't they request it?—A. I really don't remember. It is six years ago, and I cannot recall the details, but I know that the meeting went on to a certain point, and I know that a row was then started by a negro knocking a white man in the head. I know also of another joint discussion at Orangeburgh, where the speakers got together and arranged it. That was in 1870.

Q. Had there been a republican meeting announced there distinctively as such?—A. I really do not remember as to that.

Q. Didn't the democrats demand of the republicans a division of time?—A. I don't think they did. I think it was a joint agreement.

Q. Did the republicans request it first?—A. I really can't remember that. I know we met at all events.

Q. Then there had been no general custom of that kind?—A. Unless that constitutes a custom.

Q. Do you know of any other meeting, except those two, where that was done?—A. Yes, sir; at Darlington Court-House we had a joint discussion. That was in 1870.

Q. Was there not a republican meeting called there?—A. No, sir; I think it was a democratic meeting that day; Whittemore spoke, and I replied.

Q. Did the republicans request the democrats to give a division of the time?—A. If I could get the records of that time I could tell you distinctly.

Q. Have you any recollection of any joint discussion where the terms of the discussion were arranged prior to the meeting?—A. Yes, sir; at Orangeburgh and at Chester Court-House.

Q. Were the terms arranged prior to the day of meeting?—A. I don't know whether they were arranged prior to the day of the meeting; the arrangement was made that morning.

Q. But have you any knowledge of a case where the arrangement was made prior to the day of the meeting?—A. I don't recollect as to that. It was some time ago. I can say in general terms that the republicans generally appeared anxious to avoid joint discussions for the very simple reason that they did not want us to speak to the negroes, and they advised the negroes to stay away from us.

Q. Have you any knowledge of any democratic meeting at which the republicans were allowed to have a joint discussion?—A. I have just mentioned two or three, Chester Court-House, Orangeburgh, and Darlington.

Q. Those were in 1870; I mean during the current year?—A. Not of my own knowledge. I have heard of some. I went to but four counties in the State. Yes, I can

tell you of one. Greenville, where the democrats invited the republicans to speak and they came and spoke. Mr. E. W. M. Mackey and others were the speakers.

Q. Mackey supported Hampton, didn't he?—A. O, no; the other Mackey.

Q. Governor Chamberlain was first elected governor in 1874?—A. Yes, sir.

Q. Soon after he entered upon the duties of his office, did he not to some extent fall into general disfavor with the republicans?—A. I think he did.

Q. And didn't he meet with the general approval and favor of the democrats?—A. Yes, sir.

Q. How long did that condition of things exist in the State?—A. Till some time last spring. While he was discharging his duties faithfully, Chamberlain had the entire support of every respectable man in the State.

Q. He had the general approval of the democratic party for his entire administration?—A. No, sir; I don't say that. I say that in very many of the measures of his administration, where he discharged his duties properly, he did have the approbation of the democrats without regard to his former associations.

Q. That continued up to this spring?—A. Yes, sir; in very many measures of his administration he had the entire and pronounced sympathy and support of the democrats.

Q. Was he not very largely lauded in the democratic papers?—A. Very decidedly so.

Q. And considerably disapproved by the republican papers?—A. Yes, sir; very generally denounced by the republicans and the republican papers.

Q. Didn't the leading democrats of the State consider the propriety of adopting him as a candidate for governor?—A. I cannot say that the leading democrats did.

Q. Was not that project discussed?—A. That was very freely discussed in Charleston, but I think it was confined to Charleston and to some scattering persons in the interior. He had a pretty strong following in Charleston, and, I heard, had a programme arranged by which he should be elected.

Q. Didn't the leading democrats from all parts of the State meet in Columbia to consider the question whether they would not adopt him as a candidate?—A. Not to my knowledge.

Q. Was it not considered in the democratic executive committee here?—A. O no, sir; never. I was chairman of the democratic executive committee up to the May convention, and had been for four years, and our first meeting was in January of this year.

Q. Was it considered in the convention which finally nominated Wade Hampton?—A. I don't know whether it was considered or not. The only question considered in May was whether there should be a nomination at all, or whether we should simply meet and send delegates to the convention at Saint Louis, and incidentally the question arose whether we should make a straight-out nomination.

Q. When was Wade Hampton nominated?—A. On the 16th of August.

Q. That May meeting was held in Columbia?—A. Yes.

Q. It was attended by leading democrats from all parts of the State?—A. Yes, sir.

Q. Was the question considered there whether a nomination for governor should be made at all for the democrats?—A. Yes, sir.

Q. How was it decided?—A. We took the sense of the meeting, and there was a very overwhelming mass of opinion developed without being expressed against Chamberlain, as I thought. I think there were perhaps two counties which intimated some preference for him, but the question was not whether he should be nominated, but whether there should be any democratic nomination at all. Then the question was whether there should be action in that convention, and it was decided to postpone it until August.

Q. The policy of those who opposed a democratic nomination was to support Chamberlain?—A. That I cannot answer of my own knowledge; I can only surmise.

Q. Was not that talked of?—A. I suppose it was; I have no doubt that that was the purpose, but I do not know of it of my own knowledge.

Q. You said there were six companies of infantry at Edgefield?—A. Yes, sir; on the day of election there were ten in the county.

Q. How many soldiers were there all together at Edgefield?—A. I do not know.

Q. Were there over one hundred?—A. You can judge of that as well as I can. There were six companies, some of them small.

Q. Don't you know that one of the companies had only fourteen men?—A. I remember Colonel Randall laughing and saying that there was a brevet brigadier-general commanding fourteen men, but I don't know whether they were at Edgefield or here.

Q. State the number, as near as you can estimate it.—A. I could not undertake to estimate the number.

Q. Did the democratic rifle-clubs hold secret meetings?—A. I don't know of any democratic rifle-clubs, except one at Edgefield Court-House.

Q. Were you a member of that?—A. No, sir; I am exempt from military service now. I was not a member of any rifle-club. There was one at Edgefield Court-House, and the negroes had one.

Q. The democratic negroes?—A. No, sir; the republican negroes.

Q. That was not a rifle-club, was it?—A. I know they called it a rifle-club. I know I raised a row with one of my men about it.

Q. Did you tell him if he joined it he could not remain on your land?—A. I did, emphatically; no doubt about it in the world. I told him that I had got into two difficulties through those organizations, and I did not propose to get into another.

Q. Did you say to the other colored men that they could not remain on your land unless they voted the democratic ticket?—A. I don't know that I said that; I said this: I went down and gave them tickets, and said to them that they had a right to vote the republican ticket if they pleased; that they were free men, as free as I was, but if they exercised that right, and imposed taxes on me which were destroying my property and prospects, I should throw myself back on some of the rights I had under the laws of the country, and see that they left my plantation.

Q. How many men had you living on your lands?—A. I had a good many; twenty or thirty.

Q. They all voted the democratic ticket?—A. O, no, sir; six or seven of them voted the democratic ticket, some of them did not vote at all, and I do not know how the others voted, but I intend to inform myself.

Q. With a view to turning them off if they voted the republican ticket?—A. Not for voting the republican ticket if they had an honest ticket, but for voting for these thieves and robbers here. I have done so, and I intend to do it hereafter.

Q. Did you advise the land-owners in your speeches to pursue the same course?—A. No, sir; I did not. I have always been opposed to it; I advised exactly the opposite.

Q. Didn't you advise that?—A. No, sir; I did not. I did it on my own individual responsibility, on my own plantation, in my own "castle," and I shall continue to do it as long as I see fit; and when you gentlemen legislate any person onto my premises that I don't wish to have there I shall leave this country.

Q. Do you know of other land-owners giving notice similar in effect to colored men living on their lands?—A. I do not.

Q. Do you know whether any resolutions were adopted by the democratic clubs, declaring that that should be the policy of the democrats?—A. I do not.

Q. Did you see any such published?—A. No, sir; I don't know of any such action. The matter has been very generally discussed all over the country, and I have always set my face against it as anything like a general movement, for the very best of all reasons in the world, because it was perfectly impracticable. In 1874, I took the same ground when the matter was discussed.

Q. How many colored men do you know of, of your own personal knowledge or by general repute, having been killed during the last year in the county in which you live?—A. I cannot tell you. I think that most of those who have been killed have been killed by colored men.

Q. Just answer my question.—A. Well, I cannot answer it upon the spur of the moment. I can no more tell that than I can tell the number of dwellings and gin-houses that have been burned in the county.

Q. Have not there been a good many colored men killed?—A. I don't think so. There have been a good many homicides in the courts there, but my recollection is that in a vast majority of cases they have arisen from personal altercations between the negroes themselves.

Q. Did you see any colored men that had been killed during the last year?—A. I saw two.

Q. How had they been killed?—A. They were shot; they were the two that were killed at Hamburg before I left there.

Q. I am not asking for anything that grew out of the troubles that you were connected with?—A. Those were the only two that I saw.

Q. Did you see any other colored men, at points through the country in which you lived, who had been shot?—A. I don't think I have seen one.

Q. Can't you give some estimate of the number of colored men who were generally reported to have been killed in your county?—A. You will have to be a little more specific; killed how, on account of political opinions?

Q. Killed in any way during the past year.—A. I cannot approximate the number; I don't think there were a great many.

Q. A dozen?—A. I cannot say. Every now and then you hear of a negro being killed.

Q. Would the number amount to twenty?—A. Well, I don't know.

Q. What is your opinion?—A. I cannot give you any opinion; I have not thought about it.

Q. Was it a considerable number?—A. I really don't remember that there were a great many killed there this year. If I had a little time, and consulted with other people, I might give you positive information; but the only negroes that I remember being killed recently was one at Ridge Spring, a few nights ago, and two at Lawsville—one killed by a white man about a horse, and another by a negro in an altercation.

Q. Were those cases in your county?—A. Yes, sir; this last one that was shot.

Q. My question related to cases before the election.—A. I don't know that there were many killed; if you will mention any instance, I will tell you what I know about it.

Q. Are not the colored men, as a general rule, timid and easily alarmed?—A. Some of them are and some are not.

Q. Are they not so as a general rule?—A. I think that as a race they are timid. I think they have three striking qualities, treachery, utter obliviousness to all moral responsibility for falsehood, and a universal disposition to petty thefts; but I will do them the justice to say that I think this is one of the results of slavery. I think the negroes are not to blame for it. Their only weapons of defense when they were slaves were treachery and falsehood. The system of espionage during the period of slavery was so intense that these characteristics naturally grew out of it. If you will place five hundred dollars in Edgesfield, I can prove by such testimony that the Apostle Paul was a traitor to his Savior and Judas Iscariot was a saint, and can put it on paper so that it will be utterly impossible to detect the deception. I think the colored people are utterly without any moral sense in that direction, and I do not say it in any spirit of reproach to them: They are insubordinate and very frequently turbulent among themselves; they have very little regard for human life; they kill each other without any moral sense of the enormity of the offense.

Q. Do you know whether there was a practice to some extent of democrats attending republican meetings with pistols and making a display of violence?—A. No, sir.

Q. Did you attend any republican meeting except those you have described?—A. Yes, sir; I attended one or two afterward, when this man Dennis and the United States marshal were up there to protect the colored men. Quite a number of our people came in, and we spoke to them, and when we found that they were not going to give us a division of time we organized a meeting of our own. I rode up to their meeting and asked Dennis if there was any objection to our coming in, and he said no. We went by and our men gave a shout and the negroes gave a shout, the wildest, I think, that I ever heard in my life. The negro women then commenced dancing and making all sorts of obscene displays of themselves.

Q. You then organized a democratic meeting?—A. Yes, sir; about half a mile off.

Q. Was that practice pretty general during the last campaign?—A. I think not.

Q. Do you know of any instance where the democrats appeared in force at republican meetings and then went off and held a separate meeting?—A. I don't know that it was done in this canvass. I know it was done repeatedly in 1870.

Q. I am asking about this canvass?—A. Well, I cannot say as to that. I did not go outside of Edgesfield except upon four occasions, to Greenville, to Marion Court-House, to Winsborough, and Lexington.

Q. Has any white man been punished during the last two years for any assault in your county?—A. I don't think there has been any, and I can say further that I don't think there will be any as long as we have Chamberlain for governor. I think he is perfectly incapable of punishing any white man.

Q. Has any white man been brought to trial for killing any colored man in your county?—A. I don't know of any. The imbecility of the government in protecting the rights of these poor men has been a subject of universal reproach, and in the last campaign we used the argument in favor of Governor Hampton that if he were elected anybody who violated the rights of a colored man, or anybody else, would surely be punished, and I believe he will. It is a burning shame to the government of the State; but I regret to say that it is so, that such persons should go unpunished.

Q. Were you in Columbia during the week prior to the time when this committee arrived here?—A. I cannot say absolutely, I have been here off and on since the election.

Q. Do you know that a large force, amounting to some thousands, of democrats assembled in Columbia about the time of the meeting of the legislature?—A. No, sir; I don't think it was about that time, but if you will permit me, I will give you some little history of that.

Q. You may state whether there was such an assembly.—A. Quite a number of men came here about the time of the fair. It was some weeks before the legislature met. The legislature met, I think, on the fourth Tuesday in November, and those men came here the day before the fair, and were here during the fair.

Q. That was just after the legislature had assembled?—A. Yes, sir.

Q. In what numbers were they here?—A. I suppose there were, off and on, from six hundred to a thousand men; during the two or three days they were here, coming and going, there may have been two thousand.

Q. Were they generally armed?—A. They had pistols and some had guns.

Q. Didn't they leave Columbia just a day or two before this committee arrived here?—A. What day did you arrive here?

Q. We arrived on the 7th of this month.—A. I think there were a great many here when you came. I saw quite a crowd talking to Governor Eden in this hotel after your arrival, but I think the great majority of them had gone by that time.

Q. Have you any knowledge of the means by which two or three colored republicans were induced to leave the Maskey house of representatives and go over to what is called the Wallace house?—A. No, sir; I don't know anything about it.

By the CHAIRMAN:

Q. You have referred in your testimony to the meeting at which Governor Chamberlain was present in Edgefield. There was a meeting subsequently held by the republicans, and you made application for a division of time, which they declined?—A. Yes, sir.

Q. Was that application insisted upon in any way?—A. No, sir.

Q. What did you subsequently do?—A. We had a meeting when they adjourned.

Q. And both meetings were quiet?—A. Yes, sir.

Q. There were no threats made in order to procure a division of time at that first meeting?—A. None that I know of. It was freely granted by Governor Chamberlain. I was not on the committee that made the arrangements, but a committee was sent in the usual form, requesting a division, and when we got over there I heard Chamberlain himself consent to a division, and suggested that we should occupy half an hour each, to which we assented.

Q. It was stated here by a witness that as the colored men went up to vote at poll No. 2 the white men stood at the door at which they entered, and that it was their general custom to knock every colored man that came along over the head as he went in to vote. Did you see anything of that kind?—A. I did not.

Q. If anything of that kind had occurred would you have known it?—A. I think so.

Q. Is there any truth at all in that statement?—A. I have no idea that there is the slightest truth in it. I think it would be a very great reflection upon the officer who was there to preserve the peace if there was truth in it, but I have no idea that there is any whatever.

COLUMBIA, S. C., December 26, 1876.

WADE HAMPTON sworn and examined:

By Mr. ABBOTT:

Question. State your age and residence.—Answer. I am fifty-eight, and this city is my residence.

Q. This is your native city?—A. Yes.

Q. I believe you have lived here and been acquainted with the people of South Carolina all your life?—A. Yes, sir.

Q. You are the recent democratic candidate for governor?—A. Yes, sir.

Q. Nominated when?—A. On the 16th of August, I think it was.

Q. And after that you took a very active part in the campaign?—A. I was throughout the entire State. I addressed the people in every county but one—Lexington, the adjoining county to this.

Q. And in some counties more than once?—A. O, yes; in some counties several times; I think, generally, twice in almost every county; I spoke, I think, fifty-seven times at large meetings.

Q. How many of the people of South Carolina do you think you had an opportunity of meeting at those meetings?—A. I think there was an average of from 3,000 to 4,000, perhaps not less than 4,000 at a meeting; some meetings had as many as 10,000.

Q. So that a very large portion of the people of South Carolina that ever listen or attend to political matters you had occasion to meet?—A. I have no doubt I spoke to over 200,000 people.

Q. Was your acquaintance during the canvass confined to the whites, or was it extended to whites and blacks?—A. To both. The blacks attended in very large numbers sometimes.

Q. Were efforts made to obtain the attendance of blacks at your meetings?—A. That was the chief effort during the canvass to get the colored people to come out.

Q. During any part of your canvass, and at any of your meetings, was there any violence toward or interference with the blacks?—A. No, sir; there was no disturbance at a single meeting where I was present this year; not one, except at Beaufort; some of the colored people there were unwilling to hear the speakers. They heard me with perfect respect and quiet, but our other speakers they interrupted, and one of them they refused to hear at all. But beyond that there was no disturbance.

Q. Please state, in your own way, the ground you took in addressing the colored men and the people generally of South Carolina in reference to the treatment of the blacks?—A. The canvass opened on the 2d of September, I think, in Anderson, and I there took the ground that I proposed to discuss these questions throughout the whole State; and I advocated free speech, free thought, free ballot, and free men; that we

would endeavor to call out the colored people to listen to us, to show them that their interests were our interests, and to tell them that of course they had a right to vote as they pleased, but to endeavor, as I used the expression at one time, to appeal to them by argument, and to reach their heads through their hearts. That was the ground upon which the campaign was organized, and most of each speech of mine during the canvass was generally addressed to the colored people.

Q. After your nomination and the commencement of your canvass, did you or not give orders upon the subject of dividing time that was objected to?—A. Yes; I notified the committee here not to insist upon a division of time, but to ask for it. I offered it at the first meeting. I said I should always offer it to any republican who was present, and would be willing to divide; but I instructed the committee not to insist upon a division of time. As soon as Mr. Chamberlain was nominated, I telegraphed down and asked him to meet me at my appointments and divide time with me, and specify who his speakers should be, and I would do the same; but he refused, or the committee refused, and we never had any division of time after I was nominated. I believe one meeting occurred the day after I was nominated, at Newberry. As I was going up the railroad I heard there would be a meeting there and a division of time; but that was before I entered upon the canvass.

Q. Did you have occasion, in the course of your canvass in addressing the whites and the blacks together, to say anything upon the subject of the blacks being discharged from their plantations?—A. No, I did not.

Q. Was that subject ever discussed or alluded to by you that they should be discharged if they did not vote the democratic ticket?—A. No; I think not at all. I said to them on several occasions that their interests were our interests, and that if the white men in this State went down, they would sink so low they could not be raised; but never were any threats held out against them.

Q. Then, so far as you are concerned, as to interference with or intimidation toward the blacks, what were your orders upon that subject?—A. They were express, that there was to be none attempted or employed anywhere.

Q. That they were to be protected?—A. Protected fully in all their rights.

Q. Have you extracts from the speeches that you made?—A. I have extracts of some speeches made here that, I think, about cover the ground that I took.

Q. Are you enabled to say that those are true extracts from your speeches from having examined them?—A. Yes, sir. I have a paper here to-day that I observe has the whole speech at Abbeville, from which this is extracted. The reporters took them down.

Q. This is a pamphlet which contains extracts from your speeches made on different occasions.—A. Yes, sir; and a letter which was written some years ago. Those are correct.

Q. Do you know whether these extracts have been distributed through the State?—A. Yes, to a very large extent. The colored people asked for them. They were gotten up by the newspaper in Charleston, and thousands of them were distributed.

Q. They are under the impress of your executive committee, and were distributed throughout the State?—A. Yes, sir; in very large numbers.

The pamphlet was put in evidence, as follows:

*Free men, free ballots, free schools.—The pledges of General Wade Hampton, democratic candidate for governor, to the colored people of South Carolina, 1865—1876.*

FREEDOM AND POLITICAL RIGHTS GO TOGETHER.—[LETTER, AUGUST 7, 1867.]

As it is of the last consequence to maintain the same amicable relations which have heretofore existed between the whites and the blacks, I cannot too strongly reiterate my counsel that all classes should cultivate harmony and exercise forbearance. Let our people remember that the negroes have, as a general rule, behaved admirably, and that they are in no manner responsible for the present condition of affairs. Should they, in the future, be misled by wicked or designing men, let us consider how ignorant they necessarily are, and let us only the more try to convince them that we are their best friends. Deal with them with perfect justice, and thus show that you wish to promote their advancement and enlightenment. Do this, and the negroes will not only learn to trust you, but they will appreciate the fact, so evident to us, that we can do without them far better than they can do without us.

On a late public occasion, where many of you were present, I expressed my perfect willingness to see impartial suffrage established at the South, and I believe that this opinion is entertained not only by a large majority of the intelligent and reflecting whites, but also of this same class among the blacks. The Supreme Court has decided that a negro is not a citizen of the United States, and Congress cannot reverse that decision by an act. *The States, however, are competent to confer citizenship on the negro, and I think it is the part of wisdom that such action should be taken by the Southern States.*

*We have recognized the freedom of the blacks, and have placed this fact beyond all possi-*



bility of doubt, denial, or recall. Let us recognize in the same frank manner, and as fully, *their political rights also.*

THE CHANGES IN THE CONSTITUTION RECOGNIZED.—[CHARLESTON ADDRESS, JUNE 28, 1876.]

The fortunes of war were against us, and the South laid down her arms. When she did so, I declare on my honor as a soldier and a gentleman that she did it in good faith. We accepted the terms offered, and we felt then, and have felt since, bound in honor to keep them inviolate. *We recognize the changes in the Constitution and the institutions of the country as accomplished facts,* and we propose to obey the laws as good citizens. You have no right to ask of us more than this, and we have the right to demand of you, who were the conquerors, that you should not require of us, as the price of reunion and reconciliation, a sacrifice of our honor or of our self-respect.

THE GOVERNOR OF THE WHOLE PEOPLE.—[DEMOCRATIC CONVENTION, AUGUST 17, 1876.]

The platform which you have adopted here is so catholic in its spirit, so strong in its foundations, and so broad in its construction, that every man in South Carolina who honestly desires reform can find room to stand upon it. With such a platform, where our citizens of all parties and all races can stand, assured of *equal rights and full protection,* you can surely bring back to our distracted State the great blessings of good government. As for myself, should I be elevated to the high position for which you have nominated me, my sole effort shall be to restore our State government to decency, to honesty, to economy, and to integrity. I shall be *the governor of the whole people,* knowing no party, making no vindictive discrimination, holding the scales of justice with firm and impartial hand, seeing as far as in me lies that the laws are enforced in justice, tempered by mercy, protecting all classes alike, and devoting every effort to the restoration of prosperity and the re-establishment of honest government.

PROTECTING THE COLORED MAN IN HIS RIGHTS.—[SPEECH AT NEWBERRY, SEPTEMBER 19, 1876.]

All we want is *reform.* I propose to stand by the platform adopted in Columbia, which has accepted the late amendments to the Constitution; and, if elected, propose to carry those laws out fully, being governor of the whole people, and holding the scales of justice equally. If any person thought he would not fulfill his pledge, he didn't ask him to vote for him. Another class of people whom he didn't care to have vote for him are those who think that because they are democrats they can violate the law, and look to him to protect them. He wished it distinctly understood that he, and all with him in this campaign, were not hostile to the National Government of the United States; but, if elected, would preserve order and carry out all of the laws of the country, *especially protecting the colored man in all his rights,* and would see that he was not imposed upon. He said that if the democrats came into power, he would guarantee that *the free schools* would be better conducted than heretofore.

THE ONLY WAY TO BRING ABOUT PROSPERITY.—[SPEECH AT ABBEVILLE, SEPTEMBER 16, 1876.]

I feel assured that if the colored people of the State would come out, and see and hear for themselves, there will be thousands and tens of thousands, like the colored men of Abbeville, that will join the democratic party in this State. I give them the word of a man, who neither friend nor foe can say ever broke that word, that if I am elected governor of South Carolina, *I shall be the governor of the whole State; I shall render to the whole people of this State equal and impartial justice.*

The platform adopted by the democratic party in Columbia is one upon which all can stand. Talk about putting the colored men back into slavery or qualifying their suffrages. I tell you in all honor and sincerity, that it is against our interest to do either of these things, if we could. In the first place, the labor of the colored man is more valuable to us as he is than if he was slave, because they were perishable property, and, as soon as they passed away, it was so much loss to the general wealth of the country. As to qualifying your suffrages, why that is the very thing your President Grant wants to do. We want your votes; we don't want you to be deprived of them, and I can tell you, if the colored people continue to join the democratic ranks as they have been doing thus early in the campaign, we will be the last people in the world to curtail their suffrages. The northern republicans thought it all right so long as you voted the republican ticket, but just so soon as the colored people of the South began to go democratic, they were the first to introduce a bill to qualify their suffrages. Why? Because they don't want the South to have a chance to turn the election for

the President. I am not in that big fight, however. I am in this little fight to save South Carolina, and I tell you upon my honor that if you allow the white people of South Carolina to go down this time, you will go down so deep that no plummet can ever reach you. If we, the white people of South Carolina, were to leave you the State, and give you everything, land, houses, churches, banks, you could not live without them. *The only way to bring about prosperity in this State is to bring the two races in friendly relation together.* The democratic party in South Carolina, of whom I am the exponent, has promised that every citizen of this State is to be the equal of all; he is to have every right given him by the Constitution of the United States and of this State. This democratic party in South Carolina pledges itself to support and accept the thirteenth, fourteenth, and fifteenth amendments of the United States Constitution; and I pledge my faith, and I pledge it for those gentlemen who are on the ticket with me, that if we are elected, as far as in us lies, *we will observe, protect, and defend the rights of the colored man as quickly as any man in South Carolina.* [A voice, "That's right; tell them that over again."] If there is a white man in this assembly, because he is a democrat, or because he is a white man, believes that when I am elected governor, if I should be, that I will stand between him and the law, or grant to him any privileges or immunities that shall not be granted to the colored man, he is mistaken, and I tell him so now, that if that is his reason for voting for me not to vote at all.

A MAN WHO WILL DO WHAT HE PROMISES.—[SPEECH AT ABBEVILLE, SEPTEMBER 16, 1876.]

I received a letter from one of my old servants, who is now living in Rock Hill, S. C., and I will read it, that you may see what the colored people who know me think of me. General Hampton then read the letter, as follows:

"ROCK HILL, S. C., September 8, 1876.

"MARS WADE: Seeing that you are nominated for governor by the white people, and hearing that you have promised the black man all the rights he now has, and knowing that you were always good and kind to me when your slave, and knowing that you are a good and kind man—a man who will do what he promises—I write to say that I will vote for you, and get all the black men I can to do the same. I have bought a piece of land in York County, and am trying to make a good support for my family, which I can do if we all had good laws and low taxes. My wife, Flora, is still living, and we have but one child, whom we wish to educate. Please write to me, in care of Dr. T. C. Robertson, Rock Hill, S. C.

"Your friend, and former slave,

"REV. FRANCIS DAVIE."

I had not heard of him, continued General Hampton, until I received this letter, and when I read it at Laurens, another of my old servants, living there, named Spencer, came up to me and said that he knew Francis well, and he would also do all he could to have me for governor. These people know me, they know that I will not deceive them, and, so far as taking away any of your rights is concerned, I pledge you, my colored friends, on my honor, that if elected *I shall give you greater facilities for education than you have now or ever had before.* I promise that I will put men in charge of your education who will not steal the money after it has been appropriated for you.

THE COLORED PEOPLE IN MISSISSIPPI.—[SPEECH AT ABBEVILLE, SEPTEMBER 16, 1876.]

My friend, General Toombs, suggests that I should tell you something about my colored friends in Mississippi. These colored people, hundreds of them, with their ancestors, have lived on my estate in Mississippi for over two hundred years, and they are living there still. They have never left me; they live all around me, and since the war, such confidence have I in them that I have not even a lock on my house. There is no protection except these colored people who have grown up from childhood with me. I am just as safe there as when I was surrounded by my old cavalry company in Virginia. [Loud cheering.] These colored people, when they want help, come to me for it; and just before I left there, one of the most influential was ill. He sent for me to read the Bible to him. I went to his home and did so. He then turned over all his property into my hands, asking me to sell his cotton and take care of the money for his wife and children, and to protect them. I have that money now. I paid his doctor's bill, knocked off his rent, and have the money for his family. I tell you this, my colored friends, to show you that those colored men who know me trust me. If you trust the white people of South Carolina once, and then if you find any of your rights impaired, you are strong enough in the State to turn them out of office. We cannot be elected without the aid of the colored people, and we know that we are going to get that aid. I have been talking so much recently that I really can not say much more.

When Mississippi went democratic, some of my colored friends there came to me and said: They tell us that the democrats are going to take our rights away from us, and asked me if it was so. I asked them if I had ever told them an untruth. They said I never had. I then told them that if they were not more prosperous, did not have more rights and more facilities for education, I would give them every foot of land I had in Mississippi. And they know already, and have told me, that what I told them was true. That will be the case in South Carolina if you put honest men in your legislature and your State offices.

NO PARTY, NOR RACE, AS GOVERNOR.—[SPEECH AT DARLINGTON, SEPTEMBER 23, 1876.]

We wish to show the colored people that their rights are fixed and immovable, and, furthermore, we would not abridge them if we could. I do here what I did in the convention, *I pledge myself solemnly, in the presence of the people of South Carolina, and in the presence of my God, that if the democratic ticket is elected I shall know no party nor race, in the administration of the law. So sure as the law pronounces a man guilty, so sure shall that man be punished. I shall know nothing but the law, and the Constitution of South Carolina and of the United States.* We recognize the thirteenth, fourteenth, and fifteenth amendments of the Constitution of the United States, and accept them in good faith. The colored people know that it is under those amendments that they enjoy the rights they now have. We stand upon that platform, and *not one single right enjoyed by the colored people to-day shall be taken from them. They shall be the equals, under the law, of any man in South Carolina.* And we further pledge that we will give better facilities for education than they have ever had before.

FREE SPEECH, FREE THOUGHT, FREE MEN.—[SPEECH AT CHERAW, SEPTEMBER 26, 1876.]

I have been told since coming upon this ground that the reason there are so few colored men present is because they have been told that if they attended these meetings they ran great risks, and that trouble would come upon them. That, I say, is infamously false, from beginning to end. I assure you that if I were at a political meeting, and the life of a colored man should be in danger unjustly, I would risk my own life to save him. And I have done that very thing. Years ago, during the existence of slavery, I happened to be in Mississippi, when it was a very lawless State, and there was a colored man who had committed a very brutal murder. He was put in jail forty miles away, and a body of men went to the jail, broke it open, took him out, and had what they called a trial. I heard of it and went over. The gentleman who owned this colored man said he had been told I was opposed to the lynching of the unfortunate man, and requested me to speak in his behalf. I said, "I will do that and I will do more than that. If you will get two more men, and give us all double-barreled guns, I will take him out of the hands of those men, put him back in jail, and give my life before he shall be subjected to lynch-law." They told me if I opposed the intentions of those men they would lynch me. I said let them do it, but I would go and tell them if that man is lynched at their hands, they would be guilty of murder. I did so, and I would risk my life to sustain the laws of South Carolina, and to protect the lives of her citizens.

The colored people have been told it will be dangerous for them to attend these meetings. At Walhalla, after I had asked if there was a republican present, one ragged, poor colored man got up and said, "I am a republican," and the people raised a yell of indignation. I rose and told them I had offered free speech wherever I went; that I recognized this as a *land of free speech, free thought, a free press, and a land of freemen*, and I say hear that man. And the audience sat down, and that colored man said that he was a republican; those were his principles, and he expected to vote the republican ticket, and when he made that announcement the audience gave him three cheers. That is the way we intend to conduct this campaign. I wish to tell the colored people here as elsewhere, that as soon as the power passes into the hands of the democratic party here, which shall come to pass as surely as the sun goes down on the 7th of November, they will have equal laws and equal protection; they will be recognized as the equals of every man in this State, before the law and under the constitution. They will be honestly and justly dealt with, and I pledge myself and the gentlemen whose names appear as the nominees of the democratic party of South Carolina, to the people of South Carolina, white and black, that when that administration comes into power, there will be no discrimination on account of color or party:

A SOLEMN PLEDGE.—(SPEECH AT MARION, SEPTEMBER 30, 1876.)

I re-iterate here to-day the pledge that I have so often made before: "*In the presence of the people of South Carolina, and in the presence of my God, I pledge myself that if elected I shall know no party, no race, no color, or condition in the administration of the laws. I*

*shall be governor of the entire people of South Carolina.*' When you go to the colored people and tell them these pledges, and show them what they have to expect and what has been done for them in the past, you surely will reach them.

THE FIRST TO ADVISE GIVING THE COLORED MEN THE RIGHT TO VOTE.—(SPEECH AT SUMTER, OCTOBER 7, 1876.)

I want to say to my colored friends to bear this in mind: I was the first to advise that rights of all kinds should be conferred upon colored men. This was in a speech at Columbia. If he was a citizen he naturally possessed the right to vote; and I advised the people then, before Congress had moved in the matter, when Governor Morton, as a candidate, was then making speeches declaring the colored men were not fit to vote, and Governor Andrew, of Massachusetts, was saying the same thing—I was maintaining that we should confer the right of voting; and I say now that the time will come, if it has not already come, when every colored man will be a democrat, because they will find that their rights will be better protected by that party. They will say that they have always been democrats, but were afraid to say so.

The undersigned, members of the executive committee of the democratic party for the State of South Carolina, pledge themselves personally to the fulfillment, in good faith, of the declarations and promises contained in the foregoing extracts from the public addresses of General Wade Hampton, the democratic candidate for governor of South Carolina, guaranteeing to all citizens impartial justice and equal rights.

A. C. HASKELL, *Chairman.*  
T. B. FRASER.  
J. D. KENNEDY.  
JOHN BRATTON.  
JAS. A. HOYT.  
RICHARD O'NEALE, JR.  
J. ADGER SMYTH.

By Mr. ABBOTT:

Q. Do you know of any cases of violence against negroes during the canvass, in any way, committed by persons of your own party?—A. I do not.

Q. As matter of common report, have you heard of any fights during the canvass, assaults, or anything of that sort, by persons of your own party against voters?—A. I did not hear of any, and at no meeting where I was present this year was there the slightest disturbance or an angry word. I might, perhaps, make an exception; it was not at the meeting, but while we were holding a meeting at Darlington there was a threatened disturbance about half a mile from the village; two democrats got into a row, but it passed without amounting to anything. There was nothing serious.

Q. Do you know of your own knowledge, or from inquiry, or by common report, of any deaths occasioned by political quarrels after your contest commenced, or any serious harm done?—A. I know of no case of my own knowledge.

Q. As a matter of common report, do you know of any person in the neighborhood of Edgefield being killed—a white man?—A. If it concurs with the views of the committee I should state what came to my knowledge.

By Mr. LAWRENCE:

Q. Will you just answer that question?—A. I do know of a case.

By Mr. ABBOTT:

Q. He was a white man?—A. A white man.

Q. And by whom was it the common report that he was killed?—A. That he was killed by a man whose name I have forgotten—a black man, who was identified next morning by a man who was riding with the one who was killed.

Q. Then the common report was that the black man shot the white man?—A. Yes, sir.

Q. How near were you to the place where the white man was reported to have been killed?—A. I was told that it was about two miles off. I was at General Gary's.

Q. The common report you understood was that this white man was shot by a black man?—A. That was the report.

Q. Did you happen to see the two men?—A. I did not; I left the next day.

Q. And you heard, also, the common report that a black man was arrested for it?—A. I think it is important to state my own action in regard to that.

Q. State it.—A. This report came that a man was shot, and that the citizens there who had been attending this meeting were in a state of great indignation, and were going out to avenge his death. I immediately told General Gary to go up and stop them and not allow them to do anything of that sort, but to go to a United States officer and report the facts to him and get him to take action. General Gary did so; he went out with a United States officer to where the man was killed. I urged them to leave the question to be settled by law, not to go into an attack where innocent men

might be killed, and which would bring on bloodshed and riot, but to prevent, by all means, anything of the sort.

Q. Up to the election, I understand you to say that you heard of no cases of violence on political grounds, except this one you have spoken of?—A. That is the only one I heard of in my canvass.

Q. State whether or not, as far as you know, the canvass, after you accepted the nomination, was a quiet and peaceable one?—A. Entirely so, so far as my personal knowledge extends.

Q. How did it compare with other canvasses in South Carolina?—A. As far as I know and as far as I saw, it was as peaceable an election as I ever witnessed.

Q. Had you the means from communication with other people in all parts of the State of ascertaining and knowing whether it was a peaceable election or not?—A. I received from nearly all the counties telegraphic dispatches as soon as the election was over, and during the progress of counting the vote, and we were under the impression that it was the most peaceable election they had ever had.

Q. That was the impression made on you from all the knowledge you could get?—A. Yes, sir.

Q. As the head of the democratic ticket, were you in constant communication with every part of the State before the election?—A. I was.

Q. And taking all the means of knowledge which you had in that position, is that the result—that it was a peaceable election?—A. Yes, sir. You asked me if anything occurred during the canvass. If it would be germane to the subject I should like to tell my action in regard to the riots in Charleston.

Q. You may state your action in reference to them.—A. Not especially with regard to the riots, but my own action as bearing upon the manner in which the canvass was conducted. In the first one which occurred—I don't remember the date—I was at Spartanburgh speaking. It was the time when a Mr. Buckner was killed; there was an attack made, as I understood, upon some colored democrats, and this young man was killed, and there was great excitement prevailing. I telegraphed immediately from Spartanburgh to act only on the defensive; by no means to provoke any rioting in the State. The people were very much excited, and they telegraphed up to me and wanted me to come down, when I telegraphed them this reply. In the other case of a recent riot in Charleston I did the same thing. I came to see General Ruger here, and told him that from what I understood there would be a riot the next night, that unless the city was placed under military rule I was very much afraid there would be a collision, and at my earnest request he put Colonel Hunt in command of the city. That was since the election.

Q. What reason had you for that action?—A. I was sure that if a collision occurred in the city between the whites and blacks it would spread all over the State, and probably would spread throughout the country.

Q. But what reason had you for supposing there was danger of collision at that time?—A. There had been a riot in the city that day, and a man was killed as he was going home—a citizen—and I heard further that the white people were very much exasperated, and that both parties were arming, and that there was a probability there would be a collision that night. General Ruger, when I called his attention to it, telegraphed down and informed me that that was the fact, that he had heard that there was likely to be a riot that night.

Q. State the entire fact connected with the election or the conduct of the party bearing upon the question of its being peaceable and every one being permitted to exercise his right of voting freely.—A. I don't know that I can give you any facts of importance. As I tell you, that was the ground that we took, I and the whole corps of speakers who were with me during the canvass. We advocated the entire freedom of the election. I believed that it could be carried by an appeal to the best element of the colored people; that they were suffering, as we were, by the stagnation of trade and the ruin of the industrial interests of the State, and I felt satisfied that an appeal to them would enlist enough of them to carry the election. As an evidence of the number who voted, I should like to refer you to the census. We always believed that the State census of 1875 gave too large a vote for the colored people and too small for the white.

Q. Is that the general belief here of the people of South Carolina?—A. That has always been the belief here and it reaches almost every one. By this census, however, prepared by the State authorities here, there are 184,900 voters in the State: colored, 110,744; white, 74,199.

Q. What was the total vote?—A. The total vote was 184,943. By the returns of this election I received 92,261 votes, Chamberlain received 91,100 and something. There were about 183,400 votes cast in this election, and that, I think, shows that there was a very general turning out, if there were 185,000 votes in the State, and there were 183,000 cast.

Q. Was there at this election a more general voting of the white population than at any time since the war?—A. Very much larger.

Q. State, as far as you know substantially, whether the whole white population voted.—A. I think every white man who could vote did so. I have now another part of the census to which I want to call the attention of the committee. I have the colored vote for twenty-six counties, cast in this election, separate from the white.

	No. of colored voters.	No. of colored votes pulled.
In Abbeville County .....	4,951	4,473
In Anderson County .....	2,215	1,858
In Fairfield County .....	3,370	3,366
In Greenville County .....	2,146	2,085
In Marion County .....	2,883	2,619
In Newberry County .....	3,254	3,139
In Orangeburgh County .....	4,384	4,801

Here are five hundred more voters in Orangeburgh than there are there by the census. In Sumter there were 4,362 by the census, and 4,295 voted. I have not gone over the whole of the counties, but I shall give you this paper for your record. Now I wish to call attention to another fact,—Governor Chamberlain's vote in 1874 and in 1876. He received—

	In 1874.	In 1876.
In Abbeville .....	4,181	3,669
In Barnwell .....	3,797	2,778
In Fairfield .....	3,022	2,832
In Georgetown .....	1,821	2,787
In Lancaster, (democratic county) .....	1,169	1,236
In Lexington, (democratic county) .....	1,156	1,256
In Marion, (democratic county) .....	2,343	2,492
In Spartanburgh, (democratic county) .....	1,540	1,467
In Sumter .....	758	3,859
In Beaufort .....	4,778	7,604
In Charleston .....	8,727	15,032
In Colleton .....	3,539	4,163
In Edgefield .....	3,398	3,107

This paper is a synopsis of the vote, which I will leave with you. Of the colored vote of 110,000 in the State, I think you will find that about one hundred and seven or eight thousand voted in this election.

Q. State whether at your different meetings throughout the State, democratic colored clubs attended?—A. Yes, sir; nearly always.

Q. So that there were democratic colored clubs in almost all the counties?—A. In all the counties.

Q. And they were present with the rest of the democrats at the meetings?—A. They came with them sometimes separately and sometimes in these clubs. I have seen as many as five or six hundred mounted, under their own officers, joining in the procession at one meeting.

Q. Were there any arms at any of these meetings, that you know of?—A. I did not see any exhibited in any number at all; in the general understanding of armed bodies of men, there was not one single armed body of men at any meeting I have had during this canvass. No doubt men had pistols and sometimes you would see a few pistols exhibited, and I had that done away with wherever I could. I never allowed them to carry them if I saw it.

Q. Is it not the usual custom of your people to carry pistols about with them?—A. I am told it has become very much the custom of late, on account of the disturbances that have prevailed through the State. I am very sorry to say that it is so, but I have heard that it is. I will say, though, that I did not have an arm about my person during the whole canvass.

Q. If there is anything else that occurs to you in reference to the campaign, its peacefulness and good order, or the presence or absence of intimidation of colored voters, please state it.

Mr. ABBOTT. While you undertake to execute the office of the governor of South Carolina, do you mean to give full and perfect protection to blacks as well as whites?

Mr. LAWRENCE. I object to that.

The WITNESS. You will find a full answer to that in all my speeches. By my acceptance of the nomination I was pledged to that. Now, in reference to what brought about this canvass, I should like to say a few words. We had endeavored here for the three preceding elections to form a union and compromise ticket, and had been unable to carry it to success, and it was determined at this time, hoping for no further relief from this party, to make the issue square and fair, and to stand upon a platform that we thought would be broad enough to bring everybody in. That reform was necessary, I should like to show from Governor Chamberlain's own utterances.

Mr. LAWRENCE. I suppose that is not the question that we are investigating.

Mr. ABBOTT. The offer is made, and if you object to it we will not press it.

By Mr. LAWRENCE:

Q. Have you Governor Chamberlain's utterances there, that you refer to?—A. Yes, sir.

Mr. LAWRENCE. Please let me see them.

The WITNESS. I should like to read some of them.

Mr. LAWRENCE. I do not object to the entire original documents being put in, but I do object to extracts detached from the context.

The WITNESS. I have here a report of the special joint investigating committee of the general assembly of 1870 and 1871, of which Whittemore and Swails were the members on the part of the senate, and Mr. John B. Dennis and Mr. Gardner and Timothy Hurley on the part of the house; all republicans. In reference to the vital necessity of reform in the State, I wish to put in this report of that committee. The report was submitted as follows:

*Report of the joint special financial investigating committee, appointed by the general assembly at its regular session, 1870-71.*

B. F. Whittemore, S. A. Swails, committee on part of the senate.

John B. Dennis, W. H. Gardner, jr., Timothy Hurley, committee on part of house of representatives.

[A copy.]

Concurrent resolution for a joint committee to examine the accounts of the State treasurer, comptroller-general, and financial agent.

Whereas the joint committee appointed at the regular session of 1869, to examine the books and vouchers of the State treasurer and comptroller-general, reported that duty performed and everything correct in said offices; and whereas great discrepancies exist between the State treasurer's, comptroller-general's, and financial agent's printed reports: Therefore, be it

*Resolved by the house of representatives, (the senate concurring,) That a committee of three on the part of the house and two on the part of the senate be appointed to make a complete and thorough examination of all the accounts of the State treasurer, comptroller-general, and financial agent, since their induction into office, with power to send for persons and papers, said committee to have power to employ a clerk, and an expert if necessary; also, to submit any part of the results of their examination to the attorney-general, for his official action.*

IN THE HOUSE OF REPRESENTATIVES, February 13, 1871.

*Resolved,* That the house agree to the resolution.

*Ordered,* That it be sent to the Senate for concurrence.

By order.

A. O. JONES,  
C. H. R.

IN THE SENATE, February 14, 1871.

*Resolved,* That the senate concur.

*Ordered,* That it be returned to the house of representatives.

By order.

J. WOODRUFF,  
C. S.

A true copy:

A. O. JONES,  
Clerk of House of Representatives.

STATE OF SOUTH CAROLINA, SENATE CHAMBER,  
Columbia, S. C., February 14, 1871.

Hon. B. F. WHITTEMORE:

SIR: Pursuant to concurrent resolution adopted by both houses, for the appointment of a joint committee to examine the accounts of the State treasurer, comptroller-general, and financial agent, since their induction into office, you were appointed a member of said committee on the part of the Senate.

Attest:

A. J. RANSIER,  
President of Senate.

J. WOODRUFF,  
Clerk of Senate.

STATE OF SOUTH CAROLINA, SENATE CHAMBER,  
Columbia, S. C., February 14, 1871.

Hon. S. A. SWAILS:

SIR: Pursuant to concurrent resolution adopted by both houses, for the appointment of a joint committee to examine the accounts of the State treasurer, comptroller-general, and financial agent, since their induction into office, you were appointed a member of said committee on the part of the senate.

A. J. RANSIER,  
*President of Senate.*

Attest:

J. WOODRUFF,  
*Clerk of Senate.*

OFFICE OF CLERK OF HOUSE OF REPRESENTATIVES,  
Columbia, S. C., March 8, 1871.

This is to certify that, in accordance with a resolution passed by the house of representatives and concurred in by the senate, to appoint a joint committee to examine the books, &c., of the State treasurer, comptroller-general, and financial agent, Messrs. J. B. Dennis, W. H. Gardner, and Timothy Hurley were appointed by the honorable the speaker on the part of the house of representatives.

A. O. JONES,  
*Clerk of House of Representatives.*

#### REPORT:

*To the honorable the Senate and House of Representatives of the State of South Carolina:*

GENTLEMEN: The joint special financial investigating committee, appointed at the last session of the general assembly, for the purpose of making "a complete and thorough examination of all the accounts of the State treasurer, comptroller-general, and financial agent, since their induction into office," having fulfilled their duties assigned them as far as it was possible during the time allowed to investigate matters of so great importance, and covering so long a period, have the honor herewith to submit such statements, tabular and otherwise, as their examinations will warrant, in order that the earliest information may be given to all interested in the financial operations of the officers of the State to whom are intrusted the gravest and greatest responsibilities.

In the commencement of the work obstacles were immediately encountered; the question, how far the authority or power of the committee extended, was debated by some of the State functionaries, and not until the written opinion of the attorney-general was solicited and given was much advancement made in any direction. The authority "to send for persons and papers" was regarded, even by the chief executive, as an empty prerogative. The committee are compelled to say that, had it depended upon the co-operation of the governor, as to how far their examination of persons or papers should be carried, the work would have been completed the moment it began. While his excellency, in his conversation with the committee, "hoped the investigation would be thorough," yet in all his actions he most certainly exhibited little sympathy with the progress of investigation, and less desire for its "thoroughness."

It is true, the resolution adopted by both branches of the general assembly, and upon which the committee was appointed, made no provision for the payment of the services or expenses of the committee, its clerk or expert, which they were empowered to employ.

The governor, cognizant of this fact, and unwilling to take so large a responsibility, felt it his duty to withhold his indorsement from the pay certificates for the members of the committee, or for expenses incurred in the necessary work of its investigation, lest perhaps "the legislature might not sanction his acts, but censure him for permitting money to be drawn out of the treasury without any appropriation;" so entirely contrary "to his whole course of action during his administration of affairs."

The position of the committee was unpleasant and perplexing; certain responsibilities had been created and imposed upon them; the general assembly had commissioned them, and authorized their course of action; the people had been told that a committee had been appointed by the legislature "to make a thorough examination of all the financial departments of the State;" dark suspicions lurked in the mind of the communities, as to the integrity of certain prominent officials, and the honesty of the administration ruling them; the leading organs of the opposition to the dominant party, as well as mercantile and commercial organizations, proclaimed that frauds had been practiced, moneys squandered, the debt increased beyond legal provisions, &c., &c.; "the tax-payers were clamoring for a true exhibition of the assets and liabilities of the State, as well as receipts and expenditures of the treasury; there could be no refusal or failure, on the part of the committee, to perform the work committed to



their trust, however formidable the obstacles, without the cause of such refusal or failure being misunderstood, and the committee receiving the unmeasured censure of the public. Beside this, the general assembly would have a right to demand a report from the committee, and the failure to make it complete in all the details of investigation, on the plea, "that, although the committee was appointed to make a thorough examination of all the accounts of the State treasurer, comptroller-general, and financial agent since their induction into office," no appropriation was assigned out of which their services could be paid, therefore they felt under no obligation to do the work required of them, would have merited a rebuke worthy of such unfaithfulness from the general assembly, and an universal condemnation from the citizens of the State.

While the resolution provided no compensation for labor performed, or expenses incurred, it authorized work to be done, and agents to perform it, and the construction which the committee placed upon the action of the general assembly was, "it expects the committee to do its duty, and its services will be rewarded; no omission in the resolution creating them will justify the State in repudiating their services or expenses." Fortified in this conclusion by the opinion of the attorney-general, the committee determined to follow the instructions of the resolution, and complete their examinations as far as time given would permit.

The correspondence in relation to this part of the committee's action will appear in its proper place.

#### THE STATE TREASURY.

The committee entered upon the examination of "all the accounts of the State treasurer," which was a task of no small magnitude; every charge upon his books has been transcribed, every credit and debit copied, each and every voucher examined, and the accompanying tables will show every payment made, and every dollar received by the treasurer; and if more has been paid out than there are vouchers for, the amount in excess, and upon what expended, will also be seen. Great patience in the handling and reading of the treasurer's vouchers was necessary, and much time consumed. During the examination of these accounts, at no time was the treasurer present; but his clerks, Messrs. Gary and Tappan, attended the committee in their inspection of all book and papers of the treasurer's office, to which they gave ready access and explanations.

In order that the report of this committee might be made as soon as possible after the assembling of the legislature, it was necessary to confine their statements, as far as possible, to a period reaching from the time of the induction into office of the State treasurer, comptroller-general, and financial agent to the close of the fiscal years 1869 and 1870. They have also in preparation a supplemental report for the fiscal year ending October 31, 1871, which will be thorough in all its details and submitted as soon as completed.

#### RECEIPTS AND EXPENDITURES.

The whole amount received by the State treasurer from September, 1863, to October 31, 1870, from all sources, has been \$4,184,783.42. The largest amount has been from taxes, which in the aggregate is \$2,055,563.55, and the next from H. H. Kimpton, financial agent for the State, which is \$1,710,753.71, leaving a balance from all other sources of \$418,476.16. The expenditures during this time have been \$4,183,337. The largest of these expenditures are as follows, viz: General interest account of public debt, \$720,148.56; H. H. Kimpton, financial agent of the State of South Carolina, \$928,717.79; salaries, \$331,488.45; legislative expenses, \$516,408.46; free schools, \$135,946.14; State penitentiary, \$180,931.49; civil contingent, \$120,322.27; executive contingent, \$87,745.68; lunatic asylum, \$32,489.48; fitting up new State-house, \$55,009.57; census taking, \$73,117.00; State constabulary, \$32,468.42; fees of sheriffs for detaining prisoners, \$44,946.21; elections, \$28,125.47; expenses enrolling and organizing militia, \$93,341.07; orphan asylum, \$18,885.65; committee of investigation, third congressional district, \$27,865.45; purchase of arms and ammunition, \$13,066.72; printing, \$43,440.57; advance to Blue Ridge Railroad, \$20,000.00; insurance and repairs University of South Carolina, \$17,281.95; claims passed, \$14,256.60; land commission, \$89,558.25; bills receivable, \$275,401; R. K. Scott (to negotiate loan of \$125,000 to meet the current expenses of the State,) \$97,185; maintaining quarantine and quarantine hospital, \$17,674.74; transient sick poor, \$12,834.25; fitting up the governor's residence, \$8,924.17; deaf, dumb and blind asylum, \$11,164.80; N. G. Parker for the purchase of gold, \$24,422.61.

#### APPROPRIATIONS.

All moneys should be drawn out of the treasury upon appropriations specifying the object for which they are made, and upon every certificate of payment there should be required, by law, to be written in red ink, by the treasurer, the appropriation drawn

upon, and in no instance should that appropriation be overdrawn nor diverted to the payment of claims foreign to the appropriation; and the treasurer should inform the governor when an appropriation is exhausted, who should, after being thus informed, withhold his indorsement upon any pay-certificates drawn upon that appropriation.

There is another class of appropriations beside special, which might be called general or inexhaustible, known as "funds of the State not otherwise appropriated," which have furnished ready opportunities for the depletion of the treasury at any time, and constant drafts upon this class of funds have been and can be made for the payment of whatever may be found deficient in a special appropriation or for claims however extravagant or unjust.

In the examination of the vouchers, which the committee have carefully scrutinized, they have found not only appropriations diverted from their intended and specified purpose, but the "inexhaustible funds" of the State, like a never-failing fountain, drawn upon in every emergency, sufficient for every demand, when it is the interest or pleasure of the heads of the financial departments of the State so to direct. In order that a more perfect understanding of this subject may be had, there will be upon the page opposite the expenditure (classified under an appropriate head) the appropriation designed for the payment of the same, as well as the date of its passage by the legislature, thus enabling the reader to observe the excess of payment over amount appropriated, as well as the open door to large expenditures out of the never-exhausted "funds of the State." This exhibit will also prove a valuable record for reference, as well as a guide for all future legislation upon that most sensitive of all subjects, viz: How much of the people's money shall be appropriated, and in what manner shall it be expended? Too much care, with explicit and rigid requirements, cannot be given to the consideration and passage of any law calling for the expenditure of public funds; and great improvements must be made upon the prodigal modes now practiced in the disbursement of the same. The committee recommend the general assembly, at the earliest moment, to give such consideration to this subject as its importance demands, that a correction of all mistaken legislation, and the abuses following, may not be longer delayed.

#### DEPOSITS IN BANKS.

By the act of August 22, 1868, the treasurer of the State is required to deposit all moneys coming into his hands, on account of the State, within three days, Sundays exclusive, in *some bank of safe deposit.*

The following is the statutory provision:

"The treasurer of the State of South Carolina shall deposit all moneys that shall come into his hands, on account of this State, within three days, Sundays exclusive, after receiving the same, in some bank or banks in the cities of Columbia and Charleston, as shall be designated by the governor, comptroller general, and treasurer, or any two of them, and as in their opinion shall be secure and pay the highest rate of interest for such deposit. The moneys so deposited shall be placed to the account of the treasurer, and he shall keep a bank-book, in which shall be entered his accounts of deposits in, and moneys drawn from, the banks in which such deposits shall be made."

And the banks are also required—

"Respectively, to transmit to the governor and comptroller-general monthly statements of the moneys which shall be received and paid by them on account of the treasury."

The committee have failed to find any entry in the treasurer's books of interest received from any bank in which deposits of the moneys of the State have been made. While nearly all the banking institutions of the city of Columbia have had a share of such funds, it is apparent to the committee that the South Carolina Bank and Trust Company has been regarded the most "secure," and hence the most worthy of the largest amount of deposits; or, perhaps, so intimate are the relations of the officers or stockholders of this bank with the officials of the State, that the bank so much in favor is considered the most convenient, if not the most profitable or secure, depository under the law.

The committee, believing it to be a part of their duty to learn the whole amount of deposits made by the State treasurer in that and other institutions, made application at the counter of the South Carolina Bank and Trust Company for leave to examine their books of credits to the State, but were refused the privilege. Therefore the amount of interest which might have been ascertained as due, and withheld from the State, cannot be given at present, but may be at some future day.

That this bank has had large amounts of State money there can be no question, and upon it a good share of its business has been done. If, as is shown by the statement of moneys received from all sources, less than one-fourth of the amount has been paid over to the financial agent, there certainly must have been, since the passage of the act requiring deposits to be made, deducting all the transactions of the treasurer with

the financial agent, nearly two and one-half millions of money of the State in the treasurer's hands, which should not only have been deposited in "secure" banks, but accumulated "the highest rate of interest" during the time of its deposit.

Not only have the banks not paid the interest required, but the South Carolina Bank and Trust Company, the accredited depository of the State moneys, has been the place for payment of claims upon the State; which payments were delayed until "the usual discount" was allowed, notwithstanding the deposits of the State in its vaults, the certificate of payment given by the treasurer, and the indorsement of the governor, whose signature is by law declared to be "the evidence of his approval." Such has been the notoriety of this practice that it is currently rumored throughout the State, and generally believed, that claims against the State, or certificates of payments given by the State treasurer, when presented at its counter, are paid out of the *State funds deposited there* after a required discount is deducted from the face of the pay-certificate. And, in addition to this, it is asserted that some of the members of the legislature received from this bank payment on their pay-certificates after submitting to "a large shave," when it was expected the deficiency appropriation, covering all legislative expenses, would receive the approval of the governor, and thus provide the means for immediate payment of the same. The governor having failed to sign the deficiency-bill, the legislature adjourned with no appropriation to pay its members, many of whom, by necessity, were compelled to sell their certificates. This bank "bought their claims," at a great sacrifice to the members, on the plea "that the bank must loan its own funds and wait until the next session of the legislature and passage of a deficiency appropriation bill before the claims could be paid. This was a subtle invention of the leeches of the treasury, for taxes were being collected, and funds of the State were passing into the vaults of the bank in greater amounts than had been paid out on its own risk subject to its use; and although no special appropriation existed warranting the payment of such certificates, "the inexhaustible" funds of the State, "moneys not otherwise appropriated," could be drawn upon by officials interested, and it needed not the wisdom of a Solomon to discern the fact.

The committee do not desire to be understood as questioning the right of any bank, when doing business upon its *own* capital, restricted by its own rules and general banking laws, to ask and receive such discounts as the character of the person applying, the security presented, and the probability of its final adjustment, may demand; but they do unhesitatingly question the propriety of State officials forming themselves into a banking association, and depositing the State funds with themselves, drawing out of the treasury with one hand and paying out of the bank with the other, certificates or claims, and charging heavy percentages for the privilege; giving no security and paying no interest for the use of the money, not even furnishing a report of the amounts transferred from the treasury to the bank. As to the law in this regard, the committee most earnestly recommend the general assembly to consider its provisions, and if not explicit enough in detail, to so far amend it as to protect the State and all who have dealings with it from further imposition, extortion, and loss. It is certainly expected that the legislature will so guard the treasury, and put such checks upon it, as will prevent misuse of the public moneys, and intrust them only to responsible parties. And it should be further provided that the State, at all times, shall have its deposits protected by undoubted securities, and that the interest on those deposits shall be paid into the treasury at least semi-annually.

#### THE ENROLLMENT AND ORGANIZATION OF THE MILITIA, AND THE EMPLOYMENT OF AN ARMED FORCE.

This part of the work of the present administration, so severely and extendedly criticised at home and abroad, so fruitful of suspicion and opposition among a large portion of our citizens, as well as dissatisfaction to another class, while intended for the preservation of the peace, lives, and property of the people of the State, has not only failed in its avowed object, and been managed unwisely, but also proved an expensive experiment, as the charges for such purpose will show.

The first payment for the enrollment and organization of the militia was made in July, 1869, and if the payments on the appropriations for that purpose correctly show the progress made in the effort, it was not very great until about April, 1870, from which date, according to the monthly disbursements, we are reminded of active operations. The whole cost of the enrollment and organization of the militia, as far as known, up to May, 1871, is \$108,472.82. The expenses paid for armed force do not appear in any reports thus far submitted, but will be found in the supplemental report of the committee, the aggregate of which is \$23,747.78. Germane to these expenditures are the charges for the purchase of arms and armament authorized by an act of the legislature March 16, 1869, which empowered the governor to purchase two thousand stand of arms, with the usual complement of ammunition, and pay for the same out of any money in the treasury not otherwise appropriated. It is found that the governor decided that one thousand arms of the Winchester pattern would be sufficient, and

gave his orders accordingly. For these arms, (if the charge to "the purchase of arms" is in accordance with the appropriation, or law authorizing the same,) and "the usual complement of ammunition" for one thousand Winchester rifles, the State has paid \$38,789.33, which makes the total outlay for the enrollment and organization of the militia, now entirely without organization—the armed force now virtually disarmed—the purchase of arms, one thousand Winchester rifles, now scattered throughout the thirty-one counties of the State—the sum of \$171,009.93.

The committee are, in this connection, forced to the acknowledgment, however unpleasant or humiliating it may be to such as are connected with the fact, that the moneys expended (as vouchers indicated the direction in which the funds were used) were not all paid out for such purposes. In the enrollment and organization of the militia, as well as in the armed force employed by the governor, there was a most ample and complete opportunity for ambitious political partisans and aspirants for re-election *to arm and equip a force of personal friends and advocates, and pay them* "when on service the same pay and allowances as are given to officers and soldiers of the same grade in the Army of the United States," not out of their own purse, but "out of any moneys in the treasury not otherwise appropriated; the State to be re-imbursed by a special tax upon any county into which the governor was compelled to send an armed force." And, to carry out these provisions, the governor was to exercise all the powers conferred upon him by an act entitled an "Act to suppress insurrection and rebellion," passed September 22, 1868. Besides, as he was to be the judge of the existence, in any county, of the necessity of an armed force "to preserve the peace," and it was his own prerogative to commission the officers and subalterns, and indorse their pay accounts. An enrolled, organized, and armed retinue of personal favorites or advocates were commissioned and placed upon his staff at the proper time, as well as ordered to form companies, battalions, regiments, and brigades throughout the State, into what was called "the National Guard," alias "Scott's Militia." This statement is made from undoubted evidence in the premises, and cannot be controverted. The election in 1870 was carried, in part, by the means herein stated, and while some portion of the funds appropriated for the purposes specified were, no doubt, expended for the same, the largest amounts were diverted to secure the re-election of Robert K. Scott as governor of South Carolina, but not for the success of the republican party. That the adjutant-general has not known of this diversion of special appropriations cannot be possible, for, being a member of the house of representatives, the speaker of the house, and signer of all bills passed both branches of the general assembly, he must be familiar with the laws passed; and, as the elected adjutant-general, the principal staff-officer of the State, whose recognized duty is to assist the commander-in-chief in the details of military organization and promulgate his orders, he certainly cannot claim entire ignorance in the use of the funds which are here referred to.

Nor is this all. A more glaring robbery of the treasury, for personal ambition and gain, has been perpetrated, and will be presented in that part of this report which covers the investigation of the financial agent's books and papers. The enormous sum of \$202,602.66, (two hundred and two thousand six hundred and two dollars and sixty-six cents,) not appearing anywhere upon the State treasurer's books and never intended for the public eye or ear, has been paid, in addition to the amount already aggregated, for the alteration of arms, which swells the account to \$374,696.59, (three hundred and seventy-four thousand six hundred and ninety-six dollars and fifty-nine cents.) The committee are compelled to believe that many of the State officials have been privy to this last and chiefest expenditure, for no such amount could ever have been paid for the work done, and the charges themselves are the evidence of fraud, and the officials could not have sanctioned or winked at it unless in complicity with it.

It would be proper here to say the committee believe that the amount charged for "adjutant-general's contingent," viz, \$5,000, the adjutant and assistant-adjutant's salaries \$8,000, and the State constabulary, viz, \$33,463.12, would most assuredly belong to this class of expenditures, being kindred in their offices, purposes, and uses. Therefore, "The enrollment and organization of the militia," "The armed force," "The purchase of arms," "The adjutant-general's department," and "The State constabulary," have cost the State the alarming sum of four hundred and twenty-one thousand one hundred and fifty-nine dollars and seventy-one cents (\$421,159.71,) nearly sufficient to pay the interest on the public debt for one year, (as per statement of the comptroller-general, October 31, 1870,) equal to a special tax of two and one-half mills upon the whole taxable property of the State, or a *per capita* of \$2.75 upon the whole voting population of the State. Further remarks upon this subject will be reserved until the financial agent's accounts are presented.

#### THE LAND-COMMISSION.

This gigantic folly, about which there has been more said and less known than any other branch of the State government, and of which the legislature have often been challenged in open session to find out anything about, as well as denied a report con-

cerning its operations—this offspring of an ordinance of the constitutional convention, passed to furnish a certain individual with a visible occupation, and a more visible manipulation of the public funds—has, without doubt, been one of the most expensive experiments, productive of greater distress and dissatisfaction that has been legalized or patronized by the State.

In no instance has the spirit of the ordinance alluded to, or the act authorizing the creation of the land-commission, been carried out—as will be seen by the following extracts from both of these instruments; but, on the other hand, the office, the administration of its power, the purchase of lands, the payment for the same, the sale of land-commission bonds, have all been made to subserve a certain organized result, viz: the primary benefit of members of the advisory board, and the land-commissioners and their subservient allies.

[Extracts from an ordinance to create a board of land-commissioners, passed by the constitutional convention.]

1st. "It shall be the duty of the general assembly to provide for the establishment of a board of commissioners of public lands, (of which board the comptroller-general of the State shall be a member,) define the powers and duties of the board, provide for the current expenses thereof, and fix the compensation of the members."

2d. "The commissioners shall have authority, under regulations of law, to purchase improved or unimproved lands—cause them to be surveyed and laid off into suitable tracts, and sold to actual settlers under specified conditions—provided, that the rate at which any purchase shall be made shall not exceed seventy-five per cent. of the value of the land so purchased, including the improvements thereon, such valuation to be ascertained in the manner hereinafter provided by law."

3d. "The general assembly shall have authority to issue to said commissioners public stock of the State; that such stock, or the proceeds thereof, shall be applied in payment for the land purchased; and such stock shall not be negotiated at less than the par value thereof. The aggregate amount of purchase of land in any fiscal year shall not exceed the par value of the stock of this State created and appropriated for such purpose."

4th. "The general assembly shall provide by law for the security of funds in the hands of the commissioners of public lands, and for the accountability of such officers, and shall require bonds to be given therefor."

Upon this ordinance, which was believed to be mandatory in its requirements, the acts of March 27, 1869, and March 1, 1870, were passed. The following extracts are given from the act of March, 1869:

1st. "The advisory board is authorized and required to appoint a suitable person to be known as the land-commissioner of the State of South Carolina, who, for the faithful discharge of the duties of his office, shall execute to the people of the State of South Carolina a written undertaking, with good and sufficient surety, in the penal sum of twenty thousand dollars, to be approved by the advisory board and filed in the office of the secretary of state."

2. "The governor, comptroller-general, treasurer, secretary of state, and attorney-general are declared to be the advisory board to the land-commissioner."

3d. "The said land-commissioner shall hold his office at the pleasure of the advisory board, and be governed by their instructions and advice."

4th. "It shall be the duty of the land-commissioner to purchase or cause to be purchased any lands in any portion of the State, improved or unimproved, at such price as the advisory board may determine, not to exceed in the aggregate amount, in any one fiscal year, the par value of the public stock of this State, created for this purpose."

5th. "The said land-commissioner shall not purchase from or sell to the State any land; neither shall he engage in speculations in lands, either on his own account or as an agent for other persons or corporations, and upon conviction thereof, for every such offense, shall be fined and imprisoned at the discretion of the court."

6th. "All lands purchased by the land-commissioner shall be subdivided into sections of not less than twenty-five nor more than one hundred acres, and sold to actual settlers, on conditions provided by the act."

7th. "The books and records of the land-commissioner shall, at all times, be subject to the inspection of the advisory board, or any member thereof; and the said land-commissioner shall, annually, make a detailed report of the transactions of his office to the general assembly."

8th. "The treasurer of the State is authorized and directed to issue to the land-commissioners, if, in the opinion of the advisory board, so much be necessary, bonds of this State, in the sum of two hundred thousand dollars, with coupons attached, bearing six per cent. interest, the principal payable in twenty years, to be signed by the governor and countersigned by the comptroller-general; the coupons to be signed by the treasurer of the State. The faith and credit of the State is pledged to the payment of the principal and interest of said bonds, and a sufficient amount of taxes levied to pay the interest accruing on said bonds annually."

[Extracts from act of March 1, 1870.]

1st. "The treasurer of the State, as in the foregoing extract of the act of March, 1869, under the same regulations and restrictions, is authorized and directed to issue bonds of this State, of the same class, and payable in the same time to the land-commissioner, 'in the sum of five hundred thousand dollars.'"

2d. "That the land-commissioner shall be subject to a majority of the advisory board, and any purchase or sale of property made without their advice or consent shall not be valid."

3d. "No purchase shall be made without the certain knowledge of the commissioner, that he will be able to sell the same without delay."

The land-commission has, up to the time this committee was appointed, and since its establishment by law, passed through two administrations. The first commissioner, in the management of the affairs of his office, was so secret, mysterious, and unwritten, that investigations were laughed at and discovery defied. And, as if to carry the mockery of disclosure to a more supremely farcical conclusion, the late first commissioner, by strategies well known to himself, succeeded in securing the appointment of such a committee, during the last session of the State senate, to examine into the affairs of his office as he desired; and in order to facilitate the work of oblivion, he caused to be employed the son of a certain beneficiary of the commission (whose parched acres and barrens were purchased for \$36,488, ten times their value) to take down in short-hand the evidence given during "the sitting of this committee," brought together at times and in numbers the most convenient, under the dictation of the skillful operator, the substance of which is as little known as all his other proceedings, and will, no doubt, see "the light" when the darkest transactions of the land-commission are unveiled.

During his administration the largest moneyed transactions of the commission were completed, and therefore the details of his work are of the most importance to those who have been called upon to furnish the means for him to operate with. These he persistently and publicly refused to give, and uses his cunning devices to stifle and conceal.

The second commissioner, though frequently required by the general assembly to make complete reports of the work of his office, seemingly followed in the footsteps of his "illustrious predecessor," until the close of the session of 1870 and 1871. Of his administration little can be said, for little is known, and his report being the only intelligence gained of its transactions, must be referred to for its history. With this condition of affairs and the books of the land commission as blank as the knowledge of its transactions, the committee, as an initial step in the investigation of the same, addressed circulars to the clerks of the county courts and all persons who were supposed to have any information concerning the sale of land to the State, requesting answers to questions therein contained, a copy of which will be appended, and a large number of the replies will be found in an appropriate place.

In the examination of the books of the State treasurer, or the vouchers to the charges made against the land commission, but little trace of the operations, and a small proportion of the amount expended by the commission, could be found. There seemed to be a studied silence on the whole subject; and had the investigation ended with the treasurer's or comptroller's office, no more information would have been gained than was already given, viz, that less than \$90,000 had been expended by the land commission at the close of the fiscal year ending October 31, 1870. Suspicions were aroused that a full record of all its transactions had not been made; and the subsequent examination of the books of the financial agent justified these suspicions, for in them it was found that, from the appointment of the first land commissioner to the 31st of October, 1870, according to the financial agent's charges, there had been paid out by him, in cash, for the land commission, \$562,063.40, which, added to the amount on the State treasurer's books, make the expenditures of the land commission up to that time, \$651,621.65, instead of \$89,558.25, as appears by the treasurer's accounts and the reports of the comptroller-general for the fiscal years ending October 31, 1869 and 1870, or \$547,329.85, as per Hon. R. C. DeLarge's report, February 25, 1871. So careful were all parties concerned, that the financial agent has nowhere in his reports, except that of September, 1869, made reference to drafts honored or cash paid on account of the land commission, which had already more than exhausted the amount realized on the bonds issued and sold for land-commission purposes. And it is found, after the various reports of the State officials for the fiscal year of 1870 had been submitted to the general assembly, there was paid out by the State treasurer, but not charged on his books, \$23,031.92, and by the financial agent, \$60,740, making \$735,393.57, which, added to the only item appearing in the financial agent's reports, September, 1869, relative to the commission, viz, \$11,330.50, swells the aggregate expended for and on account of the said land commission, as far as known, to \$746,724.07.

Here is an instance of a very large excess in expenditures over the appropriations or

provisions made for the same. By the act approved March 27, 1869, and March 1, 1870, an issue of \$700,000, in bonds of the State, were authorized "for purposes of the land commission." No information is yet obtained, from sources from which it should be expected, whether any of these bonds have been sold; and when the financial agent was by this committee asked "if he had sold a class of bonds known as land-commission bonds," he failed to give a decided answer, but left the inference that a *portion* if not *all* of these bonds had been sold.

The committee, also, by collateral information, were led to believe that a portion of this class of bonds had been sold, by the order of the financial board, at a price as low as sixty cents; which, if true, would net, if all disposed of, \$420,000, or \$326,723.07 less than the aggregate expenditures of the commission under the two first commissioners.

Or, if these bonds were sold at the price fixed upon by a resolution passed by the advisory board June 10, 1870, which directs "the land commissioners to sell them for not less than eighty-five cents on the dollar," then the gross receipts of the sale would be \$151,723.07 less than the aggregate amount expended.

According to the correspondence between the Hon. R. C. DeLarge, land commissioner, and H. H. Kimpton, financial agent, dated June 17, 1870, at Columbia, S. C., it would seem that \$500,000 of these bonds had not at that time been sold; for, when the financial agent was requested to turn them over to the land commissioner, he was informed "that the State treasurer, some time since, forwarded the said \$500,000 of bonds to me, to be used as collateral security for loans. All of the bonds are now in use as collateral security for moneys advanced to the land commission. I am ready to promptly deliver the bonds to you whenever the loans are paid or other satisfactory securities are substituted in their place."

If such, then, was the fact, for two months before June 10, 1870, had the excess alluded to been paid out, it is certain the bonds issued for land-commission purposes were no longer sufficient as "collaterals" for moneys advanced in that direction. From what source, then, could the excess have been provided for?

The fertile brains of men bent upon personal gain, or the system of "paying out" without reference to the legitimacy of such payments, it is intimated, devised a way, or interpreted the provisions of the law so liberally as to cover all amounts expended, and here will the necessity of guarding all future appropriations be seen, as well as the great care necessary to be used in the selection of language clothing a provision of law that authorizes the issue of bonds for loans on the faith and credit of the State. There should be no chance for a misinterpretation of the law; if it is intended to provide for the issue of bonds the face-value of which, in the aggregate, shall be \$700,000, without any reference to their market-value, let the provisions of the law so declare; then it may not be possible for an issue of bonds to be made sufficient, when sold, to bring \$700,000, though the bonds may sell for less than half their face-value. That such a course has been pursued in the issue of land-commission bonds, either by the financial agent, with or without the consent of the financial board, the committee have reason to believe will be eventually proven; and if the law in this instance can be construed to authorize an issue of bonds sufficient to realize their face in dollars, why cannot the same construction be placed upon every statute providing for the issue of bonds? And it has been, by some of the State officials, admitted that the laws already passed authorizing the new loans are capable of such a construction, and, if an overissue has been made, a strict interpretation of the law permits it, may we not fear that the rumor as to "overissues of the new bonds of the State" may not be founded alone in suspicion or speculation? The keeping of the land-commission accounts has been a system of concealment; the outlays were so great in so short a time that the operators themselves had not yet grown bold enough to submit them to the inspection of the public. For some time there was a controversy between the State treasurer, the financial board, and the financial agent as to where the accounts should be kept, and so determined was the financial agent that they should be kept by the State treasurer, to whom he was willing to furnish money to make payments, that he suffered the earliest drafts of the treasurer on account of the land commission to go to protest, and they were returned thrice dishonored.

This course did not long prevail; the reasons of the treasurer became too cogent and convincing, as well as the persuasions and assurances of the subtle commissioner, who

"For ways that are dark and tricks not all vain,"

has no equal.

The major part of the business transactions of the land commission were now performed by the financial agent in the city of New York, the accounts kept by him; as by a transcript of the same will be seen. To use the language of the financial agent, in answer to the question from the committee, "What has been the process by which the land-commission transactions have been conducted between you, as financial agent of the State of South Carolina, and the State treasurer?" he says: "Inst'ad of drawing on me, the treasurer directed me to credit the State as having received the money from him, and charge the land commission with the same."



This plan, it will be apparent, obviated the necessity of charges upon the treasurer's or even the land commissioner's books. As an illustration, in the case of the "Hell-Hole Swamp" purchase, Parker gives drafts on H. H. Kimpton, in favor of Z. B. Oakes, for \$120,752. These are Kimpton's vouchers.

Parker pays the money at Columbia, the draft on Kimpton is the notice of the payment of money, the State is credited on Kimpton's books with the same amount in cash, and the land commission at the same time debited with the amount, and the whole transaction is safe, for details are not indulged in by the financial agent in his reports; nor do the advisory or financial board trouble the general assembly or the public with their suggestions or experience.

It is due, however, to the financial agent to say that he admitted to the committee "he should have preferred to have had the business of the land commission managed entirely at Columbia."

The committee believe, when all the accounts as well as letters and every other kind of information concerning this commission are presented, they will be borne out in their conclusions by every honest mind, that a more outrageous and enormous swindle could not have been perpetrated, and a more subtle manner of concealment perfected. By the exhibit it will be seen who have been the recipients of "favors" from this source of extravagance, the amounts paid them, and, as far as possible, what for. It will be observed that men in high places, through their kinsmen and trusty friends, have not been unmindful of the opportunity to make "an honest penny," nor have they been forgotten in the decisions of the advisory board when advising upon purchases to be made. It is a presumption that is almost conclusive, that unless some consideration was presented to some of the advisory board worthy of a decision in favor of the purchase of any tract of land, such decision would be withheld, and, however fair the offer or just the price asked, the applicant would meet with no encouragement. Beside this, some of the members of the advisory board are believed to have used their position for the enhancement of their own gains, and entered into collusion with other parties for a division of the proceeds of the sale of lands to the State at a price greater than its value or the sum demanded by the original owners. Nor has the executive himself been behind his peers, if collateral testimony is sufficient, in his eagerness, through "confidential friends," "old Army companions," or handy resident relatives, to sell tracts of land to the State, and receive the highest possible price for the same without reference to the real value. His frequent outbursts of indignation over "the damned swindle," as he calls it, are but the cloakings of his confederation with such as have "stolen from the treasury," by a concert of purpose that made the action sure.

In the course of the examination of the financial agent's accounts, the committee could not help observe certain charges which often followed amounts paid different individuals, such as cash to N. G. Parker, or draft in favor of N. G. Parker, in such amounts as appeared possible to be construed into commissions, or inducements to make drafts in favor of such individuals. These amounts, in the aggregate, are over forty thousand dollars, but the suspicions of the committee may not be correct.

Another item of information is that the resignation of the first land commissioner was secured by threats to the governor of an exposure of the Blue Ridge Railroad transactions and the purchase of the Greenville and Columbia Railroad stock, which was known to have been accomplished through the financial agent with the money of the State, as well as the promise to the land commissioner to pay him liberally if he would resign, so that room could be made for another aspirant. It was not, however, consummated in a moment; the then incumbent knew the value of his position and the treachery of those with whom he dealt; he made his demands, and "the ring," just formed, accepted the terms, and the result was accomplished by the purchase of his Greenville Railroad stock, which cost him nothing, the payment of whatever at that time he owed the financial agent, (several thousand dollars,) and twenty-five thousand dollars besides, making in all nearly fifty thousand dollars—all of which was paid out of the land-commission funds in the manner already enlarged upon. The resignation thus obtained, his successor was speedily inaugurated, and the commission again in disbursing order.

The committee have gathered from the records of the clerks of the courts and letters of correspondents little to encourage a belief that the State has valid titles to one-half the land purchased by the land-commission; more than this, a large proportion of the land paid for is either inaccessible or so poor that the class of people for whom the public lands were intended will not be anxious to settle, or able, out of the products of such lands, to pay for them even in the time provided for by law. The statement will bear reiterating, that the land-commission and its operations have been an "outrageous and enormous swindle," and the only satisfaction or comfort that the people of the State can take is, that having expended more than the entire amount authorized by law, "the purposes of the land-commission" have been gained, and no further expenditures can be made. That legal means to bring these fraudulent transactions to light, and the corrupt complicators to judgment, should be instituted and furthered, there can be no division of sentiment upon; and the sooner the work is begun, the less liable will the guilty be to cheat the demands of justice.



As a matter of curiosity, to show how "words are used to disguise the true meaning"—how

Offense's gilded hand and oily tongue,  
In the corrupt currents of this world,

have deceived the popular mind and become a travesty upon real purposes, "a circular" emanating from the original commissioner, and published in many of the newspapers of the State, will be added:

EXECUTIVE DEPARTMENT LAND-COMMISSIONER'S OFFICE,  
Columbia, S. C., August 11, 1869.

Notice is hereby given that this office is now organized in accordance with the law creating the same, and is ready to proceed to business. *In the purchase of lands the interests of the State will be carefully guarded. It is the desire of the commissioner to purchase none other than good lands, in good localities, at their fair market-value, and at such prices as the same land would be sold for to private individuals.* Arrangements have been made by which the bonds, authorized to be issued for the purchase of lands, will be converted into currency. The commissioner invites all parties owning desirable lands in desirable localities, wishing to sell them, and willing to take market-prices, to forward their proposals, giving the description of the lands for sale, their locality, quality, and adaptation to the production of cotton, corn, and grains generally, with a view to the commencement of negotiations for the sale of said lands to the State.

C. P. LESLIE,  
Land-Commissioner.

"THE ADVISORY BOARD."

This is a grand council of five, which directs all things in connection with the land-commission. Have they done their duty? Can no stones be cast at them? Are they free from suspicion or censure? Let us see.

Who creates the land-commissioner? "The advisory board."

How long does he hold his office? "At the pleasure of the advisory board."

By whose advice and instructions must he be governed? "The advice and instructions of the advisory board."

Who determines the price to be paid by the land-commission for lands? "It shall be the duty of the land-commissioner to purchase or cause to be purchased any lands in any portion of the State, at such price as the advisory board may determine."

Is there a limit to the amount of land to be purchased in any fiscal year? "It shall not exceed, in the aggregate amount, in any one fiscal year, the par value of the public stock of this State, created for this purpose."

How far are the purchases of the land-commissioner legal? "The land-commissioner shall be subject to a majority of the advisory board, and any purchase or sale of property made without their advice or consent shall not be valid."

What rule is given for the purchase of land? "No purchase shall be made without the certain knowledge of the commissioner that he will be able to sell the same without delay."

How are the bonds, authorized for land-commission purposes, to be issued? By the treasurer, in amounts specified in the acts authorizing the same, "if, in the opinion of the advisory board, so much be necessary."

What amount of bonds, for land-commission purposes, were authorized under the acts of March 27, 1869, and March 1, 1870? "Seven hundred thousand dollars."

How much has been expended for land-commission purposes? According to the books of the State treasurer and the financial agent, "seven hundred and forty-six thousand seven hundred and twenty-three  $\frac{17}{100}$  dollars."

Are the books of the land-commission subject to inspection? "The books and records of the land-commissioner shall, at all times, be subject to the inspection of the advisory board, or any member thereof."

It appears, then, that there can be no land-commissioner, who is not first decided "to be suitable," appointed, except by the advisory board, nor can he purchase or sell land, fix the price, or go beyond a specified limit in his purchases, or dispose of a bond, or make his transactions legal, or "discharge the duties of his office," without "the instructions, advice, or control of the advisory board." His books and records must be submitted to their inspection, and his every business operation should pass under their scrutiny; and if he violates the law or disregards its restrictions, the advisory board, having approved "a written undertaking, with good and sufficient security, executed to the people of the State of South Carolina, by the land-commissioner, in the penal sum of twenty thousand dollars, for the faithful discharge of the duties of his office," and filed the same in the office of the secretary of state, have at least something to fall back upon to protect the State against hazard or loss, and the courts are open to try

\* The italics are the committee's.

and judge the offenses committed by the commissioner according to the strict measures of justice.

That great swindles have been perpetrated; that corrupt means have been used and alliances formed; that the money of the State and the bonds issued have not been disposed of as directed; that one of the land-commissioners is not free from "speculation, either on his own account or as an agent for other persons or corporations;" that the excess of the public stock of this State, created for land-commission purposes, over the par value of the same, in the aggregate amount, has been expended; that the whole spirit, letter, and body of the laws authorizing the appointment of land-commissioner, the issue of bonds, the purchase of land, the settlement of the same, the report of the commissioner, everything intended in the act "to create a land-commissioner and define his powers and duties," have been disregarded or wantonly perverted, cannot be gainsaid.

That the advisory board are responsible for all of this, the verdict of the "homeless and laudless," at least, will be recorded.

The land purchased, the improved and unimproved, eligible or ineligible, the 104,078 acres, land-bill, swamp and otherwise, which have cost the State already over \$7 per acre, with or without titles, could not have been purchased without the knowledge of the advisory board, "their advice and consent."

The advisory board should be required, then, to explain their acts, their neglect of duty, and unwarrantable violation of law.

By Mr. LAWRENCE:

Q. What is the leading democratic newspaper of this State?—A. There are two leading papers. The News and Courier and the Journal of Commerce are the two largest papers.

Q. Which has the largest circulation?—A. I suspect that the News has, though I don't know.

Q. Is this a copy of the News and Courier of September 20, 1876?—A. Yes, sir.

Q. Does that contain a report of the speech which you made at Abbeville on the 16th of September?—A. Yes, sir.

Q. Will you now furnish to the stenographer the extract which I have just cut from the paper which you have described in your testimony?—A. I have never seen this. I don't know what it is.

Q. You know that it has just been cut from this newspaper?—A. Certainly.

Mr. Lawrence put the extract in evidence, as follows:

I have never attempted to deceive a colored man, and I say here that, in my opinion, any candidate that would sink so low as to deceive a colored man is unworthy of the name of man. I have told you what has been my record, I have told you what we propose to do if elected, and I have told you in all earnestness that very much of the future depends upon your course of action now. I have told the colored people that the men who own the land, the men who pay the taxes, the men who have the title-deeds from the Almighty, will take you by the hand as their friends if you come with them and help them to redeem the State. But they say, on the other hand, if you do not come with them, and rather go with the corrupt crew who have, for eight years, ruled and ruined the State, then you will have to look to them for your living and protection. We offer to the colored people the right hand of fellowship; we hold out to them the olive-branch of peace, but you cannot expect us, when you allow your State to be dragged down to infamous ruin by alien adventurers, to help you who have been the cause of all the suffering which will assuredly follow. We give you your choice now, either to come with your white friends, who never have deceived you, or to go with the carpet-baggers, who have deceived and plundered you for eight years. If you think your carpet-bag friends are right, then, when your trouble comes, go to them for the help and protection you will assuredly need. We say this in no spirit of intimidation, but in precisely the sense in which a gentleman in Greenville the other day told his hands that the taxes were so high that he would not be able to hire them the next year. "I shall not," said this gentleman, "be able to plant at all if the republican party gets into power again. But so sure am I that the taxes will be reduced and the prosperity of the county increased, that if the democratic party gets into power I will pay you \$3 more per month next year." He did not say that if they voted the democratic ticket he would pay them higher wages, but simply if that party got into power he would do so, showing how certain he was that under home rule the prosperity of the State would be insured. That man meant business, and that is what we mean—we mean business. [Loud cheering.] Just as I arrived here I received the New York Herald. You all know that this paper, when I was nominated, said that the democracy had made a great blunder, and that they should have supported Chamberlain. Now, you know that the men who run the New York Herald, the greatest paper, perhaps, in the world, are the cleverest people to find out which way the wind is blowing. You will always find them on the winning side. (General Hampton here read, amid the wildest enthusiasm, the editorial headed "Advice to colored men," in the New York

Herald of the 29th of September, which was published in The News and Courier on Saturday.)

Mr. Lawrence also put in evidence the following :

THE CAMPAIGN IN THE CITY—A LARGE MEETING IN THE SIXTH WARD—RESOLUTIONS—  
SPEECH OF COL. W. L. TRENHOLM.

The meeting of the sixth ward democratic club last night was attended by about two hundred voters, white and colored. Mr. R. C. Barkley, the chairman of the ward, presided. The meeting having been called to order, Mr. Isaac Hayne submitted the following report :

"The executive committee, to whom was referred certain resolutions offered by Mr. W. S. Thomas, at the last regular meeting of the ward, respectfully report that they have considered the same, and recommend the adoption of the following resolutions in lieu thereof :

"*Resolved*, That, in opinion of this meeting, the indorsement of the official bonds of radical office-holders by individuals in sympathy with the democratic party is a practice calculated to injure the cause of reform and to weaken the efforts now being made to re-establish capable and honest government in the State of South Carolina.

"*Resolved*, That we hold the leaders of the republican party responsible for the recent riot and bloodshed in the city of Charleston; and it is, therefore, the duty of every man, calling himself a democrat, to mark his disapproval and abhorrence of such disgraceful and brutal exhibitions of party hate by withdrawing his name and abstaining from all connection or association with such reckless disturbers of the public peace."

The report of the committee was adopted unanimously.

Mr. Hayne then submitted the following resolutions, which were also unanimously adopted :

"*Resolved*, That the issues presented in the present political campaign in this State rise higher than party. The success of the democratic party in South Carolina assures equal civil and political rights to all citizens, security to life and property, and an honest, impartial, and economical administration of public affairs. The election of the so-called 'republican ticket,' lately nominated at Columbia, will, on the other hand, perpetuate for at least two years longer the misrule, corruption, disorder, and public extravagance which have already destroyed the credit of the State, increased taxation, depreciated the value of property, depressed business of all kinds, and occasioned the present widespread apprehension and feeling of insecurity among all classes, imperiling their lives and property, and affecting alike all good citizens, white and colored.

"*Resolved*, That no good citizen should, directly or indirectly, do anything which may tend to perpetuate the grievances of which we complain, by aiding or assisting those who are endeavoring to continue in power the men who are responsible for this deplorable condition of affairs, and every lawful means should be adopted to prevent so disastrous a result.

"*Resolved*, That in our opinion the interest of the democratic party will be promoted if, in purchasing supplies, employing laborers, and so forth, those co-operating with that party will give the preference to persons who intend to join us in this struggle for an honest government, and to free themselves from the rule and guidance of the rascally adventurers who are responsible for the present condition of affairs, and are seeking to perpetuate their power for mischief and misrule."

A letter was then read from Mr. W. S. Thomas, resigning the position of secretary of the club. Mr. Joseph Legare was unanimously elected to fill the vacancy. Judge Thomas then read a letter from Mr. G. L. Bulst, stating that Mr. Julian Mitchell, who had been announced to address the meeting, would not be able to attend, but that he would be present at the next meeting.

OFFICIAL VIEW OF THE BLOODY AFFAIR—A RADICAL SHERIFF'S REPORTS.

[Special dispatch to the News and Courier.]

COLUMBIA, September 19.

Dispatches and passengers from Aiken say that the reports of the troubles in that county are greatly exaggerated. The following official telegram was received by the governor at 6 p. m. to-day :

AIKEN, S. C., September 19.

To Governor D. H. Chamberlain :

I have just returned from the reported riot. I have not seen or heard of any fighting; saw no colored men under arms, nor could I hear of any. They had dispersed, and none could be found up to a late hour last night. The whites are all under arms and re-enforcements were arriving. I was powerless to disband them. The country is

under a great deal of excitement. This was the condition of affairs when I left that night. The United States troops left Aiken for the scene at 11 p. m. I see much excitement here. If there is further trouble I will report.

H. JORDAN,  
Sheriff Aiken County.

Q. Is this a copy of the Charleston News and Courier of the 2d of October?—A. It appears to be.

Mr. Lawrence put in evidence the following extracts :

LOCAL INTELLIGENCE.

Mr. R. C. Logan is the traveling canvassing agent for the News and Courier in South Carolina.

If you want a porter, employ a democrat.

*Sales at auction this day.*—John H. Ostendorff, at 11 a. m., at old post-office, real estate.

*The weather.*—Office of Chief Signal-Officer, Washington, D. C., September 30—Probabilities : For the South Atlantic and Gulf States, higher barometer, stationary and lower temperature, northerly to westerly winds, and clear weather will prevail. In the West Gulf States, rising, followed by falling, barometer, cool weather, northwest winds shifting to warmer easterly and southerly, and generally clear weather. In the Tennessee and Ohio Valleys, rising, followed by falling, barometer, westerly winds, backing to southerly, and warmer, clear, or partly cloudy weather. In the Middle States, rising, followed by slowly-falling, barometer, cold northwesterly winds, backing to warmer southwesterly, and clear or partly cloudy weather.

*Comparative temperature.*—At 4.24 p. m., yesterday, the thermometer registered as follows in the cities named : Augusta, 56; Charleston, 65; Galveston, 66; Jacksonville, 70; Knoxville, 45; Mobile, 61; New Orleans, 64; New York, 58; Norfolk, 59; Savannah, 67; Wilmington, 63.

*The thermometer in the city.*—The range of the thermometer at Blackman's drug-store, 39 Broad street, Saturday and Sunday, was as follows : September 30, 8 a. m., 73; 10 a. m., 77; 12 m., 79; 2 p. m., 80; 4 p. m., 77; 6 p. m., 76; 8 p. m., 75. October 1, 8 a. m., 57; 10 a. m., 62; 12 m., 68; 2 p. m., 69; 4 p. m., 67; 6 p. m., 64; 8 p. m., 60.

If you want a tailor, employ a democrat.

*The fourth circuit.*—The radicals have nominated D. D. McCall for solicitor of the fourth circuit. This explains the haste with which Mr. McCall denied that he was entitled to a place on the "roll of honor."

If you want a driver, employ a democrat.

*Cotton for Great Britain.*—The British bark La Plata, Captain Matthews, was cleared for Liverpool, on Saturday last, by Messrs. Watson & Hill, with 3 bags Sea Island cotton and 2,002 bales upland cotton. This is the first cargo by sail this season for Liverpool.

If you want a laborer, employ a democrat.

*Citydel Square Baptist church.*—Rev. Dr. Chambliss returned to the city Saturday and occupied his pulpit yesterday morning. The night services in this church will not be resumed at present, either on Sunday or in the week. The regular lecture, service will be held every Thursday afternoon at five o'clock.

If you want a gardener, employ a democrat.

*Hotel arrivals, September 30.*—Pavilion : B. J. Hazzard, Georgetown, S. C.; J. D. Robertson, Wm. H. Evans, South Carolina; James Brandt, Florida; P. McSweeney, Mobile. Waverly House : Lawrence L. Ludlow, Effingham Cross-Roads; M. B. Brawly, South Carolina; J. R. Reed, Philadelphia.

If you want a plasterer, employ a democrat.

*Troops for Abbeville.*—Captain Lloyd's company of the Eighteenth Infantry, which had been on duty in Aiken County, arrived in Columbia on Friday evening, en route to Abbeville, where it will establish a military post until after the election. Lieutenants Paul and Barnhart are the other officers of the company.

If you want wood cut, employ a democrat.

*Mass-meeting of the Germans.*—A grand mass-meeting of the German residents of Charleston will be held at the hall of the Freundschaftsbund on Wednesday evening next. It is understood that an address will be drawn up, laying before the Germans of the North and West the grievous burdens imposed upon the white people in this State by radical rascality and misgovernment.

If you want a tinker, employ a democrat.

*Exports for the week.*—The shipments for the week just closed were 1,262 casks spirits turpentine and 1,913 barrels rosin for the United Kingdom; 480 tons phosphate rock

for Weymouth, Massachusetts; 3,520 bales upland cotton, 1 bag sea-island cotton, 4,866 barrels rosin and sundries for New York; 866 bales upland cotton, 518 casks spirits turpentine, 681 barrels rosin and sundries for Philadelphia; 354 bales cotton, 1,171 barrels rosin, &c., for Baltimore.

If you want a waiter, employ a democrat.

*Shipping in port.*—There were in this harbor on Saturday last about forty vessels, small coasting-steamers and sailing craft not included. Of these three were steamships, two ships, sixteen barks, three brigs, and fifteen schooners. Twenty were under the flag of the United States, seven of Great Britain, seven of Spain, three of Norway, one of France, and one of Germany. Two were loading for Liverpool, five for Havre, two for Barcelona, one for the continent, one for Rotterdam, and the remainder for coastwise ports, ready or waiting.

If you want a carpenter, employ a democrat.

*The cool snap.*—The weather still continues cool, and in the mornings and evenings verges to what might very well be called frosty.

At Summerville a slight frost has been reported, and yesterday morning the thermometer stood at 53 degrees on the Battery.

The first cold change in 1875 was on the 2d of October, the average being 65½; on the 1st the average was 75½, a fall of 10½ in the twenty-four hours; on the 30th of September, 1876, the average was 76½; on the 1st of October, 1876, the average was 63½, a fall of 12½ in the twenty-four hours.

If you want a bricklayer, employ a democrat.

*Harbor items.*—The steamship City of Atlanta sailed for New York on Saturday, with a heavy cargo, composed of about 1,800 bales cotton, 145 tierces rice, 600 barrels rosin, and 350 packages sundries.

The steamship Virginia, of the Philadelphia line, departed on Saturday for that city with 463 bales upland cotton, 249 casks spirits turpentine, 367 barrels rosin, and 200 packages sundries.

The steamship Falcon, of the direct Baltimore line, left on Saturday for that city with a crowded freight of cotton, naval stores, and sundries.

If you want a blacksmith, employ a democrat.

*Chess.*—In the chess tournament now in progress at the Café International in New York, Mr. J. E. Orchard, of Columbia, is one of the contestants. Mr. Orchard won his game with Mason and lost his game with Bird; but came near drawing the latter, which was most stubbornly fought, and was protracted to the eighty-seventh move. Mr. Mason is considered the best chess-player in America, with the exception of Captain McKenzie, and Mr. Bird ranks amongst the first of the great European players. This speaks well, not only for the chess skill of Mr. Orchard, but that of Messrs. Neufville and Paine, who drew a game with Mr. Orchard in the match by telegraph between Charleston and Columbia, played recently, and reported in the News and Courier.

If you want drayage done, employ a democrat.

*Drowned.*—A son of Mr. Fosberry, formerly a member of the police-force, was drowned on Saturday in the dock at the back of the post-office. It appears that the young man, who was twenty years of age, was subject to epilepsy, and was calking the sides of a boat in the dock when he was taken with a fit and fell overboard. Some workmen, standing a little way off, saw him fall and immediately went to his assistance. His father and Mr. J. J. Kenny arrived in a few moments, and after a brief search the body was recovered, and when brought ashore was still warm. Every effort at resuscitation was made, but in vain. Some time ago the same young man fell from a scaffolding where he was at work during a similar attack. The remains were interred yesterday.

If you want painting done, employ a democrat.

*Shooting-scrapes.*—Two young men, named Haight and Moore, became engaged in a quarrel, in a store near the Rutledge street pond, yesterday afternoon. The discussion got to be so warm that Haight sought to end it by shooting his opponent, at whom he fired one shot without effect. Then the police came in. Haight decamped, and Moore was captured, but released when it was ascertained that he was the man who had been fired at. An officer was sent to hunt up Haight.

On Saturday night about half past 7 o'clock a row occurred in a shop at the corner of New and Tradd streets. A notorious negro named Thomas Smalls became engaged in an altercation with Samuel Melrose, a special policeman, who has done more than any other man to preserve the peace in that neighborhood. In the quarrel Smalls drew his pistol and shot at the policeman, but his aim was not steady, and the ball missed Melrose and found a lodging in the thigh of a colored man named John Lewis. The wounded man was carried to his home in Limehouse street, but Smalls escaped by jumping a fence. A warrant will be taken out for his arrest to-day.

If you want a shoemaker, employ a democrat.

REPORT OF THE BOARD OF HEALTH.

OFFICE BOARD OF HEALTH,  
Charleston, Saturday, September 30, 1876.

Two (2) certificates of death from yellow fever have been received at this office up to 12 o'clock m. to-day.

By order of the board of health :

P. B. BACOT, Secretary.

The two deaths referred to above were the result of sickness contracted outside of the city. One of the victims was Mr. Padget, the engineer of the United States buoy-tender Alanthus, which was anchored off Sullivan's Island a few days ago. Mr. Padget, while the vessel was in this locality, slept ashore on the island several nights, and was in fact taken ill on the island. He was brought to the city and died Saturday morning at a house in Calhoun near College street.

The other death was a seaman, one of the crew of the ship Brother's Pride, which lately lay at Marshall's wharf. He was taken sick on the ship and was conveyed to the city hospital, where he died about 12 o'clock on Saturday.

Up to 12 o'clock yesterday no new deaths had been reported, nor was there any report of new cases. The reports from Magnolia Cemetery show that the interment of Mr. Padget was the only interment there for the week ending on Saturday:

If you want a whitewasher, employ a democrat.

*Signs on a bender.*—Some evil-disposed persons made a raid on the lawyers' shingles on Broad street on Saturday night. Every sign that could be reached was bent or twisted down out of the hooks.

*Robbery.*—Samuel Viak was arrested and tried before Justice Chisolm, charged with robbing the captain of a coasting-vessel of clothing, &c., to the amount of \$20. He was sent to jail for thirty days.

*Mayor's Court, September 30.*—Abram Nick, for trespassing on the fishing-smack of Captain Catrine and stealing five pieces of clothing, was referred to a trial-justice. Alfred Anderson, disorderly and assaulting F. E. Singleton, was referred to a trial-justice.

*Assaulting an officer.*—Alfred Anderson, a seaman, was arrested by Justice Chisolm on Saturday for assaulting the deputy United States marshal, who was in charge of the brig Samuel Muir, lying at Southern wharf. He was sent to jail in default of three hundred dollars bond to stand trial at the next term of court. The officer was a black man, and the difficulty seems to have arisen on board the vessel of which the deputy was in charge.

If you want a cook or washerwoman, employ the wife, daughter, or sister of a democrat.

*The Treasury.*—The office of the assistant United States Treasury was closed on Saturday, in accordance with orders received from the Department at Washington. The acting treasurer, Mr. T. R. Stickney, received orders to turn over all the funds in his possession, amounting to about \$200,000, to the People's National Bank, which has been designated as the United States depository at this place. The transfer of the funds will be made to-day.

*The schooner Katie Collins.*—The Baltimore American of September 29 says: "Captain John Mathis, of schooner Katie Collins, from Charleston for New York, now in Hampton Roads, reports having left Charleston 19th instant with a cargo of naval stores; on 22d had a heavy squall from southeast to northwest, with a heavy cross sea, stripping deck-load; arrived at Hampton Roads 25th instant, where captain's wife, Mrs. Hannah Mathis, died of affection of the kidneys, and not, as rumor has it, of yellow fever. Neither captain nor any of the crew have had the least particle of sickness since leaving Charleston."

If you want a servant-girl, employ the daughter of a democrat.

*A drunken row.*—Considerable excitement was created in King street yesterday afternoon, about two o'clock, by the rumors of a riot, which spread very rapidly. The sight of the entire police-force double-quickening up the street added to the excitement. An investigation, however, proves it to have been nothing more than a drunken row. It seems that Charley Bentham, a rather noisy and bolsterous colored man, went into the bakery of Fritz Dorro, in Archdale near Beaufain street, to beg a pie. Charley was drunk, and, upon being refused the pie, allowed his feelings to overcome him, and used some harsh language. August Keizer, one of the bakers of the establishment, seized him and pitched him out of the door, a proceeding which Bentham did not relish. He accordingly set to work to klick up a fuss, and in this he was successful. Dorro, the proprietor of the establishment, was also tight, and between the two of them they

managed to collect a crowd in a few moments, with every symptom of a riot. The police-force were at that time assembled in the station-house for inspection, and an excited spectator bringing down word that a general riot was in progress, the whole force was at once marched to the scene. When they arrived there were about four hundred persons assembled, all of them excited at nothing. Dorro and Kalzer had been arrested, but Bentham had gone home and gone to bed. As soon as it was known that he was the party who had started the row, officer Hord was sent to arrest him. Bentham was pulled out of bed and carried to the station-house by main force. All three of the parties have been held for examination before the mayor this morning.

If you want beef, pork, mutton, &c., patronize a democrat.

*Talk about town.*—Overcoats were seen on the streets last evening.

Overcoats were comfortable, not to say necessary, last night.

Draine denies that he had any words or quarrel with Jenkins.

The west end of Spring street needs attention from the board of health.

Five applicants were accommodated with lodgings at the main station-house Saturday night.

If the weather continues to grow cooler at the same rate as now, we will have frost in three days.

At eleven o'clock last night the thermometer marked 52 degrees, and the mercury was still descending.

A pistol-shot was fired by some unknown party in Rutledge, near Wentworth street, about 7 o'clock last evening.

The police were inspected yesterday at the main station-house, and the officers have been supplied with the new regulation whistle.

Joseph Wilson, a black loafer, was arrested on Saturday night for loitering around the corner of King and Wentworth streets.

The alarm of fire yesterday morning was a mistake. The steopleman started to ring the twelve o'clock bell at the Orphan house an hour too soon.

A boy of young girls residing at 4 Clifford street were reported yesterday at the station-house for throwing grape-skins from their windows to the pavement below—a dangerous practice.

Joseph Brown, alias Robt. Gadsden, notorious rogue and ex-convict, was arrested on Saturday night on a charge of stealing two pieces of salt pork from the store of J. H. Rumplo, at the corner of Meeting and Ann streets.

If you want shaving or hair-cutting done, go to a democratic barber.

Q. Was it not generally understood that the census of 1875 was rather a full census; that is, that it rather overstated the population?—A. We thought it overstated the colored population and underrated the white; that was our impression.

Q. By the census which you have presented to the committee, it appears that Edgefield County had a voting-population of 7,122.—A. I don't remember the figures now.

Q. The vote of Edgefield County this year was 9,380. Have you any personal knowledge of the means by which the vote was made to exceed the voting-population?—A. Nothing, except what came through General Gary. I have information from him, as chairman of the committee; no personal knowledge.

Q. Was any meeting which you addressed disturbed by any republican?—A. Yes, sir.

Q. Where?—A. At Beaufort and at Georgetown; and, by-the-by, I forgot to state the only exhibition of anything approaching personal violence was at Georgetown, where a brick was thrown by some colored people at the carriage in which I was riding.

Q. Did you see the brick thrown?—A. I did, indeed.

Q. Did you see the man that threw it?—A. No; I saw the crowd.

Q. You don't know whether it was thrown by a colored man or a white man?—A. Yes, I do; because there were none but colored men there.

Q. Did it strike the carriage?—A. No, sir; it passed right by the carriage. I stopped the carriage and spoke to them and they all apologized.

Q. Did you see the brick in its flight?—A. Yes; I did.

Q. You were not at a meeting at that time?—A. I was in the carriage, going along in the procession.

Q. Was there any disturbance at any meeting except that?—A. Not at all.

Q. Was there any violence inflicted by any republican upon any democrat at either of those disturbances?—A. No; never, that I saw.

Q. Then what was the character of the disturbance at those two meetings?—A. At Beaufort they refused to hear the speakers, and hooted them, and became very much excited. It was the same at Georgetown to some extent, but not so largely.

Q. You held your meeting, however?—A. The meeting was held.

Q. Speeches were made?—A. I spoke at Beaufort; they heard me.

Q. Did the other gentleman who spoke finish his speech?—A. No. Mr. Yoomans was interrupted very violently, and it looked so much like a riot that I got up and went out and spoke to them, and quieted them.

Q. But there was in fact no violence?—A. No violence beyond that.

Q. Did you divide time at any of the political meetings which you addressed with any republican speakers?—A. I offered to do it at every meeting, but no one took it up, except once. I was invited at Waloola one night to address a colored club. I went to the court-house and found this club there, and the court-house filled with citizens. When they got through some one announced that there was no republican present, and one colored man got up and said he was a republican, and there was some, not disturbance, but disapproval, manifested, when I got up and told the audience that I had advocated free speech throughout the whole canvass, and if this man desired to speak that I insisted on his being heard; and he got up and made his speech. He said he was a republican, and that he wanted to say so; and they listened to him with entire attention, and gave him three cheers when he was done.

Q. How long did he speak?—A. Twenty minutes, I suppose.

Q. A colored man or a white man?—A. A colored man—a ragged, poor colored man.

Q. You say you proposed to divide time with the republicans at your meetings?—A. I did.

Q. In what form was the proposition made?—A. First in the general proposition at my first meeting at Anderson, where I said that if there was any republican present I would be very happy to divide time, and that I would make a general proposition to do it always. Then as soon as Mr. Chamberlain was nominated I sent a dispatch down to the committee to invite him to meet me at the appointments I had made.

Q. Did you formally, at each meeting, publicly make a request?—A. I did, as a general thing. Sometimes I may not have stated it, but as a general thing I always said that if there was any republican who desired to speak I should be glad to divide time with him.

Q. Was that done at the opening or the close of the meeting?—A. At the opening.

Q. Your meetings, however, were called as distinctive democratic meetings?—A. They were called as public meetings. As I told you, our great effort was to get the colored people out; that was my great motive for offering these joint discussions, as I knew that great efforts were made to keep them away from my meetings.

Q. Still, they were democratic meetings?—A. They were democratic meetings.

Q. You have spoken of the man who was killed, and said that you took steps to prevent the people going to take vengeance on the murderers; did information come to you which led you to suppose that it was necessary to take such measures to prevent violence?—A. It was just after the meeting; a very large number were present, and the information came to me that this man going home had been ambushed and murdered, and another man riding with him wounded, and that the people were very much excited and were going out into that neighborhood, and it was feared that violence would occur there. Upon that I sent up to tell them not to go.

Q. You have said that you telegraphed to Charleston also, advising the people to act only on the defensive.—A. I did.

Q. Was that because you apprehended that there would be violence?—A. There had been violence, and I was afraid there would be a recurrence. There had been a meeting in ward 8, I think, where two colored democratic speakers had spoken. Going home that night they were attacked by a mob of negroes who attempted to kill them, and in attempting to defend them one white man was killed. That created great excitement, and I was afraid it would lead to retaliation.

Q. The violence you apprehended was that which would come from democrats against republicans?—A. No; the violence I apprehended was that there might be a riot in the whole town that might lead to serious consequences.

Q. You advised your democratic friends only to act on the defensive?—A. I advised them not to retaliate for this nor for any subsequent outrage.

Q. It was because you feared there might be violence by the democrats?—A. Yes, sir; or by citizens there.

Q. As a general rule, are the colored people of this State timid and easily alarmed by a display of force?—A. I think not now. They have had all the power of the State for several years; they were the only militia in the State for several years. Some years ago, when the militia was organized, none but black companies were received into it—

Q. I prefer that you should answer my question.—A. Well, my answer is that I do not think they are, because they were led to believe—

Q. Are not the white men of this State a remarkably courageous and bold people?—A. I think they are as much so as people ordinarily are.

Q. Are they not almost universally a people who are not easily affected by intimidation or threats?—A. Yes; I think they are.

Q. Are not the colored people of this State much more liable to be affected by intimidation or threats, or a display of force?—A. Yes, I think that, as a general proposition, they would be.

Q. You said nothing in your speeches upon the subject of giving or refusing employment to colored men?—A. I think I said nothing upon that subject except, perhaps



I may have said—I do not know that I said this, but it was within the line of my argument—that if these taxes went on, our people would be unable to pay them, and that all labor would suffer in the State. I said nothing upon the direct ground of anything like proscription. I have advised that there should be no proscription. The first thing I did after the election was to publish a card advising that there should be no proscription for political opinion in the State.

Q. The condition of public opinion, then, among the whites was such that you deemed a card of that sort a necessity?—A. I thought it was advisable, and I can give you the reasons for that.

Q. You have spoken of people that were killed according to general notoriety or rumor?—A. Only one white man that I heard of, during the election.

Q. Prior to and during the election this year, how many colored men have you heard of being killed?—A. During this year I have heard of none being killed except from the statements in the newspapers, and excepting those killed at Hamburg, (there was a white man killed there also,) and some who were killed at Ellenton. But these are stated only from newspaper accounts. I was not in the State when the Hamburg affair occurred.

Q. Haven't you heard, by common report, of quite a number of colored men who were killed in different parts of the State?—A. I don't remember any except those and one in Laurens, that I heard of being killed during the canvass. Not while I was there; but I heard of it. Beyond that I do not recall any. Several times, in places throughout the State, I have seen by the papers that there had been acts of violence, but I cannot call them to mind.

Q. Have you been out of this State?—A. Since when?

Q. How long have you been in it?—A. Well, I was out of it during the summer, just in the edge of the State, in North Carolina, when the nomination was made.

Q. Have you been engaged in planting in Mississippi?—A. Yes; I had not been in Mississippi for four years, though, until last winter.

Q. What time did you go there last winter?—A. I went there, I suppose, in November.

Q. How long did you remain there?—A. I came back in June, I know; perhaps before that. I know I was here in June, for I attended the Fort Moultrie celebration in Charleston.

Q. Then prior to June you had been in Mississippi?—A. Yes; I spent last winter in Mississippi.

Q. During that time you had no personal opportunity to know what was going on in this State?—A. Only through the papers and by letters.

Q. Were you in this State or in Mississippi during the campaign of 1874?—A. I was here—I know I voted for Green—but how much of the time I was here I don't know. I took no prominent part in that canvass.

Q. Did you attend any political meetings?—A. I think none at all.

Q. You had no opportunity to know how the campaign was conducted?—A. No, sir; I simply voted.

Q. If you can remember about how long you were here prior to the election, please state it.—A. I said it was four years since I was in Mississippi. I was out of Mississippi in the spring of 1874 for a few weeks. It had been four years then. I went out to Mississippi again in March, and came back here, and went up to this little place in North Carolina, spent the summer there, and came down some time before the election to my place here.

Q. Then during that season you were here in this State only a few weeks?—A. Well, I was in the State a great part of the time; at Waloola, just at the edge of North Carolina. I think I got down only a few weeks before the election, but, as I told you, I took no part in it except to vote.

Q. Is not the public sentiment and feeling among the democratic party in this State to prefer for office men who were not Union men during the war?—A. Do you mean Carolinians?

Q. Yes, sir.—A. I don't think there were any Union men here then.

Q. Among the white men?—A. No; we never heard of any, until after the war certainly. The State gave more soldiers than it had voters; so I take it for granted that there were no Union men.

Q. You don't mean to be understood that the colored men were opposed to the Union?—A. The last volunteers for the confederate army were the colored men from South Carolina.

Q. To what extent were they received as volunteers?—A. Well, you know the act authorizing the call for such volunteers passed only a short time before the end of the war. The only instance I knew of was on one of General Hugood's plantations. He was on it just after Sherman passed by, and he stated that they had a right to call for colored volunteers, and he says that every man on his place who could bear arms volunteered.

Q. To what extent were colored men enlisted in the confederate service?—A. O, not at all, because that was just before the end of the war.

Q. Were not the colored men, as a general rule, in favor of the Union cause?—A. Well, we never had any reason to suppose so, until the war ended. They said so, of course, afterwards, but they did not then.

Q. They said nothing about it?—A. Nothing about it; yes—a great many of them did express very hearty concurrence with the southern people, and some that I have known have expressed that since.

Q. But the great mass of them professed to have been Union men?—A. Yes, sir, afterwards.

Q. State whether, during this campaign, some of the democratic speakers, and perhaps the majority of them, so far as you heard them make speeches, did not denounce northern men, who came here and were candidates for office.—A. Not upon that ground at all. Mr. Yeomans, speaking on the platform with me, said that among the advantages to be gained by having a good government here was that it would open inducements for immigration from the North. He went on to say that we needed northern brains, northern pluck, and northern capital, and that was a general sentiment.

Q. Have not the northern men who have come here and held office been denounced by democrats as "carpet-baggers"?—A. Yes; but not on account of their being northern men.

Q. What do you mean by a "carpet-bagger"?—A. A thief.

Q. Is not a "carpet-bagger" a man who has come into the State from the North?—A. No, sir; because we have men here who are recognized, who would receive our votes, and whom we are very glad to welcome here. There is a very wide distinction between that class and the "carpet-baggers."

Q. Has the democratic party nominated any northern man for any one of your State offices this year?—A. Yes, I think so; I am not sure on this point, but I think Senator Buck is a northern man.

Q. In what district was he nominated?—A. Horry.

Q. How long has he been here?—A. That I cannot tell you. I don't believe he has been here very long.

Q. Can you name any other?—A. I have no doubt that by looking over the list I could do so.

Q. Was any one of the democratic candidates for any State office a northern man?—A. No.

Q. Was any democratic candidate for Congress in this State a northern man?—A. No.

Q. Was any democratic candidate for the State senate a northern man except the one you have named?—A. Without going over the list I could not tell you. He occurs to me at this moment.

Q. Can you now recall to mind any one except him?—A. Not without going over the list.

Q. If you ascertain any other will you furnish us the names?—A. I will.

Q. Was any democratic candidate for the house of representatives a northern man?—A. The answer to that is the same; I should have to look over the list.

Q. If there are any, you will furnish us with the names?—A. I will do so. Several of the most prominent men in the State are northern men, men occupying the most prominent positions in the State, and who have reached the highest honors in it.

Q. Don't you know that the people of this State exercise a certain degree of social ostracism against the families of those who come here from the North?—A. No; I do not know that except in this way. There are two reasons for that, so far as it exists. One is that, from the old traditions here, our people never gave a stranger access to their society unless he was properly introduced, and that feeling prevails to some extent still. Another is, that the people through the country, as a general rule, have been utterly unable to extend hospitality to any one at all, and with a feeling of, perhaps, false pride, but still a feeling of that sort; as they are not able to do it properly, they don't like to attempt it at all.

Q. Don't you know that the southern people who constitute what is called respectable society do not give the same social recognition to northern people who are settled here as to southern people?—A. No, I do not know that at all, and I don't think it would be so if the other requisites were complied with. I believe that any gentleman or lady coming here with proper letters of introduction would receive as much attention as in any other quarter.

Q. Don't you know that whenever any citizen here has taken an active part in politics as a republican, it has largely contributed to the withdrawal from him of the support of democrats, during this last year?—A. Yes, I think it has, and I think very properly.

Q. I am only inquiring for the fact.—A. Yes, I understand; but I wish to qualify that, in justice to myself, in this way: we do not regard the party calling themselves here "republicans," as republicans at all; we regard them as extreme radicals, and it is not as connected with the republican party that they have grown into dis-

favor, but as connected with what we regard as a band of plunderers who are ruining the State.

Q. Don't you know that if a merchant has taken any active part in politics during this last year, as a republican, it has lost him a large part of his patronage from democrats?—A. No, I did not know that there were any democrats who proposed to take part in it. I have not heard of any at all.

Q. Do you mean to say that northern people who come here, and are known as such, and choose to speak their sentiments publicly as such, receive the same social recognition that they would if they were democrats?—A. I think they would, if disconnected with any political canvass.

Q. Did they during this last year.—A. I do not know of any coming here at all.

Q. Well, those who were here?—A. No; they were regarded as all being connected with this great ring.

Q. They did not receive the social recognition, then, that democrats would receive?—A. They receive exactly the same recognition that democrats would receive if they had placed themselves in the same position with these people.

Q. But did they receive the same social recognition and attention that democrats would receive?—A. Do you mean the republicans who were in the State here?

Q. Yes; the republicans who were in the State and took any considerable part in politics as republicans?—A. No; the lines were drawn very sharply here, and, as I said to you just now, we regarded all those men as engaged in a gigantic conspiracy against the State.

Q. They did not receive the same social recognition as democrats did?—A. No, sir.

Q. Did not that also extend to the families of men who were known to be republicans?—A. That I know nothing about. My own acquaintance with those who were here was very limited.

Q. Has not the effect been to draw over to the support of the democratic party a considerable number of men who were heretofore republicans?—A. That I do not know.

Q. Was not a speech made in this city since this committee has been here, in front of this house where we are now taking testimony, in which Governor Chamberlain was denounced as a "Massachusetts carpet-bagger"?—A. I heard that speeches were made here that day, but I did not hear any of them. I went immediately back to the room, and was not present at those speeches.

By Mr. ABBOTT:

Q. You may now give your reasons for saying that the black people at the present time are not specially timid?—A. At the organization of the militia no white company was received in it. I know that fact because white men asked me whether they should join the militia—

Mr. LAWRENCE. I object to that.

Q. Well you know the fact, as a public fact, that the militia was black?—A. They were black, and received State arms and ammunition before the contest, as that report which I have put in will show. They had been organized through the State, and armed and had ammunition furnished to them, when the white people were not organized, and were without arms, and were to a certain extent defenceless. That gave a great deal of boldness to the colored people throughout the State, undoubtedly.

Q. You may state the reasons you were about giving for issuing your card which you spoke of.—A. The result of the election was announced. I realized at once that if there was anything like proscription, (using the word in the accepted meaning,) it would throw, of course, an immense number of colored people out of employment at the beginning of winter; they would naturally enough resort to stealing; that would bring about acts of violence, and they would spread all over the State. Then, beyond that, I knew that the material and industrial interests of the State would suffer, and still higher than all that, were the pledges that I had given through the canvass that we would endeavor to bring about a union of the races here, in peace and harmony; and I thought it would be a most advisable step to take, to show that we were not disposed now to look back after the election, but to go forward and redeem the pledges we had made.

Q. That is, it was a card issued in redemption of what you considered as a pledge you had made as a gentleman while you were a candidate?—A. Yes, sir; I took the same ground in an address to a very large meeting, when I advised the people to have no proscription, and said that I regarded myself as having been elected by the colored people; that I had received not less than 17,000 votes from them. I felt I was the governor of the colored people as much as the white people, and that their rights would be protected as fully as the others.

By the CHAIRMAN:

Q. This social ostracism to which reference has been made, does it grow out of a difference of political opinion or out of the supposed or real connection of these parties with the frauds that have been carried on in this State?—A. It is solely from the latter, I am satisfied. It would not come about from political differences of opinion. I do not

think the officers of the Army have ever felt it at all nor any gentlemen who have come here properly introduced. If a gentleman comes with letters to people here, nobody thinks of inquiring what his politics are. That feeling grew out of this, that these men came here, and, as we felt, allied themselves with and took control of the black race in order to put themselves in office and plunder the State. It was their personal character that made them obnoxious, and not their political opinions.

Q. This class of persons are men who either came here either under appointments from the Federal Government or who, by the manipulation of the colored people, sought office in the State?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Soon after Governor Chamberlain entered upon the duties of his first term, did not his administration receive the cordial indorsement, very generally, of the democrats of this State?—A. It did, to a very large extent.

Q. How long did that general approval continue?—A. I think it continued until they found that he was—

Q. Just state the time.—A. I don't remember the time.

Q. Didn't it continue up to near the time of your nomination?—A. No; there was a growing discontent before that, because we thought he had not carried out his pledges of reform, and, in justice to myself, I would say that I never concurred in that sentiment to which you refer. I have never had but one opinion of him since he has been in the State. I would like to say a word or two in reference to the political asperity that you seem to think prevails here. Before any action was taken here as to the nominations at all, while I was in Mississippi, some of my democratic friends wrote to me to inquire as to the policy to be pursued in this State, and I told them that while I had no faith in Governor Chamberlain, if he would reform the State I was perfectly willing they should make him governor, or send him to the United States Senate, or give him anything he wanted, if he would give them good government in the State.

Q. Even as late as the early part of the present year was not the idea seriously entertained of making no nomination against him and adopting him as the democratic candidate?—A. Yes; it was entertained even after his nomination by the republicans. He entertained it himself—whether he should withdraw and be sent to the Senate by us.

Q. Up to that time he was having the confidence, to a large extent, of the leading democrats of the State?—A. No; I do not think he had their confidence.

Q. To a large extent?—A. No; I do not think so. They believed that through his agency we could perhaps get a better government, and they were willing to take him to get that. It was paying a very high price for it, but we were willing to do it.

By Mr. ABBOTT:

Q. That is, you were willing to make any arrangement with Chamberlain, if by doing it you could get a good government in South Carolina?—A. That is precisely the ground we took.

Q. This extract is from the Charleston News and Courier of September 20?—A. Yes, sir.

Mr. Abbott put in evidence the following extract:

**"THE RECORD OF RADICALISM—GOVERNOR CHAMBERLAIN ON THE STAND.**

"No man in South Carolina knows better than Governor D. H. Chamberlain the iniquitous character of the party of which, as the candidate for governor, he has become the head and representative. For eight years or more he has been connected; in one way or another, with the bastard republicanism of South Carolina. What to others is a sealed book, is to him easy of perusal. The ins and outs of the party, its rottenness and rascality, are as familiar to him as the æsthetic triumphs of Greece, or the pride and pomp of Rome. As he wrote to Senator Morton, he is "a republican of as many years' standing as he has seen years of discretion." It is his boast that he has never had any affiliation or sympathy with any other party than the republican party. The public are, therefore, warranted in believing that, when he condemns and denounces that party, generally or in particular, he does it with reluctance, touching the festering sores with gentle hand, and telling always less than the whole shameful truth. Governor Chamberlain, against his own party, is an unimpeachable witness, and as such we put him on the stand. At present we will not touch upon his sayings or doings before he was elected governor. To begin with, we lay before the country passages taken from his addresses, letters, and speeches since his installation. Upon the evidence there given of the unwillingness and inability of the republican party to reform itself, the followers of Hampton, whether democrats or republicans, can safely rest their case. The choice extracts for to-day's reading are as follows:

"The contingent fund steal: 'During the past six years there has been appropriated and paid for contingent funds the astounding sum of \$376,832.74. I venture the opin-

ion that the State would have received equal benefit from one-fifth of that sum, if expended with economy upon proper objects.' (Inaugural Address, 1874.)

*"Legislative plunder:"* 'Since 1868 six regular and two special sessions of the general assembly have been held. The total cost of those sessions has been \$2,147,440.97. The average cost of each regular session has been \$320,405.16. The lowest cost of any regular session was that of the regular session of 1868-'69, amounting to \$169,005.79, and the highest cost was that of the regular session of 1871-'72, amounting to about \$617,234.10. Besides these amounts now specified, there are outstanding of bills payable, issued on account of legislative expenses during the same period, \$192,275.15. These figures render comment superfluous.' (Inaugural Address, 1874.)

*"Long sessions:"* 'I find the average length of the regular sessions (of the general assembly) since 1868 has been 105 days. \* \* \* I cannot see at present any reason of a public nature which can require a session of more than 30 days.' (Inaugural address, 1874.)

*"Incidental grabs:"* 'The average expenditure at each regular session, since 1868, for attachés and contingent or incidental expenses has been about \$253,424.65. If these figures do not teach their own lesson, then argument would be idle. Let it be borne in mind also that the amounts now stated represent only the actual payments made. There remains a vast amount of unpaid claims in the form of legislative pay expenses, estimated at not less than \$500,000.' (Inaugural address, 1874.)

*"The printing ring:"* 'The system (of public printing) which has prevailed for the past three years is utterly incapable of defense or excuse. The looseness of the system in theory is only equaled by its extravagance in practice. \* \* \* The cost of the permanent and current printing from 1868 to the present time was \$843,073.59. The cost of advertising the statutes—that is, of printing them in the newspapers—for the same period was \$261,496.32, making a total cost to the State of \$1,104,569.91. During the past three years the cost to the State of current and permanent printing was \$743,933.20, and the cost of printing the laws in newspapers for the same period was \$174,696.66, making a total cost to the State of \$918,629.86.' (Inaugural address, 1874.)

*"Not paying as you go:"* 'The existing deficiencies, running back to 1868, are simply enormous. The deficiencies for the fiscal year ending October 31, 1874, were \$472,619.54. The deficiencies for the fiscal year ending October 31, 1873, were \$540,328.' (Inaugural address, 1874.)

*"Trial justices:"* 'Of the practical results of the trial-justice system, as heretofore administered, I hear but one opinion, namely, that it is costly, inefficient, and oppressive.' (Inaugural address, 1874.)

*"Suffering citizens:"* 'No injury can be so great as that which we now witness in our citizens who have worked for the State, or lent their money on credit, and are now waiting and suffering because the State made appropriations when she had no funds with which to redeem her promises.' (Letter to senate committee, February 15, 1875.)

*"County rascality:"* 'I am confident that there is not one county in this State in which money enough has not been collected by taxation to pay every dollar of legitimate expense in maintaining the government of the county.' (Veto of Edgefield resolution, February 24, 1875.)

*"The floating debt:"* 'I was persuaded that the State had the right, and that her condition demanded that she should postpone settlement until she could recover from the effects of a long course of extravagance and profligacy in the expenditure of public funds and the contracting of public obligations.' (Veto of bonanza bill, March 17, 1875.)

*"The cover of vast frauds:"* 'That certificates for legislative expenses have been made the cover for vast frauds no man will dispute. They are universally regarded as the last culminating evidence of a prevailing system of corruption which has disgraced our State and offended the nation.' (Veto of bonanza bill, March 17, 1875.)

*"Broken pledges:"* 'The party has ever been going into campaigns promising retrenchment and reform, and never performing it.' (Interview, May 24, 1875.)

*"Disappointed plunderers:"* 'The plunderers in the last legislature were greatly disappointed. For the first time in their official lives they had to go home without having made anything but their salaries and a little minor picking.' (Interview, May 24, 1875.)

*"The sale of votes:"* 'A very large number of the members of the South Carolina legislature come to the capital for the purpose of selling their votes and making all they can out of the office.' (Interview, May 24, 1875.)

*"Reform absolutely necessary:"* 'Reform, if it was not of itself right, has become absolutely necessary, or the State will sink. Matters cannot run for six years to come as they have for the past six years. \* \* \* From the contingent funds alone in the past six years there has been taken the astonishing sum of \$376,832.74. One-fifth of that sum would have been ample. The rest ought to be put down to stealage.' (Interview, May 24, 1875.)

*"Stealing, pure and simple:"* 'The last six sessions, up to the time I was inaugurated, cost the State, under the head of legislative expenses, the enormous sum of \$2,147,430.97.

These figures, I may say, are unparalleled in the history of American legislation. It is stealing, pure and simple.' (Interview, May 24, 1875.)

*"Enormous and disgraceful figures:* 'The average expense of the attachés and contingencies of the South Carolina legislature per session has been \$253,421.65; and these enormous and disgraceful figures represent only the actual payments made.' (Interview, May 24, 1875.)

*"The biggest steal of all:* 'The cost of printing and advertising for six years was \$1,104,569.91. \* \* \* And what has the State to show for it? Absolutely nothing. For three years—1871, 1872, and 1873—printing and advertising cost the State \* \* \* about one thousand dollars a day; and this in a State the entire taxable wealth of which is less than many single counties in the North.' (Interview, May 24, 1875.)

*"A farce and a fraud:* 'The duties of a trial-justice here are precisely the same as the duties of justice of the peace in other States; yet previous governors had appointed and commissioned over two hundred men to the important duties of this office who could not write or read a word of the English language. It was a farce and a fraud; for how can men thus ignorant intelligently try causes, civil and criminal, brought before them?' (Interview, May 24, 1875.)

*"Candid confession:* 'No man will dispute that our State needs reform in nearly every department of the public service.' (Speech in Charleston, November 4, 1875.)

*"Public moneys wasted:* 'Our public moneys are largely wasted, and that is worse even than the burden of taxation.' (Speech in Charleston, November 4, 1873.)

*"A glaring evil:* 'Every person who looks to the State for salary or pay is now, and has been for years past, obliged to accept such part only of what is due him as may be realized from taxes which are due him, with a certainty that he will at best receive only a part. In the case of public institutions the evils are still greater.' (Veto of supply bill, November 23, 1875.)

*"A travesty:* 'What a travesty it is to see men filling the office of school commissioner, to pass upon the qualifications of school-teachers, when they can barely write their own names.' (Speech February 2, 1876.)

*"Black Thursday:* 'The conspiracy (for the election of Moses and Whipper) appears to have been carefully concocted. The color-line, the party-line, and the line of antagonism, to my astonishment, all were sharply drawn. \* \* \* I look upon their election as a horrible disaster. \* \* \* This calamity is infinitely greater, in my judgment, than any which has yet fallen upon this State, or, I might add, upon any part of the South.' (Interview, December 19, 1875.)

*"Civilization in peril:* 'The civilization of the Puritan and the cavalier, of the Roundhead and the Huguenot, is in peril. Courage, determination, union, victory, must be our watchwords. The grim Puritans never quailed under threat or blow. Let their sons now imitate their example.' (Telegram to New England Society of Charleston, December 22, 1875.)

*"A thrill of horror:* 'Their election (i. e., of Whipper and Moses) has sent a thrill of horror throughout the State. It has split the republicans in twain.' (Letter to Senator Morton, June 13, 1876.)

*"The doom of radicalism:* 'No party can rule this State that supports Whipper and Moses. \* \* \* There is but one way to save the republican party in South Carolina, and that way is to unload Moses and Whipper, and all who go with them. \* \* \* Neither the administration at Washington, with all its appliances, civil and military, nor all the denunciations of the world heaped upon me, can save the republican party here from overwhelming defeat during this year, unless we can persuade the people of this State that such things as these judicial elections will be undone, and never by possibility be repeated.' (Letter to Senator Morton, June 13, 1876.)

'In Mr. Chamberlain's own words the people read the horrible tale of the extravagance, fraud, and profligacy which have disgraced our State and offended the nation.' Out of the mouths of its chosen chieftain is the party judged. When Governor Chamberlain spoke and wrote the burning phrases that now come back to plague him, he was fighting with might and main the rogular crew who now, for the second time, surround and support him. They are the men who 'go with Moses and Whipper.' They are the conspirators who planned and carried out the horrible work of Black Thursday. They are the band who go to Columbia to sell their votes, and who revel in legislative plunder. The party cannot 'unload them,' for they are 'the party,' now that Mr. Chamberlain consents to lead them. And upon that party we invoke the doom that Governor Chamberlain foresaw, 'the overwhelming defeat during this year,' that he predicted.

'Governor Chamberlain and his associates will go upon 'the stump,' and there the democratic canvassers can meet them. There they can ring the changes upon the citations we have made from the letters and speeches and messages of the chief candidate, and so hoist the engineer with his own petard. That will do the business.'

Q. Did you know of any condition of this State in August, September, and previous to the election, which required the presence of United States troops to keep the peace?

—A. No, sir; there was none.

Q. State whether, as far you know, the laws, administered by the courts, could have been executed by State authority with ease and certainty at that time. As far as you know, was the State of South Carolina in a condition of peace and quietness, and the laws generally obeyed?—A. As far as I know, perfectly so.

Q. As far as you know personally, and as far as you could obtain information from the magistrates who administered the laws and from other sources, was that the fact?—A. It was, sir.

Q. And were you in a position at the head of the State ticket, where, by inquiry from others, you had the means of knowing the condition of the people of South Carolina as to peace, quietness, and obedience of the laws?—A. I think I was as fully apprised of it as any one in the State could be. We thought there was no justification for calling for troops, and we took a higher ground than that; that they were called for in violation of the statute, that the legislature should have made the call, and they could have been summoned at any moment to make the call.

Q. You have stated that you were in every county in the State, and twice in most of them. From that personal knowledge and the other means that you had of knowing, was there any time when, at the call of the chief executive, a sufficient force could not have been obtained to execute any law or mandate of the court?—A. There was, I think, no such occasion. The committee offered to Governor Chamberlain to assist him, and I, in public speeches, pledged myself to go anywhere where there was a riot, and stop it in less than twenty-four hours.

COLUMBIA, SOUTH CAROLINA,  
December 26, 1876.

ALEXANDER C. HASKELL SWORN and examined.

By Mr. ABBOTT:

Question. State your age and residence.—Answer. I am thirty-seven years of age; I reside in Richland County, four miles from Columbia.

Q. You are a native of South Carolina?—A. I am a native of the county of Abbeville, in this State.

Q. You held during the last election some position in reference to one of the parties of the State; what was it?—A. I have been since the month of May a member of the State democratic executive committee; since the 16th of August I have been the chairman of that committee, and am at this time.

Q. As chairman of the democratic executive committee have you had occasion to know the conduct of the campaign in every part of the State?—A. I have known it, sir, so far as I could rely upon the reports which I received and from my personal knowledge at several points. I received reports constantly from all portions of the State, and was in direct communication with the canvassers. They were generally directed in their movements by myself; directed where to go and what meetings to address, and I gave the general directions under which the meetings should be conducted.

Q. State the general directions given in reference to the conduct of the campaign as to peace and quietness, intimidation and proscription.—A. To be brief, sir, our people were urged to attend all of our meetings, and to apply themselves entirely to the canvass during the months preceding the election. They were exhorted to do so, upon the ground that the safety and prosperity of the State was absolutely dependent upon the restoration of honest government. Our determination was to urge, by all means that were right, the alliance and harmony of the two races. Our purpose was to get access to the ears of the colored race. We had been for years excluded from them by their so-called republican leaders. I use the expression "so-called," because it was the expression generally used throughout our campaign. We drew that distinction, as was published on more than one occasion by resolutions prepared by myself, between the office-holders in this State who used the name of the republican party, and the republican people of the North, for whom we had respect and a very different feeling. We attributed our main political difficulties here to the fact that we were prevented from having a hearing among the colored race. They were tied within the bonds of the Union Leagues, and, to get at them, we invited them cordially and earnestly to our democratic meetings. That was the first step. Then we asked and urged our people to go to their meetings. Whenever a large republican meeting was called we directed that they should go to that meeting. This direction and request was generally obeyed, so far as my knowledge goes, (it was strictly obeyed under my own eye here,) that they should go not in armed clubs or in any way as military bodies, if they had any such, but go there as citizens, in the first place to listen to the so-called republican speakers, (a small class of men in this State, who were holding office and conducting the government,) to interrogate them whenever they were able to do so without disorder, and to urge on each meeting that our side should be allowed a hearing; and if the hearing was refused, not to resort to force to obtain it, but to listen. We regarded it as a public right that they should attend public meetings held in the open air, and it was done. I conducted a number of those attendances myself in this county, some of which

were denounced most bitterly by the republican papers at the time. By the Union Herald here, the party organ, they were called the movements of "Haskell and his hostiles."

Q. Was there any violence, interference, or interruption of the republican meetings if they refused you permission to divide the time?—A. None at all, sir. The first meeting that I attended was at Hopkins Station; the second at Gadsden; the third, if I remember it, was at Macedonia Church; the fourth at a point six miles from Columbia, I think, on Green Creek.

Q. On any of those occasions was there any interruption or breaking up of the republican meetings, or any claiming to be heard whether the republicans would consent or not?—A. There was no interruption caused at any meeting except at the first meeting at Hopkins; a little disturbance arose amongst the republicans; some disorderly young black men attacked one of their own number, an old trial-justice, whose name escapes me at this moment; he is trial-justice at Hopkins. He was chairman of the committee that invited me to speak, and these young republicans resented it, and used him pretty roughly for a while, but order was restored by Minor, one of their colored leaders from Columbia, and Beverly Nash. They spoke, and succeeded after a while in restoring order. Before it was restored Minor and Nash came to me and said: "We will have order presently; just wait a little while, and we will be glad to hear you speak."

Q. What I want to get at is whether, after the canvass commenced, the democratic party forced the other side to hear them at their meetings whether they were willing to hear them or not?—A. I know of no instance where it was done; it was directly contrary to our advice, policy, and instructions that it should be done.

Q. In reference to peace and quietness and proper treatment of the colored race, what were the instructions and policy of the canvass on your part?—A. The whole policy of the canvass was, as I have said, to remove the antagonism which political tricksters had worked up between the two races. We begged them to come back to us, and be our friends in political matters as they were in everything else, and to join with us to restore honest government to the State. We pledged ourselves that where even colored men of ordinary plain education and intelligence presented themselves, joining hands with us, to the best of our ability, they should be elected to office; we invited them, urged on them by persuasion everywhere, to join us. We used great efforts; we wished to win their hearts back, and we appealed to them in every way.

Q. Do you know whether there were black democratic clubs in different parts of the State?—A. I know there were several in the county of Richland, and a large number were reported to me in my official capacity as existing in different portions of the State.

Q. At the time troops were sent for, had you the means, from your own knowledge and from your position, being in constant intercourse by letter and personally with different parts of the State, of knowing the condition of the State as to peace and quietness?—A. I had every means that correspondence, constant communication, and personal reports could give us to the condition of the whole State.

Q. Was there anything in the condition of the State that prevented the full and perfect execution of the laws?—A. I say, sir, emphatically, that there was not; and the reason why I say it is that, to my own knowledge, peace and quiet prevailed all over the State at that time; I refer to the 7th of October, when Governor Chamberlain issued a proclamation declaring that there was violence and insurrection in the State. To my personal knowledge, I say at that time there was no violence, disorder, or insurrection in the State, and there had not been for many months—for one, two, or three years preceding—any such condition of affairs in the State as was alleged in his proclamation. At that time everything was in perfect quiet and peace. The campaign was being conducted with great earnestness and vigor throughout the State, but it was more devoid of violence and disorder than any campaign that I have ever seen; and I would stake this State then against any State in the Union for peace and kindly feeling. The reason I allege that it was so all over the State is this: I was so astounded at that proclamation, that I at once communicated personally, by letter and by telegraph, with every judge who was then in the State of South Carolina, and I have copies of their letters which I will swear are correct, and which I would ask leave to present to the committee.

Q. You did communicate with the judges and you got answers from them, and upon the information derived from them, and from all other sources, you make your statement here?—A. I aver that the State was then in a condition of entire peace and order.

Q. Do you recollect the time of the Ellenton riots?—A. I remember it very well.

Q. Are you willing to state the substance of any interview that you had with any gentleman upon that subject?—A. I can testify to interviews that I had on two occasions with Mr. Chamberlain. I testified the substance of it yesterday before the Senate committee.

Mr. LAWRENCE. That I object to.



Mr. ABBOTT. We propose to put in this testimony as bearing upon the condition of the State at the time when the military were called for.

The objection was overruled.

A. I communicated with Mr. Chamberlain as governor. In this as in other States the governor is the commander-in-chief of the State, and is responsible for the preservation of order. I received a dispatch from the city of Charleston, I think about the 12th of September, which made me call upon the governor, and which I exhibited to him; His answer was that he was aware of great disorders, riots, and turbulence on the Combahee and the Ashepoo, (those are the rice-lands in the counties of Colleton and Beaufort, near the border-line,) and in answer to the information which he gave me, and which I had received from others, I merely asked leave to say to him that, so far as the support of the white citizens was concerned in restoring order to that community, I could answer for that that they were at his command, and with them a number of the colored people. In the conversation he admitted the facts that a riot was going on there among the colored people; there was great disorder, great agitation amongst them; they were beating and wounding men, and I gave him information showing that at one point the circumstances were not so extreme as I had a few hours before understood they were, namely, that the deputy sheriff and a posse were barricaded in a store and could not escape. There was an appeal for aid in connection with that account, but I received another communication which led me to believe that they had made their escape from the colored rioters, and I submitted that to the governor also. He expressed his appreciation of the offer I made, and said that he hoped the chief constable, who was in Charleston and had been ordered to the spot, would be able to restore order, with others he had deputed to establish law and order amongst the colored people of that country, and he said that their turbulence was unjustifiable upon any ground whatsoever. Subsequently, on the 18th of the same month, September, the night after a notorious riot in Charleston where one white man was killed and others wounded, there were rumors of disturbances or riots at Ellenton. From information that I had received, I was led again to call on the governor, to renew to him the assurance that the white people of the State were entirely submissive to law and order, and would aid him in suppressing the large body of colored men who had risen against the law in that section. His answer was, that the military had reached the point that day, and that everything was quiet; that already a number of white men, a posse, had met them, that they had dispersed, and that order and quiet were restored, and that there was no need for my assistance. He said, in addition, that he was going to the North that night, because he supposed there was no need for him to remain any longer; that he would see to it that those people (referring to the colored people) should be made to learn obedience to the law and to keep the peace; that that was his duty as governor, and that he was afraid that his previous leniency as to matters on the Combahee had encouraged them to proceed in this manner. At the same interview I conveyed to him a message from General Hampton, urging him and his canvassers to meet him in debate at the democratic meetings throughout the State. I gave him the personal assurance that, whatever might have been the joke between himself, General Butler, and General Gary at Edgefield, (that was entirely a personal matter, if they had any difficulty there,) when he went to meet us in our canvass he should have every consideration that he could desire; that he would be invited to the stand; and should occupy it with General Hampton, and should meet him in open debate. I think we alluded then to the Edgefield matter—if it was not that day it was another, and there was a little laugh over that; he alluded to it afterward rather differently in a letter that he wrote. He said, on this occasion, that he could not answer positively as to whether he would accept the invitation; that he had not laid out the whole plan of the campaign yet. I then branched another subject, which had been brought to his attention once before by myself in conversation. I asked him whether he had determined to leave his name upon the ticket where it then stood, associated with the men who, in all his political utterances during his administration, he had charged with being the causes of great misfortunes to the State; I said that the inconsistency was so great that I deemed it hardly possible for him to adopt that line; that I understood that he was in doubt, and that he found it very hard to take up the role; that if he wished to retire, or to change the style of the campaign, our committee would receive with great deference and respect any communication he might make for the good of the State at large. To that he made the same response as to the other suggestion—one general response; that he had not made up his mind about all these things; that he was going to the North that night, and would be absent for eight days, and that his visit to the North was on private matters exclusively, and he would answer on his return. On his return he did not answer. Where he went at the North I do not know. He was absent there eight or nine days. Receiving no response, I wrote him a letter, which I think bears date the 25th of September, and which renewed the invitation to him to meet us in joint debate at our democratic meetings, with the same assurance that we gave the invitation in earnest, and that while we would discuss the political course of himself and his associates, personally he should receive

every courtesy. If that was not all stated in the letter, it had been said in my previous conversation. To that letter he made a reply several days subsequently.

Q. Have you that reply?—A. I have not a copy of it now, but I can procure it.

Q. Did he accept it?—A. He left that to the republican executive committee, and went on to reply to the balance of my letter. I had correspondence with the republican executive committee for some time. I went to see them in person, and had also written correspondence with them which I shall be glad to exhibit if the committee desire. The upshot of it was that they declined to accept—refused to meet us. There is in that correspondence one letter, not written by the chairman, Mr. Elliott, but written by Mr. Cordozo in Elliott's absence. I called the attention of Mr. Elliott to grave errors in that letter, for which he expressed his regret, and promised to rectify them in writing, but he has not done so.

Q. How widely did you distribute the extracts from Governor Hampton's letters and speeches which have been put in here?—A. We distributed them as much as practicable throughout this State, and we sent them also to the Northern States.

Q. Were they all distributed throughout this State?—A. Yes, sir; in every county and every corner of the State.

Q. What action was taken by your committee in the conduct of the campaign in reference to having black people discharged if they refused to vote the democratic ticket?—A. I don't think any action was adopted during the campaign with regard to the body of the laborers, because most of them had contracts enduring for the year. There were a few cases, particularly in the cities, of day-laborers, but as a general rule through the State laborers are hired by the year—so large a proportion that it really comprehends the body of them. Those contracts expire the first of January.

Q. Did your committee take any action in reference to that?—A. Yes, sir; but the action of the committee was subsequent to the election.

By Mr. LAWRENCE :

Q. Is it in writing?—A. It is, and I can furnish you a copy of it. It was published through the State, in the newspapers.

By Mr. ABBOTT :

Q. Was that joined in by General Hampton?—A. It was concurred in by General Hampton. It was shown to him in writing, and he gave it his hearty approval, and we so stated in the address.

Q. Is there any other fact that you wish to state bearing upon the management of the canvass?—A. As to proscription, I would add this: there were resolutions adopted, to my knowledge, in one or two places in which the statement was made that maladministration had ruined the State, the land-holders, and the laborers; that the land-owners were so reduced in their means that they warned their laborers, gave them advice (warning in that sense) that if the dishonest administration prevailed further in this State, if the Chamberlain ticket should be elected, our future ruin would be so absolutely certain that they would not have the means to employ labor; that they could not venture to continue with agriculture as it had been previously carried on; that their utmost exertion would be made to plant small grains in the fall, abandoning all hopes of making money by cotton, or other means, so that they could not employ laborers; and they appealed to them to vote for the honest ticket for the benefit of all. That was the substance of what has been termed proscription.

Q. If there is any other fact connected with the conduct of the election that occurs to you as pertinent for the purpose of showing that the election was carried on in a peaceable and quiet way, you may give it.—A. I can answer the committee upon general information, reports that I received; and I did ask for truthful and accurate reports, whether for or against us, on all occasions. I received no reports and have no knowledge of any violence perpetrated by the democrats at any precinct in the State of South Carolina on the 7th day of November, or for days, or weeks, or months previous, growing out of any political question whatever, and there were fewer growing out of any personal causes than I have ever heard of before in any election. It was the most peaceful election, I believe, conducted in the United States. I don't believe there was less fighting anywhere. I wish to state further in connection with that, that the enthusiasm in our favor displayed amongst the colored people was daily increasing. Their courage was developing itself and they were joining us in large numbers and did join us in large numbers, and remained true to us to the end, but their rapid accession to our ranks was arrested to a vast extent by the advent of the military force in this State. That is true to my personal knowledge and on information I derived from all portions of the State. When the military force was introduced in the State the effect was to paralyze our civil law. All the confidence which we had been able to impart to the colored people, that we could protect them from the violence of their leagues, was snatched away from us by that; the civil law had lost its power. In corroboration of that view I ask leave to state the fact that I frequently appealed to General Ruger. I gave him the same reason, and did it under

protest. I asked him to mark the point; I requested leave to file it in writing in his office; he said he would remember it. I said, "Your coming to the State has paralyzed our civil law; we are obliged now to appeal to you for military protection for the colored people who wish to vote with us, and therefore I appeal to you to send troops to Beaufort, to send troops to Charleston, and to send troops to Georgetown;" and I submitted to him appeals in writing from the white people in those vicinities for troops for their own protection and for the protection of the colored people at the ballot-box. He declined, in almost every instance, to respond. He said that his mission was to prevent violence, and he would see to it when it arose. Sometimes he concurred, but without my knowledge. I ascertained that in one or two instances he had sent small bodies of troops the day before the election; for instance, out here to the neighborhood of Florence and Darlington and that region. The result shows the correctness of my view; for you will mark that in many instances where their largest vote was given by the colored people for the democratic side, troops were stationed. Edgefield was one of the most remarkable instances of that. You may say that Edgefield was filled with troops—four strong companies; it was occupied by troops, and had been for a long time, and in that county one of the largest negro votes for the democratic ticket was given. I appealed to him personally to send troops, for the protection of our colored voters, to Gadsden, Hopkins, Acton, and Trenholms, in this county. He refused to do it. Upon the report of violence upon colored democrats at Trenholms, I applied to General Ruger—

(Mr. Lawrence objected to the witness being permitted to make statements of reports made to him.)

The WITNESS. I told General Ruger this, and upon that he sent troops to Trenholms. Those were the only troops that he moved at my request in this county, and that was on the afternoon of the day of the election; too late to do any good. The remaining point of evidence which I would ask leave to submit is with regard to the occupation of the State-house by United States troops.

(Mr. Lawrence objected to any testimony upon that subject.)

The witness submitted the following as part of his testimony:

"[Circular.]

"ROOMS OF EXECUTIVE COMMITTEE,  
"DEMOCRATIC PARTY OF SOUTH CAROLINA,  
"Columbia, August 23, 1876.

"The executive committee, in view of the request made of the republican party, at recent meetings, for a division of time in discussing the questions at issue between the parties, announce that we deem it due to the voters to have a full, fair, and free discussion on all such occasions, and express our willingness and readiness to extend the same right to republican speakers whenever they desire a respectful hearing at our meetings; and, to this end, we urge the democratic party to observe every decorum and propriety in attending the meetings of the opposite party.

"The object of the democratic party is peaceful and untrammelled discussion, that the people may become enlightened on the issues of the day.

"A. C. HASKELL,  
"Chairman."

By Mr. ABBOTT:

Q. Were general instructions given by you, as chairman of the executive committee to the different chairmen on behalf of the democrats throughout the State?—A. They were.

Q. How early did that begin?—A. I do not remember the date of the first meeting held, but it was soon after the nomination, which occurred on the 16th of August. Perhaps soon after the publication of that circular, or just before it, (this bears date August 23,) the chairmen of the committees of the different counties were summoned and assembled at my office, the headquarters of the executive committee of the State, and in addition to publications like this, verbal instructions were given, and they were very carefully conveyed to every chairman. The general plan of the campaign was impressed upon them, at the base of which was, that there was to be no force, no demonstration of military force, or physical force, other than consisted in mere assemblages of numbers, and that there was to be no actual violence whatsoever in the State; that the campaign was to be conducted on the clearest and broadest principles of equal rights to all men, and full consideration to the colored race, and that we were to win them by argument and persuasion; that we wanted to get to their ears, and to their hearts through their ears. Then, about ten days before the election, another meeting of the chairmen was called, and every chairman was asked particularly to state the condition of his county. The chairmen were called up in the order of the counties—Abbeville, Aiken, Anderson, &c. The result of our investigation was that we would carry the State undoubtedly by a clear majority. That was one point which we arrived at by the figures ten days before the election.

But the principal object of this meeting was to absolutely impress, (it was done so much that a gentleman, speaking of it afterward, spoke of it as an order that had to be obeyed rigidly,) to impress upon every chairman that he was to go back to his county with this understanding, that not only should they not use force at the election, but there must be no demonstration of force; there must be nothing to intimidate, awe, frighten, or otherwise deter the colored people from going to the polls. For illustration, that there must be no blazing of anvils—that was a joke of the campaign, that they might imitate the guns in that way as it had been done in Mississippi—that there must be none of that the night before the election; no riding on the roads; no shooting off rifles in the dark, nor anything to intimidate these people; and the instructions were so given that I am sure they were obeyed.

By Mr. LAWRENCE :

Q. Did you go out of this county of Richland during the canvass?—A. Only on one occasion, to a mass-meeting at Sumter.

Q. You have no personal knowledge, then, of how your instructions were followed, excepting in this county and at one other meeting?—A. Only by official reports.

Q. Then, when you say you are sure that the instructions were followed, you say so without having any personal knowledge of your own on the subject?—A. Nothing but the assurances to which I have referred.

Q. You gave those instructions because you believed there was a necessity for them, did you?—A. I did believe there was a necessity for giving the instructions, or I would not have been so foolish as to give them. The necessity arose from the charges made against us, and our desire to deprive our enemies of any ground on which to rest them.

Q. You would not have given the instruction unless you believed there was a necessity for it?—A. No, sir.

Q. You do not mean that you gave those instructions without thinking you had reason to apprehend that there was a necessity for them?—A. We gave those instructions as a safeguard against the false charges which were being made against us.

Q. Do you mean to say that it was necessary to give instructions when there was no necessity for the instructions?—A. No, sir; I don't mean to say that.

Q. Then you gave the instructions because you believed there was a necessity for it?—A. Yes, sir; and I have explained what the necessity was. It arose from the action of our opponents, and not of our own people.

Q. Is the Charleston News and Courier one of the leading democratic papers in the State?—A. It is one of the leading papers in the State, and has been since the nomination of General Hampton a very earnest advocate of the democratic party. Before that it was an advocate of Mr. Chamberlain.

Q. It has a large circulation in the State?—A. Yes, sir.

Q. This is a copy of it, is it?—A. I have no doubt it is.

Mr. Lawrence put in evidence the following extract from the Charleston News and Courier of October 4, 1876 :

“THE PREFERENCE POLICY.

“*Straight out resolutions of the Summerville Democracy.*”

“ [Correspondence of the News and Courier.] ”

“SUMMERVILLE, S. C., October 2.

“At a meeting of the Dorchester Democratic Club, held at Town Hall on Saturday the 30th ultimo, Maj. George Tupper presiding, the following resolutions were unanimously adopted :

“By Hon. J. I. Middleton :

“*Resolved*, That the members of the club bind themselves in honor to purchase from or deal in future with no one whomsoever in this place who intends to or shall vote against the candidates nominated by the democratic convention to fill the Federal, State, and county offices in the next election, except in cases where this cannot be done in consequence of prior contracts.

“*Resolved*, That this agreement among ourselves is meant to extend to all purchases of goods, wares, merchandise, and provisions whatever, and all future contracts for service or employment, either out-door or menial.

“*Resolved*, That this engagement shall be deemed to be of force until our country is released from the so-called republican domination that threatens to overwhelm all the bulwarks of our social and political life.

“By Dr. Benjamin Rhett :

“*Resolved*, That the secretary do issue, upon application, to the colored members of this democratic club, certificates of membership, (countersigned by the president,) in order that they be recognized and receive the support and patronage of employers.

“By Capt. John C. Minott :

"Resolved, That a committee of three be appointed by the chair to make such arrangements as may be necessary to secure order and obtain speakers at the meeting to be held at Slau's Bridge, on Thursday next, and confer with a like committee to be appointed by the republican party for the purposes on that occasion.

"LOUIS DE TREVILLE,  
"Secretary."

Q. At the beginning of the campaign you directed your people to attend the republican meetings?—A. Yes, sir.

Q. By your people you mean the democrats?—A. Yes; democrats, white and black, provided the meetings were in the open air or in open buildings.

Q. Was it not one of your objects in directing that to ask for a division of time?—A. Yes; one of our objects was to have a division of time, that we might be heard.

Q. And the leaders or managers for the democratic party in the several counties were instructed accordingly?—A. Yes, sir.

Q. Do you know of any violence inflicted by any republican upon any democrat during any of the political meetings?—A. Yes, sir.

Q. Where?—A. I know of the violence of threats, and of the exhibition of weapons, at Hopkins, in the county of Richland. That was in August; exactly what date I am not able to give.

Q. That was at a democratic meeting?—A. No, sir; at a republican meeting.

Q. I intended to ask if you know of any violence inflicted by any republican upon any democrat at a democratic meeting?—A. I heard the language and saw the rush of the crowd on the 4th of November, in the city of Columbia, at a very large democratic procession going along this very street. The balcony was occupied by Army officers, and the streets were filled. As we marched up the street I heard the invective and abusive language from the colored people in the street hurled at General Hampton, myself, and others, but most particularly at a number of colored democrats who were within my hearing and sight at the time; and at one time there was a rush on them, and the colored republicans on the street threw bricks at the colored democrats that were in our procession.

Q. Did you see that?—A. I did not see the bricks; I saw the rush.

Q. You do not know of your own knowledge that any bricks were thrown?—A. Only from the reports.

Q. Was anybody struck?—A. I heard that one was hurt; I did not see the blood.

Q. Is that the only violence you saw during this campaign by any republican?—A. I saw violence at another meeting, where pistols were drawn by republicans, colored men, and they swore that they would prevent any colored democrat from speaking if it cost the last drop of blood within them. That was in Richland County, at Macedonia church, at a democratic meeting where the republicans and the democrats met.

Q. I will be obliged if you will answer my question.—A. Well, I answered you that I have been at only two democratic meetings, one in Richland County, and one at Sumter. I did not see any violence at Sumter; I did in Richland.

Q. Now, was it at a republican meeting where you attended that these threats were made by colored republicans?—A. Yes, sir.

Q. Were the democrats insisting upon a division of the time?—A. No, sir.

Q. Was any democrat proposing to speak?—A. A democrat was invited to speak, and he was speaking.

Q. Who invited him?—A. The republicans, by the vote of their whole assembly.

Q. Did he speak?—A. He spoke.

Q. Finished his speech?—A. Yes, sir.

Q. No violence was inflicted on him?—A. He was only threatened with violence, and arms were exhibited.

Q. No violence was inflicted upon him?—A. No, sir; he was well defended.

Q. No shot was fired?—A. No, sir.

Q. Which party predominated at the meeting?—A. The republicans, very largely.

Q. How many men made threats at either meeting?—A. At Hopkins's I went with about fifty men. There were from three to four hundred republicans at that point and about fifty democrats, mostly white, and a small number of colored. They invited us to join in discussion.

Q. Did you not demand it first?—A. No, sir. We simply went there, and a committee met us in a very agreeable manner and invited us, and I consented very pleasantly. The whole thing was very pleasant until after that was done, and, as I described this morning in my direct testimony, there was a little row raised among the republicans themselves, among the young men, against an older man who had been the chairman of the committee that invited us to speak. I gave them a list of our speakers and they gave me a list of theirs. The agreement was that they were to have the opening and the reply. One of my speakers was a colored man. When he rose to speak there was an uprising of the republicans, great denunciation and abuse, and threats that he

should be killed if he attempted to speak. That was not the language of their wise men, but it was the language of a part of the crowd of violent men.

Q. How many?—A. Well, thirty or forty, or fifty, perhaps.

Q. Forty or fifty who joined in threats of that sort?—A. Yes, sir; and sustained it by their cheers and cries.

Q. How many men used such language?—A. I could not give you the number—a considerable number, though. It was the outburst of the crowd. I was in the wagon on which the man was endeavoring to speak, and told them that he was one of their race, and that while I meant no violence, I should certainly feel myself individually bound to defend him.

Q. Was any democrat at that meeting assaulted or violence inflicted on him?—A. Nothing more than the threat.

Q. There was no personal violence then toward any democrat?—A. I do not think that man was struck; he was seized hold of to drag him down from the wagon, but he was not hurt.

Q. Was that all that occurred in the way of violence at that meeting?—A. Yes, sir; with the exception that we were all threatened and denounced for having attended the meeting, and one of the men called for his militia company to attend at the next meeting with rifles and ammunition, to teach these democrats that they must not come to their assemblies.

Q. That meeting was called as a republican meeting?—A. It was a republican meeting, sir; that is the reason I went to it. One of the republicans who was speaking when I went there was a white man, a judge of probate. He was at the meeting; he was applying for renomination; he was very familiar with the campaign from beginning to end. Another one, a lawyer, practicing here, a white man, was at that meeting, and made a very strong speech on the republican side. There was another, a republican merchant, who was seeking a renomination. Before the campaign ended, Judge Bond and Mr. Wigg left the party and joined us as advocates of our reform cause. They were at that meeting, and know all the circumstances. The next meeting to which I alluded was at Macedonia, where, if any violence was exhibited, it is familiar to a number of the leading republicans of this place. If there was any violence exhibited by language, or in any other way, it can be reported by Judge Hoge, who was there as a speaker. Judge Hoge, at that meeting, called upon me to see what we were going to do, and to see what was our threat, our means of intimidation, if we meant to exercise intimidation. There was a colored man from Indianapolis who wished to go into the canvass here. He had been a republican in his political views, but he had been here long enough to learn the condition of the people. He was reading law here. He was on my lists at Macedonia as one of the speakers on our side. We were invited there to join in the discussion. At first I declined, because the assembly was not arranged with the decorum that I thought was proper. The stand was surrounded by mounted republicans, and we were not allowed nearer approach than the length of this room, and under that condition of circumstances they invited me to speak. I was invited by their commanding officer, as he called himself, Henry Daniels, then sergeant-at-arms of the house of representatives, a black man. I declined, and told him the reason. After discussion he withdrew one-fourth of the ring that he had around the stand, and allowed the men that were with me to go in, occupying one-fourth of the surroundings of the stand. The speaking went on very pleasantly until three or four had delivered what they had to say, and I was called to a group where Henry Daniels, the commanding officer of the republicans, who were all mounted, stood, and the threat was made that if Hutchings, the Indianapolis man, ascended the stand the last drop of blood should be shed, or he should be put off, because he was a colored man and should not speak on the democratic side.

Q. Was any violence inflicted upon him?—A. Pistols were drawn, and the command was given by one Henry Daniels, who announced that he was the commanding officer of that body, and that they were pledged to prevent it.

Q. Was any violence inflicted upon him?—A. The violence of threats by drawing pistols was committed.

Q. Now, will you answer my question?—A. Yes, sir; I say violence was committed—pistols were drawn.

Q. Was he struck or touched by any weapon, or by any man?—A. O, no; he was not struck.

Q. You call it violence, then, what you have described?—A. I mean that in the legal sense of the word, by drawing a pistol and making a threat, violence was committed; no other.

Q. Then you do not know of any instance in this county, except the case in which you say bricks were alleged to have been thrown, where any democrat was struck or any violence inflicted upon his person?—A. I don't remember seeing any. I was confined to my office, except at the meetings that I have named.

Q. And except in the single instances which you have described you were not out of this county during the campaign?—A. I only went to Sumter

Q. Then you do not know personally whether there was peace in the State or not?—  
A. I know it by reports from the officials from every portion of the State.

Q. Do you know it personally?—A. To the best of my personal knowledge there was peace in the State. I know of no violation of the peace in the State.

Q. Now will you answer my question? Do you personally know whether there was peace in the State or not?—A. I do personally know that so far as my personal observation in this State did extend, there was perfect peace, and so far as I heard, there was no violation of the peace.

Q. Have you any personal knowledge which enables you to say from that personal knowledge whether there was peace in the State or not?—A. No, sir; I have not personal knowledge extending over the State.

Q. And yet in your direct examination you stated that you would stake this State against any State in the Union for peace?—A. Yes, sir; from the information and reports I received throughout the canvass.

Q. Had you heard of the Hamburg riot?—A. Yes, sir.

Q. And the Ellenton riot?—A. Yes, sir.

Q. No other?—A. Yes, sir; Combahee, Ashpoo, Charleston, Canchoy, and Edgefield—not a riot—a disturbance, in which one white man was killed and another wounded. I know of no other but those I have named.

Q. And yet in the face of the alleged fact that there were riots at these places where you have stated, you undertake to say that this State was as peaceable as any State in the Union?—A. I said, that as to the time of the election and during most of the canvass, and as to the democratic party. Now, if you will allow me, I will explain what those riots were.

Q. Have you any personal knowledge as to those riots?—A. No, sir; only by reports.

Q. Then you do not know whom the riots were committed by?—A. I don't know whether there were riots, except by report.

Q. And you do not know whether they were by republicans or democrats from any knowledge of yours?—A. Only by report.

Q. I don't ask you for what others have said to you, or for any information except your own. Did I understand you in your direct examination to refer to what occurred at the Edgefield meeting when Generals Butler and Gary and Chamberlain were there as a joke between Chamberlain and Gary and Butler?—A. Well, sir, I think that in personal relations it was rather a serious joke. There was ill feeling between them, arising from personal accusations.

Q. Did I understand you in your examination-in-chief to characterize that as a joke?—A. No, sir; I merely used that expression in speaking of it. I did not know that it was taken down as testimony.

Q. Did I understand you to say that in your judgment the election this year was the most peaceable election in the United States?—A. Yes, sir.

Q. Have you any personal knowledge as to how elections were conducted outside of this State?—A. Only by report. I have no personal knowledge.

Q. Then in making that statement you do not pretend to speak from personal knowledge?—A. Nothing beyond my knowledge of published reports.

Q. What effect did the presence of United States troops in South Carolina have in preventing the colored men from going over to and joining the democratic party?—A. I think that the presence of the troops (it is only an opinion that I give) strengthened the radical leaders and their leagues and convinced the mass of the ignorant colored people that the United States authorities, the President, had sent the troops there to prevent their joining the democratic party, and I believe that the effect was to prevent many more from joining us who were preparing to do so at the time in many counties of the State.

Q. Up to the time that the troops came here the colored men were going over to the democratic party?—A. Yes, sir; very rapidly. A large number had joined us.

Q. After that the colored men did not come over to the democratic party so much?—A. No, sir, not so much; but they continued to come. I heard from one or two counties that they joined even more rapidly after the arrival of the troops; but from the main body of the State there was a diminution. In Barnwell I think they joined more (by reports to me) than ever before.

Q. Do you know whether General Hampton made a declaration during the campaign that the presence of troops here had not interfered with the votes which he had received or would receive from colored men?—A. I did not hear him make the speech, sir; but if you will repeat the words I may be able to give you my opinion about it. I think he did make efforts in his speeches to remove from the minds of the colored people and of the white people the discouraging effect of the arrival of the United States troops, but his exact words I do not remember.

Q. This paper is a copy of the Charleston News and Courier?—A. Yes, sir.

Mr. Lawrence put in evidence the following extract from the News and Courier :

*"The fight for deliverance—Hampton in Marion—The Swamp-Fox County aroused—A grand reception—General Hampton makes another stirring speech—The address of Colonel Simpson—Remarks of General Kershaw and others.*

[*"From our special phonographic reporter."*]

*"MARION COURT-HOUSE, Saturday, September 30.*

General Hampton's triumphant march for the last week has been through that region of country denominated by John C. Calhoun as the garden-spot of South Carolina. The Peedee region is indeed one of the finest farming districts in the eastern portion of the State. After the great meeting at Bennettsville, the general and staff set out on an overland march to Marion, and on Friday their course was one of triumph and ovation. At every cross-road the party were met by hundreds of brave men and fair women, who had congregated to get a glimpse of the great democratic chieftain, and at Little Rock the general was induced to stop for a couple of hours, and upon the shortest notice an audience of over one thousand persons were assembled to do him honor, a conspicuous feature of the occasion being the large number of ladies. Speeches were made by General Hampton, Colonel Simpson, Col. L. F. Youmans, Generals Kershaw and Kennedy, and two colored orators, Messrs. Lee and Hutelins.

"A large number of colored people were present, and the effect of the speeches upon them was noticeable. The greatest enthusiasm prevailed, and nothing occurred to mar the perfect harmony of the gathering. From Little Rock the campaigners were accompanied by two hundred horsemen, and arrived at Marion at 9 o'clock Friday evening. A large concourse of people had assembled to do the party honor, and the town was magnificently illuminated. A procession comprising thousands of people, and with five hundred mounted men, bearing handsome and significant transparencies, escorted the campaigners through the principal streets and to their respective quarters. The greatest enthusiasm prevailed. The public and private houses were filled to repletion, and many who arrived on the late train were compelled to go without a bed.

"At an early hour this morning the town was alive with the cavalry, who kept coming in from every quarter. Carmichael's, Hillsborough, Reeves, Manning, Hardeeville, Bethea, Kirby, Moody, Marion, Wahee, LeGette, Rowell, Britton's Neck, Woodbury, Jeffries, Cain's, McMillan's, and Peedee Townships were all represented by their mounted clubs. E. M. Stöber, the radical county chairman, in order to keep the colored people from attending the meeting, called all the township meetings for to-day. But the little game was evidently a failure, for hundreds of colored people were not only in town, but flocked to the meeting and remained throughout its entire progress, patient and interested spectators.

#### "THE PROCESSION.

"At 10 o'clock the procession was formed, with the Wilmington colored brass-band at the head, and, after marching and countermarching through the main streets, the crowd assembled in the court-house square, where a large stand had been erected for the occasion. The crowd numbered several thousand, comprising hundreds of ladies, who graced the occasion with their presence, and shot forth enthusiastic glances from hundreds of carriages and from the windows in the vicinity."

By Mr. ABBOTT:

Q. In the same way that you heard of the riots you have enumerated, did you hear that they were labor-riots?—A. Combahee and Ashepoo were reported to be riots raised by strikers who marched in armed bodies from one field to another, driving out the laborers.

Q. And in reference to these other riots, did you hear from common report that any democrats were connected with them in getting them up or inciting them?—A. No, sir; not one of them. I did not hear that the democrats had anything to do with inciting them or getting them up.

By Mr. LAWRENCE:

Q. Have you any personal knowledge of it?—A. No, sir; I was not present at any of the places. I did receive some information with regard to three of them, Combahee, Ashepoo, and Ellenton.

Q. Did you not hear also that it was alleged by the republicans that the democrats did start some of those difficulties?—A. I heard it alleged that the democrats did start the Caneloy difficulty. I don't think I have heard the republicans allege—I am not sure, but they may have written such things in the newspapers; but I don't think I have ever heard them charged, the democrats, with having anything to do with originating Combahee, Ashepoo, Charleston, or Ellenton difficulties.

Q. Was it not alleged by the republicans that the democrats commenced difficulties at Hamburg?—A. I think the republicans did allege that with regard to Hamburg, but



Hamburgh so far anteceded our canvass that it has nothing to do with it. We never regarded Hamburgh as having anything to do with our political status at all; it was long before the canvass began.

Q. Don't you know by general report that there was a large number of colored men alleged to have been killed in this State during the year prior to the election?—A. No, sir; I know that official reports have been made which, to my earnest conviction, have grossly exaggerated the number. I do believe that a considerable number have been killed in these riots.

Q. My inquiry was whether there were not general reports that a large number of colored men had been killed in this State prior to the election this year?—A. Well, sir, there is one report of the number, and there is another report of a much greater number. I would ask leave to answer the two reports. There is a report, which I believe to be correct, that eighteen colored men were killed at and in the vicinity of Ellenton. Another report that six or seven white men were killed at Canohoy; another report that there were five or six, or thereabouts, colored men killed at Hamburgh; another report that there was one white man killed and another wounded in Charleston in a row there on one occasion, and on another occasion another white man killed there and another wounded; various others wounded. Those I believe to be correct. There is a report, which was made by the governor of the State and certain other persons, which I believe to be entirely incorrect. That report represented a vague but a great number of the colored people as having been killed at Ellenton and in its vicinity. I think that was a gross exaggeration. The most correct report ever made as to the number killed or wounded at Ellenton, I think, was made in the New York Herald soon after the event occurred. That was a very correct report, to the best of my information and knowledge.

Q. Is it not notorious that no white man has been punished for killing any colored man?—A. No, sir; I cannot say that it is notorious. I cannot say that it is so.

Q. Do you know of any white man who has been punished for killing a colored man?—A. I cannot remember any at this moment.

Q. Now is it not notorious that not one of the white men charged with killing has been tried or punished?—A. In connection with what—Hamburgh?

Q. With any of the alleged killing of colored men?—A. I only know this from a report which I believe to be correct, that all men who have been indicted in connection with the Hamburgh affair have been bailed for trial, and that the acting attorney-general and solicitor declined to prosecute them at the regular term of the court.

Q. But in the other miscellaneous killings of colored men, where there were no riots, but just individual men killed, do you know of any instance where a white man alleged to have been guilty of a murder has been tried or punished?—A. I cannot answer that any more than I can answer whether any of the colored men have been tried and punished for killing white men. I do not remember an instance of either. They may have occurred here in this court. I don't remember the names of persons at this time. On reflection I propose to answer you more at length.

Mr. Abbott put in evidence the following extracts from the Charleston News and Courier of the same dates from which the last extracts put in by Mr. Lawrence was taken.

"THE TRUTH ABOUT ELLENTON—A FAIR AND IMPARTIAL PRESENTATION OF THE FACTS—  
STATEMENT OF EIGHTEEN RESPECTABLE CITIZENS OF AIKEN COUNTY.

[“From our resident correspondent.”]

“AIKEN, S. C., October 3.

“The following account of the late disturbances in this county was prepared yesterday and filed with Messrs. Canton and Blackwell, as material for their report to the governor and the United States marshal:

“STATEMENT OF THE RECENT TROUBLES AND RIOTS NEAR ELLENTON, S. C.

“On Friday, September 15, 1876, two negro men entered the house of Mr. Alonzo Harley, a respectable planter in Silverton Township, Aiken County, S. C., during Mr. Harley's absence, and attacked his wife and nine-year old child with clubs, seriously injuring them. Fortunately, Mrs. Harley got to her husband's gun, which, though unloaded, served to frighten the negroes away.

“In a short time a dozen or more whites collected and gave pursuit. One of the negroes, Peter Williams, was overtaken, brought back to Harley's house, and identified by his wife and child. The negro broke away and ran, was fired upon as he ran and severely wounded, from which wound, however, he has so far recovered as to be able to walk about.

“On Saturday morning rumors became rife that the negroes were collecting with arms in their hands in the neighborhood of Rouse's Bridge, and threatening to avenge the shooting of Peter Williams. On Saturday evening the whites began to assemble. On

Sunday morning information was received that Frederick Pope, the leading negro in the assault upon Mrs. Harley, had sought protection with the armed negroes at Rouse's Bridge.

"Angus P. Brown, special constable, with a warrant issued by Charles Guffin, a colored trial-justice for Aiken County, and a republican in politics, accompanied by a posse of white men, proceeded to Rouse's Bridge. In a defile near the bridge the posse were very unexpectedly fired upon by the negroes in ambush, and the fire was returned. Only a few shots were exchanged, and no serious damage was done. The whites retired from the defile and sought to negotiate with their assailants.

"After two or more hours' delay, caused by the reluctance of the blacks to respond to the advances made by the other party, the blacks finally consented that if six unarmed white men, they naming the men, would arrest six black men, also unarmed, they would abide by whatever decision the joint committee might reach. The whites acceded, the joint committee met, the constable with the warrant being one of them, and exhibiting his warrant, and on the assurance of the blacks that Frederick Pope was not there with them, it was mutually agreed that both parties should disperse and retire quietly to their homes; and to this the whites and blacks pledged themselves.

"The whites dispersed; the negroes did not. On the contrary, they assaulted two white men at the same point a half hour afterward. They ambuscaded fourteen men on their way home, at a lower bridge over the same stream, about one hour afterward, fired into them fifty or sixty shots, and wounded five. The fire was returned, and one negro killed. The whites were dispersed. They (the negroes) waylaid John Williams and Everett Stallings, two white men, at 8 o'clock that night, and killed Williams. They tore up the track of the Port Royal Railroad, wrecking a train, cut the telegraph-wires, and burned the mill and gin-house of Dr. Bailey.

"This was the condition of affairs on Monday morning. Bad as it was, the most exaggerated and distressing rumors were circulated in all directions. By 11 o'clock a hundred white men had assembled, and proceeded to the point where the Port Royal Railroad had been broken. Here they were fired upon by negroes, and the fire was returned. One negro was killed and the remainder driven away.

"The whites moved toward Ellenton. At this point the blacks had collected in large numbers, with arms in their hands, yelling, cursing, and threatening the lives of women and children. In front of Ellenton is a formidable swamp, which the negroes occupied; but they retired before the regular approach of the whites, with the loss of one of their number.

"The whites encamped in Ellenton. That night the negroes waylaid at Penn Branch a party of white men, killing Robert Williams, and wounding Samuel Dunbar and J. H. Kellingsworth. On Tuesday morning the whites proceeded to Rouse's Bridge, the original scene of the trouble, and met the Federal troops. Here, again, the swamp is very formidable, and was occupied by the negroes, who had torn up the bridge. The negroes fired, wounding a horse, and retired without any loss on their part. The whites appealed to the Federal officers to disperse the armed negroes, who had waylaid and killed men in the night, burnt property, and threatened the lives of women and children, and on their assurance that this should be done, they returned to their homes.

"We, the undersigned, submit this true statement, which we are prepared to substantiate with indisputable evidence.

" PAUL F. HAMMOND.	FRANK DUNBAR.
" E. S. HAMMOND.	Q. M. COBB.
" THOS. J. DAVIS.	C. W. SIMKINS.
" G. W. CROFT.	W. W. MILLER.
" A. M. HARTLEY.	J. W. FOREMAN.
" JOHN W. DUNBAR.	T. H. MEYER.
" C. C. MEYER.	C. T. ROUNTREE.
" T. D. ROUNTREE.	JACOB FOREMAN.
" A. P. BUTLER.	F. W. BUSH.

"The subscribers are all men of character and weight here, and they have supplied affidavits to support every statement made by them. With this it is hoped that an impartial and fair presentation of the facts will be made."

ANOTHER COLORED CHARLESTONIAN SPEAKS OUT.

CHARLESTON, S. C., September 30.

To the editor of the News and Courier :

In times like the present it seems to me that every colored man who is in favor of good government and is desirous of redeeming South Carolina from the terrible political condition in which she is plunged, should have the manliness to come out boldly and avow his principles, in order not only that the white people of Charleston may know the position in which he stands, but that the colored people may take courage

from his example and thus be themselves induced to boldly declare for Hampton and reform. I, therefore, take this opportunity of publicly placing myself before my fellow-citizens as one who will, to the utmost of his humble ability, aid in the election of the ticket put forth by the democratic party of the State of South Carolina, and in doing this I desire to say to the people of my own race that I am firmly convinced that our interests are identical with the interests of the white people of this State, and do not lie with the radical carpet-baggers or the renegades who would delude us with base and malicious lies for their own aggrandizement, and who would fatten on the proceeds of the hard labor of the colored man.

Colored men of Charleston County and of South Carolina, I appeal to you to shake off the fetters which, of your own free will, you are allowing your corrupt leaders to bind around your souls, and which will drag you down to inevitable ruin. I appeal to you to turn a deaf ear to the oily words of the miscreants and renegades, which they would have you roll as a sweet morsel under your tongues, but which will prove to you wormwood and gall. Heed not the unprincipled scoundrels who, for their own base ends, will lead you on to destruction, while they will flee and leave you to your fate.

I appeal to you to consider your own interests and vote with the white people of South Carolina, who give you employment, upon whose soil you live, and upon whose soil you expect to die. Vote with them, and, in the words of the gallant General Conner, there will dawn a new era upon South Carolina—an era of freedom, education, and protection for all.

S. McLEAN,  
*Carpenter and Builder, 75 Queen Street.*

Mr. LAWRENCE put in evidence the following papers:

#### THE CALL ANSWERED.

CHAMBERLAIN TO HASKELL. THE TRUTH TOLD. A PLAIN, TRUTHFUL, AND STARTLING REVIEW OF THE PRESENT CAMPAIGN IN SOUTH CAROLINA. THE BALLOT WILL BE PROTECTED. THE REAL DEMOCRATIC POLICY EXPOSED.

*Colonel Haskell to Governor Chamberlain.*

ROOMS STATE DEMOCRATIC EXECUTIVE COMMITTEE,  
*Columbia, S. C., September 28, 1876.*

To his excellency Daniel H. Chamberlain, Columbia, S. C.:

SIR: I beg leave to tender you, in behalf of General Wade Hampton and the other nominees upon the State democratic ticket, and in pursuance of the spirit manifested in the card issued on 23d August by the State democratic executive committee, an invitation to attend the democratic mass meetings which are being held in succession in each county in the State. The order in which they follow, together with the dates, appears in nearly all of the papers in the State. You are invited to be present and join in the discussion. You are aware that the canvass is a warm one, and that your party and your own official course are charged with having inflicted great wrongs upon the people whose interests it is your duty to promote. That is the nature of political discussion under such circumstances, but you are at the same time well aware that the people you are invited to address are, by nature and by habit, quiet and law-abiding, and that so far from rudeness or violence, you will personally receive nothing but courteous treatment, however bitterly your political and official course may be assailed.

You will call to mind that on the 18th instant I gave this invitation to you verbally, and your reply was that you appreciated the attention, but your policy for the campaign had not been fixed; that personal matters required you to go North; that your absence would be for probably eight days, and you could not give your positive answer until after your return. I learned yesterday that you had returned, and I beg leave, as I said, to formally extend to you this invitation, assuring you that if you accept it your appearance before the democracy throughout this State will be to yourself as governor a most pleasing refutation of the slanderous charges which constantly are published against our party in some newspapers which claim to be your political organs, and also in the northern papers, backed by the name of Senator Patterson, or some other person who claims to be your political friend and exponent. We deem it due to you and to ourselves that these charges be either contradicted by your denial of them or looked into by your going in person to ascertain the truth. You do not hold the position of candidate only, you are also governor of this State; and while as a mere candidate you may not be bound to correct charges which your followers make against your opponents, though you know them to be false, you are as governor and candidate bound by your gubernatorial pledge and honor to prevent your followers using the sanction of your official silence to sustain these charges against your opponents when the charges allege the overthrow of the peace and dignity of the State which you are sworn to defend. As instances of the class of slanders to which I refer, I beg leave to cite the following:

"WASHINGTON, September 6.

"It is reported here, upon what is deemed good authority, that parties in New York have agreed to ship Chamberlain twenty thousand stand of arms to arm the blacks in South Carolina. This is one of Chamberlain's tricks to curry favor with the blacks and be renominated. The arms will be landed in Charleston on the 11th instant, the day before the meeting of the republican State convention. While here, Chamberlain was very bitter in his denunciation of the South Carolina whites, calling them Ku-Klux, scoundrels," &c.—(New York Sun.)

"WASHINGTON, September 6.

"Governor Chamberlain, of South Carolina, has just returned from another visit to this city to confer with the authorities upon sending troops to that State. The governor was noisy in his denunciations of such men as Haskell, Hampton, Gary, Ex-Governor Perry, and others, whom he charges are on the eve of precipitating another rebellion. He makes the idle boast that he has proof that Butler and Hampton were at the head of the Hamburg riot, and he expects in less than two months to have them tried. The governor declared to a prominent South Carolina politician last night that he was done with reform talk, and hereafter the legislature would find no barrier in him. The governor has made arrangements to have twenty thousand stand of arms sent down to arm the blacks. The arms will be landed in Charleston on the 11th instant, the day previous to the meeting of the radical convention."—(New York World.)

"WASHINGTON, September 20.

"Senator Patterson arrived here this morning from South Carolina to apply for more help to protect the voters and prevent the terrorism which extends over the whole State. Governor Chamberlain and United States Marshal Wallace and others will arrive to-morrow morning. An old resident of Columbia told the Senator last week that he could not speak to him on the street if he met him. The excitement and feeling is far worse than it was in 1860 and the days of secession, and it is dangerous to even speak to a radical. Judge Cooke, who has acted for years with the republicans, made a speech not long since advocating the election of Wade Hampton and Governor Tilden, and excused himself by saying that he was forced to do so to save his property and perhaps his life.

"The whole white male democratic population is said to be completely armed, and large consignments of rifles, revolvers, and knives are received constantly. Yet no dealer will sell a republican even a knife. The very boys are armed, and the boys of the military school at Columbia openly wear their revolvers belted around them. The Senator says that fully 30,000 men, armed and mounted, are thoroughly patrolling the whole State under the direction and command of Butler, of Hamburg fame, and these forces are not only armed, but completely organized and drilled.

"The people are reported as expressing themselves openly in favor of a fight, and as saying they don't care a — for the United States, the troops, or the North, but that they are ready and anxious to clear out all the troops that General Grant can send. They say that if they do have any trouble, Governor Tilden will carry Indiana and Ohio in October, and New York in November; which insures his election. They are bound to elect Hampton or destroy the State. Senator Patterson says that unless they have immediate help no colored man will dare to move or talk, much less to vote, and if Indiana goes democratic that South Carolina, North Carolina, and Florida will follow, and there will be an outbreak which will almost be one of extermination of republicans. Murders are done every day of which not a whisper reaches the North."—(New York Tribune.)

It is not my meaning that you should take the pains to deny every error that may appear in campaign speeches or papers; but I do mean that when statements appear as coming from yourself, or from others who are robed with the dignity of office, which ought to attach importance and a credibility to what they say, and when these utterances, as in the instances above cited, are totally false, and affect the character of the State, it is the duty, I respectfully submit, of the governor to deny them. And if he (the governor) believes them to be true, it is his duty to restore peace and order; and to do so, it is his sworn duty to call upon the citizens to sustain him and enforce the law. All these assaults are made against the democratic party. Whatever may be our political error, in your estimation, in belonging to that party, we are none the less citizens of this State, and as such we have the right to ask of you that protection which, in your official position, you alone can give.

If there be terrorism and violence in the State, call upon us to suppress it, and do not let the name of the State be perverted to dishonorable political purposes.

You, and no one better, know that the white people of South Carolina are struggling as few people have ever done to cast off a burden of corruption and wrong such as yet fewer people have ever borne so long. In your own words, speaking of your own party:

"Reform, if it was not of itself right, has become absolutely necessary, or the State will sink."

"The party has ever been going into campaigns promising retrenchment and reform, and never performing it."

"Matters cannot run for six years to come as they have for the past six years."

"These figures, (speaking of legislative expenses,) I may say, are unparalleled in the history of American legislation. It is stealing, pure and simple."

And, referring to the election of the two judges, elected, I may say, by the leading man now on the ticket with you, "Their election has sent a thrill of horror throughout the State. \* \* \* I look to their election as a horrible disaster."

"The civilization of the Puritan and the cavalier, of the Roundhead and the Huguenot, is in peril. Courage, determination, union, victory, must be our watchwords."

"No party can rule this State that supports Whipper and Moses. \* \* \* There is but one way to save the republican party in South Carolina, and that way is to unload Whipper and Moses and all who go with them. \* \* \* Neither the administration at Washington, with all its appliances—civil and military—not all the denunciations of the world heaped upon me, can save the republican party here from overwhelming defeat during this year, unless we can persuade the people of this State that such things as these judicial elections will be undone and never by possibility repeated."

You know that the men who were the leaders, who conducted that election, and who perpetrated the wrongs of which it was a feeble expression, are the same men who control the ticket upon which your name stands, who devised your party platform, and are to-day your political exponents. You know that it is against all this that our unfortunate people are struggling; and yet you know full well that their efforts, although in the warmth of canvass, are orderly and within the law. Your manhood compels you to approve our course, but we do not call upon you for that. As a candidate, you are entitled to the benefits which can accrue from the measures which your followers (or, if you would permit me, I would say your party leaders, for your independent course was very different) have adopted. But as the governor of the State you are called upon to either contradict the assertion that the law is overthrown and that terrorism prevails, or to suppress this lawlessness; and it is our right that you call upon us before you appeal to the Government of the United States. Our services are at your command, and whatever is our duty we are ready to do it.

To recur: I beg leave again to extend to you the invitation, and ask of you to communicate it to the candidates upon your ticket, as it is meant for them as well as for yourself. It is the wish of the democratic party that you accept it, for we are earnestly desirous to remove the bitterness of race-feeling, which we attribute to the prejudices and erroneous views which have been instilled into the colored race. And we honestly desire "peaceful and untrammelled discussion, that the people may become enlightened on the issues of the day."

Your early reply will be deemed a favor, and, if such be your wish, preparation will be made to receive you at the first meeting that it shall be your pleasure to indicate.

I have the honor to be, very respectfully, your obedient servant,

A. C. HASKELL,

*Chairman State Democratic Executive Committee.*

*Governor Chamberlain's reply.*

COLUMBIA, S. C., October 4, 1876.

A. C. HASKELL, Esq.,

*Chairman Democratic Executive State Committee, Columbia, S. C.:*

SIR: I have received your communication of the 28th ultimo, covering several matters connected with the political canvass now in progress in this State and the general condition of our public affairs. You first invite me and the nominees upon the republican State ticket "to attend the democratic mass-meetings which are being held in succession in each county in the State." This part of your communication would have been addressed more naturally, and, I trust you will permit me to add, more properly, to the chairman of the republican State committee, whose function it is, as the organ of that committee, to consider and determine the methods and order of the canvass on the part of the republican party. In answer, therefore, to your invitation I am unable to say more than that I have informed the chairman of the republican State committee that, as soon as the duties of my office, which now imperatively require my presence at the capital, shall permit it, I shall be ready to meet General Hampton at any suitable points in the State, not in "democratic mass-meetings," but in mass-meetings to be called by both parties, for the purpose of joint discussions, upon terms of perfect equality in all respects, of the political issues now before our people. You will doubtless receive, at an early day, a proposition of such a nature from the republican State committee, with such suggestions regarding details as will commend themselves to your

sense of fairness, and secure the objects which you profess to seek in your invitation, the removal of "the bitterness of race feeling, which we [you] attribute to the prejudices and erroneous views which have been instilled into the colored race," and a "peaceful and untrammelled discussion, that the people may become enlightened on the issues of the day." In saying this I am confident I faithfully represent also the wishes and purposes of all my associates on the republican State ticket.

The remainder of your communication is occupied with statements of what you claim to be the spirit and conduct and purposes of the democratic party in the State, with a special call upon me, "as governor and candidate," to contradict certain alleged statements respecting the present condition of the State and the action of men who belong to the democratic party, which you call "slandrous charges," or to "look into them by going in person to ascertain the truth." You say that "my appearance before the democracy throughout the State will be to me as governor a most pleasing refutation of the slanderous charges which constantly are published against your party in some newspapers which claim to be my political organs, and also in the northern papers, backed by the name of Senator Patterson or some other person who claims to be my political friend and exponent." You say that I am, "as governor and candidate, bound by my gubernatorial pledge and honor, to prevent my followers using the sanction of my official silence to sustain these charges against my opponents, when these charges allege the overthrow of the peace and dignity of the State which I am sworn to defend." You present three examples of the charges to which you refer, taken from the Washington correspondence, respectively, of the New York Sun, New York World, and New York Tribune. You say that "these utterances, in the instances above cited, are totally false, and affect the character of the State," and that if I "believe them to be true, it is my duty to restore peace and order, and to do so it is my sworn duty to call upon the citizens to sustain me and enforce the law."

You proceed further to say that I, "and no one better, know that the white people of South Carolina are struggling as few people ever have done to cast off a burden of corruption and wrong, such as yet fewer people have ever borne so long;" and you proceed to make extended quotations from former remarks of mine respecting our public affairs, and to say that the men who committed the wrongs which I denounced "are the same men who control the ticket upon which my name stands, who devised my party platform, and are to-day my political exponents." You say that I "know that it is against all this that our unfortunate people are struggling, and yet that I know full well that their efforts, although in the warmth of canvass, are orderly and within the law." You say that my "manhood compels me to approve your course," and finally you declare that, "as governor of the State, I am called upon to either contradict the assertion that the law is overthrown and that terrorism prevails, or to suppress this lawlessness;" and that "it is your right that I call upon you before I appeal to the Government of the United States."

I am pleased to observe and acknowledge the respectful terms in which your statements and charges are framed, so far as they affect me. These statements and charges cover in substance the whole field of our present political controversy, together with the matters growing out of that controversy, and affecting the public peace and the common civil rights of our citizens. In addition to your direct call upon me, in your character as the official representative of the democratic party, to express my views upon the matters presented by you, the nature of your communication and the statements and charges which you make seem to compel me to speak. I do this with profound reluctance. Not only will the expression of my views disclose how widely you and I stand apart upon all the questions involved, but it will, in my sober judgment, disclose to the world a condition of things inexpressibly disgraceful to the good name of our State. Though General Hampton is reported to have said substantially, in recent public speeches, that I could not, by reason of my nativity, feel such an interest and pride in the fame of South Carolina as becomes her governor, and, though you may share in this opinion, I still venture to say to you that I have regretted deeply the receipt of your communication, because it forces me, while I hold my present high office, to present views and convictions which, if correct, reflect infinite discredit upon a large portion of the people of this State. It is, however, as portions of your communication show, no new experience to me to find myself compelled by a sense of duty to pursue a course which has subjected me, not only as in the present instance, to the increased hostility of political opponents, but to the suspicion and denunciation of political friends. But I profess to put my duty to the State above all other present considerations, and that duty, as I understand it, requires me to reply to your communication fully, plainly, and fearlessly.

*Slandrous charges.*—With respect to the specific instances of "slandrous charges," which you cite from the New York papers, let me first say that the statements respecting me made in the Sun and the World are wholly untrue and unfounded. Nothing remotely resembling what is there stated was ever said or done by me. The extract from the Tribune professes to give the views and statements of Senator Patterson, for

which I am not responsible. How far my views coincide with or differ from those attributed to Senator Patterson will best appear in what I shall hereafter say.

I shall now proceed to present my views upon the several matters relating to our present political condition which are covered by your communication.

*The issue stated.*—Your claim in substance is that I am the head of a party and ticket which represents and is responsible for a burden of corruption and wrongs grievously oppressive to the State; that the success of that party and ticket would be disastrous to the interests of the State; that my position upon that ticket is inconsistent with my public record; that the democracy, on the other hand, are engaged in a political struggle with the sole aim of freeing the State from this burden of corruption and wrongs; and that all your methods and actions are peaceful and within the law. In support of your view of my present position, you refer to my public denunciations of past acts of the republican party or its members. You thus challenge not only my political integrity and honor, but my personal consistency as a public man. In order properly to meet your challenge, especially as to my personal consistency, I must refer to the course of events in this State during the last two years.

*Review of last two years.*—I was nominated and elected in 1874 as the candidate of the republican party, under pledges, both personal and party, to reform the abuses which then existed. In my inaugural address I developed in detail my plans of reform—plans which met the earnest approval of the general public of the State without regard to party. That I pursued the course there marked out earnestly and faithfully is a claim which cannot be successfully or even plausibly disputed. I found a considerable part of my own party opposed to my course, and thus my fidelity to my pledges and to the cause of reform, as I understood it, was put to severe and unexpected tests. It is not egotism but truth which leads me to affirm that I bore those tests in a manner which commanded the praise of the friends of reform throughout the State. The press of this State, the public utterances of its leading citizens, every organ of public opinion, will furnish the proof of this assertion. My record as governor was elaborately reviewed in July last by the Charleston News and Courier—beyond comparison the ablest, and, in a normal condition of affairs, the most liberal, democratic newspaper in this State or in the South—in a series of editorial articles founded on official and indisputable records. From the closing article of this series, entitled "The Record of Governor Chamberlain—A Summary," I make the following extracts:

"We have scrutinized, one by one, the most important pledges and recommendations contained in the addresses and messages since his election, and we now briefly sum up the result of the investigation we have made."

\* \* \* \* \*

"The abuse of the pardoning power has been corrected.

"The character of the officers of the government, appointed by the executive, has been improved, and the sureties upon the bonds of public officers have been required to make affidavits of their ability to meet the liability they assume.

"The settlement of the public debt has been maintained unchanged, and faith with the public creditor, so far as dependent on executive and legislative action, has been fully kept.

"The effort to place the whole of the public funds in two banks of small capital was frustrated, and the State so saved from the danger of far greater loss than was sustained by the failure of the Solomon bank.

"The floating indebtedness of the State has been provided for in such a way that the rejecting of fraudulent claims is assured; the recognized and valid claims are scaled one-half the amount, and their payment is distributed over a term of four years, resulting in a saving to the State of at least \$400,000.

"The tax-laws have been amended so as to secure substantial unanimity and equality in the assessment of property for taxation.

"The contingent funds of the executive department have been so reduced in amount that the saving in two years, upon the basis of the average of six previous years, is \$101,200.

"Legislative expenses, in like manner, and upon a similar basis, have been so reduced as to save the people in two years \$350,810.

"Legislative contingent expenses in the same way have been so reduced as to save the State \$355,000.

"In the expenditure of contingent funds accountability and publicity have been secured.

"The cost of public printing has been reduced from an annual average of \$306,200 to \$50,000, saving in two years \$512,418. The salaries of public officers have been reduced \$30,000 a year.

"The tax-levy for the current year for State purposes has been reduced from 13½ mills to 11 mills, a saving to the people this year of \$300,000.

"The deficiencies (including the losses by the Solomon bank) are, for the year 1874-'75, \$308,872, which is \$291,024 less than the deficiencies of 1872-'73, and \$233,315 less than the deficiencies of 1873-'74.

"Under the several heads the savings that have actually been made are:

In the bonanza bill .....	\$400,000
In the executive contingent fund .....	101,260
In legislative expenses .....	350,810
In contingent expenses .....	355,000
In public printing .....	512,418
<b>Total .....</b>	<b>1,719,488</b>

"To realize this amount would require a tax of nearly one and a half per cent. Had the appropriations of the past two years been as inordinate as the average of the appropriations and expenditures of the preceding years, the State taxes of the past two years would have been three-quarters per cent. a year more than the outrageous rate actually levied.

"This is the record of Governor Chamberlain, as shown by hard figures and unmistakable facts. We have strained or exaggerated nothing. The plain truth as we know it has been faithfully given. And we maintain that the record as it stands is one of which Governor Chamberlain has cause to be proud, that it justifies the support which has been given him, and is a complete answer to those of our friends who think that no act of Governor Chamberlain deserves public commendation but his refusal to issue the commissions to Whipple and Moses. That bold act, applauded everywhere in South Carolina, has not been mentioned in these articles." \* \* \*

No act or word of mine since the publication of those articles, and up to my renomination as governor during the past month, can be pointed to which is inconsistent with the record thus presented. I was a candidate for renomination by the republican party upon my record as a republican reformer. Every man and every newspaper speaking for me or representing me placed his advocacy of my renomination upon the distinct ground of my fidelity and success in the work of reform in this State. I myself during the months of July and August last made an extensive canvass of the State, addressing mass-meetings in over twenty counties, and on every occasion when I addressed the people without hinderance or restraint, (the exceptional occasions I shall refer to hereafter,) I announced in clear and aggressive terms my determination to push forward the work of reform, declared that I stood upon my record as governor, and had become again a candidate solely for the purpose of completing the work I had already begun. The issue involved in my candidacy for renomination was everywhere proclaimed by my friends and admitted by my enemies to be the indorsement or rejection, by the republican party, of my work and policy of reform. Upon the assembling of the republican nominating convention during the past month it appeared that fully two-thirds of its members were immovably determined upon my renomination. I have never heard of a suspicion or hint that any motives were presented to any members of that convention to influence their action, except the single consideration of my merits or demerits as presented in my record of the past two years. My renomination was earnestly, not to say violently, opposed by a minority of the convention, but this opposition was placed wholly upon charges of my want of fidelity to strictly partisan interests of the republican party or a failure to sufficiently regard the interests and wishes of some members of the party.

*The republican platform.*—In preparing the platform of our party I was invited by the committee having the work in charge to meet the committee and to present my views. I accepted this invitation, and I here present those portions of the platform adopted by the convention to which my efforts were especially directed:

"4. That in presenting to the people of South Carolina our nominees for the high offices of the State for the coming two years, we believe we should make plain and unmistakable the aims and principles to which we stand pledged, in the event of their election; not in glittering generalities of reform, but in specific and substantial articles.

"6. We pledge ourselves to thorough reform in all departments of the State government where abuses shall be found to exist, and, as an earnest of the same, declare our purpose of submitting to the qualified voters of the State the following specific reforms as amendments to the State constitution:

"1. That the present adjustment of the bonded debt of the State shall be inviolable.

"2. That the general assembly shall meet only once in every two years, and that the length of no session thereof shall exceed seventy days.

"3. That the number of sessions of courts of general sessions and common pleas shall be reduced to two annually in each county, with power reserved to the judges to call special sessions when necessary.

"4. That the veto power of the governor shall be so modified as to allow of the disapproval of a part without effect upon the rest of an act.

"5. That agricultural interests shall be relieved from burdensome taxation by a more equitable distribution of taxes, and by the inauguration of a system of licenses fixed upon fair principles.



"6. That no public funds shall ever be used for the support of sectarian institutions.

"7. That the enormous evil of local and special legislation shall be prohibited whenever private interests can be protected under general laws.

"8. And inasmuch as the system of free schools was created in the State by the republican party, and should be especially fostered and protected by it, we pledge ourselves to the support of the amendment to the State constitution, now before the people, establishing a permanent tax for the support of free schools, and preventing the removal of school-funds from the counties where raised.'

"7. We pledge ourselves and the nominees of the republican party of the State to the securing of the following purposes by legislative enactment:

"1. The further and lowest reduction of salaries of all public servants, consistent with the necessities of government.

"2. The reduction of fees and costs, especially of attorneys in civil cases, and the amendment of the laws governing the settlement of estates in such manner as to secure a more economical administration and settlement of small estates, and the support of convicts without needless expense to the State.

"3. The immediate repeal of the agricultural lien law.

"4. Public printing to be reduced at least one-third of the present appropriation.

"5. Convict labor to be utilized under such laws as shall secure humane treatment

"6. The annual appropriations for public institutions to be economically made and properly expended.

"7. The number of trial-justices to be reduced throughout the State, and each justice to be assigned to specific territory, with moderate salaries to cover costs of criminal business, adjusted in proportion to populations.'

"8. Recognizing the enormous expense of fencing farms and the scarcity of timber in some sections of the State, we feel it to be necessary that practical relief be afforded to the people of the State, and we pledge ourselves to secure such legislation upon the subject as will give to the electors of each county the right to regulate this question for themselves."

I make no comment on this platform further than to invite its comparison with the platform of the democratic party, and its examination as a statement of the practical reforms and changes now demanded by the best interests of the State.

*Results accomplished.*—Two results accomplished by the republican convention have now been presented. First. My renomination by more than a two-thirds vote, upon the sole and distinct issue of my reform record: Second. The adoption by the convention of a platform which binds the republican party to reform in general and to reform in detail, a platform which must meet with the approval of every man who is familiar with the present practical wants of the State. I now present these two results as a complete refutation of your charge of personal inconsistency on my part in accepting my present position on the republican ticket, as well as a vindication and proof of the determination of the republican party to carry forward and complete the work of reform. So far as these two results are concerned, I do not know how my policy and record as governor—which has commanded, as I have shown, in its relations to reform, the cordial praise and approval of almost every man in your party—could have received a more signal or satisfactory indorsement by my own party. Looking to these results, my position is one of complete, fairly-earned, honorable triumph. It is far better than that; it is an ample and remarkable triumph of the great cause of governmental reform in this State.

*Nomination of Mr. Elliott.*—But there are expressions in your communication which indicate that in your view the alleged inconsistency and dishonor of my present position lie in my association upon the republican-ticket with certain other nominees, and especially with Mr. Elliott, the nominee for attorney-general. Of my associates upon the State ticket other than Mr. Elliott, I know of no alleged public cause of complaint or dissatisfaction, except that two of them have disapproved of my course as governor on certain party grounds, while I ought not to omit to add that in the renomination of Mr. Cardozo as treasurer, a gentleman who has been my conspicuous and devoted friend and supporter in every feature of my administration, the cause of reform has achieved another most notable triumph. With reference to the nomination of Mr. Elliott, I am charged with individual inconsistency and want of fidelity to reform because Mr. Elliott has opposed my course as governor in some important features, and was strenuously opposed to my renomination. It is true that Mr. Elliott has differed from me widely in some instances, and particularly in respect to the election of Whipper as circuit judge and my refusal to sign his commission. If it be inconsistent and dishonorable for me to remain upon the ticket for this cause, I think I can point you to similar instances of dishonor among those who still command your support.

*Democratic "dishonor."*—Governor Tilden was nominated by the democratic party as a professed hard-money candidate on a professed hard-money platform. He is associated on the same ticket with Governor Hendricks, his most prominent opponent for the nomination of President, and the leading champion of soft money and inflation.

No more pronounced antagonism of views upon the leading political issue, prior to their nominations, could have existed; yet we now see Governor Tilden and Governor Hendricks adjusting themselves, with a skill and success greatly satisfactory to your party at least, upon the same ticket and the same platform, and I hear no charge of inconsistency or dishonor against Governor Tilden from the democratic party.

But I do not choose to answer your charge with this retort alone. While it is true—and I think it due to myself to state the fact—that I did not approve of or aid in or consent to the nomination of Mr. Elliott, it is also true that Mr. Elliott, at the time of his nomination and since, has declared his full and cordial acceptance of the work of the convention in renominating me, and in adopting the platform which pledges the party and its nominees to thorough and specific reforms. The causes of his nomination were not his opposition to me or to reform, but his admitted ability for the position, his long record of political service to his party, and a desire, as in the case of Governor Hendricks, to conciliate an element of the party which had been defeated in my renomination. I am, therefore, in no sense compromised or dishonored in my character as a reformer by my association upon the same ticket with Mr. Elliott. On the contrary, I am entitled to all the confidence ever bestowed upon me in that respect, so far as my individual or personal position is concerned, and I am entitled to all the increase of confidence which comes from my success in bringing my own party to indorse me and the entire policy of reform which I have inaugurated and carried on, and the consequent increase of my ability to serve that cause.

Whenever you or others present the record of my denunciations of past wrongs done by the republican party in this State, you present that portion of my record of which I am most proud; for, while it is very easy to float with the tide of party sentiment and action, it is some test of one's fidelity to duty to denounce the actions of one's party associates and defy their opposition and hatred. I stand by every word and syllable of that record. I wish the record were longer and louder, though, as it stands, I challenge its comparison with that of any man in this State who now opposes me.

*Whipper and Moses.*—Your communication lays special emphasis, as supporting your position, upon the election of Whipper and Moses, and you quote conspicuously my denunciations of those elections. I re-affirm every word you quote, and I further declare that what I then asserted to be the only path of duty or safety for the republican party has been done. Whipper and Moses, and all who go with them, have been repudiated and "unloaded." Their elections have been defeated, and their threatened elevation to the bench of South Carolina has been prevented. Moses has resigned, and Whipper has been compelled to seek the courts, wherein ninety-nine out of every hundred of the lawyers of this State regard his claim as destined to sure defeat. And this has been accomplished by the republican party; for whatever I have done is chargeable to the credit of the republican party, which has now indorsed and renominated me. 'Courage, determination, union, victory,' have been "our watchwords," and in that sign we have conquered.

Such, sir, is my answer to your charge of personal inconsistency and dishonor in accepting my present position on the republican State ticket, and to your further charge that the success of that ticket would be disastrous to the interests of our people. I occupy individually to-day a greatly advanced position on the line of the great battle of reform, and I have behind me, following my lead, the united republican party of this State.

*Democratic claims.*—I must now examine your claim that the democratic party is engaged in the present canvass in a simple struggle to throw off the burden of misgovernment, and that all your methods and agencies are legitimate and peaceful.

*The "conservative" policy.*—You are aware that the present policy of the democratic party in this State was earnestly opposed and its adoption deeply deplored by a portion of that party amounting to nearly a majority, and I am aware that that policy is still deeply deplored by many of the members of that party. The opponents of that policy embraced the leading and only widely-circulated newspaper in the State, the Charleston News and Courier, as well as a great number of our most honored and experienced citizens, in all ranks and occupations of our society. If I were to call the roll of those names I think it would be found to embrace and represent a vast preponderance of the talent, property, political experience, and breadth of sentiment and view in our State. The grounds of their opposition to the policy, popularly called the "straight-out" policy, were clearly defined, and had exclusive reference to the advancement of the cause of practical reform in the State. They knew and recognized the fact that the republican party embraced a majority of at least twenty-five thousand of the voters of the State. They knew and recognized the fact that the colored race, who constitute the larger part of the republican voters, were attached to that party by ties the strongest which ever govern men's political actions—the profound conviction, whether mistaken or not, that the great boons so recently conferred on them—freedom and suffrage—were safe only, in their full breadth and beneficence, under the protection of the party which had conferred them. They believed upon evidence too clear to

leave room for doubt that for this cause no number of these voters, sufficient to change the relations of our parties, could be detached from the republican party by argument or legitimate persuasion or other lawful methods of influencing their political action. They recognized in me one whose republicanism was original and radical, but whose course in the practical conduct of public affairs gave assurance that I had the true interests of all the people of the State as my guiding principle in public life. Upon these grounds the men to whom I refer counseled a policy which subordinated the interests of party to the good of the State. Their policy contemplated, first, the acquiescence of the democratic party in my nomination by the republican party, if that should take place, and such other of the nominees upon the republican State ticket as should be unexceptionable; and, second, an effort by all conciliatory and legitimate means to secure a large minority of representation for the democratic party in both houses of the legislature, and in all local or county offices. In the May convention of the democratic party this policy apparently received the support of a majority of the convention. That it offered the only prospect of the removal of the present race and party lines, and the establishment of relations of confidence and co-operation in public affairs between the two races, was clear then and is clearer now.

*The "straight-out" policy.*—Opposed to this policy was the "straight out" policy—the nomination of entire democratic State and county tickets and the inauguration of a purely party struggle. This policy was advocated by a class of men, the most conspicuous of whom are well known as men of extreme views, with strong proclivities toward violent methods and measures. It was openly advocated as the "Mississippi plan," and at the convention which adopted it General Ferguson, of Mississippi, appeared as an honored guest and filled the office of drill-master in the Mississippi tactics. This policy is properly termed in this State the "Edgefield" policy, and was also called by the editor of the Charleston News and Courier the "shot-gun" policy. Of the practical details of this policy I shall speak hereafter.

This policy was adopted in the democratic State convention in August, and was followed by the nomination of a full democratic State ticket. It was adopted under influences and auspices, it was advocated by arguments, it has been carried out by methods and measures so exclusively and entirely partisan as to deprive the present democratic canvass of all just claims to be what you claim for it—"the struggle of the white people of South Carolina to cast off a burthen of corruption and wrong," and to warrant me in declaring it to be a struggle by the democratic party of South Carolina to gain political control of the State for the sake of partisan power and advantage. The men who looked exclusively to reform, the arguments which promised the attainment of practical reform, the methods which are warranted by a desire for the public good, all were opposed to this policy. In saying this I am regarding the facts of the case without any reference to myself. The democratic party of South Carolina were under no political obligation to me, but if they wish to have their present claim respected—that they are moved by non-partisan motives in their present course—they were under obligation to adopt a policy which did not, as does their present policy, array race against race and party against party in a fierce struggle for political mastery.

*Democratic "peaceful" agencies.*—I come now to your claim that in the present canvass all the methods and agencies employed by the democratic party are peaceful, orderly, and within the law. In your communication you especially assure me that if I accept your invitation, "my appearance before the democracy throughout the State will be to me as governor a most pleasing refutation of the slanderous charges which are constantly published against your party." My knowledge of the serious cast of your character forbids me to think that you are indulging in conscious satire or badinage in giving me this assurance. Without expressing any doubt of the good faith of your present assurance, I fear that your experience in attending republican meetings has been widely different from mine in republican meetings where your party have attended and demanded an equal hearing. I shall therefore first call your attention to my personal experience in this respect.

As I have already stated, during the months of July and August I made a canvass of a number of the counties of the State. The object of this canvass, which was conducted almost wholly under my own auspices, was, first, the advocacy of the election of Hayes and Wheeler; and second, and more especially, a defense of my own course as governor, and an appeal to the republican party to stand by the cause of reform in the coming State convention. It was not a general party canvass under party auspices. The meetings were called at my request or suggestion, and for the purpose of hearing me upon the question chiefly of reform in the State.

*Meeting at Edgefield.*—Under these circumstances, I went, on the 12th of August, to address a republican meeting at Edgefield Court-House. This meeting had been called by the chairman of the republican party of that county, at my instance; and as rumors had repeatedly reached me that the meeting was to be in some way interrupted by the democrats, I invited one or two republican speakers to accompany me. Hon. Robert Smalls, member of Congress from that district, also accompanied me. We reached the court-house at nine o'clock in the forenoon. Almost immediately upon my

arrival I found the town rapidly filling with mounted white men, who signaled their arrival in town by riding rapidly through the streets and uttering almost continuously the shout or cry which you must pardon me for describing by its familiar name as the "rebel yell," a sound to which my ears were well accustomed in Virginia twelve years ago. By eleven o'clock this crowd of mounted white men numbered, I judged, five or six hundred at least. Command of these men was apparently formally assumed at the public square by General M. C. Butler and General M. W. Gary, and they proceeded to the grove where a stand had been erected by the republican committee for the speakers. I should mention that at about ten o'clock several white gentlemen had called at my hotel and asked that democratic speakers should be heard at our meeting. I answered that we had several republican speakers present who would require the whole day if they all spoke, but I suggested that these gentlemen should see the republican county chairman, and stated that I would personally consent to any arrangement they might make with him. The chairman, being engaged in preparations for the meeting, did not meet these gentlemen, and no arrangement was made.

At eleven o'clock I left the hotel and proceeded to the grove. On arriving I found the mounted white men who had assembled in town, with a large number of other white men, occupying one entire half of the space around the stand, and one end of the stand already broken down by the white men who had crowded upon it. I stopped upon the stand in company with Judge Mackey and Senator Cain, the republican county chairman. Simultaneously General Butler and General Gary mounted the stand with a number of their followers. The white men vociferously cheered General Butler and General Gary as they appeared upon the stand, and the speaking was actually opened by General Butler, who returned his thanks to his followers for their presence and their tribute to him. He was followed, in response to deafening calls from his party, by General Gary, who announced in emphatic and plain terms that they—he and his party—had come there to be heard, and that they should be heard; that the radical leaders had failed to make any arrangement for a division of the time in speaking, but that he and his friends should be heard, with or without our consent, and he added, with great significance of tone and manner, that "if any trouble took place in consequence, the responsibility and consequences would be upon the radical leaders." During all this time no republican had been allowed to speak. A glance at the crowd of white men who by this time covered the stand and swarmed around nearly three sides of it, besides climbing into the trees above our heads, all, so far as I could observe, heavily armed with pistols, displayed in many instances on the front of their persons, and even held in their hands, convinced me that any attempt to refuse the demand made, or even to abandon the meeting, would result in collision and bloodshed between the parties. I therefore advised Senator Cain that we had no alternative but to yield to the demand, and after a moment's consultation I announced that we would divide the time, giving a half hour each to three speakers from each party.

Senator Cain then proposed to call the meeting to order, and to announce the speakers, but General Gary declared that they wanted no chairman, and accordingly I stepped forward, under these circumstances, to address the meeting. From the beginning to the end of my half hour I was interrupted by the crowd of white men with jeers and insults of every kind. Twice during my remarks the confusion and interruption were so complete that, after vainly appealing to the crowd to allow me to be heard, General Butler had the decency to come forward and so far restore order as to barely permit me to resume my remarks. Of the whole half hour allotted to me I certainly was not permitted to occupy over twenty minutes with any remarks such as I should naturally have made on such an occasion. In truth, I spoke under great constraint, and a consciousness that any word might precipitate a bloody collision, which I had no means of preventing or controlling. I was denounced by voices from the crowd as a companion thief with McDevitt; was told I would never come to Edgefield again; was charged with getting up the Hamburg riot to kill white people, excite the North, and getting United States troops to carry the election, and with a variety of other crimes, of which these are but specimens.

I was followed by General Butler, who occupied his time without interruption. His speech was exceedingly violent and bitterly personal toward me on account, principally, of my report of the Hamburg massacre. Judge Mackey followed General Butler, and he in turn was followed by General Gary. Nearly the whole of General Gary's speech was directed against me. In bitterness and violence of personal abuse, I have certainly never heard or known its parallel. Nothing short of a verbatim report could give an idea of its character. His attacks were not confined to my official character, but extended to my personal life and affairs, with frequent threats against me personally in various contingencies.

Judge Mackey next occupied about fifteen or twenty minutes in replying to some of General Gary's personal charges against me, and he was followed by General Butler.

What I have now described occupied the time from a little after eleven until half-past three—a fact which will give an idea of the time consumed by the interruptions of which I have spoken. At half-past three I left the grove, in order to reach the Columbia train, at

Pine House, the same evening, amidst a torrent of jeers and yells, which continued to reach my ears without cessation until I had passed beyond the limits of the town. The meeting, though called and arranged for in every particular by the republicans, was at no time and in no sense under our control, only two of the six republican speakers from abroad who were present were permitted to speak at all, and, under the pressure of the white men who crowded upon it, the entire platform was brought to the ground before I left the scene. At this meeting, the republicans were told in the most emphatic terms that the democrats had made up their minds to carry Edgefield County, and that they would carry it; that their leaders would be held to account personally; that the white people must and should rule the county. The whole meeting may be justly described as a torrent of abuse of me personally, and an exhibition of force and threats designed to intimidate the colored voters and their leaders. After we had reached the train, at the several railroad stations in Edgefield County, a number of the armed and mounted men who had attended the meeting at the court-house entered the car in which we sat, and, with rude and threatening manners, addressed their jeers and insults to General Smalls and myself, especially warning us not to come to Edgefield again.

I will add that the foregoing account of the meeting at Edgefield has been made from written memoranda, made by me while on my way to Columbia, and after my arrival at home the same evening. Nothing has been overstated, though much that was disgraceful has necessarily been omitted in this description.

*Meeting at Newberry.*—On the 18th of August I visited Newberry Court-House to address a republican mass-meeting, called for the same purposes and under the same circumstances as the meeting at Edgefield Court-House, which I have described. I was accompanied by two republican speakers, Hon. S. L. Hoge, member of Congress for that district, and Hon. J. K. Jilison, superintendent of education. On our arrival at the depot at Newberry, we were met by the republican county committee, who informed us that the democrats were assembled in large force, mounted and armed in the Edgefield fashion, and had called for a "division of time" at our meeting. I conferred with the republican committee, who were firmly convinced that if we refused the demand our meeting would be attended and probably interrupted by the democrats, with imminent danger of bloodshed if any misadventure should occur. As the republicans were wholly unorganized for any purpose of resistance to physical aggression, we deemed it our duty either to abandon our meeting or consent to a division of time. We chose the latter alternative, and proceeded to the place of meeting. At the stand we found the republicans occupying mainly the space in front and at one side nearest the platform, while the mounted white men deployed themselves in a continuous line, completely enveloping the republicans and the platform on all sides. The usual accompaniment of yells was not omitted. I addressed the meeting for an hour, and was followed by Col. J. N. Lipscomb. His speech was bitterly personal in its character toward me and my friends who were present, and offensive in matter and manner. He constantly alluded and pointed to me and my friends as we sat upon the platform as "you fellows," or "them fellows," declared in violent tones that we white leaders were to be individually held responsible hereafter; and, by way of illustration of his meaning, referred to the lynching of six colored men in May last, charged with the murder of the Harmons, in Edgefield County, and declared that "if he had been present he would have taken Dr. Barker, the white coroner, and Mr. Richardson, the white sheriff, tied them between the niggers, and given them the same fate." Judge Hoge spoke next, and was followed by Col. D. Wyatt Aiken, the democratic candidate for Congress in that district. I did not hear Colonel Aiken's speech, but all the reports of it which I received agreed in stating that it was of a similar tone to that of Colonel Lipscomb, though exceeding it in violence of personal denunciation and threats. I left the ground at eight o'clock, in order to take the Columbia train; and I may mention, as my last experience at this meeting, that as I left the stand and reached the outer margin of the crowd I met a cordon of mounted white men, so closely "dressed," in military phrase, in ranks of two or three deep, that I was forced to request to be allowed to pass through and to wait until the ranks could be broken for my exit. Every mounted white man whom I observed was armed with one or two pistols.

*Meeting at Abbeville.*—At the date of the Newberry meeting I was under engagement to address a similar republican meeting at Abbeville Court-House on the 22d of August. On the return of Judge Hoge and Mr. Jilison from Newberry on the 19th of August, they strongly advised the abandonment of the meeting at Abbeville in view of their experience at Newberry, and especially on account of a violent and threatening harangue made at the depot at Newberry on the morning of the 19th, to a band of his partisans, by Col. D. Wyatt Aiken. I replied that I should keep my engagement at Abbeville from a sense of imperative duty to my republican friends there. Unwilling to allow me to go alone, these gentlemen gallantly consented to accompany me on the 21st to Abbeville Court-House. On arriving at Abbeville, I found our republican friends, as at Newberry, firmly convinced that if we held our meeting prudence would compel us to allow the democrats to occupy half the time, and even then they were

greatly apprehensive of trouble. An arrangement was accordingly entered into by which three speakers from each party were to take part in the meeting. At the hour appointed we proceeded to the place of meeting, where we found the republicans assembled, after the manner of ordinary political meetings. As soon, however, as the republicans were assembled, companies of mounted white men, marching in martial order, and under the command of officers or persons who gave orders which were obeyed, began to pour over the hill in front of the stand and to take their places at the meeting. At this time I sat beside General McGowan, and we agreed in our estimate that there were from eight hundred to one thousand mounted white men present. They came, as I know, from Edgefield County, and, as I was informed, from Newberry, Anderson, and Laurens Counties, as well as from Abbeville County. When fully assembled they covered more than one-half the space around the stand, besides entirely encircling the whole meeting with mounted men. I spoke first. In the course of my speech, in response to loud and repeated cries from the white men, "How about Hamburg," "Tell us about Hamburg," I replied, "Yes, I will tell you about Hamburg," whereupon I saw a sudden crowding toward the stand by the mounted white men on my right, and heard distinctly the click of a considerable number of pistols.

I was followed by Col. D. Wyatt Aiken in a speech filled to overflowing with the spirit of intolerance and violence. With his thousand mounted and armed partisans cheering him on, he shouted to the five or six hundred colored republicans, "If you want war you can have it—yes, war to the knife, and the knife to the hilt." With a thousand armed white men drinking in his words, he singled out one colored man in the crowd for special personal denunciation. Turning to me he charged me personally with complicity in sending arms clandestinely to Newberry to arm the blacks against the whites, with absolute falsehoods in relation to the Hamburg massacre and the calling for United States troops, and declared over and over that the white leaders must be held personally responsible for all future misgovernment by the republican party. Later in the day Mr. Jilison while speaking was so greatly interrupted by the white men that he was unable to make a connected speech or to pursue his intended line of argument. After the meeting was closed and while the colored republicans were carrying a United States flag past the public square in the village, an effort was made by a party of mounted white men to snatch it from them, fifteen or twenty pistols were discharged in the air, and a general riot was thereby made imminent.

*Meeting at Midway.*—I attended a similar meeting at Midway, in Barnwell County, on the 24th of August, called by republicans but attended by a large body of white democrats, who marched into the village on horseback, but who, on this occasion, dismounted before they reached the place of meeting. This meeting was addressed by two democratic speakers, both of whom alluded to and described me and the other republicans speakers present as "buzzards," "plunderers," "adventurers," and "carrion crows." Maj. G. D. Tillman, the democratic candidate for Congress in that district, made a speech rivaling in some respects the speech of General Gary at Edgofield. He charged that I shared the plunder with McDevitt; that I sought to shield him from arrest by giving information to him of the fact that I had issued requisitions for his return from Florida and Louisiana; that I pardoned Walker because I had shared with him in legislative "steals," and finally assured his friends that in a few months I would either be "a fugitive from justice or wearing the striped suit of a convict in the penitentiary." These are but a few specimens from his speech. During the speech of Judge Hoge, who spoke later in the day, in consequence of a retort by the speaker to a white man who had repeatedly interrupted all the republican speakers with insulting remarks and questions, several pistols were drawn, violent threats were made against Judge Hoge, and a trial justice who was present rushed upon the stand to inform me that he could no longer restrain the white men, and for full twenty minutes the speaking was completely interrupted.

*Meeting at Lancaster.*—I went on the 30th of August to Lancaster Court-House to address a republican meeting similar in all respects to those I have already named. The same scene was repeated, several hundreds of mounted and armed white men, their leaders having previously demanded and been granted a division of the time for speaking, surrounding the entire republican audience. After two republican and two democratic speakers had been heard, Hon. A. S. Wallace, member of Congress from that district, took the platform, but after vainly endeavoring to obtain a hearing he was obliged to leave the stand without making a speech.

Nearly every fact and incident stated in the foregoing account of these meetings fell within my own personal knowledge. I have omitted many facts vouched for by perfectly trustworthy eye-witnesses, such as the repeated drawing of pistols on me behind my back and the threats against my life uttered by persons at too great a distance to be heard by me. At none of these meetings did I witness or know of a single disorderly act on the part of any republican, nor did I hear a word spoken by a republican speaker personally disrespectful to a democratic speaker. At each of these meetings the coolest and best-informed republicans felt that the only alternatives were to abandon the meeting or yield to the demands made by the democrats, unless we were

willing to run the imminent hazards of violence and bloodshed. These meetings were, moreover, as you have observed, held at points widely asunder in our State, and thus were evidently the result of a matured and well-understood plan.

*Democratic "bread and butter" proscription.*—I now present these to you as an answer to your claim that all the methods of the democratic canvass are peaceful, orderly, and within the law. I pronounce such a course of conduct as I have now described as an outrage upon free discussion, a mocking travesty of free speech, and a plain, palpable, systematic attempt to deter republicans from canvassing the State, and to overawe and put in physical fear peaceful citizens assembled to discuss political questions; and I submit the justness of this verdict to the candid judgment of all who respect individual rights or public order and peace.

I now proceed to present another phase of the democratic canvass, which bears upon your claim that all your methods are legitimate and within the law. I propose to present evidence of an authentic character to establish the fact that the democratic party has adopted and is carrying out a systematic plan of social and political proscription, with the set and avowed purpose of forcing men to vote contrary to their convictions and wishes.

As specimens of what may be called social proscription for political ends, I present the following language, used by Col. J. S. Cothran, of Abbeville, in the democratic convention in May last, as reported in the Charleston News and Courier of May 8, 1876. Colonel Cothran said:

"Many have joined that (the republican) party to their eternal disgrace, and they will never recover from it. No, sir; nor their children, nor their children's children. [Cheers.] The very fact of their deserting their friends and their race is the best proof of their dishonesty. Fidelity is the best proof of honesty of soul, and he who has it not to his State and to his people, is altogether dishonest."

In a democratic speech made at Walthalla, on the 4th of September, and reported in the Greenville Enterprise of September 16, Ex-Governor B. F. Perry used the following language:

"And here I would appeal to my democratic friends all over the State to stop all social intercourse with any man who is base enough to be a radical. Let him feel by your conduct toward him that the brand of infamy is on him and his children. This is the only way you can reach his black heart. Let him see that there is a moral pestilence around him which prevents all social contact with honorable men, and leaves him for patronage and society to his own chosen rogues and plunderers."

The Lancaster Ledger of August 30 gives a report of a democratic meeting at Lancaster Court-House, at which the following resolution was "unanimously adopted":

"Whereas several white citizens of Lancaster village and county have associated themselves with the negro radical party, and thereby turned against their own race, and rendered themselves unworthy of social recognition by the Anglo-Saxon race: be it

*Resolved*, That we, the democratic citizens of Lancaster village, pledge ourselves not to countenance them except only in business transactions, and that we also request our young men and boys in the village and county to carry out this resolve."

As another phase of the same system of political coercion, I present the following from the editorial columns of the Charleston News and Courier of September:

"PREFERENCE, NOT PROSCRIPTION."

"The mechanics and workingmen of Charleston are true as steel, and will follow the standard of Hampton wherever it shall lead them. They have an organization of their own, known as the Workingmen's Democratic Association, and are, with the ward clubs, doing good service in the canvass. At a meeting of the association held on Thursday night the following resolutions were unanimously adopted:

*Resolved*, That we, the members of the Workingmen's Democratic Association, do hereby indorse the resolutions adopted at the last meeting of the sixth ward, and further, that we insist that democrats should no longer patronize republicans in trade or retain them in employment.

*Resolved*, That we make it known to the public that we have in the Workingmen's Democratic Association good, true, capable, able-bodied, and willing-hearted men, who are ready to answer to the calls of the executive committee to fill places of labor or trust.

*Resolved*, That many of these men have been compelled for months to remain unemployed, and are ready and anxious to earn honestly the necessaries of life, and can and will, if the chance is offered, fill positions such as teamsters, truckmen, warehousemen, porters, shipping-clerks, cotton-samplers, railroad-yard men, wharf and vessel men, laborers in factories, &c. and, in fact, any position requiring muscle and brain.

*Resolved*, That we believe that these men amongst us, with a fair education, are better capacitated to fill these situations than most of the republicans now thus occupied.



"Similar action has already been taken by ward clubs and by the Butler Guards. The claim is just. How shall we obtain and retain friends in a campaign, where every vote is important, if the democratic public persist in placing their supporters on the same footing? The line of preference, not proscription, must be drawn. Long enough have the people of South Carolina fed and clothed their political enemies and done good to those who hate them.

\* \* \* "What we advise is, that the average republican voter be made to understand that his personal interests require the success of the democratic candidates. You may argue with him for hours and make no impression. Even platforms and constitutional amendments will not satisfy him. For years he has seen that the democrats would spend money freely to obtain votes, but he has never seen that when he wanted work it made any difference whether he voted one way or another.

"We propose to change all that, and say to the republican voters: We shall, no matter what the inconvenience, employ those who are members of democratic clubs and vote for Hampton, in preference to those who vote for Chamberlain and Elliott. We will give work to those who follow Hampton and go with us; and we will not give that work to those who, by their votes, seek to defeat, hurt, and ruin us. They who vote with us are our friends, and we will take care of them. They who vote for the robber ticket are our enemies, and we will have nothing to do with them.

"Let the democracy say this and act upon it, and every republican will have one good reason for hurrahing for Hampton for every dollar he expects to earn during the year. They will not all come over. We do not wish them to. Some should be left behind to mark the contrast between the reputable and well-to-do supporters of Hampton and the disreputable and out-at-elbows republican. Once convince the masses of the voters that the democracy, in town and country, are in earnest about this, and the fight is surely won.

"The cry will be raised, of course, that what we advise is 'intimidation.' If it be 'intimidation' to discriminate in favor of your associates and neighbors and against ruthless or senseless adversaries, the radical press are welcome to it. \* \* \*

"The more general the practice, the greater will be the democratic majority. With a fair election we need at least ten thousand republican votes, and there are at least fifty thousand employers of republican labor who can get them and more by preference, not proscription."

And the following from the editorial columns of the same paper of September 12:

#### "DEMOCRATIC BONDSMEN OF RADICAL OFFICE-HOLDERS.

"Any citizen of Charleston who now becomes a bondsman for a radical official is a worse foe to the cause of good government than if he boldly voted the rascally radical ticket at every election. In voting with the radicals he would do no more than any negro who will pass muster as of full age can do equally well and more frequently; but in becoming, in these days, a surety upon the official bond of a radical appointee, the responsible citizen brings property and position to the rescue of such fellows as Berney, and gives to the public enemy the means of securing office-holders who will faithfully do their dirty work and hinder the success of the democracy. \* \* \* The opponents of the democratic party are the adventurers who live by stealing—whether their stealing takes the form of discounts and commissions, of bribes, or of exorbitant pay of worthless services. These adventurers require the aid of every office-holder in the State, and when they find one who will not be as unscrupulous as they are, or who will not use his official influence and patronage to cause the foul bird of radical victory to perch on their black banners, they require his removal and procure the appointment of some servicable Berney who will be to them as clay in the hands of the potter. Straw bonds find scant favor in Washington. The Berneys and their kidney cannot qualify unless property-holders will be their sureties, and such sureties, with rare exceptions, can be found among democrats alone. It is a patent truth, therefore, that the democrat who now becomes the bondsman of a radical official lends himself to the basest uses of radical wire-pullers of the Patterson-Bowen stamp, and throws the whole weight of his influence and means on the side of public debauchery and vice. \* \* \*

"For those who thoughtlessly agree to become the bondsmen of Berney, and have since seen their error and withdrawn their names, we have no harsh words; but there will be neither grace nor mercy for those who, knowing the character of the crisis, become the instruments of the brutal knaves whose aim is that perpetual power whose cornerstone is African dominion over the good people of the State."

And the following from the Chester Reporter of a recent date:

#### "OFFICE-HOLDERS.

"There is some excitement in Charleston on account of a statement recently made in one of the papers of that city that several democrats had become sureties on the



official bond of one Berney, who has been selected by Hon. John Patterson for the office of postmaster of Charleston, in place of Bosemon, the present incumbent, who is a republican, but not zealous enough in the great work of 'five years' good stealing.' This subject of becoming sureties on the bonds of radical officials is one which comes home to us here in Chester. Some of our best citizens have been and still are bondsmen for carpet-baggers, whose occupation here is office-holding and alienating the blacks against the whites. We submit the question whether, at a time like this, when the people are engaged in an earnest struggle to save their property from public robbers, those of our citizens who are sureties for these officials are not practically giving aid and comfort to the enemy. Let all democratic bondsmen of radical officials ponder the question."

Another phase of this system is disclosed by the following editorial article in the Marion Star, of September 27:

**"RENT NEITHER LANDS NOR HOUSES TO ANY ONE WHO VOTES THE RADICAL TICKET.**

"The above heading forms a part of a resolution which is being adopted generally by all the land-owners throughout the country, and is looked upon by the colored people as a hardship, a kind of persecution. A hardship it may apparently seem to them, as the farmer thus assumes the independence of asserting what class of laborers he will and he will not employ. It has taken him eight years to arrive at this independence; but the continued depreciation of his lands, the financial stagnation of the country, the high taxes that threaten confiscation, all have conspired to make him declare that he will not longer harbor the agent of his misfortune. \* \* \* We laud the plan, and think every farmer in the country should give it his hearty support. Let every farmer accept it, and the colored voters had as well butt against a brick wall as oppose it.

"Farmers have tried moral suasion until the folly of that course has become self-evident, and now they come to the exercise of a legal right which can but produce the desired result. Adopt the plan and stick to it, and two years hence they will not need the support of such a resolution, for the colored voters will have felt the benign influences of good government, and will readily act with their employers. The manufacturers up north, who have their hundreds of employes, march up to the polls and vote their whole company as they see fit, and southern employers have the same right and should dare exercise it."

The following appeared in the Charleston News and Courier as part of the correspondence of the well-known "Paysan," writing from the Fork of Edisto, under date of September 18:

"The following resolutions, adopted by the Easterlin's Mill Democratic Club, are commended to the attention of the different clubs throughout the State. Similar resolutions have been adopted by the Willow Township, Graham's, and Bamberg clubs, and no doubt by many other clubs in Orangeburgh and Barnwell Counties. It is intended that the names of the obnoxious leaders in each township be sent to the different clubs throughout the county:

"1. *Resolved*, That we will not rent land to any radical leader, or any member of his family, or furnish a home, or give employment to any such leader or any member of his family.

"2. That we will not furnish any such leader, or any member of his family, any supplies, such as provisions, farm-implements, stock, &c., except so far as contracts for the present year are concerned.

"3. That we will not purchase anything any radical leader or any member of his family may offer for sale, or sell any such leader or any member of his family anything whatever.

"4. That the names of such persons who may be considered leaders be furnished to this club at the earliest date, and that a list of the same be furnished each member of the club.

"5. That whenever any person or persons who shall be denominated radical leaders by a vote of this club shall cease as such, these resolutions shall become null and void so far as such leader or leaders, or any members of his or their families, are concerned.

"6. That we will protect all persons in the right to vote for the candidates of their choice.

"7. That these resolutions be published, and that all the democratic clubs in the county and throughout the State are hereby requested to adopt them."

The following resolutions published in the Columbia Register, of September 28, were "unanimously adopted" by the democratic club of ward 3 in the city of Columbia, and I notice that the same meeting of the club was addressed, among others, by yourself:

"*Resolved*, That it is the sense of this club that the time has come when we must distinguish our friends from our foes; that we must manfully show our preferences in

the employment of and in the trading with those who support the grand movement of reform and honest government to those who are endeavoring to foist upon us the same corrupt and dishonest administration that for eight years has had no object but the degradation of the name of South Carolina and the personal aggrandizement of the carpet-baggers and a few renegades.

"Resolved, That rumors being current in the city that certain merchants in this ward are going to show their preference for the present administration on the 7th of November next, that the president of this club do appoint a committee of three or five, the duty of this committee being to present the roll to every man in the ward for signatures, thereby giving to each one the opportunity of vindicating himself, and at the same time enabling the honest laborers for reform to discriminate between friends and foes, and that they report at the earliest possible time.

"Resolved, That this resolution shall apply equally forcible to porters about stores and offices, carpenters, mechanics, barbers, butchers, hack-drivers, and, in fact, to every one who receives wages from the honest citizens of this ward."

In the Charleston News and Courier of August 7, in an account of the county democratic convention of Aiken County, it is stated that a resolution was adopted by the convention "recommending the people of the county to employ no one who refused to vote the ticket put forward by the State democratic convention.

The foregoing examples, selected from a vast mass of similar evidences, are presented here as proof of the fact already alleged, that the democratic party has adopted and is carrying out a systematic plan of social and political proscription, with the set and avowed purpose of forcing men to vote contrary to their convictions and wishes.

It is within the knowledge of every man who is acquainted with the present condition of the State that the written and formal statements of the plans of political coercion convey a very faint idea of the actual practice of your party. Prudence and good policy in a majority of instances dictate the concealment of such plans, and the instances now cited of open avowals of the purpose of political coercion are for that reason the more startling proofs of the spirit in which the system has its origin. The advertising columns of the Charleston News and Courier and the local columns of other democratic newspapers in this State furnish constant examples that the published evidences which I have cited fall far short of representing the extent of the system which they disclose.

I now call your attention to the following sections of the revised statutes of this State:

"If at any election, as in the eighteenth section of this chapter is mentioned, any person shall offer or propose to procure another, by the payment, delivery, or promise of money, or other articles of value, to vote for or against any particular candidate or measure, or shall offer, for the consideration of money or other articles of value paid, delivered or promised, to vote for or against any particular candidate or measure, such person so offering to procure or vote shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined and imprisoned at the discretion of the court."—Chapter CXXXI, section 20, page 727.

"If any person shall, at any of the elections in any city, town, ward, or polling-precinct, threaten, maltreat or abuse any voter, with a view to control or intimidate him in the free exercise of his right of suffrage, such offender shall suffer fine and imprisonment at the discretion of the court."—Chapter CXXXI, section 24, page 728.

"Whoever shall assault or intimidate any citizen because of political opinions or the exercise of political rights and privileges, guaranteed to every citizen of the United States, by the Constitution and laws thereof, or by the constitution and laws of this State, or for such reason discharge such citizen from employment or occupation, or eject such citizen from rented house or land or other property, such person shall be deemed guilty of a misdemeanor." \* \* \*—Chapter CXXXI, section 26, page 728.

I am now prepared to pronounce the system which I have set forth, and which constitutes a prominent part of the democratic canvass, a plain infringement of moral and social right, and a clear violation, in its most prominent features, of the laws of the State.

*Democratic rifle-clubs.*—I next call your attention to another state of facts bearing upon your claim that the present democratic canvass is conducted by agencies which are peaceful and within the law. I refer now to the armed organizations which go under the names of "rifle-clubs," "saber-clubs," and "artillery-clubs." Of the exact extent of these organizations your information is doubtless much more ample than mine; but I think I am warranted in saying that such organizations exist in every county in the State, and that in many, if not most, of the counties they embrace a large majority of the white men between the ordinary limits of age for military duty, as well as a large number both below and above such limits; that these organizations are armed, officered, drilled to a considerable extent at least in the manual and military movements appropriate to the character of their arms and organizations, and obey the orders of their officers, is clear in many cases, and is probably true in all cases; that they have appeared in public on a number of occasions in various parts of the State,

and recently here in Columbia, with their arms, and under command of their officers, is well known; that they serve as the basis of political organization, and, under the command and control of their officers, engage in political duties and work, is equally clear. In fact, a leading feature of the present democratic State canvass is the constant attendance upon the democratic meetings of these clubs, acting in their organized character and capacity.

In no instance of such clubs organized since December 1, 1874, has authority for their formation or existence been given by the governor, nor are any such organizations reported to him officially or in any manner authorized or recognized by him as forming any part of the military force of the State. The existence of a few military clubs organized for professedly social purposes, many months since, was made known to the governor, but aside from these cases the whole system of military organization now referred to has no official sanction or recognition from the governor of the State. So long as these organizations retained their character as social clubs little importance was naturally attached to the question of their legality. Recent and present events, however, and the use now made of these organizations as a prominent agency in the democratic canvass, give public importance to their character.

I now call your attention to the following extract from the revised statutes of the State:

"That the organized militia of this State shall be known as the national guard of the State of South Carolina, and shall consist of such divisions, brigades, regiments, and battalions, and in addition thereto such batteries of light artillery and troops and squadrons of cavalry, as the commander-in-chief may deem expedient, and nothing herein contained shall be so construed as to interfere with the power of the commander-in-chief, in case of war or insurrection, or of imminent danger thereof, to order drafts of the militia, and to form new regiments, battalions, brigades, or divisions, as he may deem just and proper: *Provided*, That there shall be no military organizations or formations for the purpose of arming, drilling, exercising the manual of arms, or military maneuvers, not authorized under this chapter and by the commander-in-chief, and any neglect or violation of the provisions of this section shall upon conviction be punished with imprisonment at hard labor in the State penitentiary for a term not less than one year, nor more than three years, at the discretion of a competent court."—Title IV, chapter XV, section 14, page 102.

The organizations to which I call your attention are now seen to be organizations not only not authorized by the law but forbidden by the law. But their organization is not more illegal than their objects. Those objects are disclosed by their conduct, and are no more doubtful than the fact of their existence. The incidents of the present canvass which I have already stated, and others which I shall hereafter state, show the use that is made of these organizations. As a fair statement of the objects of these organizations, as well as the testimony of an experienced and well-known observer in the South, I present an extract from a letter of H. V. Redfield, published in the Cincinnati Commercial, and reproduced in the Charleston News and Courier of September 19:

"TRUE INWARDNESS.

"The outsider is apt to be puzzled by accounts of affairs here. He may not understand the formation of rifle-clubs, rifle-teams, artillery companies, among the whites. What are they afraid of? They are not afraid of anything. Why, then, this arming? They intend to carry this election, if it is possible to do so. The programme to have rifle-clubs all over the State, and, while avoiding actual bloodshed as much as possible, to so impress the blacks that they, or a number of them, will feel impelled to vote with the whites out of actual fear. The blacks are timid by nature, timid by habit, timid by education. A display of force unnerves them. The whites understand this, and an immense marching about at night, and appearance at any republican meeting to 'divide time' is with a view to impress the blacks with a sense of danger of longer holding out against white rule. Add to the number they can scare the number they can buy, and they hope to have enough, united with the solid white vote, to gain the day, elect Hampton, and secure the legislature."

Thus the objects and the conduct of these "clubs" are shown to be as illegal as their organization. In organization, in objects, in conduct, they are neither peaceful nor orderly, nor within the law. And yet they are perhaps the most prominent method and agency employed by your party in this canvass.

*Instances of actual violence.*—I proceed now to direct your attention to some other occurrences in our State which have a relation to the present canvass, and especially to your claim that all your methods are peaceful, orderly, and within the law.

*The Hamburg massacre.*—The massacre at Hamburg occurred July 8, a month prior to the opening of the democratic canvass. I will state some of the undisputed facts of this massacre. Those who committed the massacre were white democrats; those who were massacred were colored republicans. Passing over all that occurred before the time when all resistance or show of resistance to the white democrats had

ceased, it is a fact, as well authenticated and undeniable as the assassination of President Lincoln, that five unarmed republicans, while held as captives by a large body of armed white democrats, were deliberately and wantonly shot to death by their white democratic captors. If the facts of the riot were admitted to show that both parties were equally responsible for its origin and equally engaged in its progress from beginning to end, the unimpeachable fact would remain that five colored republicans, after the riot was ended, were butchered by a band of white democrats. Intention and motive, when not expressed in language, must be judged of by acts and circumstances. Applying this test to the Hamburg massacre, the conclusion seems to be that color and political party had much to do in prompting the massacre. It is significant, too, that the massacre occurred in a section of our State in which the present "straight-out" democratic canvass took its rise, and where were found its most efficient promoters in all its earlier stages. It is in vain to seek to evade the just and awful responsibility for these murders by asserting that the colored republicans at Hamburg had maltreated, insulted, and exasperated the white democrats beyond the point of endurance.

If this be conceded, the fact remains that the five colored republicans who were butchered, together with their companions, were completely overcome and in the complete custody of the white democrats who butchered them. One of your democratic orators has sought to cover this vast crime with the plea of Mr. Burke for the American colonists—"I pardon something to the spirit of liberty." But the American colonists needed no advocate to acquit them of wholesale murders, nor did Mr. Burke sully his lips with the atrocious plea that wanton butchery of unresisting prisoners could be condoned when committed in the name of liberty.

*The Charleston riot.*—On the night of September 6th a riot occurred in the city of Charleston. The most trustworthy information seems to fix the chief responsibility for causing this riot upon the republicans. Certainly such is my present belief. The riot continued for some hours, and greatly endangered the lives and property of the citizens of Charleston. It was inexcusable and disgraceful. But it was subdued by the republican authorities; it was attended by no slaughter; it was followed by no butchery. It is now, as I am credibly informed, an open secret that the one man who died from wounds received in this riot declared by his dying declaration that he received his wound from a misdirected shot from the pistol of a democratic friend, and that the single policeman who was seriously wounded suffered from the same cause. The riot was the result of high political excitement, and was an exhibition of the dastardly spirit of political intolerance. It has fastened a bloody blot on the party that caused it.

*The Ellenton riot.*—And now contrasting the methods and circumstances and results of this riot with the Hamburg riot, I ask your attention to a more recent occurrence, which is called the Ellenton riot. Though this riot occurred chiefly on the 16th of September and the three or four days following, it has been impossible up to the present time to obtain a full and connected report of its origin and course. Certain general facts and some specific details are, however, known. Its origin was an assault upon a white woman in the course of an attempted robbery of her house by two negroes. One of the alleged robbers was arrested, and, while in the custody of his captors, was shot. Out of these occurrences grew the riot. Of the conduct of the colored people engaged in or connected with the riot, I will not speak with confidence, lest my present information should be found to give a too favorable account. It is certain that a force of armed white men was speedily assembled from the surrounding country from a distance of thirty miles and more.

On the 18th and 19th this force amounted to not less than six or eight hundred men, all armed, under officers, company and general, but assembled by no lawful authority, and acting under no lawful orders. On the morning of the 19th the arrival upon the scene of a company of United States troops caused the dispersing of these rioters. The results of this riot are stated by General Johnson Hagood, one of the nominees on your State ticket, to be two white men and about thirty colored men killed. My other information reduces the white men killed to one, and increases the number of colored men killed to forty or fifty. That nearly all the colored men killed were not killed while resisting the execution of the law or any legal process, or while violating the peace or threatening or attempting any violence, is a fact established by clear proof. They were shot down wherever found; in fields and woods, on highways and in cabins, along the railroad-track and at the railroad-stations.

I give you an account of the murder of Simon P. Coker, a member of the present legislature and a delegate to the recent republican convention in Columbia, as related to me by an intelligent and trustworthy eye-witness of the scene, a person well known to me personally. While sitting in the car of the railroad-train at Ellenton, on the 19th ultimo, my informant saw Coker walking unarmed in company with several armed white men. Coker's manner indicated that he did not consider himself a prisoner or in danger, as he was talking freely with the white men who accompanied him. Coker and those who accompanied him proceeded to a piazza in front of a store at Ellenton

Station and sat down for a few moments, but soon proceeded to a large tree standing about thirty rods from the spot where my informant stood, Coker still appearing unconcerned. While standing under this tree the white men suddenly stepped away from Coker about six paces, and, turning, fired a volley into his body. He instantly fell, whereupon several of the party advanced towards his body and fired upon it a second time. My informant also mentions as a fact that he saw N. A. Patterson, a democratic trial-justice of Barnwell County, walking in company with Coker at Ellenton Station at the time first above stated. Coker, it now appears, had been enticed from his home to Ellenton upon some false pretense of a summons to answer a criminal charge.

The killing of colored people in connection with the Ellenton riot extended far and wide, and was kept up for several days. In truth, my information leads me to believe that it cannot be said to have ceased now. Persons living in the vicinities named vouch to me personally for the truth of these, among many other, instances of murders of colored men in Barnwell County, growing out of the Ellenton riot.

On the 24th of September, several colored men were picking cotton near Elko, among whom were two refugees from the vicinity of Ellenton. Eight or ten white men rode into the field and fired upon these refugees, killing one and wounding the other. The dead body was carried and thrown into a swamp, where it was found on the 25th by Trial-justice Black, of Blackville, and Captain Kenzie, of the United States garrison at Blackville.

On the night of the 24th, a party of white men visited the house of a colored man about seven miles from Blackville, and took out a colored man who was a refugee from near Ellenton. This refugee has not been seen or heard of since.

On Sunday, September 24, two colored men escaping from the vicinity of Ellenton, passed a church near Allendale while the white people were at church. They were pursued by white men from the church, and overtaken at the cabin of a colored man at early evening. One was shot and died of his wounds at 9 o'clock that night, and the other, though wounded, escaped.

These are but a few of the outrages which I fully believe have been committed by white democrats, members of democratic rifle-clubs, upon colored republicans in Barnwell County alone. More than forty colored and white refugees are reported to me as under the protection of the United States troops in their camp at Blackville at this time.

I present these facts to you as a portion of the evidence now in my hands and within my knowledge, which refutes your claim that the methods and agencies now employed by the democratic party are peaceful, orderly, and within the law.

The present armed organizations which constitute the effective force of the democratic party, as well as its chief agency in its canvass, are manifestly a menace to the peace of the State and the rights of the members of the republican party, because those organizations are unlawful in their origin, unlawful in their aims, and aggressive and law-breaking in their conduct.

DEMOCRATIC "PROTECTION."—I come now to your demand that if I believe that lawlessness and terrorism prevail in the State I should call upon you and your party to suppress it, before I appeal to the Government of the United States. I am familiar with this demand. I have heard it here and have heard it abroad. It is made the occasion of constant reproach that I am governor of the State and yet cannot and do not preserve the public peace. General Hampton and his followers are seeking to profit politically by uttering this reproach and declaring their easy ability to maintain the peace of the State. I shall answer your demand with perfect plainness of speech. The reason I cannot and do not maintain the peace of the State and suppress lawlessness and prevent terrorism, is solely because the democratic party are the authors of the disturbances of the peace, the lawlessness and terrorism which they now reproach me with and demand that I shall allow or invite them to suppress. *Qui custodes custodiet?*

To intrust the protection of those who are to-day endangered by the present disturbances to the armed, mounted, unlawful, democratic rifle-clubs, would, in my sober judgment, be as unnatural and unfaithful in me as to set kites to watch doves, or wolves to guard sheep.

Actual lawlessness is, in my judgment, and upon the evidence before me, prevalent to-day in several counties and sections of the State, and I believe, upon the best attainable evidence, that it has already resulted in the killing of from forty to fifty defenseless and unresisting republican voters. Terrorism, resulting from lawlessness and violence, extends far more widely; and in support of this statement, I repeat here the remark made to me two days since by a white democrat who had crossed the country from the vicinity of Robbins station, through Barnwell County to Blackville, that "he did not see a 'nigger' man anywhere." But when, in view of this lawlessness and terrorism, you and your associates mock me with the demand to put it down by calling on the white armed democrats who are the authors of it, I answer that you are welcome to the political advantage such a demand may give you, but I shall yield to no such demand so long as I hold the office of governor.

You know, as I know, that the republican voters of this State are not organized for successful resistance to the aggressions of the democratic rifle-clubs. You know, as I

know, that to call upon the colored republicans alone to suppress this lawlessness and terrorism would be to invite or precipitate a conflict, the result of which would be to increase, rather than suppress, the lawlessness and terrorism which now exist. In such an emergency my only reliance for effective physical force must be upon United States troops. I have struggled long and hard to avoid a resort to this agency. I have hoped against hope that a sober second thought would come to those who govern the democratic party strong enough and just enough to relieve me from the necessity of action which must inflict great temporary injury upon the material interests of the State. But I am invested with large and extraordinary powers by the laws of the State to meet extraordinary emergencies.

The executive of the United States will do his duty, and I shall do mine; and it shall be seen by the world whether the right to a peaceful and free ballot by the citizens of this State, conferred and made inviolable by the constitution and laws of State and nation alike can be trampled under foot by any combination or party of men in this State. The people of this State know that I am not a rash or unjust man, that I am tender of every private and public interest and right; but they know also that I am accustomed to doing my duty, without haste but without fear.

I have doubtless wearied you, sir—I certainly have wearied myself—in setting forth the various matters which were essential to my reply to your communication. The statements of facts herein made all rest upon actual evidence now before me, the sources of which I should have here stated if I had not been compelled, in order to secure the evidence, to give a solemn promise, in many instances, not to make known the sources.

In conclusion, I have only to renew my acknowledgments for the respectful form of your communication, and to express the hope that I have followed your example in that regard, and that the peace and prosperity of South Carolina may be speedily restored and perpetually maintained.

I have the honor to be, very respectfully, your obedient servant,

DANIEL H. CHAMBERLAIN,

*Governor of South Carolina.*

#### PROCLAMATION.

#### STATE OF SOUTH CAROLINA, *Executive Chamber.*

Whereas it has been made known to me, by written and sworn evidence, that there exist such unlawful obstructions, combinations, and assemblages of persons in the counties of Aiken and Barnwell, that it has become impracticable, in my judgment, as governor of the State, to enforce by the ordinary course of judicial proceedings the laws of the State within said counties; by reason whereof it has become necessary, in my judgment, as governor, to call forth and employ the military force of the State to enforce the faithful execution of the laws; and

Whereas it has been made known to me as governor that certain organizations and combinations of men exist in all the counties of the State, commonly known as "rifle-clubs;" and

Whereas such organizations and combinations of men are illegal and strictly forbidden by the laws of this State; and

Whereas such organizations and combinations of men are engaged in promoting illegal objects and in committing open acts of lawlessness and violence:

Now, therefore, I, Daniel H. Chamberlain, governor of said State, do issue this, my proclamation, as required by the 13th section of chapter 132 of the general statutes of the State, commanding the said unlawful combinations and assemblages of persons in the counties of Aiken and Barnwell to disperse and retire peaceably to their homes within three days from the date of this proclamation, and henceforth to abstain from all unlawful interference with the rights of citizens and from all violations of the public peace.

And I do further, by this proclamation, forbid the existence of all said organizations or combinations of men commonly known as "rifle-clubs," and all other organizations or combinations of men or formations not forming a part of the organized militia of the State, which are armed with fire-arms or other weapons of war, or which engage or are formed for the purpose of engaging in drilling, exercising the manual of arms, or military maneuvers, or which appear or are formed for the purpose of appearing under arms or under the command of officers bearing the titles or assuming the functions of ordinary military officers, or in any other manner acting or proposing to act as organized and armed bodies of men; and I do command all such organizations, combinations, formations, or bodies of men forthwith to disband and cease to exist in any place or under any circumstances in the State.

And I do further declare and make known by this proclamation, to all the people of this State, that in case this proclamation shall be disregarded for the space of three days from the date thereof, I shall proceed to put into active use all the powers with which, as governor, I am invested by the constitution and laws of the State for the

enforcement of the laws and the protection of the rights of the citizens, and particularly the powers conferred on me by chapter xxxii, of the general statutes of the State, as well as by the Constitution of the United States.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed, at Columbia, this 7th day of October, A. D. 1876, and in the 101st year of American Independence.

By the governor.

[i. s.]

H. E. HAYNE,  
*Secretary of State.*

D. H. CHAMBERLAIN.

COLUMBIA, S. C., December 26, 1876.

JAMES CONNER sworn and examined.

By the CHAIRMAN:

Question. State your age and residence.—Answer. My age is forty-six years; my residence is in Charleston.

Q. What position did you occupy, and what part did you take, on the democratic ticket in this State during the last election?—A. I was candidate for attorney-general. As such, I went with General Hampton through the upper part of the State to Anderson, Oconee, Pickens, Spartanburgh, Greenville, Darlington, Marion, and Williamsburgh.

Q. State the general character of the meetings you attended.—A. All the meetings that I attended were thoroughly quiet and peaceable. They were very largely attended; nearly everybody in the county was there, I think; they came from all parts of the county. Our system of organization was this: in each county, clubs were formed according to townships. Each township had its democratic club, and when these appointments were made the clubs from each township would come to the court-house. Some of them had twenty, thirty, and forty miles to ride, and they all came together mounted. There were no arms at all; I did not see a musket or saber in the entire campaign.

Q. What was the character of these clubs?—A. Political clubs organized for the campaign. When we started this campaign, there was no organization in the State at all. The democratic party had not made a contest in the State since the war, and the whole organization had fallen to pieces. There was not even a democratic executive committee in the State. We had to build up everything from the commencement, and in the May convention we determined to re-organize the party. I was chairman of the executive committee, and we commenced organizing throughout the State by having county chairmen in each county, and having the clubs in the townships. We took the township as a convenient territorial subdivision.

Q. Were these clubs all organized subsequent to the opening of the campaign?—A. Subsequent to the organization of the campaign; before the nomination. It was in the May convention that we decided to re-organize the party.

Q. Was there any connection between these clubs and those which were formerly known as incorporated rifle-clubs?—A. None whatever. Those were distinct organizations. I don't know of any properly called rifle-clubs outside of Charleston and Columbia. There may have been in some of the interior towns, but, so far as my knowledge goes, the rifle-clubs proper were confined to Columbia and Charleston.

Q. Have you had occasion to examine the nature of these rifle-clubs?—A. So far as Charleston is concerned, I know them very well. The first club that was formed I think was in 1866 or 1867. There had been a German club, a schiltzenfest club, established for years. They made their first parade in the spring of 1866. That idea was taken up, and there was a club formed there of the young men, or rather I should say the boys, eighteen, nineteen, and twenty years of age. They formed the Carolina Club. Then year after year other clubs were formed; old organizations that had existed prior to the war were re-formed. There were the German Fusileers, one hundred and seven years old, re-organized; the Charleston Light Infantry re-organized; and one by one those which were formerly military companies re-organized as social clubs.

Q. Did these clubs have any political character?—A. Not a particle.

Q. The clubs that you refer to in your testimony were political clubs?—A. Political clubs.

Q. Were they secret clubs?—A. There was no secrecy at all. Their places of meeting and their meetings were advertised openly, and just as well known as the terms of court.

Q. Did those clubs attend your meetings in an armed capacity or unarmed?—A. Unarmed. As to sabers and guns I can speak positively; whether there were pistols or not I cannot say; I do not know; but there were certainly none visible.

Q. State the character of these clubs at these meetings; whether they went there

for the purpose of intimidating people or creating a disturbance.—A. Not a particle. They went there just as a ward-club would go to a political meeting in New York with its banner and its band of music, if it had one.

Q. So far as your meetings were concerned, did you see on the part of these clubs any manifestation of violence?—A. No, sir. In all the public meetings that I attended there was not one single disturbance. The nearest approach to a disturbance which took place during the fore part of the campaign was a quarrel between a white man and a colored man, which occurred half a mile from the place of meeting, at Darlington. Liquor had more to do with it than anything else. It was a little difference between a white man and a colored man that was stopped at once. The white man was arrested and put in the guard-house.

Q. State as well as you can the general method of conducting your election, and the nature of your appeals to the people, and especially to the colored people.—A. Our one dominant idea that we all had in the canvass was to get an opportunity to speak to the colored people. We were satisfied that we had the white people. We knew that their interests necessarily carried them with us. Our object was to get an opportunity to speak to the colored people. Wherever we went we offered to divide time. For instance, if we held a meeting in the morning we would take occasion to say, "We want to meet the colored people. We don't care what your political opinions are; we want to have an opportunity to put our side of the case to you, and we will divide time with your speakers or make any arrangement you choose that will give us an opportunity to address you." We would ask them to bring their friends to the meeting, and without a single exception, at every place that I attended, arrangements were made by the committee of arrangements specially for the colored people, so as to get them near the stand where we could see them and speak to them. Sometimes we succeeded in getting a tolerable attendance; at other times, especially where there were republican counties, there were very few negroes in attendance; and we could not get them out. At last, at Darlington, for instance, as we went through the town out to a grove where the speaking was to be, the streets were lined with colored people, and General Hampton would speak from his carriage as he would pass, "Come out to the grove; come out to the speaking, if you don't choose to vote for us you need not, but we want you to come out and hear what we have to say." When we did have the opportunity of speaking to them, we endeavored to show them that their interests were identical with ours. We ran our political argument upon opposition to the carpet-bagger. We endeavored to show them that the State had been eight years under the carpet-bag rule; that there had been \$16,000,000 of taxes collected; that there had been about \$12,000,000 of bonds; that out of all that money which had been obtained there was nothing to show; that there were no internal improvements, no buildings, nothing whatever to show how the money had been disposed of; that no State on earth could stand that continued drain, and we cited Governor Chamberlain's own messages to show that reform was absolutely necessary; that no State could stand such continued misrule. We endeavored to show them that their interests were ours; that we could reduce taxation and the expenditures of the State one-half; that the reduction in taxes meant an increase in wages, and that if we were relieved from the burden of taxation we could prosper, and they could prosper with us. We endeavored, by arguments of that nature, to satisfy them that their interests were ours. Then we addressed them upon the school question; we showed them the money that had been annually appropriated for their schools, and in each county. We would appeal to them and ask them, "How many months have your schools been kept open in this county? Have your school-teachers been paid?" They would almost always say, "No, no, they have not been paid." Then we would show them where the taxes had been levied to pay for their schools, and that the money had been squandered; that it had been collected from us and they had not got the benefit of it, and that we pledged ourselves that if they would put us in power we would keep up the appropriations and would see that the money was honestly expended. The school question was one which the negroes had very much at heart. Another point was protection for themselves. We showed them that Chamberlain's government had been utterly powerless to protect them. We told them in the upper part of the State, (it was not necessary to tell them in the lower part.) He told them of the scenes that had taken place at Combahee and Beaufort where gangs of colored men had gone along the road, going into the plantations and whipping the men who refused to strike; that they had gone on so for weeks; that the rioters when arrested had been released by the mob, and that the men who were beaten had been unprotected; that the governor had given them no protection whatever; and that a large number of men had been taken out in those counties and cruelly whipped, and that they had no remedy at law which they could enforce, and no protection from the governor.

Q. Are you familiar with those rice riots?—A. I know of them pretty well.

Q. When did those riots occur?—A. In July, I think. The first I know of it was in this way: I got a telegram from the citizens of Yamasee Station imploring me to bring up some men or the protection of themselves and their families; that the whole country was in a state of ferment.



I declined. The sheriff telegraphed that he had arrested the rioters, and they had been rescued from him and he was powerless to re-arrest. He telegraphed for help. I immediately telegraphed to the attorney-general and the governor forwarding by telegraph copies of the dispatches that I had received. The first telegram I got was the night before. The next morning the telegrams kept coming making appeals, and the young men were anxious for an armed body to go up to protect them, but I opposed it; finally, about three o'clock in the afternoon, I took a special train and went up myself to see what the trouble was, and that if there was a necessity for any assistance being given for the protection of the women and children there that I could telegraph back to Charleston and have it brought up. Of course when I got there I did not see the things myself. My knowledge is derived from the information furnished me at that point.

Q. How long did those riots continue?—A. Off and on for five or six weeks. There would be a strike and disturbances; then there would be an interposition, and they would be quiet for a week or ten days, and then it would break out again.

Q. What was the cause of the riot?—A. It was curious; it was not a strike between employer and the employé. They would go on plantations on which the laborers were working perfectly contented, and would notify them to quit work. In many instances, the laborers would hesitate to do it; they were getting one dollar and sixty cents a day, and a great many of them did not like to lose it; it was harvest-time and they were getting that regularly every day. But those that would not strike they whipped and beat and forced them to strike. A great many planters lost very heavily from the fact that just at the season when the crop should have been harvested they were deprived of the labor.

Q. Who were these men that went around in this way and interfered with the laborers?—A. Political leaders, colored men.

Q. What was their motive in doing that?—A. Well, that is hard to get at. It was undoubtedly to influence them on the election, for they had connection with Charleston, and whenever there was a movement in Charleston there was a corresponding movement there. After our torchlight procession, a democratic ratification meeting, it was followed by a strike on the Combahee; as we would make a success, there would be a counter-movement on the Combahee or Cooper River.

Q. State whether in your campaign through the State, either on your own part or on the part of other gentlemen that were addressing these meetings, any threats were made to the colored people that unless they voted the democratic ticket they should not have employment?—A. Not one.

Q. Did you hear anything of that kind?—A. I never heard anything of the kind at any public meeting that I attended.

Q. Do you know whether there was any disposition on the part of the democratic leaders, or any policy of that kind?—A. No policy that I heard of. I did hear that arrangements had been made by individuals. I know that in Charleston the question was brought up before the county executive committee. Something had appeared in one of the papers recommending what they call the "preference policy," and it was brought before our executive committee, and discussed perhaps for an hour or so in all its phases, and the committee by resolution decided that they would not recommend any such policy.

Q. Was the democratic party or the democratic committee at Charleston in any possible way a party to announcements in certain papers in Charleston of this policy of preference?—A. No; it was left entirely to individuals to do just as they chose. We distinctly declined to put it out as a party policy.

Q. Then the editors or proprietors of those papers who may have stated anything of the kind, or allowed it to be stated in their papers, were alone responsible?—A. They did it on their own responsibility.

Q. You say it was no part of the democratic programme?—A. We distinctly rejected it as a part of the programme.

Q. During the campaign, what was the general condition of the State as to peace and quiet and good order?—A. It was thoroughly peaceable.

Q. What was the condition of the State at the time Governor Chamberlain issued his proclamation announcing an insurrectionary condition of the State?—A. Thoroughly peaceful. There had been but one disturbance in the State, and that was at Aiken and Hamburg.

Q. You practice law in Charleston?—A. Yes, sir.

Q. You practice in the courts here and at Charleston or elsewhere?—A. Yes, sir.

Q. Could the processes of the court be served and its orders enforced?—A. O, anywhere in the State.

Q. Could the authority of the courts be sustained and enforced throughout the State without trouble?—A. Without the slightest trouble. The best indication of that was that I was telegraphed to go to Aiken, and went there after this Ellenton matter and met Major Corbin, (I was associate counsel with the local counsel,) and he was sending out troops for the arrest of parties, and I told him that if he would simply give us a list of the parties he wanted he need not trouble himself to send the military; we would

send word and we would pledge ourselves that by twelve o'clock next day every man that was within thirty miles of the place should be there. That was in connection with the Ellenton riots. It was terribly wet weather, and they were sending the military tramping all over the county, and I told Major Corbin just to give me the list of the men he wanted and in twenty-four hours I would have them there.

Q. Was it true that those men submitted themselves?—A. Every one. There was not a case of resistance. The men came right up, without waiting for the warrants, the moment they heard there were warrants out for them. Some we know and sent them word, and they came right into town.

Q. The Hamburg riots occurred prior to the opening of the campaign proper?—A. Yes, sir.

Q. Had the Ellenton riots had any political character or significance?—A. None that I know of.

Q. Do you think of anything else in connection with the election that you desire to state?—A. The only point that I desire to state is this: I have told you the line that we worked through the whole campaign, and the nature of the appeals we made to the colored people, and wherever General Hampton went he excited a great deal of interest among them. They are a curious race, and judge more by the eye than they do by the ear. It is not what you say that affects them, but they look at you and note what manner of man you are and how you say it. They pin more faith to appearance and manner than they do to what is said. His presence was very fine and he had a wonderful effect and influence upon them. Before he came down to the low country, when I went on up to the Combahee, negroes were anxious for him to come down. Every gentleman who came down from that section to Charleston would come to me and appeal to me to get General Hampton to come down to the low country, the negroes were so anxious to see and hear him; and after he did go down, we heard from negroes down there pledges of support; that they would vote for the Hayes and Wheeler presidential ticket, but they would vote the Hampton State ticket. That was the line that they all ran on. They did not come over to us on the presidential issue, but simply on the local issue, and I suppose in Charleston alone we must have had from 2,000 to 2,500 negroes who pledged their support to the Hampton local ticket. Everything was as smooth and prosperous as it could be in the low country and in the upper part of the State, and it was changed on the introduction of the troops.

Q. State what effect the introduction of troops had on the colored voters.—A. They were told by their own leaders —

By Mr. LAWRENCE:

Q. Did you hear them?—A. Not directly, sir.

By the CHAIRMAN:

Q. State only the result of your own observation.—A. Well, we could only see the result—the change. Those very ones who had pledged themselves to vote our home ticket would come to us and say, "We cannot do it." A single instance to illustrate the pressure. A colored man, and a very respectable one, who does a good business as a butcher—I judge from what I know of him that he is worth from twenty to twenty-five thousand dollars, which is, for that class of people, very comfortable—was an earnest supporter of General Hampton's ticket; he voluntarily came out and spoke to some friends of mine down there, and pledged his support to the ticket. Two days before the election he wrote a letter, which was shown to me, stating that he could not fulfill his pledges; that the pressure was too great. It was a letter written to Mr. Lowndes, the gentleman to whom he had made the pledge, and he said: "I have always dealt fairly and squarely with you, and I cannot allow you to remain under the idea that I am going to fulfill my pledge, for I cannot."

Q. Did the introduction of troops have any effect to create the impression that they were to rely for protection not upon the Army, but upon the civil law?—A. The impression was that the troops had come there to see that they voted the republican ticket; that was their idea.

Q. From your knowledge and observation, did that influence a large number of colored men in their votes?—A. O, yes; I think it diminished our vote immensely. In Charleston County alone I think it deprived us of from 2,000 to 2,500 votes. In the upper part of the State the effect was still more marked, but that is only stated on information.

Q. Where were you on election-day?—A. In Charleston.

Q. Were you about the city during the day?—A. A portion of the day I was. There were a large number of officials there; deputy marshals with their badges, negroes—I won't say that they were all negroes, but I don't recall a single white man. Then there were a large number of deputy sheriffs, and they were exceedingly arrogant and offensive, and nothing but the caution that we had given to our people—everybody who had any influence there—prevented disturbances that day. We had taught, and enjoined, and urged upon our people to be forbearing, that there must be no disturbance; and but for that there would have been a great deal of difficulty there that day.

Q. Is there anything else that you wish to state?—A. No, sir; not at this moment.

By Mr. LAWRENCE:

Q. The colored voters in Charleston have a majority?—A. In Charleston County—yes, sir.

Q. There were no disturbances on the day of the election?—A. There were one or two slight disturbances. Troops were brought down at one time to the poll. I was not there at the time.

Q. There was no serious violence?—A. No, sir.

Q. Was there any violence at any of the political meetings which you attended in the country?—A. No, sir.

Q. No republican ever inflicted any violence upon any of the democrats at democratic meetings?—A. O, no, sir; these were democratic meetings, and, as I told you, the republicans attended very slightly. Our object was to get them there, and we failed, except in some instances.

Q. They did attend in considerable numbers, though, at all the meetings, did they not?—A. At some meetings there were a good many negroes. I did not inquire their political faith, but I think the majority of those who did attend were democratic negroes, because every effort was made to keep away the republican negroes from our meetings by their leaders.

Q. Well, there was no disturbance at any of the democratic meetings you attended?—A. Not a single disturbance at any of the meetings that I was at.

Q. You spoke of having offered to divide time with the republicans; during what time was this offer made?—A. Before the campaign opened by the proclamation of the executive committee; and in the very first political speech which General Hampton made, which was at Anderson, he announced it openly there.

Q. But you do not mean that, at each one of your meetings, you made the proposal?—A. At every single meeting we said we would be glad to divide time if the republicans wanted it.

Q. Was that announcement made?—A. It was made by General Hampton himself.

Q. At the commencement of the meetings?—A. In his speech; I don't know that it was at the commencement always.

Q. The meetings were announced as democratic meetings?—A. Yes, sir.

Q. No previous arrangement or offer was made, prior to the time of the meetings, for a general discussion?—A. In this sense it was made, that General Hampton announced it in his opening speech, and at all his meetings; the appointments were all made and his speeches were all reported, and it was known throughout the State that it was the policy of his campaign.

Q. There was no proposition made otherwise than that for an opportunity for republicans to speak at those meetings in each county?—A. I think not. None that I know of. That would be a local matter, of which I would know nothing.

Q. Did you attend any republican meetings?—A. No, sir. At Marion some of the republicans did avail themselves of the opportunity and came upon the stand and discussed the issues with us.

Q. Who discussed with you there?—A. Two men; one was a county commissioner, and one was a member of the legislature. Their names I do not recollect. They were strangers to me.

Q. Then if you were not at any of the republican meetings during the campaign, you had no opportunity to know whether they were peaceable or not?—A. No, sir; I did not attend one.

Q. What is the character of the colored people of this State generally? Are they a timid people, inclined to be alarmed at a show of violence?—A. It would depend altogether on whether they were excited or not. I believe, from my knowledge of them, that when they become excited they are as utterly reckless and ungovernable as so many wolves; in their ordinary normal condition they are quiet and peaceful, not disposed to disturbance at all.

Q. They are not what would be called a malicious people?—A. O, no.

Q. Quiet generally and inoffensive?—A. Quiet and inoffensive, but at the same time they are inflammable and excitable and can be led off into anything.

Q. But are they not a people who would be alarmed at a show of force and a display of fire-arms for instance; would they not be inclined to retire from a contest rather than to urge themselves into it?—A. The only opportunity I have had of real observation of that was in Charleston, and I did not see that inclination there.

Q. I speak of their character generally through the State, so far as you know it?—A. I say that is the only opportunity I had of seeing whether they were disposed to provoke a collision. They certainly were not disposed to retire when they saw armed men.

Q. I did not mean to inquire for any particular instance?—A. As a general thing I would say that they are a peaceable, quiet, orderly population, but that they are excitable, inflammable, and when they do become excited they do not reason at all.

Q. They are not a people who are inclined to originate difficulties?—A. No, I should say not, when left to themselves.

Q. You spoke of some disturbance at Darlington where a white man was put in a guard-house; for what was he put in?—A. Something of a quarrel grew up between a white man and a colored man in the town. The meeting was in a grove outside of the town. The disturbance took place and the chairman of the executive committee was down there and he just took the man and had him put in the guard-house.

Q. The charge was not that the colored man had been guilty of any violence?—A. The quarrel sprang up between them and the white man drew a pistol and they had him arrested and put in the guard-house. Both parties were reported to have been under the influence of liquor; and that was the only disturbance that I saw during the whole campaign.

Q. You have spoken of those rice-riots; was not that a question about the wages that laborers should obtain for their services?—A. I think not, sir; because in a number of plantations the laborers were perfectly satisfied with their wages, and if left to themselves they would have gone on.

Q. But those who interfered were demanding higher wages, were they not, or insisting that higher wages should be paid?—A. Yes, sir.

Q. That was the real cause of the disturbance, then?—A. No; I think it was the nominal cause; I think the real cause was political. The white people were getting an influence over the colored people for the first time in eight years; we were gradually getting an influence over them and getting them to listen to us and believe in us.

Q. Was not the purpose of those men who were instrumental in getting up the riots as expressed by them to demand higher wages?—A. Unquestionably it was as expressed by them.

Q. Did they say anything about politics in their riots?—A. O, yes; their riots were all attended by political speakers who made political harangues.

Q. Were you at any of the meetings?—A. No, sir.

Q. Then you do not know whether political speeches were made or not?—A. As I have told you, my information was derived from being on the spot when I went up to ascertain what the difficulty was, and I heard the statements from all sides there.

Q. Did you make inquiry of those who were engaged in inciting the disturbance?—A. No, sir.

Q. Then your information was derived only from the other side?—A. Only from those who heard them.

Q. You would not be able to state, then, what their purpose was without having ascertained the purpose as declared by those who were inciting the disturbance?—A. Only as received from general information. For instance, I was in a group of twenty men who had been at the meetings and were giving an account of what was said.

Q. How soon after that was it that Governor Chamberlain issued his proclamation?—A. About the rifle-clubs?

Q. Yes; and other disturbances. It covered a variety of disturbances, did it not?—No, sir; I don't think he specified anything.

Q. Were you in the counties of Aiken and Barnwell?—A. No, sir; for when I was telegraphed for professionally to meet Major Corbin—

Q. That was after the Ellenton and Hamburg riots?—A. Yes, sir; after that, when I was up there with the United States marshal making the arrests.

Q. Then you have no personal knowledge of the condition of things in Aiken and Barnwell up to the time when the proclamation was issued?—A. No direct personal information.

Q. Do you know whether rifle-clubs existed in most of the counties of the State?—A. I think not. I could not speak positively as to that.

Q. Were you out of Charleston to any considerable extent until you went on your political campaign?—A. No, sir; I had not been out of Charleston in a year, I think.

Q. Then you had no means of knowing whether the rifle-clubs continued to exist in different parts of the State up to the time of the proclamation or not?—A. Yes, sir; I had in this way: there was hardly a rifle-club started that did not write to me in Charleston to send them a circular showing where they could buy arms, and what was the price.

Q. At what time were they started?—A. They started in Charleston in 1866.

Q. Now, as you were not outside of Charleston during the year until you went to make political speeches, you have no means of knowing, of your own personal knowledge, whether the rifle-clubs were kept up or not?—A. Rather, whether they had commenced. I tell you my knowledge is that there were none existing outside of Charleston and Columbia.

Q. But they were organized in 1866?—A. In Charleston and in Columbia.

Q. Do you know whether they were organized in other parts of the State?—A. I do not think they were.

Q. Have you any personal knowledge as to whether they were or were not?—A. Only by seeing men from the different counties, and I think I would have known it if they were.

Q. If the governor issued his proclamation on sworn testimony he would be more

likely to be in possession of correct information on that subject than you would be, residing in Charleston and not being out of the city for a year?—A. That would depend altogether upon the character of the sworn testimony, because he might have testimony of such a character that my sources of information would be better.

Q. But if his sworn testimony was taken carefully, and from reliable men, then his means of information would be better, would it not?—A. Certainly; but the governor would not specify one particle of testimony, and, although he was appealed to in the papers, he has never furnished the evidence on which that proclamation was based.

Q. Well, it might not be judicious for him to do so, to expose the men who gave the information to the vengeance of those around them.—A. Then he is placed in this position: his sources of information are challenged and he does not produce them, and it is open to doubt whether he had the information.

Q. That is a matter of argument.—A. Yes; it is a matter of argument.

Q. You have read his proclamation?—A. Yes.

Q. Didn't he say in the proclamation that he had sworn evidence of the allegations contained in his proclamation?—A. Yes, sir; but at the same time I knew that it was only six weeks preceding that that the governor himself had reviewed every rifle-club that there was in Charleston, and presented it a stand of colors.

Q. The rifle-clubs in Charleston, however, were peaceful?—A. They were everywhere, so far as I know.

Q. Do you know whether they were or were not?—A. I say, so far as know, they were.

Q. You don't know whether they were or not?—A. I do not.

Q. Was there not a good deal said in the speeches against carpet-baggers?—A. A great deal, sir; I said a good deal of it myself.

Q. Were not a good many appeals made to local pride against men because they came from other States to hold office?—A. No, sir. That is, if you permit me to say so, an ingenious question. There are two branches of that. A great deal was said about the carpet-bagger; an immense deal; we rang the changes on him on every stump. We never had any objection to any man who came here and was willing to take part with us and work and help us; but what we defined as a carpet-bagger was the man who came here and lived off us, and who, just as soon as there was nothing more for him to get would pack up his carpet-bag and quit.

Q. The term carpet-bagger was applied to a man who was supposed not to have a permanent interest in society here, but who was ready to stay as long as he could make it profitable, and leave as soon as it ceased to be so?—A. Exactly, sir; that is our definition of him.

Q. Now, didn't you endeavor to make the people believe that all the republican State officers who had come here from other States were of that manner of men?—A. Yes; and we endeavored to do it by citing the one upon the other; we would cite what Chamberlain had said about Elliott and what Elliott had said about Chamberlain; what Cardozo had said about Dunn and what Dunn had said about Cardozo, and Elliott about the whole party. We brought up their own utterances, and showed how each had blackguarded the other, and we put it to the people, "Can there come reform from such men?"

Q. As a matter of fact, was there not a strong prejudice among the leading democrats of the State against any northern man who came here and engaged in politics as a republican?—A. Yes; but you must let me go on to say this: That the character of the northern men who came here and engaged in politics was such as to damn any man who followed their lead.

Q. That is your idea of it.—A. Of course; our idea of it. There were northern men who came here, and are in Charleston now, who are republicans and who have always voted the republican ticket, but they were as much down upon this thieving, plundering crew as any of us. They never voted in politics with us, but always sustained their own presidential ticket, but they would not vote for those men.

Q. Soon after Governor Chamberlain was inaugurated as governor, and until early in this season, did he not pursue a course which was satisfactory to the leading democrats of the State?—A. He did.

Q. And did they not laud him as a good governor and an honest man?—A. No; not the latter. They did this: Chamberlain was the best chance we had had for reform. We fought him tooth and nail in the election, and when he was elected we thought he was the worst specimen of the carpet-bagger that had ever been elevated to office; we were very apprehensive of the result. Chamberlain adhered to the pledges which he had made in the campaign, and did try for reform. His whole party went back upon him, and we, seeing that he was working for reform, gave him all the support that we could in the house and the senate and the community.

Q. While he co-operated with the leading democrats he had their favor?—A. No; he did not co-operate with the leading democrats. The leading democrats sustained him in the reform role that he was endeavoring to play.

Q. Don't you know that if a northern man comes into this State and takes an active

part in politics, he is socially ostracized, as a general rule, by the citizens of this State?—A. No, sir; not if he is a kind of man whose business, education, and breeding entitle him to social recognition.

Q. If he is an active republican?—A. He may be an active republican, and if he is an honest man and a gentleman, it does not affect his social recognition.

Q. Would it not affect his business?—A. Not the slightest, sir. One of the largest merchants in Charleston is a northern man, a republican, and I should suppose that with the gentlemen with whom he associates he has not a political opinion in common, but he is thoroughly recognized socially.

Q. You are not familiar with the condition of things outside of Charleston in that respect?—A. Well, here in Columbia I am. I am a good deal here; five or six times in the year.

Q. You say that Chamberlain's government was powerless to protect the colored people?—A. Yes, sir.

Q. That is a fact, is it not?—A. I think so.

Q. Have the civil authorities in this State been able to protect the colored people for the last six or eight years?—A. I do not think they have.

Q. Not since the war, have they?—A. I do not think they have.

Q. Is it not a notorious fact that a large number of the men who have killed colored men have escaped punishment?—A. I think the fact is so.

Q. And it has been so ever since the war?—A. I think so.

Q. And have there not been a large number of colored men killed through the State, by common notoriety?—A. A good number.

Q. And has any white man been punished for killing any one of them?—A. I think not. I ought to add a fact, that the juries throughout the country are mostly composed of negroes, and I venture, from my knowledge of it in Charleston, to say that, no matter what the testimony or the charge of the judge is, any man who has got money down and is tried, can always get one man to hang out on the jury.

Q. Is there no fault with the white men also?—A. In what respect?

Q. In failing to prosecute the white men who are guilty of crime, and on the part of white jurors in refusing to convict?—A. I don't think the fault lies there.

Q. As a matter of fact, haven't a large part of the men who have been guilty of these crimes escaped even a trial?—A. O, no.

Q. Many of them have, have they not?—A. No; I think they have been tried.

Q. But as a general rule they have managed to escape conviction?—A. Yes, sir.

Q. Was not the condition of things in this State, growing out of the rice-riots, the Ellenton riot, the Hamburg massacre, or riot, or whatever you choose to call it, and other similar disturbances, when the civil authorities were not able to keep the peace or protect men against whom there was violence threatened, such as rendered it necessary that there should be some protection by the United States troops or in some form?—A. I think the protection could have been legally given—I will speak of the Combahee riots, as I know more about those—they could have been checked and punished purely and entirely by the legal officers if Governor Chamberlain had gone down on the spot and seen that his officers did their duty.

Q. Is it not a fact which you know from the condition of affairs in this State, that there is a purpose on the part of the people to yield obedience to whatever is required through the United States troops?—A. O, unquestionably.

Q. Well, is it not equally true that there is a disposition to disregard whatever may be required by the civil authorities under Chamberlain?—A. There is, unquestionably.

Q. Has it not been so during the past year?—A. No, sir; because when this Combahee riot took place I forwarded the telegrams to the attorney-general—the governor was not here; he was up the road, and I forwarded them to Mr. Stone and told him that whatever assistance was needed to support the sheriff could be had from Charleston.

Q. You said that you thought the colored people had the impression that the troops came here to see that they voted the republican ticket. Do you arrive at that information from what you heard the colored people say?—A. I don't think I do.

Q. You don't mean to say that the colored people understood they were to be coerced to vote the republican ticket by that?—A. No; but that their leaders had told them that was the object of the United States troops being here.

Q. To protect them that they might vote as they chose?—A. O, no; to make them vote; because on the islands where there are five or six hundred negro votes only ten white—

Q. Did you ever know or hear of any United States officer or soldier indicating in any way to the colored people that it was their duty to vote the republican ticket?—A. I never did.

Q. There was no such interference by troops?—A. O, no; the troops never countenanced that idea.

By the CHAIRMAN:

Q. You speak of these political clubs; there were clubs composed of colored men entirely, which attended some of those meetings?—A. Yes, sir.

Q. They came in bodies?—A. Yes, sir.

Q. How was it with the democratic vote this year compared with other years; was there an increased vote?—A. I cannot estimate that, because in every previous contest since the war, since the negroes have had a right to vote, we have voted for a republican.

Q. Has there been any political contest made by the democrats since 1868?—A. No, sir; we have never had a ticket of our own.

Q. Was the democratic white vote greater or less this year than previous years?—A. Very much greater. In the debate in the convention whether we should nominate a democratic candidate or not, men would rise and state that five or six hundred men in their counties, who hadn't cast a vote since 1868, would vote this time.

By Mr. ABBOTT:

Q. In reference to white men never having been punished for the killing of the black men, I understood you to say that they had been tried?—A. Yes, sir.

Q. And the result generally was a disagreement of the jury, or an acquittal?—A. Yes, sir.

Q. And you attributed that to the fact that a large portion of your jurors were black men, and in some way or other one juror could be always had to disagree?—A. Yes, sir; I don't mean to say that there was no instance otherwise.

Q. And that is the explanation of the fact in your judgment as a professional gentleman?—A. Yes, sir. And another thing; in some of the counties the solicitors are so incompetent that their indictments won't hold water, and when a man is convicted the indictment is set aside on motion in arrest of judgment.

Q. State if some of the officers of the law connected with the prosecution are not so thoroughly incompetent that it is impossible that they should obtain a right result.—A. O, it is notorious that their indictments don't hold water.

Q. In reference to the feeling spoken of, is not a fact that your objection has been heretofore against the northern men because they had joined in what you considered robbing and stealing from the people of the State, rather than that they came from the North, or the West, or any other place?—A. That is it. The trouble is that the northern men who came down here after the war were, to use a slang phrase, "on the make," and they only regarded us as so much plunder.

Q. And, as I understand you, the objection to them was not that they came from the North, but that they joined with these thieves, as you considered them?—A. It was utterly immaterial where they came from, sir.

Q. And you have the misfortune to have some of the natives acting with them, and the objection is just as strong against them?—A. A good deal stronger against the natives.

Q. Previous to this proclamation, did you ever hear in any way as a matter of public news, or knowledge, of any trouble from the rifle-clubs outside of Charleston?—A. No, sir.

By Mr. LAWRENCE:

Q. The term "scalawag" is used in the political language of this State; that is used to describe a native white man who acts with the republican party, is it not?—A. Yes, sir.

Q. That term is applied to all native white men who act with that party?—A. Yes, sir.

Q. It is an opprobrious term?—A. We so regard it.

Q. In all the elections since the war, have there not been two candidates for governor?—A. Yes, sir; in all except the first. I don't think that there was any opposition to Scott.

Q. Haven't the democrats always as a general rule supported one of the two opposing candidates?—A. Yes, sir; but they have divided. Sometimes as many democrats would support one as supported the other republican.

Q. In the election of two years ago Chamberlain was the republican candidate?—A. And Green. The majority of democrats voted for Green, some voted for Chamberlain, and a third portion refused to vote at all.

Q. As a general rule did not nearly all the democrats vote for Green?—A. No, sir. I think the majority of those who voted, voted for Green.

Q. Did not nine out of ten?—A. No, sir; I don't think more than seven out of ten.

Q. When you had candidates for Congress to elect, you always had two candidates?—A. Yes, sir.

Q. The democrats supported one, and the republicans the other?—A. Yes, sir.

—Q. The lines were closely drawn, were they not?—A. No, sir; because, sometimes, if it was a general election, the democrats would not come out to vote. Kershaw was beaten

in his congressional district by the men who staid at home, and would not come out because they would not have anything to do with a mixed election.

Q. You had democratic candidates generally?—A. Yes, sir; generally.

Q. Not only democratic candidates, but candidates who were democrats?—A. Yes sir.

Q. And so on the State ticket for State officers?—A. No, sir; we never had a democratic candidate. We had sometimes in the counties candidates for the local offices, sheriff, coroner, probate judge, clerk, but I don't remember a single democratic State ticket.

Q. At the election two years ago were there not candidates for all the State offices who were supported by the democrats?—A. I suppose so. We paid so little attention to it, though, that for the life of me I cannot remember who composed Green's State ticket; I only remember Chamberlain's.

By Mr. ABBOTT:

Q. This term scalawag was applied to people who supported this particular state of things which you regard as stealing?—A. Yes, sir.

Q. Not to a man who supported the national republican party, but disconnected himself from these people?—A. No, sir. It was applied to men that were in the State-house or court-house ring. Every court-house had a little ring.

By Mr. LAWRENCE:

Q. Were there not always rings of somewhat similar character in this State?—A. No, sir; I think not.

WEDNESDAY, December 27, 1876.

ALANSON W. RANDALL sworn and examined.

By the CHAIRMAN:

Question. Where were you stationed at the time of the last election in this State on the 7th of November?—Answer. At Edgefield Court-House.

Q. How long had you been stationed at that point?—A. I got there on the 27th of October, and remained there until the 10th of November.

Q. Who was the officer in command at that point?—A. General Brannan.

Q. You were next in command to him?—A. No, sir, Colonel Closson; I was next to him.

Q. You were at Edgefield Court-House on the day of the election?—A. I was.

Q. State what you know with regard to the election on that day as to quiet and good order.—A. I was sent to the polls, the first precinct, at seven o'clock in the morning by direction of General Brannan, on account of a report made to him by the deputy marshal that the polls were obstructed. On my arrival there, I found that there was no obstruction, and that there was perfect peace and good order. I conversed with several of the colored men there, and also with several whites. I asked them what was the cause of the report, and was told, and saw for myself, that it was simply that the white men were voting and had possession of the polls. At the same time I saw among them here and there a colored man, and at the foot of the court-house stairs there was a number of colored men drawn up in a column the same as the white men were. Voting was progressing in an orderly manner, and on communicating with the managers as to whether there was any obstruction, they sent me word that there was not. I staid at the polls some fifteen or twenty minutes, and I saw that there was no obstruction and no evidence of any obstruction on the part of either party, but the utmost good feeling prevailing.

Q. Did you see any riotous conduct, any violent demonstration of any kind, there?—A. Not at all, sir; not the slightest, unless you call cheering by both parties. There were cheers for Hampton and cheers for Chamberlain by the respective parties; what we would call a cheer; it was a yell.

Q. What did you do then?—A. After that I reported to General Brannan, who had left his hotel and proceeded to his office. I made my report that I saw no obstruction, and that everything was quiet. I was sent again to this same precinct by General Brannan to Edgefield Court-House, to investigate into a report that was made in regard to obstruction at the same polling-place. I went there officially, and walked around and made inquiries, and saw for myself, and I could not see the slightest disturbance. In fact there was perfect quiet, except that men were in crowds talking together, the blacks having mostly gone down to the poll at Magnolia Church. I conversed with several of the men and asked if there had been any trouble or reported trouble, and they said there had not, and I reported to General Brannan. I visited this same precinct unofficially several times during the afternoon and toward evening, and I saw nothing in the way of disturbance or intimidation, or anything else. Toward night-fall there were quite a number of mounted men listening to harangues or speeches made to them by General Butler and General Gary—congratulatory speeches; and they were rather near the polling-place, and an officer was sent by General Brannan to this



polling-place, and at his approach they moved back and left the place clear. When it was reported to General Brannan that the polls were obstructed he sent for the deputy marshal, Beatty, and I saw that marshal take in parties of six and ten men to vote. They passed right through this crowd and the crowd gave way for them. He came up to the poll about 5 o'clock in the afternoon on a report made to him, as I understand; but that is hearsay.

Q. Were you at the second precinct during the day?—A. No, sir.

Q. What was the general condition of the town of Edgefield as to peace and order during the day? You were about the town, I suppose?—Yes, sir; I was about the town several times.

Q. What was its general condition in these respects?—A. I think, considering the circumstances of the hotly-contested election, that there was very good order prevailing. The intendant, Mr. Marsh, had his deputies appointed, and they were quite active in the discharge of their duties. There was considerable riding about by the mounted men, and there was occasionally some cheering, but I think it was remarkably quiet. I have seen elections in the North ten times more noisy.

Q. Did you see anything in the town of Edgefield during that day that indicated a disposition on one side or the other to intimidate voters or prevent a fair expression of their opinion?—A. In my opinion, no, sir; I did not.

By Mr. LAWRENCE:

Q. What is your position in the Army?—A. I am captain of the First Artillery and brevet-colonel in the United States Army. I held the rank of brevet brigadier-general of volunteers, but that is not in the present Army.

Q. You were not at box No. 2?—A. No, sir. I was acting really as a sort of assistant or aid to General Brannan, although I had a command there.

Q. You know nothing of the occurrences at box No. 2?—A. Nothing, save by hearsay.

Q. How many mounted men were at or in the vicinity of box No. 1 at any time during the day?—A. I should say that the utmost I saw about 300, between 250 and 300 men at one time; but they were going and coming, riding from place to place.

Q. They were white men?—A. Yes, sir.

Q. Were any of them wearing red shirts?—A. Yes, sir; a great many of them.

Q. Did you see them have pistols?—A. I saw some of them have pistols strapped to their belts.

Q. They were exhibited outside?—A. Some of them were, as a pistol is ordinarily exhibited under the coat. I don't remember as to those who wore the shirt, whether their pistols were plainly exhibited or not, but I know that they had pistols, because I could see them when their coats flew aside.

Q. What time did you first go to the poll?—A. At or about 7 o'clock.

Q. How long did you remain there at that time?—A. About fifteen minutes.

Q. How long was it before you returned?—A. I returned at 10 o'clock.

Q. How long did you stay there?—A. I staid about ten minutes; enough to walk around and converse.

Q. Those were the only official visits you made?—A. The only official visits I made by direction of my superior officer.

Q. Were you at the polling-place at any other time during the day?—A. The polling-place is in a square or plaza, and I passed several times through the square.

Q. How near the voting-place?—A. Within about 50 to 75 yards.

Q. You did not observe what was going on immediately around the polls?—A. I could not but observe what was going on outside of the poll-building, but not inside; at no time did I go inside.

Q. The voting was going on inside?—A. Yes, sir.

Q. So that you did not see at any time what was going on inside?—A. No, sir; I had no authority, but positive orders to prevent my going inside.

Q. You speak of hearing cheers or yells?—A. Yes, sir; the way they cheer down here.

Q. Did you hear any colored men giving those yells?—A. O, frequently, sir; as much or more than the others; so much so that complaint was made of the annoyance.

Q. Were these colored men mounted?—A. No, sir; very few; some few were on mules.

Q. Did you see any of the colored men have pistols?—A. I did, sir; and clubs; not so ostentatiously exhibited; but of a party of sixty, who came in front of the commanding officer's quarters, I can say that hardly one of them was not armed with pistols, and they showed them, too.

Q. You say you heard speeches being made in the afternoon?—A. Yes, sir.

Q. How long did the speaking continue?—A. Well, the usual length of a stump speech; General Butler spoke, and General Gary spoke, and Mr. Sheppard spoke, and General Gary's brother spoke. They were short speeches.

Q. That was four speeches?—A. Yes, sir.

Q. Did they each one speak twenty minutes?—A. No, sir; I don't think the length of the whole thing was over thirty minutes.

Q. The whole thirty minutes?—A. I should judge so; and my reason for judging so was that at the time we had been ordered under arms by General Brannan in anticipation of a collision between the two parties, and we stood under arms at the gate, and those speeches began and ended while we were there, and I do not think it was much over—well, I will say three-quarters of an hour.

Q. Were any speeches made by colored men?—A. Not that I heard; there were certainly none made there.

Q. Didn't the white men crowd around the speakers?—A. Yes, sir; I stated that.

Q. Was there not a large crowd of them?—A. Yes, sir.

Q. Were not a good many of them mounted?—A. Yes, sir; they were nearly all mounted.

Q. Was not that immediately in front of the place?—A. Yes, sir.

Q. In fact was it possible for colored men to go through that crowd to vote?—A. Yes, sir; that is exactly what they did. I saw them going in to vote, under Mr. Beatty.

Q. Was this while the speaking was going on?—A. Yes, sir; the speakers stood upon the steps, about half-way up. As these men came up they passed to the right of the speakers and passed on up into the court-house.

Q. You say you have seen elections in the North as noisy as this?—A. Yes, sir; more so.

Q. Where did you ever see an election in the North where there was so much noise?—A. At the contest between the democrats and the know-nothings in New York State there was ten times as much. In my own town of Newburgh, on the Hudson, I have seen, repeatedly, as much noise and more turbulence.

Q. What was the population of Newburgh then?—A. It had about 12,000 inhabitants.

Q. Did you ever hear as terrific yelling at an election in Newburgh as here?—A. No, sir; nor anywhere else.

Q. Then they were not as noisy at the North.—A. It was a different species of noise. I don't think there is anything that can be compared with this yell.

Q. Then the elections at the North that you refer to were not as noisy as this?—A. Not so far as yelling was concerned.

Q. Did you ever see an election in the North where there were as many pistols exhibited as there were here?—A. No, sir.

Q. Did you ever see an election in the North where there were as many mounted men at one time in or near the vicinity of the polls as there were here?—A. No, sir; I never saw mounted men there, except countrymen.

Q. Did you ever see an election in the North?—A. O, yes, sir. The wide-awakes all wore hats and red, white, and blue colors.

Q. At an election?—A. Certainly, sir.

Q. Where?—A. In New York City, and all over the North. I know, aside from other evidence, that I got my head smashed for vhaing one.

Q. Where is General Brannan now?—A. At Fort Trumbull, New London, Conn.

Q. Where is Colonel Closson?—A. He is supposed to be at Plattsburgh Barracks. He is ordered to Fort Barrancas.

Q. What other military officers were at this election?—A. Lieutenant White, of Colonel Closson's battery; and this officer was also sent to be present at the counting of the ballots that night; Lieutenant Patterson, of my battery, and Major Kline, of the Eighteenth Infantry, who was sent by General Brannan to be at the polls in the afternoon, and who remained there until after the election. There were Lieutenants Cass, Durham, and Williams of the Eighteenth Infantry.

Q. How many soldiers were there in and in the vicinity of Edgefield?—A. I think about 100 men, probably a little more than 100. I had 21 men and Major Closson 25, and they were all there except the buglers in charge of our camps.

By the CHAIRMAN:

Q. How many companies were in Edgefield County altogether?—A. Seven in the entire county. I can give you the stations of every company. There was one company, Captain Keller's, sent to Richardson's, due north of Edgefield Court-House; Major Haskins, of the First Artillery, was sent to a dark corner, Liberty Hill, about due west from Edgefield; Colonel Falk was at Shaw's Mills; Lieutenant Miller, of the Second Infantry, with twelve men of Major Kline's company, was at Ridge Springs; another detachment of twelve men was at Leesville in the adjoining county, but under General Brannan's command. That left three companies intact with a detachment of the Fourth, at Edgefield, making in all not less than 100 men.

Q. The speaking that you refer to at the time you were ordered out, what time in the day was it?—A. Probably a quarter past four to five o'clock, or perhaps a little later. It was just before the closing of the polls.

Q. You were there all day, and, of course, taking an interest in this matter, you would be likely to know what occurred; how many colored men were hurt that day within your knowledge?—A. I can only say from hearsay. Within my personal

knowledge there were none. There was not a blow struck nor an injury received or given during the day.

Q. How many did you hear of being hurt?—A. I only heard of one, and that was the reason I was sent to investigate; that was the object of my second visit. I was sent by General Branuan to inquire from General Butler what was the trouble at the second precinct. I saw General Butler and learned from him the occurrence.

Q. How badly was this man hurt?—A. I don't know, sir, except that he was hit with a club; as they said it, "clubbed him."

Q. You were at the headquarters during the day?—A. I was.

Q. Was that the only case reported at headquarters?—A. It was the only case reported at headquarters, and that was not reported officially; it was reported by Mr. Cain, the candidate for the State senate, a colored man.

COLUMBIA, S. C., December 27, 1876.

HENRY G. LITCHFIELD sworn and examined.

By the CHAIRMAN:

Question. What is your rank?—Answer. Captain in the Second Artillery, lieutenant-colonel by brevet.

Q. Where were you stationed on the day of the presidential election in this State?—A. At Winnsborough, Fairfield County.

Q. How long were you in Fairfield County prior to the election?—A. I arrived in Fairfield County and went into camp at Winnsborough on the 4th day of October, which would make it a little over a month.

Q. Up to what time did you remain there?—A. Until the 13th of November.

Q. State what you know of the election on election-day in Winnsborough.—A. I had excellent opportunities for observing. The polls were held directly across the street from my hotel; I never witnessed a more quiet election in any country.

Q. Was there anything that indicated violence or intimidation toward any class of voters there?—A. Not in the least that came under my observation.

Q. You were in command of the post at the time?—A. I was in command of the troops at that place. I also had a detachment at Ridgeway, fourteen miles away.

Q. From your position, commanding a force in that county, state what you know of any matters, disturbances, violence, or intimidation, or any occasion for calling upon the military forces to preserve order.—A. The troops were not called upon for that purpose at all, sir.

Q. Was any report whatever made to you or any indication of trouble given to you at any time at any of the points at which you had troops stationed?—A. Not in a single instance, except, I think, the night before I came away.

Q. That was after the election?—A. Yes, sir; and that was not in my vicinity.

Q. What was the character of the entire election at Winnsborough; was it noisy or turbulent, or was it an ordinary election?—A. A more quiet election than I would expect to see at any place.

By Mr. ABBOTT:

Q. Did you see any of the people kept away from voting?—A. I should be very much surprised to hear that any person had the least obstacle thrown in his way. I was very attentive, and I could not possibly, I think, have missed seeing it.

By the CHAIRMAN:

Q. And having been in the county through the month you had some opportunity to observe the general condition of the community; how was it as to peace and good order?—A. I heard of no disturbances whatever.

Q. You were charged with the general conduct of affairs in the county, in the case of disturbance or riot, were you not?—A. I went there under General Orders No. 96, and the statutes; that is all I know. I was left to my own discretion.

Q. If there had been any occasion to call out or use the troops you would have been authorized to do so?—A. Undoubtedly.

Q. You were not called upon?—A. I was not.

Q. And no information came to you of anything in the way of disturbance in the county?—A. Not in the least.

By Mr. LAWRENCE:

Q. How many soldiers had you at Winnsborough?—A. Twenty-five enlisted men and two officers, except on election-day. I divided my command, and I think I was left with nine privates and five non-commissioned officers.

Q. How many soldiers were at the other places you have spoken of?—A. Ten men and a lieutenant.

Q. The fact that you were at Winnsborough was generally known for some time before the election, was it not?—A. Undoubtedly, sir. Both parties held mass meetings there in full view of us.

By the CHAIRMAN :

Q. During the month previous to the election were any political meetings held there?—A. Yes, sir.

Q. Was there any disturbance at any of them?—A. Not in the least.

Q. Both republican and democratic meetings were held there?—A. I so understood them.

Q. No disturbance at all?—A. Not in the least.

By Mr. LAWRENCE :

Q. You don't know what occurred at other places where there were no soldiers?—A. I don't know how many polling-places there were in the county; I heard of no disturbance at any polling-place.

Q. You left how soon after the election?—A. On the 13th of November.

Q. You have no personal knowledge of what occurred at other places where there were no soldiers?—A. No personal knowledge.

Q. There were only two places in the county where there were soldiers?—A. I am positive as to that; there were but two places.

Q. Is Winnsborough the county seat?—A. Yes, sir.

Q. What is the population of the town?—A. Three thousand five hundred, I think; it may not be so much. It is quite an old and a large town.

By the CHAIRMAN :

Q. If there had been disturbances through the county, you are the principal officer to whom application would have been made?—A. The only one.

Q. And no application was made?—A. None at all, sir.

COLUMBIA, S. C., December 27, 1876.

FRANK H. BARNHART sworn and examined.

By the CHAIRMAN :

Question. You are a lieutenant in the United States Army?—Answer. Yes, sir; in the Eighteenth Infantry.

Q. Where were you on the day of the presidential election?—A. At Calhoun's Mills, Abbeville County, South Carolina.

Q. How long did you remain there?—A. I do not think I had been there more than four or five weeks; I cannot tell now.

Q. Who was in command in that county?—A. As far as my knowledge goes, I think Captain Lloyd was the ranking officer in the county, although he had only a command at Abbeville Court-House. His command was just Abbeville Court-House.

Q. Is he a captain in the Eighteenth?—A. Yes, sir; he is my captain.

Q. How many troops were in Abbeville County?—A. There were at that time, I think, twenty-eight or twenty-nine men.

Q. Was there any other regiment besides the Eighteenth stationed in that county?—A. Not to my knowledge.

Q. Captain Lloyd was in command at Abbeville Court-House, and you were detailed to Calhoun's Mills. State the occurrences at Calhoun's Mills during the day of the election.—A. I can do so in very few words. I suppose I have been subpoenaed on account of the disturbance that took place that day, and I will tell it as I observed it. I do not know the cause of it. Some time in the afternoon, it may have been one or two o'clock, I was mounted. I was there alone, having a detachment of ten men three or four hundred yards off, and all of a sudden I noticed a disturbance, and I saw a man from Georgia, whom I had known some years before, while I was stationed in Georgia, throwing a rock at a man who I was told was a deputy United States marshal—a colored man.

Q. Named Hurd?—A. Yes, sir; that is the name. And the moment I saw it, I held up my hand and said, "Stop!" and the thing was all over. There was no further disturbance. That was the only disturbance that came under my observation.

Q. How long were you at the polls that day?—A. I was there pretty much all the day, from early in the morning until toward the close.

Q. Was there any general firing of pistols and indications of trouble during the day?—A. Soon after this affair of the throwing of this stone, there was a report came to the polls there that some colored people had fired on some white people that were leaving the polls about half a mile from there, and there was a general stampede of all the whites, and some fired their pistols in the air as they rode off. They went in full

gallop through an open field firing their pistols as they rode off in the direction this fracas was reported to have taken place.

Q. Was there anybody hurt?—A. Not that I saw or heard.

Q. Was more than this one stoned there that you saw?—A. No; this man I saw in the act of throwing the stone, and after he threw it he made a movement to pull his pistol. A number were around me, and I saw that a riot was imminent.

Q. Did he pull a pistol and fire?—A. No; he did not get it out; he stopped the moment I spoke.

Q. You were right there at the time?—A. I was there close by, and not more than 20 feet from the man.

Q. And he did not draw a pistol at all?—A. Not that I saw.

Q. Well, you would have seen it if he had?—A. Well, there was a crowd, and he might have drawn it, but I did not see it.

Q. But he did not fire it?—A. No, sir; not to my knowledge; no pistol was fired, and the moment I spoke everything ceased and was quiet.

Q. Was that the only trouble you saw at Calhoun's Mills?—A. That is the only trouble I saw.

Q. Did you see any intimidation of any class of voters, or a disposition to prevent them from voting?—A. Not that I saw. Of course all those mounted men that were there were armed. I noticed some men—if you wish me to tell it I will do so—some men lying along the road, and somebody said that they were afraid to go up to vote. They were colored men. I said, "Why do you not go up there and vote? The poll will be closed pretty soon, and if you do not get in your vote you will lose it." They said they were afraid. I said, "I will protect you;" but they said I could not protect them. They were afraid that my command was too small, and they hadn't any confidence.

Q. Was there anything there which justified fear?—A. Nothing more than armed men with carbines slung on their sides like cavalry. I did not hear any threatening at all; there was no threatening whatever.

Q. Would you have been afraid to have taken any number of men up to the polls to vote? Would you have had the slightest fear to do that?—A. Well, I don't know; I cannot tell; I was not in that sort of position.

Q. I mean when you told those men to go up and vote, did you regard it as a dangerous thing to do?—A. No; I supposed they could vote.

Q. There was no indication to the contrary?—A. No.

By MR. LAWRENCE:

Q. The Georgia man that threw the rock at Hurd was a white man?—A. Yes, sir.

Q. Hurd was a colored man?—A. Yes; and he reported to me as a deputy United States marshal.

Q. Do you know that Hurd left there soon after the rock was thrown?—A. Yes; he told me he was going to leave, and he told me to stay. Said I, "I will protect you; there is nobody going to hurt you;" but he would not stay.

Q. Don't you know from what he said that he was alarmed and afraid to stay?—A. O, yes; he was evidently afraid. He had no confidence in my being able to protect him.

Q. Colored people are a timid people in that neighborhood, are they not? Was he alarmed by a display of force?—A. O, they are naturally that way.

Q. The colored people that you saw a short time before the polls closed did not go up and vote?—A. Well, it will be necessary to explain. After this fracas took place there were, I presume, five hundred colored people standing right around there. They looked to me as though there was considerable excitement among them. I went up to them and said, "Now, for the sake of keeping the peace and having no trouble, all that have voted, I advise you to leave, and you that have not voted, vote and leave too. It will save me trouble, and be best for all." The sheriff of the county was present. They left, but I don't know whether they had voted or not before they left.

Q. You speak of colored men whom you saw and advised to vote, but who said they were afraid. Did they go off without voting?—A. Well, they did not go to the polls.

Q. How many of them were in that crowd?—A. I would be obliged to make a guess. There may have been one hundred, probably.

Q. They went off?—A. I did not see them leave.

Q. Well, they did not go to the polls and vote?—A. I did not see them go to the polls.

Q. After the assault upon Hurd, was there not a general scattering of the colored people?—A. Well, after the assault upon Hurd I went and advised them to leave—those that had voted; and they left, going in different directions.

Q. Didn't the colored people pretty much all disperse?—A. Yes; there were very few left around there.

Q. Very soon after the assault upon Hurd?—A. Yes, sir.

Q. About what time of day was that?—A. It may have been two or three o'clock in the afternoon; it was after dinner.

Q. How many hundred colored people went away after that, as near as you could estimate?—A. There was quite a large crowd; there may have been four or five hundred.

Q. Did you see any colored men ha arms or pistols?—A. No, sir.

Q. How many mounted white men were there, as near as you could estimate?—A. I cannot tell. At one time there were not more than seventy-five or one hundred there, according to my best recollection. They kept coming and going, and I did not pay very much attention to them. I was looking out to keep the colored men out of the way.

Q. Were they generally armed with pistols and other weapons?—A. I cannot tell. I noticed a number that were armed with pistols, which were exposed.

Q. And you speak of others having carbines?—A. Yes; they had these Winchester carbines. They had them hung outside.

Q. That is a rifle?—A. It is a rifled arm, but it is called a carbine in the Army. It is a short gun.

Q. These men that had pistols and carbines were white men?—A. Yes, sir.

Q. And were largely mounted?—A. They were principally mounted.

Q. How were the greater portion of the colored men?—A. I don't recollect. I cannot make an estimate of the number of colored men that I saw mounted. I could not tell whether it was a dozen or fifty; most of those I saw were on foot.

Q. Do you know from what you saw and heard of the colored people there that day that they were alarmed for their personal safety?—A. It is merely supposition on my part. I would not say anything positive about that.

Q. Tell your judgment upon it.—A. My judgment is that they were alarmed.

Q. Generally?—A. Yes, sir; but I would not make a positive statement that it was so.

Q. From what you could see and learn of the condition of things, was your presence at the polls a necessity to protect the colored men and give them confidence to enable them to vote?—A. I don't think they had much confidence, although I felt certain—I may be wrong—that if I had not been there there would have been quite a different state of affairs; and if I had not been there at the time of this fracas, there would have been a tremendous riot there just then. I believe that my presence prevented a big riot there.

Q. The colored men would have been in much the worse condition by reason of their want of arms?—A. I don't know whether they were armed or not. They did not expose their arms.

Q. Don't you know that in a conflict of that sort the colored men, by reason of their timidity, would have been badly at a disadvantage?—A. O, well, that is perfectly natural; everybody knows that they cannot cope with the white man.

Q. You think that the colored men were afraid that your force was not sufficient to meet the danger which they apprehended?—A. Well, I have been thinking of it since. I have already told you that I thought my presence saved a riot. I have been thinking of it since the election, and have concluded satisfactorily that they thought from my association with the people I was rather inclined to be favorable to the white people and to the exclusion of them; and then at other times I have thought that they feared that my force was too small in case of a riot to give them protection. I am not able to say which idea they had.

Q. But you think that one or the other of these ideas prevailed among them?—A. Yes, sir; of course my associations were altogether with the white people.

Q. They did not have sufficient knowledge of your real character to be sure whether you were friendly to them or not?—A. That is it.

By Mr. ABBOTT:

Q. Did you have occasion to order up your detachment at all?—A. No, sir; they never left the camp at all.

By the CHAIRMAN:

Q. Talking about your associations, what are your politics?—A. I have none. I am a soldier.

Q. You have always been a republican, haven't you?—A. No, sir; I have not. I have no interest in politics. They do not allow me to vote. I have got some feelings about it, but I have no vote. As far as Abbeville County was concerned, my preferences were with the democrats; but they were personal, however.

Q. You were personally friendly with the white men?—A. Yes, sir.

Q. Since you have stated your local preferences, your national preferences were the other way, were they not?—A. Well, I do not—

By Mr. LAWRENCE:

Q. Your sympathies and feelings were with the democratic party?—A. They were there, I must acknowledge.

By the CHAIRMAN:

Q. After this stone was thrown into the crowd around the polls you advised the colored people who had voted to get away from the polls, and thereupon they moved off?—A. Yes, sir.

Q. Those who moved off, so far as you know, were people that had already voted?—A. I suppose so from the fact that I told them that those who had voted to go, and those who had not voted to vote and go.

Q. As to that one hundred people that you referred to, you don't know whether they voted or not?—A. No, sir; I do not. I cannot tell. They said they were afraid to go and vote, and I told them they could go and I would protect them, but they did not have confidence in me or in my men, or something, and they didn't go.

Q. You don't know really whether they voted or not?—A. O, certainly not.

COLUMBIA, S. C., December 27, 1876.

JAMES STEWART sworn and examined.

By the CHAIRMAN:

Question. What is your position in the Army?—Answer. I am a captain in the Eighteenth Infantry.

Q. Where were you on the 7th day of November?—A. I was at the Laurens Court-House, in this State.

Q. Were you in command of the troops in that county?—A. I was.

Q. How many troops were stationed in that county?—A. One company, consisting of forty-five men.

Q. That was the number in the entire county?—A. Yes, sir.

Q. Where were they stationed?—A. Lieutenant Miller, with twelve men, at Clinton, and myself with the balance of the company, thirty-three men, Laurens Court-House.

Q. How long had you been in Laurens County before the election?—A. From the 3d day of September; I left there on the 14th day of November.

Q. State whether you were at Laurens Court-House on election-day, and what occurred there?—A. I was at Laurens Court-House during the day of election. United States commissioner came to me and asked me where I would be. I told him at the garrison, and would hold myself in readiness to respond to any requisition that either he or the United States marshal might make for me. The garrison was probably one hundred and fifty to two hundred yards from the polls. I never left there until the polls closed.

Q. Was any requisition made on you for any purpose?—A. None.

Q. What was the general character of the election in the town during that day, as to quiet and good order?—A. It was very quiet.

Q. Was there any disturbance during the day?—A. None that I am aware of.

Q. Was there any disturbance reported to you from Clinton, where you had that detachment?—A. There was not.

Q. As commanding officer, I suppose if any disturbance had occurred in the county it would have been reported to you?—A. Yes, sir; any disturbance of any moment.

Q. If there had been any trouble to amount to anything, you, as the commanding officer for the county, would have heard of it?—A. Yes, sir.

Q. Did you have any report of any disturbance in Laurens during the day?—A. None.

Q. Was there any word of any account sent to you that men were intimidated or prevented from voting, or that there was trouble at the polls?—A. There was not.

Q. Was it commonly known throughout the county that you were stationed there with troops to preserve the peace?—A. Yes, sir.

Q. It was matter of public notoriety?—A. Yes, sir.

Q. During the time you had been there in September and October, were you at any of the political meetings, or about where they were held at any place in the county?—A. There was one meeting going on near the depot; a republican meeting.

Q. Was there any disturbance at that meeting?—A. No, sir.

Q. You were at the meeting?—A. Not at the meeting, but remained at a place where I could see what was going on.

Q. Was there no disturbance of any kind?—A. None.

Q. Or any interference with the meeting?—A. None.

Q. During the entire time from September to November that you were in that county, was any report brought to you of a disturbance during the political meeting, or anything that required the presence of troops?—A. I went over to Greenville, and one of the speakers at one of the republican meetings told me when I came back, that while he was speaking a number of pistols were drawn upon him. He was a colored man named Thomas.

Q. Did you have the matter investigated?—A. No, sir; he simply came to me and told me, in the presence of the officers there. He did not report anything about it until the meeting was dissolved.

Q. Did he indicate that the meeting was broken up?—A. No, sir; he simply said that whilst talking they drew pistols on him and told him to leave.

Q. Where was that?—A. In the court-house at Laurens.

Q. Your troops were stationed there, and you were an officer there at the time?—A. Yes, sir.

Q. Was there any word sent up to the troops at the time?—A. No, sir.

Q. Was there any report of any disturbance of any kind made to your headquarters there?—A. No, sir; six colored men came and told about this matter after the meeting was over.

Q. What was the general condition of Laurens County as to good order and good behavior during the time you were stationed there, as it came within your knowledge and observation by official reports or by reports of any kind?—A. Before I went over to Laurens I gave shelter to six or seven colored men for several days. They reported to me that they had been run off. I told them that I could not help them; that they had better go down to the trial-justice. They went down, but he would not take the case in hand. I told them then to go to Major Earl, the assistant district attorney. They came back and said that he was in Charleston. They said they were afraid to go home, and asked if I would allow them to stay in camp. I told them yes, they could stay, but I could not feed them. They went off in the day-time, and what they did I do not know, but they came there every night for about six or seven nights.

Q. When was this?—A. During the month of August.

Q. Was there any report made to you of any disturbance at this place, or anything that required the presence of troops?—A. No, sir.

Q. What was the general condition of the county during the time you were in it?—A. There was a good deal of excitement on both sides during the whole day—political excitement.

Q. What was the condition as to order and peace?—A. In the town itself everything was very quiet, except on these political-meeting days.

Q. Was there anything in the way of violence or injury to anybody at those meetings?—A. No, sir. At one time the republican party had a meeting at one place in the town, and the democrats had a meeting at the other end of the town, and I was informed that the democratic party sent down some of their officials so as to prevent roughs from going into the republican meeting and breaking it up.

Q. You were informed that the democrats had sent men to prevent disturbance?—A. Yes, sir.

Q. And the two meetings were held peaceably and quietly?—A. Yes, sir.

Q. During the entire time that you were in the county did you ever have occasion to call out your troops to suppress any kind of difficulty?—A. No, sir.

By Mr. LAWRENCE:

Q. How far were you away from the court-house when this first republican meeting was held, at which Mr. Thomas said pistols were drawn on him?—A. I was probably about a hundred yards.

Q. Was the meeting held in the day-time or at night?—A. In the day-time.

Q. Was he a colored man?—A. Yes, sir.

Q. Did Mr. Thomas complain that democrats had drawn pistols upon him?—A. He told me that they had drawn pistols upon him, and that he said, "You can't scare me. I have met you before." That he gave them to understand that he had lost an arm during the war, and that they could not scare him.

Q. Did he say that it had disturbed the meeting?—A. No, sir; not to the extent that he did not keep on; but he said that there was such a crowd there that he could not speak all he wanted to say. He said that when he commenced to talk they drew their pistols and told him to hush up; and that he told them he wasn't scared of them at all.

Q. He told you that there was such a crowd there that he could not get to say all that he wanted to say?—A. Yes, sir.

Q. When the other colored men came to you and asked you to protect them you told them to go to the trial-justice, and they came back and said he would not take their case in hand?—A. Yes, sir.

Q. Did they complain that white men had been violent to them?—A. Yes, sir; all of them said they had been run off from their places.

Q. What did they say that they were afraid of?—A. They said there was a party came to their houses and asked them how they were going to vote; and they said they were going to vote the republican ticket; and these parties said, "If you do so, you must leave;" that they did not want them.

Q. And you gave those colored men protection every night for a week?—A. Yes, sir.

Q. Did you see many armed men at the democratic meetings?—A. The first demo-



cratic meeting that was there, General Hampton was present; and I don't believe there was a single man had arms about him, at least not visible.

Q. At the next democratic meeting did you see armed men?—A. No, sir.

Q. Did you see men have pistols?—A. I did not see them myself, but I told the doctor, who was in citizen's clothes, to go out and see; and he came back and reported to me that at the republican meeting a great many white men had come there with arms.

Q. That report was made to you by your subordinate officer, the doctor?—A. Yes, sir.

Q. Did you see any colored men in arms?—A. No, sir.

Q. In view of what you saw there, and what was reported to you about the white men having arms, can you state whether it was judicious in the military officers to send you there to give protection to the people?—A. I don't think that we helped them any there, because when I got there the republican party had no organization at all. They had no leader, and they were very lukewarm about it anyhow. They did not seem to have a great deal of enthusiasm about their party, not so much as I have seen before in that country.

Q. The colored people there are a timid people, are they not?—A. Well, yes.

Q. The white men are more courageous?—A. Yes, sir.

Q. Is it not the nature of the colored people to be easily alarmed by a display of pistols or arms?—A. Very easily.

Q. In your judgment, didn't the display of pistols by the white men intimidate the colored men, so as to prevent them from having as much enthusiasm in the campaign as they would otherwise have had?—A. It may have been so, but I cannot say. I never went out when there was any meeting going on, and I never allowed either officers or soldiers to go out of the camp.

Q. State whether, from all you could see, the colored people were not afraid to engage in politics.—A. I never saw any case of intimidation myself.

Q. But from all you could see, what is your opinion as to whether the colored people are not generally afraid to engage actively in politics?—A. I must certainly say yes.

By the CHAIRMAN:

Q. You went there in August?—A. I got there on the morning of the 3d.

Q. Had you any evidence of intimidation of colored people there, from the free exercise of their political rights?—A. Not of my own personal knowledge.

Q. Had you reports of that kind brought to you by the commanding officer that required the presence of troops or any interference on your part?—A. I had a good many of those colored men come there and report that they had been driven off their places, as they stated, for their political opinions.

Q. That is simply the statement of the colored men themselves, who came to you and wanted shelter?—A. Yes, sir.

Q. What kind of men were they?—A. They looked like field hands.

Q. You knew nothing about it, except the mere fact that those colored people came into camp and wanted shelter and protection, and you took them in?—A. Yes, sir.

Q. That is all you knew about the "intimidation" of them?—A. Yes, sir.

Q. During the entire time that you were there, from August until the middle of November, you were not called upon to suppress any kind of disturbance or use your troops in the protection of the life and property of any individual?—A. No, sir.

Q. And you say you never saw any intimidation of any kind practiced toward any class of voters?—A. No, sir.

By Mr. ABBOTT:

Q. These negro people that you gave protection to came to you in August and left before September?—A. Yes, sir.

Q. And that was the last you heard of them?—A. Yes.

By Mr. LAWRENCE:

Q. Were those colored people to whom you gave protection, quiet, peaceable, orderly men?—A. They appeared to be very much so, sir.

By the CHAIRMAN:

Q. They had to be so in your camp, I suppose?—A. Yes, sir; they came there every evening and appeared to behave very well.

COLUMBIA, S. C., December 27, 1876.

ROBERT F. BATER sworn and examined.

By the CHAIRMAN:

Question. State your position in the Army.—Answer. Lieutenant in the Eighteenth Infantry.

Q. Where were you stationed on the 7th of November last?—A. In the town of Newberry, Newberry County, S. C.

Q. How long had you been there?—A. I arrived there on the 12th of October, 1876, and remained until the 10th of November, 1876.

Q. What force was in that county?—A. One company of about forty men. I was in command of the company. My captain was on staff duty.

Q. Was that the only military force in the entire county?—A. The only force.

Q. How many men had you?—A. Part of the time I had thirty-two, and part of the time forty-one.

Q. Were you present at or about the polls on the day of the election at Newberry?—A. Yes, sir; I was on the streets nearly the whole day.

Q. State what was the general condition of the town during the day, and the general conduct of the election.—A. It was very quiet and orderly. It was the most orderly day that I saw during the whole time that I was there.

Q. Was there any sort of disturbance of any kind?—A. I merely saw one little fist-cuff, in which two negroes were engaged.

Q. There were no serious results?—A. No, sir.

Q. Was there any complaint made to you from the polling-place at Newberry, of intimidation, or violence, or threats, or prevention of anybody from voting by any means?—A. None made to me; everything, so far as I saw, was very open and free. There were two polling-places called "No. 1" and "No. 2." No. 2, I understood, was the box at the court-house, where nearly all the democrats voted, and No. 1 was in the lower part of the town, where nearly all the negroes voted. I think about fifteen hundred or seventeen hundred voted there.

Q. Was there any disturbance at all at either of those polling-places?—A. No, sir.

Q. Were you at both polling-places?—A. I visited both frequently during the day.

Q. Did you see anything in the way of riotous demonstrations, or see any violence at any of them?—A. None at all, sir; except the usual amount of cheering by both parties for their respective candidates.

Q. That was nothing more than generally occurs at an election anywhere, was it?—A. No, sir; nothing more than I generally hear on such occasions.

Q. Newberry is the county-seat?—A. Yes, sir.

Q. You were the commanding officer of the troops for the entire county?—A. Yes, sir.

Q. Did you have any reports of violence or intimidation made to you?—A. No, sir; I had two detachments, one under Lieutenant Patton, at William precinct, and Lieutenant Todd, at Prosperity. Patton had a sergeant and four men; Todd, at Prosperity, had ten men. They reported to me, officially, that everything passed off very quietly.

Q. Were you called upon that day from any portion of the county to send troops to any point?—A. The only call I had was after the boxes had closed. The deputy United States marshal, who is also the sheriff of the county, requested a guard to be placed at box No. 2, as he had heard that the democracy were going to steal the box or break it open. I declined to give him a guard, but I told him that I would remain in town with half of my command. That was about five hundred yards from the box, and he said he would station couriers between that and the box, and I told him that in case of any attempt such as he feared I would protect it. No attempt, however, was made, and I withdrew about twelve o'clock at night.

Q. You did not go there?—A. No, sir; I walked up there once or twice, and there was a very orderly crowd witnessing the counting of the vote.

Q. So that he was mistaken in his surmise or fear?—A. Yes.

Q. Did you attend any political meeting in that county?—A. No, sir; I never allowed my men to leave camp. There were three mass meetings held during my time there—two by the republicans and one by the democrats. At the first meeting I heard there was a great deal of loud cursing and swearing, and that the republicans were prevented from speaking; and at the second meeting of the republicans one of my men was raising a disturbance—I don't think there were ten white men present—and I had him arrested. He was drunk. Everything was very orderly.

Q. And at the democratic meeting?—A. That was at the other part of the town.

Q. Did you hear anything of a disturbance except this hurraing and noise?—A. That was all.

Q. Did you hear anything of anybody being injured?—A. I am very sure there was nobody injured.

Q. There was no row reported to you?—A. No, sir; the deputy marshal came to me on the morning of the day when the meeting was to take place and asked me what I would do in case of disturbance, and I told him that my men would remain in the camp; that I had no orders to go there. He asked, in case of a disturbance, what would I do. I told him if it was serious I would attempt to quell it. I remained in the neighborhood during the entire day, but no difficulty was made.

Q. What had been the condition of the county as to general order during the time

you were there?—A. Well, sir, the time was very exciting, but I think that under the circumstances it was rather orderly; there was a great deal of excitement as a matter of course.

Q. Did you ever have occasion at all to send troops to any portion of the county to preserve the peace?—A. No, sir.

By Mr. LAWRENCE:

Q. Who was it that called on you and asked you if you would give protection to a meeting?—A. Mr. Dennis, deputy United States marshal.

Q. He was apprehensive of danger?—A. Yes; he seemed to be. Why he was so, though, I cannot imagine, because he had not been in town. He arrived with the speakers on the train that morning.

Q. Was he a resident there?—A. No, sir; he was a resident of Columbia, and has been for five or six years.

Q. There was a disturbance at the first republican meeting reported to you?—A. Yes, sir; this hooting and yelling.

Q. So as to disturb the republican speakers?—A. Yes, sir, as I understood.

Q. Do you know whether it interfered with the holding of the meeting, or induced the republicans to break up the meeting sooner than they otherwise would have done?—A. I understood they did. I understood that several of the speakers made an attempt to speak and could not be heard.

Q. At any of the democratic meetings did you see men who were armed with pistols or other weapons?—A. I did not. I did not see anything, even at this meeting that I speak of. What I tell you is mere hearsay.

Q. Did you see men wearing arms in the village?—A. If they had them they were concealed. I did not see them openly.

Q. How long were you at that place?—A. About a month.

Q. Your presence was generally known in the neighborhood?—A. Yes, sir; I was very well acquainted with a great many of the people there.

Q. You had no officers to make any report to you from any place in the county except one?—A. Two; one at Prosperity and one at Williams.

Q. When were those men sent out?—A. They left for the different places on Monday before the election. Those for Williams returned on Wednesday; the other, from Prosperity, returned on Thursday.

Q. By what officer were you sent to that county?—A. By order of General Ruger.

Q. In view of what you learned of the interruption of the first republican meeting, and whatever else you saw there, are you able to state whether General Ruger acted judiciously in sending you there to preserve the peace in that county?—A. That is a question that I could not possibly answer.

Q. From what you saw and heard, and from the fears which were entertained by the republicans there, if there were any such, state whether your presence was a necessity, in your judgment,—A. I do not know exactly how I could say that, because, so far as I saw, the only meeting that I saw of the republicans was entirely undisturbed. During the entire time that I was there I boarded with a republican, a Mr. Corwin, who was elected to the senate from that county at this election, and I think that his fears, and the fears of most of the republicans, especially the white republicans, of that county, were entirely groundless.

Q. They did have fears, however, did they?—A. Yes, sir; but I think they were groundless.

Q. From what you learned while you were there, can you state whether that fear was general among the republicans?—A. I don't think it was among the negroes, sir.

Q. Are not the negroes rather a timid people in that neighborhood?—A. I think they generally are, but they seemed to show far more courage than their white leaders did during the campaign. Those white leaders are certainly the most timid set of people that I ever knew in my life.

Q. Were there many white republicans there?—A. I think some five or six. I can give you the names of nearly all of them.

Q. How long had the white men lived there?—A. I think this Corwin went there about 1867 or 1866, as a United States assessor. One or two of the others are natives, and the others, I think, have been there at least eight years.

Q. Would not those white men who have been there so long have better opportunities for knowing what was going on than a person coming in only for a short time?—A. I don't know, sir; I have been in that county before; I was there in 1870.

Q. How long had you been absent from it?—A. There was about five years between the two visits.

Q. Would not a man who was there all the time have a better opportunity of knowing whether there was danger, than a person coming there temporarily, as you did?—A. I think so; but I think, at the same time, that he would have more opportunities of making enemies for himself, politically. Mr. Corwin says that he has a great many personal friends up there, and he says that his personal friends are his bitterest political opponents.

Q. Well, whatever may have been the cause, so far as you can judge, the white republican leaders were afraid to engage actively in politics?—A. I don't think they were. They did engage in politics and made speeches, as I understood.

Q. You have said that some of them appeared to be afraid?—A. They certainly did; that is, they seemed to be afraid to go out at night. That was one of their principal fears, to appear in the streets at night. They were on the streets during the day; I walked on the streets with them myself.

Q. With which political party were your sympathies?—A. With neither, sir.

Q. Did you not have any party preferences?—A. No, sir; I never voted but once in my life, and I don't have a particle of preference. I certainly had no sympathy with the politics in *this State* in the least.

By Mr. ABBOTT:

Q. This first meeting at which Mr. Dennis came to you was the only one where you heard a rumor of noise and disturbance?—A. Yes, sir; that occurred some time in October; I arrived in Newberry on the 12th, and this was the following Monday or Tuesday.

Q. He did not send to you for troops?—A. No, sir; he made no request for troops at all.

COLUMBIA, S. C., December 27, 1876.

THOMAS J. LLOYD SWORN and examined.

By Mr. ABBOTT:

Question. What is your rank?—Answer. Captain of the Eighteenth Infantry.

Q. Where were you stationed on the day of the last presidential election?—A. At Abbeville Court-House. I went there in the latter part of September, and remained there until about the 11th or 12th of November.

Q. How many troops had you with you?—A. I had my company, or most of my company; about twenty men.

Q. Had you any other companies besides your own?—A. No, sir.

Q. Lieutenant Barnhart was of your company, was he not?—A. Yes, sir.

Q. He was detached on election-day to Calhoun's Mills?—A. Yes, sir.

Q. Were you present at Abbeville Court-House on the day of the election?—A. Yes, sir.

Q. Were you there all day?—A. Yes.

Q. How near the polls were you?—A. I was about the town several times during the day, but not nearer to the polls than from here across the street until after the voting. I went to both polls after the voting.

Q. Were your troops stationed near by?—A. They were in the neighborhood, near the depot, about two or three squares off.

Q. They were near enough to be brought out on short notice, I suppose?—A. Yes, sir.

Q. What was the condition of affairs at Abbeville Court-House, with respect to violence, on the day of the election?—A. There was no violence whatever. It was very quiet there.

Q. Did you see any disturbance whatever about the polls?—A. There was a fight between two men, a black man and a white man, but it didn't amount to anything more than a fight between those two.

Q. Is that all the disturbance or violence that you know of there that day?—A. That is all that I know of.

Q. Was there any report made to you of a request for the assistance of the troops?—

A. There was a request made by the United States marshal on account of this fight.

Q. Did you go up to investigate it?—A. The parties came down to camp. I asked the marshal if he had any arrests to make, and he said he had not, and I didn't think it was necessary to go, as the thing was quieted down immediately.

Q. With that exception, was there any request made to you for the assistance of the troops?—A. Not at all.

Q. Did you see any intimidation or threatened intimidation on either side?—A. No, sir; there was none so far as I could see.

Q. Were you present at or in the neighborhood of any public meeting previous to the election?—A. Yes, sir; there was a public meeting held there sometime previous to the election. I don't know how long. Both parties had a meeting at the same time in different parts of the town.

Q. Was there any disturbance by one party of the other?—A. No, sir; no disturbance at all.

Q. No attempt to break up either meeting by the other party?—A. No, sir; not that I know of.

Q. Were you present at or in the neighborhood of any other meeting of either party?—  
A. No, sir; I don't remember any other meeting.

Q. Were you ever called upon in any way to furnish protection to a meeting of either party?—A. No, sir.

Q. So far as you know, what was the condition of affairs in that place as to peace and order during the time you were there?—A. It was a very quiet town while I was there, generally speaking.

Q. Were you called upon during that time to furnish protection to any one from violence?—A. No, sir.

Q. And you didn't do it?—A. There were parties in camp who were there for protection, according to their own statement, but I have no personal knowledge of why they were there. They came to camp and remained there.

Q. When was that?—A. That was, I think, the day after the election.

Q. How long did they remain?—A. Some of them were in camp about two days. They remained there all night.

Q. How many were there of such persons, all told?—A. I suppose there was sometimes a dozen of them there.

Q. They came after the election, and remained one or two nights and then left?—A. Yes, sir.

Q. You had command of the only military force in the county?—A. Yes, sir.

Q. If any necessity for troops had existed anywhere in the county, you were the person on whom the demand should have been made?—A. Yes, sir; in that immediate vicinity. There were two detachments sent out from the post; one to Lowndesville and one to Calhoun's Mills.

Q. Did you receive any report from Lowndesville?—A. I received a report.

Q. How was it there as to peace and order?—A. The officer there reported that the election was very quiet.

Q. Had you any demand made on you while you were stationed in that county for troops at different places on account of violence or breaches of the peace?—A. Not on account of violence or breaches of the peace.

Q. Well, for any other reason?—A. Do you mean demands from officials?

Q. Yes.—A. I had no application from officials at all. The only thing was that parties came to me, (I have not got their names,) just previous to the election, and wished me to send a detachment to Bordeaux. I did not send it. I reported the matter to General Ruger, who ordered this detachment to Calhoun's Mills, which was near Bordeaux. He had ordered it there previously.

Q. You had no requisition made on you anywhere by any marshal or officer; the request that you did receive was from private persons, and you reported that request to your superior officer and he did not see fit to comply with it?—A. Well, the order was changed, on the representations of persons in that part of the county. I had original orders to send a detachment to Lowndesville and to a place on the railroad, and my orders were changed to send them to Calhoun's Mills instead.

By Mr. LAWRENCE:

Q. The persons to whom you gave protection just after the election, were they white or colored?—A. Both white and colored.

Q. Why did they claim your protection?—A. One of them was a deputy United States marshal from Calhoun's Mills, who said that he had been maltreated there.

Q. You don't know whether Hurd was there?—A. He is the man that I speak of now.

Q. What did the others ask your protection for?—A. They had difficulty with people in the town, and they seemed to think that they were not safe in town, so they came and remained in camp.

Q. How many white men and how many colored men?—A. The only white men that remained any length of time were the two Griffins.

Q. Those persons who came to your camp were all republicans, were they not?—A. I understood so.

Q. Did they say whether they were apprehensive of violence?—A. Yes, sir; they said they were afraid to remain; at least, they were afraid to go home. They lived some distance from the court-house.

Q. What was the ground of the application for troops to go to Bordeaux?—A. So far as I remember now, three negroes came to me and said they were afraid that they would not be allowed to vote there unless there were troops there, and that there was no poll near enough for them to vote where there were troops without coming to the court-house.

Q. Did you see men armed or having pistols at any time during the election-day?—A. Not that I remember.

Q. Did you prior to the election?—A. I did, in the town.

Q. Were they white men?—A. Yes, sir.

Q. Was it during a political meeting?—A. During a political meeting; the democratic meeting that I spoke of.

Q. Were there numbers of men who had pistols or other arms?—A. There were no

other arms except pistols. I don't know how many of them had pistols, but I saw some have them.

Q. Were they displayed publicly?—A. They were worn openly, as a general thing; but sometimes under their coats.

Q. Are the colored people in that neighborhood, as a general thing, easily frightened by displays of force? Are they a timid people?—A. I think they are, as a general thing.

Q. In view of what you saw and heard, and know, as to the condition of things at that place, state whether the republicans generally were somewhat alarmed and afraid to engage actively in politics?—A. That is rather a difficult question. In the immediate vicinity of the court-house, I don't think they were.

Q. How was it out through the county?—A. I don't know. I can only judge from what the colored people told me who came in.

Q. Judging from all that you saw and heard and from what you know of the character of the people, how was it?—A. While I was there I had several complaints from colored people about being alarmed and afraid that they were not going to be allowed to vote, and such things, but in the immediate vicinity of the court-house there was nothing of that kind.

Q. I mean through the county generally; what is your judgment as to whether the republicans were afraid to engage actively in politics?—A. My observation through the county will not allow me to answer that question, because I saw comparatively few of the people away from the court-house; I never was away from there myself.

Q. State whether that fear did prevail to some extent, if you have the means of forming an opinion on the subject?—A. I suppose it did, to some extent.

COLUMBIA, S. C., December 27, 1876.

GEORGE L. TURNER sworn and examined.

By the CHAIRMAN:

Question. What is your position in the Army?—Answer. Second lieutenant in the Eighteenth Infantry.

Q. State where you were stationed on the day of the last presidential election?—A. I was at Carmel Hill, in Chester County, about ten miles from Chester. Previous to that I had been in Aiken County. I went to Chester County four or five days before the election and remained there until about the tenth of November.

Q. Were you the commanding officer in that county?—A. No, sir; I commanded the detachment at Carmel Hill. At Chester Court-House Lieutenant Hinton, the first lieutenant of the company to which I belong, was stationed.

Q. When did you arrive at Carmel Hill?—A. The evening before the election. I was in the county four or five days before the election.

Q. Were you at the polls on election-day?—A. I went there twice, on duty.

Q. How far was your camp from the voting-place?—A. I placed my camp about 800 or 1,000 feet from the polls.

Q. How many men did you have?—A. I had a detachment of twelve men.

Q. State anything you know as to the order at the polls at Carmel Hill that day.—A. It seemed to me an exceptionally quiet election. I went there twice. Once there was a threatened disturbance in which the United States marshal felt that there was intimidation. I investigated the matter personally and found that some one had been cursing a republican, or making some remarks about the republican party, but the thing had subsided and I took no action in regard to it. Later a warrant was shown me, issued against the United States marshal for some violation of the State law, and some trouble was apprehended, and I walked over to see that there was quiet. The warrant was served upon the marshal and he applied to me for assistance. I examined the warrant, which seemed to me to be correct, and I declined to give him the assistance he asked, on the ground that any interference on my part would have been an obstruction of the execution of a civil warrant under the laws of the State on a charge of felony.

Q. What was the charge?—A. It was alleged by affidavit that as a State constable was on the road from Carmel Hill to Chester with a man held under authority of the State law, the United States marshal attempted to rescue the man from him, on the ground that he had control of affairs for that day. The constable went to Chester and made an affidavit to that effect, and a warrant was issued for the arrest of the marshal, and they arrived at Carmel Hill about 5 or 6 o'clock.

Q. Then that really was not a political disturbance?—A. No, sir, not at all; but I was called upon to interfere.

Q. During the entire day at Carmel Hill was there any occasion, of a political character, to call upon you for interference or assistance?—A. None at all.

Q. Was there any evidence of the intimidation of any class of voters at the polls that day?—A. None to my knowledge.

Q. You had no application made to you to protect any parties there?—A. No, sir; except, as I have stated, to protect the United States marshal, but that was a personal matter between him and the State.

Q. During the four or five days you were in Chester County, did you have occasion to be in the neighborhood of any political meeting?—A. None at all.

Q. During the time you were there, were any reports made to your headquarters with regard to any disorder in the county?—A. No, sir.

Q. Where were you prior to going to Chester?—A. I was in Aiken County. I left here on the 23d of July, just after the Hamburg massacre. I remained there until four or five days prior to the election, when I went to Chester.

Q. Who was in command in Aiken County?—A. Captain Lloyd for a while. He was relieved and then Captain Wallace, of the Second Infantry, was in command; he is now in Florida.

Q. Do you know who commanded in Aiken County on election-day?—A. Captain Mills.

Q. During the time you were in Aiken County what was the general condition of the county as to peace and good order?—A. It was in a feverish state of political excitement.

Q. Were you sent there just after the riot?—A. Just after the Hamburg riot.

Q. That, of course, produced excitement?—A. Yes, sir.

Q. Were you at headquarters during the time you were in Aiken County or were you detached?—A. I was at headquarters the most of the time. I went up and assisted in making arrests in connection with the Ellenton affair.

Q. Leaving the Ellenton affair out of the question, what was the condition of the county after the excitement subsided?—A. It was peaceful; there was nothing more than would be incidental to a hot political canvass.

Q. Were the troops called upon at any time after you had finished up what grew out of the riots, to preserve peace?—A. No, sir; not that I know of. There was a disturbance at Aiken while I had command there, but the troops were not called into action. It arose out of a personal altercation between a white man and a black man in which they immediately ranged themselves on the color-line.

Q. That was not a political quarrel?—A. No; a personal quarrel.

Q. Were you at or in the neighborhood of any of the political meetings that were held in Aiken County during the canvass?—A. No, sir; I kept aloof from all political gatherings.

Q. Were any meetings held at Aiken court-house while you were there?—A. Yes, sir; both republican and democratic. I was not called upon to interfere at any of them.

Q. Were there any reports of riots or disturbances?—A. There were no reports of riots.

Q. How was it generally as to peace and quiet?—A. The meetings were peaceable and quiet. I have known both parties to have meetings there, and everything was very quiet.

By Mr. LAWRENCE:

Q. You did not attend the meeting in person?—A. No, sir.

Q. You don't know, then, personally whether democrats appeared to disturb republican speakers?—A. I do not. I was out riding one day and passed a republican meeting where they were speaking—just drove by.

Q. Did you have an opportunity to ascertain whether there was some apprehension felt by the colored people through the county?—A. I know of their applying for assistance.

Q. But do you know the fact, from what you saw and heard, that the colored men of the county were in a state of apprehension?—A. I have no knowledge bearing upon that point. Of course there were rumors that they did not dare to have meetings, but I know nothing about it personally.

Q. Couldn't you judge from what you heard, and from what you saw of the condition of things, whether the colored people were in a state of apprehension?—A. I don't know. At Aiken Court-House, which is quite a large place, there did not seem to be that apprehension.

Q. That was because United States soldiers were there?—A. Yes; I think they felt a protection from that.

Q. You went there because there had been apprehensions of that sort?—A. I don't know, sir. We went there because we were ordered. I don't know what the apprehension was.

Q. Away from the village was there not a state of fear and apprehension among the colored people?—A. I did not go out of the village myself.

Q. So far as you could judge, from what you heard and saw, did not that fear exist?—A. That is a question that I could not possibly answer, for I have no personal knowl-

edge of what happened away from Aiken Court-House, except where I went to assist the marshal to make the arrests.

Q. I did not know but you could form an opinion.—A. I hate to give an opinion indefinitely.

Q. On the day of the democratic meeting did you see any considerable number of men who had pistols or other arms?—A. I did not attend the meeting at all. I saw them riding, but I could not say whether they were armed or not. I kept entirely away from the meeting.

Q. Do you know whether there was general talk among the people that in case the colored men should vote the republican ticket they would lose their places on the land?—A. I know nothing at all about that.

COLUMBIA, S. C., December 27, 1876.

EDWARD DAVIS sworn and examined.

By the CHAIRMAN:

Question. State your rank in the Army.—Answer. First lieutenant in the Third Artillery.

Q. Where were you stationed on the 7th of November last?—A. At Union Court-House, South Carolina.

Q. Were you in command of the forces in that county?—A. Yes, sir.

Q. How many men had you with you?—A. At Union Court-House I had ten men, and at Gowdeysville, in that county, I had eight men and an officer.

Q. How long were you in that county?—A. I went there on the 1st of November, and came away on the 11th.

Q. You were there about a week before the election, and staid three or four days after the election?—A. Yes, sir.

Q. Where were you on the day of the election?—A. I was at my camp just at the edge of the town. I was ordered to remain in camp on the day of election, and I did so. I should think it was nearly half a mile from the polls.

Q. Were you in town during the day?—A. Once in the afternoon, about three o'clock, I think, I received a telegram from General Ruger, I presume in consequence of the riot that had taken place the Saturday night before the election. He told me to report in general terms whether things were quiet or not.

Q. When you went to make that examination in the afternoon what did you find to be the state of affairs?—A. I found everything quiet. I went up to the precinct, and saw the United States marshal standing a few steps off. I asked him if all was quiet, and he said, "Yes." Then I went to the post-office, where the election was held, and asked, "Is everything going on smoothly?" and they told me, "Yes;" and I so telegraphed to General Ruger.

Q. Did the crowd seem to be good-natured?—A. There seemed to be no crowd. There were knots of people standing around the streets.

Q. Did you hear any threats or see any intimidation?—A. No, sir; I never saw a more quiet election in my life.

Q. Were you called upon during the day to render any service?—A. I was in the morning, but not at that point. The United States marshal came riding into camp and seemed rather excited, and told me there was a riot at a town called Sand Tuck, twelve miles from there, and he wanted me to send a detachment. I told him I could not do so; that my command was small and my orders required me to stay where I was; I told him that General Ruger was within telegraphic communication, and that if I were ordered by him I should of course obey the order; but until then could not.

Q. Did you have any report as to the character of that riot?—A. Yes, sir. The same United States marshal, in the afternoon when I went to the poll, told me that he had since learned that it was a false alarm; that there was no riot.

Q. During the time that you were in the county were there political meetings held in your neighborhood?—A. There was in the town—a republican meeting. I didn't know there was a meeting at all until I heard the firing.

Q. Was there a disturbance at that meeting?—A. All I know of it is what I learned upon investigation, and what I reported to General Ruger. This was on the night of the 4th of November. About eight or a quarter past eight o'clock, I had just had the tattoo sounded, and had gone to bed and was lying there reading, when I heard a noise. I had heard of no political meeting, but, inasmuch as there had been a good deal of hurrabing along the road and in the town, I took it for granted that there was something of that kind, and immediately I heard a shot fired, then two or three, and then thirty or forty. The sergeant of the guard came and reported to me that it sounded to him like a riot, and in a few minutes a man came running into camp from the United States commissioner, (who, I believe, was acting as a deputy marshal,) and he asked me to send a portion of my command up to the court-house as quick as possible. "Reports of a riot," I think, were his words, as though he had not been there himself, and



it turned out that he had not. I turned out my men, and had them dress and put some ammunition into their boxes, and double-quickened as rapidly as I could, and upon gaining the main street a cheer was set up by the men between my position and the court-house. I moved off by the flank and formed a line, and double-quickened right down to the court-house and halted. There was a good deal of noise and shouting, and I found them to be colored people. I asked what it meant just as soon as I could. Finally, by my calling out, they stopped and quieted down so that I could say something, and I asked them to disperse and go to their homes as quietly as possible. I had to repeat it half a dozen times before I could get them all to hear it, and the lieutenant of the town came up and said, "Lieutenant, the only effect you can have here, I think, would be through a man by the name of Mobley." I asked if Mobley was there, and somebody went and brought him; and he turned out to be a colored man, only slightly colored. He came down rather excitedly and asked me if I meant to break up the meeting. I said I had given no orders of that kind; I said, "I am simply advising now; if I give an order I am certain to execute it." He wanted to talk the matter over. I said, "I have no time to talk to you, sir; if you have the interests of peace and good order at heart, you will assist me to send these people to their homes." He wanted to discuss the matter, and I told him to shut up, that I would not listen to him. Then he said, "We will have our meeting Monday night, and I want you men to come well fixed." What he meant by that I don't know; but a few minutes after that a colored man came to me and said, "Lieutenant, we are afraid to go to our homes; we have to pass the hotel and we are afraid the white people will kill us." I then turned over my command to the sergeant and went alone about three or four hundred yards to the hotel. There was quite a collection of white people there, and I said, "Gentlemen, if you will disperse and go to your homes, I will be very much obliged to you." Some of them seemed to walk off, and I saw the proprietor of the hotel and told him what the colored men had said, that they were afraid to pass the hotel lest they should be fired at, and he said something to the white men, to go home, or come inside of the hotel, and they dispersed in a few moments. One remark he made was, "Leave this matter to Lieutenant Davis to settle." At this time I could not gather much idea of what had occurred, but I afterward investigated the matter by order of General Ruger, and reported to him. I have here a copy of the report which I made to him.

Q. Please read enough of it to give us the result.—A. [Reading.] "Sir: I have the honor to report that, in accordance with the written request of United States Commissioner Byron, I proceeded yesterday, at about 8.15 p. m., with a detachment of Battery B, Third Artillery, to the court-house in this town, where a republican meeting was being held, which ended in a riot between the whites and blacks in this community. As near as I could learn, it was started by the attempt of a policeman to arrest a drunken white man who was noisy at the door of the hotel; political feeling here being at that pitch that a noise beyond the ordinary tone of voice seems almost sufficient to excite a suspicion of trouble. At the time it was supposed that the white man fired the first shot, but upon examining his pistol at the time of his arrest, it was found to be loaded at every barrel. The excitement among the blacks was so great that they commenced to fire at random, and it was noticed afterward to be in the walls and ceiling of the building. The few white people in the crowd rapidly left the hall upon hearing a report (which proved to have been false) that two prominent white men, Messrs. Roger and Vincent, had been killed. The white citizens and the community generally armed themselves at once, and were gathering at the Union Hotel, about four hundred yards from the court-house, with the apparent determination to avenge the death of their two friends. At about this time my detachment was seen by both parties wheeling, at double time, into the main street, between the hotel and the court-house, moving in the direction of the latter. This circumstance is said by the white men to have changed their determination so as to leave the matter for me to settle. I overheard the hotel proprietor say that, and he afterward told me that that was the general feeling; in other words, if I had not come in there just at the time I did, there would probably have been a fight. After some effort I succeeded in being heard in the court-yard, and advised them to disperse and go quietly to their homes. Leaving my detachment, I went to the front of the hotel and gave the same orders to the whites. Not long after 10 o'clock, finding the presence of the detachment no longer required, I ordered the return to camp. I can learn of only one man (colored) being seriously injured. He was shot in the thigh." (I learned afterward that there was another white man burned in the face, and a colored man, on the other side, that a bullet struck.) "It could be plainly seen that the presence of the detachment was timely, as a few minutes' delay would have brought the two parties in contact in all probability. There was to be a democratic meeting to-morrow evening, and after the riot last night it was agreed among the republicans to hold one also. I sent you a dispatch to that effect, and early this morning I had an interview with one or two leading men of each party, to inquire as to the probable effect of the meeting. To explain more fully, I came into town on Sunday morning to my breakfast at the hotel, and there I met, I think it was, General Wallace,

now speaker of one of the legislatures here, and consulted with him. Then I met the United States commissioner, and went with him to see Mr. McGuffin, the United States marshal, and then I sent for the town intendant, who lived just outside the town, and they held a consultation. I did this with the purpose of preventing the repetition of last evening, as the people of both classes seemed to look upon my detachment as the peacemaking element in the community. About 12 o'clock the signers of the inclosed document called at camp and asked to have it forwarded to headquarters for the information of the commanding general." (The democratic meeting had been ordered for Monday night; that I knew of before. Then I heard of this republican meeting being ordered by Mobley. I made inquiry that night, and found that they had determined to hold it; and I telegraphed General Ruger that fact, and asked him to allow me to withdraw my detachment from Gowdysville, and then, with eighteen men, I would feel abundantly able to quell any disturbance. He ordered me not to withdraw the detachment; he directed that I should telegraph him on Monday if the two meetings were to be held, and if so he would send additional troops from here. So, feeling that the responsibility rested on me as to whether that post was to be reinforced or not, I determined to see these gentlemen, and they held this consultation, and presented this document to me, wherein they agreed to prevent this meeting, both parties to assist in keeping the peace, and the intendant agreed to swear in four additional constables of each color, and to keep all run-shops closed. That was about the amount of the paper which I forwarded to General Ruger.) "Messrs. Goss and Guest and Wallace are of the democratic party, and the others of the republican; ex-Mayor Byron is a United States commissioner, and Mobley is chairman of the republican committee. Later Mobley asked for the paper, in order to withdraw from the agreement. He did this because he insisted upon my asking for additional troops; and I told him that with this document in my possession I could not conscientiously do it. Then, he said, 'I will withdraw my name from that paper, I won't agree to keep my people quiet,' or something of that kind; but after consultation with the others the paper was returned in about two hours, intact. Mr. Mobley says that he does not feel thoroughly capable of controlling his men, and asked me to have additional troops sent, and upon my declining he determined to ask it himself."

By Mr. ABBOTT :

Q. That question was settled at that time, and those meetings were not held on Monday night?—A. No, sir.

Q. You say that the town was entirely quiet at Union Court-House on election-day?—A. Yes, sir; that was the only quiet day there; there was always some shouting and hurrahing for the different candidates.

Q. Apart from the hurrahing the days were quiet. There was no violence on this night that you have mentioned?—A. No violence that I know of.

Q. And that violence grew out of the drunken conduct of a man, and false report as to the death of two white men?—A. Yes, sir.

Q. You had a detachment at Gowdysville?—A. I had.

Q. Was there any trouble there?—A. I know of nothing except what my lieutenant stated after he returned. The night of the election, after it was all over, I believe there was some little trouble between two colored men.

Q. Nothing that appertained to the conduct of the election?—A. I presume it grew out of the election.

Q. But it was after the election was over?—A. Yes, sir.

Q. From other parts of the county did you have any report of trouble?—A. Yes, sir; Sand Tuck was in the same county, but it was reported to me by the marshal that that was a false alarm.

Q. Did you hear of any trouble at a place called Goshen Hill?—A. I do recollect now that that was a precinct, but I did not hear of any trouble there.

Q. And nothing was reported to you from any of the other precincts?—A. There was nothing reported to me, and I didn't hear of anything.

Q. You were commanding the force in that county?—A. I presume it might be so considered, as I was the senior officer in the county; whether General Ruger considered it so or not I do not know.

Q. How long were you in the county?—A. I got there on the 1st and left on the 11th of November.

Q. During all that time, with the exception of this one that you have described, was there any disturbances?—A. None that I know of.

By Mr. LAWRENCE :

Q. You think that if it had not been for your presence the white men at the hotel would have attacked the colored men as they came out from the meeting?—A. I could not say much with regard to that. This negro reported to me that they were afraid to go past the hotel.

Q. Did not you say in your report that your presence probably prevented a collision?—A. That was my opinion.

Q. I am asking for your opinion.—A. I beg pardon. Yes; I think there would have been trouble.

Q. You think that the white men at the hotel would have attacked the colored men after they came out of their meeting?—A. That was my opinion, and it is my opinion yet. Whether they would have attacked them in a body or not I do not know. In addition to that I would say that there was a great deal of excitement among the two classes connected with this report, that I have referred to, of the death of these two white men.

Q. The colored men are much more timid than the white men in that neighborhood, are they not?—A. I would say that generally they are everywhere. I was raised in Kentucky amongst negroes.

Q. Are they not in that county very apprehensive of danger and easily alarmed by any display of force, so far as you could judge from the means of judging at your command?—A. My judgment would only be a matter of what I saw; I did not converse with any of them in regard to it. I will tell you one thing that I heard Mobley say, that may throw some light upon it.

Q. I don't ask for individual statements.—A. Well, Mobley was the leader there, and I can tell you his statement. I was sure that if those two meetings were held on Monday night, and I think Mobley and the others, the white men, all felt that if the meetings were held the same night, there would be trouble, and the feeling was expressed in this way: some man might be drunk and might start a quarrel with somebody else, another man would take part in it on one side or on the other, and there would be a general row amongst them. Mobley said, "You know, General Wallace, that my men won't kill you if they have a disturbance, but I know that you know that your men will kill me."

Q. Then you judge that the colored men were apprehensive of danger from the white men?—A. Yes, sir; in case of trouble arising.

Q. Did you have any opportunity to know whether the colored people were alarmed lest they should be turned off the lands on which they were living, in case they voted the republican ticket?—A. I felt somewhat lonely. I sat on the road-side about half the day and talked to nearly every man that passed by, white or black, and that was about the only means I had of getting information from town until I got General Ruger's telegram. While I was sitting there an old colored man came along. I asked him, "Whom did you vote for?" "O, I voted wid me race," he said. We talked there a little, and he told me that there was such a feeling. He asked me, "Are you a politician?" I said, "No; I am not a politician; I don't take much interest in politics but if you want to know if I am a republican, yes, I am, as far as my feelings go, but I am an officer of the Army and have no right to talk politics, and I don't talk politics." He asked me then who would I vote for if I had a vote in the State. Said I, "I would vote for Hayes and Wheeler, most undoubtedly, but I would vote for Hampton for governor of the State." He had already cast his vote. I made this statement just by way of passing the time; I would not have said it if the old man had not asked me the question right up and down. I had been in that town seven days, and I defy any man, white or black, up to that minute, to know whether I was a democrat or republican, or whether I had any feeling in the matter, one way or the other.

Q. Did you hear the democratic meeting going on?—A. It did not take place.

Q. Then those two meetings were not held?—A. They were not held.

Q. You were not at any meeting of either party?—A. No, sir; only at the time I went to quell this disturbance.

By Mr. ABBOTT:

Q. If I understand you, this Mr. Mobley said on one occasion that he would not undertake to control his men; that he could not do it?—A. "Could not" was not his expression. His expression was that he "did not feel thoroughly capable;" I think that was it. He said to General Wallace, "You can control yours, but I cannot control mine," and he seemed to want additional troops.

By Mr. LAWRENCE:

Q. Was he not apprehensive, as well as you could judge from what he said? He desired that you should have more troops?—A. Yes, sir.

Q. For the purpose of protecting the colored people?—A. Well, I don't know what he wanted them for; that is what he said.

By Mr. ABBOTT:

Q. That was at the time that he wanted to withdraw from that agreement that he had made?—A. Yes, sir; because I would not ask for more troops.

By Mr. LAWRENCE:

Q. He had previously requested that you should ask for more troops before that agreement was signed?—A. No, sir. General Ruger had telegraphed me to report on Sunday morning whether these meetings were still to be held; if they were to be held, I was to report to him.

COLUMBIA, S. C., December 23, 1876.

WILLIAM G. CHILDS sworn and examined.

By Mr. ABBOTT:

Question. Where do you reside?—Answer. I reside in the city at night. In the daytime I am mostly at my farm, five miles below here.

Q. You are the son of Colonel Childs, a banker here?—A. Yes, sir.

Q. How long have you lived here?—A. Since 1862.

Q. How long have you been engaged in planting on your farm?—A. About eighteen months.

Q. Do you know anything of threats by colored republicans towards colored democrats on the streets here or on public occasions prior to the last presidential election?—A. Yes, sir; I have frequently heard them threaten that if a colored man voted the democratic ticket they would kill him unless white men were there to protect him.

By Mr. LAWRENCE:

Q. Did you hear them say that to colored men?—A. Yes, sir. When I was talking to one colored man another colored man walked up and they got into conversation between themselves. I have frequently prevented rows between them.

By Mr. ABBOTT:

Q. Do you recollect being present on any public occasion when such threats were made?—A. Yes, sir. I recollect that at a barbecue we had down there, where the women were more violent toward democratic colored men, and then also on election-day, at the polls.

Q. How did the women manifest their violence?—A. They threatened to leave their husbands if they voted for a man who would put their children back into slavery and keep them from being educated. They seemed to think that if the men voted the democratic ticket they would go back into slavery again.

Q. Which poll were you at?—A. At Trenholm's, which is located on my plantation.

Q. Did you see anything there in the way of violence toward any colored person who attempted to vote the democratic ticket?—A. Yes, sir; I saw one man, Preston Taylor, who had promised me to vote the democratic ticket, and he came to me on the morning of the election and told me that he could not do it unless he could do it slyly, because he was afraid of being whipped, and the ostracism was so great among his people; he told me if he did not vote the democratic ticket he would not vote at all. About ten o'clock the negro women got at him to make him form into line; they tried to force him in, and in the scuffle they tore off his coat and shirt, and left the upper part of his body naked.

Q. Was he obliged to leave?—A. Yes, sir; he went off to get new clothes. It was a very bad day, somewhat like this. I know the names of four or five that attacked him.

Q. Have you stated all that you recollect of your knowledge?—A. I remember several little skirmishes where men who had voted the democratic ticket were attacked by republicans. I separated them.

Q. Have you ever heard from the colored men anything of the purposes for which the troops were sent here?—A. I heard one of the republicans telling one of my democratic colored men that the United States troops (it was about the time that the troops were pouring in) would be down after a while and shoot every damned democratic nigger that was on the place.

By Mr. LAWRENCE:

Q. Who was the man that said that?—A. I don't remember his name, there are so many of them there.

Q. To whom did he tell that?—A. I don't remember that. I always met them in that crowd.

Q. And you don't know who it was that said it?—A. Merrimon Washington is one who heard it.

Q. I did not ask who heard it; I asked you who said it, and you don't remember.—A. No, sir; I know that Washington is one that was present.

Q. Where is he?—A. I think he is out in the lobby here.

Q. Was it a white man that said that?—A. No, sir; all colored. No white man there except myself.

Q. Whom did you ever hear say that he would inflict personal violence on any colored man if he should vote the democratic ticket? Tell me the names.—A. I think a man named George Bellinger said so.

Q. Where does he live?—A. At Arthur's.

Q. What did he say?—A. He said that they would have to stay with us; that if we dropped them they would come to them, and they would give them the devil.

Q. He did not say that they would inflict personal violence. Who else?—A. Silas Burns was another. He said that if a man named John Taylor, who was standing by me, voted the democratic ticket he had better not come back to Arthur's.

Q. Is that all he said?—A. That is all I remember. I had no idea of being called to testify.

Q. Who else did you hear say anything of that sort?—A. I can't recall any others just at this moment, but there were a great many others.

Q. Do you know of any others?—A. Yes, sir, on frequent occasions; but I can't specify just now.

Q. Do you know any instance where any colored man has said to any other colored man that he would inflict any violence on him?—A. Well, sir, they didn't say that they would "inflict violence," in those words, but used language that implied that.

Q. I don't ask what it implied.—A. I heard one man named Abe Carter tell him that he was going to give them the devil.

Q. Is that all you can remember?—A. Yes, sir, of their exact language.

Q. Did you know of any colored man inflicting any violence on any other colored man?—A. I knew of one man who had his head split open with a rock.

Q. Was it split open by another colored man?—A. Well, he said so.

Q. I did not ask you that. Did you see it split open?—A. No, sir.

Q. You don't know of your own knowledge whether it was done by a white man or a colored man?—A. No, sir; but then I know—

Q. Just answer my questions. How many men have you, or had you, working on your place?—A. I rent principally. About seventy that live on the place, and about sixteen that don't live there, but tend land.

Q. Did you tell the colored men who worked on your place that if they voted the republican ticket you would turn them off?—A. No, sir; I told them that, everything being equal, if two men applied to me I would prefer the democrat.

Q. You gave them to understand that you would employ democrats?—A. No, sir; I gave them to understand that if two men came to me, and I liked both the same, I would take the democrat.

Q. That is all you know about it, is it?—A. I know of a negro being attacked at the polls for voting the democratic ticket.

Q. Did you see him?—A. Yes, sir; I saw him struck.

Q. Who struck him?—A. I don't know the negro.

Q. Did you hear what the occasion of it was?—A. Yes; he was cursing him for being a damned democrat.

Q. Which struck first?—A. I think the republican struck first.

Q. You think?—A. Well, I saw the republican strike. If the other struck him, he did it without my seeing him. It was on election-day, at Trenholm's.

Q. Was he hurt?—A. Well, sir, I don't think he was hurt much, not any more than a face-blow would hurt a man. They were separated. There would have been a big row.

Q. They quarreled for some reason or other, and that was all there was of it?—A. No, sir; he reproached this man on account of his voting the democratic ticket.

Q. What did he say?—A. He called him a damned democrat, and at that time there was a rock thrown and a blow struck.

Q. You don't know which struck first?—A. I say the republican struck first.

Q. How far was that?—A. As far as from you to me. As soon as the lick was struck they were separated.

Q. Was that all that was said?—A. Well, I don't know. They were excited there, and we thought there was going to be a row.

Q. Had they any conversation before this?—A. They were talking loud together there.

Q. For some time?—A. I suppose about a minute or so. I think the man was very likely intoxicated; he acted like it.

Q. Is that all you know about it?—A. Well, they came very near getting into another fight with another democrat, but we separated them before they got to the place.

Q. Well, that is all you know?—A. Yes, sir; I think I have stated about all I know.

COLUMBIA, S. C. December 28, 1876.

PHILIP GRANDISON (colored) sworn and examined.

By Mr. ABBOTT:

Question. How old are you?—Answer. About thirty-five or forty, I expect.

Q. Where do you live?—A. In Richland County.

Q. Near what voting-precinct?—A. Trenholm's precinct.

Q. For whom did you vote?—A. I voted for the democratic party.

Q. Previous to voting, did you have any trouble with any of your own colored people about voting?—A. Yes, sir; I had lots of it.

Q. Did you get hurt anywhere?—A. Yes, sir; I've got the mark of it right on my head here now.

Q. Tell us how that was done.—A. I don't know the man's name. I know his face mighty well, but I am not acquainted with his name. He is a colored man who is staying in a store right down on the market. That evening, late, the day before the election, the fellows was after me up and down the street every time I came into Columbia about voting the democratic ticket, and every time they came to me I said I would vote it the last thing I did, if I didn't live two minutes.

Q. What did they say if you did vote it?—A. They said if I vote that ticket I will not live long afterward. I told 'em, "Well, I don't expect to live very long after I vote it, but I intend to vote it." One fellow, after they found that I was full goin' to vote it, asked how far out of town I lived. I told him about five miles. Said he, "You won't come back here alive." I had the Hampton badge on. "You won't come back alive," says he. I told him I wear it sure. I kep wearing it to the day of election. That evening one fellow got at me again about the democratic ticket. I told him, "I going to vote it sure to-morrow morning, sure, at the poll." He cotched me and held me, and got talking to me. I told him, "Don't hold me." This fellow was trying to persuade me out of voting, and just as I walked up the other fellow says, "You let that democratic nigger alone; don't bother." I said to him, "You hush up; you got nothing to do with me;" and by that time he stepped up, and struck me with a brick, and struck me right here, and I fell. After I fell, I didn't know nothing for a good while, and after I came to my senses I could hear Mr. G— talking to me, but I couldn't understand what he said, because I was out of my senses. It was about three-quarters of an hour, or an hour, before I got to my senses.

Q. Did it cut a place in your head?—A. Yes, sir; you can see the place; you can see the blood on my wesket now.

Q. Did any of your colored people say anything to you about what the United States troops were going to do?—A. Yes, sir; they said Chamberlain was going to have troops coming in here, and "every one of you niggers that vote the democratic ticket will be killed, sure." That day, sure enough, the troops did come down, and that made me believe they was going to do it, sure enough. It did make me feel kind o' skeerish, and I was going to run down in Wooster Hollow until Mr. Childs told me better.

By Mr. LAWRENCE :

Q. Where do you live?—A. At Colonel Childs's place, five miles from Columbia.

Q. Do you work for him?—A. I rent land from him.

Q. He told you that the troops would not hurt you?—A. Yes, sir.

Q. Then you were not afraid of them at all?—A. No, sir; I was not afraid of them.

Q. The troops never said any such thing as that to you, did they?—A. No, sir; after I told them what the republican party told me, they told me I mustn't listen to it; it is all nonsense.

Q. You told all the colored people what the troops had said?—A. Yes, sir; I told them, every one.

Q. And the colored people understood that the troops would not disturb them?—A. Yes, sir.

Q. That was understood amongst them all?—A. Yes, sir; understood amongst them all.

Q. So that they were not afraid of the troops?—A. No, sir.

Q. You wore a Hampton democratic badge?—A. Yes, sir.

Q. How long did you wear it?—A. I think I had it about two or three weeks before the election.

Q. You wore it every day?—A. Yes, sir.

Q. Did anybody ever disturb you but this one time?—A. I was disturbed; I never could walk in Columbia no day with it but I was disturbed by some of the republican men about wearing it.

Q. They merely talked to you?—A. Yes, sir.

Q. They did not strike you?—A. No, sir; not before that day.

Q. When was it you got hurt with a brick?—A. I got hurt late that evening, and the next morning was the election.

Q. Who was this man that struck you?—A. I don't know his name; I know his face mighty well, but I don't remember his name.

Q. Where was he?—A. Right down to Mr. Sweiger's store.

Q. Was it in Columbia that he struck you?—A. Yes, sir.

Q. He was a little drunk, wasn't he?—A. No, sir.

Q. You didn't know him?—A. I know the man well.

Q. Was it at night?—A. Just before dusk; the sun was down.

Q. Did you talk with him a while before he struck you?—A. Just all the word he said to me was when the other man was talking to me, trying to persuade me out of the notion of votin the democrat ticket, he said, "O, leave that democrat nigger alone, for he don't know nothin." I said, "You shut up your mouth; you've got nothin' to do with me. I am among men that feel disposed to vote the democratic ticket, and I will do it if it's the last thing I do." I saw him stoop down; I didn't think he

was going to hit me, for we didn't have no short questions at all, but the brick come and struck me and I fell right down.

Q. Nobody has ever interfered with you since the election?—A. No, sir; not since the election.

Q. The colored men have treated you kindly since the election, all of them?—A. Yes, sir; so far.

Q. Did Colonel Childs tell you that he wanted you to vote the democratic ticket?—A. No, sir; he never did tell me that. How I come to vote it, was one day me and another fellow was coming to town together—me and Handy Hunter and Tom Baker and Archie Gunn was coming to Columbia. We got to talking about the 'lection. I said before that, that if I had to go to the poll again to vote for the party I had been votin' for the last eight or ten years, I never intended to walk to the poll and vote for them again, an' I says, before I goes to the poll an' votes for the party I has been a votin' for, I take side wid Haroton. I said, before I would vote for the republican party had been votin', I would take side wid Hampton. I think it was Archie said, "If you vote for Hampton we'll tie you an' whip you."

Q. But they never did disturb or whip you?—A. No, sir.

Q. The colored people are generally peaceable, are they not?—A. Yes, sir.

Q. Never guilty of inflicting violence on anybody, as a general rule?—A. Some of 'em does, and some don't.

Q. How long have you lived on Colonel Childs's place?—A. I have been there going on nine years. I was there before he bought it. I was on it when Mr. Trenholm owned it.

Q. Did anybody go with you to the election?—A. No, sir; I went by myself, because after I was struck that night I was pretty sick all night.

Q. Did you see Childs at the election?—A. Yes, sir.

Q. Did he go up with you to the polls?—A. Well, I met him there. When I started up, some fellow tried to stop me votin' the democratic ticket, and I told him, "Go 'way, don't bother me; I am not well."

Q. Mr. Childs was at the poll when you voted?—A. Yes, sir.

Q. Did he give you a ticket?—A. Yes, sir; I got the ticket right out of his hand.

Q. And you are working his place? Who did you vote for?—A. I don't know who all I voted for, but I voted the democratic ticket.

Q. Can you tell me the names of any of the candidates you voted for?—A. I think Hampton, an' Segar, and Mr. Tom Taylor.

Q. What was Segar a candidate for?—A. I think he was a candidate for member of the legislature.

Q. What was Tom Taylor a candidate for?—A. I think he was for the legislature too.

Q. Whom else did you vote for?—A. Well, I didn't know rightly all that was on the ticket.

Q. Did you know any other candidate on it?—A. No, sir; not well.

Q. Do you know what officer you voted for?—A. No, sir; not well.

Q. What was Hampton a candidate for?—A. He was a candidate for governor.

Q. Do you know any other officer that you voted for?—A. No, sir; not well, because I could not read the ticket; but these men I've named, I heard they was the candidates for office.

Q. Do you know whether their names were on it or not?—A. No, sir; not as I knows of, because I could not read it.

Q. Do you know whether they were elected?—A. No, sir; not as I knows of.

Q. Do you know who was elected?—A. No, sir; I never could hear the straight of it yet—ne'er could hear the straight of it.

Q. Do you know who was the candidate for President?—A. Yes, sir; I heard his name called.

Q. What is it?—A. Tilden and Hendricks, and Hayes and Wheeler, republican.

Q. Hendricks was the democratic candidate for President?—A. Yes, sir.

Q. What was Tilden a candidate for?—A. I suppose he was a candidate for President too, I suppose, or Vice-President.

Q. He was candidate for Vice-President?—A. Yes, sir; I think he was.

Q. Who was the republican candidate for President?—A. Hayes and Wheeler.

Q. Both of them?—A. I suppose one was for President and one for Vice-President.

Q. And Wheeler was the candidate for President, was he not?—A. Yes; I suppose so.

Q. And Hayes for Vice-President?—A. I think that is the way it was; that is the way I learned it.

Q. That is the way they told it to you?—A. Yes, sir.

Q. Do you know who was the republican candidate for governor?—A. Yes, sir.

Q. Who?—A. Mr. Chamberlain.

A. What other State officers were there to elect?—A. Well, there was Mr. Minot and Mr. Carman.

Q. Do you know what State officers were to be filled?—A. No, sir; I don't know whether they was filled or not, for I never could hear the straight of any of it; they

- said the republicans had it, and the others said the democrats had it, and I was listening every day to hear who did get elected; they said that Chamberlain had took his seat, and then I heard again that he hadn't took his seat legally, and I could not hear straight how it was done; I was listening every day to hear it.

Q. There was no other colored man struck on the day of the election was there?—A. But one that I know of.

Q. Did you see that?—A. Yes, sir; I was as near to him as to this gentleman; that is the only one that I saw at the time I was there.

Q. How long were you at the election?—A. When I went there first to vote I staid there about an hour or two; then I went home and got my eye washed, staid there a while, and then went back and staid until late in the evening. The next row I saw was Preston Taylor when they tore off his clothes for him. Them's the only two I saw.

By Mr. ABBOTT:

Q. Did you talk with the United States troops at all until election-day?—A. I was told about them before that.

Q. But the time when you talked with the officers, that was on election-day?—A. Yes, sir; right at the poll, just after the row was over. I saw them coming, and I thought it was to shoot all that voted the democratic ticket, and I was going to hide myself in the woods; and then Mr. Childs told me how that they didn't come to harm anybody, but to see that every man could vote his own opinion.

By Mr. LAWRENCE:

Q. How many soldiers were there?—A. I think it was six or seven private soldiers, two officers, and a sergeant. Then after he told me, I went up there where he was, and then I was told about what I heard, and he up and told me, "No; it was no such thing."

By Mr. ABBOTT:

Q. And then you spread it as far as you could?—A. Yes, sir.

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COLUMBIA, S. C., December 25, 1876.

PRESTON TAYLOR (colored) sworn and examined.

By Mr. ABBOTT:

Question. How old are you?—Answer. About twenty-three.

Q. Where did you live last fall?—A. On Mr. Childs's place.

Q. Did you have any difficulty on election-day about voting?—A. Yes, sir.

Q. How were you going to vote?—A. I was going to vote the square democratic ticket.

Q. What was the trouble, and what did it come from?—A. I went to the box, and the people had so much contradiction words going I went back; it was in a line just like you drilling, and I went to the box and then turned back. I was hurrahing for Hampton; as soon as I did so they was on me the same as ants. The women surrounded me first. I didn't much care for them, still I know there was a heap of fellows round and I got cut, and my clothes was tore off me, and I went home to get more clothes.

Q. How large a part of your clothes were torn off?—A. All the clothes; all my coat and all my shirt.

Q. So that all the upper part of your body above the pantaloons was naked?—A. Yes, sir; my pants didn't tore at all, but my coat an' shirt was square off.

Q. Before the election, were you ever talked to and threatened in any way by colored people on account of how you were going to vote?—A. No, sir; I never was.

Q. Was nothing ever said to you?—A. No, sir. The reason I voted the democratic ticket I was pretty hard up in the summer time, and I tried all these republican fellows to see if I could get any money from 'em, and I couldn't, and I went to Childs and he never asked nothing, and I borrowed money from him all summer; and I thought the democratic party was good, and we'll give them our support. I thiinks we have to live off the democrats; and I knew Childs would not do anything to me that was wrong, and I told him I would vote just the way he voted.

Q. Did any of the colored people talk to you about voting the democratic ticket?—A. "Pres," they says, "if you vote democratic you would be beneath noticing." I said, "I will be noticed by a man that has got money. I don't care whether you all notice me or not; I will be noticed by a man that's got money."

Q. Did your own people tell you anything about troops coming down?—A. They told us that if you voted the democratic ticket that the democrats could not associate with the republicans at all no more with the governor, would make a division between the two parties, and that we would not have anything. They said they didn't see how



a nigger could be a democrat at all. I told them I see. I told them we have got to live here, and we can't get a cent out of the republicans. I worked with one Yankee man since I've been here, and he took all the money, and I never seen him since—a whole year's labor. I've got no use for 'em. I told Mr. Childs I was going to vote with him.

By Mr. LAWRENCE:

Q. You are friendly with the colored people?—A. Yes, sir, I is. I don't interfere with no one.

Q. They all treat you kindly, I suppose?—A. The women tore my clothes.

Q. The women did that?—A. Yes, sir.

Q. They didn't strike you? They were trying to persuade you to vote the republican ticket?—A. Yes, sir; they come round me a crying; but I didn't mind the women so much if I didn't get out. I know a heap of them was against it.

Q. The colored men haven't disturbed you?—A. No, sir; they never have.

Q. You were not afraid to vote the way you wanted to vote?—A. No, sir; I was not afraid.

Q. You never had any idea that the troops were here to force you in voting?—A. No, sir; they told me so, but I didn't believe it.

Q. The colored people all understood that the troops were here not to interfere with their votes at all, but to protect them so that they might vote as they wished?—A. Yes, sir.

Q. The colored people all had an opportunity to vote just the way they wanted to?—A. Yes, sir.

Q. No interference with them at all?—A. No.

Q. You voted the democratic ticket because the republicans would not lend you money when you wanted it?—A. Yes, sir; and because I saw we could not live no way but for the democrats.

Q. Colonel Childs let you have money any time you wanted it?—A. Yes, sir; any time I wanted it.

Q. You went to borrow some of him and he loaned it?—A. Yes, sir.

Q. More than one time?—A. Yes, sir.

Q. How much money?—A. Two to three dollars at a time and I paid him back.

Q. How did you pay him back?—A. I rented his land, and as soon as I sold my cotton he just told me how much I owed him and I paid him.

Q. How long have you lived on his land?—A. It will soon be twenty-three years and a half. That was before he owned it; it used to belong to Mr. Hampton.

Q. You were a slave and belonged to Mr. Wade Hampton?—A. Yes, sir.

Q. Did Colonel Childs tell you he wanted you to vote the democratic ticket?—A. No, sir; he did not. He aske me, "Pres, how are you going to vote?" I told him I didn't know. "Well," he says, "I think you ought to go with us, Pres?" Says I, "How can you think so?" Says he, "I don't mean to persuade you out of your notion; vote the way you please." Then I went on two or three more days, and I came to Columbia, and got into an argument with some fellows, and they asked, "How are you going to vote, Pres?" and I said, "I am going to vote for Hampton." And he said, "Yes, I am going to vote for Hampton, too." So I went back and told Mr. Childs, "I believe I am going to vote your way with you." He said, "That is all right;" and he said he would take care of me.

Q. He said he would take care of you; he told you that if you voted for Hampton you could live on his place, didn't he?—A. Yes, sir. He told me this, too, if I didn't vote for Hampton could stay if I would have paid my account. He told me if I voted for just who I pleased, I could stay on the place.

Q. Well, you thought it was better to vote the democratic ticket, because you had to depend on the democrats for a place to live?—A. Yes, sir; that is the reason.

Q. And you were afraid that if you did not vote that way you would not be allowed to stay?—A. No, sir; I was not afraid, because he told me already that I could have an opportunity to live on the land if I paid him rent; so I voted that ticket because I thought it was the best way.

Q. What is Colonel Childs name?—A. Willie Childs.

Q. What is his father's name?—A. I don't know his father.

Q. Is he a president of a bank here?—A. I believe so; I don't know for certain.

Q. How did you vote at the last election?—A. I voted the democratic ticket; I don't know who all was on the ticket, but I voted it.

Q. Did you know anybody that was on the ticket?—A. Nobody but Hampton; Mr. Segar said he was on the ticket, and Tom Taylor.

Q. Did you know any others?—A. No, sir.

Q. Can you remember what offices were to be filled at the last election?—A. No, sir; there is none I can think of but Hampton, Taylor, and Segar.

Q. What was Taylor a candidate for?—A. Member of the legislature, I think.

Q. What was Segar for?—A. A member too.

Q. Were they elected?—A. I think they was elected; I could not say entirely that they was elected, but by all accounts I think they was.

Q. Do you know what offices were to be filled at the last election?—A. No, sir; I do not.

Q. You have never been disturbed since the election?—A. No, sir.

Q. No man has said anything against you because of the way you voted?—A. No, sir.

Q. The colored people are perfectly friendly with you?—A. Perfectly friendly.

Q. They treat you kindly?—A. Yes, sir.

Q. You would not be afraid to vote the way you wanted to again?—A. No, sir; I would not be afraid.

COLUMBIA, S. C., December 28, 1876.

MERRIMON WASHINGTON (colored) sworn and examined.

By Mr. ABBOTT:

Question. How old are you?—Answer. Twenty-seven years.

Q. Where do you live?—A. Do you to Mr. Childs's plantation now; they used to call it Trenholm's.

Q. How long have you lived there?—A. I have been there all my life except seven years. I went out to the western country, and staid out there seven years, and came back again.

Q. Do you know anything about any one threatening you before the last election if you voted the democratic ticket?—A. Yes, sir.

Q. Tell us what any of the colored people said to you about it.—A. Well, sir, a fellow named Abram Carter and Joe Andrus told me that if we voted the democratic ticket they was going to drive us off the place, they was going to go up to town and have a band come down and drive us off, clean us off out of the State. I told them that I didn't think they could do it, cause we wasn't livin onto a republican's place. They then said Chamberlain was going to do it; was going to send down the Yankees to shoot down every democratic nigger that 'sists after the election. I told them that they will have to shoot, that I expect to die right there on the place; Chamberlain and his crowd ain't going to be governor this time. They tried mighty hard. Carter said, "We'll see; all right. We'll see on the day of election." I had about fourteen boys in my company. I had a flag that I put over my house and they threatened to take it down. I told them I would give them \$5 to go there and do it. They said they would do it if Mr. Childs would give them consent. I told them to go to Mr. Childs and told him that I told 'em if they do it I will give them \$5. So they met him on the road and says he told them that if they wanted to take it down he would be good for the \$5. One Sunday they came there to my place where I was sitting down talking, and they asked me if I am ready for them to take the flag down. I told 'em yes; I have got \$5 that they could have if they took it down. They said, "Well, we ain't ready to take it down, but just as soon as Chamberlain would be governor they would take it down and take me down too and take my head off. I told 'em they would have a good many heads to take off as well as mine, and I would be willin have mine taken off first.

Q. How many of them came down?—A. There was about six of them, but there was only two of them that talked so much about it. Them two fellows seemed to be captains of it. I was captain of the company that put up the flag. I went up to the poll to vote, and they tried to keep me away from the poll. I told 'em to let these eight boys that I had with me alone, and I told 'em it would be a dog-burying right at the poll if they go to fooling with these eight boys. I stood right in the middle of them, and let them all pass me and vote, and I then followed them down and voted. A fellow named White stepped to one side, and he says to Jonas Wicks, "Are you voting the democrat ticket?" He says, "Yes, I vote it." He says, "Yes; that fellow Merrimon made you vote it." And he just hauled off and struck him. Soon as I saw him struck him I run there and told him (Jonas) to let him loose, that I wanted to get hold of him. Mr. Childs run up and got hold of me. I asked him to let me loose. He said that he didn't want to have any fuss at the polls. I told him I didn't care. If a man put his hand onto one of my boys he would have me to whip, and I know there ain't no man on the ground could whip me in a fist-fight to save his life.

Q. Was that the only blow you saw struck?—A. Yes, sir; I see women tear off Pres-Taylor's clothes. I was going to have something to say about that. A Mr. McDuff took me away. They said as long as they kept me away from the poll there wouldn't be no row.

Q. Before the election?—A. Yes, sir.

Q. Did you hear any threats on the streets from colored men against colored men?—A. O, yes, sir; I heard this fellow Nash say that he got a cowhide to whip any democratic nigger that voted the democratic ticket; that they can't be democrats, and if

they be fool enough to go and vote it they ought to have a cowhiding. I stepped out and told him I voted for Hampton, an' I says, "I want you to cowhide me. You cowhide me, and you cowhide your last man." He said, well, I must stay there until he comes back. I staid in front of Taylor's store. He told me he would be back in twenty-five minutes, and he came back driving a buggy. Soon as he got to the door I went out across the street to him, and a lot of these republicans went up to him. They said to me, "You say you are going to whip Nash?" I says, "Yes; I can whip Nash or any of his children. Just let Nash get out of that buggy, and if I don't whip him I'll work for him for \$10 a year." Then Mr. Childs, at the bank, heard about it; and he got me to the bank, and the old man told me to behave myself, and not to raise a row with anybody.

Q. What did you hear on the streets about any threats against democratic negroes?—A. That is all I heard, that this fellow Nash was going to whip anybody that did vote that ticket.

Q. But he did not whip you?—A. No, sir; he can't do it.

Q. Did you hear anything said about why the United States troops were brought here?—A. Yes, sir; they said that they were brought here to see that every man that wanted to vote the republican ticket could do it, but any man that wanted to vote the democratic ticket, as soon as he done voted it, the troops would take the names down, and soon as Chamberlain would give them the power they would go down and shoot them all, and then they could not shoot down they would run 'em in the river.

By Mr. LAWRENCE :

Q. Mr. Childs told you that the troops were not for any such purpose?—A. Yes, sir; he told me that.

Q. The colored people all understood that the troops were not here to interfere with their voting?—A. Yes, sir.

Q. And they understood that the troops were here to protect them so that they might vote as they chose?—A. Yes, sir; we all had the understanding of that.

Q. They were not afraid of the troops?—A. No, sir.

Q. You saw no violence except what you have described?—A. Not a bit.

Q. Nobody struck you?—A. No, sir.

Q. You know of no colored man being disturbed because of the way he voted?—A. No, sir.

Q. The colored people are generally a quiet, orderly people, ain't they?—A. Yes, sir.

Q. You had a Hampton flag over your house for months?—A. Yes, sir.

Q. Nobody disturbed it?—A. No, sir; nobody ever did try to take it down.

Q. These six men that came to your house one Sunday, were you acquainted with them?—A. Yes, sir.

Q. They were friends of yours?—A. They was when I voted the republican ticket.

Q. Well, you are friendly with them now, are you not?—A. Yes, sir; I am friendly with them right now.

Q. They didn't attempt to disturb you in any way?—A. No, sir.

Q. And you had no fears that they were going to take down the flag?—A. No, sir; I wished they would do it; I wished they had enough in them to do it.

Q. You didn't think they were going to do it?—A. No, sir; I knew they were not going to do it.

Q. They talked friendly with you, didn't they?—A. They talked pretty friendly.

Q. You are friendly with them now?—A. Yes, sir.

Q. Did you talk with Childs about how you would vote?—A. No, sir; I never would before the election.

Q. Didn't you tell him you were going to vote the democratic ticket?—A. No, sir; he never asked me and I never told him. I just went to work and done it on my own account.

Q. How long have you been living on his land?—A. Twenty-eight years this coming February, and I have never been off the place but seven and a half years.

Q. You thought it was better to vote the democratic ticket because you had to depend upon the democrats for land to live on, and they assisted you in living?—A. Yes, sir; I lived on them. I don't live no other way than by the democrats.

Q. And that is the reason you voted the democratic ticket?—A. Yes, sir.

Q. You were afraid that if you didn't vote the democratic ticket they would not let you live on the land?—A. No, sir; I was not afraid of that, because I know they will let me live there. A man that will work can most live anywhere, but I voted that way because I thought this party was going too far, and they didn't give no justice to anybody. They swindled me out of about \$75 since I have been done freed myself, and I thought I would not be swindled any more by them if I could help it.

Q. The colored people were not afraid to vote the way they wanted to, so far as you knew?—A. No, sir; they were not afraid a bit to vote the way they wanted.

Q. They were not afraid of any interference?—A. No, sir; they didn't seem to be afraid.

Q. Whom did you vote for for President?—A. I voted for Tilden for President, I believe.

Q. Hendricks was the candidate for President?—A. Yes.

Q. What was Tilden a candidate for?—A. I really forget what he was for now.

Q. Was he for the legislature?—A. No, sir; I don't think he was.

Q. For senator?—A. I don't remember now what he was for; but I voted for Hampton, and they was on the ticket; I voted the whole ticket right through, but I didn't learn particularly what they was for.

Q. Do you know what offices were to be filled?—A. If I know what officers?

Q. What offices were to be filled?—A. They told me that Tilden and Hendricks, one of these, was for President, and Hampton was for governor; that is all I understood about it.

Q. Did you hear anything about Hayes and Wheeler?—A. Yes, sir.

Q. Wheeler was the candidate for President, was he?—A. Yes, sir.

Q. What candidate was he?—A. He was republican.

Q. And what was Hayes a candidate for?—A. O, I didn't bother with the republican party at all, because I didn't have anything to do with them.

Q. You don't know what he was a candidate for?—A. No, sir.

Q. You took a squad of men to the polls, you say?—A. Yes, sir.

Q. How many?—A. I carried eight; there was more than eight, but they drew off because they heard that Chamberlain was going to send the Yankees down to shoot them down, and some niggers when they hear about Yankees they willing to go and eat the ground alive; but I won't be scared about Yankees.

Q. Where did those eight men that you took with you live?—A. Some of them lived where I do, and some below me two miles.

Q. Mr. Childs told you to get as many as you could to come up and vote, did he?—A. Yes, sir; he told me the evening before that he would like me to be to the poll and to get as many to vote with me as I could. I told him I would do so. That was the only word him and me ever had about the election.

Q. Where did he tell you that?—A. He told me at my house; he rode up to my door.

Q. And you agreed to do it?—A. Yes, sir.

By Mr. ABBOTT:

Q. You stated you took eight to the polls, but there were more who drew off; how many more were there that did not go?—A. I had sixteen, and there was eight of them didn't go.

Q. They didn't go on account of these soldiers?—A. No, sir; they drew off on the occasion of that.

Q. When did Mr. Childs first tell you about the soldiers coming down; was it before or on election-day?—A. On election-day. The soldiers was there at the time.

By Mr. LAWRENCE:

Q. Before the election all the colored people understood that they could vote just as they wanted to?—A. Just as they chose. They said they was to do so until a week before the election; then they commenced talking about what was going to be done after the election with any nigger that voted for the democrats; that his head was to be taken off.

Q. But you were not afraid of it?—A. No, sir; I was not, nor I ain't now.

Q. And none of the rest of the colored men were afraid?—A. Yes, sir; eight of my men drew out on account of it.

Q. Do you know how they voted?—A. Yes, sir; I saw them vote.

COLUMBIA, S. C., December 28, 1876.

J. C. SHEPPARD sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Abbeville Court-House, in Edgefield County, of this State.

Q. State what political position you occupy at this time?—A. I am a member of the legislature from Edgefield County.

Q. How long have you lived in Edgefield County?—A. I was born there; I am 26 years old, and have lived there all the while.

Q. Have you a general acquaintance throughout the county of Edgefield?—A. I have, I think, an intimate acquaintance with every portion of the county.

Q. You know a great many of the white and colored people, I suppose?—Yes, sir; I know almost the entire white population, those that are at all important, and a good many of the colored people. I don't pretend to be acquainted with them; I cannot tell one from another scarcely in a crowd.

Q. Where were you on the 7th of November last?—A. I was in the court-house very nearly all day. I was there when the polls were opened at 6 o'clock, and I was there when they closed, at six. That was at precinct No. 1, which was held in the court-house.

Q. Were you an officer of election?—A. Not at all; I just stood there because I was interested and because I desired that the matter should be conducted fairly so far as I could promote that purpose.

Q. State what the character of the election was, so far as you know, as to order.—A. I was not there all day. About two hours in the afternoon I was not inside of the court-house, but I was there all day long excepting about two hours, inside of the four walls. At six o'clock in the morning the managers were all present, and the United States supervisors, and a clerk appointed by the managers of election. The managers were two republicans and one democrat. The United States supervisor was a colored republican, and the clerk was a colored republican. There was no white supervisor at the box that I know of positively, but I think there was one who was not there very much of the day. I was the only white man that remained there nearly all the time, except the white manager, and I saw everything that was done and heard everything that was said while I was there. As often as I desired, which was very frequently, I would walk to the door and look out to see what was done outside, and I have a satisfactory knowledge of what transpired outside. The polls were open at six o'clock and the balloting went on without the slightest interruption until about eleven o'clock; it went on as fast as the ballots could be deposited and the names registered, until, I suspect, between eleven and twelve o'clock; I do not speak positively about the time, because I did not notice, but think it was between eleven and twelve, when the parties who were present at the opening of the polls had very nearly all voted, and they were exclusively white that had voted up to that time, excepting some colored democrats who voted with our party. I went to the door about nine o'clock and there was a large number of colored people without, in the public square. Just in front of the door of the court-house, probably as far as from here across that street, the public square, as we call it, was very nearly filled with colored people seemingly waiting to vote; and about that time I heard a great whoop, and went to the door to see what it was, and they were moving off, going to Macedonia church, which is within the corporation limits of the town, probably between a quarter and a half-mile distant from the court-house. They went in a body; the last single man of them went to the church to vote, and I saw nothing more of them until, I suspect, between four and five o'clock, when a considerable number came back. From a time between eleven and twelve o'clock until between four and five, I doubt if there were as many as fifty ballots deposited in that box. Now and then a colored man would come in, and now and then a white man, one by one, and for two or three hours there were not as many as a dozen men in and around that court-house at one time. The managers did absolutely nothing, nor the clerks. They lounged about there, smoked cigars, and did as they pleased. That continued up to nearly, if not quite, four o'clock in the afternoon. There were not very many blacks, because only twenty-six colored republicans voted there that day.

Q. Were there any white men around the poll obstructing the way to it?—A. No, sir; not at all. Our court-house is perfectly square, like this room, and very nearly half-way from the main door to the judge's desk, which is directly opposite, runs a bar, inside for the jurors, and witnesses, and members of the bar; outside for the spectators. Early in the morning, when the voting began, this bar was crowded with men, and Mr. Glover, the democratic manager there, declined to proceed until the bar should be cleared of voters, except those who came up to be sworn at one time. They adopted a rule that a dozen men should be sworn, vote, and retire from the court-house, and thus matters were conducted until that mass of white men had voted. They not only excluded them from the bar, but put them out of the house entirely, so that at no time were there exceeding a dozen men there after the rule was adopted, and it was adopted within two hours at least after the polls were opened. There was perfectly free access to the polls all day long, from morning until night; and from between eleven and twelve o'clock, and some time between three and four, or about those respective hours, there was absolutely nothing done within the court-house room, except that now and then a voter would come up and vote. Between three and four, or about four o'clock, I went down to my office, which is next door to General Brannan's headquarters. As I was going to my office I saw a crowd of negroes congregated around the headquarters. I was attracted in that direction by that fact, and in addition to that I saw my brother in something of a discussion with this man Cain, a candidate for the senate, and I went in, being somewhat cooler than he was, to substitute myself for him in that discussion, whatever it might be about. Then I ascertained that Cain's complaint was that a great many of the colored people there had not voted. I requested my brother to get out of the way; that I would take care of that matter, and he did so. I then stated to Cain, in the presence of Colonel Randall, immediately in front of their headquarters, that if he would show me a single man, white or black, who desired to

vote, and that would follow me to the polls, I would guarantee him the right peaceably to deposit his vote, and I would accompany him back if he didn't wish to go through the crowd. That was about four o'clock, and the crowd had returned from Macedonia Church to the court-house box. Cain said, "Well, sir, I will show you a man that has not voted." I said, "Very well, let him come." He asked me if I would accompany him to his house. I said, "Yes; I will go with you anywhere to find a man that has not voted." Cain's house is about fifty or seventy-five yards distant from my office, on the opposite side of the street, immediately above my office, and about ten steps more distant from the headquarters, and we went in the direction of his house, as I understood, to find this man who had not voted—not knowing whether he referred to some one in the crowd of colored men around us—I was the only white man there except these officers. When I got half-way between his house and my office I told him I had gone far enough, and I would not go any farther. I said, "I am not going in that direction; if you want to send anybody to follow me to the polls, bring him out." He said, "All these people here that you see have not voted." I said, "All right," and we turned round and went toward the polls. They all followed me until we reached a point between there and the court-house. Some white man asked me where I was going with all those negroes. I don't know who he was, though I suspect I should recognize him now. I told him that people had complained to the United States officers that these people hadn't voted. He said, "They voted at Macedonia Church." I said, "They say they have not." He said, "Here is a man that has voted," putting his hand on a man that was very near, "This man voted there at Macedonia Church, for I saw him." I said, "We will go up to the court-house, the United States commissioner is there, and have it investigated." At that time two or three other white men came up and said, "Yes, I recognize him; I saw him vote;" and that accumulation of testimony seemed to induce him to doubt his right to vote again and he went off, and every single man of them followed him. I didn't open my mouth except to tell them to follow me; not a single word was said except the charge that they had voted, and the last man of them retreated back toward the office of the headquarters, and I did not go with them. There was no prevention at all of their going on with me. I then went on the polls through the crowd of three or four hundred white men. I don't know that I can state the number accurately. When I went to the poll I saw Beatty, the United States marshal, take six colored men right through the crowd; the horses would open a passage, and the men went up and voted. I saw them when they did it.

By the CHAIRMAN:

Q. How many were in the crowd that started with you from the headquarters to the polls?—A. I could not estimate it. I don't think there were more than seventy-five or one hundred—not exceeding one hundred.

Q. And you say that during all this time there was free access to the poll, and that you saw them walk up and vote?—A. I saw with my own eyes six colored men walk with Beatty through the crowd, and as they went along the way was cleared for them, and they went up and voted. Whilst I was there two other colored men came up unaccompanied. Beatty was there at the time, and a white man stepped up and challenged the vote. I went to them upon that and found they had voted at Macedonia Church; the white man insisted on it, and the negro denied it. The white man said, "I can prove it by Marshal Beatty if he is here," and I looked around and Beatty was there, and the negro admitted that he had voted. Beatty rebuked him very severely in the presence of the managers for his attempt to vote twice.

Q. As to the political speaking done on the steps there in the afternoon, was there any obstruction caused by that?—A. As I said, the crowd consisted of somewhere about 300 men around the court-house steps, and General Butler, and General Gary, and myself addressed them. We had heard from a sufficient number of the country precincts to be satisfied that we had carried the county. We had couriers running between the different precincts in the county, keeping up unbroken communication between them and the executive committee at Edgefield and the different country precincts. It was getting late, and we had heard from them enough to justify us in publishing to the crowd that we had carried the election, and in begging them to keep the peace, and to do nothing at that late hour to mar the effect of the victory. The purpose of that speaking was to satisfy the people that the whole victory was ours, and that nothing could be gained by any demonstration at all.

Q. Was that meeting organized to obstruct the way to the polls?—A. Any one at all could go up that desired.

Q. As a matter of fact, did they do so?—A. As a matter of fact, while the speaking was going on, (because I was the third man that spoke,) I went from the place where the colored men left me and retreated back from there toward the court-house steps, and up to that time Beatty went up with the six colored men, and the way was made clear for him.

Q. Did you hear or know during that time of any threats, or any speeches of intimidation against any class of voters?—A. I didn't see the slightest exhibition of violence or of bad temper. I heard of a difficulty at Macedonia Church, but I was not

there. I heard a good deal of cheering and shouting, but it was not directed at any party; it was the ordinary political enthusiasm.

Q. Was the crowd good-natured?—A. Perfectly good-natured, sir; and freer from the influence of intoxicating drinks than I had ever seen a crowd of that size in Edgefield County; because the rule was strictly enforced by the intendant, who is here now; a rule required all bar-rooms to be closed; and it was strictly enforced, so far as possible.

Q. You were not at box No. 2?—A. I did not go there all day long; I did not go nearer than my office, which is about one hundred yards nearer to the court-house.

Q. During that day was there anybody injured?—A. As I stated, there was a collision between a white man and a black man at Macedonia Church, at which blows passed. I have seen the colored man since, and General Butler represented the party accused, and the United States marshal dismissed, very summarily, the case upon the ground of want of probable cause. That was the only case of violence that was charged.

Q. What was the fact as to the quiet and good order of the people of Edgefield through the campaign?—A. I have not the slightest hesitation in saying that the only parties that were interfered with on account of their political principles were three or four colored men who were beaten and maltreated by colored republicans because of their democratic principles.

By Mr. LAWRENCE:

Q. Did you see that?—A. I did not see it done. I saw the men after it was done.

By the CHAIRMAN:

Q. It was a matter of general notoriety?—A. O, undoubtedly, sir; and the parties were arrested and put in jail for it.

Q. State briefly the facts with regard to the meetings.—A. I was appointed chairman of a committee to wait upon Governor Chamberlain and Judge Mackey, and the other parties who had accompanied them as speakers, to request the privilege of a joint discussion. I told them that General Butler and General Gary and myself would represent the democratic party, and they could have just as many people to speak as they wanted; and I asked if it would be agreeable to them. Judge Mackey and Governor Chamberlain said that personally it would be perfectly agreeable, but that they were on a visit to Edgefield pursuant to an invitation of the republican executive committee, and that they could not make an appointment of that sort without conferring with the committee in reference to it. I told them that was perfectly proper, and inquired how long it would be before they could give me an answer. Chamberlain said it would be half an hour. I said, "Very well, sir; I will return at the expiration of half an hour for your response." At the expiration of half an hour, nearly, (for my party was waiting for my report about the matter,) I went back, when Governor Chamberlain said he hadn't yet seen the members of the executive committee, and that he could not yet give me an answer, and asked me where I would be during the next half hour, that he could send a messenger with his answer. I told him the most convenient place was at my office, and I would go there and remain the whole half hour. He said, "Very well." I went there and remained half an hour, and there was no answer. I went up and reported to our committee these facts, and we thereupon formed and went over to the academy grove, where the speaking was to take place, and where our people were assembled, a large number of them. It seemed to me there were three or four thousand white men; there may not have been so many, and as many colored men. The line was fairly drawn, on one side of the stand the colored people, and on the other the white people. The speaking began. General Gary got up and stated that they had requested the privilege of a joint discussion, but no response had been given to it, and they proposed to have one anyhow. Thereupon there was a brief conference between him and Governor Chamberlain, and Governor Chamberlain arose and said there would be a joint discussion; that he was to open and General Butler to follow, and that each speaker would be limited to 30 minutes; that was the rule which was enforced, except in the case of Judge Mackey, who was allowed to finish a sentence. Governor Chamberlain spoke uninterruptedly, save some questions that were asked him, his party would cheer him when he said something that suited them, and our people did nothing but ask him questions, "How is it about McDevitt?" and such questions; that might have annoyed him but he completed his thirty minutes. He was followed by Butler, and so on.

Q. You subsequently made a request for a division of time at another public meeting held there?—A. No, sir; we did not. It may have been said that there was a request made, but we understood that the canvassers from this place were accompanied by a set of United States marshals and commissioners, whose purpose was to arrest us; we were told so by good authority, and we did not go to the place. There were two meetings held, theirs at academy grove, and ours in the village square here. After we had finished our meeting a large column of our men rode by the republican speaking-ground, but did not stop, as I understood.

Q. Did you attend any other republican meeting during the campaign except this

one that you have referred to?—A. I don't remember that I did. I am sure I did not make any speech at any of them.

Q. What was the general condition of affairs in your county, so far as you know, during the campaign as to order among the people?—A. I know of no case of violation of law on account of political principle, except the whipping of those colored men by those other colored men. There was a colored man said to have been killed on account of that whipping, but I don't know anything about that. I know he was killed, because I was employed to defend the men that were charged with whipping him. That case has never been tried, but it will be in proper time, I suppose.

Q. What other democratic meeting did you attend?—A. Every democratic meeting in the county: Blackville, Allendale, Early Branch, in Beaufort, and Beaufort itself.

Q. What was the character of your meetings?—A. Perfectly quiet, except at Beaufort, where the negroes kept up an infernal yelling, and a great many other species of interruption, and broke up our meeting; but there was no violence done. Hampton was heard respectfully all the way through, but when Cooke began to speak they clamored for a democrat. They did not want to hear a republican.

Q. Who was it that created the noise?—A. The colored people exclusively.

Q. Republicans?—A. They were said to be republicans. I never had seen any of them before, but they looked like republicans. They broke up that meeting, and that was more than any party of democrats did during the campaign.

Q. Now as to your policy. What appeals did you make to the colored people? How did you treat them in the campaign; what methods did you employ to get their votes if you could?—A. There was one argument that was a pet appeal of my own, individually, and that was the character of our county government as administered by republican officials. I cannot make any statement that would enable you gentlemen to understand and appreciate the condition of affairs in Edgefield County under the administration of these officials. They are inefficient and corrupt to an alarming degree, and no man can understand it properly unless he goes there.

Q. Your appeal, then, was based on the bad management of your county affairs?—A. Yes, sir; on the inefficiency and the incompetency and the unblushing corruption of these officials.

Q. So far as you know, was that the general character of the appeal throughout the State—the misgovernment of what was called republican rule?—A. Well, as I said, I did not visit any other county at all, except Beaufort and Colleton.

Q. So far as you knew?—A. My understanding was that that was one of the appeals made to colored voters.

Q. Was there anything like a proscriptive policy?—A. In Edgefield County, I have not the slightest hesitation in saying there was not, sir. Not as a policy. There may have been an individual here and there who would determine not to hire a negro or anybody else who would support the republican party, but it was not a part of the policy of our party.

Q. Give us a little history of the action of your committee at this election.—A. In 1874 that was the apple of discord in the ranks of the democratic party, and it defeated us overwhelmingly. Our people were evenly divided upon the policy. General Butler and myself made every speech in 1874 denunciatory of the proscription policy, which did us a great deal of harm in the estimation of those people who were favoring it, but we succeeded in having it defeated; the resolutions were never adopted in 1874, to the best of my recollection, and they were not repeated in 1876. There was not a single resolution tending to proscription, or to any other species of oppression, introduced in the councils of the democratic party, to the best of my knowledge, and I was a member of the county club, (as we call it,) I was president of the Edgefield democratic club, and as such was member of the county club, and if any resolution to that effect, or tending in any way to that end, was introduced, I did not know it; and I attended every meeting without exception.

Q. Then you say that so far as you observed in your own precinct on election-day, and prior to that in the county, and so far as you saw throughout the State, there was no disposition or act on the part of the democratic leaders and orators?—A. I do not know about the disposition, sir; there was no overt act. What people feel or think I know nothing about. There was a great deal of political excitement; there was a great deal of riding about. We had a political meeting ordinarily once a week, and nearly every man that was large enough to ride in a buggy or ride on a horse would attend them from all parts of the country.

Q. Is not that riding on horseback a common method of traveling here?—A. Why, sir, we have no other way to go. There is not a railroad in Edgefield County, except one, and our people travel almost exclusively on horseback [or in their buggies—mainly in buggies]. The different clubs would go together, in a column, to a political meeting, frequently.

Q. Were there any rifle-clubs in your county?—A. There was a rifle-club at Edgefield village.

Q. How long ago?—A. It was organized before the inauguration of this campaign.



If you have the statutes of 1873 and 1874, I can show you an act of the legislature providing for the incorporation of such companies, and the gentlemen secured a charter for the organization of that rifle-club at Edgefield village.

Q. What was the character of that?—A. It was a social affair altogether; it had no political significance at all in its inception.

Q. After the governor's proclamation, what became of that club?—A. The captain asked me to address an inquiry to Governor Chamberlain whether the proclamation had reference to that organization, stating the law. I wrote the communication, and the captain signed his name, and Chamberlain answered. In consequence of the response, the company disbanded and have never met since, that I know of.

By the CHAIRMAN:

Q. These clubs that you had afterward were mere political clubs?—A. We had another club, called the Edgefield saber-club; it had no political significance at all. They met once a month and had their tilts and joust; had no political significance whatever.

Q. What were these clubs that have been referred to during the campaign?—A. We had political democratic clubs. I was a president of one of them, but never attended a meeting on horseback except one; I attended in my buggy.

Q. It was not secret?—A. Not at all, sir; we held our meetings with open doors, and anybody could come in that wanted to. Our meetings were held but once in two weeks.

Q. Do you think of anything else that is pertinent to this investigation?—A. I would like to state something that took place in the court-house after the polls were closed on the day of the election. I understand that testimony has been given to the effect that Bill Gary, a citizen of Augusta, and myself took possession of the box, counted the ballots, and made just such a return as we saw fit. I wish to state what took place in reference to that. When the polls closed I went out. I had had nothing to eat since the evening before—Monday evening at supper—and very little to drink, and I went out and took supper. By the time I got back the ballots had been counted and were heaped up, the split tickets in one place and the straight radical tickets in another place, and the straight democratic tickets in another. The managers were not men acquainted with figures. Two of them were colored men, that could scarcely write their names, (one of them especially,) and they could not prepare their return. Blanks were there, but they could not fill them up, and they requested Gary and myself to do that for them. They requested us to prepare their official returns for them. Captain White was there, I think, the whole time, and there was not a single figure that Gary and I put down that was not understood by the managers. We would explain to Captain White, and he would approve of it so far as he cared anything about it. He was a United States officer stationed there.

Q. You simply acted for them?—A. For them, at their request, and in their presence, and every figure that was put down was put down with their full knowledge and consent, and they signed it of their own free will and accord. I will state, furthermore, since I have been in this place to attend the legislature, until I understood that General Wallace was a candidate for the speakership, before I heard that Wallace would accept the office of speaker, Paris Simkins came to me in the state-house and told me that he was gratified at my prospect for the speakership, and hoped that I would provide something for him in the house. I told him of the protest filed against the validity of my election. He said, "Well, sir, I have not signed the protest, and don't intend to sign it. I am not taking part in the contest that is being made against your seat, and am not disposed to do it, and don't intend to do it. I believe that you are legally elected. There might have been some illegal votes; there might have been some irregularities; but there were not a sufficient number of them, nor were they of sufficient importance to impeach that majority that you received, and I have not signed it, and don't intend to sign it, and hope you will provide for me in your appointments."

By Mr. LAWRENCE:

Q. You are a member of what is called the Wallace house, the democratic house?—A. I think it is the legal house. I cannot say that it is a democratic house, because there are republican members in that body.

Q. Do you know anything of the means by which republican members were induced to come into it?—A. I do not, except what I heard Hamilton and Myers say about it in their speeches preparatory to taking the oath before Wallace. Other than what they stated I have no information at all.

Q. From about twelve o'clock until four, there was very little voting at box No. 1?—A. From some time between eleven and twelve to a time between three and four; I do not pretend to state the hours exactly.

Q. Up to the time that the colored men left that precinct and went in the direction of the other, had any colored republicans voted?—A. They had not. No colored men had voted the republican ticket that I knew of up to that time. Colored men had

voted, and I had reason to believe that they voted the democratic ticket at that box; but I don't know it, because the ballots were folded.

Q. Did not the democrats have possession of the polls, so that colored republicans could not have gone up?—A. If they had undertaken to have gone up, they could have done so. But understand, now, I will give you a little of our own experience in that matter. Two years ago—

Q. When you saw and talked with Cain he said to you that there were large numbers of colored men who had not voted?—A. He did not say large numbers; he said there were some parties there who had not voted.

Q. You saw a crowd of colored men who were apparently desiring an opportunity to vote?—A. They claimed that they had not voted.

Q. How many of them were there?—A. I really do not think I could tell you. I am satisfied that at that place there were not exceeding one hundred, and I saw no others that I had reason to believe claimed that they had not voted, or that they desired to vote; and I told those that if they followed me I would see that they voted.

Q. Then they seemed to be apprehensive that unless they had your protection that they might not be enabled to vote?—A. I don't know what their feeling was. I had no conversation with any of them, except Cain, until we got to the point where I was stopped with the question where I was going with those people. After I had left the parties, or after they had left me, and returned to where I came from with them, I went to the court-house, and while there, and after the marshal had conducted the six colored men up and they had voted, and after these two fellows came in to vote, one of whom, in the presence of the marshal, admitted that he had voted before, and who was attempting to vote, another colored man came up to vote. I asked him if he had voted during the day. He said he had not. I asked him where he had been. He said, "I have been here all day." I said, "Why do you not vote?" He said, "Mr. Sheppard, there was so many colored people at Macedonia Church that I knew they would not get through before night, and I came down here to vote." I said, "Did the white people prevent you from voting, or hinder you in voting?" He said, "Not at all, sir; but there is so many up there that I know they could not get through, and I came back here to vote."

Q. You would not have tendered your protection to those people unless you supposed they apprehended it was necessary?—A. I did not have any such motive in view at all. I was satisfied that the election had been won by our ticket, and I wanted everything from that time onward to be conducted as fairly and peaceably as it had been from the beginning of that day.

Q. Did any colored republican vote after that?—A. O, yes, sir; in the court-house box.

Q. How many?—A. Not a great many, because only 26 colored republican votes were polled there that day.

Q. Was there any colored republican who voted without being questioned separately as to his right to vote?—A. I think that pretty nearly every colored man that voted at precinct No. 1 was interrogated as to his right to vote, with reference to his residence in the county and in the State, his age, and as to whether he had voted that day before.

Q. That was aside from the oath that was administered to him?—A. Except in those cases where we were satisfied that they had not voted and were satisfied of their right to vote.

Q. As a general rule they were separately interrogated?—A. Yes, sir; most of the time by the managers. A number of the white people were interrogated in the same way.

Q. All of them?—A. No, sir; not all of them.

Q. Not one in ten, were they?—A. I do not know whether there was one in ten.

Q. Was there one in twenty?—A. I cannot pretend to say that there was not one in twenty. I can only say this: that I did not interrogate a single white man, but I did colored men. The colored managers interrogated the white men sometimes.

Q. As near as you could judge, was there one in twenty of the white men that were interrogated?—A. It would be a guess. If you want to force me to guess—

Q. As near as you can estimate.—A. It would be the merest surmise; but I did not see a great many. White men that were not known personally to the managers were interrogated, and I would not hesitate to say that, out of the number that voted there, (six hundred, I believe,) one in twenty was interrogated, or more than one in twenty.

Q. At the time you started up to the polls, between three and four o'clock, when you say there were something like one hundred colored men who claimed that they had not voted, you say there must have been three or four hundred white men about the polls?—A. Around the house. The polls were in the upper story of the court-house. There is a flight of stone steps on the outside that lead to the upper story, and around the bottom of these steps were the white men. They were not compactly organized there they were just promiscuously standing.

Q. Did you see any of them have pistols?—A. O, I suspect that most every man in the crowd had pistols.

Q. No colored people?—A. And the colored people, too.

Q. Did you see any of those seventy-five or one hundred men have a pistol?—A. Certainly they had pistols. I do not know that I saw them, but I tell you that pretty nearly every individual in Edgefield County totes around a pistol. I don't believe I have left my law-office in three years without a pistol.

Q. Can you remember seeing any considerable number of those seventy-five or one hundred with pistols?—A. No, sir. I don't say so, because it is such a common thing in our community for every man to have a pistol, that I didn't notice.

Q. But you do remember that the principal part of the mounted white men had pistols?—A. No, sir; I did not say that I saw that. I merely say that, in my judgment, every white man there had a pistol, although I did not see them, and would have no reason for saying so except from my general acquaintance with the character of our people.

Q. Did they not also have some other arms?—A. Do you mean guns?

Q. Yes.—A. If there was a gun on the street I did not see it.

Q. Did not some of the horsemen have guns?—A. If they had a single gun there I did not see it. I mean in public before the court-house steps.

Q. In order to admit the men up-stairs to the voting-place it would be necessary to open a passage-way through the crowd of horsemen at the foot of the steps?—A. I was not on a horse, and I walked into the place between them and around there.

Q. As a matter of fact, the colored men did not go up and vote after the time you have stated to any considerable extent?—A. That body of them did not; they went away, but some of them did. As I told you, there were only twenty-six colored men that voted the republican ticket at that box during the whole day. I don't know how many voted the democratic ticket.

Q. Those white men had all voted who were at the stairway?—A. Yes, sir; I suspect so.

Q. And had remained there some hours after they had voted?—A. No, sir; between three and four o'clock, when these colored fellows left Macedonia Church under the impression that there were so many there that they could not vote, the white men came with them.

Q. What time was it when the white men had finished voting at precinct No. 1?—A. I suspect it was eleven o'clock.

Q. Then this large number of white men remained at the polls and were there up to four o'clock?—A. Not at all, sir. This crowd of white men that were there when I started up to the polls with those colored men come back from Macedonia Church. When the colored men left the church to come down to vote at the Court-House the white men got on their horses and followed them.

Q. The white men were democrats?—A. O, yes; there is not a white republican in Edgefield County that voted the radical ticket.

Q. These white men had been to box No. 1?—A. Yes, sir.

Q. And when the colored men came down the white men came with them?—A. Yes, sir.

Q. And they located themselves around and about the steps?—A. When the colored men came from the church they went to General Brannan's headquarters, but the white men did not—they went right to the court-house.

Q. They reached the polls in advance of the colored men and remained there until after the colored men had gone away?—A. Yes, to the best of my recollection; but they were not there to prevent their voting and did not go.

Q. Were any of your speeches during the campaign printed?—A. Not in full. A good many references were made to my speeches, but I don't remember that I have preserved any.

Q. Did you say in one of your speeches to the colored men: "If you don't come with us, if you go with the corrupt crew who have for eight years ruled and ruined the State, then you will have to look to them for your living and protection," or equivalent words?—A. If you will ask me a direct question I will give you as plain and positive an answer as I can. I would not be willing to admit that I made a speech of that sort; I don't remember exactly that I did, but that was very much my feeling. I do not object to admitting that I made speeches tending to make that impression upon the minds of the negroes. If I did not I ought to have done it, because that is my feeling.

Q. Did you also convey that idea in words like these, or substantially these: "We offer to the colored men the right-hand of fellowship, we hold out to them the olive-branch of peace, but you cannot expect us, when you allow this State to be dragged down to infamous ruin by alien adventurers, to help those who have been the cause of all the suffering which will assuredly follow?"—A. I don't remember having made that speech, but I have no doubt that I did. I think I wrote but one speech during the campaign; every other speech that I made was extemporaneous; but I have no objection to those sentiments as being in accord with my feeling in this campaign.

Q. Did you say in any of your speeches that "if the radical party succeeded the taxes would be so high that we, the democrats, would not be able to hire the colored people next year"?—A. O, I don't think so, sir. I have not the slightest idea that I ever said that, because that is not my judgment. I believe they will be very high, but no matter how high they are, we have to hire negroes to work our land, but it would come out of them in the end. I remember stating that *they* would have to pay it. I think I can safely deny making that speech. I do not admit having made the others, but I do not object to the admission that that is my feeling being put on the record.

Q. You have spoken of two meetings in Edgefield on the same day, one republican and one democratic; which was first appointed or announced?—A. The republican meeting.

Q. Was not the democratic meeting appointed and announced in order to prevent men from going to the republican meeting?—A. Not at all, sir.

Q. Why was it appointed at the same time and on the same day?—A. The people of our county, ever since I have had anything to do with politics, have seen the evils of the teachings of these fellows that would be sent down to Edgefield to speak to the negroes, the incendiary character of their harangues, and the tendency generally of their speeches to separate the whites from the blacks in feeling, sentiment, and action; and our purpose was from the beginning, as far as we could by our presence, to counteract such influences upon the negroes' minds. We desired to live in harmony with these colored people, and it is our interest and purpose to do so, and it is for their interest to do so with us, and we thought if we could get the benefit of a joint discussion with these fellows before the negroes, we might effectively counteract their malicious influence; and that was the purpose of the meeting, and that is the reason they failed, because negroes had no confidence in their campaign.

Q. Was there not a practice among those who managed the democratic campaign to appoint democratic meetings at places where republican meetings had been previously appointed?—A. That was twice the case. That was when Governor Chamberlain first came there, and when he was expected there the second time. The purpose of it was not to prevent their meeting or speaking, but to give the colored people the benefit of our presence in restraining these men from making wild and irresponsible sentiments to the negroes that would tend to dissatisfy them with the relationship that existed between the whites and the blacks. We work our hands together. I have three or four plantations, and I am perfectly satisfied that I could rely on the colored men on my place for personal protection.

Q. You thought the presence of a considerable number of democrats at republican meetings would have a wholesome effect?—A. Yes; our speaking—our telling the colored people in the presence of these fellows who they were and what their character was.

Q. It was a part of your policy to attend republican meetings and demand a division of time?—A. There was no policy about it. I do not think that any two illustrations alone are sufficient to establish a principle or a policy. There were two occasions and only two. If that was a policy or principle, very well.

Q. Did you accord to the republicans the privilege of discussion and a division of time at the democratic meetings?—A. They never asked it. If they had done so, we would have accorded it to them.

Q. They did not, in fact, have a joint discussion at any democratic meeting?—A. None that I know, except John A. Barker, a republican, and he spoke in favor of the democratic ticket, except Hayes and Wheeler.

Q. State who introduced the practice of attending democratic meetings mounted; and if there was any practice of having artillery.—A. I have been attending political meetings for about fifteen years, and I have never seen people going to political meetings except on horseback. We don't live in a city. Our county is sixty miles wide at one place, and you can't get to a place there unless you ride. We had to ride on horseback and in buggies. I am satisfied that the practice was introduced before General Gary was born.

Q. When was your rifle-club organized at Edgefield?—A. I cannot give you the date of it, but I know it was before 1876.

Q. It was continued until after the proclamation of Governor Chamberlain in regard to rifle-clubs?—A. Yes, sir.

Q. Have you any knowledge of similar rifle-clubs at other places?—A. If there was another one in the county I did not know of it. There were a great many political clubs.

Q. These rifle-clubs were usual through the State, were they not?—A. I don't know about that. I heard of different rifle-clubs, one at Aiken, and one here, and a great many in the State, so far as hearsay knowledge is concerned.

Q. Was any republican a member of the rifle-club?—A. O, not at all, sir. I was not a member of it myself.

Q. Well, the members were democrats?—A. The membership was democratic entirely, so far as I know, because there is not a white republican in the county, except one or two, and they voted the democratic ticket this time. There was no miscegenation about the organization at all.

Q. How did the colored men who lived on your plantations vote?—A. I think four out of five on an average; no, I would not say that many—on one place there were twelve or fourteen voters, and, I think, six of them voted the republican ticket; I am not satisfied about that, because the place is fifteen miles from where I live. Four miles beyond that, I think, there are five of the men voters, and I don't know that either of them voted. On my place at home there are two voters, but neither of them voted. One of them intended to vote a mixed ticket he said, but he could not find me to write his ticket, and he left and went home. At another place there were two men and neither of them voted, and there was not the slightest reason in the world, except their dislike to vote against a ticket with my name on it.

Q. Did you talk with either of those men about political matters?—A. Very freely.

Q. Did you indicate to them in any way that it would be better for them to vote the democratic ticket?—A. Not the slightest. They are sensible men, who have been with me ever since I have been out of school, and I did not think it was necessary. I did not tell them that I would drive them off, because I would not get rid of them; you could not have forced them nor bribed them to have voted against me under any circumstances. They subserve my interests too profitably to part with them, and there are a great many of them that don't live on my plantation, or any place that I have any association with, who will vote for me. I defend more colored men in Edgefield Court-House than the balance of the bar put together. I have their confidence and support and esteem, and in political matters their votes.

Q. Do you know of any instance where any white man has been punished for violence upon a colored man during this last year?—A. Do you mean in political matters?

Q. Violence.—A. Men have been indicted. There have been several cases of assault and battery in the court of sessions.

Q. Do you know any instance where any colored man has been punished?—A. I do not recall a case; I do not recall a charge, except upon the election-day, where this case occurred at Macedonia box. I know where some colored men were indicted and convicted by a jury.

Q. Do you know that it was notorious that a number of colored men have been killed during this year in your county?—A. I know there is not a word of truth in it. There was one of the colored men killed, charged to have been killed, upon political grounds; but if more than one I did not know of it, and I certainly would have heard of it.

Q. There was no report of more than one colored man killed in your county this year?—A. O, yes, sir; there was more than one killed. I think I can tell you how many.

Q. I am asking for the general report?—A. I know of one who was killed, and I am employed to defend the man charged with killing him. Then there were six killed at one time, being charged with the murder of Mr. Harmon and his wife.

Q. How many colored men were generally reported to have been killed in your county this year?—A. Well, there are seven; six for the murder of Harmon and his wife; then this one fellow; then a man reported (his body has not yet been found) about twelve miles from Edgefield, for a rape upon the daughter of one Mr. Prescott; that is the report; I don't know whether it is so or not; I do not remember any other case at this time.

By the CHAIRMAN:

Q. How many white men do you know that have been shot by colored men during this year?—A. Of my own personal knowledge, I could not say, but I recall the case of one white man on the day of this political meeting. As some white men were going away from the village that day, they were fired at by colored men, and one was shot and two wounded.

Q. Then the only instance you know of is one instance of a white man being killed by colored men; any other instance of a colored man killed by a white man?—A. I deny that instance emphatically. There were six men charged that day, and I am satisfied that they can be acquitted.

Q. All these rumors of political homicides then grow out of other causes?—A. Yes, sir; I have not the slightest hesitation in saying so.

Q. How many white men remained at the polls here between eleven and twelve and three and four o'clock?—A. Every white man in the court-house except men who were not connected with the conduct of the election, except now and then a man would straggle in and go out again. How many were outside I do not know; everything was so profoundly quiet that I didn't go to the door during that time. There was no crowd of white men during these three or four hours, and the very reason these colored men left Macedonia Church was because Cain had sent down two men to find by experiment whether they could vote there.

Q. Now as to the occupancy of the polls in the morning, you started to say something about the custom?—A. At every election that I have witnessed in Edgefield village except this one, a white man has never voted at that box before eleven or twelve o'clock in the morning, by reason of not being able to get to it but by crowding colored

men; they not intending, so far as I know, to prevent free access on the part of the white men, but simply to vote first and get home. And the only change was that this time we got the jump on them by waking earlier and got the privilege of voting first. It is simply a repetition of what has been done for years in Edgefield County.

COLUMBIA, S. C., December 28, 1876.

GEORGE MEAD (colored) sworn and examined.

By Mr. ABBOTT:

Question. What is your age?—Answer. I am forty years of age.

Q. Where do you reside?—A. At Johnston's Depot, Edgefield County.

Q. What is your business there?—A. I am a barber.

Q. To what political party do you belong?—A. The democratic party.

Q. How do you happen to be a democrat? Are you a democrat through force; have the white people compelled you?—A. No, sir; because it is my will to be a democrat.

Q. On account of your politics, what relation do your own people, the colored republicans, sustain toward you and toward the colored democrats generally in the county?—A. Well, they have treated me very badly.

Q. What did they do to you?—A. Well, they don't recognize me at all on the street. I ain't recognized by the republicans.

Q. Is that the general rule on the part of the colored republicans toward colored democrats?—A. Yes, sir; it has been with me.

Q. So far as you know, has that been the case with others?—A. It is, as I have heard.

Q. Is that true of the colored women as well as of the colored men?—A. It is. I can't get a shirt washed, from the fact that they say all the money they are going to make they are going to make it out of the democratic niggers; the washwomen say that.

Q. So that you are really ostracised by the black men and the black women both?—A. That is all of it.

Q. Is it true that wherever a black man wants to vote the democratic ticket he is abused by the colored men?—A. He is, and by the colored women, too.

Q. Where were you at the last election?—A. At Johnston's Depot.

Q. How was it there as to peace and good order?—A. The quietest election I ever seen or heard of in all my life.

Q. Was any class of voters prevented from voting there, colored or white?—A. Only one that I know of; that was a man that came to vote two tickets and they found it out. They asked him who gave him those tickets; he said the United States marshal, who was handing out the tickets there.

Q. What was his name?—A. Charles Corwin.

Q. Then, that man was prohibited from voting, from the fact that he was about to vote two tickets fraudulently?—A. Well, that was what the man who had the two tickets said, that Corwin gave the two tickets to him.

Q. What was he, a republican or a democrat?—A. He was a republican.

Q. Besides this, was there any interference with any man casting his vote?—A. Never any that I know of.

By Mr. LAWRENCE:

Q. The election at that voting-place was quiet?—A. It was; no man was disturbed; not a bit.

Q. No threats against anybody?—A. Nobody that I know of.

Q. No violence?—A. No; during that day.

Q. How many colored men voted the democratic ticket there?—A. I don't know how many.

Q. Were there a good many?—A. I think there was a good many.

Q. And they were not disturbed at all?—A. Not one of them.

Q. Nothing said against them?—A. Not one of them.

Q. Nothing said by any other colored man to intimidate them?—A. Not that I know of.

Q. They were allowed to vote as they wished without molestation?—A. Yes, sir.

Q. The colored men there are generally peaceable, are they not?—A. They are.

Q. You never knew of any one interfering with or disturbing any other colored man on account of his politics?—A. Yes; I have been disturbed there on account of my politics.

Q. Nobody ever struck you, did they?—A. Not one, sir; on account of my principles, I mean.

Q. No one ever struck you, or used any violence towards you?—A. No, sir.

Q. You are friendly with all the colored people?—A. I am.

Q. And they are friendly with you?—A. Well, I am afraid to say that they are friendly.

- Q. They talk with you?—A. Yes; sometimes they do.
- Q. You go to their houses?—A. No, sir; not many; I am afraid to go.
- Q. But no one has ever hurt you?—A. I ain't been hurt because I am able to take care of number one.
- Q. Have you a family?—A. No, sir; I have no children in this world.
- Q. You have no wife?—A. I have a wife.
- Q. Your wife does your washing, does she not?—A. She don't; me and her is apart.
- Q. How long have you been apart?—A. Well, we have been parted for some time. It is my woman; I mean my wife.
- Q. How long has she been away from you?—A. Just since I left Johnston's Depot, when she refused to do my work on account of my principles.
- Q. How long is that?—A. That is since the day before yesterday.
- Q. She left you the day before yesterday?—A. She has been away from me a long time.
- Q. Did your wife live with you until the day before yesterday?—A. My wife—that I should be disposed to call my wife—I called her my wife, should have been my wife if it hadn't been for my principles; I supposed her to be my wife.
- Q. Did your wife leave you?—A. No, sir.
- Q. Is she living with you?—A. No, sir.
- Q. Did you leave her?—A. No, sir.
- Q. Then is she living with you now?—A. No, sir.
- Q. Where is she?—A. She is nowhere.
- Q. Have you been drinking?—A. No, sir.
- Q. You have no wife?—A. I have no wife.
- Q. And never had?—A. Never had a wife, you say?
- Q. Did you ever have a wife?—A. I have had a wife.
- Q. Is she dead?—A. She is not dead.
- Q. Where is she?—A. Well, I suppose that she is where she said that she would not wash for me.
- Q. Where is she?—A. Go to Johnston's Depot and you will find out what I am talking about.
- Q. Do you live with her?—A. I have been staying with her all the time since the campaign.
- Q. Are you married?—A. No, sir; I was not married to her.
- Q. Are you now living with the same woman that you have heretofore lived with?—A. With the same one since during this election.
- Q. You are still living with her?—A. Well, I am trying to live with her, if I can.
- Q. And you say she refuses to wash your shirts?—A. She did.
- Q. Did anybody else refuse to wash your shirts?—A. They have.
- Q. Who else?—A. Well, all of them.
- Q. Did you ask anybody else to wash them?—A. I have.
- Q. Whom did you ask?—A. Well, I asked a few. I went to one, and says I, "Easter, wash these two shirts for me." Says she, "I am goin' to charge you a dollar for washing." I am a barber. I had two or three shirts, which would have been about ten cents apiece. I agreed to hire her by the month, but she would not agree to hire to me that way. I had two or three pieces of shirts, and then she said there was sixteen pieces. A barber must have then about sixteen pieces in any wash. I have towels. I can't pay ten cents apiece for towels to be washed. Gentlemen, I ask you, can I make it in a day?
- Q. Whose land do you live on?—A. I live at Johnston's Depot. I rent a shop there.
- Q. What do you work at?—A. At the barbers' trade.
- Q. Who asked you to come here?—A. General Butler.
- Q. M. C. Butler?—A. Yes, sir.
- Q. Have you been drinking somewhat this morning?—A. I have not.
- Q. None at all?—A. None at all; none to hurt.
- Q. You did drink some, did you?—A. Did I? Everybody drinks a little bit.
- Q. Well, you have been drinking some this morning, haven't you?—A. No, sir.

COLUMBIA, S. C., December 28, 1876.

S. L. HUTCHINS sworn and examined.

By Mr. ABBOTT:

- Question. Where do you live?—Answer. In this city.
- Q. How long have you lived here?—A. A little over a year. For these last eight years I have been traveling, and I have been in all the Southern States.
- Q. What is your business?—A. A lawyer.
- Q. Admitted to the bar where?—A. In this State.
- H. Mis. 31, pt. 1—27

Q. How old are you?—A. Twenty-five years.

Q. Did you have anything to do in the last political canvass preceding the election?—

A. Yes, sir; I was a State canvasser on the democratic side.

Q. How many speeches did you make or attempt to make during the canvass?—A. I presume I made two or three hundred speeches. I spoke sometimes twice a day, and canvassed the greater portion of the State.

Q. You went about through most of the counties in the State?—A. Yes, sir.

Q. Have you ever been threatened on account of your politics by persons of your own color here in this State?—A. Yes, sir; my life has been threatened a great many times.

Q. By colored people?—A. By colored people.

Q. What was the form of the threats? State some things that they said to you.—

A. Well, they didn't only make threats; they attempted to kill me once or twice, and carried weapons for that purpose; some were paid, so they said, and followed me through some of the counties to carry that threat into execution; at the same time, I was in several riots, where I came very near losing my life.

Q. Have those threats been common or only occasional?—A. Common.

Q. Did you make a speech in this county?—A. Yes, sir.

Q. Were you interrupted?—A. The first speech I made was on Portee's farm, in this county, ten miles from Columbia. I was in company with one hundred white men, of whom Colonel Haskell had command. We met there in joint discussion. There were about two hundred radicals; both sides were mounted on horses, and before I started to speak, or before the time for me to speak came on, there were some very violent threats made by the radicals—black men, and they said that they intended to kill me, and that if I attempted to speak there that day they would shoot me down in my tracks, or if they didn't do it then they would do it in three weeks' time.

Q. Were they armed with guns or pistols?—A. Yes; with pistols.

Q. Did they show the pistols?—A. They didn't take them out in their hands, but I saw them.

Q. Did you speak?—A. Yes, sir; but before I spoke, or when Haskell called on me to speak, the leading radicals said that I should not speak, and when I told them that I should speak, then the leading radicals told every man to mount, and they mounted and stood abreast of the stand, in fighting order, I presume. Colonel Haskell told the radicals that he intended to protect me there at all hazards, and that I should speak inasmuch as I had been invited there like any other speaker. When I got up and spoke, they did not make any advances towards me at all, but it was not because they did not intend it, only because they saw Colonel Haskell.

Q. Were you permitted to make your speech out?—A. Not without interruption.

Q. How many cases were there where you were not interrupted by threats by colored republicans?—A. I cannot exactly tell you how many times, but I can safely say that I was interrupted as many times as I was not interrupted.

Q. Where was the next speech that you made where there was any great interruption?—A. It was at Georgetown.

Q. What took place?—A. J. F. Richardson, a gentleman that was running for Congress, and I were to speak there on a certain night, and the meeting was called in front of the court-house, a democratic meeting. The radicals were invited by the democratic county executive committee to take part in the discussion, but they refused to accept. The press also invited them and they refused to accept. Their party gathered about two to three hundred radicals, all black, and when I commenced to speak they carried their design into execution and broke up the meeting. They began yelling and hollering and I was not permitted to speak. I sat down, and then J. F. Richardson began to speak, and he spoke about fifteen minutes, and a riot became imminent; one or two democratic colored men attempted to quell the riot, and one or two republicans, the result of which was that one or two men were stabbed and one had his skull broken; and muskets were also drawn and the meeting was broken up. He was not permitted to finish his speech and I was not permitted to speak at all. I got out the best way I could.

Q. What sort of threats were made to you?—A. I was called a God damned son of a bitch, and that I was imported into the State to fool the colored people and buy them over to the democrats, and I ought to have my throat cut.

Q. Did they threaten to kill you?—A. Yes, sir.

Q. You say muskets were drawn?—A. Yes, sir.

Q. You left town?—A. I remained there under the protection of the democrats two days, and when General Hampton came up to speak I spoke, too, on that occasion; the next day I left.

Q. At Sumter, also, I understand you had some trouble?—A. In Sumter there was a republican mass meeting about two miles from town, and I was invited, and in company with Lawyer Dargan and Major Earle and about ten other democrats, we proceeded to the meeting.

Q. You were invited there to have a joint discussion?—A. A joint discussion. We



proceeded to the meeting. When we got there, there had gathered about fifty or one hundred radicals. Major Earle got up and asked them to allow me to speak. They refused it, and pretended that they were organizing what they called a brotherhood society; and rather than demand it or create any disturbance, Major Earle got up and told them that they didn't want to hear the truth, and that being the case we would quietly withdraw.

Q. You did not speak at Sumter?—A. No, sir; they did not allow me.

Q. What was said to you there in the way of threats?—A. Nothing more than they said that they didn't want any damned democratic nigger to speak there, and we quietly withdrew.

Q. In Sumter were there no threats made to you in the streets?—A. O, yes, sir; I could hear them at every corner.

Q. Was there an attempt made to lynch you there?—A. No, sir; it was at Camden, in Kershaw County. I went to Florence, and I was speaking on the sidewalk to a white gentleman, at the time our congressional convention met and nominated a candidate for Congress, and there was about three hundred radicals in town. I was standing on the street talking to a white gentleman, when a radical came up and cursed me very bitterly, and said he had a great mind to shoot me down in my tracks. He was a black man. I did not pay any attention to him, and neither did I say anything to him to make him curse me. The democrat didn't say anything. After taking as much as I thought was necessary, I told him to go away. About that time about forty came up, and they stated to me that they intended to carry me out and kill me. The democratic club was notified of the fact. They were around the precinct outside of the town, and they came in to protect me. They told them they didn't want any difficulty there, but if they put hands on me they would have them all to kill. They cursed violently; and there were some sticks and clubs, in fact there was a riot, but there was no bloodshed. That was about eight o'clock; about ten o'clock they said that I should not take the train. The democrats escorted me to the train. They were standing all around, and said I should not take the train; that they intended to kill me. I did take the train, and went off.

Q. At Camden you undertook to make a speech?—A. Yes, sir; I went there on Saturday night, and was there all day Sunday. I had to take quarters in the hotel with the white people simply for safety. There were no colored persons boarding there; and if there had been it would not have been safe for me. Monday night I made a speech; and Monday, in the day, while standing on the sidewalk talking to some colored people, there was a crowd of twenty or twenty-five came up with threats and brickbats.

Q. What threats did they make?—A. They threatened to kill me; that they didn't intend to allow any democratic nigger to come into that town—I had on a Tilden badge—that they didn't allow any colored man to wear a Tilden and Hampton badge there. I refused, and they became so noisy that I went before the judge and had one man up; I think his name was Jerry Johnson. He had been carrying a club for me all day, and had been watched by several white men; and he had walked up behind me to strike me, but on account of eyes being on him he failed to carry his threat into execution. Another man named Frederick McCoy, about fifty years old, carried a very large club, and said that he intended to kill me. They were carried before the judge, charged with assault with intent to do bodily injury; and I was prosecuting attorney and plead the case myself. I showed them the law, and told them where they were in danger. I put it before the judge, and he told them that he would let them loose simply to show that the democrats didn't want to hurt them, simply for them to pay costs. The next day the same Frederick came up to me on the street, shook his fist in my face and told me that he intended to kill me, and drew his club. I then went before the judge and had him put under \$500 to keep the peace.

Q. Was there anything more at Camden?—A. They said they intended to kill me if I came out of the hotel at night, and I staid in the hotel until I left there.

Q. Was there any other place where you were interrupted and obliged to stop speaking?—A. There was no other place, that I can remember, where I was prevented from speaking.

Q. Were there other places where you were assailed with threats in the same way?—A. I was assailed with threats at every corner of the street, on the train, and everywhere else. I had to quit my boarding-place in this town and go up to the Columbia Hotel and get my meals, on account of threats.

Q. It was generally known that you were canvassing the State on the part of the democrats?—A. Yes, sir; they would know that all over the United States by looking at the papers.

By Mr. LAWRENCE:

Q. What time did you commence speaking?—A. I don't remember the date, but I think I was in the canvass a little over two months. I think I commenced about the first of September.

Q. Did you generally make one speech every day?—A. I generally made two speeches a day.

Q. How many of the days do you suppose you made two speeches?—A. About one-third of them.

Q. And the balance of the time you made one speech a day?—A. Yes, sir.

Q. Then you didn't make two or three hundred speeches, as you said in the opening of your testimony?—A. I didn't say that positively; I said I might have done it.

Q. You still think so, do you, that you might have?—A. I might have. I have not made any estimate.

Q. But you know that you were in the campaign only about two months?—A. Yes; that is out in the State. I spoke here several times before I left.

Q. And you know that about one-third of the time you made two speeches a day, and the balance of the time only one speech a day?—A. I think so.

Q. You were not interrupted in speaking at any place except Georgetown, Sumter, Florence, and Camden?—A. I was interrupted here.

Q. And Columbia?—A. Yes, sir.

Q. That is five places in all. Then, out of the two or three hundred speeches which you made, you were interrupted at only five places?—A. Yes, sir.

Q. No man struck you, did they?—A. Yes; I was struck right in this town. That was since the election, but it was on account of politics. I was not struck before the election.

Q. At no time before the election did you receive any blow or any violence?—A. No, sir; but I had a fight here on account of my opinion. That was about four months before the election; that was in August.

Q. That was before the campaign commenced?—A. No; I beg your pardon.

Q. That was before you commenced making speeches?—A. It was before I commenced making speeches, but it was on account of my political opinions.

Q. You were not hurt?—A. All the reason of that was because I whipped the man that struck me.

Q. Then you whipped a republican?—A. I did.

Q. You made your speech at Portee's farm when Colonel Haskell was there?—A. Yes, sir.

Q. Had that meeting been called as a republican meeting?—A. It had been.

Q. And you went there to demand a division of time?—A. I did not; I was invited there.

Q. Who invited you?—A. I think the republican committee.

Q. Colonel Haskell took you out from here, didn't he?—A. I think he did.

Q. Did many democrats go with you?—A. About one hundred.

Q. It had not been announced as a joint discussion before you went there?—A. The republican executive committee had agreed with the democratic executive committee for joint discussions, and we went there to carry out that arrangement.

Q. But there had been no particular arrangement for that particular place before you came there?—A. Not that I know.

Q. Then you simply went to a republican meeting to have a joint discussion if you could?—A. Yes.

Q. Was there any violence inflicted on any man at Portee's farm; there was nobody struck?—A. Nobody struck.

Q. And you made your speech?—A. I did.

Q. At Georgetown you say there were one or two men stabbed. Did you see them stabbed?—A. I did not.

Q. Then you don't know whether anybody was stabbed or not?—A. I saw the blood or the cut. They must have been stabbed or knocked in the head, or something.

Q. You don't know who did it?—A. I do not. It was a mob fight.

Q. You didn't see the fracas, did you?—A. I was in the fracas.

Q. There were white men in it?—A. No, sir; they were simply spectators.

Q. You were not hurt?—A. I was not.

Q. Nor interfered with?—A. Certainly I was interfered with, when they hushed me down from the stand.

Q. Was that a republican meeting?—A. That was a democratic meeting.

Q. Did anybody else speak but you?—A. I didn't speak at all. I attempted to speak, but was cried down.

Q. How many were at the meeting?—A. I cannot say. I think about three hundred.

Q. How many white men and how many colored?—A. I don't think there were more than one hundred white men; the balance were colored.

Q. Richardson was not hurt?—A. No, sir.

Q. No violence was inflicted on him or on you?—A. No, sir.

Q. You were at Sumter?—A. I was.

Q. That was a republican meeting, was it not?—A. Yes, sir.

Q. And you went out?—A. I did.

Q. With a view to demand a portion of the time for discussion?—A. No, sir; not with

a view to demand a portion, because we agreed not to demand it. We went there with the view to ask it, and we did ask it.

Q. But no man struck you there?—A. No one struck me.

Q. There was no violence attempted on you?—A. No, sir.

Q. They declined to allow you to speak?—A. They did.

Q. And that was all there was of that?—A. That is all.

Q. You went to Florence. There was a republican convention there that day to nominate candidates for Congress?—A. There was.

Q. No democratic meeting had been called there that day?—A. No democratic meeting.

Q. Did you go there with a view to ask a part of the time for discussion?—A. I did not.

Q. What did you go there for?—A. As a canvasser. I was simply passing through Florence.

Q. Why did you stop, if you were not to make a speech?—A. I stopped there to see the county executive committee about a meeting which was held at Darlington, which I had attended a few days before.

Q. Nobody was hurt at Florence that you saw?—A. No, sir.

Q. No violence was inflicted on you?—A. No, sir.

Q. Did the republicans have speaking?—A. I don't know; I did not attend the convention.

Q. There was no violence nor disturbance at Florence?—A. There was a disturbance, but no violence.

Q. Merely loud talking.—A. Yes; and cursing, and threats.

Q. At Camden you had on a Tilden badge?—A. I had.

Q. You wore it publicly?—A. I did.

Q. Nobody took it off of you?—A. No, sir; no one took it off.

Q. Was there a democratic meeting called there?—A. There was.

Q. And you stopped there and made your speech?—A. I did.

Q. No man struck you?—A. No, sir.

Q. Nor struck at you?—A. No, sir.

Q. And you were not prevented from speaking at any place after that at all?—A. No, sir.

Q. How long have you lived in Columbia?—A. I have lived in Columbia from last April up to this time.

Q. Where did you live prior to that?—A. I came to Laurens County the 1st of last October one year ago. I had been in Georgia about a year before that; before that I came from Arkansas and Texas, where I had been traveling.

Q. How long have you lived in this State?—A. A little over a year.

Q. How long were you in Georgia prior to coming here?—A. About a year or two.

Q. Prior to that where were you?—A. I was in Alabama and Mississippi.

Q. What business have you been engaged in since you have been in this State?—A. I have taught school in Laurens County, and since I have been here I have been engaged in law.

Q. Where were you admitted to practice law?—A. Here in Columbia, in the supreme court.

Q. When?—A. About two weeks ago.

Q. Have you tried any cases in court?—A. I have had several cases.

Q. In what court have you tried a case?—A. In the trial-justice's court.

Q. Any other?—A. No, sir; not in the superior or supreme court.

Q. There are numbers of colored democrats in Columbia here?—A. There are.

Q. Some of them keep boarding-houses?—A. Well, no, sir. I don't know of any colored democrat keeping a boarding-house.

Q. Are you taking your meals at the Columbia Hotel now?—A. I did take meals there. I am at Orangeburgh now. I have a farm there, and I was attending to it when I was summoned by this committee.

Q. Do you own the farm?—A. I do not. I expect to buy it. I simply have it in possession.

Q. How do you have it in possession?—A. A lease for two years.

Q. When did you get your lease?—A. About a week ago.

Q. Whom did you take it from?—A. Mr. Utley.

Q. Who requested you to come here?—A. Judge Saylor sent word to me to come up.

Q. Who in your neighborhood made inquiry of you about what you could testify to?—A. No one at all, sir. I didn't know anything about it until he sent me word to come up.

Q. Who paid your expenses when you went out making these democratic speeches?—A. I paid part of the expenses and the various committees and clubs paid the balance.

Q. And you were paid for your services?—A. No, sir; I was not.

Q. You never have been?—A. No, sir.

Q. Where are you taking your meals now?—A. At Jamison, where the farm is, in Orangeburgh County, when I am not at Orangeburgh.

Q. How long did you take your meals at the Columbia Hotel in this city?—A. Not more than three weeks.

Q. Do they take colored boarders at the Columbia Hotel?—A. They do not. But I presume it was there as it was in the canvass, I took a room with the white people and lived with them to save my life; simply because I was ostracized and censured so.

Q. Your life has never been in danger yet that you know?—A. It has been in a great deal of danger.

Q. But no man ever inflicted any violence on you?—A. No, sir.

Q. Who did you vote for?—A. I voted the straight-out democratic ticket, national and State.

Q. Where did you vote?—A. In Richland County.

Q. In Columbia?—A. Yes, sir.

Q. What State candidates were to be elected this year?—A. On the democratic ticket?

Q. What offices were to be filled?—A. Governor, lieutenant-governor, adjutant and inspector general, State treasurer, State superintendent of education, and attorney-general, &c.

Q. Was that all?—A. And comptroller-general; and the same on the radical side.

Q. Was that all?—A. That is all that I remember just now.

Q. Was there a county ticket besides?—A. Certainly; there was a county ticket in every county in the State.

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COLUMBIA, S. C., December 28, 1876.

COLEMAN BEATTY sworn and examined.

By Mr. ABBOTT:

Question. How old are you?—Answer. Thirty-two years old.

Q. Where do you live?—A. In this city. I have lived here going on three years. I was born and raised in Union County, in this State, and have always lived in this State.

Q. What is your business?—A. I have followed farming principally all my life, and some part of my life I have worked in hotels, and some part of my life kept a public barber-shop.

Q. During this last canvass were you engaged in the canvass?—A. Yes, sir; for about three months.

Q. Did you make speeches in different parts of the State?—A. Yes, sir. Soon after the nominations were made I was engaged and continued to the end of the canvass.

Q. How many speeches did you make during the canvass?—A. I suppose at least thirty.

Q. In different parts of the State?—A. Yes, sir; in various portions of the State.

Q. Did you attempt to make speeches in this county?—A. O, yes, sir; in this town and in several portions of the county.

Q. Were you prevented in any way by colored people on account of being a democratic speaker?—A. Well, I had many a threatening made to my face in regard to my political opinions by colored men.

By Mr. LAWRENCE:

Q. What were the threats?—A. Men have told me, "Are you going contrary to your interests—going contrary to your wife and children?" And said I ought to be hung, and if they had their way with me they would hang me. Crowds of men said to me, "If we catch you outside of the limits of this State, we'll assassinate you;" and not only here, but in Blackville and Camden and Orangeburgh, the same threats were made.

Q. When you were speaking in this county, were you interrupted?—A. Not much in this county. I was interrupted, but I would stop and keep quiet for a few moments, and by some means or other they would quiet the disturbance, and I would get a chance to speak on.

Q. When you were interrupted, what was said?—A. I was interrupted by colored republicans hallooing, "Take him down! Take him down!" And I will not use such language as they used.

Q. Give us a specimen.—A. Well, if I must do it, I will have to do it; "Take him down! Take him down! the damned son of a bitch! He ought to be killed! Take him down off the stand! We don't want about here no democratic niggers! Take him down! Take him down! Come down!" and all such yells.

Q. Were you interrupted and prevented from speaking at any other place?—A. Yes, sir. The first place that I recollect being stopped from speaking altogether was in Orangeburgh County, at a precinct called Coonsborough.

Q. Was it at a democratic meeting or a republican meeting where you divided time?—A. It was a republican meeting, I think; called by the republicans, but they invited all; it was a free meeting. The democrats were invited, and after we went there there was, I suppose, at least 100 colored men there, and probably between 40 and 60 white men. I myself and Mr. Stroman and one or two other gentlemen appointed a little committee to wait on the leading men of the republicans, to wait on the chairman of the meeting, Glen Fedrick, and asked the privilege for three democratic speakers to speak during the day. They granted the privilege; said it was all right; and there were three, myself and two white gentlemen, appointed to speak on the democratic part. They hadn't any stand built there at that time. You had to get up on a little one-horse wagon. There were two or three chairs in the wagon for the chairman and the speakers; and I was the first introduced on the democratic side. I got up and made a few remarks, as decent as a man could. I had only spoke two or three minutes, when a colored man in the ordinance [audience] began to holla, "Take him down! Take him down! We have got no use for him! Take him down! We don't want no democratic niggers speaking here; nor white people neither!" When they commenced that I ceased, but did not sit down immediately, but waited until they got quiet, and the chairman of the meeting got up and told them that he put it to the vote that the man should be heard, and they voted for it; the whole ordinance [audience] voted for it; that we should have a hearing; and if they raised any act of violence, or done any anything to avoid our speaking, they would go contrary to their own vote. Glen Federick, the chairman, as a republican, acted very fair, but the ordinance—

By Mr. LAWRENCE:

Q. The "ordinance?"—A. Yes, the ordinance of colored people standing around said that they did not want to give any democratic speakers a chance to speak. They hollaed, "Take him down! He shan't speak here!" Some of them were armed; some had double-barreled shot-guns, some had long muskets, and a good many drew pistols, and finally they came very nearly getting into a riot. The whole cry of the white men to the crowd was, "Keep quiet, keep quiet; we don't want any fuss or riot." Then I gave up and did not speak at all.

Q. Where was the next place where you did not have any opportunity to speak?—A. The next place was in the same county, at Dean's Swamp, high up in the county.

Q. Was that at a democratic meeting or a republican meeting where you divided time?—A. That was a democratic meeting. They commenced to cheer in the same way, the republicans did.

Q. Did it go so far that you were obliged to stop speaking?—A. It went on until I sat down and lost a good deal of time, and most of the republicans went away; then I rose and made a few remarks after they were gone. The leading men of them carried most of their men away.

Q. Where was the next place where you were stopped?—A. I was stopped in Camden, Kershaw County.

Q. What took place there?—A. There was some disturbance from some few colored men. That was at night. I landed at that place on Saturday evening at night, and I think this was on Tuesday night following. I staid at the hotel on Saturday night and Sunday, and knocked around on the street on Monday. During the day on Sunday the colored people out in various parts of the town had heard there was a democratic colored man at the hotel, and they made threats on the street.

Q. Did you hear them?—A. I did not hear them, but I heard about them.

Q. On Monday was there anything said to you?—A. On Monday I was out on the street myself. The colored people I passed on the street said I had better leave there. There was a couple of them up on a brick building, and one of them says to me, as I was passing along the street, "I understand you are down here hunting overseers?" My reply was, "Yes; don't you want employment?" Just as a joke, I said it. He says, "You God damned son of a bitch, you better get out of this town." I says, "Why?" He says, "We don't allow no democratic niggers to walk around here." I says, "My friend, I will let you know that I am free, and I am in a free country, and I will walk around this town and in every town in the State that I please, and never ask you any odds." Says he, "God damn you, if you don't get out of this town, we will put you where the dogs wont bite you." And his boss man (I think it was) in the yard came out of the gate and spoke to me and says, "Go ahead; don't pay any attention to him; don't bother with him." Says I, "I want to give him to understand that I am as free as he is, and the same law as protects him protects me." Says he, "Well, we don't allow no God damn democratic niggers here; we have got no use for them." Says I, "My friend, I don't propose to have any fuss with you," and that was the last word. I went around the street that day. It was a general thing among the colored men to make threats about what they would do, and on Monday night after dark they made threats.

Q. In passing you say you were stopped at a democratic meeting?—A. Then, on the

next night, Tuesday night, we called a meeting in the town, and the news went round through the town. There was a good, large ordinance, a good many whites and colored, and some few of the colored raised some disturbance, but I don't remember what they said. There was a few white men rose from their seats and told them to keep quiet; that the speaker was telling the truth, and that they didn't wish any disturbance at all. Then in a few minutes those men ceased and got up and went out, and I went through with my speech.

Q. Where was the next place where you were obliged to stop speaking?—A. The next place was in Blackville, Barnwell County. That was at a democratic meeting in the court-house. I began to speak. There were very few white men there, and a good many colored men. I spoke for probably five minutes. The colored men began to raise a disturbance. "Take him down," and used their oaths in regard to the "democratic nigger" pretty much the same way.

Q. Did it go so far that you were obliged to give up speaking?—A. Yes, sir; I decided in my own mind that if I didn't stop it would raise a riot and cause some trouble, and I gave up and didn't speak any more that evening.

Q. Where was the next place where you were obliged to give up?—A. I believe that was the only place where I was obliged to give up, but I was interrupted in other places, and delayed some time; but by some means the men got quiet, and the men that were disposed to make disturbances went away or were taken off, and I continued my speaking. The interferences were of the same kind at several different places.

By Mr. LAWRENCE :

Q. Where were you born and raised?—A. In Union County, this State.

Q. You are well acquainted with the colored people in that county?—A. Yes, sir.

Q. The colored people of this State are generally a quiet, orderly people, are they not?—A. No, sir; not as a general thing, in my judgment.

Q. The white people of this State are a quiet, orderly people, are they?—A. Well, I believe the white people of this State have tried and done all they could.

Q. Answer my question. Are the white people of this State generally a quiet, orderly people?—A. Yes, sir.

Q. But the colored people are not?—A. I think the colored people are not, as a general thing.

Q. At any one of all your meetings, or at any time during this campaign, has any man struck you?—A. No, sir; not with any violent intent.

Q. There has been no violence on your person?—A. Not in striking me, but there have been threats.

Q. Yes; but there has been no violence upon your person?—A. They have never struck me, but they have made their threats and drew weapons.

Q. You have been at numbers of democratic meetings where white men spoke?—A. Yes, sir.

Q. You have seen large numbers of colored people at them?—A. Yes, sir.

Q. In every instance have not the colored people, at those meetings where white democrats spoke, been quiet and orderly?—A. No, sir.

Q. Can you tell an instance where they have disturbed the meeting where a white man was speaking?—A. Yes, sir.

Q. Where?—A. Up here in this town, at Segar's Hall; and they disturbed a meeting where a white man was speaking in Orangeburgh County, at Rose Pump.

Q. A democratic meeting?—A. Yes, sir.

Q. Any other?—A. They disturbed a meeting at a place called Rock Hill.

Q. A democratic meeting?—A. Yes; I was there.

Q. Disturbed it when a white man was speaking?—A. Yes, sir.

Q. Is that all?—A. That is about all.

Q. On every one of those occasions did not the democratic speakers finish their speeches?—A. I don't know whether they finished them or not.

Q. They spoke as long as they wanted, didn't they?—A. They spoke on some few minutes after the disturbance was quieted—after the fuss ceased.

Q. There was no riot, but just noise?—A. There would be a good deal of fuss raised around which would have went into a riot if it went on.

Q. Was there anything but just a little noise?—A. Just noise and fuss raised by the colored people.

Q. No violence was inflicted by any colored man on a white man at any of these meetings?—A. No, sir; I never saw any one strike another one.

Q. You never saw a colored man strike a white man at any democratic meeting?—A. No, sir; but I have heard them use their violent language.

Q. You spoke of being at a meeting at Blackville; was that called as a republican meeting?—A. No, sir; a democratic meeting.

Q. Was there any republican speaker there?—A. If there was he was not introduced.

Q. How long did you speak there?—A. But a very few minutes, when the meeting broke up.

Q. No man was struck at the meeting?—A. Nobody didn't get struck to my knowing.

Q. Was there any man struck at any one of these meetings at Dane's Swamp, or Camden, or Blackville?—A. No, sir; but I saw men that drew weapons.

Q. Just answer my questions. You did not see any white man or democrat struck at any of the meetings, did you?—A. No, sir; I don't believe I saw any licks passed.

Q. Did you see any colored man during this year strike any white democrat?—A. No, sir; I don't believe I did; but I have seen them make their attempts to do it—make their threats, and draw their weapons, and show what they would do.

Q. Has any man attempted to inflict violence on you since the election?—A. Yes, sir.

Q. Did he attempt to strike you?—A. Well, I didn't see him draw his weapon, but he made his threats what he would do.

Q. Don't you know the difference between threats and violence?—A. I had a man follow me on the street with a brickbat in his hand and threaten what he would do.

Q. You don't know of any case where any violence was inflicted upon the person of yourself or any democrat, by any colored man, by striking or otherwise injuring the person?—A. Well, the day that I went to the poll to vote myself, I had a colored man to lay hold of me with his hand and pull me away from the poll the third time. I asked him to let me loose. I told him I was going up to vote, and he said, "No; you are not going to vote; I know what you are going in there for." I don't know what he meant by that, but he pulled me out the third time.

Q. That is the only instance of violence you know of?—A. That is the only man that laid his hand on me. I know of a colored man striking a colored man in the head.

Q. Did you see it?—A. I didn't see the lick struck, but I saw the head after it was struck.

Q. Then you don't know whether it was a white man or a colored man that struck it?—A. He told me who struck it.

Q. You don't know yourself whether it was a white man or a colored man that struck him?—A. No, sir; I didn't see the lick struck.

Q. You don't know whether it was a political quarrel or otherwise?—A. All I know in that case is what he told me.

Q. Did you hear a pistol fired at any meeting which you attended by any of the republicans?—A. Yes, sir.

Q. Where?—A. At Rose Pump or Rossville.

Q. Did you see it?—A. I was on the stand speaking and a pistol was fired, or two or three of them, a little piece from me.

Q. They were not fired at anybody?—A. I don't know whether they were or not. They did not fire at me, I think.

Q. There was nobody hurt?—A. No, sir.

Q. Did you hear a pistol fired at any meeting you attended?—A. Yes, sir; over in Blackville.

Q. Any other?—A. No other, I believe.

Q. At Blackville, the pistol was not fired at anybody, was it?—A. I don't know, sir. I was not exactly present; I was about one hundred yards off.

Q. There was nobody hurt?—A. There was nobody hurt to my knowing, but I saw a good crowd running.

Q. How long have you been voting the democratic ticket?—A. In every election since I have been free.

Q. What business are you engaged in now?—A. I have some little work to do around town, taking care of some gentlemen's rooms. I have no regular situation by the month.

Q. Whose rooms do you take care of?—A. I take care of Mr. Beck's, over there for one.

Q. Did you tell the colored people in your speeches that it would be better for them to vote the democratic ticket, because they could get employment from democrats and get to live on the lands of the democrats?—A. No, sir; I didn't tell them on that account.

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COLUMBIA, S. C., December 23, 1876.

M. A. MARGUETTE sworn and examined.

By Mr. ABBOTT:

Question. Where do you live?—Answer. At Edgefield Court-House.

Q. How long have you lived there?—A. Twenty-one years. I am from Germany originally.

Q. How old are you?—A. Forty-five.

Q. What position did you occupy at the last election?—A. I was manager of box number one.

Q. And you were there all day?—A. I was there all day.

Q. And attending to the business of the election all day?—A. Yes, sir.

Q. Could you see from your room where the people about the voting-place were?—A. Only whenever the door opened and a new party was brought in to vote.

Q. Was there any disturbance at that voting place?—A. None that I saw.

Q. Did you admit the voters a certain number at a time?—A. Yes, sir.

Q. How many?—A. Ten at a time.

Q. Under any circumstances could you have taken any more votes than were actually cast at that place?—A. No, sir; I suppose we might have voted some fifty or more if it hadn't been for the time that the troops went out to take their stations and to make arrangements outside; it took about fifteen minutes perhaps.

Q. And with that exception was all the time taken up as fully as it could be in voting?—A. Yes, sir; we could not have voted any more.

Q. The time was fully occupied until the polls were closed?—A. Yes, sir; until the polls were closed; that is, on our arrangements that we made. Sometimes it took some time in challenging votes, but ordinarily that did not consume any more time than I have seen consumed at other elections in challenging votes.

Q. Questions were put to the colored men about their right to vote besides the oath they took?—A. Yes, sir.

Q. Was not a large number of colored men questioned in that way?—A. I suppose there were about one hundred or more. Some were not questioned at all. In some instances where couriers came and said they had voted at other boxes we propounded to them the question, hadn't they voted there.

Q. The one hundred colored men who were questioned, as you have stated, had already sworn that they were entitled to vote before they were questioned?—A. They were first required to take an oath.

Q. Can you state the substance of the oath?—A. That they were citizens of the United States and of the State of South Carolina, and had not voted at any other voting-precinct, and that they were twenty-one years of age.

Q. What time in the morning did the white men mainly vote at that election?—A. In the morning, in the early part of the day.

Q. Did that occupy pretty much all the fore part of the day?—A. No, sir; I think they got through principally about nine o'clock; I would not be certain with regard to the time.

Q. The colored men were not permitted to come up and vote?—A. Yes, sir; some colored men came and voted with the white men.

Q. But as a general thing they were not permitted until the white men had voted?—A. No, sir; the white men principally voted before the colored men voted, and I can state the reason why they did. We apprehended that the colored people would come there and take possession of the box, which they had invariably done heretofore, and we were put off until about twelve or one or two o'clock before any of us could vote. It was the intention of the white people this time not to be cut out of voting, and they pressed forward, and so did the colored people.

Q. They intended that if anybody was cut out of the privilege of voting it should be the colored men?—A. Well, it was not the intention, but heretofore they had had to crowd through them and were pushed back, and it was very unpleasant.

Q. You are acquainted with the colored people of your county generally?—A. Yes, sir.

Q. They are a peaceable people?—A. Well, some of them are. The generality are very peaceable, but some, as a matter of course, are bad characters.

Q. Do you know of any instance that day when any colored republican interfered with any white democrat, or attempted violence upon him?—A. I have not seen any act of violence at all by either party.

By the CHAIRMAN:

Q. It has been stated here that, as the colored men approached the door to go into the voting-place, there were crowds of white men standing immediately around the door with clubs in their hands who were striking them in the head as they went to vote.—A. I have never seen a lick struck.

Q. Did you see any man with a bloody head?—A. I saw one man with blood on his head, that said he had been knocked.

Q. But not as he came there in the door?—A. No, sir.

Q. That was a case of a row outside, was it not?—A. Yes, sir.

Q. Outside of that was there a single case of a man with a bloody head, or any sign of violence?—A. No, sir.

By Mr. ABBOTT:

Q. By common report was it not true that all the colored men came down to your precinct, and deserted the other precinct, and so created the trouble in voting?—A. Well,



by looking through the window on my right I saw a large crowd around the house, and in front I saw a large body of colored people coming up in a mass. At first it had the appearance to me that there would be a disturbance; that they came there for the purpose.

Q. Were there any minors who attempted to vote?—A. Yes, sir.

Q. How many cases do you think?—A. I presume some ten or fifteen; I could only judge from appearances.

Q. Do you know of any repeating at that poll?—A. I do not.

Q. Do you know of any disturbance outside, so far as you could see or hear?—A. I witnessed none myself.

Q. How was the canvass in your town previous to the election—peaceable or otherwise?—A. I considered it peaceable.

Q. There was a good deal of feeling about it?—A. Yes, sir.

Q. Do you recollect the occasion when Governor Chamberlain addressed the meeting there?—A. Yes, sir; I was present.

Q. By report, was any white man, going home from that meeting, killed?—A. There was a white man killed some three miles from the village, going home from that meeting, and I heard of another being wounded, but I did not see him. I went to the spot and found the man that was killed lying in the road, shot through the head.

Q. Did you get any word from General Hampton about having the whites not retaliate?—A. I went out with General Gary. He told me that he wanted to go, but did not wish any retaliation to occur, and that it was General Hampton's orders, too, that there should be no retaliation.

Q. Were there arrests made of black men?—A. There were arrests made.

By Mr. LAWRENCE:

Q. How long have you lived in Edgefield?—A. About twenty years.

Q. You voted the democratic ticket yourself?—A. Yes, sir.

Q. You did not have opportunities to see what was going on outside, generally, at the poll, by reason of your being in the house?—A. Not generally.

Q. Do you remember how many colored votes there were at your voting-place?—A. I think the colored votes exceeded eight hundred; I don't know how many more.

Q. How many democratic votes were there?—A. I think about three hundred and sixteen.

Q. Do you know of any white man or democrat who did not get an opportunity to vote?—A. I know of no one.

Q. Don't you know that there were considerable numbers of colored men who did not get an opportunity to vote?—A. I have heard it said, but I only know of one that told me he had not.

Q. Did you not see outside crowds of colored men who did not vote?—A. I could not testify to that, from the simple fact that there were a great many out there, some scattering and some who had formed a circle, and I could not tell who had and who had not voted.

Q. There were complaints in the evening that colored men had not had an opportunity to vote?—A. I did not hear that; I was in the house.

Q. Was it not a matter of general notoriety afterward?—A. I heard of it afterward, that there was complaint that some of them could not vote.

Q. Were there not general complaints also that the white men surrounded the approaches to the voting-place so that colored men could not get in?—A. I did not hear any such complaints.

Q. Did not the democrats occupy a good deal of time in challenging republicans who came up to vote?—A. I do not think there was any more time occupied than was necessary. I myself was censured in the matter.

Q. Did you not challenge a good many republicans?—A. I did, or my supervisor did, and I was present.

Q. Were there not many more republicans who were challenged than democrats?—A. There were.

Q. Did not that consume a good deal of time?—A. Well, in some instances we consumed time on account of the republican managers. For instance, there was a white man challenged that they thought had voted, and they compelled the clerks to go over the entire poll-list to see whether that man had voted. That was their own motion, and it occurred twice. Once we challenged a colored man, and went over the list and consumed a good deal of time, and created some disturbance.

Q. What I ask you is, whether it was not by common report understood that this trouble at your box about their not voting came from the colored people deserting the other box?—A. I have never heard about that.

By Mr. LAWRENCE:

Q. Was the man whose head you saw bleeding a colored republican?—A. He was.

COLUMBIA, S. C., December 28, 1876.

JOHN M. LEITH sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Abbeville County.

Q. What is your age?—A. Twenty-eight.

Q. Where were you on the day of the election?—A. I was at the polls from morning until night at Long Cane precinct.

Q. What position did you occupy there that day?—A. I assisted the clerk in making out his record.

Q. Were you there all day?—A. All day; I never left.

Q. What was the character of the crowd there as to peace and good order?—A. They were all quiet and peaceable, and every man voted as he pleased. I saw no intimidation whatever.

Q. There was no intimidation?—A. No, sir.

Q. Were you in a position to see and know everything that was going on that day?—A. Yes, sir.

Q. It has been stated here that none but Hampton men were allowed to vote at that poll; is that true?—A. No, sir. Everybody was allowed to vote as they pleased, and nobody knew how they voted.

Q. There was no obstruction?—A. No, sir; not in any form or shape.

Q. It has also been stated that there was a good deal of shooting done there during the day; is that true?—A. I did not see any shot fired at the polls; all the shooting was done by two or three who were drunk, and done after the polls were closed; away from the polling-place, across a bridge.

Q. You say there was no shooting?—A. I am sure there was none whatever at the poll that day.

Q. Was there an opportunity for all the people to vote who wanted to vote?—A. Yes, sir. At the start they became so crowded they shut the door so that they would come in ten at a time, five blacks and five whites. When the clerk had so many whites on one side then he would turn around and take so many blacks to make it even. When it got slack the door was opened. That was about an hour after the poll opened.

Q. That was early in the morning?—A. Yes, sir.

Q. During the entire day from that time on the door was open?—A. Yes, sir.

Q. It has been stated here that fifty men went away without voting; if that was so, was it because there was no opportunity to vote at the place?—A. I never saw that.

Q. Was there an opportunity for any man to vote there who wanted to vote?—A. Yes, sir.

Q. How long have you lived in Edgefield County?—A. I have lived in it seven years.

Q. Were you pretty well acquainted through the county?—A. Yes, sir.

Q. Were you around through the county considerably during the campaign from one place to another?—A. I have only been around to these meetings.

Q. You took no part in politics?—A. I am secretary of one of the clubs.

Q. About your own place, what was the character of the people as to peace and good order during the few weeks preceding the election?—A. They were all quiet.

Q. Did you see any indication whatever of intimidation or threats toward any class of voters at the poll at Long Cane precinct on the day of the election?—A. No, sir, not any; the white people kept aloof from the blacks altogether; they had nothing to say to them.

By Mr. LAWRENCE:

Q. You were secretary of a democratic club?—A. Yes, sir.

Q. Where were you?—A. Right at the mills, I live there.

Q. Were you in the room where they were voting?—A. Yes, sir.

Q. What were you doing in there?—A. I was looking on; I was helping the clerk to write down the names, and I was writing down names to send by a courier to other townships.

Q. Were you in the room all day?—A. Yes, sir; all day.

Q. You were not outside?—A. I was sometimes, but not when there was voting going on.

Q. When you were in the room you could not have had an opportunity to see what was going on outside?—A. Well, it was right by a window.

Q. You could not write down names, and at the same time see what was going on outside at any considerable distance from the poll?—A. No; I could not do both at the same time.

Q. Then you don't know what was said outside by persons to voters who were coming up to vote?—A. There was nobody outside. They all dispersed as soon as they came.

Q. You don't know what was said outside?—A. No, sir.

Q. If threats were made outside you had no opportunity to hear them?—A. I never heard any.

Q. And you don't know whether they were made or not?—A. No, sir; I never heard of any threats made by either blacks or whites. I have talked with them since, but I have never heard of them.

Q. But you don't know whether they were made or not?—A. No, sir.

Q. Did the white men vote first in the morning?—A. I think it was five and five; first five white men and then five blacks.

Q. How many colored men and how many white men voted during that day?—A. I cannot tell you exactly. I think the whites had a majority of twelve, if I am not mistaken.

Q. About how many votes were cast?—A. I think there were between two hundred and fifty and three hundred.

Q. Did you go away to get your dinner?—A. No, sir; it was sent to me from a house close by. After the close, I furnished all the managers dinner in the room.

By the CHAIRMAN:

Q. What is your business there?—A. I am the manager of the mill there, on Mr. McKay's place.

Q. What business do you do at the mill?—A. I keep the accounts and see that everything is right.

Q. How long were you engaged in writing names during the day?—A. About an hour's time, I suppose.

Q. After that you were in and out of the room?—A. Yes, sir.

Q. If any pistol-shots had been fired in the neighborhood you were in a position to have known it?—A. Yes, sir; the only pistols I heard fired were after the polls were closed, and that was as they were going home. I knew the parties who fired, too, and the firing was not intended for anybody. If there was any disturbance I think I would have heard somebody talk about it, blacks or whites. The managers told us they were pretty well pleased.

Q. The crowd was good-natured?—A. Yes, sir.

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COLUMBIA, S. C., December 28, 1876.

MILLEDGE T. HOLLEY sworn and examined.

By the CHAIRMAN:

Question Where do you reside?—Answer. In Aiken County, five miles south of Aiken Court-House.

Q. What is your age?—A. Forty-five.

Q. What position did you occupy in the last election?—A. I was sheriff-elect in the last election.

Q. Where were you on the 7th of November last?—A. In Aiken; at Aiken Court-House. I got there about half past three o'clock in the morning, before the polling commenced, and staid until the votes were counted. I never left the precinct at any time during the day.

Q. State what you know of the conduct of the election at the court-house on that day as to peace and good order.—A. On Saturday or Monday, I am not sure which, I was appointed a special deputy by the sheriff of Aiken County, to assist in keeping good order and making any arrests that were necessary to assist the sheriff. When I got there in the morning I went to the polls and remained at and around the polls all day. Everything was perfectly quiet. I saw nothing to mar the peace of any citizen, white or black. Everybody had free access to the polls, and inside of a little barricade that we had to keep out the masses of the people. Myself, and a man named Givins, a colored man, who was also appointed a special deputy, remained most of the day just around the precinct so as to keep everything clear and see that everybody had an opportunity to vote.

Q. Was there any difficulty in the way of anybody who desired to vote?—A. None at all, sir. Myself and Mr. Givins, a colored republican, were there. There was one entrance where the people came in. All sick or indisposed colored men I admitted from the other side, and Givins did the same at the other side with the white people. There was considerable rush; they would stand in line two or three hours getting through, and we agreed that these who were not able were to be excused from this rush. The rush lasted until twelve o'clock or later; after that, until the close of the polls, they were clear, though sometimes for an hour there might be a crowd.

Q. Were there any complaints of any person not being able to vote that desired?—A. Not a bit. The United States marshal was there assisting us, and he expressed him-

self as perfectly satisfied, and he remarked in my presence that it was the most quiet election he had seen since he came south.

Q. How long have you lived in Aiken County?—A. I was born and raised there.

Q. You are pretty well acquainted with the county?—A. As much so as any man living in it.

Q. As a candidate for office, did you go over most of the county?—A. Some six weeks or two months before the election I was nominated, and from that time we had almost daily meetings in different sections of the county, taking it by townships. There are seventeen townships in the county, and we went from township to township. We were from twenty-five to thirty days, very nearly every day, engaged in that way.

Q. Were your meetings quiet and orderly?—A. Perfectly so.

Q. Did any disturbance occur at any of them?—A. Not a particle.

Q. Were you at any republican meetings?—A. I met the republicans at Royce's Bridge, between the 8th and 15th of October, myself and several other candidates, and some of the speakers who had been appointed by the democratic executive committee. Soon after arriving there, Mr. Palmer, a candidate on the other side, and several of the other candidates, came in. We went to them and asked them very quietly to give us a part of the time. They refused, saying that it was their meeting, and they did not wish to be disturbed. We stated that we did not want any disturbance, but simply desired to express our views to the colored people and to enlighten them, and, if possible, to convince them that we only wanted fair dealing, and that we proposed to do that by argument, and not by any rash words or foul means. I also stated that I was then a candidate for the office of sheriff of Aiken County, and that, though I was not then sheriff, I would assume the responsibility to say that there should be nothing of an unpleasant nature, that everything should be peaceable and quiet; but still they did not grant our request. We remained there and heard them speak, and everything was quiet.

Q. They refused you a division of time, and you yielded, conceding their right to refuse?—A. Yes, sir; we remained until six o'clock. Some of the republicans were speaking when we left.

Q. You put your proposals in the ordinary form of a request for a division of time, and when it was refused you yielded?—A. Yes, sir. We asked, further, if they would not be willing, that if the colored people were desirous of hearing our arguments, to allow them to decide the matter. They refused that. I stated that we wanted to enlighten them. Dr. Palmer said he did not wish them enlightened; that it was not to his advantage to have them enlightened.

Q. What was the condition of Aiken County during the entire canvass?—A. There was considerable excitement in both parties, but nothing of a hostile nature. Everything was perfectly peaceable and quiet. With one or two exceptions I don't think there was a day for twenty-five or thirty days that I did not attempt to make a little stump-speech at various points, according to the arrangements made by the committee. There was a good deal of enthusiasm.

Q. Was anything like intimidation attempted on your part?—A. Not a particle, sir. I never heard of anything of the kind during the canvass, except by the other party. There were a good many colored people at those meetings who had come over and expressed themselves as democrats and voted the democratic ticket. The republican colored people used to abuse them, and tell them that if they voted our ticket they would go to the whipping-post, and if they didn't go to it with the white people they would put them to it.

Q. Was there a system of intimidation by the republican negroes against the democrats?—A. There was in several instances, so that the colored men were abused.

Q. Any that fell under your own observation?—A. Only one man that I saw on one occasion, Tom Hayne, at Aiken; there were a good many got around him and threatened to abuse him and beat him, and he called upon his friends, and they came and dispersed the others, and told him that they must not interfere with him; that we did not propose for him to vote only as he saw fit. There was some disturbance in our county before our nomination, about the 16th of September, in connection with the Ellenton riot, but it had nothing to do with this election—at least I never heard any man speak a word that led me to believe that there was anything political connected with it.

Q. It had no political character?—A. Not at all, sir.

Q. Apart from the demonstrations made at the time of the Ellenton riots, did you see anything like hostile demonstrations in your travel?—A. Nowhere, sir. All the speeches I heard were to convince the colored man that he was doing wrong to go against the good people of the county.

Q. You sought to influence them by persuasion?—A. Altogether. Every speech that I made was in that line, and I heard none other, except that on one or two occasions I heard some parties make some reference to this man Palmer, that he had made incendiary speeches, and that he ought to be taken out and hung.

Q. Who was Palmer, a republican speaker?—A. A republican speaker, and considered by even his own party to be a very bad man.

Q. What do you mean by an incendiary speech?—A. That I could only state from hearsay. These parties said that he had made speeches saying that the colored people must kill out and burn property. I know there *was* considerable burning; a good deal of that came under my personal knowledge, and some murders of a most outrageous character, that I witnessed myself.

Q. By whom and upon whom?—A. The first burning that I recollect in the neighborhood at that time was about the night of the 17th of September, when Dr. Bailey's mills were burned, on the line of Aiken and Barnwell counties. On the Tuesday night following, the 19th, I think, my mill (I had two mills, a saw-mill and a grist-mill and cotton-screw) was set on fire, and one of my mills and my gin-screw were burned. My other mill was also set on fire, but went out by accident. The same night my neighbor, Mr. Perrot, about a mile from me, had his cotton-gin fired, but it fortunately went out. The next burning was pretty soon after that. We were in what we called the fork of the two rivers; we had gone to meet our appointment. A party of our speakers and candidates staid with a gentleman named L. B. Lewis, and the second night after they staid with him his house was burned down, and they had every reason to believe it was by incendiaries. About the 4th or 5th of November there was a gentleman named Hausman, a Dutchman, and his nephew, Mr. Pultman, who lived in a house by themselves, and a party of negroes went down and murdered them in the house.

By Mr. LAWRENCE:

Q. Did you see that?—A. I saw the bodies next day.

Mr. LAWRENCE. You have no right to state, then, that it was a party of negroes.

A. I will prove that to you afterward, from the fact that I have them now in my custody, and they acknowledge the fact. There were five that went to the point, and three others who were accessaries, and each and every one has been taken up at a separate time, and all confirm the statements made by the first one, except as to who did the killing. They do not deny it to any one at all; they talk of it to any one that will go in and see them.

Q. Were there any other such burnings of homesteads that fell under your own observation?—A. Only from the acknowledgment of those negroes who are in jail.

Q. As a matter of general notoriety, was there not during this canvass a very large number of buildings fired?—A. Yes, sir; I know that property was burned.

Q. In those instances what class of persons, politically, owned the buildings?—A. Hausman and Pultman never interfered in politics, and if they ever voted at all I am not aware of it.

Q. They were white men?—A. Yes, sir; the most decent, quiet gentlemen in the community, men who were esteemed by every class of men, white and black. Those whose property was burned were altogether democrats, I think. I don't know of any but those two that were not democrats. There were some other outrages committed in that neighborhood. A few days before Hausman was killed there was an old gentleman who had peddled rags who was missing for some days. He was found at Horse Creek, four miles this side of Hamburgh, and no one knew who had killed him. After the arrest of these negroes they said, voluntarily, that they had killed him. They said they had got about ten dollars. A little before that there was an old gentleman, 70 years old at least, and his wife, equally as old, very inoffensive old people. These same negroes acknowledged going there, (two out of five—I don't recollect which of them—belonged to the State militia.) They went with the militia guns and hailed Mr. Parkinson at the door. He refused to come out. They fired at him through the shutters, but did not hit him. He then told them not to kill him, but to come in and he would give them anything they wanted if they would save his life. They went in and plundered the house, and Mrs. Parkinson, a very old lady, ran out in the garden and tried to conceal herself, and two of these negroes say that this fellow, John Henry Dickson, went out and committed an outrage on her after she left the house.

Q. What was the treatment that the democratic negroes generally received from the republican negroes, so far as you know?—A. Very bad. They were molested in words at every meeting. They were never allowed to pass without some harsh language being used, and very frequently blows. However, I never saw a lick struck.

Q. Did a portion of the colored people of your county vote the democratic ticket this fall?—A. Yes, sir; I suppose one hundred and fifty to two hundred more than we ever did before.

By Mr. LAWRENCE:

Q. Were there troops in your county?—A. The troops came there before this Ellenton riot. They were at Aiken at the time that occurred.

Q. The Ellenton riot was in your county?—A. Yes, sir; about the 16th of September.

Q. How many colored men were killed in the Ellenton riot?—A. I could not speak knowingly of that.

Q. How many, by general report?—A. Thirteen is the general report.

Q. Any white men?—A. Two white men killed and two or three more wounded.

Q. Do you know, by general report, that there were a number of colored men killed in your county this year?—A. None; not a man that I ever heard of, except these thirteen reported at Ellenton, and one that was shot that went into Mr. Harley's house. I don't think there has been any other colored man killed in the county for the last seven or eight months, except in the Hamburg riot. Since the Hamburg riot there has not been a colored man killed that I have any knowledge of, with the exception of the one that went into Mr. Harley's house.

Q. How many colored men were killed at the Hamburg riot?—A. I think, as well as I recollect, six was the number reported.

Q. Nineteen colored men were killed in those two riots?—A. Yes, sir; that is about the general statement. I cannot speak of it knowingly.

Q. Were any white men killed at Hamburg?—A. One, that I heard of.

Q. You attended nearly all the democratic meetings held in your county?—A. At first I did; but toward the close they had sometimes two different meetings the same day.

Q. No republican ever disturbed any one of your democratic meetings?—A. Not that I have any knowledge of.

Q. Then there was no violence or intimidation by republicans at democratic meetings?—A. Only by these insulting threats they made toward democratic negroes, and frequently making threats to burn out white people's property.

Q. Was that at the meeting?—A. No, sir; just passing each other.

Q. Were you at any republican meeting except the one which you have mentioned?—A. Yes, sir; two. I was at Royce's Bridge on Friday, and Silvertown on Saturday.

Q. Were those meetings called as republican meetings?—A. Yes, sir.

Q. For what purpose did you attend them?—A. The first meeting we went to, we went to see if they would be willing to divide the time. There had been some such arrangements prior to that, and we supposed there would be no objection to dividing the time. If so, we would take it, if not, we would remain peaceably and quietly and let them have it their own way.

Q. Did they divide the time?—A. No, sir; they did not.

Q. How many white men attended the meeting?—A. I think between forty and fifty. The colored men at that point numbered about from seventy-five to ninety.

Q. Did the white men remain during the meeting?—A. Until about four o'clock.

Q. What time did the meeting commence?—A. It was pretty late; we met there about twelve o'clock; but I don't think the meeting was opened until half past twelve or one o'clock. The white men left before the meeting was concluded, from the fact that most of them were from a distance, myself included.

Q. You attended another republican meeting at Silvertown the next day?—A. Yes, sir; we had a meeting of our own called there that same day.

Q. Was the republican called before the democratic meeting?—A. I could not say as to that; I don't recollect.

Q. Did you ask for a division of time there?—A. I was not present if it was asked. I understood that one gentleman on our side asked some men about dividing time. They simply said they would be glad to have us attend their meeting, but would not grant the privilege of asking questions. Immediately upon the back at that there was a committee, composed of Mr. Paul Hammond and another gentleman, to see that none of our people interfered with them nor asked any questions. After arriving at the stand, one of the republicans was speaking, and a young gentleman, a friend of mine, from Aiken, was present, and this speaker made some assertion, and this gentleman, Mr. Yates, attempted to ask some question. I stepped right up to him and said, "It is contrary to the order of the day; you are not expected to ask any questions;" and this gentleman who was speaking said that he refused to make any answer; that the understanding was that they were not to be asked any questions, and Mr. Yates said nothing more. A democratic colored man got up in a buggy and made a short speech. He had been drinking, I think.

Q. Was that within hearing of the republican speaking?—A. I don't think it was, from the tone in which he spoke. It might have been with a loud tone.

Q. How many yards was it from the republican meeting?—A. Seventy-five or eighty yards. He spoke very low, and was up a very short time. He got up in a buggy, and seemed to have done it without the knowledge of the white people. The owner of the buggy went down and told him to get out; he did not get out as soon as the owner wished, and the owner and another gentleman got hold of the buggy and pulled it away about fifty yards, and that was the end of it.

Q. You have no knowledge of what occurred at other republican meetings?—A. I have not, sir.

Q. Who is Dr. Palmer?—A. He is from the North; I don't know from what State; he has been in our county off and on for four years; he goes off in the summer months.

Q. Is he a member of the legislature here?—A. He claims to be now, but I do not so consider him. The board granted a certificate to the man who opposed him, and that gentleman is now in our legislature, or was at the time of the adjournment. Palmer, the other candidate, has been taken into the other house.

Q. What board granted that certificate?—A. The State board of canvassers issued the certificate.

Q. You remember that you are under oath?—A. I am.

Q. You know that fact about that certificate?—A. I have seen the certificate of one of the gentlemen.

Q. Did you see the certificate of this gentleman who ran in opposition to Dr. Palmer?—A. I don't know that I can say that any particular one out of four was in opposition to him but I saw the certificate of one who was declared elected by the State board.

Q. Who signed that certificate?—A. It was signed by the secretary of state, the same as my certificate.

Q. You said there was a system of intimidation by colored republicans against colored democrats. State what you personally know or have heard upon that subject.—A. Well, I have heard the republican colored people frequently tell the democratic negroes that if they voted the democratic ticket they would kill them; that they would not be allowed to live, and threats of that kind.

Q. Whom did you hear say that?—A. I have heard numbers of them.

Q. Tell me one.—A. I don't know that I can name any particular one. A great many times I didn't know the parties.

Q. Can you name a single republican colored person who said any such thing as that?—A. I think I could by a little reflection. I don't know that I could call the parties to mind just now. I have heard it repeatedly.

Q. Can you name a single colored democrat to whom such language was used?—A. Yes, sir; Bob Harrison and Henry Harrison.

Q. Where?—A. Henry Harrison was on my place, and I can name one of the parties who said it.

Q. Did you see it?—A. There are two Bob Harrisons; one is a brother-in law of the one that lives on my place, and the other Bob Harrison threatened to kill him.

Q. The Harrisons have not been disturbed, have they?—A. I do not know that they have been.

Q. Don't you know that they have not?—A. I have not heard that they have been, and I think they have not.

Q. Can you name any other instances?—A. As I before stated, I do not know that I can recollect the names of the parties. I was not present, as I have before stated, when these parties were molested, but I have seen on two occasions on the streets of Aiken where the parties were bleeding from violence.

Q. I asked you only as to your personal knowledge.—A. I stated in my direct testimony that I did not see any violence, and I still say so; threats I heard frequently.

Q. Do you know of any instance in which any white man in your county during this year has been fined or punished by any proceeding of the court for any outrage committed against any colored man?—A. There have been occurrences of that kind. I have been at the courts and seen the trials and have seen the parties convicted, but I cannot call to mind the names of the parties.

Q. White men?—A. Yes, sir.

Q. Did you hear them sentenced?—A. I only heard the verdict of the jury. I do not think I heard the sentence.

Q. You do not know whether the court sentenced them or not?—A. No, sir; but I took it for granted that after the verdict of the jury they were sentenced.

Q. Then you do not know any instance where a white man has been punished?—A. Not of my own personal knowledge; only, as I have stated to you, I have seen the cases come up in court.

Q. Did you see more than one case where there was a verdict against a white man?—A. I could not state positively; my memory is very bad, and I have never taxed it about that.

Q. In that instance which you have named, what was the verdict for?—A. I could not call to mind the exact charge. I have not taxed my mind with anything of the kind, and we have had a great deal of political excitement.

Q. Did the colored men on your land vote the democratic ticket?—A. Yes sir; every one on the the place, I am proud to say, and they have done so for four years, except one who did not vote at all. Four years ago I went up in advance of them, and about nine o'clock they got on the ground, and the first I saw of them there were seventy-five to one hundred negroes around them—

Q. I did not ask you for that.—A. Well, I thought it necessary to state it. I can only say in answer to your question that every negro on my place has voted the democratic ticket for four years.

Q. Is the one that did not vote at all still on your place?—A. He is not on it now, but he was there last November a year ago, and staid there until last September or October.

Q. Did you talk with the colored men about the election?—A. Yes, sir; I talked with them wherever I went.

Q. Did you tell them that it would be to their interest to vote the democratic ticket?—A. I did.

Q. And that unless they would vote it, you would not feel inclined to let them stay on your lands?—A. No, sir; I never had occasion to say so. There was an agitation of this kind four years ago, and they came to my rescue, from the fact that they said they had confidence in me; they had been on my place, some of them for years. One of them said to me, "I know what you say you mean. You say that you mean to give us equal justice under the law if you are elected, and upon that ground we are going to vote for you. We cannot vote the whole ticket this election, but we will vote for you." They voted for me and another man that election. Two years afterward they voted the full ticket, and in the last election they voted the full ticket—voted it from the effect of argument—no threats. I have got one man who has been on my place six years, and he and I have never had a word, and I expect he will stay six years more if he lives.

COLUMBIA, S. C., December 28, 1876.

ANGUS P. BROWN sworn and examined.

By the CHAIRMAN:

Question. What is your age and residence?—Answer. I am fifty years of age; I reside in Aiken County, South Carolina.

Q. What official position do you hold?—A. I was recently elected clerk of the court of Aiken County.

Q. Where were you on the 7th of November last?—A. At Silverton precinct in Aiken County.

Q. State what you know with regard to the election held at Silverton?—A. I never saw a more quiet election; in fact, it was the most quiet we have ever had there. I was at the polls from daylight until the box was counted, and started off.

Q. Was there a large crowd about the poll?—A. Yes, sir; we give a large vote there, colored and white.

Q. As to ease of access to the polls and opportunities to vote, were they extended alike to all classes?—A. All classes, sir. For the first two hours the colored people had the entire poll to themselves, having got possession of it early in the morning.

Q. Was there any kind of interruption or interference with their voting?—A. Not a bit that I ever heard.

Q. Any disturbance there during the day?—A. Not a word.

Q. How soon did the colored people get in to vote?—A. I suppose it was two hours that the colored people were in control, and then I made a proposition to them to allow us in control. They were voting in a blacksmith's shop; I suppose the door is about eight feet wide. I proposed that we be allowed to have half the ground in front of the box. They acceded to it without any disturbance.

Q. Was the vote of the precinct polled without any one being excluded?—A. Not one was excluded, sir, of any race or color.

Q. How long did the crowd continue there?—A. I think about four o'clock they gradually began to leave. There was a good large crowd, however, there all day, some few going away and a good many going in.

Q. The most of the colored people voted the republican ticket, I suppose?—A. Some few, perhaps twenty, voted the democratic ticket.

Q. Was there any violence or intimidation or threat toward any class of voters that day at your poll?—A. Not as I heard. I was there before daylight and left after the box was counted.

Q. How generally were you through the county during the canvass?—A. I was not much through the county; I was mostly in the southern part, on the river.

Q. Did you attend a number of democratic meetings?—A. Yes, sir.

Q. Did you attend any republican meetings?—A. I think I attended four or five.

Q. Was there any disturbance at any of those meetings?—A. None.

Q. What was the disposition, so far as you had knowledge of the matter, of the colored republicans toward colored democrats?—A. So far as I know, of my own knowledge, I could not say; I only know what they said.

Q. What was the general report?—A. I heard a democratic colored man say that he had been severely beaten because he claimed to be a democrat.

Q. As a matter of fact, coming down to what you saw throughout the county, was there a disposition to ostracise, socially, and in every other way, any colored man who chose to vote the democratic ticket?—A. I think there was.

Q. Don't you know there was?—A. I know it.

(Mr. Lawrence objected to the last question.)

Q. What was the general report and reputation in regard to the matter as to the relation between the colored men who voted the republican ticket and the colored men



who voted the democratic ticket?—A. Well, sir, the colored republicans were very abusive, from what I could hear. They were so that they refused to associate with them; they refused to have any intercourse whatever with colored democrats.

By Mr. LAWRENCE :

Q. You were at a number of democratic meetings?—A. Yes, sir.

Q. No republican disturbed any democratic meeting?—A. No, sir; I did not see any disturbance.

Q. The colored men, who were in attendance at democratic meetings, were orderly and quiet?—A. Perfectly, sir.

Q. Is not that the character of the colored men generally; are they not an orderly, quiet, and inoffensive people?—A. Politically!

Q. No; as men?—A. Yes, sir; as men they are generally very quiet.

Q. They are disinclined to enter into any personal combats or contests unless they are set upon?—A. I cannot say that, sir, because we have had a demonstration which proved they were not, and a very strong one, too.

Q. Were you present?—A. I was through the whole of it; from the beginning to the end.

Q. Which one do you refer to?—A. The Ellenton riot.

Q. That we have not gone into. How many republican meetings did you attend?—A. I think I attended four or five.

Q. Did you go for the purpose, or with others who went for the purpose, of getting an opportunity to divide time and having a joint discussion?—A. We did make a proposition on several occasions, but it was invariably refused, and we did not press it at all.

Q. Did the democrats attend in force at those meetings?—A. Sometimes there were very few, and at times a good many.

Q. Did they carry pistols sometimes?—A. Yes, sir, I think they did.

Q. The white men?—A. I think both parties carried sidearms.

Q. Did the colored men carry sidearms?—A. Yes, sir, I have seen them with sidearms.

Q. Did they go generally with sidearms?—A. I cannot tell you; I cannot tell what is under a man's coat.

Q. You have no knowledge of the colored men generally having sidearms?—A. No, sir, not generally; but I have seen them. I cannot say that every white man had sidearms.

Q. Do you not know that the white men did generally have sidearms?—A. I have seen them with sidearms; I cannot say that they all had. I think they had generally.

Q. At any of the democratic meetings, did the republicans have any discussion with you?—A. No, sir; they always refused to discuss the questions then agitating the country.

Q. What position did you occupy on the day of the election?—A. I was a candidate for clerk. I was at the polls all day, from before daylight until after the votes were counted.

Q. Don't you know that there were large numbers of white men there armed with pistols?—A. I have no doubt of it.

Q. Did not white men frequently remain around the polls in considerable numbers?—A. Not near so much as the colored people, sir. It was blocked by them for two hours.

Q. Did not the white men remain at the polls in large numbers during a considerable part of the day?—A. Immediately around the polls?

Q. Yes.—A. No, sir.

Q. In the vicinity?—A. Yes, sir; both colors did.

Q. Don't you know that in the evening there were considerable numbers of colored men, who had been there during the day, who went away without voting?—A. No, sir; not one.

Q. You mean to say that you do not know of one?—A. I do not know of any. The poll in the afternoon from about 4 o'clock was perfectly open; there was nobody even around the poll except the marshals, the challengers, and the managers. I do know that at the time the box was about to be counted soldiers were ordered up immediately in front of the door, and that they took possession of the box.

Q. Took possession of the box?—A. Yes; and were sitting on it in the wagon at the time it was put there to be brought to Aiken, and Mr. Dunbar, the manager, objected seriously to their sitting on the box; and after some few words the soldier got off the box.

Q. One soldier, was it?—A. There were four there; one occupied the box. There were four brought immediately in front of the door.

Q. Those soldiers did not interfere with the counting, or disturb it?—A. No, sir.

Q. Was not the box under the control of the managers?—A. Yes, sir; until it was placed in a wagon, and Mr. Dunbar found that the soldier was sitting on it.

Q. Then the soldier got off?—A. Yes, sir.

Q. The soldiers were brought up because it was apprehended that there might be an attempt to seize the box?—A. I do not know of the apprehensions. There certainly was no such intention displayed.

Q. You did not hear that reason alleged for it?—A. No, sir; I did not.

Q. Did you hear any reason?—A. No, sir; not the first reason.

Q. There was no pretense that the soldiers interfered with the counting?—A. No, sir; only that they were brought to the door and remained there during the counting.

COLUMBIA, S. C., December 28, 1876.

J. H. PIGOTT (colored) sworn and examined.

By Mr. ABBOTT:

Question. State your age and residence.—Answer. I am twenty-eight years of age, and reside in this city; have lived here ever since I was born.

Q. What has been your business?—A. For the last eight years I have been teaching school, up to May 1, when I was elected clerk of the market here.

Q. What were your politics at the last election?—A. I supported General Hampton and the entire democratic ticket.

Q. Did you take part in the canvass?—A. Yes, sir.

Q. When did you begin to take part in the canvass?—A. Immediately after the State convention.

Q. Did you make speeches in different portions of the State?—A. Yes, sir.

Q. How many speeches did you make in this county?—A. I could not tell you—a good number.

Q. And in other parts of the State?—A. Yes, sir.

Q. During the canvass, after it was known that you were taking part in it, were you subjected to any threats?—A. Yes, sir.

Q. Where; in the city?—A. Yes, sir, and in almost every precinct in this county.

Q. From whom?—A. From the republican colored men.

Q. What did they say to you?—A. They threatened at times, and would say they intended to burn me and burn my house down; at other times they threatened to murder me; they did stone my house and broke out several panes of glass on several occasions, and I had to request the chief of police to guard me part of the way home.

Q. Were these threats of infrequent or of frequent occurrence?—A. Very frequent.

Q. State whether, since you have taken an active part in the election, you have been unable to have any intercourse with people of your own color, except democrats?—A. None at all; and at one time at Trenholm's precinct, about eight miles from here, I was forced to stop speaking. They crowded around the wagon and used all sorts of abrupt language, and finally I had to stop and get down.

Q. At other places where you were speaking were you interrupted?—A. Yes, sir, on all occasions I was interrupted.

Q. What was said to you?—A. They would curse me.

Q. What was the general expression?—A. They would say, "You are a damn traitor, and a damn democratic son of a bitch," and such language as that.

Q. But it was only on one occasion you were obliged to give up speaking?—A. Yes, sir, at Big Lake, at the Trenholm's precinct.

Q. Did this spirit get into your family so as to affect even your wife?—A. Yes, sir.

Q. Did she take sides with the republicans?—A. Well, sir, she listened to her step-father and her mother and others, and it finally resulted in her deserting me and carrying my children with her.

Q. What did she say to you about your position as a democrat?—A. She did not say much, but she had heard that I had joined the democratic party. I told her that I had not joined the democratic party. Her step-father stopped speaking to me immediately, and he would go up there and confer with her, and he told her on several occasions to come home with him; that he had room enough for her, and plenty to feed her and her children; and so she kept on, and I suppose she thought—I don't know what she thought, but, anyhow, she left.

Q. Did she say anything to you about your disgracing her and your children?—A. Yes, sir; she said she wanted me not to support General Hampton or the democratic ticket, because it would bring disgrace upon her and her children, and that's what her father and mother didn't like; and intimated that she would have to quit if I did. I said, "Very well, you may go," and she went.

Q. Do you own a house?—A. My father owns three houses in this town.

Q. And you live in one of them?—A. Yes, sir.

Q. Has your furniture been taken away?—A. Yes, sir.

Q. Do you know who took it?—A. Her step-father came there in my absence with a wagon and took everything except a cot, which they thought was enough for me to sleep on. That is there now.

By Mr. LAWRENCE:

Q. How long have you lived in Columbia?—A. A little over twenty-eight years.

Q. You are a colored man?—A. Yes, sir.

Q. How many speeches did you make during this campaign?—A. It is hard for me to tell. I made them as often as I could get a chance.

Q. You can give us some idea?—A. The reason I make that answer is because in this county we would leave town, a train of us, and we would call a meeting sometimes twice a day on different plantations, and I would sometimes speak twice; and every Saturday we had a meeting, and I spoke at every one.

Q. About how many meetings did you attend?—A. Not less than fifty.

Q. No man ever struck you at any meeting, did he?—A. No, sir.

Q. Have you been struck by anybody since this political campaign commenced?—A. I have been struck since it has ended.

Q. From the commencement of the campaign up to the election?—A. No, sir.

Q. Then there has been no violence against your person?—A. No, sir; not against my person.

Q. You are acquainted with the colored people generally?—A. Yes, sir.

Q. Are they all friendly with them?—A. I am very well thought of among them.

Q. Are they all friendly with you?—A. They were before the canvass.

Q. Do you attend any republican meetings?—A. Yes, sir.

Q. Did you go there for the purpose of asking a division of time?—A. I did not.

Q. Did you take white democrats with you?—A. No, sir.

Q. For what purpose did you attend?—A. I attended one meeting in my own ward. There had been certain allegations made concerning my action in this matter, which I proposed to give an explanation of to the members of my ward. I went there for the purpose of explaining some things that had been said about me that were not true, and they all got up, took their hats, and left me standing in the hall.

Q. They did not offer you any violence?—A. No, sir; as soon as I asked to explain they began yelling, and walked out and left me in it.

Q. What business are you engaged in now?—A. None at all at present.

Q. How long have you been out of employment?—A. I have been out of regular employment ever since about May.

Q. Were you employed to make democratic speeches?—A. No, sir.

Q. Were you paid anything for your services?—A. No, sir.

Q. Were your expenses paid?—A. Well, I would go to a stable and get a horse whenever I was ready to go, and I presume the democratic party furnished the horses.

Q. Don't you know that they did, and that they requested you to go and make speeches?—A. They did not request me to go. I did not receive a nickel from the democratic party in this State.

Q. You went and got a horse without any democrat telling you that you could do so?—A. I did not say that. I would inquire as to when there was going to be a meeting, and they would say, "Saturday." I would say, "Well, I want to go." They would say, "Then go to a stable and get a horse."

Q. What business had you been engaged in before May?—A. I was clerk of the market for two years prior to that time.

Q. You say that the meeting at Trenholm was interrupted?—A. Yes, sir; I was interrupted there.

Q. Was it a democratic meeting?—A. It was a meeting of colored people entirely, called by the democratic party of this county.

Q. How many people were present?—A. About a hundred, all colored, except those who went from town.

Q. How many were from town?—A. I think there were about seven of us.

Q. Who all spoke?—A. Andrew Crawford, a man of this city, a lawyer; J. C. Segar, who owned the place; Col. Thomas Taylor, and W. H. Wigg, probate judge of this county, and myself.

Q. Then there were six democratic speeches?—A. Yes, sir; I tried to speak.

Q. Did the others speak before you?—A. No, sir; I spoke first.

Q. How long did you speak?—A. About eight or ten minutes.

Q. What was the reason that you did not speak longer?—A. Well, they would not let me speak. The speakers got up in a wagon, and as soon as they found out the course that I was going to speak, they crowded around the wagon and began to abuse and curse me.

Q. And it was on account of their cursing you that you stopped speaking?—A. No, sir; not altogether.

Q. There was no violence against your person?—A. If I had not stopped I am satisfied there would have been.

Q. Was there any?—A. No, sir; but there were threats made.

Q. But the other five speakers spoke as long as they wished?—A. Yes, sir.

Q. And there was no disturbance at the meeting after you sat down?—A. No, sir; not with the white speakers.

Q. The colored men listened attentively to the white speakers?—A. They were tolerably attentive.

Q. What time did you commence making speeches?—A. Immediately after the republican convention nominated Daniel H. Chamberlain.

Q. What time was that?—A. I don't remember the date.

Q. How long did your wife remain with you after that?—A. She left me on the 7th of October.

Q. How long have you lived with her?—A. Eight years.

Q. Is she here now?—A. She is here in the city with her step-father and mother.

Q. How many democratic negroes are there here?—A. I could not tell you.

Q. Are there ten or a hundred?—A. I guess there are four or five hundred in this county.

Q. How many in this city?—A. They had one regular club organized here with about eighty members, and numbers voted the democratic ticket who did not join the club.

Q. You have intercourse with the members of that club now, have you not?—A. Yes, sir.

Q. Don't you speak to other colored men—republicans?—A. A few.

Q. And they speak to you?—A. Yes, sir; but in a very cool way. If I should pass by one of them and say, "Good morning, sir," he will say, "Good morning," very coolly, and go on.

By Mr. ABBOTT:

Q. Up to the time of joining in the democratic canvass you stood exceedingly well with your colored people in the city?—A. Yes, sir; and throughout the county.

COLUMBIA, S. C., December 28, 1876.

EDWARD M. SUMTER (colored) sworn and examined.

By the CHAIRMAN:

Question. State your age, residence, and occupation.—Answer. I am 30 years of age, and I reside at Barnwell Court-House; I am a carpenter by trade.

Q. Are you very well acquainted with your trade as a carpenter, and do you follow it as a business?—A. Yes, sir; I know nothing else except that.

Q. State where you were on the day of the election, the 7th of November last?—A. At Barnwell Court-House.

Q. You were there most of the day?—A. The whole day.

Q. Were you about the polls during the whole day?—A. Yes, sir; from 6 o'clock in the morning to 6 in the afternoon.

Q. What was the character of the crowd gathered there, as to good order?—A. The behavior was good on both sides; there was nothing except a general electioneering the whole day.

Q. Was there any interference or disturbance at the polls that you saw?—A. No, sir.

Q. Any difficulty about persons voting as they saw fit?—A. No, sir. Each man, I think, was allowed his full privilege.

Q. Colored men, white men, republicans, and democrats?—A. Yes, sir; all.

Q. Was there any difficulty in getting access to the polls by anybody?—A. No, sir; the height of the voting was concluded about two o'clock, and from that until six there were not more than one or two persons that came in.

Q. So that at Barnwell Court-House anybody could have voted if he desired to do so?—A. O, certainly; no doubt about that.

Q. Did you hear any threats made there at the time the polling was going on?—A. No, sir; none at all.

Q. Neither against colored democrats nor colored men, nor by white men against colored men?—A. No, sir; none whatever.

Q. Was it an entirely peaceable and quiet election?—A. Yes, sir. The managers notified all parties not to electioneer within the building where the box was. Each man came to the poll and voted as he chose.

Q. Was there any body of armed men, or any intimidation, or anything of that kind?—A. No, sir. The soldiers were encamped about three-quarters of a mile from the poll.

Q. Was there any occasion for interference on the part of the soldiers during the day?—A. No, sir; they did not come out of camp at all.

Q. How long have you lived in Barnwell County?—A. Since 1856.

Q. Were you born in this State?—A. I was born in Edgefield.

Q. Did you take any part in the last campaign?—A. Yes, sir; I took a good part; at least I tried to take a good part.

Q. What position did you occupy in the campaign and what did you do?—A. I supported General Hampton for governor and the democratic ticket.

Q. Whom did you support for President?—A. Mr. Tilden.

Q. What part did you take in the campaign?—A. Well, sir, I canvassed Barnwell County; I did not go outside of it.

Q. How many precincts are there?—A. Fifteen.

Q. How many were you in?—A. I was in thirteen during the canvass.

Q. You made speeches in all these precincts, I suppose?—A. Yes, sir; local stump-speeches.

Q. State whether there were organized throughout the county democratic colored clubs?—A. Yes, sir; there were seventeen colored democratic clubs in the county.

Q. What membership did they have?—A. They had from twenty-six to seventy-odd each, I believe. I don't recollect exactly how many, but I think seventy-seven was the most numerous club in the county.

Q. How many colored men are there in Barnwell County?—A. According to the census I think there are about 4,200.

Q. During the last campaign what proportion of those were democrats or belonged to democratic clubs and voted the democratic ticket?—A. I think there were about 1,100.

Q. You judge that from your own canvass and observation?—A. Yes, sir; I have been a member of the legislature for six years in this State.

Q. State the relation that existed between the colored republicans and colored democrats like yourself who openly advocated the democratic ticket?—A. The relation between the colored democrats and the colored republicans was very slim.

Q. What do you mean by that?—A. The colored republicans were down on the colored democrats for the position taken by them in the campaign.

Q. How did they treat them?—A. Well, sir, they treated them very coolly. All sociability was done away with between them; they did not wish our company at all.

Q. Was that true of both the men and the women?—A. Yes, sir; the women were worse than the men. I heard more remarks from them about it.

Q. State what you know with regard to the position of the colored men who came out and advocated the election of Tilden or Hampton; how were they treated by both the men and women, the colored republicans?—A. They were treated very coolly. I have never had any social equality with them since. They treat us as off-casts, and did not wish to have anything to say to us or to do with us.

Q. Did they make threats?—A. I was threatened at one place particularly, at Wiliston. I went there on Saturday before the election to attend a meeting, and they told me that if I went on the stump there they would take me down.

Q. Did you speak there?—A. Not at the republican meeting. I spoke afterward at a meeting on the democratic side.

Q. What was the character of your meetings generally through the county?—A. Generally quiet and peaceable.

Q. Did you attend any republican meetings?—A. Yes, sir.

Q. What was the character of those meetings?—A. I attended a large republican meeting at Blackville some days before the election, in the latter part of October, and they would not allow any democratic canvasser to speak there at all. Mr. Secretary of State Hayne spoke there that day, and E. W. M. Mackey and W. J. Whipper, but they would not allow anybody else except those that spoke in behalf of the republican party.

Q. Were any of your meetings disturbed?—A. Yes, sir; on that same day they would not allow us any show at their meeting; we had one maybe one hundred and fifty yards away from there, and a colored man came there and disturbed the meeting.

Q. What did the colored men do?—A. Well, there was a man from Georgetown, W. Cooke, who was speaking at the time this man came from the republican meeting over to our meeting, and he said to this man who was speaking that he "must stop his gab," (I think the word was,) and a little disturbance occurred, and the meeting was broken up.

Q. You have been over that county, and have had a good deal to do with the colored people, both republicans and democrats?—A. Yes, sir.

Q. State why it was that the republican colored people evinced this hostility and social ostracism toward colored democrats?—A. Well, sir, I think they did it from the teachings of men from different portions of the State; a few men from here.

Q. What were those teachings, and what were the prevailing ideas among the republican colored men and women?—A. Well, sir, the speakers that canvassed for the republican ticket told them that they must not care for anything; they must just vote the republican ticket, and that the white people were no friends to them; that *they*,

the speakers, were the only friends they had; that the republican party had given them their rights, and that no other party would sustain their rights hereafter, and so on. They left the impression on their minds that there would be no rights given to them hereafter.

Q. The women were more bitter than the men, were they not?—A. Well, as far as they were able, I think they were.

Q. Among the colored women, even the wives and relatives of the democratic colored men, what position was taken?—A. To my certain knowledge, at Barnwell, on the day of the election, the women followed the men to the polls, and told them that if they did not vote the republican ticket that that would be the last with them; they should "split blankets" from that; those were the exact words.

Q. What was the general teaching that was disseminated among the colored men and women of the republican party by their speakers in regard to their position as freemen, if the democrats succeeded?—A. Well, sir, the general impression seemed to be among the colored people that if the democrats were successful, and got the lines of government in their hands, the colored men never hereafter would be citizens.

Q. What was the position of a colored man among his colored republican friends if he chose to go out and advocate democracy?—A. His position was a very unhappy one. They did not care to recognize him and did not want his company any more. I was abused on several occasions, but to no great extent; nothing like violence.

Q. Socially were you ostracized?—A. Yes, sir.

Q. And that was the prevailing condition of affairs throughout the county?—A. Yes, sir.

Q. Notwithstanding the fact that of 4,200 you had, perhaps, one-fourth as voters with you?—A. Yes, sir. I was elected in 1870 to the house of representatives by 3,100 votes; and in 1872, when there was no ticket run except the republican ticket in the county—the democratic party did not make any nomination—in 1872 I got 1,119 votes, which elected me. I came in the fourth man. And in 1874 I was elected again on the Chamberlain ticket.

Q. Was there or was there not a larger proportion of the colored people of your county voting the democratic ticket this time than at any previous election?—A. O, yes, sir; there were more this time than ever before.

Q. How was it about the democratic white voters, was there a larger proportion of them given at this time than ever before?—A. Yes, sir; they never turned out in such large numbers before. This election they turned out, I think, almost to a man.

Q. Were you outside of Barnwell County at all?—A. No, sir.

Q. So far as you knew, was there throughout the county a general condition of peace and good order?—A. Yes, sir; there was nothing to my knowledge otherwise. Everything was quiet and peaceable. There was a file of soldiers in three precincts of the county on the day of election, and there was no occasion for any of them to turn out.

By Mr. LAWRENCE:

Q. You were in the legislature six years?—A. Yes, sir.

Q. Do you know the colored people of your county well?—A. Yes, sir.

Q. They are peaceable, orderly, quiet people?—A. Yes, sir.

Q. Not inclined to commence any difficulty?—A. Not to my knowledge, sir.

Q. Are they not a remarkably peaceable and quiet people?—A. To my knowledge, sir.

Q. Do you know any instance where any colored man ever commenced an assault upon a white man?—A. No, sir; not to my personal observation.

Q. You are friendly with the colored republicans?—A. Do you mean politically?

Q. Personally.—A. Yes, sir; personally.

Q. And they are personally friendly with you?—A. Yes, sir; heretofore. That is, generally speaking.

Q. They talk with you in a friendly manner when they meet you?—A. Now do you mean?

Q. Yes.—A. Not all of them.

Q. But generally they do?—A. With some exceptions.

Q. No one ever offered any personal violence to you?—A. No, sir; no personal violence.

Q. They have always treated you respectfully, have they not?—A. With a few exceptions, sir.

Q. You state that you were threatened at Williston; was that at a republican or a democratic meeting?—A. It was both.

Q. Was there not a republican meeting called there first?—A. Yes, sir; in the forenoon.

Q. And then, after the republican meeting had been called, the democrats also called a meeting there?—A. The day was appointed for the meetings of both; I do not know which one expected to have a meeting first.

Q. Was not the republican meeting announced first? Was it not a republican meet-

ing, and did not you go there for the purpose of asking a division of time, so as to have a joint discussion?—A. No, sir; I went there to attend a democratic meeting, and when I got to the place at Williston—the republican county chairman resides there—and some of the party said—

Q. Who threatened you there?—A. The man that threatened me there is dead now; Louis McCrary. He told me that if I attempted to make a democratic speech that day I would be taken down.

Q. That was all he said?—A. Yes, sir.

Q. You did make a democratic speech?—A. Not at his ground.

Q. But he meant that if you undertook to make a democratic speech at the republican meeting you would be taken down?—A. I don't know what he meant. That was before either one of the meetings had been called.

Q. You did make a democratic speech that day?—A. Yes, sir.

Q. And you were not disturbed or taken down?—A. No, sir; because I didn't attempt to speak where he was. I don't know what would have happened if I had spoken there.

Q. He was at the republican meeting, was he not?—A. He was at both of them. At least, after his meeting adjourned he came down to ours.

Q. Were you speaking then?—A. No, sir; Mr. Voss was speaking.

Q. He did not disturb Voss, did he?—A. Not that I know of.

Q. You were at a meeting at Blackville?—A. Yes, sir.

Q. Was that a republican meeting?—A. There were two meetings there.

Q. Was there not first a republican meeting called there?—A. I don't know which was called first, but they happened on the same day.

Q. The republicans started their meeting before you started yours, did they not?—A. I think not. When I got to Blackville there were two crowds. Mr. Secretary Hayne was speaking at one place, and Mr. Rivers, from Charleston, was speaking at another place.

Q. The democrats had started their meeting only about 100 yards from where the republicans were holding theirs?—A. One hundred and fifty yards, or somewhere about that.

Q. What occurred?—A. Before Mr. Rivers got through, there came a man from the republican meeting down there and told Rivers that he wanted him to "hush his gab," or "stop his gab;" and Doctor Lartee asked the town marshal if he could not quiet this man, and he was taken down from the platform; but while he was going down some other parties joined in the melée, which raised a kind of row and the meeting broke up.

Q. There was no one hurt?—A. No, sir; not that I know of.

Q. The democratic speaker was speaking so close to the republican meeting that it disturbed the republican meeting; is not that the fact?—A. I do not know, sir.

Q. Would it not be disturbed by speaking at a distance of 100 or 150 yards?—A. I do not think so, sir.

Q. Do you think two meetings could be held 100 yards apart without one disturbing the other?—A. I think it was about equal on both sides, as far as disturbance was concerned.

Q. When you got there to attend the democratic meeting the republicans were holding their meeting and Hayne was making a speech?—A. Both meetings were going on at the same time.

Q. Just answer my question. When you got there the republicans were holding a meeting and Hayne was making a speech?—A. Yes, sir.

Q. Had the speaking at the democratic stand commenced?—A. Both were going on when I got there.

Q. Was the speaking going on at the democratic stand?—A. Yes, sir.

Q. Those are the only disturbances that you know of in the whole county?—A. The only ones that I know of.

Q. Did you attend any other republican meeting?—A. No, sir; I attended several democratic meetings.

Q. No democratic meeting was ever disturbed by a republican, was it, that you saw?—A. No, sir; except at Blackville and at Williston, which I did not consider amounted to very much.

Q. Don't you know by common report that there were a number of colored men on whom violence was inflicted in your county this year?—A. Not to my knowledge.

Q. Didn't you hear of it?—A. Yes, sir; I heard of colored men being injured.

Q. And of some being killed?—A. Yes, sir.

Q. How many colored men were killed?—A. I don't know, sir.

Q. About as near as you can remember?—A. I heard several reports.

Q. You can state what the report was as to the number?—A. I once heard that there were sixteen; another time I heard there were twenty, and another time I heard there were fifty; I don't know how many there were.

Q. Has any white man been punished in your county for killing or injuring any colored man?—A. No, sir.

Q. No?—A. No, sir; there has been no court there.

Q. Has any white man been punished in your county in the last six years for killing or injuring any colored man?—A. Yes, sir.

Q. How many?—A. Only one to my knowledge, sir; that is capitally punished, hung.

Q. Was that a white man?—A. Yes, sir; everybody says so; I didn't know him myself.

Q. That is the only instance?—A. Yes, sir; that I know of. There was another white man shot there, but he was not tried by the courts. There was a warrant issued for him, and the posse that went to arrest him shot him.

Q. When you commenced making democratic speeches this year had the republican candidate for the legislature been nominated in your county?—A. No, sir.

Q. The republicans had concluded not to nominate you again, had they not? A. No, sir; not that I know of. They wanted me to run. Some of them mentioned my name for the senate.

Q. You lived in the village, did you?—A. Yes, sir.

Q. You didn't know much about what occurred out in the country?—A. Not on the day of the election.

Q. Don't you know that there were a good many colored men in your county who did not go to the election at all?—A. I know of only a few.

Q. Was it not generally understood that there were some colored men who would not go to the election because they were afraid they would be turned off the lands they were living on if they voted the republican ticket?—A. To my knowledge there were no threats of the kind.

Q. Don't you know that that impression prevailed among the colored men?—A. I know that the white people preferred those that went with them.

Q. The white people told the colored men that they would give the preference of employment to the colored men who would vote with them?—A. I never heard any one tell them so, sir; not positively. I did not hear them say, "If you don't do so and so, I won't employ you."

Q. But did not the white men make the impression generally among the colored people that it would be to their advantage to vote the democratic ticket, so that they might continue to live on the lands they occupied?—A. I do not know that the impression prevailed, but I know that they preferred those who went with them.

Q. The colored people generally understood that, did they not?—A. I think they understood that there would be a preference.

Q. It was called "the preference policy," was it not?—A. I don't know what it was called.

Q. Was it not generally known as "the preference policy"?—A. I cannot say.

Q. Didn't you hear it spoken of in that way?—A. No, sir; no preference policy.

Q. The colored people, you think, generally understood that, did they?—A. Yes; I think so. I could not say positively.

By the CHAIRMAN:

Q. Was there any intimidation of that kind that you knew of personally?—A. No, sir; not that I knew of.

Q. You stated a while ago that you had heard of a number of negroes being killed. Do you know of any one of your personal knowledge?—A. No, sir.

Q. And those cases that you heard of, did they grow out of political differences, or were they homicides occurring from other reasons?—A. As much as I could hear of them, they occurred from some robberies that were committed.

Q. That is, they occurred aside from political questions?—A. I do not think politics were known in the matter at all, so far as I knew.

Q. Did you know of any case that was the result of politics?—A. No, sir; the only matter I heard of was what grew out of some colored men robbing a white lady, and the riot started from that, and it kept going down and down until it got in our county.

Q. Was that what is known as the Ellenton riot?—A. Yes, sir.

Q. And that is the only case in which you have heard of colored men being killed in your county?—A. Yes, sir; the only one.

Q. You know that the Ellenton riots had no political character?—As far as I have been able to hear.

Q. As far as the democrats were concerned?—A. I do not think so.

Q. You were a democrat then?—A. I had declared my intention to support Governor Hampton at that time.

Q. And all the homicides of colored men that you knew of in Barnwell County, either by report or otherwise, were connected with the Ellenton riots?—A. Yes, sir.

Q. Did you see any evidence anywhere under your own observation of colored republicans being intimidated by the white men and land-owners of the county in any way?—No, sir; not what I call intimidation.

Q. Were they refused the right to vote when they went to the polls?—A. No, sir.



Q. Did you see anybody prohibit them?—A. No, sir.

Q. Now, what was the condition of the colored democrats; what was the pressure that was brought to bear upon them by the colored republicans?—A. They were denied any social equality with them. I had several threats made toward myself, but nothing like violence.

Q. Were you jeered and hooted at and maltreated in that way, and ostracised in society?—A. Yes, sir; they called me several names, such as I would not mention here.

Q. What did they call you?—A. Well, they called me a democratic puppy, &c.; they said that I was nobody, and that they didn't want me to visit the church any more; that I must go to the white people's church, and when I died that the white people must bury me, and so on.

Q. Was that the usual treatment a colored man received who dared to vote the democratic ticket and avowed his intention to do so?—A. That was so, but I do not think every one was placed as I was, because I took an active part in the canvass.

Q. Do you know of instances in which colored men were turned out of church, and out of association with church-members, because they voted the democratic ticket?—A. Yes, sir; I know of one instance of a Sabbath-school superintendent of a colored church who was arraigned after the election for voting the democratic ticket. They said they didn't want him to teach their children any more, because he was a democrat.

Q. Was that same sort of influence brought to bear in the church socially, and in every other respect, against colored men who voted the democratic ticket?—A. Yes, sir; the day General Hampton came down there to speak, the women and men gathered on the sides of the street as the procession rode through, and used all kinds of improper language. On one occasion a woman threw a brick at one of the Hampton colored men, and crippled him pretty badly.

Q. Do you know any instances of violence besides this instance where the brick was thrown?—A. No, sir; not of my personal knowledge.

By Mr. LAWRENCE:

Q. You say the colored republicans are cool toward the democratic colored men, and do not like to associate with them?—A. No, sir; they do not.

Q. Do the white democrats associate with the colored democrats?—A. Well, generally, except social equality.

Q. Do you mean to say that the white democrats associate with colored democrats more than colored republicans associate with colored democrats?—A. Yes, sir.

Q. How do they associate with them?—A. Well, sir, when we meet each other on the streets they shake each other's hands, and there seems to be a good feeling between the two.

Q. The white democrats don't allow any social equality with the colored democrats, do they?—A. No, sir.

Q. The colored republicans do allow social equality with the colored democrats, do they not?—A. No, sir.

Q. Are you a member of the church there?—A. No, sir.

Q. And never have been?—A. No, sir.

Q. Do you know any colored democrats who are members of the church?—A. Yes, sir.

Q. Have any of them been turned out?—A. No, sir; except that superintendent of the Sabbath-school. He was removed from that position.

Q. He was not turned out of the church, was he?—A. No, sir.

Q. How do you know that he was removed from that position?—A. I only know from reports.

Q. You don't know anything about it yourself?—A. No, sir; it is just about like the Ellenton riot.

Q. He may have been removed from his place for some other reason, for anything you know?—A. Of my own knowledge I cannot testify.

Q. You don't know of a single colored democrat that has been turned out of the church because he was a democrat?—A. Not to my knowledge, sir.

Q. Are the churches not willing to take in colored democrats?—A. Well, they have not had an opportunity, I think, lately to take in anybody.

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COLUMBIA, S. C., December 28, 1876.

JULIUS MILLS sworn and examined.

By the CHAIRMAN:

Question. State your age and residence.—Answer. I am thirty-seven years of age, and reside at Smith's Turn-out, Chester County, S. C.

Q. Where were you on the day of the last presidential election?—A. At Lowsville precinct, Chester County.

Q. What was the character of the election at that precinct on that day?—A. It was remarkably peaceable and quiet. Everything passed off pleasantly.

Q. Was there any evidence of intimidation or any lack of opportunities to vote on the part of any person?—A. There was only one case that I am aware of. A friend of mine was urging in a persuasive way a colored man who was near him as to the propriety of voting for the democratic nominees, and the deputy marshal interfered and laid his hand on my friend and said that he objected to that; that he regarded that as intimidation, and he could not allow it. The young gentleman suggested that he did not regard that as intimidation; that the colored man was not proposing to vote at that time; that it was a matter of discussion between the two, and he did not regard it as intimidation, and he appealed to me. I heard the conversation between them and gave it as my opinion that it was not intimidation, and asked him to read his instructions. He could not read them. He handed me his paper, and I read it and said to him pleasantly that I did not regard that as intimidation, and everything passed off pleasantly.

Q. Apart from that there was no disturbance?—A. None whatever, to my personal knowledge. There was another case, but I was not personally aware of it. This conversation that I have referred to was personally friendly between us.

Q. Was there any difficulty in voting on the part of any one at that precinct?—A. None at all. I left before the box closed, but I am sure none occurred. I was there from morning until four o'clock in the afternoon; the box closed at six.

Q. Were all people of every class permitted to come forward and cast their ballots?—

A. Yes, sir; every hand on my plantation voted right beside me.

Q. Were you much through the county?—A. I was all through the county during the campaign, and I did not see a single instance of even unpleasantness. Everything was conducted agreeably.

Q. Were you at both republican and democratic meetings through the county?—A. Yes, sir.

Q. How many republican meetings did you attend?—A. We made it a point to have all our meetings joint meetings—a division of time, but of regular republican appointments. I was at Rich Hill, Lewis's Turn-out, (I do not know that they were both regularly-appointed republican meetings, but one was,) McElilly's Mill; probably four regularly-appointed republican meetings.

Q. Was there any disturbance at any of these republican meetings?—A. None at all, sir.

Q. They kept the meeting exclusively to themselves?—A. It was their meeting, but they gave us a division of time.

Q. Was that done amicably?—A. Yes, sir.

Q. Not by any force?—A. Not at all, sir. By consultation on my part, as chairman on our side, with whoever represented them on the other side.

Q. Were you at any democratic meetings?—A. I was at all of them.

Q. Was there any division of time at the democratic meetings?—A. It was always offered; sometimes it was not accepted.

Q. Was that an amicable arrangement throughout the county?—A. Yes, sir.

Q. You were chairman of the democratic county committee?—A. Yes, sir.

Q. Was that an understood arrangement between you and the chairman of the republican committee?—A. No, sir; the chairman did not assent to it officially, but the representatives of the party agreed to it wherever we met. I never made an official application to the chairman for any special meeting but one, and he declined that.

Q. Was there any forcing of this arrangement for a joint meeting?—A. I do not think there was. I am sure there was not.

Q. Was it done by any threats or intimidation?—A. Not in any place where I was, and I do not think it ever occurred in the county.

Q. Were you at Chester Court-House during the campaign?—A. Almost all the time.

Q. You were not there on election-day?—A. No, sir.

Q. What was the condition of things at Chester County?—A. It was reported to me to be pleasant generally. There were one or two occurrences between Deputy Marshal Canton and Judge Mackey. That did not come under my personal observation, however. I understood that there was a gentleman named Anderson who proposed to vote, and some objection was made to him by the deputy United States marshal; some difference of opinion or objection was raised by Judge Mackey, and words passed between them, but, I think, nothing more.

Q. Do you know Alexander S. Richardson, of Chester Court-House?—A. I do. He was postmaster at one time.

Q. He has stated to this committee that Semple Alexander threatened one of his drivers that if he undertook to vote the republican ticket he would turn him off, and that Mr. Wiley threatened John Gill to the same effect. Do you know those parties?—A. I know both Mr. Wiley and Mr. Alexander.

Q. What do you know about them?—A. I don't know anything at all of the matter of Mr. Alexander. Mr. Wiley denies making that threat.

Mr. LAWRENCE. I object to this witness stating what Wiley says.

Q. Have you any such information from him?—A. I have a telegraphic dispatch from him, sir.

The chairman offered to put in evidence the dispatch referred to contradicting Richardson, it being too late to call Wiley as a witness before the adjournment of the committee.

Mr. Lawrence objected to it as not being evidence, and said he would as lief have the dispatch put on record as a statement of its purport.

Offer waived.

By the CHAIRMAN :

Q. Who is Richardson?—A. He is a mulatto from somewhere. He was first a school-teacher and then postmaster.

Q. Do you know anything of his general reputation?—A. He was a defaulter; he has had a bad reputation.

The CHAIRMAN. I would like to offer at this point a letter published in a local paper at the time retracting the charge that had been made as to three white men presenting pistols at Richardson when he was returning from that meeting, as he described here the other night.

Mr. LAWRENCE. I have a large amount of testimony which I shall ask the committee to allow me to introduce, showing that a large part of the testimony produced on the other side yesterday and to-day is incorrect.

The CHAIRMAN. Including that of all the Army officers?

Mr. LAWRENCE. No. I said a *large part*.

By the CHAIRMAN :

Q. As to the conduct of the election in Chester County, and the general condition of the people there, and the general report as to good order and quiet in society, what was the fact?—A. I am a young man, sir, and I have never seen very many election canvasses, but I never saw one pass off more pleasantly.

By Mr. LAWRENCE :

Q. Did you attend any republican meetings during this campaign?—A. Yes, sir; one near Rich Hill, and one at Lewis's Turn-out. About "republican meetings," I desire it to be understood that our meetings sprang up very often without regular appointment, but the meeting at Rich Hill was a regularly-appointed republican meeting, while at Lewis's Turn-out I think it was a casual meeting.

Q. At any of the republican meetings which you attended did the democrats demand a division of time for the purpose of discussion?—A. By "demand," do you mean to ask whether we demanded it forcibly?

Q. Yes, sir.—A. We requested it; we never demanded it.

Q. Was it conceded?—A. Always.

Q. Did you attend any democratic meetings?—A. Yes, sir.

Q. Were the republicans allowed the privilege of discussion at any democratic meeting?—A. They were, always.

Q. Did they take part in the discussions?—A. At Carmel Hill, and at a place above Carmel Hill, very near it, at McLilly's Mill, and at Rich Hill they accepted a division of time.

Q. Did you know of any democratic meeting being disturbed by any republican?—A. I cannot recall any now; I think not.

Q. Do you know any instance where any white man has been punished for injury of or outrage upon the person of any colored man in your county?—A. I cannot recall an instance now.

Q. How long have you lived in that county?—A. All my life, sir.

Q. About what was the vote of the precinct at which you voted?—A. I think it was about one hundred and sixty, or probably two hundred republican, and eighty or one hundred democratic.

Q. Were the democrats on the day of election armed with pistols or other weapons?—A. Well, sir, it is common for our people to wear pistols. There were none exhibited, but I cannot say there were none there.

Q. It is usual for the white men to wear pistols?—A. Yes, sir; not more so than colored people, however.

Q. Don't you know that there are very few colored people who have pistols?—A. I do not, sir.

Q. Did you see a colored man on the day of the election have a pistol?—A. I cannot just remember one.

Q. You cannot remember one?—A. No; I do not know that I can designate them.

Q. You don't know that any colored man had a pistol on the day of election, do you?—A. No, sir; nor I don't know that they had not.

Q. Just answer my question. Did the white men generally vote in the fore part of

the day before the colored men were permitted to vote?—A. For the first fifteen or twenty minutes or half an hour the whites voted. There was a reason for that, however.

Q. During that time were any colored men permitted to vote?—A. Yes, sir.

Q. Colored republicans?—A. I think so. If you will allow me to state why, I could account for it.

Q. I am just inquiring about the facts. Did not the white men interrogate the colored men separately as to their right to vote—many of them?—A. I think not; not at the election-precinct.

Q. Don't you know that it was understood among the colored men, or among many of them, that if they voted the republican ticket there would be danger that they would lose their places on the farms on which they lived?—A. Yes, sir; I think they may have had some such impression.

Q. Was not that impression general among the colored people?—A. I don't think I could safely say it was general.

Q. But it prevailed to a certain extent?—A. Yes, sir.

Q. Did that have the effect to keep a good many colored men from going to the election?—A. Not in my precinct.

Q. Through the county?—A. I do not think so.

Q. Did it not have the effect to induce some colored men to vote the democratic ticket?—A. I do not know that I can recall an instance. I think every man in my neighborhood voted. There may have been one or two instances where they did not vote.

Q. Some of the colored men did vote the democratic ticket?—A. Yes, sir.

Q. Some voted the democratic ticket who had voted the republican ticket heretofore?—A. Not many of them; a few did. There was an increased vote of republicans for the democratic ticket.

Q. What was the increase?—A. I think at our box we had voted previously five, six, or seven votes, and I think we had, maybe, fifteen or sixteen this time.

Q. Did you have any troops in your county?—A. Yes, sir.

Q. Where were they located?—A. I think the main detachment was at Chester Village, and a small detachment at Rich Hill, and one at Carmel Hill.

Q. Did you have a rifle-club in your county during the past season?—A. There was one.

Q. How long did it continue to exist?—A. I am not familiar with its organization.

Q. Did it not keep up its existence until after Chamberlain's proclamation?—A. Yes, sir; I think it was for a year or more.

Q. It was pretty numerously attended, was it not?—A. I am not familiar with them. I think it was composed of most of the young men in the village.

Q. What is the population of the village?—A. I really cannot tell you without referring. It is a small village.

COLUMBIA, S. C., December 28, 1876.

PHILLIP EPSTIN sworn and examined.

By the CHAIRMAN:

Question. What is your age and where do you reside?—Answer. I am 41; I live at Vernonsville, Spartanburgh County.

Q. Where were you on the day of the last presidential election?—A. At the polling-place, Vernonsville. I was there the whole day and previous to that.

Q. State what, if anything, occurred there with reference to the election.—A. On the evening before, a colored man, Louis Hammet, came into the store and said he was going to vote for Hampton, or the democratic ticket. I told him, "All right." Next morning I stepped up to the polls with him and was going to vote him, and there was a colored man at the poll, and he said I can't vote him. Says I, "Yes; we will vote him." He refused to let him vote for a long time, and this colored fellow took his position next a ballot-box and held the democratic ticket in his hand, and kept begging them now and then. At last, after some three or four hours elapsed, they permitted him to vote it. In the evening another colored man voted the democratic ticket, and shortly after that he was assailed by a parcel of negroes.

By Mr. LAWRENCE:

Q. Did you see them assail him?—A. No, sir.

By the CHAIRMAN:

Q. Did you see the colored man?—A. Yes, sir; Alex. Smith was the one who was assaulted, and he was taken to jail.

Q. What for?—A. They run him and he defended himself, I believe, and they then took out a peace-warrant.

Q. (Mr. Lawrence.) State what you know.

The WITNESS. I saw him in the jail.

By the CHAIRMAN:

Q. What was he there for?—A. He was there because he voted the democratic ticket, and they assaulted him and threatened his life.

Q. Was he there for safe-keeping?—A. Yes, sir; he was there for safe-keeping.

Q. What was the general conduct of the colored republicans toward the colored men who wanted to vote the democratic ticket that day?—A. Very bitter. Very many more of them would have voted the democratic ticket if they had not been afraid they would be assailed and insulted.

Q. And those two attacks that you described gave them a foundation for that fear?—A. Yes, sir; and also prior threats from republican negroes.

Q. What do you know about those threats?—A. They were very bold about it. They continually kept stating that a nigger who would vote the democratic ticket ought not to live, and all that kind of thing, and that they would discard him from their houses, and all that sort of things.

Q. You were formerly a republican?—A. Yes, sir; from immediately after reconstruction until 1872.

Q. Apart from this intimidation by colored republicans or colored democrats, was there any trouble or violence at the polls there?—A. No, sir; not at the poll. We were stronger on the democratic side.

Q. Spartanburgh is a strong democratic county, is it not?—A. Yes, sir; and our precinct is the second largest in the county.

Q. Even at that precinct you say they kept this colored man from voting for several hours?—A. Yes, sir; and very many that did vote the democratic ticket they had to vote and split out as hard as they could, in order to avoid being attacked by colored men.

Q. How many colored men were gathered around the poll during the day?—A. From forty to fifty.

Q. Was it a rule for them to make an attack on any colored man who voted the democratic ticket?—A. That was their intention. They did not like at all that a colored man should vote the democratic ticket.

By Mr. LAWRENCE:

Q. How long were you at the election?—A. All day.

Q. Did you see any violence inflicted upon the person of a single man that day?—A. No, sir.

Q. Then you don't know that anybody had any intention to inflict violence on any colored man?—A. I did not see any violence used that day upon any person.

Q. Then you don't know that anybody had an intention to use violence?—A. Except what they always used to say. I saw this colored man in jail, though, from the threats.

Q. You saw him in jail, but you didn't know what he was in jail for?—A. I did not see the violence inflicted, but he was in jail.

Q. You don't know that any violence was inflicted upon him?—A. Well, he had to get out of the way to avoid it.

Q. You don't know that any was inflicted upon him?—A. I did not see it.

Q. You don't know what he was in jail for?—A. Well, the general reputation was—

Q. I ask you if you know what he was in jail for?—A. Well, I know he was in jail because he voted—

Q. No; you don't know of your own personal knowledge what he was in jail for?—A. I did not see it.

Q. Will you answer my question? Do you know of your own personal knowledge what he was in jail for?—A. I know he was in jail because he was assaulted. I did not see it done.

Q. Then you do not know?—A. Of course, if you mean that, I don't know; I was very well satisfied that he was there for that reason.

Q. Did you attend any democratic meeting this year?—A. Yes, sir.

Q. Did you ever see any republican interfere with any democrat at any democratic meeting?—A. No, sir; I did not see any republican interfere with a democratic meeting.

Q. Did you ever see any republican inflict any personal violence upon any democrat this year?—A. No, sir; I did not see it at our place.

Q. Did you see it anywhere this year?—A. In my county, I didn't see it.

Q. Did you attend any republican meeting?—A. Yes, sir.

Q. Did you see democrats at those meetings in large parties?—A. Yes, sir; I saw a congregation of all sorts.

Q. Were not a good many of the democrats armed with pistols?—A. I did not see it.

Q. Did not you see the democrats have pistols?—A. No, sir; I never saw them exhibited, and of course I don't know whether they had them about their persons or not.

Q. Don't you know that it is the custom of the democrats to carry pistols when they go to republican meetings?—A. I will answer for myself if I am permitted. I have attended many meetings, and I have never carried a pistol nor even a knife.

Q. Don't you know that it is usual for the democrats to carry pistols?—A. I don't know it.

Q. Don't you know that in your county there was a number of colored men under the impression that if they voted the republican ticket they would be in danger of losing their places on the land where they lived?—A. I don't know of such a fact, sir. I may have heard it rumored about.

Q. Was it not rumored about?—A. Well, sir, I am not permitted to say only what I know.

Q. Yes, you are. I am asking you now if there was not a general rumor to that effect?—A. Well, sir, at my precinct there was no such rumor.

Q. Was there not in your township?—A. Not to my knowledge.

Q. Before the election, was there not?—A. No, sir.

Q. Did not the colored men, some of them, have an impression of that sort?—A. Not to my knowledge.

Q. Did you hear the "preference policy" talked of?—A. Well, sir, we discussed a great many questions at our meetings, but we have never introduced any such resolution.

Q. Did not you discuss the "preference policy"?—A. We discussed the policy as a matter of course; that men that would stand by the citizens should be patronized in preference to others.

Q. That colored men who would vote with the democrats should be patronized in preference to those who voted the republican ticket?—A. There may have been such an impression.

Q. That was discussed at your meetings, was it not?—A. No, sir.

Q. It was talked over among your people?—A. Well, there have been ever so many views talked over. I could not quote any definite matter.

Q. Do you live at the court-house?—A. No, sir. My family live in Greenville.

Q. Are you frequently at Greenville?—A. Yes, sir; occasionally.

Q. Do you know of any instance where a white man has been punished in the courts there for personal violence or outrage inflicted on a colored man?—A. O, yes; certainly.

Q. Do you know of any case where a white man has been punished?—A. I must answer that I have not attended court so closely as to notice any of those things.

Q. Well, do you know of any such case?—A. I know this, that a white man would be punished as quick as a colored man.

Q. I am not asking you that. Do you know of any such case?—A. I don't know it personally. I have not seen it.

Q. You do not know of any instance where a white man has been punished?—A. Well, I don't; on the other side either. I have never seen it.

Q. Have you ever seen a white man in jail?—A. Often.

Q. Where?—A. In any of the counties you can see them.

Q. When did you see a white man in jail?—A. I saw one the other day in Greenville or Spartanburgh.

Q. Were you in the jail?—A. No, sir; I could see him from the outside.

Q. Did you see white men from the outside?—A. Yes, sir.

Q. How many?—A. O, I did not stop to count. I saw plenty of white faces presenting themselves, and some of them even hallowed out.

Q. Were there any soldiers in that county?—A. Yes.

Q. How many?—A. I could not tell. I have not the remotest idea. I never counted them.

THOMPSON H. COOKE sworn and examined.

By Mr. ABBOTT:

Question. Where is your residence?—Answer. Greenville, South Carolina.

Q. What office do you hold?—A. I am the circuit judge of the eighth circuit of this State. I was elected first in 1873 and re-elected last winter.

Q. Were you a republican up to the recent election?—A. At my first election I was elected upon a strict republican party vote, and I have co-operated with the republicans, until a few months back, for the last eight years.

Q. How long previous to the election did you conclude to support the democratic ticket, or General Hampton?—A. I think on the 15th of September I determined, in my own mind, that it would not be to my own interest or to the interest of the people of the State to support the republican nomination for the State ticket, but I still determined to support the national republican ticket and adhered to my determination.

Q. Up to that time were you in full communion and good standing with the republican party?—A. I never heard my fealty questioned for the last eight years.

Q. And you were in communication with the leaders of the republican party in this State?—A. I have so thought.

Q. Were you present at any time during the canvass in Greenville?—A. I was, sir; and not only there, but in about twelve or thirteen other countie in the State.

Q. What was the character of the canvass as to peacefulness?—A. I must say that there was a great deal of enthusiasm among the people. The people were enthusiastic, and seemed to be determined, by means that I considered fair, to carry the election, to wit, using arguments of a persuasive character, which would go to convince the colored people that they ought to vote for the people that they were born and raised among; that it was natural that they should be their best friends; and I know that the speakers invariably cautioned the people to keep the peace. It was General Hampton's programme, it was mine, and it was everybody's that I heard speak, to endeavor to enforce good order throughout the country.

Q. Did you see any attempt to intimidate or to use violence toward the colored republicans in any part of the canvass that you were engaged in?—A. I never witnessed anything of the kind.

Q. Were you present at any republican meetings where they divided time with the democrats?—A. I was present at one or two; one at Abbeville, that I remember now, and one in Greenville, where we requested them to attend and have a joint discussion with the democratic party. At the other the democrats attended their meeting and requested them to divide time. At that meeting the governor of the State was present and consented to the arrangement; there was no objection.

Q. Leaving out the Abbeville meeting, state whether there was any prevention of republicans from speaking, so far as you know, at any of those joint discussions that you attended?—A. None, whatever. The democrats invariably requested them to speak, and desired them to speak at democratic meetings, and sometimes they did. I remember one or two colored people who wanted to express their views on the situation, and they were allowed to do so; and there was one white man that I remember.

Q. Were they heard patiently and without interruption?—A. They were.

Q. And generally during the canvass were there any signs of violence at the meetings you attended?—A. I saw no indications of violence.

Q. Were you ever interrupted yourself?—A. Yes, sir; I have been interrupted in this town by the republicans at a meeting.

Q. To any considerable extent?—A. Well, there was an effort to drown out my voice, and prevent me from being heard, at a meeting held right in front of this building, once or twice.

Q. How long did it last; long enough to prevent you making your speech?—A. I don't think I made the speech that I would have made if the interruption had not have occurred. I don't think I spoke as long as I would if I had not been interrupted. Also, in Abbeville, where I was holding court, I was interrupted; also, in Greenville, where I live; also in the town of Beaufort.

Q. That is a county where the colored people predominate?—A. Yes, sir. The interruption extended so far in Abbeville that I took occasion next day in court to order the arrest of the trial-justice and several others; I thought making an example of him would deter others from interfering with meetings for the future, and I had him arrested and bound over, and put under bond for a year and a day.

Q. The interruption there was serious?—A. It was. I thought at one time it was likely to terminate in a row in front of the hotel. The occasion was a band appearing at the hotel for the purpose of giving me a serenade and some few remarks that I addressed to the crowd assembled in front of the hotel.

Q. Were you present in the city of Greenville on the day of the election?—A. I was all day, except about half an hour. I don't think I was away more than fifteen minutes during the day. I had nothing to eat from morning until about twelve o'clock that night.

Q. How was it as to peacefulness there?—A. Everything passed off at Greenville quietly, with the exception of a little interruption. It struck me that the United States marshal stationed there, John P. Scruggs, at the time, was disposed not to act very fairly, and that impression being made upon my mind, I was led to watch him very closely; in fact, we had some words together when the polls were first opened. I watched him closely, and I noticed him leaving his post near the window where the box was, and through which the votes were deposited, and going to a colored man who was standing out in the crowd some little distance from the box, and they had a very few words together. I could not hear what they said, though I was very near, for their conversation was in a whisper. Scruggs went back to his former position, and about the time he got there this colored man made a rush for the box, swearing that he intended to vote, and began jostling and pushing white and black in every direction, and in consequence there came very near being a row. Immediately upon that course Scruggs rushed to the hotel for Captain Cook, who was in command of the post. He appeared very promptly, and nobody got hurt and nobody was prevented from voting.

Q. Were the opportunities for voting sufficient, or otherwise?—A. Quite sufficient. For the last three hours in the day there was not a vote deposited once in ten minutes, I think; I saw no obstruction at all; I don't think anybody was denied the right to vote, or the opportunity.

Q. As far as you saw did any North Carolinians vote at that precinct?—A. I don't think there was one there.

Q. Are you familiar with the people of Greenville so as to know them when you see them?—A. I am familiar with their faces; I don't know their names as a general thing, but the only white people or democrats who voted at Greenville were those confined properly to that township; the colored people no doubt came, many of them, over twenty miles off, but the white people who voted there were from that township. I know their faces generally, and I am satisfied there were no North Carolinians among them.

Q. Was there any attempt, so far as you could see, to prevent any black person who desired to vote from voting there by intimidation, or in any other way?—A. Well, if you call this anything of that kind, there was: I saw some colored people pressing forward a youth that I thought was not more than eighteen or nineteen years old, and I went to him and said, "My young friend, if you are not twenty-one years old don't you vote; you may get into trouble; if you are twenty-one years old, and you feel satisfied you have a right to vote, go and vote, but take my advice and don't attempt to vote unless you have reason to believe that you are twenty-one years of age." He left the crowd and started off, and the colored people wheeled him into line and brought him in and voted him afterward. I know no other instance of anything of the kind, and I did that only to protect the youth, because I felt that they were imposing on him, and I am satisfied to-day that he was not twenty-one years old.

Q. That you judge from his appearance?—A. From his appearance and from what I heard his original owner say that day.

Q. Did you have a conversation with the district attorney, Mr. Corbin, at any time previous to the election?—A. I did.

Q. You may state what it was.

[Mr. Lawrence objected to the witness stating the conversation, and Mr. Abbott did not press the question.]

The WITNESS. I desire to state this much, which bears upon the general question of the condition of affairs in South Carolina during the campaign. I think that peace and good order reigned during the entire campaign and for months before, and from then until now, except some difficulties of a strictly personal character. My mind is directed at this moment to the killing of a man by a party of colored people (it is said; I don't know how it was) in Abbeville County. I want to make this statement, because I think it is fair that it should be known. An understanding existed between Governor Chamberlain and myself to this effect, that if there was any necessity for troops in my circuit I would promptly inform him of the fact, and he left it with me to so inform him. At our last meeting, prior to his nomination for re-election, that was the understanding, and I have never until this day seen any necessity for troops in my circuit. I told the governor that I thought I could control the people of the circuit in peace and harmony and have a fair election, and I am satisfied that there was no necessity whatever for troops there; and, furthermore, I desire to state that I know that different republicans in that circuit—

Mr. LAWRENCE. I object to the witness stating what other people said.

Q. You must state anything which was of common notoriety?—A. I know it was the opinion of common notoriety among them that the democracy would in all probability sweep the county unless they could get troops there and so maneuver—

Mr. LAWRENCE. I object to that.

The WITNESS. Well, I am satisfied that the common sentiment which prevailed among the republican leaders in my circuit, and not only in my circuit but in other portions of the State, (for I visited over one-third of the State during the campaign and spoke in about one-third of the counties, or a little more,) was that unless they could get troops down here and have them distributed, and have them distributed over the counties, the democracy would sweep the country; that the colored people would be induced to vote the democratic ticket, and that unless the republicans could do something of that sort and in that way bring them back or prevent them from going over to the democracy by the presence of troops, the democracy would carry the State overwhelmingly.

Q. State whether in your circuit there was anything that prevented the full execution of the processes of the court?—A. Nothing whatever, sir. I never was more utterly astonished in my life than when I heard the governor's proclamation. There is one statement I would like to make in justice to myself and inasmuch as I testified before the Senate committee this morning. Among other things that I stated there was this, that I had heard republican orators say to colored people that if they voted the democratic ticket they would be put back into slavery. Now, that idea was impressed upon my mind from the true language which I did hear, and it has occurred to me since that it was used by Mr. Dunn. Mr. Dunn said this—and it was so strongly



indicative of that idea that my mind became impressed with the idea, but I did not use the language that I should have used this morning. Mr. Dunn said, "When you colored people march up to the ballot-box and propose to deposit the democratic ticket, you must remember the old whipping-post and the auction-block." Those words impressed my mind with the idea which I stated before the Senate Committee this morning. That was said in the town of Greenville. General McGowan, who is now here, heard the words as well as I did. I also stated this morning that I thought it was Mr. Thompson or Mr. A. S. Wallace who had said it, but it was neither one of them; it was Mr. Dunn.

By Mr. LAWRENCE :

Q. You are sure that those are the words he used?—A. I am pretty well satisfied of it, sir: "When you go to vote the democratic ticket, remember the auction-block," and I think the whipping-post was to be remembered also; but I am sure of the auction-block.

Q. And now you say, as your understanding of that language, that it conveyed the idea to you that slavery would be restored if the democratic party got into power?—A. It would strike me so.

Q. That is your idea of what is meant by those words?—A. I thought so then, and I think so yet.

Q. That is your judgment as to the effect of language?—A. Yes, sir; I think that is the innuendo.

Q. Is that the meaning of the words?—A. Well, I cannot say that it is the meaning of the words.

Q. What right have you to put innuendoes into another man's speech beyond what the words mean?—A. I don't claim any right to do it. I have a right to make up my mind as to the true import and meaning of a speaker when I hear him speak, as I did on that occasion.

Q. What right have you to give to a committee of Congress, unsolicited, an interpretation of the language of a speech which the words themselves do not bear out?—A. Well, I don't know that I have any right to do it; I simply wanted to make this statement in order to straighten myself with respect to a mistake that I made this morning, and I have so stated it.

Q. Would not the better place to straighten yourself have been the place where the mistake was made?—A. Perhaps it would be; and, if I can, I will endeavor to do so; but I don't want to be detained in the city to-morrow, because my business calls me home.

Q. How many political speeches did you make this year?—A. I cannot tell; I spoke thirty-five or forty times, or perhaps oftener.

Q. How long did you generally speak?—A. My speeches, as a general thing, averaged an hour, sometimes more and sometimes less.

Q. This was the most exciting political campaign that there has been in the State since the war?—A. I think it was the most exciting and enthusiastic.

Q. Didn't it stir up more animosity and strong feelings than any campaign since the war?—A. I was very much surprised not to see a great deal of that feeling exhibited. To witness so much enthusiasm and apparent delight over the prospects of success, and yet no demonstration of violence to the opposite side, when many of them were present on many occasions, struck me as rather remarkable.

Q. Could there be enthusiasm to the extent to which it existed without there being considerable feeling?—A. O, I think there was a great deal of feeling.

Q. And some bitterness of feeling?—A. I don't know that there was any bitterness of feeling.

Q. Was there not some bitterness of feeling on both sides?—A. Well, I think there was a good deal manifested at times toward myself. I think I can speak of that with more certainty.

Q. Is it usual for judges in this State to make political speeches in exciting political campaigns?—A. Well, I must say I don't think it is the case.

Q. Have you ever known an instance?—A. Well, yes, sir; I have known it to be done. I felt that the occasion had arrived when every man that loved his State should put his shoulder to the wheel.

Q. I did not ask you that.—A. Well, I give it you anyhow.

Q. Have you ever known it to be done during any political campaign in this State, except this year?—A. Yes, sir,

Q. When?—A. I took the stump for Chamberlain two years ago. I am sorry to say that I did.

Q. Do you know any other judge who did it?—A. Judge Mackey did it.

Q. Any other judge?—A. No, I do not think it; though I am not certain. I think, perhaps, the judges generally gave an expression of their disposition toward the campaign, but don't know that they actually entered into an active canvass of the State.

Q. Your court has criminal jurisdiction?—A. Yes, sir.

Q. You made speeches in your circuit?—A. Yes, sir; I made very few in that campaign out of my circuit.

Q. Do you think a judge is in good condition to hear and try criminal cases which might grow out of tumult or excitement at a political meeting, when he has taken part in that meeting himself?—A. Well, I have never thought it would interfere with my judicial judgment in such matters.

Q. You made a political speech at Abbeville this year?—A. Two or three of them.

Q. There was some trouble there, if I understand you?—A. Yes, sir; in front of the hotel there was some disturbance, which caused me to have one of the parties, who held a position there as a peace-officer, arrested.

Q. You caused the arrest of the trial-justice there for what reason?—A. Because he was disturbing the meeting that was held in front of the hotel, at which myself and others spoke; he was disturbing the meeting, and my mind was very much impressed with the idea that he meant to get up a riot if it was possible.

Q. What did he do?—A. Well, sir, he was boisterous, making a noise and inciting others to make a noise.

Q. State what he said or did?—A. I have stated what he did; he was boisterous and making a noise.

Q. How did he make a noise; what language did he employ?—A. He did it by whooping and cursing.

Q. Can you give an expression that he used?—A. I know that he made several allusions in reference to myself; I don't remember at this time exactly what they were.

Q. Was that when you were speaking?—A. Yes, sir, and afterward, too.

Q. When he was arrested before whom was he tried?—A. He was brought before me, and I made an order simply requiring him to give a bond and keep the peace, and be of good behavior.

Q. Did you hear evidence against him?—A. I required him to show cause why he should not be bound over.

Q. You made an order requiring him to enter into bond?—A. To show cause first.

Q. Did he answer that?—A. I think he did.

Q. Was the cause heard?—A. I heard the return to the rule, I think; I am satisfied I did.

Q. Did you have any witnesses against him?—A. I did not want any; I saw what occurred.

Q. Then you made a rule absolute, or required him to give the security without any testimony?—A. Except what I saw myself, and he made no showing against the truthfulness of the view which I took of the case, and he filed his bond.

Q. Who filed the information against him, or whatever paper was filed?—A. I directed the solicitor of the circuit, if my memory serves me right, or, perhaps, the clerk of the court to prepare the rule.

Q. And without the intervention of a jury you required him to give the security?—A. Yes, sir; that is the practice in this State; I don't know what it is elsewhere.

Q. You deemed it a proper exercise of judicial power in a case such as you have described, to take cognizance of the charge against him and make a rule in that way?—A. I did think so, and I thought it would perhaps save him from much worse consequences, as his course was indicative to me that he might fall into much worse.

Q. You thought that a proper exercise of the jurisdiction of a judge in this State?—A. You must understand, sir, that in this State a judge is a peace-officer, and his jurisdiction extends throughout the State. I was satisfied that his conduct was of that threatening and boisterous character that I might judicially take cognizance of it as much so as I would if any gentleman, drunk and staggering, was to walk into my court-room while I was holding court.

Q. You think a judge is in a proper condition of mind to be impartial in the determination of a case of that sort, under the circumstances you have described, do you?—A. Yes, sir; I think I was fully cool and deliberate enough.

Q. How long have you been judge?—A. Nearly four years.

Q. How long had you been in practice before you became judge?—A. I was admitted to the bar in the winter of 1858. I had been in practice I think about fourteen years.

Q. Where had you practiced?—A. I lived at Orangeburgh Court-House, about 51 miles below here, and I practiced in the courts there and at Barnwell, and some little in Charleston, and occasionally here and at Lexington, about 12 miles from here westward.

Q. Did you devote your entire time to practice from your admission up to the time you were elected?—A. No, sir. We had what is known as a war in this country, and during that time there were very few people here who devoted their attention to the practice of the law. I refer to the late strife between the Federal Army and the Confederate States.

Q. Was your entire time devoted to practice after the close of the war up to the time you became judge?—A. Very much so, sir; and before the war also, until about the latter part of 1861.

Q. Were there any troops in your circuit this year?—A. I saw some in the town of Abbeville. I saw those upon my return to Greenville the day before the election came off, those who appeared at the polls when Captain Cook was sent for. I know of none stationed anywhere else only from hearsay. At Abbeville Court-House I saw Captain Lloyd's company, and I have understood that the troops were distributed over the county, but I don't know that myself.

Q. How far was the scene of the Hamburg and Edgefield riots from any part of your circuit?—A. I really don't know the distance across the county of Edgefield. I would suppose, though, some 30 or 40 miles from the nearest point of my circuit.

Q. You have read Governor Chamberlain's proclamation?—A. Yes, sir.

Q. You noticed that in it he referred to the fact that he had sworn evidence on which he issued that proclamation?—A. I think his language is that he has written and sworn evidence.

Q. Do you know what evidence he had before him at the time he issued the proclamation?—A. It is utterly impossible for me to tell what evidence, for I assure you he never showed me a particle of it.

Q. Do you know what information or evidence he had when he made a request of the President of the United States for the aid of troops?—A. No, sir; I don't know what evidence he had, and I don't know where he could have gotten evidence from, which showed the necessity of sending troops into my circuit. He certainly could not have received it from any reliable source.

Q. The governor's sources of evidence might have been as reliable as yours, might they not?—A. I don't think so.

Q. He was the officer who was charged with the duty of judging when troops were necessary and of calling for them. Do you undertake to say, that as the officer charged with that duty he would not be as likely to have as full information and to judge as correctly as you would?—A. Well, I don't think he possibly could have had as correct information in this case, for I was up there among the people, saw the people, and talked with them from all portions of my circuit, and had dealing with them, more or less, all the time, and especially with the republican officials, the county treasurer, and county auditor, &c. The trial-justices, all appointed by him, sent their accounts to me for my approval, as the law requires.

Q. How soon after troops were sent to South Carolina were any of them sent to Abbeville?—A. I don't remember when they were sent to Abbeville; they were sent there some considerable time before the election.

Q. You don't know whether Governor Chamberlain had any agency in sending troops there, or whether it was done at the instance of the military officers here charged with the duty of preserving the peace?—A. No, sir; I cannot tell; I only have an idea in regard to it.

Q. Do you know the colored boy that you spoke of at Greenville, whom you supposed to be a minor?—A. I heard his name, but I cannot give it to you now. He was a light-colored lad.

Q. You saw him vote?—A. Yes, sir.

Q. He was sworn that he was of the proper age?—A. Everybody was sworn, I believe; not that he was of the proper age, but that he was entitled to vote at that election. I think that is about the oath administered.

Q. Don't you know that the law requires that the oath administered shall be to the effect that the voter is a citizen of the United States and a resident of the county, and over 21 years of age?—A. I believe it is. At the same time I don't think I have ever seen the oath administered in this State in that way at any election. My recollection, which is quite clear, is that the form of the oath has been invariably: "You do solemnly swear that you are entitled to vote at this election?" I am satisfied I have never had any other oath administered to me.

Q. Did you hear any democratic speeches during this campaign except your own?—A. Well, I thought I made republican speeches in favor of the democracy. I heard democratic speeches from persons claiming to be democrats.

Q. Do you know that the democratic speakers to some extent advised the people in this State that if colored men living on their lands should vote the republican ticket, they ought to give a preference to men who voted the democratic ticket or didn't vote at all?—A. I don't know it, but I have heard of some such talk being had and some such speaking.

Q. Don't you know that among the colored people of this State, or of those localities which you visited, the impression prevailed that if they did not vote the democratic ticket they would be in danger of losing their places on the lands which they occupied?—A. I don't know anything of the kind. I never heard one say that he had been so threatened.

Q. Don't you know that such threats were made in the newspapers?—A. O, of course. I have read such things as that in the newspapers, I believe.

Q. Did you read Governor Chamberlain's letter addressed to Colonel Haskell on the 4th of October, 1876?—A. In answer to your last question, perhaps it is proper for me

to say this: I remember hearing some speaker, I don't remember who it was, but it was at some meeting, say that by reason of the misrule in this State, he had lost all his goods and effects, and that he would not be able to employ the colored people any longer if there was not a change in the government, and that if he did employ any at all he would certainly give a preference to those who had voted the democratic ticket.

Q. You were at their meetings where speeches of that sort were made?—A. I recollect hearing only one such speech; I think it was at Honeypath.

Q. You spoke afterward at the same place on that day?—A. I think I spoke before that.

Q. And you allowed a speech of that sort to be made without expressing any disapprobation of its sentiment?—A. I saw nothing wrong in it. The man simply stated that he did not think he would be able to employ any one hereafter; but if he did, he would certainly employ those who stood by him and his interests, as I think every man has a right to do.

Q. You think every man has a right to look after his own interests?—A. I don't think you have a right to send any man into my yard and put him upon me against my will.

Q. You think it is proper for land-owners to discriminate against men in giving employment or renting lands because they vote the republican ticket, do you?—A. I have never advocated such a course, sir. I don't think it is right. I think it is our duty to take care of our whole people. Furthermore, I think that it is our duty to take care of those who, in my judgment, have erred and endeavor to make them our friends by kind treatment hereafter, and I so stated on more than one occasion while addressing the colored people in this State, and I have heard General Hampton—

Q. Did you believe the statement which you heard that if the republican party could succeed in re-electing Chamberlain, that speaker would not be able to employ laborers any more?—A. That was not his statement exactly. His language, I think, was that if this misrule did not cease, as his fortune or whatever he had had at the close of the war had been well-nigh swept away, he could not employ them any longer; furthermore, for the reason that the colored people whom he had employed were very inefficient as laborers, in that they were not able to give good service in the capacity of laborers, and that they had neglected his work, and his crops were short, and he had been so reduced in his circumstances that he would not be able to employ them much longer, if at all.

Q. Are you acquainted with General Conner, of Charleston?—A. Yes, sir; I saw him to-day.

Q. Do you believe him to be an able and candid man?—A. I do think so.

Q. A man having the means of judging in respect to many of the questions affecting this State?—A. Well, General Conner lives in the city; he has a large practice, but it is mostly confined to the city, and I don't know whether he could judge well for other parts of the State.

Q. Don't you know the fact that he has large opportunities to know whether it is practicable to secure peace and protection to the citizens of the State through the courts of the State?—A. I would suppose he could speak for that country down there; I don't think he could for the entire State; I would not undertake to speak for his section myself.

Q. If he has expressed the opinion that it is not practicable to secure protection to the citizens of this State through the courts, would you regard his opinion as reliable, especially in relation to that portion of the State with which he is familiar?—A. I certainly should not question it.

Q. Have you ever known an instance where a white man has been hanged in this State for murdering a colored man since the war?—A. I know of only one white man having been hanged in my immediate circuit; I know but one colored man that was hanged; they were both convicted before me. One was tried for killing a colored man about twelve months before he was hanged. The proof was not sufficient to warrant conviction, and I so stated to the jury; but after the jury had rendered a verdict of not guilty, I gave the man a lecture; told him that notwithstanding the testimony failed to warrant his conviction, I felt a moral certainty that he was guilty of the blood of that man, and warned him to take care or he would be in that court again, perhaps in less than a year, and would be sentenced to be hanged; and I believe that in less than twelve months he was tried and convicted for killing, I think it was a white man, in the very same locality. He was regarded as a very desperate man. The colored man who was hanged was hanged for killing a colored man.

Q. With the single exception which you have stated, do you know of any instance in this State where a white man has been hanged for killing a colored man since the war?—A. I don't know; I cannot answer that question.

Q. This paper which I show you is the Union Herald, a newspaper of this city, of this date, is it not?—A. Yes; I believe it is.

Q. Have you read that little notice of a killing which it contains?—A. Yes, sir; I have read it now.

Q. Are not similar notices of the killing of colored men of very common occurrence in this State?—A. I remember seeing them occasionally, and I remember seeing notices occasionally of the killing of white people. A case occurred in my circuit not more than ten days or two weeks ago.

Q. Is it not notorious that all over this State, in many localities, white men have committed many outrageous acts of personal violence upon colored men within the last two years?—A. I think there have been occasional instances of that kind, and I think there have been on the other side a great deal of house-burning, gin-burning, and barn-burning.

Q. I did not ask you for that.—A. Well, I want to tell you all that strikes me in that connection when you ask me about these acts.

Q. Do you know any instances where white men have committed outrages upon colored men, not amounting to murder, where they have been punished as the acts deserved?—A. I remember one case to have come before me in the city of Greenville, and I punished the man pretty severely and inflicted a fine upon him. It was for shooting at a colored man, but he did not hit him. He shot at the colored man, and I imprisoned him for six months, I think, and inflicted a fine of fifty or seventy-five dollars on him. He was a man in very moderate circumstances, too. I remember another case, in the county of Abbeville, where a white man took occasion to chastise a colored boy, and I put the white man in jail. Those are really the only two cases of that character that ever came before me in my circuit that I remember now; but there have been numberless cases of that kind occurred, and almost invariably between the colored people themselves. I suppose nine-tenths of litigation in the courts of sessions in my circuit has been among the colored people.

Q. Is it not notorious in this State that you cannot get grand juries to indict white men or juries to convict white men for crimes committed against colored men?—A. I cannot speak for the State, but I can speak for my circuit; and I don't think it will hold good there. In one or two counties in my circuit, the juries have been largely composed of colored people, and I have thought frequently that they should have rendered verdicts of guilty where they have rendered verdicts of not guilty where they were charged with the trial of persons of their own color. I have been impressed with that idea especially in the county of Abbeville, and I have felt the same thing here in Richland County, where I held one court last May for Judge Carpenter. I felt the same thing three years ago or more in Camden, in Kershaw County. In my own circuit, with the exception of one or two cases in Abbeville, I think there has been no inclination to shirk the responsibility of a juror, either petit or grand.

Q. Have you read the letter of Governor Chamberlain, dated October 4, 1876, to Colonel Haskell?—A. I think I did read it, to a large extent; I don't know that I read the whole of it.

Q. Have you noticed the evidence which he presents in that letter, copied from democratic newspapers and resolutions of democratic meetings, of a purpose on the part of white men owning lands to proscribe colored men in case they voted the republican ticket?—A. It strikes me that I have noticed it.

Q. Could the circulation of newspapers among the people of the State containing such evidence as he presents fail to create an impression among the colored people that if they did vote the republican ticket they would be in danger of losing their employment and the lands which they occupied?—A. I cannot say whether it would or would not. I know this much: that the colored people, as a general thing, don't read newspapers, and if they were informed that such would be the result of their voting, I would presume that they received their information direct from the lips of some person or persons. I expect, though, that it would have the effect you say upon those who do read.

Q. Where there is a state of public opinion which tolerates newspapers and resolutions of that character, the colored people could not fail to be apprised of that purpose on the part of land-owners and employers, could they?—A. I suppose not, to some extent, but I cannot tell to what extent. As a general thing, the meetings which are referred to there, at which those resolutions were passed, I don't suppose were attended by any colored people. It was early in the organization of the campaign, and I would undertake to say there were not many colored people there.

Q. You made a speech in front of the hotel in which we are now sitting since this committee has been in Columbia?—A. Yes, sir.

Q. You spoke of the disturbance at that meeting. Do you regard that as a serious disturbance?—A. No, sir; you are mistaken, I didn't speak of the disturbance occurring at that meeting; I spoke of a disturbance that occurred here about the 25th of September last. I did not see anything in the nature of a disturbance at the meeting that you refer to.

Q. Did you make a speech at that meeting in September?—A. The interruption that I spoke of occurred at that meeting.

Q. How were you disturbed at that meeting?—A. By the hallooing and whooping and hurraing of the colored people across the street, hurraing for Chamberlain.

Q. The meeting was in the street?—A. Yes, sir.

Q. Was the disturbance such as to prevent the meeting from going on?—A. Yes; I thought at one time that in all probability they would succeed in getting up a row, but the marshal came up, and after a while he succeeded in stopping it; so I was told by him.

Q. And so the meeting went on?—A. Yes, sir.

Q. You have attended a great many democratic meetings this campaign. Do you know any instance where any republican has interfered with any democrat?—A. I remember, in the town of Beaufort, that Mr. Youmans was interfered with, and a Mr. Gibbs, both claiming to be democrats, and I claiming to be a republican. No one of the three of us could speak satisfactorily.

Q. The interruption was merely by noise, was it not?—A. Yes, sir; a determination not to allow us to speak.

Q. You don't know of any personal violence being inflicted by any republican upon any democrat at any democratic meeting?—A. I don't think so; only a general determination to prevent our speaking.

Q. I ask you whether you know of any personal violence inflicted by republicans at any democratic meeting in the State?—A. O, I saw no violence there or anywhere else that I remember of now. I only witnessed that which I thought might possibly lead to violence if great caution was not had.

By Mr. ABBOTT:

Q. Do you know whether the prosecuting officers in the different parts of this State, up to this last election, and the county and State officers, were or were not all appointees of Governor Chamberlain?—A. All the trial-justices are appointed by him. They try all petty cases, both civil and criminal. All of them are his appointees except the solicitor, who prosecutes in the court of general sessions.

Q. Do the prosecuting-officers generally belong to the republican party?—A. I should say that they did. With the exception of the solicitor in one or two of the counties, I think every solicitor in the State was a republican up to this last election.

Q. How was it with the county officers?—A. All the trial-justices were the appointees of the governor, and as a general thing republicans. In some cases I think he appointed democrats.

Q. How was it with the judges of the court up to the commencement of the campaign; did they belong to the republican party?—A. With the exception of Judge Maher and Judge Townsend and Judge Shaw, all the judges were republicans. I so regarded them, and those judges I have mentioned were considered very conservative men.

The chairman announced that the hour agreed upon for the final adjournment here had arrived.

Mr. LAWRENCE. I must request of the committee permission to introduce further testimony. I have read to the chairman and Judge Abbott what I propose to prove.

Here the committee adjourned to Washington.

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WASHINGTON, January 22, 1877.

WILLIAM BEVERLY NASH (colored) sworn and examined.

By Mr. LAWRENCE:

Question. State your age and residence.—Answer. I am 51 years old; I reside in Columbia, S. C.

Q. For what office were you a candidate at the election held in South Carolina on the 7th of November last?—A. I was a candidate for presidential elector.

Q. Did you vote in the electoral college for President?—A. I did.

Q. For whom?—A. I voted for Mr. Hayes for President and Mr. Wheeler for Vice-President.

Q. State in your own way what propositions, if any, were made to you in regard to your vote as elector, by offer or promise of money or other valuable things.—A. To understand it, I will have to tell you the circumstances: I had an interview with Colonel Childs with regard to the organization of the legislature; that was the week previous to the time when the electors were to meet—I can't say exactly what day; I met him at the Carolina National Bank, and General Hampton was there also, and we had a conversation.

Q. What is this Mr. Childs's first name?—A. L. D. Childs. In the senate of my State I took a position different to most of the republicans; I was favorable to seating the democratic senators elected, as I thought, from the counties of Edgefield and Abbeville.

Q. You are a member of the State senate of South Carolina?—A. Yes, sir.

Q. How long have you been a member?—A. Since 1863. After that conversation Colonel Childs called at my house. I was not there, but my wife told me he had been there to see me in his carriage, and had left word for me to come and see him; this was on Monday, I think; I am not certain about that, but at any rate it was the day before we met to cast the electoral vote. When I went home in the morning my wife told me that Colonel Childs's servant had come there to see me and said that Colonel Childs was very ill, and for me to come around and see him. I had had some banking transactions with him all along, and I didn't know what he wanted to see me about. I went to his house, and I found that he was not ill; he was up and dressed, but he said he did not feel very well, and his health has been bad for some time. In that conversation he was commending my course with regard to the admission of the democratic senators from Abbeville and Edgefield, and he then asked me if I couldn't get three senators on our side—the republican side—to join me in seating Mr. Maxwell from Abbeville, and General Gary from Edgefield, and also the senator-elect, as he said, from Laurens. I was opposed to seating the one from Laurens, but in favor of seating the other two. Mr. Childs then said that \$20,000 was placed in his hands by some gentlemen from Charleston, I don't know whether he said bankers or lawyers—

The CHAIRMAN. I shall object to inserting in our record any statement that pertains to the question of the State organization.

Mr. LAWRENCE. It is all connected together.

The WITNESS. He then said he would give me \$20,000 if I would get three senators to join with me. I told him I couldn't do it, that I had no influence with those men, and wouldn't do so; I told him that I myself would vote so, because I had already said so on the floor of the senate, but I would not attempt to influence any one else. He insisted on my not deciding positively, and after awhile I said I must go, because I had got to meet the electors for the purpose of organizing to vote to-morrow. Says he, "Yes, that is another subject that I want to talk to you about; I can get you \$10,000, and \$40,000 when it is consummated, if you cast your vote for Tilden."

Q. For President?—A. For President of the United States. That I declined to do. That is all that transpired between us.

Q. When was it that you had this conversation with him?—A. That was the day before the electoral vote was cast. We had to meet that day for the purpose of electing a chairman and secretary of the college of electors.

Q. This conversation was on the same day that you met to organize the college of electors?—A. Yes, sir.

Q. How long had you been acquainted with Mr. Childs?—A. A good many years—ever since he went to Columbia.

Q. What business is he engaged in now?—A. He is a banker. He first engaged in manufacturing. He is the president of the Carolina National Bank.

Q. State whether you transacted your banking business in his bank?—A. Yes, sir.

Q. How long had you been doing business with him?—A. I suppose since 1869.

By Mr. ABBOTT:

Q. I understand you that Colonel Childs did not make you any offer, but simply said that he could get certain money for you?—A. When I made the remark that I had to go to attend the meeting of the electors, he said that was a matter that he wanted to talk about, and he said that he would, or could—I don't know which word he used—get me \$10,000 if I would cast my vote for Tilden, and \$40,000 more when the matter was consummated.

Q. When what matter was consummated?—A. When he knew that I had voted.

Q. The \$10,000 was to be given when?—A. There at once.

Q. You mean to say that he told you he could get \$10,000 for you down, upon your agreeing to vote, before you had voted or done anything at all in the matter?—A. Yes, sir; he said to me that would make \$30,000—that was in connection with the other matter.

Q. But the \$40,000 that he was to give you is what I am after now?—A. Well, he was to give me \$10,000 right down, and \$40,000 when the matter was consummated.

Q. What answer did you make to that?—A. I told him I couldn't do it and wouldn't do it.

Q. You told him you really would not do it?—A. I told him I would not do it.

Q. What reason did you give him for not doing it?—A. He didn't ask me any reason.

Q. But didn't you give him a reason? He said to you, as I understand, "Now, I will give you \$10,000 if you promise to vote for him, and \$40,000 if you do vote?"—A. Yes, sir.

Q. And you told him you really could not do it?—A. Yes, sir.

Q. Now, when you said, "I cannot do that," what reason did you give?—A. Well, I don't recollect that I gave him any reason. I told him I wouldn't do it; I don't recollect saying to him "I can't do it," for such and such reasons; but I know that I refused to do it.

Q. Did you leave immediately?—A. Yes, sir. He asked me to meet him that night at eight o'clock, and I told him finally I should try to meet him.

Q. You agreed to meet him?—A. Yes, sir.

Q. Did you meet him?—A. No, sir; I never had any such conversation with him any more.

Q. But you agreed to meet him again?—A. Yes, sir.

Q. You parted with him on good terms?—A. Yes, sir; perfectly friendly, and are friendly now.

Q. You were then doing your banking business with him?—A. Yes, sir. When I had money I generally deposited it in Mr. Childs's bank.

Q. And you have continued to deposit with him?—A. No, sir; I haven't had anything to deposit since; but if I had it I would do it either with that bank or the other.

Q. Then this matter has not altered your relations with Mr. Childs?—A. No, sir; not at all.

Q. There was nothing in it that impressed itself on your mind so as to alter your relations with him?—A. Not at all, sir.

Q. They remain precisely the same that they had been up to that time?—A. Yes, sir.

By Mr. LAWRENCE:

Q. You were originally a slave?—A. Yes, sir.

Q. And continued so up to what time?—A. Until Sherman came to Columbia. I followed the Army from Columbia.

C. B. BARR, the assistant sergeant-at-arms who accompanied the committee to South Carolina, called and examined.

By Mr. LAWRENCE:

Question. State whether Col. L. D. Childs was summoned to appear before this committee while it was in session in Columbia, S. C.—Answer. He was.

Q. At what time was the subpoena served on him?—A. I think on the 26th of December. It was served by either Mr. Hamilton or Mr. Morris.

Q. Did he appear before the committee?—A. No, sir; not to my knowledge.

By the CHAIRMAN:

Q. What reason was assigned for his not appearing?—A. Indisposition; that he was confined to his room. That was the reason, as near as I remember.

Q. Was the return made by the officer who served the subpoena, that Colonel Childs did not appear because he was unwell?—A. Yes, sir.

By Mr. ABBOTT:

Q. It was that he was more than unwell—that he was confined to his room?—A. That was it, as I remember.

By Mr. LAWRENCE:

Q. Has he been served with a subpoena to appear here since the committee's return to Washington?—A. He has been served with a subpoena to appear here. He was also telegraphed to, and I remember that the reply was that he would come as soon as he was able.

WILLIAM B. NASH recalled and further examined.

By Mr. LAWRENCE:

Question. Did you see Colonel Childs while this committee was in session in Columbia?—A. Yes, sir.

Q. Was he out of his house?—A. Yes, sir; I met him in the bank.

Q. How frequently did you meet him in the bank?—A. I only recollect one day. I recollect having a conversation with him; I think it was a week before your committee came away, or during the same week that you left Columbia.

Q. You were served with a subpoena to appear before the committee?—A. No, sir; I was personally requested to come.

Q. And you refused to come on a personal request to come?—A. Yes, sir.

Q. State if this paper which I now show you is a copy of the Greenville Daily Union, a paper published in your State?—A. Yes, sir; at Greenville Court-House.

Q. How far is that from Columbia?—A. One hundred and forty-three and one-half miles by rail.

Mr. Lawrence offered to put in evidence an extract from the newspaper identified by the witness. The chairman objected, and the extract was not admitted.

The chairman put in evidence the following paper which he said had been forwarded to him by Mr. L. D. Childs, of Columbia, with a statement that he would probably be in Washington within ten days from date of his letter, January 17, 1877.



Mr. Lawrence objected to the admission of the paper on the ground that it was not sworn to. Objection overruled.

STATE OF SOUTH CAROLINA,  
County of Richland :

I hereby certify that L. D. Childs, esq., has been unable to travel for the past ten days on account of ill health; and from the nature of his complaint I am able to certify that he will not be able to travel for the next ensuing ten days.

A. W. KENNEDY, M. D.

COLUMBIA, S. C., January 17, 1877.

To HON. MILTON SAYLER,  
Chairman of House Investigating Committee on South Carolina Affairs.

I certify that Dr. A. W. Kennedy is a respectable practicing physician in the city of Columbia, S. C.

[SEAL.]

JNO. B. MILLER, C. C. P.

WASHINGTON, January 22, 1877.

RICHARD T. GREENER (colored) sworn and examined.

By Mr. LAWRENCE :

Question. What is your age and where do you reside?—Answer. My age is thirty-two; I reside in Columbia, S. C.

Q. What business are you engaged in?—A. I am professor in the University of South Carolina.

Q. What part did you take in the recent political campaign in that State?—A. I was one of the speakers assigned to the third congressional district.

Q. Where did you make speeches?—A. At Newberry Court-House, at Abbeville, at Anderson, at Walhalla, at Greenville, at Pickens, at Laurens, at Newberry again, at Columbia, and at Lexington.

Q. For which party did you speak?—A. I spoke in behalf of the electors for Hayes and Wheeler.

Q. What did you see at those meetings, or at any of them, of armed men, or of any intimidation, interruption, or violence?—A. At Newberry, when we arrived there, we found quite a number of colored people, I should think about a thousand, assembled at the depot to receive us; we went to the rooms of the local committee, and we found that the square in front of the court-house, from the steps of which (or from the platform above) we expected to speak, was entirely occupied by the mounted men known as "red-shirts." There were, I should think, about eighteen hundred of them in the square. They had banners with the usual political devices—banners with the names of Hampton and Simpson, and they were drawn up directly in front of the court-house. The colored people were on the outside and upon the right, completely crowded out from the front; but after a while we had a consultation as to whether we had better try to have the meeting in front of the court-house or adjourn to some other place; part of the local leaders being in favor of adjourning, and seeming to be very much frightened. We finally concluded to go out to the court-house steps. We went out there, and managed with some difficulty to get up through the throng of colored people who crowded the steps. That was about the only place they had there; that and up on the portico in front, which was rather high. After getting up there, several of the democratic leaders, General Pope for one, a lawyer of Newberry, came up, and I asked him to move his men back, so that the colored people could get in front of the place so that we could speak to them from the steps. He very courteously said he would try to do so, but that he was not in command, but that Colonel Lipecomb was in command. I felt rather indignant at their taking up so much room, and I probably spoke rather sharply about it, and told them that they ought to crowd back, but they would not do it; they were making considerable noise, both the people and their leaders. The conspicuous persons were Colonel Lipecomb for one, and Mr. D. Wyatt Aiken, the candidate for Congress on the democratic ticket for that district; he seemed to be quite noisy; he was gesticulating and telling us we were to have a joint discussion. It seems that some of the local leaders, being fearful that we should have a tumult, had agreed—I don't know that they had agreed, but that was the presumption I had—to have a joint discussion, and arrangements for a joint discussion were then pending between the republican and the democratic committees; but we had been instructed not to have any joint discussion, the fear being that it would give rise to a collision. We told them that we couldn't have a joint discussion, and upon that Colonel Lipecomb said that we had broken faith with them, and declined to move his men back. He said he'd be damned if he would move them back. He seemed to be very much excited. Finally, after considerable delay, we started our meeting at the right of the portico; we spoke from the right-hand end to the crowd of colored people, who, according to our advice, had massed themselves there, so that we could speak to them. The entire square beyond, and the windows and every available

space, was filled by the white people of the town and these red-shirts, who had come in from the different counties. Mr. Taft spoke for about a half an hour, I should think. That was the length of time he was speaking, but he was interrupted most of the time. Some of the men were drunk evidently, and they were cursing us pretty roundly.

Q. While you were speaking?—A. Yes, sir; while he was speaking. After he had finished I spoke, or tried to. Just as I began to speak, Colonel Aiken, who had been standing theretofore, was told to get up on horseback, by a colored man who was near him, and he took a seat directly in front of me on his horse. While speaking I was interrupted with such phrases as that it was "a damned radical lie;" that I was "a radical liar," and so on. There was so much interruption that I couldn't proceed. Being very anxious to speak, however, I took it good humoredly. I laughed and waited until they got through interrupting me, and then I went on again. Finally, one man told me to take off my glasses, and accordingly I did so, telling him that I could speak without them, and thereupon he told me that I could go on; but I was interrupted so much by the cries all around from the men on horseback and some in the windows, that I finally stopped and waited again. A third time, when I began, some one in the crowd asked me, "What about Joe Crews?" Joe Crews was a republican leader in Laurens, who was killed in September, 1875. I had intended not to answer any interruptions of that kind; but, as they asked me that question, I answered that I believed he was murdered by democratic bullets. That incensed them very much, and there was a great deal of confusion. Colonel Lipscomb and Colonel White stood up on their horses and shook their fists at me and told me that I was lying and that I knew I was lying; and Colonel Lipscomb asked me why I made such a statement as that? I told him I made it because I believed it. He asked me if I didn't know that the matter was in the courts at that time, and that it was not certain whether republicans or democrats had killed him. I replied that I didn't know; that that was the first time I had ever heard of any dispute on the subject, and that was the reason I asserted it.

I spoke but very little longer after that. When I had concluded I found that quite a crowd of these "red-shirted" men—twenty or thirty of them, armed with something like pikes or staves—came up the steps and took their places on the platform. They were led by a man who came from Abbeville County, whose name I do not remember. I went up to him and asked him what those men were doing. He replied that he was up there as much to protect my life as anybody's, and he would not go down from the platform. I staid there awhile. Colonel Pope's brother came up afterwards and I met him and a son of Mr. Pelham, the editor of the Register, in Columbia. Mr. Pope was very angry with me because I had made a statement that in former times there had been a property qualification for white voters in South Carolina before reconstruction, and he told me that I knew it was not true. I told him that I had it from very good authority and I presumed it was true. Mr. Pelham's son was also very angry with me. He said that I had stated that the democrats had put no colored men on their ticket. I told him that I had not so stated; that I had merely said that they had put none on the State ticket. He said I knew that a colored man was put on the ticket in Richland County. I told him I knew that. He was very angry with me and shook his fist at me and told me I knew I was telling a lie. At last, I found that Mr. Carpenter, who had commenced speaking after I had finished, had concluded and gone, and that I was up there alone. Meanwhile quite a crowd of colored people had collected. One or two of my students, who live at Newberry, came to me and begged me to go away, as they were afraid there would be violence. I went down the steps amid the jeers of the men on horseback, who were cursing me, and when I got to the bottom of the steps Colonel Lipscomb was so very near that I could not get around without pushing against his horse, and he was gesticulating to me so that I supposed he wanted to speak to me. I leaned forward and asked him what he wanted, and he began again to accuse us of bad faith in breaking our promise to have a joint discussion. I told him I had not promised anything of the kind, but that so far as I was concerned I was perfectly ready for a joint discussion, and had always been in favor of it; with that I went off to the room of the committee, in the same square, and I staid there during the day. The other members of the party went down to Columbia; they were afraid to stay there.

By Mr. LAWRENCE:

Q. Was that meeting called as a republican meeting or as a meeting for joint discussion?—A. It was called as a republican meeting for the 16th of October. After the republican meeting was through the democrats held a meeting. From the window where I was, in the square, I could see the crowd gathering, and hear them cheering, but I could not see the speakers. I heard afterward that Colonel Aiken and Mr. Lipscomb spoke. During the day, while seated at the window, there were two or three rows in the streets between the drunken members of the democratic party. I saw two men knocked down by members of their own party, and the colored people, after our meeting adjourned, got away as quickly as possible, although there were a few of them standing around nearly all day.

Q. From whom did the interruptions of your meetings come?—A. They came from the men on horseback, and their leaders.

Q. The red-shirt men?—A. Yes, sir.

Q. To what extent were they armed?—A. Some of them were armed; I didn't see arms generally.

By Mr. ABBOTT:

Q. What do you mean by armed—pistols?—A. Yes, sir; pistols, and guns in some instances.

By Mr. LAWRENCE:

Q. State whether the colored people were armed?—A. I saw no colored people with arms at all.

Q. Proceed and state what occurred at other places.—A. We left Newberry the next morning for Abbeville. On the way to Abbeville, at nearly every station, men would come into the cars and inquire for "Chlory," as they called Mr. Carpenter, and walk through the car.

By the CHAIRMAN:

Q. What Mr. Carpenter was that?—A. L. Cass Carpenter, a former member of Congress and a candidate for Congress at the time. There was a party of about six or eight of us. These people would come through the car and make remarks about, cheering for Hampton, as usual, and very often cursing Governor Chamberlain. At one station a man with a wooden leg, I think, or else he had been hurt so that he stumped as he walked, came in with two pistols in his vest and one in his belt. He sat on the seat directly in front of Mr. Carpenter, and glared at him, and looked over at me where I was sitting, on the opposite side, and quite a crowd collected at the door and jeered at us and called us all sorts of names, and finally asked, "Had we better take him out, or had we better light the cars with his red hair;" but they offered no other violence. By the time we got to Hodges Station we began to expect this at every station. From Hodges Station the cars go on direct for Greenville, and we had to change to go to Abbeville. When we arrived there the turbulence had reached its height. The car was taken entire possession of by the crowd, so much so that I could not get inside at all, but had to stay on the platform. Mr. Carpenter seemed to be the main object of their wrath. They called us, as usual, by those epithets, and abused us all pretty generally for being damned radicals, and for about half or three-quarters of an hour it was about as near pandemonium as anything I have ever seen. Finally we went from there to Abbeville. At Abbeville we found that notice of the meeting had circulated about and the colored people were very much frightened, and we had considerable doubt whether they would come out to the meeting or not. It seems they were frightened because Governor Chamberlain had been up there during the summer before the convention and there had been considerable interruption. They were afraid that the red-shirts were coming in from the different counties, which was the usual programme, and they were fearful of having a row. They also said that the democrats wanted to have a joint discussion as usual. That always was the plea. We told them that we could not have a joint discussion; that we had concluded to have our meeting by ourselves, and so we had it on what is called the colored people's fair-ground; that was a private place belonging to them entirely where they could not be interrupted, and besides there were United States troops there that day, and we had the officer with us. The troops were not directly on the ground, but they were within half a mile. During the morning the red-shirts came galloping into the town from all quarters, and by the time we had the meeting begun I should think there were about 2,500 of them. When they found that we were not going to have a joint discussion they were rather indignant, and they had a meeting by themselves. Our meeting at the colored fair-ground consisted of about 3,000 people, and all the members of our party spoke without interruption. There were not more than two or three white men there outside of our own party. After the meeting was over we held a council of war, and we concluded that it was best not to go back to Hodges Station.

Mr. ABBOTT. It is not necessary for you to state what you concluded among yourselves.

By Mr. LAWRENCE:

Q. Was that meeting called as a republican meeting?—A. Yes, sir.

Q. Had there been any call for a democratic meeting on that day?—A. Not that I know of. We went from there to Anderson. We rode across the country twenty-two miles. It was a very rainy day, and we reached Anderson about six o'clock at night. As we come into town we could hear the cheering and hurrahing that we had begun to get used to by that time, and we found that some of the red-shirts were already coming in, to be on hand for the meeting next morning. Next morning we went to the hotel to make arrangements for the meeting which we expected to have in the courthouse, and we found that a great many of the red-shirts had collected, and we understood that their intention was, when the doors were open, to crowd in and take possession.

sion of the court-house first; and, fearing that there would be some collision in that way, we decided to hold our meeting at what was called the Greeley Institute, a colored school about a quarter of a mile from town. We held our meeting there, the democrats holding theirs at the fair-ground. They sent two or three of their men to picket the road in front of our building, so as to keep their people, who were drunk or disorderly, from coming and interrupting us, and one or two of their leaders were there to hear the speeches, and the reporters were there to take down our speeches. We all spoke, and had no interruption. As we were going to the depot that evening quite a number of them followed us down, and stood about and talked rather saucily to us. Colonel Aiken was there; I saw him, and knew him. He had nothing to say, of course. We went from there to Walhalla. There we found that they come down as usual to demand a division of time, which we refused.

Q. Was the meeting at Walhalla called as a republican meeting?—A. Yes, sir; all these were set meetings, regularly appointed and advertised.

Q. Had there been any democratic meeting called there that day?—A. Not that I know of, sir; they simply knew that we were going to have our meeting at that time, because it had been published in the papers. At that meeting there was considerable interruption. I spoke first. I was speaking in front of the court-house, and I was interrupted very often with rather opprobrious epithets, jeers, and interruptions. While I was speaking one of the men who interrupted me, and who had been in the front, went around to the back of the building, and drew his pistol to shoot me. He was prevented from doing so by Mr. Bryce, the postmaster of the town, and Mr. Carpenter, who were inside. After the meeting was over our party separated. We were to meet at Bryce's house; it was a quarter of a mile off, and to get there we had to go up a hill. I was surrounded by a large number of the cavalry of the democrats, and my friends were rather fearful for me and thought I had better not go in among them, but I said I was not afraid, I guessed they would not trouble me; and so I went up the hill talking with them on the way and discussing the political situation. They treated me very pleasantly, but asked me a great many pointed questions, which I tried to answer as well as I could, and finally we reached the top of the hill, where my friends were waiting for me, and I got out of the crowd and went off. That evening we drove to Westminster Station; we didn't go by railroad, the usual route, fearing that we might have trouble, as there had been a circus at the station that day, and we feared there might have been a number of drunken men about, and that they, knowing who we were, might give us trouble. We drove over to Westminster, and went from there to Greenville. We spent the Sunday in Greenville, and on Monday we went over to Pickens Court-House, which is up in the mountains. We drove in a carriage some twenty miles. When we arrived within three miles of Pickens we found about twelve hundred red-shirts drawn up in line on both sides of the road to receive us. We rode through them in rather grim silence; no cheers were given and not a word said. They looked, I thought, rather fierce, and evidently desired to impress us with their array. We went to the office of the auditor and made arrangements for having a public meeting there. I was to speak first. I had been speaking, I should think, about five minutes when there was a yell heard, and we found that they began galloping up in front of us. Finally these mounted men rode up and formed, in some places five and six deep, in a semi-circle, right around the table upon which I was speaking, which was placed in front of the door; they were commanded, I judged, by the senator from that county, Mr. Bowen. I recognized him, as I was used to seeing him in the senate at Columbia. He seemed to give the orders, and they seemed to obey him pretty generally. I was interrupted from the beginning of my speech. I was told to get down off the platform; that no damned nigger should speak there; and finally some one asked me a question about the Freedman's Bank, and I retorted by bringing up the bank in Columbia that had failed, and of which General Hampton was one of the directors. One man then became very much incensed and drew his revolver upon me, but he was kept quiet by Colonel Bowen, and finally he was pulled off his horse. He was very noisy and turbulent; I think his name was Holcomb. He was afterward arrested. Mr. Clyde, to whom I was afterward introduced, was also very noisy and interrupted me a good deal. He said he wanted my photograph to frighten the rats away. I told him I did not have one with me, but I thought if he could get his own it would prove more efficacious. He took that very good humoredly and said I might speak on. I continued to speak. One man at my right kept cheering for Jefferson Davis. I told him that was the first time I had heard that cheer, but I supposed there were some who could give it with their hearts in it. I occupied about half an hour I think, and really I didn't speak more than ten or fifteen minutes. I finally gave way to Mr. Carpenter, who had I think, if anything, worse luck than I had.

Q. Were you able to make as much of a speech as you desired to make there?—A. No, sir; not at all.

Q. From whom did the interruptions come?—A. They came from those mounted men who were in front of us.

Q. Democrats?—A. Democrats, I presume.

Q. What was the length of your speeches, ordinarily, when not interrupted?—A.

At Anderson, where I was not interrupted, I spoke an hour and a quarter, and said all I wished to say.

Q. To what extent were the democrats armed at this last meeting you have described?—A. I saw only two or three with pistols. This man who was pulled off his horse drew a pistol. We presumed that all of them were armed, but I saw only three or four have arms. We were afraid to go back by the same road by which we came. It is a very mountainous road, and that is a famous illicit-whisky-distilling district, and Mr. Carpenter was the internal-revenue collector, and that probably added to the complications. These men had followed us in large numbers, and they appeared to be so indignant, that we were rather afraid to go back by the same road, so we took another. Mr. Barton, the deputy collector, who has since been wounded in an affray with the distillers, went back with our party. We were also accompanied by about twenty or thirty men who rode along with us, some in front and some behind our carriage, jeering at us, burrahing for Hampton, asking us to come back and have another meeting, &c. We took the cars and went to Greenville, and had a meeting there that night in the court-house. I spoke there, and the next day, Tuesday, we started for Laurens. We went from Greenville to Clinton. At Clinton we were to take the cars for Laurens. I was the only member of the original party left by that time—the only one who was a speaker; we had two United States deputy marshals with us.

By Mr. ABBOTT:

Q. You don't mean that they had shot and killed all the rest of them?—A. No, sir; but some of them had pressing engagements at home. At Clinton we took the cars for Laurens. The cars go only within nine miles of Laurens. When we reached the place where they stopped we found that there was an escort of some twenty colored men who had come down to escort our party up to the court-house. It is rather a lonely road, the same road on which Mr. Joe Crews was killed. There had been a great deal of trouble a Laurens, and we really expected to find it the worst place during the campaign. Mr. T. J. Minton, who is the book-keeper of the State treasurer, and a friend of mine, a colored gentleman, met us at that point. He came to assist in the speaking. We reached Laurens about nine o'clock that evening, and, with the local men there, made an arrangement for the meeting that morning. They were very much afraid that we were going to have trouble; there had been considerable turbulence about there and we found that they were very much frightened. There were troops there at the time and some of the local people said they were afraid to go out unless the troops came upon the ground. The next morning we found that the colored people of the surrounding county had begun to gather in the same way that the democrats had done, and they rode into the town on horseback to the number, I should think, of 800 or 1,000; they galloped by the house where we were stopping and cheered us, and when the time to have the meeting arrived, part of them escorted us up to the ground. In the mean time the democrats had assembled also; I should think there were from two thousand to two thousand five hundred of them; they could be seen in all parts of the town, with banners and mottoes and flags—various flags—the American flag, and in one instance the confederate flag, or at least a flag that looked very much like it; I don't know whether it was intended for the confederate flag or not. Our meeting began. It was held on an open lot, and there were, I should think, two thousand people in all, including the mounted men. While I was speaking the red-shirts filed up in front of me—they were about a square and a half off—cheering for Hampton, but didn't offer to interrupt us in any way. Three or four came over and stood and listened to our speakers. I spoke first, Minton followed me, and General Dennis also made a short speech. From Laurens we decided to go back to Newberry. Our first meeting there having proved a failure through interruptions, it had been decided by the executive committee to have another meeting, and the next day we started for Newberry and arrived on Wednesday. We held our meeting at the colored school-house. Mr. Tomlinson, Mr. Carpenter, Adjutant-General Purvis, and Mr. Thomas, a representative from Newberry, were there to speak. The other gentlemen came up from Columbia. We all spoke, and had a very successful meeting; the colored people were out, and there were no interruptions at all on the part of the democrats. I also spoke at Columbia on the next Friday at a public meeting. Of course it is always peaceful in Columbia, and we had no interruption there. I spoke also in Lexington, and we had a very successful meeting there in the court-house. That completes the list of places at which I spoke.

Q. What do you know, if anything, of citizens of Georgia being in South Carolina at the election?—A. I don't exactly understand what you mean; voting there, do you mean?

Q. Yes, voting there.—A. I don't know of any voting there.

Q. At these meetings, all of them of which you have spoken, state to what extent the democrats were armed.—A. I think it was their policy not to show any arms; but very often I should say that at least one-third of them were armed.

Mr. ABBOTT: Confine yourself to what you saw, not what you suspected.

A. Yes, sir. Everybody went armed about there.

By Mr. LAWRENCE:

Q. At how many of those meetings did you have an opportunity to speak all that you desired; in other words, to what extent were you prevented from speaking as fully as you wished?—A. I had an opportunity of speaking at four of them as fully and freely as I would wish. At the others I was interrupted and kept from speaking as fully and as freely as I should have spoken if I had been assured that I would not be molested either while there or going or returning.

Q. Are you acquainted with W. H. Hurd, a member of the legislature from Abbeville?—A. Yes, sir; he was a student of mine for the past two years.

Q. How long have you known him?—A. Two years.

Q. What is his reputation for truth and veracity?

Mr. Abbott objected to the question. Decision reserved.

Q. State whether you received any letter or telegram from Hurd, from the State of Georgia; and, if so, when, and where the letter or telegram came from.

Mr. ABBOTT. I will not object to the letter, but the telegram is of no significance.

A. I received a letter from Mr. Hurd, dated Abbeville, November 15, 1876, the envelope of which bears a postmark of the same date. I received a telegram from W. H. Hurd, which I now produce, which is dated Augusta, Ga., November 22, 1876, and is addressed to me at Columbia, S. C. I had corresponded with him all along. He was at the Abbeville meeting; he was one of those who come there from the precinct.

Q. If there is any other fact or matter that you know which is pertinent to this investigation, you may state it.—A. The fact of the intimidation and of the trouble we experienced going to Charleston.

Mr. ABBOTT. That is outside this investigation; it is after the election.

By Mr. ABBOTT:

Q. Your first meeting was at Newberry, as I understand you?—A. Yes, sir.

Q. When you were there you understood that there was a negotiation going on in reference to a joint discussion?—A. During the time I was there.

Q. Before you got there you understood there had been an agreement for a joint discussion?—A. No, sir; there had been no agreement. I can state briefly how it was.

Q. I want to know whether you understood or not that there had been an agreement for a joint discussion.—A. No, sir; I did not understand it.

Q. The claim was made by Colonel Lipscomb that there had been an agreement for a joint discussion?—A. Yes, sir.

Q. When you refused to admit a joint discussion, his claim was that faith had been broken with them?—A. Yes, sir.

Q. He was angry at the breach of faith, as he claimed?—A. That is what appeared to be the fact.

Q. And that claim was repeatedly made, that faith had been broken with the other side in reference to a joint discussion?—A. Yes, sir.

Q. That was a claim made against you?—A. Yes, sir.

Q. And your reply was that you had not refused, and that you were not to blame?—A. I was entirely in favor of it.

Q. Do you know whether there had or had not been in point of fact a democratic meeting arranged at the same time at the same place?—A. No, sir, I do not.

Q. You simply know nothing about it?—A. I know nothing about it.

Q. And that is so with reference to the other meeting, is it not?—A. Yes, sir.

Q. Whether there had been a democratic meeting arranged or not, you have no means of knowing?—A. No, sir.

Q. During all this time you were not harmed in any way, you or any of your party?—A. No, sir, there was no actual violence done us.

Q. Your trouble consisted in these interruptions and opprobrious epithets and threats?—A. Yes, sir.

Q. But in point of fact no attack was made upon you or any of your party?—A. No, sir.

The following questions and answers were taken conditionally, subject to the decision of the chairman as to their admissibility.

By Mr. LAWRENCE:

Q. How long have you been acquainted with Hurd?—A. Two years.

Q. Do you have the means of knowing his general reputation for truth and veracity?—A. It is that of a truthful and trustworthy young man in every respect. While he has been at the university he has always maintained a good character as a good, faithful, diligent young man.

Mr. ABBOTT. [To the witness.] The question is simply as to his reputation for truth and veracity.—The WITNESS. Well, he has always maintained that; it never has been questioned to my knowledge.

Q. You knew him as a student during that time?—A. Yes, sir.

## JOURNAL OF PROCEEDINGS OF THE COMMITTEE.

WASHINGTON, D. C., *December 5, 1876.*

The House committee, authorized by Mr. Hewitt's resolution to investigate the election of the presidential electors in the State of South Carolina, met in the room of the Committee on the Public Lands, at 10 o'clock a. m.

The following members were present: Hon. Milton Saylor, of Ohio; Hon. J. G. Abbott, of Massachusetts; Hon. W. S. Stenger, of Pennsylvania; Hon. J. R. Eden, of Illinois; Hon. T. L. Jones, of Kentucky; Hon. J. F. Phillips, of Missouri; Hon. N. P. Banks, of Massachusetts; Hon. E. G. Lapham, of New York; Hon. William Lawrence, of Ohio.

Mr. Stenger resigned his position on the committee, and Hon. A. G. Cochrane, of Pennsylvania, was appointed to fill the vacancy.

On motion, the committee determined to leave, Wednesday, December 6th, instant, for Columbia, S. C.

Allen O. Myers was appointed by the chairman as chief clerk of the committee, and his appointment was confirmed by the committee.

Mr. C. B. Barr was appointed deputy sergeant at-arms of the committee, and J. B. McCormick was named as his assistant.

On motion of Mr. Lawrence the chairman was authorized to procure two competent stenographers, and more, if necessary.

The committee adjourned to meet at 11 a. m. Wednesday, December 6.

WEDNESDAY, *December 6, 1876.*

The committee met pursuant to adjournment.

A full attendance, and Mr. Saylor in the chair.

The committee determined to leave at 5.20 p. m. for South Carolina.

On motion, an additional stenographer was employed.

The committee adjourned subject to call.

COLUMBIA, S. C., *Friday, December 8, 1876.*

The committee convened at 11 a. m., at the call of the chairman.

There was a full attendance, and Mr. Saylor in the chair.

The chairman was instructed to procure copies of all the proceedings in the disputed elections, both before the board of State canvassers and the supreme court.

A communication was laid before the committee from Mr. J. C. Sheppard, chairman of a committee appointed by the democratic house of the South Carolina legislature, to aid the committee in its investigation of the elections, as follows:

Hon. MILTON SAYLER,  
Chairman Congressional Committee:

MY DEAR SIR: The house of representatives of South Carolina appointed a committee to communicate and co-operate with your committee touching any investigation you may institute in reference to the organization of the general assembly of South Carolina. Do me the honor to indicate at what time and place it will be the pleasure of your body to confer with said committee, and we will adapt ourselves to your convenience.

With great respect, your obedient servant,

J. C. SHEPPARD, Chairman.

MANSION HOUSE, Friday Morning.

The communication was laid on the table.

Mr. Lawrence moved that the chairman be authorized to procure from the secretary of state certified copies of the certificates of election, the proceedings of the State board of canvassers, and the returns of the precinct managers. Carried.

H. Mis. 31, pt. 1—30

On motion, Messrs. Eden, Jones, and Lawrence were appointed a committee to secure rooms for the use of the committee in taking testimony.

On motion, Messrs. Abbott and Banks were authorized to act with the chairman in procuring documents ordered by the committee.

The committee adjourned to meet Saturday, December 9, at 10 o'clock a. m.

COLUMBIA, S. C., *Saturday, December 9, 1876.*

The committee met pursuant to adjournment.

Mr. Saylor in the chair, and a full attendance.

On motion, the Sheppard communication was taken from the table and referred to a subcommittee—Messrs. Philips, Eden, and Banks—to frame a suitable reply.

Recess until 3 p. m.

Mr. Philips, from the subcommittee, reported a reply to the Sheppard communication. After some debate and modification, the following was adopted:

ROOMS OF THE CONGRESSIONAL COMMITTEE,  
*Columbia, S. C., December 9, 1876.*

Hon. J. C. SHEPPARD, Chairman, &c. :

Your communication of Friday morning last, expressing a willingness on the part of a committee represented by you to have been appointed by the house of representatives of South Carolina, to communicate and co-operate with the congressional committee of nine, now in this city, touching any investigation to be instituted in reference to the organization of the general assembly of South Carolina, has been laid before the congressional committee.

I am instructed by the committee to say that, owing to the delicacy of the relation they sustain to the contending parties in this State, and the limitations imposed upon them by the body delegating them, they desire that no act of theirs as such committee should imply a recognition of the validity of either of the acting legislative bodies of this State.

Under the resolution of the House of Representatives of the United States sending us hither, we do not feel authorized to enter upon an "investigation in reference to the organization of the general assembly of South Carolina." Our mission is "to investigate recent elections in South Carolina and the action of the returning or canvassing boards in the said State in reference thereto, and to report all the facts essential to an honest return of the votes received by the electors of the said State for President and Vice-President of the United States, and to a fair understanding thereof by the people."

In the line of investigation thus indicated, the committee will be pleased at any time to receive from you any information or assistance you may see fit to offer.

Very respectfully,

MILTON SAYLER,  
Chairman Congressional Committee.

The committee adjourned to meet Monday, December 11, at 10 o'clock a. m.

COLUMBIA, S. C., *Monday, December 11, 1876.*

The committee met pursuant to adjournment.

A full attendance, and Mr. Saylor in the chair.

The minutes of the proceedings of the committee were read, and the following entries on the journal were ordered:

Official stenographers of the committee: Andrew Devine, official reporter of the House; H. H. Alexander, and W. H. Boblitz.

A. L. Thomas, messenger.

The clerk was instructed to preserve a file of all documents laid before the committee.

The chairman laid before the committee copies of the proceedings before the supreme court in the contested-election cases.

The chairman was empowered to issue subpoenas at the request of any member of the committee, touching any line of inquiry that has been begun.

The committee adjourned to meet Tuesday, December 12, instant, at 10 a. m.



COLUMBIA, S. C., *Tuesday, December 12, 1876.*

The committee met pursuant to adjournment.

A full attendance, and Mr. Saylor in the chair.

Awaiting the production of documents necessary to enable the committee to begin its labors, an adjournment was had until Wednesday, December 13, at 10 a. m.

COLUMBIA, S. C., *Wednesday, December 13, 1876.*

By informal agreement the committee met 3.30 p. m., Mr. Saylor in the chair and a full attendance.

The Chair laid before the committee copies of the documents and election returns which he had been authorized to procure.

A portion of them were entered as testimony, and the remainder filed by the clerk for the use of the committee.

A communication from J. H. Rainey was laid before the committee and ordered filed.

A number of witnesses were examined.

The committee adjourned to meet December 14, at 10 a. m.

COLUMBIA, S. C., *Thursday, December 14, 1876.*

The committee met pursuant to adjournment, Mr. Saylor in the chair and a full attendance.

The minutes were read.

Mr. Lapham moved to correct the journal by entering the name of A. L. Thomas as an assistant sergeant-at-arms instead of messenger. Debate ensued.

On the motion to correct, Messrs. Banks, Lapham, and Lawrence voted aye; and Messrs. Saylor, Abbott, Cochran, Jones, Eden, and Philips voted no.

The committee proceeded to the examination of witnesses.

The committee adjourned to meet Friday, December 15, at 10 a. m.

COLUMBIA, S. C., *Friday, December 15, 1876.*

The committee met pursuant to adjournment, Mr. Saylor in the chair and a full attendance.

The examination of witnesses was resumed.

The committee adjourned to meet Saturday, December 16, at 10 a. m.

COLUMBIA, S. C., *Saturday, December 16, 1876.*

The committee met pursuant to adjournment, Mr. Saylor in the chair and a full attendance.

Bills were presented from the clerks of the supreme and United States circuit courts for services rendered the committee. Messrs. Eden and Lawrence were appointed a subcommittee to audit the same.

The examination of witnesses was continued.

The question of dividing the committee into subcommittees, to visit other portions of the State to take testimony, was called up.

On motion of Mr. Jones, further consideration thereof was postponed until Monday, December 18th instant.

The committee adjourned to meet next Monday, December 18, at 10 a. m.

COLUMBIA, S. C., *Monday, December 18, 1876.*

The committee met pursuant to adjournment, Mr. Saylor in the chair and a full attendance.

The minutes were read and approved.

The examination of witnesses was resumed.

Mr. Eden called up the question of dividing the committee into subcommittees. After some discussion, further consideration thereof was postponed until Tuesday, December 19.

The examination of witnesses was resumed.

The committee adjourned to meet Tuesday, December 19, at 9 a. m.

COLUMBIA, S. C., *Tuesday, December 19, 1876.*

The committee met pursuant to adjournment; a full attendance and Mr. Sayler in the chair.

The examination of witnesses was resumed.

The question of dividing the committee was called up and agreed on.

The Chair announced the following subcommittees:

Messrs. Cochrane, Jones, and Banks to proceed to Charleston.

Messrs. Philips, Eden, and Lapham to proceed to Charleston.

Messrs. Sayler, Abbott, and Lawrence to remain in Columbia.

The committee adjourned subject to call.

The subcommittees of which Messrs. Cochrane and Philips are chairmen proceeded to Charleston, arriving there Wednesday, December 20, and engaged in the examination of witnesses until the 30th instant, when they adjourned to Washington City.

The subcommittee of which Mr. Sayler is chairman remained in Columbia and continued the examination of witnesses until Thursday, December 28, when it adjourned to Washington City.

Attest:

ALLEN O. MYERS,  
Clerk.

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APPENDIX.

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APPENDIX.—ELECTION RETURNS.

Statement of vote for presidential electors by counties, according to county canvassers' returns.

Counties.	At large.				1st district.		2d district.		3d district.		4th district.		5th district.	
	C. C. Bowen, republican.	John Winamith, republican.	Theo. G. Barker, democrat.	Saml. McGowan, democrat.	Thos. B. Johnston, republican.	Jno. W. Harrington, democrat.	Timothy Hurley, republican.	John I. Ingram, democrat.	Wm. B. Nash, republican.	Wm. Wallace, democrat.	Wilson Cook, republican.	John B. Erwin, democrat.	Wm. F. Myers, republican.	Robt. Aldrich, democrat.
Abbeville.....	3,712	3,718	3,804	3,812	3,721	3,804	3,719	3,804	3,720	3,803	3,720	3,803	3,719	3,803
Aiken.....	2,218	2,218	2,901	2,904	2,218	2,903	2,218	2,903	2,217	2,903	2,217	2,903	2,218	2,904
Anderson.....	1,208	1,209	4,003	4,004	1,209	4,003	1,208	4,003	1,209	4,003	1,208	4,003	1,209	4,003
Barnwell.....	2,835	2,835	3,895	3,895	2,835	3,894	2,140	3,894	2,836	3,894	2,837	3,894	2,836	3,895
Beaufort.....	7,553	7,570	2,250	2,250	7,574	2,245	7,573	2,251	7,573	2,251	7,572	2,251	7,573	2,251
Charleston.....	15,086	15,103	2,778	2,782	15,099	2,782	15,094	2,784	15,100	2,783	15,100	2,780	15,100	2,780
Chester.....	2,441	2,440	1,973	1,973	2,441	1,973	2,441	1,973	2,440	1,973	2,441	1,973	2,442	1,973
Chesterfield.....	988	988	1,626	1,626	988	1,624	988	1,626	988	1,626	988	1,626	988	1,626
Clarendon.....	1,894	1,896	1,425	1,425	1,897	1,423	1,897	1,422	1,896	1,424	1,896	1,424	1,896	1,424
Colleton.....	4,231	4,233	2,921	2,921	4,234	2,921	4,233	2,921	4,234	2,921	4,234	2,922	4,236	2,924
Darlington.....	3,521	3,521	2,737	2,737	3,521	2,737	3,521	2,737	3,521	2,737	3,521	2,737	3,521	2,737
Edgefield.....	3,123	3,124	6,257	6,257	3,124	6,256	3,124	6,257	3,124	6,257	3,124	6,257	3,124	6,257
Fairfield.....	2,896	2,930	2,036	2,036	2,899	2,036	2,899	2,036	2,898	2,036	2,899	2,036	2,898	2,036
Georgetown.....	2,791	2,791	1,055	1,056	2,791	1,057	2,791	1,057	2,791	1,057	2,791	1,057	2,791	1,057
Greenville.....	1,771	1,775	4,130	4,142	1,776	4,129	1,775	4,129	1,770	4,128	1,746	4,132	1,773	4,130
Horry.....	594	597	1,934	1,934	599	1,934	599	1,934	596	1,934	599	1,934	599	1,934
Kershaw.....	2,070	2,070	1,752	1,752	2,070	1,752	2,070	1,752	2,070	1,752	2,070	1,752	2,070	1,752
Lancaster.....	1,259	1,259	1,519	1,519	1,258	1,519	1,258	1,519	1,258	1,518	1,258	1,519	1,258	1,519
Laurens.....	1,814	1,814	2,907	2,908	1,814	2,908	1,814	2,908	1,814	2,908	1,814	2,908	1,814	2,908
Lexington.....	1,297	1,295	2,095	2,096	1,296	2,096	1,294	2,096	1,279	2,096	1,294	2,096	1,294	2,096
Marion.....	2,502	2,502	3,146	3,146	2,502	3,146	2,502	3,146	2,502	3,146	2,502	3,146	2,502	3,146
Marlborough.....	1,617	1,617	1,942	1,942	1,617	1,942	1,618	1,942	1,618	1,942	1,618	1,942	1,618	1,942
Newberry.....	2,844	2,844	2,120	2,121	2,844	2,121	2,844	2,120	2,844	2,120	2,844	2,120	2,844	2,120
Oconee.....	537	537	2,098	2,099	538	2,098	538	2,098	537	2,098	537	2,098	538	2,098
Orangeburgh.....	4,486	4,486	2,835	2,835	4,485	2,835	4,486	2,835	4,485	2,835	4,486	2,835	4,485	2,835
Pickens.....	423	423	1,994	1,994	422	1,994	422	1,994	420	1,995	421	1,995	421	1,994
Richland.....	3,904	3,904	2,382	2,382	3,910	2,386	3,906	2,378	3,903	2,387	3,931	2,385	3,910	2,385
Spartanburgh.....	1,547	1,545	4,603	4,601	1,546	4,601	1,545	4,602	1,542	4,601	1,542	4,601	1,543	4,602
Sumter.....	3,892	3,896	2,351	2,355	3,893	2,349	3,893	2,351	3,892	2,350	3,895	2,350	3,895	2,350
Union.....	1,810	1,809	2,461	2,461	1,810	2,461	1,810	2,461	1,811	2,461	1,811	2,461	1,810	2,461
Williamsburgh.....	2,455	2,455	1,749	1,749	2,455	1,749	2,450	1,748	2,450	1,749	2,450	1,749	2,450	1,749
York.....	2,466	2,466	3,217	3,217	2,466	3,217	2,466	3,217	2,466	3,217	2,466	3,217	2,466	3,217
Total.....	91,786	91,870	90,896	90,737	91,852	90,895	91,136	90,798	91,804	90,905	91,432	90,906	91,830	90,860



Barnwell County.—Managers file affidavit that 695 votes for Timothy Hurley were omitted by clerical error. Laurens County.—Signed by Commissioner Rutherford under protest. Richland County.—Managers file affidavit that 379 votes for Wilson Cook were omitted by clerical error.

We do hereby certify, that this statement of the whole number of votes given at the general election held on the 7th day of November, 1876, for electors of President and Vice-President of the United States, is made up from the certified copies of statements made by the several boards of county canvassers, and that the same is correct.

H. E. HAYNE,

*Secretary of State.*

F. L. CARDOZO,

*Treasurer South Carolina.*

THOS. C. DUNN,

*Comptroller-General.*

WILLIAM STONE,

*Attorney-General.*

H. W. PURVIS,

*Adjutant and Inspector-General.*

I certify that the foregoing is a true and correct copy of the original, now on file in my office.

Given under my hand and the seal of the State, at Columbia, South Carolina, this 11th day of December, 1876.

H. E. HAYNE,

*Secretary of State, South Carolina.*

Returns of vote for presidential electors by counties and precincts.

ABBEVILLE COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Ninety-Six *	355	355	355	355	355	355	355	5	5	5	5	5	5	5
Smithville	291	291	291	291	291	291	291	103	103	103	103	103	103	103
Whitehall	213	213	213	213	213	213	213	78	78	78	78	78	78	78
Cookesbury	292	292	292	292	292	292	292	311	309	309	309	309	309	309
Chile's Cross-Roads	53	53	53	53	53	53	53	220	220	220	220	220	220	220
Saint Charlotte	81	83	85	83	85	85	84	282	282	282	282	281	281	281
Due West	140	141	141	141	141	141	141	295	296	295	295	295	295	295
Lowndesville	181	182	182	182	182	182	182	440	441	440	440	440	440	440
Greenwood	366	366	366	366	366	366	366	370	370	370	370	370	370	370
Cedar Spring †	108	108	108	108	108	108	108	220	220	220	220	220	220	220
Abbeville No. 1	341	344	344	344	343	343	343	446	449	446	446	446	446	446
Abbeville No. 2	432	431	432	432	432	432	432	10	11	10	10	10	10	10
Long Cane	114	114	114	114	114	114	114	130	130	130	130	130	130	130
Donaldsville	100	100	100	100	100	100	100	220	220	220	220	220	220	220
Centreville	178	178	178	178	178	178	178	229	229	229	229	229	229	229
Magnolia §														
Calhoun's Mills §														
Total	3,245	3,251	3,254	3,252	3,253	3,253	3,252	3,559	3,563	3,556	3,557	3,556	3,556	3,556

\* Signed only by one manager.  
† Only surname of electors given.

‡ Signed by only two managers.  
§ No poll opened.

SOUTH CAROLINA, Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Abbeville County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

DECEMBER 13, 1876.

AIKEN COUNTY.

Precinct.	Bowen.	Winsmith.	Johnson.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Windsor*														
Graniteville	76	76	76	76	76	76	76	786	786	786	786	786	786	786
Fountain Academy	85	85	85	85	85	85	85	164	164	164	164	164	164	164
Boyd's Store	266	266	266	266	266	266	266	100	100	100	100	100	100	100
Miles's Mills	35	35	35	35	35	35	35	142	142	142	142	142	142	142
Merritt's Bridge	68	68	68	68	68	68	68	312	312	312	312	312	312	312
Jordan's Mill	124	124	124	124	124	124	124	274	274	274	274	274	274	274
Hamburgh	544	544	544	544	543	543	544	265	267	267	267	267	267	267
Aiken Court-House	707	707	707	707	707	707	707	371	371	371	371	371	371	371
Beach Island	310	310	310	310	310	310	310	249	249	249	249	249	249	249
Silverton*														
Total	2,215	2,215	2,215	2,215	2,215	2,215	2,215	2,653	2,653	2,653	2,653	2,653	2,653	2,653
Total changed by the addition of Aiken C. H., which was reported missing					2,214	2,214		2,665	2,665	2,665	2,665	2,665	2,665	2,665

\* No returns.

† Not signed by managers.

SOUTH CAROLINA, Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Aiken County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

DECEMBER 13, 1876.

ANDERSON COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Anderson Court-House .....	43	41	41	44	44	44	44	309	309	309	309	309	309	309
Anderson Court-House No. 2 .....	290	290	290	289	290	289	289	232	232	232	232	232	232	232
Anderson Court-House No. 3* .....	65	65	65	65	65	65	65	348	348	348	348	348	348	348
Pendleton .....	107	107	107	107	107	107	107	192	192	192	192	192	192	192
Sandy Springs .....	7	7	7	7	7	7	7	86	86	86	86	86	86	86
Centreville .....	7	7	7	7	7	7	7	97	97	97	97	97	97	97
Bethany .....	36	36	36	36	36	36	36	59	59	59	59	59	59	59
Greenwood .....	37	37	37	37	37	37	37	181	181	181	181	181	181	181
Bush Creek .....	54	54	54	54	54	54	54	202	202	202	202	202	202	202
Williamston .....	36	36	37	37	37	37	37	382	382	382	382	382	382	382
Belton .....	54	54	54	54	54	54	54	303	303	303	303	303	303	303
Honea Path .....	79	79	79	79	79	79	79	196	196	196	196	196	196	196
Calhoun .....	46	46	46	46	46	46	46	60	60	60	60	60	60	60
Craytonville .....	2	2	2	2	2	2	2	234	234	234	234	234	234	234
Milford's .....	67	67	67	67	67	67	67	131	131	131	131	131	131	131
Long's Shop .....	41	41	41	41	41	41	41	124	124	124	124	124	124	124
Dark Corner .....	15	15	15	15	15	15	15	242	242	242	242	242	242	242
Williford's Store† .....	50	50			50			90	90			90		
Brown and Farmer's Store .....	65	65	65	65	65	65	65	209	209	209	209	209	209	209
Holland's Store .....	63	63	63	63	63	63	63	129	129	129	129	129	129	129
G. W. Maret's .....	3	3	3	3	3	3	3	67	67	67	67	67	67	67
Ball's Mill .....	19	19	19	19	19	19	19	130	130	130	130	130	130	130
Total .....	1,187	1,188	1,139	1,139	1,190	1,139	1,139	4,003	4,003	3,913	3,913	4,003	3,915	3,913
	1,187	1,189	1,140											

\* Not signed by the manager. † Incomplete returns.  
 ; Irregular in the signature, which is on the outside instead of to the certificate.

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of Anderson County of the several precincts in said county, and that the same are correct.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.

BARNWELL COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
Barker's Mills .....	146	146	146	146	146	146	146	175	175	175	175	175	175	175
Blackville .....	695	695	695		696	697	696	467	467	466	466	466	466	464
Allendale .....	451	451	451	451	451	451	451	673	673	673	673	673	673	673
Graham's .....	78	78	78	78	78	78	78	268	268	268	268	268	268	267
Red Oak .....	200	200	200	200	200	200	200	246	246	246	246	246	246	200
Ballock .....	93	93	93	93	93	93	93	183	183	183	183	183	183	183
Williston .....	132	132	132	132	132	132	132	450	450	450	450	450	450	449
Midway .....	440	440	440	440	440	440	440	229	229	229	229	229	229	229
Ehrbarat's .....	48	48	48	48	48	48	48	177	177	177	177	177	177	177
Bamberg .....	3	3	3	3	3	3	3	301	301	301	301	301	301	301
Millett .....	149	149	149	149	149	149	149	299	299	299	299	299	299	299
Burford's Bridge .....	189	189	189	189	189	189	189	197	197	197	197	197	197	197
Robbins* .....														
Cainan's Fair Church† .....														
Total .....	2,624	2,624	2,624	1,929	2,625	2,626	2,625	3,605	3,605	3,604	3,604	3,604	3,604	3,554

\* This precinct does not appear in the commissioners' returns forwarded to the board of State canvassers.

† No returns.

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Barnwell County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.

BEAUFORT COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Port Royal.....	123	123	123	123	123	123	123	46	46	46	46	46	46	46
Hartsville.....	145	145	145	145	145	145	145	72	72	72	72	72	72	72
Pocatigo.....	210	210	210	210	210	210	210	90	90	90	90	90	90	90
Hayes Cross-Roads	64	64	64	64	64	64	64	93	93	93	93	93	93	93
Sheldon.....	553	553	553	553	552	552	552	61	61	61	61	61	61	61
Beaufort.....	565	566	566	566	566	566	566	112	112	112	112	112	112	112
Nixville.....	51	47	51	51	51	51	51	112	112	112	112	112	112	112
Myrtle Bush.....	232	232	232	232	232	232	232	4	4	4	4	4	4	4
Bluffton.....	350	350	350	350	350	350	350	101	101	101	101	101	101	101
Woodlawn.....	313	313	313	313	313	313	313	8	8	8	8	8	8	8
Peeples.....	76	76	76	76	76	76	76	185	185	185	185	185	185	185
Genesis Cross-Roads	142	142	142	142	142	142	142	11	11	11	11	11	11	11
Lawtonville.....	314	314	314	314	314	314	314	122	122	122	122	122	122	122
Brighton.....	195	195	195	195	195	195	195	92	92	92	92	92	92	92
Chisholm's Landing	267	267	267	267	267	267	267	39	39	39	39	39	39	39
Lawton Church.....	174	174	174	174	174	174	174	41	41	41	41	41	41	41
Mitchelville.....	464	464	464	464	464	464	464	10	10	10	10	10	10	10
Gillisonville.....	224	224	224	224	224	224	224	177	175	175	175	175	175	175
Grahamville.....	234	234	234	234	234	234	234	113	113	113	113	113	113	113
Levy's Cross-Roads	437	437	437	437	437	436	437	72	72	72	72	72	72	72
Coffin's Point.....	169	169	169	169	169	169	169	21	21	21	21	21	21	21
Varnville.....	98	98	98	98	98	98	98	258	258	258	258	258	258	258
Paris Island.....	141	141	141	141	141	141	141	12	12	12	12	12	12	12
Brick Church.....	719	719	719	719	719	719	719	16	16	16	16	16	16	16
Gray's Hill*														
Black Creek†														
Bellinger Hill.....	313	313					313	30	30					30
Bronson.....	317	317	317	317	317	317	317	225	225	219	225	225	225	223
Beach Branch‡														
Matthews' Bluff...	180	180	180	180	180	180	180	41	41	41	41	41	41	41
Total.....	7,070	7,067	6,758	6,758	6,757	6,756	7,070	2,159	2,163	2,122	2,134	2,134	2,134	2,162

\* Hayes and Wheeler, 472; Tilden and Hendricks, 9.  
 † Hayes and Wheeler, 10; Tilden and Hendricks, 4.  
 ‡ No returns.

SOUTH CAROLINA, Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Beaufort County, and that the same is correct.

H. E. HAYNE,  
 Secretary of State.

DECEMBER 13, 1876.

CHARLESTON COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Mount Pleasant....	121	121	121	121	121	121	121	207	209	207	207	207	207	207
Wappetaw Church.	313	313	313	313	313	313	313	24	24	24	24	24	24	24
Four-Mile Church.	454	454	454	454	454	454	454	31	31	31	31	31	31	31
Muster-House.....	354	354	354	354	354	354	354	42	42	42	42	42	42	42
New Hope Church.	160	160	160	160	160	190	160	58	58	58	58	58	58	58
Ben Potter's.....	4	4	4	4	4	4	4	31	31	31	31	31	31	31
Dutart's Creek*....	66	66						20	20					
Thirty-two-Mile House	132	132	132	132	132	132	132	97	97	97	97	97	97	97
Board House.....	234	234	234	234	234	234	234	38	38	38	38	38	38	38
Henderson's Store.	31	31	31	31	31	31	31	70	70	70	70	70	70	70
Pineville.....	148	148	148	148	148	148	148	32	32	32	32	32	32	32
St. Stephen's Depot.	224	224	224	224	224	224	224	145	145	145	145	145	145	145
Blackville.....	31	32	32	32	32	32	32	116	116	116	116	116	116	116
Black Oak.....	361	361	361	361	361	361	361	56	56	56	56	56	56	56
Biggin's Church.....	364	364	364	364	364	364	364	107	107	107	107	107	107	107
Strawberry Ferry.	360	360	360	360	360	360	360	184	184	184	184	184	184	184
Calamus Pond.....	380	382	382	382	382	382	382	123	123	123	123	123	123	123
Pinopolis.....	1	1	1	1	1	1	1	106	106	106	106	106	106	106
Lamb's Farm.....	41	41	41	41	41	41	41	50	50	50	50	50	50	50
Club House.....	344	344	344	344	344	344	344	9	9	9	9	9	9	9
Red-Top Church....	310	310	310	310	310	310	310	13	13	13	13	13	13	13
Cut Bridge.....	173	173	173	173	173	173	173	8	8	8	8	8	8	8
Dill's Bluff.....	23	23	23	23	23	23	23	44	44	44	44	44	44	44
Andell's Store.....	163	163	163	163	163	163	163	31	31	31	31	31	31	(?)
Campbell's Church.	245	245	245	245	245	245	245	17	17	17	17	17	17	17

CHARLESTON COUNTY—Continued.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Rushland	585	585	585	585	585	585	585	16	16	16	16	16	16	16
Camp Ground	204	204	204	204	204	204	204	44	44	44	44	44	44	44
Enterprise	280	280	280	280	280	280	280	14	14	14	14	14	14	14
Calvary Church	323	323	323	323	323	323	323	28	28	28	28	28	28	28
Right's Store	475	475	475	475	475	475	475	36	36	36	36	36	36	36
Four-Mile House	273	274	274	274	274	274	274	94	94	94	94	94	94	94
Whaley's Church	582	582	582	582	582	582	582	18	18	18	18	18	18	18
Mount Holly	199	199	199	199	199	199	199	29	29	29	29	29	29	29
Summerville	297	297	296	296	296	296	296	197	197	198	198	198	198	198
Wassamasaw Chapel	40	40	40	40	40	40	40	187	187	187	187	187	187	187
Hickory Bend	190	190	190	190	190	190	190	167	167	167	167	167	167	167
Baptist Church	325	325	325	325	325	325	325	10	10	10	10	10	10	10
Cross Roads	68	68						105	105					
Ice-House	293	294	293	292	293	293	293	298	299	299	299	299	299	299
City Hall	306	307	306	307	307	306	306	331	331	331	331	331	331	331
Church Street	238	238	238	237	238	238	238	283	283	283	283	283	283	283
Court-House	277	277	277	277	277	277	277	477	477	477	477	477	477	477
Unlou Star Engine-House	489	489	489	489	489	489	489	170	170	170	170	170	170	170
Market Hall	208	208	207	206	208	208	208	382	382	382	382	382	382	382
Palmetto Engine-House	220	220	220	220	220	220	220	530	530	530	530	530	530	530
Corner Inspection and Washington Streets	311	311	311	311	311	311	252	252	252	252	252	252	252	252
Hope Engine-House	482	485	484	484	484	484	484	316	316	315	315	315	315	315
Stonewall Engine-House	393	393	393	392	393	393	393	600	602	602	602	602	601	601
Comet Engine-House	312	313	313	313	313	313	313	315	314	314	314	314	314	314
Eagle Engine-House	431	432	432	433	433	433	433	429	430	430	430	430	430	430
United Engine-House	366	366	365	364	365	365	365	152	152	152	152	152	151	151
Washington Engine-House	612	517	617	616	616	617	617	286	286	286	287	287	286	286
Marion Engine-House	196	196	196	196	196	196	196	365	365	365	365	365	365	365
Ashley Engine-House	299	299	299	299	299	299	299	525	525	525	525	525	525	525
Total	14,311	14,327	14,188	14,183	14,189	14,189	14,130	8,314	8,318	8,193	8,195	8,194	8,191	8,160

\* Returns incomplete. † No votes recorded for Rob't Aldrich.

‡ As to the other electors, the return reads: Republican, 68; Democrat, 105. Returns not signed by managers.

§ Returns not signed by managers.

SOUTH CAROLINA, Office Secretary of State:

I, H. E. Hayne, secretary of state, do certify that the foregoing abstract is taken from the returns of the managers of the election in Charleston County, and that the same is correct.

[SEAL.]

H. E. HAYNE.

Secretary of State.

DECEMBER 13, 1876.

CHESTER COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Erwin.	Aldrich.	Wallace.
Chester precinct	506	506	506	506	506	506	506	472	472	472	472	472	472	472
Rossville	184	184	184	184	184	184	184	157	157	157	157	157	157	157
Mallatt's Store	187	187	187	187	187	187	187	109	109	109	109	109	109	109
Torbitt's Mill	124	124	124	124	124	124	124	58	58	58	58	58	58	58
McAllily's Mill	121	121	121	121	121	121	121	104	104	104	104	104	104	104
Carmel Hill	307	307	307	307	307	307	307	227	227	227	227	227	227	227
Lowrysville	171	171	171	171	171	171	172	118	118	118	118	118	118	118
Lewis Turnour	212	212	212	212	212	212	212	89	89	89	89	89	89	89
Rich Hill	143	143	143	143	143	143	143	279	279	279	279	279	279	279
Landsford	282	281	282	282	281	282	282	152	152	152	152	152	152	152
Boyd's Store*														
Total	2,237	2,236	2,237	2,237	2,236	2,237	2,238	1,765	1,765	1,765	1,765	1,765	1,765	1,765

\* No returns.

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Chester County, and that the same is correct.

H. E. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.

## CHESTERFIELD COUNTY.

Precincts.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Cole, (Neill).....	23	23	23	23	23	23	23	110	110	110	110	110	110	110
Mount Croghan...	23	23	23	23	23	23	23	183	183	183	183	183	183	183
Oro.....	63	63	63	63	63	63	63	63	63	63	63	63	63	63
Chesterfield C. H....	142	142	142	142	142	142	142	229	229	229	229	229	229	229
Steerper Springs...	99	99	99	99	99	99	99	143	143	143	143	143	143	143
Cheraw.....	441	441	441	441	441	441	441	375	375	375	375	375	375	375
Old Store.....	84	84	84	84	84	84	84	207	207	207	207	207	207	207
Seger's Mills.....	32	32	32	32	32	32	32	66	66	66	66	66	66	66
Hebron Church.....	18	18	18	18	18	18	18	55	55	55	55	55	55	55
Jefferson.....	47	47	47	47	47	47	47	191	191	191	191	191	191	191
Total.....	992	992	992	992	992	992	992	1,622	1,622	1,622	1,622	1,622	1,622	1,622

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Chesterfield County, and that the same is correct.

[SEAL.]

H. C. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.

## CLARENDON COUNTY.

Precincts.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Manning.....	344	346	347	347	346	346	346	258	258	256	256	257	257	257
Fulton.....	305	305	305	305	305	305	305	68	68	68	68	68	68	68
Packville.....	104	104	104	104	104	104	164	145	145	145	145	145	145	145
Calhoun.....	467	467	467	467	467	467	467	165	165	165	165	165	165	165
Shorter's.....	277	277	277	277	277	277	277	60	60	60	60	60	60	60
Tindall.....	136	136	136	136	136	136	136	183	183	183	183	183	183	183
Fork.....	48	48	48	48	48	48	48	119	119	119	119	119	119	119
Witherspoon's.....	198	198	198	198	198	198	198	258	258	258	258	258	258	258
Mott's.....	15	15	15	15	15	15	15	169	169	169	168	169	169	169
Total.....	1,893	1,895	1,896	1,896	1,896	1,896	1,896	1,425	1,425	1,423	1,422	1,424	1,424	1,424
	1,894	1,896	1,897	1,897										

OFFICE SECRETARY OF STATE, *South Carolina:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Clarendon County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

COLLETON COUNTY.

Precincts.	Bewen.	Winamith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Adam's Rnn.....	413	413	413	413	413	413	413	89	89	89	89	89	89	89
Delamar's Cross-Roads.....	88	88	88	88	88	88	88	87	87	87	87	87	87	87
Jacksonborough.....	196	196	196	196	196	196	196	77	77	77	77	77	77	77
Sulder's.....	11	11	11	11	11	11	11	197	197	197	197	197	197	197
Horsepen.....	50	50	50	50	50	50	50	104	104	104	104	104	104	104
Ridgeville.....	163	163	163	163	163	163	163	272	272	272	272	272	272	272
Ravenels.....	209	209	209	209	209	209	209	85	85	85	85	85	85	85
Rantowls.....	190	190	190	190	190	190	190	61	61	61	61	61	61	61
Summerville.....	427	427	427	427	427	427	427	199	199	199	199	199	199	199
George's.....	459	461	461	461	461	461	461	463	463	463	461	462	464	466
Maple Cane.....	121	121	121	121	121	121	120	118	118	118	118	118	118	118
Walterborough.....	286	287	287	286	287	287	286	315	315	315	315	315	315	315
Bell's Cross Roads*														
Smoke's Cross-Roads†	167	166	167	167	167	167	167	237	237	237	237	237	237	237
Preacher's Mill‡														
Blue House‡	692	692	692	692	692	692	686	211	211	211	211	211	211	211
Ashepool														
Irons' School house														
Bennett's Point*														
Total.....	3,472	3,474	3,474	3,473	3,474	3,474	3,467	2,515	2,515	2,515	2,513	2,515	2,516	2,518

\*No polls; no returns.

†No returns.

‡No presidential electors.

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Colleton County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.

DARLINGTON COUNTY.

Precinct.	Bewen.	Winamith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Darlington No. 1...	444	444	444	444	444	444	444	345	345	345	345	345	345	345
Darlington No. 2*	448	448	448	448	448	448	448	32	32	32	32	32	32	32
Timmons ville.....	312	312	312	312	312	312	312	479	479	479	479	479	479	479
Society Hill.....	387	387	387	387	387	387	387	104	104	104	104	104	104	104
Florence.....	753	753	753	753	753	753	753	303	303	303	303	303	303	303
Whipples.....	444	444	444	444	444	444	444	15	15	15	15	15	15	15
Lisbon.....	119	119	119	119	119	119	119	280	280	280	280	280	280	280
Leavenworth.....	299	299	299	299	299	299	299	361	361	361	361	361	361	361
Efingham.....	79	79	79	79	79	79	79	161	161	161	161	161	161	161
Lydia.....	234	234	234	234	234	234	234	659	659	659	659	659	659	659
Total.....	3,519	3,519	3,519	3,519	3,519	3,519	3,519	2,739	2,739	2,739	2,739	2,739	2,739	2,739

\* Return not signed.

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Darlington County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.

EDGEFIELD COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Edgefield Court House No. 1.....	26	26	26	26	26	26	26	601	601	601	601	601	601	601
Edgefield No. 2.....	800	800	800	800	800	800	800	300	300	300	300	300	300	300
Talbert's Store.....	55	55	55	55	55	55	55	330	330	330	330	330	330	330
Curyton.....	2	2	2	2	2	2	2	106	106	106	106	106	106	106
Haltiwanger's Store *.....	218	218	218	218	218	218	218	245	245	245	245	245	245	245
Liberty Hill.....	228	228	228	228	228	228	228	344	344	344	344	344	344	344
Shaw's Mill.....	363	363	363	363	363	363	363	383	383	383	383	383	383	383
Ridge Spring.....	341	342	342	342	342	342	342	382	382	382	382	382	382	382
Meeting Street.....	210	210	210	210	210	210	210	250	250	250	250	250	250	250
Johnston.....	54	54	54	54	54	54	54	444	444	444	444	444	444	444
Landrum's Store...	2	2	2	2	2	2	2	209	209	209	209	209	209	209
Trapp's Mill.....	91	91	91	91	91	91	91	537	537	537	537	537	537	537
Mount Willing.....	59	59	59	59	59	59	59	599	599	599	599	599	599	599
Red Hill.....	9	9	9	9	9	9	9	326	326	326	326	326	326	326
Perry's Cross-Roads	114	114	114	114	114	114	114	161	161	161	161	161	161	161
Coleman †.....	286	286	286	286	286	286	286	320	320	320	320	320	320	320
Richardsonville ‡.....	286	286	286	286	286	286	286	320	320	320	320	320	320	320
Cheatham's Store §.....	286	286	286	286	286	286	286	320	320	320	320	320	320	320
Total.....	2, 858	2, 859	2, 859	2, 859	2, 859	2, 859	2, 859	5, 537	5, 537	5, 537	5, 537	5, 537	5, 537	5, 537

\* Signed by only one manager. † Hayes and Wheeler, 136; Tilden and Hendricks, 231.  
 ‡ No signature. § No returns.

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Edgefield County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.

FAIRFIELD COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Jenkinsville.....	149	149	149	149	149	149	149	90	90	90	90	90	90	90
Monticello.....	343	343	343	343	343	343	343	171	171	171	171	171	171	171
Feasterville.....	230	230	230	230	230	230	230	168	168	168	168	168	168	168
Yonguesville*.....	313	313	314	314	314	314	314	278	278	278	278	278	278	278
Gladden's Grove...	224	224	224	224	224	224	224	109	109	109	109	109	109	109
Durham.....	186	186	186	186	186	186	186	93	93	93	93	93	93	93
Winnborough.....	739	741	741	741	741	741	741	448	448	448	448	448	448	448
Horeb.....	214	219	214	214	213	214	214	143	143	143	143	144	143	143
Doko.....	109	109	109	109	109	109	109	207	207	207	207	207	207	207
Ridgeway.....														
Total.....	2, 507	2, 514	2, 510	2, 510	2, 509	2, 510	2, 510	1, 707	1, 707	1, 704	1, 707	1, 707	1, 707	1, 707

\* Return not signed.

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Fairfield County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.



GEORGETOWN COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Bird Field*	318	318	318	318	318	318	318	71	71	71	71	71	71	71
Brook Green*	332	332	332	332	332	332	332	58	58	58	58	58	58	58
Georgetown	636	636	636	636	636	636	636	299	298	299	299	299	299	299
Saw Pit.	173	173	173	173	173	173	173	248	248	248	248	248	248	248
Carver's Bay	80	80	80	80	80	80	80	150	150	150	150	150	150	150
Lower Waccaman.	214	214	214	214	214	214	214	71	71	71	71	71	71	71
Santee	523	523	523	523	523	523	523	41	41	41	41	41	41	41
Black River.	137	137	137	137	137	137	137	44	44	44	44	44	44	44
Choppee	198	198	198	198	198	198	198	32	32	32	32	32	32	32
Grier's	180	180	180	180	180	180	180	43	43	43	43	43	43	43
Upper Waccawan†														
Peedee†														
Total	2,791	2,791	2,791	2,791	2,791	2,791	2,791	1,057	1,056	1,057	1,057	1,057	1,057	1,057

\* Poll not authorized by law.

† No return.

SOUTH CAROLINA. Office Secretary of State:

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Georgetown County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

DECEMBER 13, 1876.

GREENVILLE COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Greenville	835	835	836	836	836	834	835	948	949	946	946	945	947	947
John Charles's	117	117	117	117	117	116	117	191	191	191	191	191	192	191
A. W. Ware's	35	35	35	34	34	34	35	160	160	160	160	160	160	160
Stokes's	52	52	52	52	52	50	52	211	211	211	211	211	211	211
Burdett's	100	100	100	100	98	98	99	196	196	196	196	196	196	196
Batesville	52	55	55	55	55	55	55	223	223	223	223	223	223	223
Chick's Springs	89	89	89	89	89	89	89	218	218	218	218	218	218	218
Double Springs	47	47	47	47	47	47	47	228	228	228	228	228	228	228
Reedy River	64	64	64	64	64	64	64	212	212	212	212	212	212	212
J. K. Stone's†	73	73	73	73	73	73	73	261	261	261	261	261	261	261
J. H. Goodwin's	29	29	29	29	29	29	29	195	195	195	195	195	195	195
Marietta†	58	58	58	58	58	56	58	196	196	196	196	196	196	196
G. W. Curtriss's	16	16	16	16	16	15	16	209	209	209	209	209	209	209
T. J. Mitchell's	9	9	9	9	9	9	9	224	224	224	224	224	224	224
A. Hood's	41	41	41	41	39	31	40	89	89	89	89	89	89	89
Bruton's	50	50	50	50	50	48	50	107	108	108	108	108	108	108
Gantt's	53	53	53	53	53	53	53	149	149	149	149	149	149	149
W. C. Yeagan's‡														
Sullivan's Factory	52	52	52	52	52	52	52	113	113	113	113	113	113	113
Total	1,772	1,775	1,776	1,775	1,770	1,752	1,773	4,130	4,132	4,129	4,129	4,128	4,131	4,130

Returned as Oak Lawn precinct. † Returned as Fair View precinct. ‡ Returned as Bates's precinct.  
§ Returned as Glassy Mountain precinct. ¶ Poll not authorized by law. ¶ No return.

OFFICE SECRETARY OF STATE:

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Greenville County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

DECEMBER 13, 1876.

HORRY COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Floyd's precinct ...	23	23	23	23	23	23	23	141	141	141	141	141	141	141
Bayboro .....	4	4	4	4	4	4	4	497	107	197	107	107	107	107
Dodwood Neck <sup>4</sup> .....														
Green Sea .....	30	30	41	41	38	41	41	151	151	151	151	151	151	151
Conwayboro <sup>2</sup> .....														
Dor Bluff <sup>2</sup> .....														
Gallvant's Ferry <sup>2</sup> .....														
Socastee <sup>2</sup> .....														
Little River <sup>2</sup> .....														
Books Township <sup>1</sup> ..	143	143	143	143	143	143	143	107	107	107	107	107	107	107
Simpson Creek <sup>2</sup> .....														
Total .....	200	200	211	211	208	211	211	656	656	655	650	650	650	650

\* No returns.

† Not authorized by law.

SOUTH CAROLINA, Office Secretary of State:

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Horry County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

DECEMBER 13, 1870.

KERSHAW COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Camden .....	938	938	938	938	938	938	938	91	91	91	91	91	91	91
Schrook's Mill .....	34	34	34	34	34	34	34	182	182	182	182	182	182	182
Camden Market .....	500	500	500	500	500	500	500	642	642	642	642	642	642	642
Ourton's Mill <sup>2</sup> .....	0	0	0	0	0	0	0	270	270	270	270	270	270	270
Buffalo .....	19	19	19	19	19	19	19	142	142	142	142	142	142	142
Red Hill <sup>2</sup> .....	260	260	260	260	260	260	260	30	30	30	30	30	30	30
Liberty Hill .....	170	170	170	170	170	170	170	46	46	46	46	46	46	46
Flat Rock .....	61	61	61	61	61	61	61	100	100	100	100	100	100	100
Lyzely .....	64	64	64	64	64	64	64	144	144	144	144	144	144	144
Total .....	2,070	2,070	2,070	2,070	2,070	2,070	2,070	1,752	1,752	1,752	1,752	1,752	1,752	1,752

\* No signature.

SOUTH CAROLINA, Office of Secretary of State:

I, H. E. Hayne, secretary of state, do certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Kershaw County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

DECEMBER 13, 1870.

LANCASTER COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Waxhaw .....	226	226	226	226	226	226	226	107	107	107	107	107	107	107
Caston .....	125	125	125	125	125	125	125	231	231	231	231	231	231	231
Dry Creek .....	162	162	162	162	162	162	162	200	200	200	200	200	200	200
Montgomery .....	53	53	53	53	53	53	53	132	132	132	132	132	132	132
Bellaire .....	168	168	168	168	168	168	168	147	147	147	147	147	147	147
Taxabaw .....	38	38	38	38	38	38	38	302	302	302	302	302	302	302
Lancaster Court-House .....	383	383	383	383	383	383	383	378	378	378	378	378	378	378
Total .....	1,155	1,155	1,155	1,155	1,155	1,155	1,155	1,023	1,023	1,023	1,023	1,023	1,023	1,023

SOUTH CAROLINA, Office Secretary of State:

I, H. E. Hayne, secretary of state, do certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Lancaster County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

DECEMBER 13, 1870.

LAURENS COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Hamilton .....	63	63	63	63	63	63	63	337	337	337	337	337	337	337
Laurens, No. 1.....	321	321	321	321	321	321	321	46	46	46	46	46	46	46
Laurens, No. 2.....	258	258	258	258	258	258	258	307	308	307	307	307	307	307
Laurens, No. 3.....	285	285	285	285	285	285	285	381	381	381	382	382	382	382
Laurens, No. 4.....	233	233	233	233	233	233	233	353	353	353	353	353	353	353
Young's Store.....	17	17	17	17	17	17	17	550	550	550	550	550	550	550
Now Hope.....	152	152	152	152	152	152	152	308	308	308	308	308	308	308
Clinton .....	485	485	485	485	485	485	485	565	565	565	565	565	565	565
	1, 814	1, 814	1, 814	1, 814	1, 814	1, 814	1, 814	2, 007	2, 007	2, 007	2, 008	2, 008	2, 008	2, 008

SOUTH CAROLINA, Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Laurens County, and that the same is correct.

[SEAL.]

H. E. HAYNE,

Secretary of State.

DECEMBER 13, 1870.

LEXINGTON COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Lexington .....	198	198	198	198	197	197	197	270	270	270	270	270	270	270
Black's Store .....	58	58	58	58	58	58	58	111	111	111	111	111	111	111
Leeville.....	149	149	149	149	149	149	149	250	250	250	250	250	250	250
Summit.....	88	88	88	88	88	88	88	205	205	205	205	205	205	205
Williams.....	36	36	36	36	36	36	36	115	115	115	115	115	115	115
Rlate's Store.....	10	10	10	10	10	10	10	64	64	64	64	64	64	64
Granby*.....	155	155	154	154	153	153	153	97	97	97	97	97	97	97
Arthur's T. O.....	13	13	13	13	13	13	13	104	104	104	104	104	104	104
Spring Hill.....	62	61	.....	.....	.....	.....	.....	215	215	215	215	215	215	215
Jno. Mennick's.....	70	70	70	70	70	70	70	123	123	123	123	123	123	123
Luke David's.....	228	228	228	228	227	228	228	189	189	189	189	189	189	189
Lundy Run.....	126	126	126	126	126	126	126	60	60	60	60	60	60	60
Ehlerd & Counts Store.....	7	7	7	7	7	7	7	120	120	120	120	120	120	120
Hutlo's.....	91	90	91	80	81	91	91	142	143	143	143	143	143	143
Red Store.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Casey's†.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	1, 293	1, 291	1, 230	1, 230	1, 219	1, 230	1, 230	2, 095	2, 090	2, 090	2, 096	2, 096	2, 096	2, 096
	1, 297	1, 295	1, 234	1, 232	1, 221	1, 232	.....	.....	.....	.....	.....	.....	.....	.....

\* Poll not authorized.

† No election; no return.

SOUTH CAROLINA, Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Lexington County, and that the same is correct.

[SEAL.]

H. E. HAYNE,

Secretary of State.

DECEMBER 13, 1870.

MARION COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Marion .....	583	583	583	583	583	583	583	307	307	307	307	307	307	307
Mullins .....	51	51	51	51	51	51	51	337	337	337	337	337	337	337
Campbell's Bridge .....	102	102	102	102	102	102	102	245	245	245	245	245	245	245
Berry Cross-Roads .....	202	202	202	202	202	202	202	284	284	284	284	284	284	284
High Hill .....	4	4	4	4	4	4	4	100	100	100	100	100	100	100
Nichols .....	123	123	123	123	123	123	123	125	125	125	125	125	125	125
Friendship .....	123	123	123	123	123	123	123	92	92	92	92	92	92	92
Britton's Nook .....	94	94	94	94	94	94	94	112	112	112	112	112	112	112
Little Rook .....	378	378	378	378	378	378	378	455	455	455	455	455	455	455
Old Ark .....	10	10	10	10	10	10	10	40	40	40	40	40	40	40
Stono's .....	103	103	103	103	103	103	103	200	200	200	200	200	200	200
Cain's .....	198	198	198	198	198	198	198	120	120	120	120	120	120	120
Mar's Bluff .....	290	290	290	290	290	290	290	182	182	182	182	182	182	182
McMillan .....	170	170	170	170	170	170	170	100	100	100	100	100	100	100
Ariel* .....	66	66	66	66	66	66	66	171	171	171	171	171	171	171
Total .....	2,502	2,502	2,502	2,502	2,502	2,502	2,502	3,146	3,146	3,146	3,146	3,146	3,146	3,146

\* Sworn statement by two managers.

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Marion County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.

MARLBOROUGH COUNTY.

Precinct.	Bowen.	Winsmith.	Johnson.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Adamsville .....	24	24	24	24	24	24	24	200	200	200	200	200	200	200
Bennettsville .....	753	753	753	753	753	753	753	250	250	250	250	250	250	250
Brownsville .....	128	128	128	128	128	128	128	223	223	223	223	223	223	223
Brightsville .....	93	93	93	93	93	93	93	221	221	221	221	221	221	221
Hebron .....	21	21	21	21	21	21	21	328	328	328	328	328	328	328
Red Bluff .....	112	112	112	113	113	113	113	257	257	257	257	257	257	257
Red Hill .....	272	272	272	272	272	272	272	178	178	178	178	178	178	178
Smithville .....	215	215	215	215	215	215	215	219	219	219	219	219	219	219
Total .....	1,019	1,019	1,019	1,019	1,019	1,019	1,019	1,042	1,042	1,042	1,042	1,042	1,042	1,042

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Marlborough County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

DECEMBER 13, 1876.

NEWBERRY COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Prosperity.....	124	124	124	124	124	124	124	500	500	500	500	500	500	500
Gibson's Store.....	07	07	07	07	07	07	07	84	84	84	84	84	84	84
Maybinton.....	117	117	117	117	117	117	117	52	52	52	52	52	52	52
Williams.....	131	131	131	131	131	131	131	86	86	86	86	86	86	86
Longshores.....	170	170	170	170	170	170	170	213	213	213	213	213	213	213
Whitmire's.....	254	253	254	255	254	254	254	108	108	108	108	108	108	108
Newberry Court-House, No. 1.....	544	540	540	548	540	540	540	500	507	507	500	500	500	500
Newberry Court-House, No. 2.....	1,011	1,016	1,016	1010	1,010	1,010	1,010	82	82	82	82	82	82	82
Glymphville.....	107	107	107	107	107	107	107	80	80	80	80	80	80	80
Jalapa.....	154	150	150	150	150	150	150	124	124	124	124	124	124	124
Pomaria.....	123	123	123	123	123	123	123	150	150	150	150	150	150	150
Total.....	2,844	2,843	2,844	2,844	2,844	2,844	2,844	2,120	2,121	2,121	2,120	2,120	2,120	2,120

SOUTH CAROLINA, Office Secretary of State:

I, H. E. Hayne, secretary of state, do certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Newberry County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

DECEMBER 13, 1870.

OCONEE COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Walhalla.....	185	185	185	185	185	185	185	403	403	403	403	403	403	403
West Union.....	23	23	23	23	23	23	23	108	108	108	108	108	108	108
High Fall*.....								07	07	07	07	07	07	07
Salom.....	4	4	4	4	4	4	4	125	125	125	125	125	125	125
Little River.....	12	12	12	12	12	12	12	55	55	55	55	55	55	55
Rowlands.....	1	1	1	1	1	1	1	54	54	54	54	54	54	54
Barkers.....	10	18	10	10	18	18	10	40	40	40	40	40	40	40
Halls.....	21	21	21	21	21	21	21	55	55	55	55	55	55	55
Westminster.....	75	75	75	75	75	75	75	288	288	288	288	288	288	288
Soneca City.....	168	168	168	168	168	168	168	384	384	384	384	384	384	384
Centre.....	2	2	2	2	2	2	2	118	118	118	118	118	118	118
Fair Play.....	0	0	0	0	0	0	0	104	104	104	104	104	104	104
Sitton's Mill.....	0	0	0	0	0	0	0	42	42	42	42	42	42	42
Rook Springs.....	10	10	10	10	10	10	10	00	00	00	00	00	00	00
Fenton†.....														
Total.....	538	537	538	538	537	537	538	2,098	2,098	2,098	2,098	2,098	2,098	2,098

\* 07 votes cast for Robert Eldridge.

† No returns; no poll.

SOUTH CAROLINA, Office Secretary of State:

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Oconee County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

DECEMBER 13, 1870.

ORANGEBURGH COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Henley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Middle.....	143	143	143	143	143	143	143	138	138	138	138	138	138	138
Jamison's.....	174	174	174	174	174	174	174	84	84	84	84	84	84	84
Branchville.....	152	152	152	152	152	152	152	187	187	187	187	187	187	187
Rowesville.....	142	142	142	142	142	142	142	78	78	78	78	78	78	78
Ziegler's.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Easton's.....	235	235	235	235	235	235	235	230	230	230	230	230	230	230
Gleaton.....	100	100	100	100	100	100	100	210	210	210	210	210	210	210
Bookland.....	181	181	181	181	181	181	181	05	05	05	05	05	05	05
Brown's.....	32	32	32	32	32	32	32	00	00	00	00	00	00	00
Cedar Grove.....	110	110	110	110	110	110	110	123	123	123	123	123	123	123
Ellott's.....	128	128	127	128	128	128	127	00	00	00	00	00	00	00
Avinger's.....	180	180	180	180	180	180	180	59	59	59	59	59	59	59
Fort Motto.....	220	220	220	220	220	220	220	08	08	08	08	08	08	08
Felder's.....	105	105	105	105	105	105	105	72	72	72	72	72	72	72
Club-House.....	108	108	108	108	108	108	108	51	51	51	51	51	51	51
Fogle.....	300	300	300	300	300	300	300	70	70	70	70	70	70	70
Washington Semi- nary.....	107	107	107	107	107	107	107	120	120	120	120	120	120	120
Louisville.....	547	547	547	547	547	547	547	152	152	152	152	152	152	152
Bull Swamp.....	103	103	103	103	103	103	103	173	173	173	173	173	173	173
Orangburgh.....	088	088	088	088	088	088	088	303	303	303	303	303	303	303
Corbettville.....	210	210	210	210	210	210	210	100	100	100	100	100	100	100
Griffin's.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	4,150 4,151	4,150 4,151	4,150	4,151	4,151	4,151	4,150	2,010 2,010	2,010	2,010	2,010	2,010	2,010	2,010

\* 123 for Hayes and Wheeler, and 00 for Elden and Hendricks.

† No return.

SOUTH CAROLINA, Office Secretary of State:

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of the several precincts in Orangburgh County, and that the same is correct.

[SEAL.]

H. E. HAYNE,

Secretary of State.

DECEMBER 13, 1870.

PICKENS COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Henley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Pickens Court- House*.....	142	142	141	141	141	141	141	345	345	345	345	345	345	345
Pumpkintown.....	30	30	30	30	30	30	30	134	134	134	134	134	134	134
Dausville.....	.....	.....	.....	.....	.....	.....	.....	134	134	134	134	134	134	134
Basley.....	121	121	121	121	119	120	120	015	015	015	015	010	010	015
Hurricane.....	1	1	1	1	1	1	1	134	134	134	134	134	134	134
Hinkle's.....	.....	.....	.....	.....	.....	.....	.....	37	37	37	37	37	37	37
Eastatoe.....	.....	.....	.....	.....	.....	.....	.....	00	00	00	00	00	00	00
Liberty.....	34	34	34	34	34	34	34	187	187	187	187	187	187	187
Central Station; J. J. Hurds  .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	337	337	330	330	334	335	335	1,085 1,085	1,085	1,085	1,085	1,080	1,080	1,085

\* Tally-list not signed; no return.  
; No return; no polls.

† Not authorized by law.  
|| No return.

SOUTH CAROLINA, Office of Secretary of State:

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Pickens County, and that the same is correct.

[SEAL.]

H. E. HAYNE,

Secretary of State.

DECEMBER 13, 1876.

RICHLAND COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Erwin.	Aldrich.	Wallace.
Aoton .....	370	370	370	370	370	370	370	110	110	110	110	110	110	110
Gadsden .....	528	528	528	528	528	528	528	125	125	125	125	125	125	125
Hopkins .....	437	437	437	437	437	437	437	71	71	71	71	71	71	71
Trenholm's .....	330	330	330	330	330	330	330	72	72	72	72	72	72	72
Davis's .....	27	27	27	27	27	27	27	214	214	214	214	214	214	214
Killian's* .....														
Camp Ground .....	200	200	200	200	200	200	200	154	154	154	154	154	154	154
Garner's .....	203	203	203	203	203	203	203	147	147	147	147	147	147	147
Ward No. 1 .....	518	517	518	518	518	518	518	134	134	134	134	134	134	134
Ward No. 2 .....	410	420	421	420	420	421	421	372	372	372	372	371	371	370
Ward No. 3 .....	377	370	380	377	370	380	380	401	407	408	410	408	408	411
Ward No. 4 .....	407	408	408	408	400	408	408	308	308	308	308	308	308	308
Total .....	3,831	3,831	3,837	3,833	3,830	3,837	3,837	2,171	2,174	2,175	2,177	2,174	2,174	2,170

\* Report as follows: Tilden, 211; Hendricks, 211; Hayes, 73; Wheeler, 73. Returns not signed by managers.  
 † Returns not signed by any member.

SOUTH CAROLINA, Office of Secretary of State:

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Richland County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
 Secretary of State.

DECEMBER 13, 1876.

SPARTANBURGH COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
New Prospect ....	70	70	70	70	70	70	70	202	202	202	202	202	202	202
Woodruff's .....	05	05	05	05	05	05	05	258	258	258	258	258	258	258
Limestone Springs .	43	43	43	43	43	43	43	240	240	240	240	240	240	240
Grassy Pond .....	12	12	12	12	12	12	12	85	85	85	85	85	85	85
Spartanburgh Court-House .....	531	531	531	531	530	531	531	700	704	704	703	704	704	705
Thorn's .....	5	5	5	5	5	5	5	04	04	04	04	04	04	04
Hobron .....								00	00	00	00	00	00	00
Calvin Foster's .....	10	10	10	10	10	10	10	154	154	154	154	154	154	154
Campobello .....	23	23	23	23	23	23	23	175	175	175	175	175	175	175
Walnut Grove .....	24	24	24	24	24	24	24	124	124	124	124	124	124	124
Crawfordville .....	21	21	21	21	21	21	21	137	137	137	137	137	137	137
Lacole .....	24	24	24	24	24	24	24	152	152	152	152	152	152	152
Hivingsville .....	5	5	5	5	5	5	5	104	104	104	104	104	104	104
J. H. Ezell's .....	0	0	0	0	0	0	0	70	70	70	70	70	70	70
Cashville .....	07	07	07	07	07	07	07	84	84	84	84	84	84	84
Holly Springs .....	22	22	22	22	22	22	22	120	120	120	120	120	120	120
Glen Springs .....	104	103	104	103	103	103	103	118	118	118	118	118	118	118
Macedonia Church .....								45	45	45	45	45	45	45
Cherokee Springs .....	7	7	7	7	7	7	7	131	131	131	131	131	131	131
Duncan's .....	84	83	84	86	86	84	84	355	355	355	355	355	355	355
White Plains .....	80	80	80	80	80	80	80	157	157	157	157	157	157	157
McKolvey's .....	25	25	25	25	25	25	25	118	118	118	118	118	118	118
Ralph Smith's .....	85	85	85	85	85	85	85	02	02	02	02	02	02	02
Hobbyville .....	123	123	122	122	122	122	122	150	150	150	150	150	150	150
Holdville .....	06	06	06	06	06	06	06	231	231	231	231	231	231	231
Cross Anchor .....	15	15	15	15	15	15	15	131	131	131	131	131	131	131
Total .....	1,547	1,545	1,540	1,545	1,544	1,542	1,543	1,503	4,501	4,501	4,500	4,501	4,501	4,502

SOUTH CAROLINA, Office of Secretary of State:

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Spartanburgh County, and that the same is correct.

[SEAL.]

H. E. HAYNE,  
 Secretary of State.

DECEMBER 13, 1876.

SUMTER COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Sumter, No. 1 .....	315	315	317	314	314	315	315	205	270	204	205	205	205	265
Sumter, No. 2 .....	302	304	302	302	302	303	303	322	321	321	321	321	321	321
Statchburgh .....	483	484	482	484	484	484	484	100	100	100	100	100	100	100
Providence .....	288	288	287	288	288	288	288	102	102	102	102	102	102	102
Bishopville .....	200	200	200	200	200	200	200	232	232	232	232	232	232	232
Carter's Crossing ..	216	216	216	216	216	216	216	100	100	100	100	100	100	100
Swimming Pons....	161	161	161	161	161	161	161	103	103	103	103	103	103	103
Mayesville*.....	26	26	26	26	26	26	26	119	119	119	119	119	119	119
Johnston's Store...	383	383	383	383	383	383	383	39	39	39	39	39	39	39
Lynchburgh .....	199	199	199	199	199	199	199	185	185	185	185	185	185	185
Shloh .....	119	119	119	119	119	119	119	94	94	94	94	94	94	94
Concord .....	151	151	151	151	151	151	151	124	124	124	124	124	124	124
Privateor .....	241	241	241	241	241	241	241	11	11	11	11	11	11	11
Manchester .....	71	72	72	72	72	72	72	50	50	50	51	50	50	50
Spring Hill .....	85	85	85	85	85	85	85	181	181	281	181	181	181	181
Wedgefield .....	152	152	152	152	152	152	152	74	74	74	74	74	74	74
Corbitt's Store....	218	218	218	218	217	218	218	93	93	93	93	93	93	93
Rafting Creek.....	282	282	282	282	282	282	282	95	95	95	95	95	95	95
Total .....	3, 802	3, 800	3, 803	3, 803	3, 802	3, 805	3, 805	2, 351	2, 355	2, 340	2, 351	2, 350	2, 350	2, 350

\* Signed by only one manager.

† Signed by two managers for Hayes, & Co., and Tilden, & Co.

SOUTH CAROLINA, Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Sumter County, and that the same is correct.

[SEAL.]  
DECEMBER 13, 1876.

H. E. HAYNE, Secretary of State.

UNION COUNTY.

Precinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Union .....	407	407	407	407	407	407	407	500	500	500	500	500	500	500
Drytonville .....	22	22	22	22	22	22	22	115	115	115	115	115	115	115
Timber Ridge.....	98	98	98	98	98	98	98	98	98	98	98	98	98	98
Tollsons .....	76	76	76	76	76	76	76	184	184	184	184	184	184	184
Glandosburgh Mills	12	12	12	12	13	13	13	87	87	87	87	87	87	87
Kolleys .....	7	7	7	7	7	7	7	63	63	63	63	63	63	63
Golings .....	78	78	78	78	78	78	78	127	127	127	127	127	127	127
Santee .....	152	152	152	152	152	152	152	163	163	163	163	163	163	163
Goshen Hill .....	144	144	144	144	144	144	144	89	89	89	89	89	89	89
Cross Keys .....	38	38	38	38	38	38	38	203	203	203	203	203	203	203
Jasper Gbbes .....	126	126	126	126	126	126	126	180	180	180	180	180	180	180
Jonesville .....	135	134	135	135	135	135	135	202	202	202	202	202	202	202
Fish Dam .....	173	173	173	173	173	173	173	87	87	87	87	87	87	87
Hughes .....	110	110	110	110	110	110	110	101	101	101	101	101	101	101
Wilksville*.....														
Total .....	1, 008	1, 008	1, 008	1, 008	1, 009	1, 000	1, 010	2, 208	2, 208	2, 208	2, 208	2, 208	2, 208	2, 208

\* No return for any officers' poll-list.

SOUTH CAROLINA, Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of the several precincts in Union County, and that the same is correct.

[SEAL.]  
DECEMBER 13, 1876

H. E. HAYNE, Secretary of State.



WILLIAMSBURGH COUNTY.

Preinct.	Bowea.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Wallace.	Erwin.	Aldrich.
Klingstroe .....	537	537	537	537	537	537	537	200	200	200	200	200	200	200
Salter's .....	388	388	388	388	388	388	388	01	01	01	01	01	01	01
Gourdin's .....	330	330	330	330	330	330	330	130	130	130	135	130	130	130
Anderson .....	80	80	80	80	80	80	80	134	134	134	134	134	134	134
Cedar Swamp .....	107	107	107	107	107	107	107	70	70	70	70	70	70	70
Indian Town .....	245	245	245	245	245	245	245	125	125	125	125	125	125	125
McAllister's .....	10	10	10	10	10	10	10	201	201	201	201	201	201	201
Sutton's .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Levy's Store .....	200	200	200	200	200	200	200	253	253	253	253	253	253	253
Black Mingo .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Muddy Creek .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total .....	2,002	2,002	2,002	2,002	2,002	2,002	2,002	1,360	1,360	1,360	1,368	1,360	1,360	1,360

\*Returned thus: Democrat, 80; republican, 142. †No return of any office. ‡No presidential.

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do certify that the foregoing abstract is taken from the returns of the managers of the several preincts in Williamsburgh County, and that the same is correct.

[SEAL]

H. E. HAYNE,

*Secretary of State.*

DECEMBER 13, 1876.

YORK COUNTY.

Preinct.	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingram.	Erwin.	Aldrich.
Clay Hill .....	145	145	145	145	145	145	145	128	128	128	128	128	128
Conat's Tavern .....	122	122	122	122	122	122	122	127	127	127	127	127	127
Boydton .....	78	78	78	78	78	78	78	317	317	317	317	317	317
Pride's Old Mill .....	00	00	00	00	00	00	00	105	105	105	105	105	105
Blairsville .....	201	201	201	201	201	201	201	200	200	200	200	200	200
Rook Hill .....	415	415	415	415	415	415	415	580	580	580	580	580	580
York .....	577	577	577	577	577	577	577	488	488	488	488	488	488
Hickory Grove .....	184	184	184	184	184	184	184	200	200	200	200	200	200
Bethel .....	71	71	71	71	71	71	71	187	187	187	187	187	187
Bethany .....	20	20	20	20	20	20	20	207	207	207	207	207	207
Fort Mill .....	247	247	247	247	247	247	247	347	347	347	347	347	347
McConnellsville .....	248	248	248	247	248	248	248	100	100	100	100	100	100
Total .....	2,400	2,400	2,400	2,405	2,400	2,400	2,400	3,217	3,217	3,217	3,217	3,217	3,217

SOUTH CAROLINA, *Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing abstract is taken from the returns of the managers of election of York County, and that the same is correct.

[SEAL]

H. E. HAYNE,

*Secretary of State.*

DECEMBER 13, 1876.

Computation and statements made by experts employed by the committee.

ABBEVILLE COUNTY.

	Presidential electors.													
	Bowen.	Winsmith.	Johnston.	Hurly.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
Aggregate of votes according to additions of clerks*.....	3,245	3,251	3,254	3,252	3,253	3,253	3,252	3,559	3,563	3,556	3,557	3,556	3,556	3,556
Aggregate of votes according to additions of experts.....	3,245	3,251	3,254	3,252	3,253	3,253	3,252	3,559	3,563	3,557	3,557	3,556	3,556	3,556
<i>Magnolia.</i> —No managers' return. <i>Calhoun's Mills.</i> —No managers' return.														

\*This refers to additions made by clerks for the committee on the tabulated statements for each county of precinct managers' returns.

AIKEN COUNTY.

Aggregate of votes according to additions of clerks.....	2,215	2,215	2,215	2,215	2,215	2,215	2,215	2,653	2,653	2,653	2,653	2,653	2,653	2,653
Aggregate of votes according to additions of experts.....	2,215	2,215	2,215	2,215	2,214	2,214	2,215	2,663	2,665	2,665	2,665	2,665	2,665	2,665
<i>Windsor.</i> —No manager' return. <i>Silvertown.</i> —No managers' return.														

ANDERSON COUNTY.

Aggregate of votes according to additions of clerks.....	1,187	1,188	1,139	1,139	1,190	1,139	1,139	4,003	4,003	3,913	3,913	4,003	3,913	3,913
Aggregate of votes according to additions of experts.....	1,188	1,189	1,140	1,139	1,190	1,139	1,139	4,003	4,003	3,913	3,913	4,003	3,913	3,913
<i>Williamston.</i> —Managers' return gives McGowan.....383 In clerks' tabular statement he has but.....382 Should have an addition of.....									1					
	1,188	1,189	1,140	1,139	1,190	1,139	1,139	4,003	4,004	3,913	3,913	4,003	3,913	3,913
<i>Willford's Store.</i> —Managers make no return for Johnston, Hurly, Cook, Myers, Harrington, Ingraham, Erwin, Aldrich.														

BARNWELL COUNTY.

Aggregate of votes according to additions of clerks.....	2,624	2,624	2,624	1,929	2,625	2,626	2,625	3,605	3,605	3,604	3,604	3,604	3,604	3,554
Aggregate of votes according to additions of experts....	2,624	2,624	2,624	1,929	2,625	2,626	2,625	3,605	3,605	3,604	3,604	3,604	3,604	3,554
<p><i>Blackville.</i>—Managers make no return for Hurly.  <i>Canaan's Fair Church.</i>—No managers' return.  <i>Barnwell Court-House.</i>—No managers' return.            A memorandum of votes for presidential electors, not described as from what precinct and not signed, shows: Bowen, 211; Winsmith, 211; Johnston, 211; Hurly, 211; Nash, 211; Cook, 211; Myers, 211; Barker, 290; McGowan, 290; Harrington, 290; Ingraham, 290; Wallace, 290; Erwin, 290; Aldrich, 290.  <i>Robbins.</i>—Managers' statement and return of votes, signed by two managers, shows: Bowen, 1,317; Winsmith, 1,317; Johnston, 1,317; Hurly, 1,317; Nash, 1,317; Cook, 1,317; Myers, 1,317; Barker, 0; McGowan, 0; Harrington, 0; Ingraham, 0; Wallace, 0; Erwin, 0; Aldrich, 0.</p>														

Computation and statements made by experts employed by the committee—Continued.

BEAUFORT COUNTY.

	Presidential electors.													
	Bowen.	Winamith.	Johnston.	Hurly.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
Aggregate of votes according to additions of clerks .....	7,070	7,067	6,758	6,758	6,757	6,756	7,070	2,159	2,163	2,128	2,134	2,134	2,134	2,162
Aggregate of votes according to additions of experts ...	7,070	7,067	6,758	6,758	6,757	6,756	7,070	2,159	2,163	2,128	2,134	2,134	2,134	2,162
<i>Sheldon</i> .—In clerks' tabular statement Hurly has... 553														
Managers' return gives him but .....														
Should have a deduction of .....				1										
<i>Bronson</i> .—Managers' return gives Barker .....														
In clerks' tabular statement he has but .....														
Should have an addition of .....								4						
	7,070	7,067	6,758	6,757	6,757	6,756	7,070	2,163	2,163	2,128	2,134	2,134	2,134	2,162
<i>Brick Church</i> .—Managers make no return for Johnston; managers' return seems to have given Barker 716, but the figure 7 has evidently been scratched.														
<i>Gray's Hill</i> .—Managers make return as follows: R. B. Hayes, 472; William A. Wheeler, 472; Samuel J. Tilden, 9; Thomas A. Hendricks, 9.														
<i>Black Creek</i> .—Managers make return as follows: R. B. Hayes, 10; William A. Wheeler, 10; Samuel J. Tilden, 4; Thomas A. Hendricks, 4.														
<i>Bellinger's Hill</i> .—Managers make no return for Johnston, Hurly, Nash, Cook, nor for Harrington, Ingraham, Wallace, Erwin.														
<i>Beach Branch</i> .—No managers' return.														
<i>Lawton Church</i> .—The 41 votes given to Erwin in clerks' tabular statement were cast in the name of J. B. Ryan.														

CHARLESTON COUNTY.

Aggregate of votes according to additions of clerks .....	14,311	14,327	14,188	14,183	14,189	14,189	14,130	8,314	8,318	8,193	8,195	8,194	8,191	8,160
Aggregate of votes according to additions of experts....	14,311	14,327	14,188	14,183	14,189	14,189	14,130	8,314	8,318	8,193	8,195	8,194	8,191	8,160
<i>Corner Inspection and Washington streets.</i> —Managers' returns give Myers 311; in clerks' tabular statement he has but 252; should have an addition of.....							59							
<i>Niagara Engine-House.</i> —Managers return, (omitted altogether from clerks' tabular statement,) shows: Bowen, 775; Winsmith, 776; Johnston, 777; Hurly, 777; Nash, 777; Cook, 777; Myers, 777; Barker, 464; McGowan, 464; Harrington, 464; Ingraham, 464; Wallace, 464; Erwin, 464; Aldrich, 464.....	775	776	777	777	777	777	777	464	464	464	464	464	464	464
	15,086	15,103	14,965	14,960	14,966	14,965	14,966	8,778	8,782	8,657	8,659	8,658	8,655	8,624
<i>Dudart's Creek.</i> —Managers' return no name of electors voted for, but the following figures: 66; 99. (The republican State ticket had 66; the democratic State ticket had 20.)														
<i>Dill's Bluff.</i> —Managers make no return for Erwin.														
<i>Andell's Store.</i> —Managers make no return for Aldrich.														
<i>Cross-Roads.</i> —Managers make return as follows: Republican, 68; democrat, 105. Above this return, (under head of member of Congress at large,) is the following: C. C. Bowen, Jno. Winsmith, received 68; Theo. G. Barker, Sam'l McGowan, received 105.														
<i>Corner Inspection and Washington streets.</i> —Managers make no return for Nash.														

CHESTER COUNTY.

Aggregate of votes according to additions of clerks.....	2,237	2,236	2,237	2,237	2,236	2,237	2,238	1,765	1,765	1,765	1,765	1,765	1,765	1,765
Aggregate of votes according to additions of experts....	2,237	2,236	2,537	2,237	2,236	2,237	2,238	1,765	1,765	1,765	1,765	1,765	1,765	1,765
<i>Boyd's Store.</i> —Managers' return shows: Bowen, 204; Winsmith, 204; Johnston, 204; Hurly, 204; Nash, 204; Cook, 204; Myers, 204; Barker, 208; McGowan, 208; Harrington, 208; Ingraham, 208; Wallace, 208; Erwin, 208; Aldrich, 208.....	204	204	204	204	204	204	204	208	208	208	208	208	208	208
Total.....	2,441	2,440	2,441	1,441	2,440	2,441	2,442	1,973	1,973	1,973	1,973	1,973	1,973	1,973

APPENDIX.

Computation and statements made by experts employed by the committee—Continued.

CHESTERFIELD COUNTY.

	Presidential electors.													
	Bowen.	Winsmith.	Johnston.	Harly.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallaco.	Erwin.	Aldrich.
Aggregate of votes according to additions of clerks.....	992	992	992	992	992	992	992	1,622	1,622	1,622	1,622	1,622	1,622	1,622
Aggregate of votes according to additions of experts.....	992	992	992	992	992	992	992	1,622	1,622	1,622	1,622	1,622	1,622	1,622
<i>Cole Hill</i> —In clerk's tabular statement Harrington has..... 110 Managers' return gives him but..... 108 Should have a deduction of.....										2				
	992	992	992	992	992	992	992	1,622	1,622	1,620	1,622	1,622	1,622	1,622

CLARENDON COUNTY.

Aggregate of votes according to additions by clerks.....	1,393	1,895	1,896	1,896	1,896	1,896	1,896	1,425	1,425	1,423	1,422	1,424	1,424	1,424
Aggregate of votes according to additions by experts.....	1,894	2,896	1,897	1,897	1,896	1,896	1,896	1,425	1,425	1,423	1,422	1,424	1,424	1,424

COLLETON COUNTY.

Aggregate of votes according to additions of clerks.....	3,472	3,474	3,474	3,473	3,474	3,474	3,467	2,515	2,515	2,515	2,513	2,515	2,516	2,518
Aggregate of votes according to additions of experts.....	3,472	3,474	3,475	3,474	3,475	3,475	3,467	2,515	2,515	2,515	2,513	2,515	2,516	2,518
<i>Bell's Cross-Roads</i> .—Managers' return shows: Bowen, 35; Winsmith, 35; Johnston, 35; Harly, 35; Nash, 35; Cook, 35; Myers, 35; Barker, 105; McGowan, 105; Harrington, 105; Ingram, 105; Wallace, 105; Erwin, 105; Aldrich, 105.....	35	35	35	35	35	35	35	105	105	105	105	105	105	105
	3,507	3,509	3,510	3,509	3,510	3,510	3,502	2,620	2,620	2,620	2,618	2,620	2,621	2,623
<i>Preacher's Mill</i> .—No managers' return. <i>Ashpoo</i> .—No managers' return. <i>Iron's School-House</i> .—No managers' return. <i>Bennett's Point</i> .—No managers' return.														

EDGEFIELD COUNTY.

Aggregate of votes according to additions of clerks .....	2,858	2,859	2,859	2,859	2,859	2,859	2,859	2,859	5,537	5,537	5,537	5,537	5,537	5,537	5,537
Aggregate of votes according to additions of experts.....	2,858	2,859	2,859	2,859	2,859	2,859	2,859	2,859	5,537	5,537	5,537	5,537	5,537	5,537	5,537
<i>Edgefield Court-House, No. 2</i> —Managers' return gives Bowen, WinSmith, Johnston, Hurley, Nash, Cook, Myers, each .....															
In clerk's tabular statement each has but .....															
Each should have an addition of .....	40	40	40	40	40	40	40	40							
Managers' return gives Barker, McGowan, Harrington, Ingraham, Wallace, Erwin, Aldrich, each .....															
In clerk's tabular statement each has but .....									16	16	16	16	16	16	16
Each should have an addition of .....															
<i>Ridge Spring</i> .—Managers' return gives Barker, McGowan, Harrington, Ingraham, Wallace, Erwin, Aldrich, each .....															
In clerk's tabular statement each has but .....															
Each should have an addition of .....									300	300	300	300	300	300	300
<i>Shaw's Mill</i> .—In clerk's tabular statement Harrington has .....											5,853				
Managers' return gives him but .....															
Should have a deduction of .....											1				
<i>Coleman's</i> .—Managers' return shows: Hayes and Wheeler, 136; Tilden and Hendricks, 231.	2,892	2,899	2,899	2,899	2,899	2,899	2,899	2,899	5,853	5,853	5,852	5,853	5,853	5,853	5,853
<i>Cheatham Store</i> .—No managers' return.															

DARLINGTON COUNTY.

Aggregate of votes according to additions of clerks.....	3,519	3,519	3,519	3,519	3,519	3,519	3,519	2,739	2,739	2,739	2,739	2,739	2,739	2,739	2,739
Aggregate of votes according to additions of experts .....	3,519	3,519	3,519	3,519	3,519	3,519	3,519	2,739	2,739	2,739	2,739	2,739	2,739	2,739	2,739
<i>Darlington Court-House, No. 1</i> .—In clerks' tabular statement Hurly has .....															
Managers' return gives him but .....															
Should have a deduction of .....				1											
	3,519	3,519	3,519	3,518	3,519	3,519	3,519	2,739	2,739	2,739	2,739	2,739	2,739	2,739	2,739

Computation and statements made by experts employed by the committee—Continued.

FAIRFIELD COUNTY.

	Presidential electors.													
	Bowen.	Winsmith.	Johnston.	Hurly.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
Aggregate of votes according to additions of clerks .....	2,507	2,514	2,510	2,510	2,509	2,510	2,510	1,707	1,707	1,704	1,707	1,707	1,707	1,707
Aggregate of votes according to additions of experts....	2,507	2,514	2,510	2,510	2,509	2,510	2,510	1,707	1,707	1,704	1,707	1,708	1,707	1,707
<i>Feasterville.</i> —Managers' return gives Harrington..... 168														
In clerks' tabular statement he has but .....										3				
Should have an addition of .....														
<i>Doko.</i> —Managers' return gives Aldrich .....														2
In clerks' tabular statement he has but .....														
Should have an addition of .....														
<i>Ridgeway.</i> —No managers' return.														
	2,507	2,514	2,510	2,510	2,509	2,510	2,510	1,707	1,707	1,707	1,707	1,708	1,707	1,709

GEORGETOWN COUNTY.

Aggregate of votes according to additions of clerks.....	2,791	2,791	2,791	2,791	2,791	2,791	2,791	1,057	1,056	1,057	1,057	1,057	1,057	1,057
Aggregate of votes according to additions of experts.....	2,791	2,791	2,791	2,791	2,791	2,791	2,791	1,057	1,056	1,057	1,057	1,057	1,057	1,057
<i>Georgetown.</i> —In clerks' tabular statement Barker has 299														
Managers' return gives him but .....								2						
Should have a deduction of .....														
<i>Upper Waccamaw.</i> —No managers' return. Upper Waccamaw said to be Brook Green.														
<i>Peedee.</i> —No managers' return. Peedee said to be Birdfield.														
	2,791	2,791	2,791	2,791	2,791	2,791	2,791	1,055	1,056	1,057	1,057	1,057	1,057	1,057



GREENVILLE COUNTY.

Aggregate of votes according to additions of clerks .....	1,772	1,775	1,776	1,775	1,770	1,752	1,773	4,130	4,132	4,129	4,129	4,128	4,131	4,130
Aggregate of votes according to additions of experts.....	1,772	1,775	1,776	1,775	1,770	1,752	1,773	4,130	4,132	4,129	4,129	4,128	4,131	4,130
<i>W. O. Yeargan's.</i> —No managers' return. <i>W. C. Yeargan's</i> said to be <i>Gault's</i> .														

KERSHAW COUNTY.

Aggregate of votes according to additions of clerks.....	2,070	2,070	2,070	2,070	2,070	2,070	2,070	1,752	1,752	1,752	1,752	1,752	1,752	1,752
Aggregate of votes according to additions of experts ....	2,070	2,070	2,070	2,070	2,070	2,070	2,070	1,752	1,752	1,752	1,752	1,752	1,752	1,752

HORRY COUNTY.

Aggregate of votes according to additions by clerks.....	206	209	211	211	208	211	211	656	656	656	656	656	656	656
Aggregate of votes according to additions by experts....	206	209	211	211	208	211	211	656	656	656	656	656	656	656
<i>Dogwood Neck.</i> —No managers' return.														
<i>Conwayborough.</i> —No managers' return.														
<i>Dog Bluff.</i> —No managers' return.														
<i>Galivan's Ferry.</i> —No managers' return.														
<i>Socaste.</i> —No managers' return.														
<i>Little River.</i> —No managers' return.														
<i>Simpson Creek.</i> —No managers' return.														

Computation and statements made by experts employed by the committee—Continued.

LANCASTER COUNTY.

	Presidential electors.													
	Bowen.	Winsmith.	Johnston.	Hurly.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
Aggregate of votes according to additions of clerks.....	1, 155	1, 155	1, 155	1, 155	1, 155	1, 155	1, 155	1, 623	1, 623	1, 623	1, 623	1, 623	1, 623	1, 623
Aggregate of votes according to additions of experts.....	1, 155	1, 155	1, 155	1, 155	1, 155	1, 155	1, 155	1, 623	1, 623	1, 623	1, 623	1, 623	1, 623	1, 623
<i>Dry Creek</i> .—Managers' return gives Bowen, Winsmith, Johnston, Hurly, Nash, Cook, Myers, each.... 266														
In clerks' tabular statement each has but..... 162														
Each should have an addition of.....	104	104	104	104	104	104	104							
In clerks' tabular statement Barker, McGowan, Harrington, Ingraham, Wallace, Erwin, Aldrich, each has..... 266	1, 259	1, 259	1, 259	1, 259	1, 259	1, 259	1, 259							
Managers' return gives each but..... 162														
Each should have a deduction of.....								104	104	104	104	104	104	104
<i>Montgomery</i> .—In clerks' tabular statement Wallace has..... 132								1, 519	1, 519	1, 519	1, 519	1, 519	1, 519	1, 519
Managers' return gives him but..... 131														
Should have a deduction of.....												1		
<i>Lancaster O. H.</i> —In clerks' tabular statement Johnston, Hurly, Nash, Cook, Myers each has..... 383														
Managers' return gives each but..... 383														
Each should have a deduction of.....			1	1	1	1	1							
	1, 259	1, 259	1, 258	1, 258	1, 258	1, 258	1, 258	1, 519	1, 519	1, 519	1, 519	1, 518	1, 519	1, 519

LAURENS COUNTY.

Aggregate of votes according to additions by clerks.....	1, 814	1, 814	1, 814	1, 814	1, 814	1, 814	1, 814	2, 907	2, 907	2, 907	2, 908	2, 908	2, 908	2, 908
Aggregate of votes according to additions by experts....	1, 814	1, 814	1, 814	1, 814	1, 814	1, 814	1, 814	2, 907	2, 908	2, 907	2, 908	2, 908	2, 908	2, 908

LEXINGTON COUNTY.

Aggregate of votes according to additions of clerks .....	1, 293	1, 291	1, 230	1, 230	1, 219	1, 230	1, 230	2, 095	2, 096	2, 096	2, 096	2, 096	2, 096	2, 096
Aggregate of votes according to additions of experts.....	1, 297	1, 295	1, 234	1, 232	1, 221	1, 232	1, 230	2, 095	2, 096	2, 096	2, 096	2, 096	2, 096	2, 096
<i>Luke Daniel's</i> .—Managers' return gives Myers .....														
In clerks' tabular statement he has but .....														
Should have an addition of .....							2							
<i>Summit</i> —In clerks' tabular statement Nash has.....														
Managers' return gives him but.....														
Should have a deduction of .....					4									
<i>Spring Hill</i> .—Managers make no return for Johnston, Hurly, Nash, Cook, Myers.	1, 297	1, 295	1, 234	1, 232	1, 217	1, 232	1, 232	2, 095	2, 096	2, 096	2, 096	2, 096	2, 096	2, 096
<i>Red Store</i> .—No managers' return. Red Store said to be Granby.														
<i>Casey's</i> .—No managers' return. Casey's said to be Sandy Run.														

MARION COUNTY.

Aggregate of votes according to additions of clerks.....	2, 502	2, 502	2, 502	2, 502	2, 502	2, 502	2, 502	3, 146	3, 146	3, 146	3, 146	3, 146	3, 146	3, 146
Aggregate of votes according to additions of experts ...	2, 502	2, 502	2, 502	2, 502	2, 502	2, 502	2, 502	3, 146	3, 146	3, 146	3, 146	3, 146	3, 146	3, 146
<i>Old Ark</i> .—Managers make no return in figures for Win- smith, Johnston, Hurly, Nash, Cook, Myers, nor for McGowan, Harrington, Ingraham, Wallace, Erwin, Aldrich. They return: Bowen received 10; Win- smith received 10; Johnston received 10; Hurly re- ceived 10; Nash received 10; Cook received 10; Myers received 10; Barker received 40; McGowan received 40; Harrington received 40; Ingraham received 40; Wallace received 40; Erwin received 40; Aldrich re- ceived 40.														
[In clerk's tabular statement all the republican electors are given 10 votes, and all the democratic electors are given 40 votes ]														
<i>Ariel</i> .—"Supplement to managers return" made under oath by two managers: the original blank return filed but not filled up.														

MARLBOROUGH COUNTY.

Aggregate of votes according to additions of clerks .....	1, 619	1, 619	1, 619	1, 619	1, 619	1, 619	1, 619	1, 942	1, 942	1, 942	1, 942	1, 942	1, 942	1, 942
Aggregate of votes according to additions of experts .....	1, 618	1, 618	1, 618	1, 619	1, 619	1, 619	1, 619	1, 942	1, 942	1, 942	1, 942	1, 942	1, 942	1, 942

Computation and statements made by experts employed by the committee—Continued.

NEWBERRY COUNTY.

	Presidential electors.													
	Bowen.	Winsmith.	Johnston.	Hurly.	Nash.	Cook.	Myers.	Barker.	McGowan	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
Aggregate of votes according to additions of clerks.....	2,842	2,843	2,844	2,844	2,844	2,844	2,844	2,120	2,121	2,121	2,120	2,120	2,120	2,120
Aggregate of votes according to additions of experts.....	2,842	2,843	2,844	2,844	2,844	2,844	2,844	2,120	2,121	2,121	2,120	2,120	2,120	2,120

OCONEE COUNTY.

Aggregate of votes according to additions of clerks.....	538	537	538	538	537	537	538	2,098	2,098	2,098	2,098	2,098	2,098	2,031
Aggregate of votes according to additions of experts.....	538	537	538	538	537	537	538	2,098	2,098	2,098	2,098	2,098	2,098	2,031
<i>Hall's</i> .—Managers' return gives McGowan..... 56														
In clerks tabular statement he has but..... 55									1					
Should have an addition of.....														
<i>West Union</i> .—In clerk's tabular statement Winsmith has..... 23														
Managers' return gives him but..... 22														
Should have a deduction of.....		1							2,099					
<i>Seneca City</i> .—In clerk's tabular statement McGowan has..... 384														
Managers' return gives him but..... 383														
Should have a deduction of.....										1				
<i>High Falls</i> .—Managers' return 67 votes for Eldrige, seventh-named elector, but no votes for republican electors. Number of votes cast by white persons, 66; number of votes cast by colored persons, 3; total, 69.	538	536	538	538	537	537	538	2,098	2,098	2,098	2,098	2,098	2,098	2,031
<i>Fenton</i> .—No managers' return. Fenton said to be Hall's.														

ORANGEBURGH COUNTY.

Aggregate of votes according to additions of clerks .....	4, 150	4, 150	4, 150	4, 151	4, 151	4, 151	4, 150	2, 610	2, 610	2, 610	2, 610	2, 610	2, 610	2, 610
Aggregate of votes according to additions of experts.....	4, 151	4, 151	4, 150	4, 151	4, 151	4, 151	4, 150	2, 610	2, 610	2, 610	2, 610	2, 610	2, 610	2, 610
<i>Club-House.</i> —In clerk's tabular statement Nash has. 168 Managers' return gives him but..... 167 Should have a deduction of .....					1									
<i>Zeigler's.</i> —Managers make return as follows: Hayes received 123; Tilden received 90; Wheeler received 123; Hendricks received 90.	4, 151	4, 151	4, 150	4, 151	4, 150	4, 151	4, 150	2, 610	2, 610	2, 610	2, 610	2, 610	2, 610	2, 610
<i>Griffin's.</i> —No managers' return.														

PICKENS COUNTY.

Aggregate of votes according to additions of clerks ....	337	337	336	336	334	335	335	1, 685	1, 685	1, 685	1, 685	1, 686	1, 686	1, 685
Aggregate of votes according to additions of experts....	337	337	336	336	334	335	335	1, 685	1, 685	1, 685	1, 685	1, 686	1, 686	1, 685
<i>Pickens Court-House.</i> —No managers' return. A tally memorandum, not signed nor headed, shows: Bowen, 142; Winsmith, 142; Johnston, 141; Hurly, 141; Nash, 141; Cook, 141; Myers, 141. Barker, 345; McGowan, 345; Harrington, 345; Ingraham, 345; Wallace, 345; Erwin, 345; Aldrich, 345. [In clerk's tabular statement these votes are given as from a regular return.] <i>Dacusville.</i> —Managers' return no votes for republican electors. <i>Huckle's.</i> —Managers' return no votes for republican electors. <i>Estatoe.</i> —Managers' return no votes for republican electors. <i>Central Station</i> —No managers' return. A return signed by James A. Gaines, (chairman.) Aaron Boggs, James Peeke, T. W. Folger, (clerk,) managers of election; but not stating for what precinct or from what county, shows: Bowen, 86; Winsmith, 86; Johnston, 86; Hurly, 86; Nash, 86; Cook, 86; Myers, 86; Barker, 309; McGowan, 309; Harrington, 309; Ingraham, 309; Wallace, 309; Erwin, 309; Aldrich, 309. <i>J. J. Hurd's.</i> —No managers' return; said to be Hurricane.														

Computation and statements made by experts employed by the committee—Continued.

RICHLAND COUNTY.

	Presidential electors.													
	Bowen.	Wlnsmith.	Johnston.	Hurly.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
Aggregate of votes according to additions of clerks.....	3,831	3,831	3,837	3,833	3,830	3,837	3,837	2,171	2,174	2,175	2,177	2,174	2,174	2,176
Aggregate of votes according to additions of experts .... <i>Actm.</i> —Managers' return no votes for Cook or Ingraham. <i>Killian's.</i> —Managers make return as follows: Samuel J. Tilden received 211; R. B. Hayes received 73; Hendricks received 211; William A. Wheeler, 73. <i>Garner's.</i> —Managers return no votes for McGowan.	3,831	3,831	3,837	3,833	3,830	3,837	3,837	2,171	2,174	2,175	2,177	2,174	2,174	2,176

SPARTANBURGH COUNTY.

Aggregate of votes according to additions of clerks.....	1,547	1,545	1,546	1,545	1,544	1,542	1,543	4,503	4,501	4,501	4,500	4,501	4,501	4,502
Aggregate of votes according to additions of experts .... <i>New Prospect.</i> —In clerks' tabular statement Nash has 79 Managers' return gives him but..... 77 Should have a deduction of.....	1,547	1,545	1,546	1,545	1,544	1,542	1,543	4,503	4,501	4,501	4,500	4,501	4,501	4,502
<i>Glenn Springs.</i> —Managers' return gives Barker, McGowan, Harrington, Ingraham, Wallace, Erwin, Aldrich, each..... 218 In clerk's tabular statement each has but..... 118 Each should have an addition of.....					2									
							100	100	100	100	100	100	100	100
<i>Hebron.</i> —Managers' return no votes for republican electors. Number of votes cast by white persons, 67; number of votes cast by colored persons, 5; total, 72. <i>Macedonia Church.</i> —Managers return no votes for republican electors. Number of votes cast by white persons, 47; number of votes cast by colored persons, 2; total, 49.	1,547	1,545	1,546	1,545	1,542	1,542	1,543	4,603	4,601	4,601	4,600	4,601	4,601	4,602

SUMTER COUNTY.

3 AP	Aggregate of votes according to additions by clerks.....	3,892	3,896	3,893	3,893	3,892	3,895	3,895	2,351	2,355	2,349	2,351	2,350	2,350	2,350
	Aggregate of votes according to additions by experts.....	3,892	3,896	3,893	3,893	3,892	3,895	3,895	2,351	2,355	2,349	2,351	2,350	2,350	2,350

UNION COUNTY.

Aggregate of votes according to additions of clerks.....	1,668	1,668	1,668	1,668	1,669	1,669	1,669	2,298	2,298	2,298	2,298	2,298	2,298	2,298
Aggregate of votes according to additions of experts.....	1,668	1,667	1,668	1,668	1,669	1,669	1,669	2,298	2,298	2,298	2,298	2,298	2,298	2,298
<i>Glandesbury Mills.</i> —In clerk's tabular statement Myers has.....13														
Managers' returns give him but.....12								1						
Should have a deduction of.....														
<i>Wilkinsville.</i> —Return (accompanying poll-list) shows: Bowen, 142; Winamith, 142; Johnston, 142; Hurly, 142; Nash, 142; Cook, 142; Myers, 142; Barker, 163; Mc- Gowan, 163; Harrington, 163; Ingraham, 163; Wallace, 163, Erwin, 163; Aldrich, 163.....	142	142	142	142	142	142	142	163	163	163	163	163	163	163
	1,810	1,809	1,810	1,810	1,811	1,811	1,810	2,461	2,461	2,461	2,461	2,461	2,461	2,461

WILLIAMSBURG COUNTY.

Aggregate of votes according to additions of clerks.....	2,092	2,092	2,092	2,092	2,092	2,092	2,092	1,369	1,369	1,369	1,368	1,369	1,369	1,369
Aggregate of votes according to additions of experts.....	2,092	2,092	2,092	2,092	2,092	2,092	2,092	1,369	1,369	1,369	1,368	1,369	1,369	1,369
<i>Suttons.</i> —Managers make returns as follows: Demo- cratic received, 80; republican received, 142.														
<i>Black Mingo.</i> —No managers' return.														
<i>Muddy Creek.</i> —No managers' return.														

Computation and statements made by experts employed by the committee—Continued.

YORK COUNTY.

	Presidential electors.													
	Bowen.	Winsmith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
Aggregate of votes according to additions of clerks .....	2,466	2,466	2,466	2,465	2,466	2,466	2,466	3,217	3,217	3,217	3,217	.....	3,217	3,217
Aggregate of votes according to additions of experts.....	2,466	2,466	2,466	2,465	2,466	2,466	2,466	3,217	3,217	3,217	3,217	.....	3,217	3,217
<i>Clay Hill.</i> —Managers' return for Wallace.....128														
<i>Coats Tavern.</i> —Managers' return for Wallace.....127														
<i>Boydton.</i> —Managers' return for Wallace.....317														
<i>Pride's Old Mill.</i> —Managers' return for Wallace.....105														
<i>Blairsville.</i> —Managers' return for Wallace.....269														
<i>Rock Hill.</i> —Managers' return for Wallace.....586														
<i>York.</i> —Managers' return for Wallace.....488														
<i>Hickory Grove.</i> —Managers' return for Wallace.....206														
<i>Bethel.</i> —Managers' return for Wallace.....187														
<i>Bethany.</i> —Managers' return for Wallace.....267														
<i>Fort Mill.</i> —Managers' return for Wallace.....347														
<i>McConnellsville.</i> —Managers' return for Wallace.....190												3,217		
	2,466	2,466	2,466	2,465	2,466	2,466	2,466	3,217	3,217	3,217	3,217	3,217	3,217	3,217



No. 1.—Aggregate of votes, according to additions of clerks, corrected by experts.

PRESIDENTIAL ELECTORS.

Counties.	Bowen.	Winamith.	Johnston.	Hurley.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
1. Abbeville.....	3,245	3,251	3,254	3,252	3,253	3,253	3,252	3,559	3,563	3,557	3,557	3,556	3,556	3,556
2. Aiken.....	2,215	2,215	2,215	2,215	2,214	2,214	2,215	2,663	2,665	2,665	2,665	2,665	2,665	2,665
3. Anderson.....	1,188	1,189	1,140	1,139	1,190	1,139	1,139	4,003	4,003	3,913	3,913	4,003	3,913	3,913
4. Barnwell.....	2,624	2,624	2,624	1,929	2,625	2,626	2,625	3,605	3,605	3,604	3,604	3,604	3,604	3,554
5. Beaufort.....	7,070	7,067	6,758	6,758	6,757	6,756	7,070	2,159	2,163	2,128	2,134	2,134	2,134	2,162
6. Charleston.....	14,311	14,327	14,188	14,183	14,189	14,189	14,130	8,314	8,318	8,193	8,195	8,194	8,191	8,160
7. Chester.....	2,237	2,236	2,237	2,237	2,236	2,237	2,234	1,765	1,765	1,765	1,765	1,765	1,765	1,765
8. Chesterfield.....	992	992	992	992	992	992	992	1,622	1,622	1,622	1,622	1,622	1,622	1,622
9. Clarendon.....	1,894	1,896	1,897	1,897	1,896	1,896	1,896	1,425	1,425	1,423	1,422	1,424	1,424	1,424
10. Colleton.....	3,472	3,474	3,475	3,474	3,475	3,475	3,467	2,515	2,515	2,515	2,513	2,515	2,516	2,518
11. Darlington.....	3,519	3,519	3,519	3,519	3,519	3,519	3,519	2,739	2,739	2,739	2,739	2,739	2,739	2,739
12. Edgefield.....	2,858	2,859	2,859	2,859	2,859	2,859	2,859	5,537	5,537	5,537	5,537	5,537	5,537	5,537
13. Fairfield.....	2,507	2,514	2,510	2,510	2,509	2,510	2,510	1,707	1,707	1,704	1,707	1,708	1,707	1,707
14. Georgetown.....	2,791	2,791	2,791	2,791	2,791	2,791	2,791	1,057	1,056	1,057	1,057	1,057	1,057	1,057
15. Greenville.....	1,772	1,775	1,776	1,775	1,770	1,752	1,773	4,130	4,132	4,129	4,129	4,129	4,131	4,130
16. Horry.....	206	209	211	211	208	211	211	656	656	656	656	656	656	656
17. Kershaw.....	2,070	2,070	2,070	2,070	2,070	2,070	2,070	1,752	1,752	1,752	1,752	1,752	1,752	1,752
18. Lancaster.....	1,155	1,155	1,155	1,155	1,155	1,155	1,155	1,623	1,623	1,623	1,623	1,623	1,623	1,623
19. Laurens.....	1,814	1,814	1,814	1,814	1,814	1,814	1,814	2,907	2,908	2,907	2,908	2,908	2,908	2,908
20. Lexington.....	1,297	1,295	1,231	1,232	1,221	1,232	1,230	2,095	2,096	2,096	2,096	2,096	2,096	2,096
21. Marion.....	2,502	2,502	2,502	2,502	2,502	2,502	2,502	3,146	3,146	3,146	3,146	3,146	3,146	3,146
22. Marlborough.....	1,618	1,618	1,618	1,619	1,619	1,619	1,619	1,942	1,942	1,942	1,942	1,942	1,942	1,942
23. Newberry.....	2,842	2,843	2,844	2,844	2,844	2,844	2,844	2,120	2,121	2,121	2,120	2,120	2,120	2,120
24. Oconee.....	538	537	538	538	537	537	538	2,098	2,098	2,098	2,098	2,098	2,098	2,031
25. Orangeburgh.....	4,151	4,151	4,150	4,151	4,151	4,151	4,150	2,610	2,610	2,610	2,610	2,610	2,610	2,610
26. Pickens.....	337	336	336	336	334	335	335	1,685	1,685	1,685	1,685	1,685	1,685	1,645
27. Richland.....	3,831	3,831	3,837	3,833	3,830	3,837	3,837	2,171	2,174	2,175	2,177	2,174	2,174	2,176
28. Spartanburgh.....	1,547	1,545	1,546	1,545	1,544	1,542	1,543	4,503	4,504	4,501	4,500	4,501	4,501	4,502
29. Sumter.....	3,892	3,896	3,893	3,893	3,892	3,895	3,895	2,351	2,355	2,349	2,351	2,350	2,350	2,350
30. Union.....	1,668	1,667	1,668	1,668	1,669	1,669	1,669	2,298	2,298	2,298	2,298	2,298	2,298	2,298
31. Williamsburgh.....	2,092	2,092	2,092	2,092	2,092	2,092	2,092	1,369	1,369	1,368	1,368	1,369	1,369	1,369
32. York.....	2,466	2,466	2,466	2,465	2,466	2,466	2,466	3,217	3,217	3,217	3,217	3,217	3,217	3,217
Total.....	86,721	86,757	86,209	85,498	86,223	86,179	86,446	85,343	85,366	85,096	85,106	81,980	85,107	84,990

No. 2.—Aggregate of votes, with additions and deductions suggested by experts.

PRESIDENTIAL ELECTORS.

Counties.	Bowen.	Wilmington.	Johnston.	Harly.	Nash.	Cook.	Myers.	Barker.	McGowan.	Harrington.	Ingraham.	Wallace.	Erwin.	Aldrich.
1. Abbeville .....	3,245	3,251	3,254	3,252	3,253	3,253	3,252	3,559	3,563	3,557	3,557	3,556	3,556	3,556
2. Aiken .....	2,215	2,215	2,215	2,215	2,214	2,214	2,215	2,663	2,665	2,665	2,665	2,665	2,665	2,665
3. Anderson .....	1,138	1,139	1,140	1,139	1,139	1,139	1,139	4,003	4,004	3,913	3,913	4,003	3,913	3,913
4. Barnwell .....	2,624	2,624	2,624	1,929	2,625	2,626	2,625	3,605	3,605	3,604	3,604	3,604	3,604	3,554
5. Beaufort .....	7,070	7,067	6,758	6,757	6,757	6,756	7,070	2,163	2,163	2,134	2,134	2,134	2,134	2,162
6. Charleston .....	15,086	15,103	14,965	14,960	14,966	14,966	14,966	8,778	8,782	8,657	8,659	8,656	8,655	8,624
7. Chester .....	2,441	2,441	2,441	2,441	2,441	2,441	2,442	1,973	1,973	1,973	1,973	1,973	1,973	1,973
8. Chesterfield .....	992	992	992	992	992	992	992	1,622	1,622	1,620	1,622	1,622	1,622	1,622
9. Clarendon .....	1,894	1,896	1,897	1,897	1,896	1,896	1,896	1,425	1,425	1,423	1,422	1,424	1,424	1,424
10. Colleton .....	3,507	3,509	3,510	3,509	3,510	3,510	3,502	2,620	2,620	2,620	2,618	2,620	2,621	2,623
11. Darlington .....	3,519	3,519	3,519	3,518	3,519	3,519	3,519	2,739	2,739	2,739	2,739	2,739	2,739	2,739
12. Edgefield .....	2,898	2,899	2,899	2,899	2,899	2,899	2,899	5,853	5,853	5,852	5,853	5,853	5,853	5,853
13. Fairfield .....	2,507	2,514	2,510	2,510	2,509	2,510	2,510	1,707	1,707	1,707	1,707	1,708	1,707	1,709
14. Georgetown .....	2,791	2,791	2,791	2,791	2,791	2,791	2,791	1,055	1,056	1,057	1,057	1,057	1,057	1,057
15. Greenville .....	1,772	1,775	1,776	1,775	1,770	1,752	1,773	4,130	4,132	4,129	4,129	4,128	4,131	4,130
16. Horry .....	2,006	2,009	2,011	2,011	2,008	2,011	2,011	656	656	656	656	656	656	656
17. Kershaw .....	2,070	2,070	2,070	2,070	2,070	2,070	2,070	1,752	1,752	1,752	1,752	1,752	1,752	1,752
18. Lancaster .....	1,258	1,258	1,258	1,258	1,258	1,258	1,258	1,519	1,519	1,519	1,519	1,519	1,519	1,519
19. Laurens .....	1,814	1,814	1,814	1,814	1,814	1,814	1,814	2,907	2,908	2,907	2,908	2,908	2,908	2,908
20. Lexington .....	1,297	1,295	1,234	1,232	1,217	1,232	1,232	2,095	2,096	2,096	2,096	2,096	2,096	2,096
21. Marion .....	2,502	2,502	2,502	2,502	2,502	2,502	2,502	3,146	3,146	3,146	3,146	3,146	3,146	3,146
22. Marlborough .....	1,618	1,618	1,618	1,619	1,619	1,619	1,619	1,942	1,942	1,942	1,942	1,942	1,942	1,942
23. Newberry .....	2,842	2,843	2,844	2,844	2,844	2,844	2,844	2,120	2,121	2,121	2,120	2,120	2,120	2,120
24. Oconee .....	538	536	538	538	537	537	538	2,098	2,098	2,098	2,098	2,098	2,098	2,031
25. Orangeburgh .....	4,151	4,151	4,150	4,151	4,150	4,151	4,150	2,610	2,610	2,610	2,610	2,610	2,610	2,610
26. Pickens .....	3,337	3,337	3,336	3,336	3,334	3,335	3,335	1,685	1,685	1,685	1,685	1,685	1,685	1,685
27. Richland .....	3,831	3,831	3,837	3,833	3,830	3,837	3,837	2,171	2,174	2,175	2,175	2,174	2,174	2,176
28. Spartanburgh .....	1,547	1,545	1,546	1,545	1,542	1,542	1,543	4,603	4,601	4,601	4,600	4,601	4,601	4,602
29. Sumter .....	3,892	3,896	3,893	3,893	3,892	3,895	3,895	2,351	2,355	2,349	2,351	2,350	2,350	2,350
30. Union .....	1,810	1,809	1,810	1,810	1,811	1,811	1,810	2,461	2,461	2,461	2,461	2,461	2,461	2,461
31. Williamsburgh .....	2,092	2,092	2,092	2,092	2,092	2,092	2,092	1,369	1,369	1,369	1,368	1,369	1,369	1,369
32. York .....	2,466	2,466	2,466	2,465	2,466	2,466	2,466	3,217	3,217	3,217	3,217	3,217	3,217	3,217
Total .....	82,021	82,057	87,510	86,797	87,517	87,480	87,807	86,597	86,619	86,348	86,358	86,448	86,359	86,244

CERTIFIED COPIES OF AFFIDAVITS FILED BEFORE THE STATE CAN-  
VASSERS.STATE OF SOUTH CAROLINA, *County of Richland:*

Personally came before me William H. Jackson and J. W. Harrison, and made oath that they were managers of election on the 7th day of November, 1876, at the poll known as Trenholm's; that the election was conducted in all respects in the manner required by law; and that they know of no person who was threatened or intimidated or constrained by force either from voting or to vote contrary to their desires and convictions.

WM. H. JACKSON.  
J. W. HARRISON.

Sworn and subscribed to before me this 11th November, 1876.

WALTER R. JONES,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA, *County of Richland:*

Personally came before me H. H. Jillson and J. E. Green, who, on oath, said that they were managers of election on the 7th of November, 1876, at the voting-precinct known as ward 1, city of Columbia; that the polls were opened at 6 o'clock a. m., the hour fixed by law, and that no ballots were placed in the box prior to that hour; that said election was conducted in all respects in the manner prescribed by law, and that no persons were threatened or intimidated or prevented from freely voting as they desired.

H. H. JILLSON.  
J. E. GREEN.

Sworn to and subscribed before me this 11th November, 1876.

HENRY SPARNICK,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA, *County of Richland:*

Personally came before me John A. Barre and William M. Hayne, and made oath that they were managers of election on the 7th of November, 1876, at the poll known as Acton; that the election was conducted in all respects in the manner required by law; and that they know of no person who was threatened or intimidated or constrained by force either from voting or to vote contrary to their desire and convictions.

JOHN A. BARRE,  
*Chairman Manager of Elections.*  
WM. M. HAYNE.

Sworn and subscribed to before me this 11th November, 1876.

HENRY SPARNICK,  
*Notary Public, South Carolina.*

OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
*Columbia, December 15, 1876.*

I certify that the foregoing are true copies of the affidavits of certain managers of election for Richland County now on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *County of Richland:*

Personally appeared before me W. H. Heard, United States deputy marshal, who upon oath says that while acting as special messenger on Sunday, 19th day of November, 1876, for the purpose of conveying the returns of Calhoun's Mill precinct, Abbeville County, State of South Carolina, for presidential electors, he was set upon by a band of armed men, consisting of Wm. Odd, Eli Thornton, Ed. Mitchell, Bonn. Link, Marion Link, Wm. Dubose, Percy Brown, Thomas Brown, and four or five others, to the said W. H. Heard unknown, and assaulted, fired at at least twelve times by the aforesaid Wm. Odd, Eli Thornton, and others to him unknown, captured, his returns and papers of value taken from him, bound upon horseback, and carried into the State of Georgia, Baker's Ferry, Wilkes County, and then and there let loose, upon the sole promise that he would never again return to the State of South Carolina or have anything whatsoever to do with the election, under the threats of assassination, even if found in the streets of Columbia.

And the aforesaid W. H. Heard further deposes and says that the returns for presidential electors aforesaid taken from him by force and violence were as follows :

For C. C. Bowen .....	467	For S. McGowan .....	247
For John Winsmith .....	467	For Theo. G. Barker .....	247
For T. B. Johnston .....	467	For Wm. Wallace .....	247
For Timothy Hurley .....	467	For Jno. W. Harrington .....	247
For W. B. Nash .....	467	For Jno. B. Erwin .....	247
For Wilson Cooke .....	467	For I. I. Ingram .....	247
For W. F. Myers .....	467	For Robt. Aldrich .....	247

All of which is a true and accurate account of the returns of the vote for presidential electors held at Calhoun's Mills on the 7th day of November last past.

W. H. HEARD.

Sworn to before me this 9th day of December, 1876.

LOUIS SCHILLER,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, OFFICE SECRETARY OF STATE,  
Columbia, December 11, 1876.

I certify that the foregoing is a true copy of the original affidavit on file in this office.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

STATE OF SOUTH CAROLINA, Richland County :

F. E. Wilder, on oath, says that he is a citizen of the State of South Carolina, residing in Beaufort County; that he was chairman of the board of canvassers for that county at the recent election; that the said board appointed three managers to conduct the election at Gardner's Corner precinct; that the election for that precinct was held at Sheldon or Sheldon's Mill, which is in said Gardner's Corner precinct, and within one-quarter of a mile from the corner known as Gardner's Corner; and that all elections held at Gardner's Corner precinct for the last eight years have been held at said Sheldon or Sheldon's Mill.

F. E. WILDER.

Sworn and subscribed before me this 7th December, 1876.

JOHN L. LITTLE,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, Richland County :

Robert Smalls, on oath, says that he is a citizen of the State of South Carolina, residing in Beaufort County; that he is well acquainted with the locality of places, and limits of voting-precincts in that county generally; that he is well acquainted with the locality of places in the voting-precinct in that county known as Gardner's Corner precinct, particularly of the places in that precinct where elections have been held for the last eight years; that the election held in that precinct on the 7th day of November instant, was held at a place known as Sheldon or Sheldon's Mill, about one-quarter of a mile from the corner of the Port Royal road and main State road, called Gardner's Corner, and about three miles from the station on the Port Royal Railroad called Sheldon station; and that all the elections held in that precinct since 1868 have been held at said place known as Sheldon.

Deponent further says that there was an election held in 1868 at the corner known as Gardner's Corner, in a store-house then at said corner, but that said store-house has long since been removed from said corner, and that there is no building now at said corner at which an election could properly be held, nor any building whatever between said corner and Sheldon.

ROBERT SMALLS.

Sworn and subscribed to before me this 30th November, 1876.

JOHN L. LITTLE,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, Richland County :

F. E. Wilder, on oath, says that he is a citizen of South Carolina, residing in Beaufort County; that he was chairman of the board of commissioners for that county at the election held on the 7th day of November last, and performed his duties as such; that, in the performance of his duties, he had occasion to examine the ballots in the box from Brick Church precinct, in said county, and found that, although the

return of the managers of that precinct set forth the vote for candidates for electors for President and Vice-President of the United States as follows :

C. C. Bowen .....	719	T. J. Barker .....	716
John Winsmith .....	719	Samuel McGowan .....	16
T. B. Johnston .....		J. W. Harrington .....	16
Timothy Hurley .....	719	I. I. Ingram .....	16
W. B. Nash .....	719	William Wallace .....	16
Wilson Cooke .....	719	J. H. Irwin .....	16
W. F. Myers .....	719	Robert Aldrich .....	16

yet, in fact, the votes for candidates for electors was as follows :

C. C. Bowen .....	719	T. J. Barker .....	16
John Winsmith .....	719	Samuel McGowan .....	16
T. B. Johnston .....	719	J. W. Harrington .....	16
Timothy Hurley .....	719	I. I. Ingram .....	16
W. B. Nash .....	719	William Wallace .....	16
Wilson Cook .....	719	J. H. Irwin .....	16
W. F. Myers .....	719	Robert Aldrich .....	16

the omission of the name of T. B. Johnston from the list of candidates, and the addition of seven hundred of the number received by him to the number of votes received by F. J. Barker being evidently a clerical error on the part of the managers in making up said return.

F. E. WILDER.

Sworn and subscribed to before me this 7th day of December, 1876.

JOHN L. LITTLE,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, OFFICE SECRETARY OF STATE,  
Columbia, S. C., December 11, 1876.

I certify that the foregoing are true copies of the original affidavits of F. E. Wilder, Robert Smalls, and F. E. Wilder, now on file in this office.

H. E. HAYNE,  
Secretary of State.

STATE OF SOUTH CAROLINA, Richland County :

Personally appeared before me John A. Barre, who, being duly sworn, deposes and says that he was on the 7th day of November, 1876, chairman of the board of managers of the election held at Acton precinct in Richland County; that on counting the ballots cast at said voting precinct, one Wilson Cook received 379 votes for presidential elector; that on making return of votes cast at said precinct, a clerical error was made in omitting the name of said Wilson Cook, and the number of votes he received for presidential elector, as aforesaid, from the official return of said board of managers of the result of the election held at said precinct.

JOHN A. BARRE.

Sworn and subscribed to before me this 18th November, 1876.

H. NOAH,  
Notary Public, S. C.

STATE OF SOUTH CAROLINA, Richland County :

Personally appeared before me William M. Hayne, who, being duly sworn, deposes and says that he was on the 7th day of November, 1876, one of the board of managers of the election held at Acton precinct, in Richland County; that in counting the ballots cast at said voting precinct, one Wilson Cook received 379 votes for presidential elector; that on making return of votes cast at said precinct, a clerical error was made in omitting the name of the said Wilson Cook, and the number of votes he received for presidential elector, as aforesaid, from the official return of said board of managers of the result of the election held at said precinct.

WM. M. HAYNE.

Sworn to and subscribed before me this 18th November, 1876.

H. H. LOGAN,  
Notary Public, S. C.

STATE OF SOUTH CAROLINA, office Secretary of State :

I certify that the foregoing are true copies of the original affidavits of John A. Barre and William M. Hayne, now on file in my office.

[SEAL ]

H. E. HAYNE,  
Secretary of State.

COLUMBIA, S. C., December 11, 1876.

STATE OF SOUTH CAROLINA, *Richland County* :

Personally appeared W. H. Rutherford, who, being duly sworn, says that he is a citizen of Laurens County, and was duly commissioned and appointed as a commissioner of election for Laurens County in the general election held on the seventh day of November instant; that on the day of said election, and for some time previous, a special system of intimidating republican voters was resorted to by the democrats; threats of violence were general and abusive, and insulting language was used to republicans; democrats rode over the county by night with yells, and fire-arms of various descriptions were discharged; that at the polls various devices were used to prevent the republicans from exercising their right of suffrage; they were challenged on the slightest pretext, and if they voted did so with the impending threat that they would be immediately arrested; some were so arrested without just cause and committed to jail, and this fact kept many legal voters from voting, as they feared to suffer the same fate; that so universal was this system of intimidation that deponent, influenced by this knowledge, and also by a personal observation of the illegal way in which the election was conducted, did not feel justified in subscribing to the return of the election, in his official capacity as commissioner, and only consented to do so under protest, as said return will show on its face, when he became satisfied that his life would be placed in jeopardy if he declined to so subscribe to said return.

W. H. RUTHERFORD.

Sworn to and subscribed before me this November 16, 1876.

JAS. D. LADD,  
*Not. Public.*SOUTH CAROLINA, *Richland County* :

Personally appears David H. Johnson, who, being sworn, says that he was a duly appointed and qualified manager of election at Clinton, in Laurens County, South Carolina, in the election held on the 7th day of November, 1876; that on the morning of the day of election the democrats surrounded the window at which the voting was being done, and by threats and noisy demonstrations intimidated many republican voters and prevented them from voting; that early in the day a republican was seized by democrats and locked up in a box-car on a charge of voting twice, and others were threatened with arrest if they voted the republican ticket; and by such means many republicans were deprived of their right to vote, and a fair election was prevented.

DAVID H. JOHNSON.

Sworn to before me this 17th day of November, 1876.

H. H. D. BYRON,  
*Not. Pub., S. C.*STATE OF SOUTH CAROLINA, *Richland County* :

Personally appeared T. F. Hunter, who on oath says he was manager of election at Young's store, in Laurens County, on seventh November instant; that at that precinct a general system of intimidating republican voters was practised by democrats; threats, abusive and insulting language was freely resorted to, and many republicans who had come there for the purpose of voting retired from the polls without doing so, and stated to deponent that they were afraid that their lives would be taken if they attempted to vote the republican ticket; that in consequence of this terrorism only a few republican votes were cast, most of them being the votes of personal friends of deponent who had accompanied him to that precinct and remained and voted there because they desired him to have the benefit of their presence and protection, as they believed his life to be endangered by the fact of his being a republican manager of election.

T. F. HUNTER.

Sworn to before me this 17th November, 1876.

H. H. D. BYRON,  
*Not. Pub., S. C.*STATE OF SOUTH CAROLINA, *Richland County* :

Personally appeared James O. Ladd, who, being duly sworn, says that he is a duly qualified and commissioned deputy marshal of the United States; was present in that capacity at Laurens Court-House at the election on the 7th day of November instant. That while en route to that point the day previous to said election he saw at different stations on the Laurens Railroad, in said county, squads of men mounted and ready to mount, who were part of a general organization whose avowed purpose was to overawe and intimidate republicans. By their remarks they conveyed the idea that threats and violent conduct would impress many republicans with fears of personal safety on the day of election, or on the day succeeding the same, and thereby influence them to remain away from the polls or "vote with us," meaning with the democrats. That at Clinton, S. C., the present terminus of said railroad, there was quite a body of men with horses saddled ready to mount and scour that section in furtherance of this plan of intimidation.

That he arrived at Laurens Court-House about 9 o'clock in the evening. Before 10 o'clock the public peace and quiet at the court-house was violently disturbed by yells of a turbulent and frightful character, coming from all quarters and lasting continually during the night, accompanied by frightful oaths, jeers, and discharging of firearms. These demonstrations were made by a large body or bodies of mounted men constantly moving to and fro, or passing through from one part of the county to another. Their evident purpose was in furtherance of the aforesaid plan of intimidation by frightening and driving off the large number of colored republicans who had congregated at and in the vicinity of the court-house from a large adjacent territory, there being four polling-places at or near the court-house. As a result, many colored voters did not even approach the court-house for fear of violence or bodily harm, and many returned to their homes before the opening of the polls the following morning, and did not attend the polls during the election.

That during the day of election it was apparent that this system of intimidation must have been waged for some time, and was of a grave and serious character. Opportunity sufficient for all to vote could and did obtain during the day, but as early as 9 o'clock, when the polls had been open but three hours, republicans commenced returning to their homes without having voted. The effect of the democratic intimidation was now apparent, for frivolous challenges and threats of arrest on trivial and groundless charges, made effective by the actual arrest of perhaps two or three colored men on the charge of repeating, was all-sufficient, and did lead many republicans to return home without voting. A positive assurance of ample protection, not only on that day, but in the future, when the excitement of campaign and election might be over, was what seemed essential, as these republicans do assert that the real danger they fear is in the future, when the protection of the United States marshals and United States troops are withdrawn from them.

JAS. O. LADD.

Sworn to and subscribed to before me November 20, 1876.

LAWRENCE CAIN,

*Not. Pub.*

STATE OF SOUTH CAROLINA,  
OFFICE SECRETARY OF STATE,  
Columbia, December 11, 1876.

I certify that the foregoing are true copies of the original affidavits of W. H. Rutherford, David H. Johnson, T. F. Hunter, and James O. Ladd, now on file in this office.

[SEAL.]

H. E. HAYNE,

*Secretary of State.*

STATE OF SOUTH CAROLINA, *County of Richland:*

Personally appears Samuel B. Spencer, who on oath says he was chairman of the board of commissioners of election, in the recent election in Aiken County.

That on the 10th day of November, 1876, the board of commissioners of election met and organized as a board of county canvassers, and elected Nathan R. Williams as secretary, and adjourned, after instructing said Williams, together with Charles Edmundson, to place the ballot-boxes in a cell in the county-jail to be safely kept until otherwise ordered by the board, the said adjournment to continue until Tuesday, the 14th day of November, A. D. 1876, at 10 a. m. On Sunday morning, the 12th day of November, a writ was served upon said deponent by George W. Croft, county chairman of the democratic party, which writ is herenunto attached, marked Exhibit A.

On Sunday night, the 12th of November, 1876, I proceeded to Aiken, and on Monday morning, November 13th, at six o'clock, the returns were canvassed, the board being assisted by members of the democratic party, as stated in affidavit of Nathan R. Williams, the secretary of the board, only two republicans besides this deponent being present. Deponent further says that when the Fountain Academy box was opened no returns were found in it. Mr. Edmundson thereupon stated that the returns and ballots were in the possession of Mr. W. F. Carston; the returns for said box were shortly after brought in. That in the Windsor box, the returns of the managers for the presidential electors was not filled up except as to the names of the persons voted for, the number of votes not having been put down in words or figures; that Mr. George W. Croft called the number of votes for the electors from a supervisor's book.

This deponent has since been informed, by affidavits and reports of the managers, marshals, and supervisors of the precincts of Graniteville, Miles's Mill, and Fountain Academy, that gross frauds were committed at said precincts on the day of election aforesaid, and had this deponent known of said frauds at the time of canvassing the votes aforesaid, he would have objected to the counting of the votes contained in said boxes.

And deponent further says that he would now sign the accompanying supplementary report of George Washington, one of the members of the board of commissioners of

election, but for the reason that before the frauds herein named were brought to the official knowledge of said deponent he had signed a return with Charles Edmundson, one of the members of said board.

Sworn to before me this 17th November, 1876.

S. B. SPENCER.

H. H. D. BYRON,  
*Notary Pub.*

EXHIBIT A.

THE STATE OF SOUTH CAROLINA, *County of Aiken :*

To S. B. Spencer and George Washington, commissioners of election for Aiken County :

Take notice, that at six o'clock in the forenoon of Monday, the 13th day of November, 1876, at the Gregg Mansion, in the town of Aiken, a meeting of the board of commissioners of election for Aiken County will be held to proceed to canvass the returns of managers of election in said county; that said returns, with all papers connected with the election, shall be forwarded to the secretary of state by the 9.30 a. m. train on said day.

And further take notice, that should you fail to be present at such meeting, I shall myself proceed to make out such returns, and to canvass the returns of such managers of elections, and to forward the same, as aforesaid, to the secretary of state, as aforesaid, protesting upon your absence as willful, and a premeditated fraud upon the candidates who have received an honest majority in the late election.

CHS. EDMONDSON,  
*Com'r of Election.*

STATE OF SOUTH CAROLINA, *County of Richland :*

Personally comes before the subscribing officer George Washington, one of the board of commissioners of election for the county of Aiken, who, being duly sworn, deposes and says :

That the board of county canvassers was organized on Friday, November 10, 1876, by electing Samuel B. Spencer chairman, and Nath. R. Williams secretary, and that the board adjourned until Tuesday, November 14, 1876. Deponent knew nothing officially or otherwise of the meeting of said board said to have occurred on Monday, November 13, 1876.

Deponent further says that if he had been present at the canvassing of the returns he should have objected to the admission of those from Graniteville, Fountain Academy, Miles' Mill, and Windsor precincts, on account of the gross frauds which were committed at those precincts, of which deponent has information partly from his own personal knowledge and partly from affidavits of the managers, supervisors, any deputy marshals at those polls, which affidavits are in his possession and their existence known to the board of county canvassers.

Deponent does therefore most solemnly enter his protest against the notion taken by a portion of said board on Monday, November 13, 1876, for the reasons herein stated.

GEORGE WASHINGTON.

Sworn to before me this 16th November, 1876.

H. H. D. BYRON,  
*Notary Public.*

STATE OF SOUTH CAROLINA, *County of Aiken :*

Personally appeared before me D. W. Johnson, who, being duly sworn, says : That he is one of the managers of election of the Fountain Academy precinct, Aiken County; that deponent held the election at the precinct aforesaid on the 7th November, 1876; that at six o'clock in the afternoon of the said day deponent, with George Brodie, another manager, started to close the polls, as the law required them to do, but a crowd of some fifteen white men came up and demanded that the polls be kept open until they could vote, and although deponent and the other manager knew that the law required the polls to be closed at six o'clock in the afternoon of the day of election, yet they were afraid to refuse compliance to the demands of the crowd of white men, and the managers of said precinct were compelled to keep the polls open at said precinct for some time after six o'clock p. m., and that during said time after six o'clock they were compelled to allow about fifteen persons to vote.

Deponent has been informed and believes that a great number of votes cast at the said precinct on the day of election were illegal, as a number of the persons voting are residents of the State of Georgia, and a number of other persons voting at said precinct had voted on same day at other precincts in the county and State aforesaid. Deponent believes that had he or the other managers refused to allow the said illegal votes to be cast, that he and they would have been killed.

D. W. JOHNSON.

Sworn to before me this 9th day of November, 1876.

GEORGE C. CLYDE,  
*Notary Public, S. C.*



STATE OF SOUTH CAROLINA,  
OFFICE SECRETARY OF STATE,  
Columbia, December 11, 1876.

I certify that the foregoing are true copies of the original affidavits of Samuel B. Spencer, George Washington, and D. W. Johnson, now on file in this office.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

SOUTH CAROLINA, *Richland County* :

Before me personally came Abram Knopf, who, on oath, deposes and says: That as a commissioner of election for the county of Barnwell, he went from Blackville to Barnwell Court-House on Friday, the 10th of November, 1876; that the commissioners of election for said county organized as a board of county canvassers and proceeded to canvass the votes of said county between one and four o'clock, and canvassed the returns of all the precincts of said county except Canaan Fair church and Robbins. That from Canaan Fair church precinct a box was received, but accompanied by no papers except a note signed by David Mixson, one of the managers at said poll, which note stated that he had received a paper prior to the day of election which threatened him with death if he opened the box on election-day, and that in consequence of said threats he did not open said box at all. That this paper threatening the said manager was seen and read by this deponent and then returned to Mr. Blanton, the democratic member of the board of county canvassers for said county. That about nine or ten o'clock p. m. of the same day one of the managers from Robbins poll called this deponent from the room in which he was canvassing the returns, and asked if he, this deponent, would receive the returns from Robbins poll. That this deponent answered, "I shall receive nothing from Robbins." That this deponent made this answer because he felt that if he had anything to do with the returns from Robbins he would be suspected of doing wrong and would be in danger. That next morning at about eleven o'clock two of the managers of Robbins met this deponent and asked him if he would receive the returns from Robbins; that this deponent answered that it was too late, as the board of canvassers had completed their work.

ABRAHAM KNOPF.

Sworn to before me this 13th November, 1876, at Columbia, S. C.

H. H. D. BYRON,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, *Barnwell County* :

Personally appeared Henry Daniels, and made oath that he was a duly appointed and sworn manager for Blackville precinct; that in making up the returns from the list we made a mistake in omitting the name of the Hon. Timothy Hurley, who received 695 votes, as per tally-list.

H. E. DANIELS.

Sworn to before me this 14th November, 1876.

E. J. BLACK,  
Trial-Justice.

SOUTH CAROLINA, *Barnwell County* :

Personally appeared Isadore Asher, and made oath that he was a duly appointed and sworn manager of the Blackville precinct, and that he was elected chairman of said managers; that, in making up our list, we made a mistake in leaving out the name of the Hon. Timothy Hurley, he, the said Timothy Hurley, having received 695 votes, as per tally-list.

ISADORE ASHER.

Sworn to before me this 14th November, 1876.

E. J. BLACK,  
Trial-Justice.

SOUTH CAROLINA, *Barnwell County* :

Personally appeared Joseph H. Johnson, and made oath that he was duly appointed and sworn as a United States supervisor for Blackville precinct; that, in making up the returns from the lists, we made a mistake in omitting the name of Hon. Timothy Hurley, who received 695 votes, as per tally-list.

J. H. JOHNSON,  
U. S. Supervisor.

Sworn to before me this 14th November, 1876.

E. J. BLACK,  
Trial-Justice.

OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
Columbia, December 14, 1876.

I certify that the foregoing are true copies of the affidavits of Abram Knopf, Henry Daniels, Isadore Asher, and Jos. H. Johnson, now on file in my office.

[SEAL.]

H. E. HAYNE,  
Secretary of State

SOUTH CAROLINA, *Richland County*:

Personally appears David J. Spry, who, on oath, says: That he was a duly appointed and qualified manager at Cross Hill precinct, New Hope church box, in Laurens County, South Carolina, on the 7th day of November, 1876, at the general election.

That as such manager of election, he saw, at ten o'clock a. m. on election-day, as many as three hundred republicans who wished to vote, and that but one hundred and fifty of them voted. The others were prevented from voting by the attitude and conduct of the democrats who were present, who uttered threats of discharging their hands if they voted the republican ticket, fired off pistols, and obstructed the voting by delays and frivolous causes of challenge.

That two different men separately came to this deponent (and he saw the same act done to others) and put a pistol to his breast, and threatened this deponent that if he voted the republican ticket they would kill him; and when this deponent voted the republican ticket he was told, "Never mind; we will get even with you to-night."

During the canvass of the ballots at night, this deponent was summoned by a large number of democrats; and when this deponent drew the ballots from the box, it was found that two and sometimes more democratic tickets were folded together, and numbered, probably, (to the best of deponent's judgment,) one hundred ballots more than should have been voted; deponent was prevented by force, and the display of pistols by the democrats, from comparing the number of ballots cast with the number of names on the poll-list, the clerk of the managers refusing to tell this deponent the number of names on the poll-list, and deponent was compelled to submit to allowing the surplus democratic ballots to be counted, his desire to reject all but one ballot found in each of the packages being overruled by the crowd of armed democrats.

During the canvass, as aforesaid, two republican tickets were found inclosing other tickets, that is to say, in two instances two republican tickets folded together were found, and the crowd of democrats compelled deponent to burn all of such tickets and not count one of them.

That during the canvass of the votes, as aforesaid, there was but one republican present in the room, and that deponent's co-manager, who stated to this deponent that he voted the democratic ticket because his life was threatened if he did not do so.

Deponent saw many republicans with republican ballots in their hands, who were pulled about roughly by democrats and threatened with being turned in the big road, (meaning a discharge from employment,) together with the pointing of pistols at them, who were compelled against their will to vote the democratic ticket.

DAVID S. SPRY.

Sworn to before me this 17th November, 1876.

H. H. D. BYRON,  
*Not. Pub., S. C.*

STATE OF SOUTH CAROLINA, *County of Richland*:

Personally appeared W. D. Dunlap, who, being duly sworn, says: That he was a duly appointed and qualified manager of election at Clinton Box precinct, Laurens County, at the general election held in that county on the 7th November, instant.

That at that precinct a general system of intimidation of republican voters prevailed. Democrats surrounded the polls and tried to keep republicans from voting. Others told republicans who had voted that they would employ them no longer. Republicans were arrested without any authority upon frivolous pretexts, and all manner of charges were made in order to deter them from voting.

W. D. DUNLAP.

Sworn and subscribed to before me this November 17, 1876.

JAS. O. LADD,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA, *Laurens County*:

Personally appeared before me B. L. Jordan, who, on oath, deposes and says that he was present at New Hope polling-precinct, in the county and State aforesaid, and performing the duties of United States deputy marshal, duly appointed as such by proper authority.

That at said polling-precinct Dr. Wilbur, Dr. McSwain, and several others did threaten to drive him from said polling-precinct box, and used abusive, threatening, and insulting language to hinder him in the performance of his duty, and to frighten away and deter republican voters from said precinct; that in furtherance of their purposes one — Boyd drew his pistol and threatened to use it on some person in the crowd around the poll who was out of deponent's sight, or so situated that he could not recognize him.

That the conduct of the democrats generally during the day was so defiant and overbearing that many republicans could not vote through fear of bodily harm, and that there was not, and could not have been, a free exercise of the elective franchise at that poll in consequence thereof.

That he made no arrests as deputy marshal, because he would have been powerless as situated.

B. S. JORDAN,  
*Deputy United States Marshal.*

Sworn to before me this 13th November, 1876.

JAS. O. LADD,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA, *Laurens County:*

Personally appeared before me Raiford Stewart, who, on oath, deposes and says that he was chairman of the board of managers at the Hamilton precinct box, in the county and State aforesaid, at the general election held on the 7th of November, 1876.

That throughout the day abusive, insulting, violent, and threatening language was very generally used by the members of the democratic clubs who resided in that precinct, and who came from other portions of said county, toward persons who voted or desired to vote the republican ticket, with a view of intimidating and preventing such votes being cast. That these threats were usually of a general character, and to the effect that such voters would be turned from their homes and places of employment, and have to leave the country, &c. That the effect of this intimidation, as practiced throughout the campaign, and the attitude and demeanor of the organized democracy on that day, made many voters remain from the polls through fear, and led others to vote the democratic ticket, as a matter of self-protection, who otherwise would and desired to vote the republican ticket. That for these and other reasons, growing out of the intimidation waged, there was not, and could not have been, a fair and free expression of the suffrages of the people at that polling-precinct, and from deponent's knowledge of affairs in said county, and the evidence which might be obtained if witnesses did not stand in fear of harm in one way or another, there has not, and could not have been, a fair and free election by the people in said county.

That many persons are now hid away from their homes who voted the republican ticket, and many have been turned out of house and refused further employment who did vote the republican ticket.

That, as a result of the intimidation hereinbefore related, the usual republican majority at said polling-precinct was overcome, and a large democratic majority secured.

RAIFORD STEWART.

Sworn to before me this 13th November, 1876.

JAS. O. LADD,  
*Notary Public, South Carolina.*

We coincide in the foregoing statements of Raiford Stewart.

<sup>his</sup>  
DANIEL + HAMILTON,  
<sup>mark.</sup>  
*Manager at Hamilton poll.*  
P. H. MCDANIEL,  
*Supervisor at Hamilton poll.*

Sworn to before me as above.

JAS. O. LADD,  
*Notary Public, South Carolina.*

I fully concur in and make oath that the foregoing statement of Raiford Fletcher, as it relates to Laurens County, is correct and true, and that the intimidation practiced by the opposition to the republican party has been effectual in keeping many voters from going to the polls at every precinct in the county, and that no free exercise of the elective franchise was or could be had at the election of the 7th instant.

<sup>his</sup>  
E. M. + SUBER,  
<sup>mark.</sup>  
*Manager Poll No. 3, Laurens C. H.*

Sworn to before me this 13th November, 1876.

JAS. O. LADD,  
*Notary Public, South Carolina.*

OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
*Columbia, December 14, 1876.*

I certify that the foregoing are true copies of the affidavits of D. J. Spry, W. D. Dunlop, B. L. Jordan, Raiford Stewart, and E. M. Suber, now on file in my office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *County of Richland* :

Personally appeared Nelson J. Williams, who, on oath, saith that he was one of the managers at the precinct of Ninety-Six, in the county of Abbeville, and State aforesaid, at the election held on the 7th day of November, 1876. That as such manager of election he inadvertently failed to sign both the returns for the presidential electors voted for at said precinct of Ninety-Six on the day aforesaid. Deponent signed his name as manager to one of the returns, but failed to place his signature to the other return for presidential electors, not knowing it was necessary so to do. Deponent did not know it was necessary to sign two returns.

N. J. WILLIAMS.

Sworn to before me this 21st November, 1876.

L. J. NOAH,  
*Notary Public, South Carolina.*OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
*Columbia, S. C., December 13, 1876.*

I certify that the foregoing is a true copy of the original on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*STATE OF SOUTH CAROLINA, *Colleton County* :

We, S. Q. A. Guillard, J. H. Chapman, and C. P. Fishburne, on oath, say, each of them for himself only, that they are citizens of the State of South Carolina, residing in Colleton County; that they were duly appointed managers of election for Ashepoo precinct in said county for the election held on the 7th day of November last past, and duly performed their duties as such; that at said election there were cast four hundred and thirty-seven votes for each of the following seven candidates for electors of President and Vice-President of the United States, to wit: C. C. Bowen, John Win-smith, T. B. Johnston, Timothy Hurley, William B. Nash, Wilson Cook, William F. Meyers; and there were also cast ninety-six votes for each of the following seven candidates for electors of President and Vice-President of the United States, to wit: T. Q. Barker, Samuel McGowan, John W. Harrington, J. J. Ingram, John H. Erwin, William Wallace, Robert Aldrich. That immediately after the election the said managers prepared a written statement of the result of the election in said precinct, and intended to sign the same; and that if the said statement was not signed by them it was altogether through an oversight, as it was the purpose of the said managers to sign the same.

And the said S. Q. A. Guillard further says that he, being chairman of the said board, and being duly designated by the board for that purpose, delivered to the commissioners of election for that county, within three days after the election, the poll-lists, the box containing the ballots, and the said written statement.

S. Q. A. GUILLIARD.  
JAS. H. CHAPMAN.

Sworn and subscribed before me this 11th day of December, 1876.

A. C. SHAFFER,  
*Notary Public.*OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
*Columbia, December 15, 1876.*

I certify that the foregoing is a true copy of the original affidavit on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*U. S. AMERICA, DISTRICT SOUTH CAROLINA, *County of Barnwell* :

Personally comes before me L. W. Minns who, on oath, says that he was at Robbins polling-precinct on November 7, 1876, and held appointment as deputy marshal. The polls were opened about six o'clock, and voting proceeded till about noon. Up to that time there had been no actual disturbance, although considerable violent language and threats had been made against republicans. About twelve o'clock deponent heard three guns fired; saw white man with gun dodging behind the thicket on railroad. Then six more guns were shot off. The voting was being done in the depot, and the guns were fired at it. The bullets went through the building. All the white men ran to a little house near the depot and got guns and pistols. I went up to the crowd and commanded peace, and asked the assistance of fifteen of them to help me take the men who committed the riot. Dr. M. A. Turner, who seemed to be leading, ordered all the democrats to get their guns, and all republicans to stay back. They would give me no assistance, but attempted to shoot me, so I rode off down to Millet's where the

troops were, and asked the lieutenant for help. Did not get the troops, and staid at Millet's. Lieutenant Warwlok telegraphed to Captain McLaughlin for instructions, and the latter telegraphed to General Ruger. I did not hear the reply. At Millet's seven or eight white men came up after me, saying they had voted at Robbins, but the box was burnt up, and they claimed the right to vote again. They voted again.

L. W. MIMMS.

Sworn to before me this 13th November, 1876.

F. H. EATON,  
*United States Commissioner.*

UNITED STATES OF AMERICA, DISTRICT SOUTH CAROLINA, *County of Barnwell :*

Personally comes before me Benjamin G. Hughes, who, on oath, says that he was deputy United States marshal at Allendale poll, in Barnwell County, on November 7, 1876. The polls were not opened till seven and a half or eight o'clock. When they were opened a crowd of white men, known to be democrats, took possession of the house in which the voting was done, and filled up all approaches to the same in such a manner that no republicans could approach the box. This was continued until after noon, up to which time very few, if any, republicans had voted. Deponent made repeated application to the officer in command of the troops for assistance in clearing the way, but could obtain none until about one and a half o'clock, when, by request of Captain McLaughlin, the chairman of the democratic club made his men give way. The republicans then commenced to vote and continued until the closing of the polls at six o'clock, at which time a large number had not been able to vote. Deponent was unable to exercise any authority at the polls, as his official position was not respected in any respect. After the polls were closed he was surrounded, and threats made against his life until he was guarded into Captain McLaughlin's office.

BENJ. G. HUGHES.

Sworn to before me this 13th November, 1876.

F. H. EATON,  
*United States Commissioner.*

UNITED STATES OF AMERICA, DISTRICT SOUTH CAROLINA, *County of Barnwell :*

Personally comes Thomas H. Moses, who, on oath, says that he was supervisor of election at Allendale precinct on November 7, 1876. The polls were opened about eight o'clock. On the night before one of the managers, Cain Cave, was run away from his house by night-riders, and driven in a different direction from the polls, so he was unable to get back before the time stated. When the polls were opened they were entirely captured by the democrats. They crowded round them and allowed no republican to vote until two o'clock p. m. The entrance was through a narrow door, and the democrats took possession of that, and allowed no one to pass unless he wished to vote the democratic ticket. Deponent requested that the way might be cleared repeatedly, and asked the deputy marshal to use his official authority for the same purpose, but without effect. About two o'clock the republicans began to come in and vote, and each one was halted, delayed, and questioned by democrats inside the door, who had lists, and who allowed no one to come to the ballot-box until their inquiries had been answered. The polls were closed at six p. m. At that time there were about two hundred colored men, known to be republicans, who had not voted, not having an opportunity.

T. H. MOSES.

Sworn to before me this 13th November, 1876.

F. H. EATON,  
*United States Commissioner.*

UNITED STATES OF AMERICA, DISTRICT SOUTH CAROLINA, *County of Barnwell :*

Personally comes before me Wesley S. Dickson, who, on oath, says that he was at Red Oak precinct, on November 7, 1876, holding the position of supervisor of election. No republicans were allowed to come into the house where the box was without a great deal of trouble. A democrat, by name of Lee, stood with his arms across the door and kept them back. He was no officer and had no authority. Frequently a voter had to stoop down and pass under his arms. Persons were at the gate with pistols and knives in their hands. Deponent did not dare to challenge any one, although he knew that a great many were there from Georgia who voted once or twice or oftener.

WESLEY S. DICKSON.

Sworn to before me this 13th November, 1876.

F. H. EATON,  
*United States Commissioner.*

UNITED STATES OF AMERICA, DISTRICT SOUTH CAROLINA, *County of Barnwell :*

Personally comes before me Sumpter H. Blocker, who, on oath, says that he was supervisor of election at Millet's poll, in Barnwell County, on November 7, 1876. That

in starting to go to the polls on the night previous, with three other men, he was stopped at Furse's Mill by parties who told him the road was picketed ahead, and that no person professing to be a republican would be allowed to pass. At that time heard the reports of guns and pistols in every direction. Went back about a mile, and stopped till daybreak, then went on to Millett's. Found the polls open and about sixty votes polled. This was just after six o'clock. The colored republicans seemed very much demoralized. Whenever one of them would start to vote, a number of democrats would take hold of him, take his republican ticket away, and force him to vote the one they substituted. Heard such words as these, "If you don't vote this ticket, we will shoot you," &c. One old man said, "Please give me a little time to think, sir;" to which the reply was, "Damn you, you have had your whole life to think. Vote the democratic ticket, or it will be worse for you." Deponent saw personally at least a dozen cases of this character, and has knowledge of sixty or seventy-five men who were forced to vote against their wishes in this manner. There was no deputy marshal at this poll, and the officer in command of the troops said he had no authority to interfere in any way, except on application of a deputy marshal. For this reason, the colored republicans had no protection. Threats were repeatedly made against deponent for his action in his official capacity.

About twelve o'clock a crowd of white men, numbering from fifty to one hundred, surrounded the polls. The yelling was such that the manager's voice could not be heard. These men clasped hands and stood compactly, so that no republican could get near the box. This continued for half an hour or more, during which time none but democrats voted. About one o'clock my friends begged me to leave, as my life was in danger. I replied that we had better stay a little longer. About two o'clock about fifty or sixty mounted men, some of whom had pistols in their hands, came galloping up from the direction of Robbins. They came to the ballot-box on their horses and used all sorts of abusive language to deponent and the colored manager. They yelled and shouted at the top of their voices, saying that every damned nigger that voted the republican ticket would see hell before many days. Deponent leaned toward one of the managers, asking him what they should do for protection, when Seabrook Dunbar knocked him in the head, saying, "Damn you, no whispering here." About this time deponent went out to get something to eat, and saw in a store belonging to Mr. Dunn, on the same lot as the polling-place, fifty guns stacked. These guns were taken back to Georgia the day following.

Deponent heard from the cook that his life was in danger, and accordingly left about three o'clock. Rode thirty miles that night to save himself.

The following were the most prominent in acts of intimidation—proof can be furnished in every instance—viz: Stephen S. Furse, Seabrook Dunbar, H. D. Hankerson, L. H. Johnson, W. H. Easterling, J. R. James, Sandy Qdom, besides others.

S. H. BLOCKER.

Sworn to before me this 13th of November, 1876.

F. H. EATON,  
*United States Commissioner.*

STATE OF SOUTH CAROLINA, OFFICE SECRETARY OF STATE,  
*Columbia, December 11, 1876.*

I certify that the foregoing are true copies of the affidavits of L. W. Mims, Benjamin G. Hughes, Thomas H. Moses, Wesley S. Dickson, and Sumpter H. Blocker, now on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *Orangeburgh County:*

Before me personally came J. I. Pinckney, one of the managers at Fogle's poll, in Orangeburgh County, who, being duly sworn, says that he attended the polling of votes at Fogle's poll on the 7th November, 1876, and acted in his authority as manager; that at the close of the polls it was agreed by J. I. Pinckney, L. Jefferson, P. W. Riser, managers of said polls, in the presence of each other, that Larry Jefferson should take charge of the box containing the votes and deliver the said box to the commissioners of election at Orangeburgh.

J. I. PINCKNEY.

Sworn to before me this 9th November, 1876.

J. L. HUMBERT,  
*Notary Public, S. C.*

STATE OF SOUTH CAROLINA, *Orangeburgh County:*

Before me personally came Lewis Keefe, supervisor at Fogle's poll, in Orangeburgh County, who, being duly sworn, deposes and says that last night, after the votes were counted, one Larry Jefferson, manager, took the box in which the ballots were and ran

away with the same; that the said Larry Jefferson had no authority from the board of managers to take charge of said box, and that he has not been heard of since.

L. KEEFE.

Sworn to before me this 8th day of November, 1876.

I. L. HEIDTMAN,  
*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Office Secretary of State.*

I certify that the foregoing are true copies of the original affidavits of J. I. Pinckney and Lewis Keefe now on file in my office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

COLUMBIA, S. C., *December 11, 1876.*

STATE OF SOUTH CAROLINA, *County of Newberry :*

Personally appeared Peter L. Spearman, one of the managers of election for the county and State aforesaid, who, on oath, says that there was no irregularity in the management of the election, so far as the managers were concerned; but that the white people caused serious disturbance by challenging every vote, even those of long residents, for the express purpose as it appears of delaying the voting; that in consequence thereof a large number of colored men were compelled to walk a distance of sixteen miles to Newberry Court-House to vote, or else not vote at all. The white people came to the polling-precinct armed with shot-guns, and that there was no interference on the part of the military other than to preserve order.

All this was done at the voting-precinct of Williams's Store, in the county of Newberry, in township No. 7.

P. L. SPEARMAN,  
*Manager of Election.*

Sworn to before me this 14th day of November, 1876.

M. H. THOMAS, *Notary Public.*

STATE OF SOUTH CAROLINA, *County of Newberry :*

Personally came James R. Irwin and William W. Wallace, the one a manager and the other a supervisor of election at Williams's Store, in the above county and State, at the election held on the 7th November, 1876, who, being duly sworn, depose, each of them, and say that the box for the reception of votes at said precinct was not opened for the reception of votes, nor the election begun, until nearly seven o'clock a. m. on said day; and that one Hatter, a lieutenant in the Regular Army of the United States, with a number of soldiers under his command, was stationed throughout the entire day on said 7th day of November at said polling-precinct, and particularly at one time during the day he had almost complete and entire control of the conduct of said voting; that after the closing of the polls said Lieutenant Hatter was present at the counting of the votes polled, and gave instructions in relation thereto.

JAMES R. IRWIN.  
WILLIAM W. WALLACE.

Sworn to before me this November 13, 1876.

GEORGE JOHNSTONE, [L. S.]  
*Notary Public of South Carolina.*

STATE OF SOUTH CAROLINA, *County of Newberry :*

Personally came John C. Wilson, who, being duly sworn, upon oath says that, at the recent election held on the 7th day of November, 1876, he was one of the managers of election at precinct or box No. 2, Newberry Court-House, in the county and State aforesaid; that at 6 o'clock on the evening of said day, when the polls were closed and before the counting of the votes began, the door of the building in which said box was placed was closed, and that said door remained closed during the entire time occupied in counting said votes.

JOHN C. WILSON.

Sworn to before me November 13, 1876.

Y. J. HARRINGTON,  
*Notary Public.*

STATE OF SOUTH CAROLINA, *County of Newberry :*

Personally came Jefferson E. Brown, who, being duly sworn, upon oath says that, at the recent election held on the 7th day of November instant, he was one of the United States supervisors of election at precinct or box No. 2, Newberry Court-House, in the county and State aforesaid; that at six o'clock on the evening of said day, when the

polls were closed, the door of the building in which said box was placed was closed and securely fastened from the inside, all persons except the managers, their clerk, and the supervisors being first excluded from said building; and that during the whole of the time of the counting of the votes cast at said box said door remained closed and fastened, and the citizens were prevented from seeing the counting of said votes.

J. E. BROWN.

Sworn to before me November 13, 1876.

Y. J. HARRINGTON,  
Notary Public.

STATE OF SOUTH CAROLINA, *County of Newberry:*

Personally came Harry B. Scott, who, being duly sworn, upon oath says that, at the recent election held on the 7th day of November, 1876, he was one of the supervisors of election at precinct or box No. 2, Newberry Court-House, in the county and State aforesaid; that at six o'clock on the evening of said day, when the polls were closed, the door of the building in which said box was placed was closed and securely fastened from the inside, all persons except the managers, their clerk, and the supervisors being first excluded from said building; and that during the whole of the time of the counting of the votes cast at said box said door remained closed and fastened, and the citizens were prevented from seeing the counting of said votes.

H. B. SCOTT.

Sworn to before me November 13, 1876.

Y. J. HARRINGTON,  
Notary Public.

STATE OF SOUTH CAROLINA, *County of Newberry:*

Personally came W. D. Hardy before me, and made oath that he was one of the supervisors of election at the voting-precinct at Maybinton, on the 7th of November, A. D. 1876, and that the polls were not opened until nearly 7 o'clock a. m. on the said day; and this deponent further saith that at least two-thirds of the voters who cast their ballots at the said place on the said day were not sworn.

W. D. HARDY.

Sworn to before me this 13th of November, A. D. 1876.

[SEAL.]

GEORGE JOHNSTONE,  
Notary Public of S. C.

STATE OF SOUTH CAROLINA, *County of Newberry:*

Personally came J. B. Campbell before me, and made oath that he resides in the State and county aforesaid, and that he was one of the supervisors of election at Jalapa, in the county aforesaid, on the 7th of November, A. D. 1876, and that the following voters, citizens of Laurens County, voted at Jalapa, on the said 7th day of November, A. D. 1876: Jim Williams, W. O. Gerie; and this deponent further saith that the following voters under the ages of twenty-one cast their ballots at the said place on the aforesaid 7th of November: Brooks Clark, Henry Kinard, Jonas Kinard, Monroe Turner, Joe Hunter, Warren Cannon, John Birds, Bob Suber; and this deponent further saith, that J. B. Johncan, of the State and county aforesaid, at Jalapa, on the said 7th day of November, did intimidate voters, thereby preventing them from exercising the free right of suffrage; and that after the polls had been closed, and whilst the votes were being counted, two of the managers of election were asleep.

JOHN B. CAMPBELL.

Sworn to before me this 7th of November, A. D. 1876.

[L. S.]

GEORGE JOHNSTONE,  
Notary Public of S. C.

OFFICE SECRETARY OF STATE SOUTH CAROLINA,  
Columbia, December 14, 1876.

I certify that the foregoing are true copies of the affidavits from Newberry County, now on file in my office.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

STATE OF SOUTH CAROLINA, *County of Williamsburgh:*

R. G. Garey, on oath, says that he is a citizen of the State of South Carolina, residing in Williamsburgh County; that he was duly appointed one of the managers for Sutton's precinct, in said county, for the election held on the 7th day of November last past and performed his duties as such; that at said election there were 142 votes cast for the following electors of President and Vice President of the United States, to wit: Christopher C. Bowen, John Winsmith, Thomas B. Johnston, Timothy Hurley, William B. Nash, Wilson Cook, William F. Myers—and there were also 80 votes cast for the



following electors for President and Vice-President of the United States, to wit: T. G. Barker, Samuel McGowan, J. W. Harrington, J. J. Ingram, J. H. Erwin, J. W. Evans, Robert Aldrich; and that although the returns of the managers of the election for that precinct, signed by this deponent and the two other managers, set forth the votes in the following words, to wit: "republicans, 142; democrats, 80," yet the votes were in every case given for seven electors, either those known as republicans or those known as democrats, and the manner of setting forth the votes in the managers' returns was, as was well understood by the managers, for the purpose of saving time in making up the said return.

R. G. GAREY.

Sworn and subscribed to before me this 6th day of December, 1876.

R. F. SCOTT,  
*Trial-Justice.*

STATE OF SOUTH CAROLINA, OFFICE SECRETARY OF STATE,  
*Columbia, December 11, 1876.*

I certify that the foregoing is a true copy of the original on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *Abbeville County:*

We, the undersigned managers and supervisors, appointed to conduct an election on the 7th day of November, 1876, at Mrs. C. T. Haskell's in Magnolia Township, met at the appointed time and place at 6 o'clock a. m., and being informed by W. P. Sanders that the papers in his charge necessary for conducting the said election were misplaced or lost by him, which prevented the opening of the box at the proper time, as some time was consumed in making search for the said papers; and we further made an effort to procure paper for registering voters, &c., and could not in time.

We further exonerate said W. P. Sanders from all blame in losing said papers.

We further declare that we notified the voters at 7 o'clock a. m. of the above facts.

E. CALHOUN, *Chairman.*  
W. P. SANDERS.  
AARON SHERDAN.  
SAMUEL J. HESTER, *Supervisor.*  
E. D. PATTEN, *Supervisor.*

OFFICE SECRETARY OF STATE SOUTH CAROLINA,  
*Columbia, December 15, 1876.*

I certify that the foregoing is a true copy of the original on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *Georgetown County:*

Personally appeared before me, J. Harvey Jones, a trial-justice in and for said county and State, John A. Howard, chairman of the board of commissioners of election for the said county, who, being duly sworn, deposes and says that he was elected chairman of the board of canvassers of election for the said county, and that on Wednesday, November 8th, 1876, the box containing the ballots cast at the Brown's Ferry poll, Black River precinct, said county and State, was delivered into his custody by William Vereen, manager of election for said poll. The box was sealed and secure, and upon inspection by the board of county canvassers of election, was found and deemed to be in proper condition, after which time Mr. J. W. Taxbox, J. H. Detyens, R. E. Fraser, nor any other person or persons attempted to examine the said box; that upon the inspection of the said box by the county canvassers no sign was evident of an attempt by any person to tamper with the box or the ballots deposited therein; that the managers and clerk were duly qualified, and no irregularities in the election at the said poll were formally reported to the board, save through persons who were not present at the said poll at any time during the 7th day of November, 1876.

JNO. A. HOWARD.

Sworn to before me this 15th November, 1876.

J. HARVEY JONES,  
*Trial-Justice, S. C.*

SOUTH CAROLINA, *Georgetown County:*

Personally appeared before me, J. Harvey Jones, trial-justice in and for said State and county, R. P. Small and W. C. Eady, managers of election, Club-House, Santeee polling-precinct, county and State aforesaid, and C. H. Munnerlyn, clerk of said board of managers of said poll, who, being duly sworn, depose and say that, on Tuesday, November 7, 1876, they were at the poll the entire day; saw no confusion whatever; heard not a single threat against any one who might vote the ticket of his choice; saw

no clubs or guns or other weapons that might be used to intimidate, deter, hinder, or prevent any person or persons from the free exercise of his rights, privileges, and franchise as an American citizen or citizens; that there were three tickets at the poll, two of which were headed with Daniel H. Chamberlain and republican nominees for other State offices, and one with Wade Hampton for governor and the democratic nominees for other State offices, each ticket, however, differing as to the candidates for county officers and the general assembly, the democratic ticket bearing the name of R. Dozin for the senate, one republican ticket the name of Bruce H. Williams and the other that of W. H. Jones for the State senate.

We heard no objection raised against any one voting either of the said tickets, but that voters could and did vote each of the said tickets without fear or molestation; that no women were at the poll to disturb or control voters; that the election at the said poll passed off as quietly and peaceably as any they had ever seen, and that prominent white citizens, (democrats,) A. W. Cordes, democratic manager, W. J. Lucas, U. S. supervisor, A. G. Trenholm, and others, and scores of respectable colored citizens, remarked publicly that the election was conducted at said poll quietly and creditably; that those who voted the regular republican ticket did so from their own free will and choice, and not from the slightest intimidation, force, threats, or deception. The only deception at the poll was that practiced by the democratic party in the circulation of a ticket, the fac-simile of the regular republican ticket, headed with the words, "Union Republican Ticket," and bearing the names of the national, State, and county democratic nominees.

R. P. SMALL.  
W. C. EADY.  
C. H. MUNNERLYN.

Sworn to before me this 14th November, 1876.

J. HARVEY JONES,  
*Trial-Justice.*

**SOUTH CAROLINA, Georgetown County :**

Personally appeared J. Harleston Read, esq., who, being duly sworn, says that he was the supervisor of election at Barfield, Pedee precinct, on the 7th day of November instant, and that deponent is informed and believes that the following persons, to wit, Hector Ford, Mathew Hasbun, Michael Mitchell, Gilbert Lee, Bristow Sweet, Sam White, and Robert Gadsden, did on that occasion vote at said poll, and that they were not duly qualified as electors; the first five of whom were challenged and voted notwithstanding that, and without adducing proof of their majority.

J. HARLESTON READ.

Sworn to before me this 11th November, 1876.

J. JENKINS HINKS,  
*Trial-Justice.*

**SOUTH CAROLINA, Georgetown County :**

Personally appears before me J. Harleston Reid, who makes oath that he was supervisor of election at Birdfield, on Pedee precinct, on the 7th day of November, and that deponent is informed that on that occasion one Primus Young attempted to force one Abner Young, against his will and inclination, to vote the republican ticket, as while the said Abner Young was in the act of voting the democratic ticket, and while at the ballot-box, the said Primus Young did forcibly kick him because he chose to exercise his free will in the matter, and did otherwise attempt to offer insult to said Abner Young, with the intent, as deponent believes, to intimidate him from voting the said democratic ticket.

J. HARLESTON REID.

Sworn to before me this 11th November, 1876.

J. JENKINS HINKS,  
*Trial-Justice.*

OFFICE SECRETARY OF STATE, STATE OF SOUTH CAROLINA,  
Columbia, December 14, 1876.

I certify that the foregoing are true copies of the affidavits from Georgetown County on file in my office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

*To the board of State canvassers of South Carolina, Columbia, S. C. :*

The undersigned, commissioners of election of Oconee County, South Carolina, respectfully state that at the time of the signing of the statements by them of the result of the election herewith transmitted, they protested against the count of the boxes at Westminster and Wagner precincts, and they hereby protest against the same being counted for the following reasons:

1. That many of the persons who voted at said Wagner precinct, in the town of

Walhalla, were from North Carolina and Georgia, and in sufficient numbers to render the result of the election by the legally-qualified voters at said box uncertain.

2. That at the box at Westminster precinct (Tugaloo Township) many persons were prevented from voting the ticket of their choice by different methods of intimidation, such as being compelled to show their tickets before voting. Numbers were deprived of their vote because they preferred not to show their tickets. This was done by the authority of one of the managers.

3. At both of said precincts riotous demonstrations and cursing and abuse were frequent, and were intended to prevent, and did prevent, a full and fair election.

We further and in conclusion say, in explanation of our having signed the statement of the result of the election as commissioners of election, that we were induced to do so by representations made to us by those whom we consulted for legal advice upon the subject, in the absence of specific knowledge on our part in reference to this matter, to the effect that our failure to so sign the statement would make us amenable to the penal law for violation of our duty as said commissioners.

ALEX. BRYCE, JR.,  
JOHNSON WRIGHT,

*Commissioners of Election of Oconee County, South Carolina.*

NOVEMBER 10, 1876.

STATE OF SOUTH CAROLINA, *Richland County :*

Personally appeared before me Alex. Bryce, jr., who, being duly sworn, says that the statements contained in the protest against the return of the commissioners of election, jointly signed by Johnson Wright and deponent, are true of his own knowledge so far as they refer to the Walhalla box (Wagner Township) of Oconee County, and that so far as they refer to the Westminster box, he believes them to be true.

ALEX. BRYCE, JR.

Sworn to and subscribed before me this November 11, 1876.

[SEAL.]

H. H. D. BYRON,

*Notary Public, South Carolina.*

SOUTH CAROLINA, *Oconee County :*

Jesse F. Cox this day personally appeared before me, and, after being duly sworn, deposes and says that he was at Fairplay box, as deputy United States marshal, on the 7th of this month, at the election. There was all kinds of threats, of abuse, of intimidation of general nature was used, for which I, as deputy marshal, was powerless to prevent. There was no free or fair election at that box; if there had been, the result would have been different. A large number that wanted to vote the republican ticket went off without voting at all.

J. F. COX,

*Deputy United States Marshal.*

Sworn to before me this November 14, 1876.

A. BRYCE, JR.,

*Notary Public South Carolina.*

STATE OF SOUTH CAROLINA, *County of Richland :*

Personally appeared before me, a notary public for the State of South Carolina, Robert S. Knight, deputy United States marshal, residing at or near Westminster, Oconee County, who, being duly sworn, deposes and says: I was present on the 7th day of November instant, at the voting-precincts of Westminster, Walhalla, and West Union. I went first to Westminster precinct for the purpose of voting, but was prevented from voting by sundry persons known to this deponent, who drew their pistols and threatened deponent's life. I then returned to my residence with my wife, and from there proceeded to Walhalla for the purpose of voting at that box, but was prevented from voting there by the great crowd of democrats who blocked up the passage-way to the box. I saw as many as twelve colored voters prevented from voting by the crowd who surged about the box, crowding republicans out of the room. At the Westminster box, deponent saw several persons known to him to be residents of the State of Georgia deposit their ballots in the box in violation of the law of the State.

Deponent proceeded to West Union precinct, where he was allowed to vote un molested. Deponent was thus obliged to go twelve miles to vote instead of voting at the nearest polling-precinct, only three miles from his residence.

ROBERT S. KNIGHT,

*Deputy United States Marshal.*

Sworn and subscribed to before me this 17th November, 1876.

[SEAL.]

JNO. B. DENNIS,

*Notary Public, South Carolina.*

SOUTH CAROLINA, *Oconee County* :

Emery McDow this day personally appeared before me, after being duly sworn, deposes and says that he was manager at Westminster box; that William Stubbing, the democratic manager at box, kept up all day the abuse of every republican was d—n thieves and rogues, and made all of the voters open their ticket, and a democrat take the names of the rogues. They use all kinds of abuse, cursing and abusing the party, causing a great many to vote contrary to their wish, or leaving the polls without voting at all. The democrats lead some up and made them vote the democrat ticket. There was a great many from Georgia and North Carolina voted the democrat ticket. There was no fair election at that box; if there had been, that box would have resulted in favor of the republicans.

EMERY McDOW.

Sworn and subscribed before me this November 14, 1876.

A. BRYCE, JR.,  
*Notary Public.*SOUTH CAROLINA, *Oconee County* :

Roland Long personally appeared before me, and, after being duly sworn, deposes and says that he was deputy United States marshal, acting at the court-house in this county on the 7th day of this month. Deponent saw several men from Georgia and North Carolina voting the democratic ticket, and also from the Newberry College. The democrats were abusing and cursing the republicans for liars, thieves, and rogues, causing some to vote the democratic ticket, or leave the polls without voting. Deponent was powerless, as deputy marshal, to keep order, so that a free and fair election could be had. If a free and fair election had been had at this box, the result of the vote would have been uncertain.

ROLAND LONG.

Sworn to before me this 14th November, 1876.

ALEX. BRYCE, JR.,  
*Notary Public.*

OFFICE, SECRETARY OF STATE, COLUMBIA, S. C., December 14, 1876.

I certify that the foregoing are true copies of the original affidavits of officials in Oconee County, now on file in my office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*SOUTH CAROLINA, *Marlborough County* :

Personally appeared Thomas David, sr., one of the managers of election at Hebron precinct, in the State and county aforesaid, who, being duly sworn, says on oath :

1. That at said precinct, on Tuesday, the 7th of November, 1876, there were about three hundred and forty-nine votes cast, of which ninety were colored. This was in the election for national, State, and county officers.

2. That out of the above number the union republican ticket only received about twenty-one votes.

3. That, according to the best of deponent's knowledge and belief, undue influence was used on the minds of a considerable number of the voters at said precinct, as will appear from the following circumstances which came under my own observation :

1. I saw money paid to men in a number of instances. I would see the man vote the democratic ticket, and then see the money paid to him.

2. In a great many instances men were led up and made to vote the democratic ticket, under circumstances which satisfied me they were not voting according to their own choice. For instance, a colored man would come up with a white man on each side of him, guarding him, and would present every appearance of voting unwillingly.

3. That deponent, one of the managers of election at said precinct, while in the discharge of his official duty, was cursed, abused, and threatened by the democrats, and this course of conduct continued during the day. They threatened to shoot deponent's d—d head if he would turn it; wanted to know what he and another colored man present (a supervisor) were there for; said they were going to run that shebang, and that they would take deponent's place at the box. This was done, according to the best of deponent's knowledge and belief, simply because he objected to receiving the votes of certain persons he considered under age.

4. Deponent further says that intoxicating liquors were used by the democrats in the immediate vicinity of the polls, from an early hour in the day until the closing of the polls. The managers of election were surrounded by a crowd of drunken men, so that it was entirely impossible to maintain any semblance of order.

his  
THOMAS + DAVID, SR.  
mark.

Sworn to before me this 15th November, 1876.

J. WESLEY SMITH,  
*Trial Justice.*

Personally comes Calvin T. Stubbs, one of the supervisors of election at Hubron precinct, who makes oath that he was present at said precinct at the general election held on the 7th November instant, and that he has heard the foregoing affidavit of Thomas David, sr., read, and that he fully agrees with him as to the facts therein stated.

C. T. STUBBS,  
*Supervisor.*

Sworn to before me this 15th November, 1876.

J. WESLEY SMITH,  
*Trial-Justice.*

OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
*Columbia, December 14, 1876.*

I certify that the foregoing are true copies of the originals on file in my office.

H. E. HAYNE,  
*Secretary of State.*

[SEAL.]

SOUTH CAROLINA, *Aiken County:*

Personally appeared before me Peter A. Waggiels, who, being duly sworn, says that he was a deputy marshal of the United States on the day of the general election in South Carolina, and that he went to the Fountain Academy voting-precinct, in the county of Aiken, about 5 o'clock in the afternoon of the day aforesaid, and deponent remained at said precinct until about 7 o'clock p. m. of the same day.

About 6 o'clock p. m. of the 7th day of November, 1876, when the managers were about to close the polls, a crowd of about fifteen or twenty white men came up to said precinct and demanded of the managers to be allowed to vote, and when the managers informed them that the time for closing the polls had arrived, the crowd cursed the managers and swore that they would vote, and compelled the said managers, by their cursing and threats, to keep the poll open until they all voted except one, John F. Murray, who, after being sworn, went out of the house without voting. Deponent further says that he believes that, had the managers refused to keep the polls open and allowed the said crowd to vote, the said managers would have been killed, and there would have been a riot.

Deponent further says that himself and the other United States marshal present could not keep the peace, and could not have protected the citizens at said precinct, if the managers had attempted to close the poll at 6 o'clock, as required by law.

PETER A. WAGGIELS,  
*Deputy United States Marshal.*

Sworn to before me this 10th day of November, 1876.

GEO. C. CLYDE,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA, *Aiken County:*

Personally appeared before me George G. Brodie, who, being duly sworn, says that he was one of the managers of election of the Fountain Academy precinct, in Aiken County, and that D. W. Johnson and J. F. Courtney were the other two managers at said precinct. Deponent further says that he has read the affidavit of D. W. Johnson, and to deponent's own knowledge the facts therein contained are true.

G. G. BRODIE.

Sworn to before me this 9th November, 1876.

GEO. C. CLYDE,  
*Notary Public, South Carolina.*

OFFICE SECRETARY OF STATE,  
SOUTH CAROLINA, *December 14, 1876.*

I certify that the foregoing affidavits of Peter A. Waggiels and G. G. Brodie are true copies of the originals on file in my office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *Darlington County:*

Personally appeared before me C. H. Race and W. H. Jamison, who, being duly sworn, say that C. H. Race was manager of election and W. H. Jamison was supervisor of election at the Society Hill poll, Darlington County, on the 7th day of November, 1876, and that they each saw Pluckney Hursey, (the person named in the affidavit of W. A. Carrington and W. H. Jamison of 13th November, 1876,) William Marshall, (the person named in the affidavit of John S. McCall of 13th November, 1876,) Patrick Antram, (the person named in the affidavit of E. T. Coker of 13th November, 1876,) Charles Terry, (the person named in the affidavit of W. H. Jamison of 13th November, 1876,) Jordan Zimmerman, Randolph Ruffin, jr., Stephen Brown, Henry Hills, (or Hill,) and also Robert

Brown, (the persons named in the affidavit of W. H. Evans of 13th November, 1876,) Lawrence Williams, (the person named in the affidavit of John Witherspoon of 13th November, 1876,) Peter Griggs, (the person named in the affidavit of W. A. Carrigan of 13th November, 1876,) Alexander (or Sandy) Ross, (the person named in the affidavits of W. A. Carrigan and W. H. Jamison of 13th November, 1876,) Robert Coit, (the person named in the affidavit of John S. McCall of 13th November, 1876,) Shedraek Shields and Alfred Linsey, (the persons named in the affidavits of C. H. Race, William A. Carrigan, W. H. Jamison, and W. H. Evans of 13th November, 1876,) all vote at said poll on said 7th day of November instant, and that all and each of them voted the republican ticket.

CHAS. H. RACE.  
W. H. JAMISON.

Sworn to and subscribed before me this 14th day of November, 1876.

J. J. WARD, *Notary Public.*

OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
Columbia, December 15, 1876.

I certify that the foregoing is a true copy of the original affidavit on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *Darlington County:*

J. G. Gatlin and William Marshall, on oath, say, each of them for himself only, that they are citizens of the State of South Carolina, residing in Darlington County; that they were duly appointed managers of Darlington Court-House, No. 27 precinct, in the said county, for the election held on the 7th day of November last past, and duly performed their duties as such; that at said election there were cast 32 votes for the following candidates for electors of President and Vice-President of the United States, to wit, T. G. Barker, Samuel McGowan, John W. Harrington, J. J. Ingram, John H. Erwin, William Wallace, Robert Aldrich; and there were also cast 445 votes for the following seven candidates for electors of President and Vice-President of the United States, to wit, C. C. Bowen, John Winsmith, T. B. Johnston, Timothy Hurley, William B. Nash, Wilson Cooke, William F. Myers; that immediately after the election the said managers prepared a written statement of the result of the election in said precinct, and intended to sign the same; and that if the said statement was not signed by them, as they have been since informed, it was entirely an oversight, as it was the purpose of the said managers to sign the same. And the said J. G. Gatlin further says that he, being chairman of the board, and being designated by the board for that purpose, delivered to the commissioners of election for that county, within three days after the election, the poll-lists, the box containing the ballots, and the said written statement.

J. G. GATLIN.

his  
WM. + MARSHALL.  
mark.

Sworn and subscribed to this 4th day of December, 1876, before me.

[L. s.]

J. P. BROCKINTON,

*Trial-Justice.*

STATE OF SOUTH CAROLINA, OFFICE SECRETARY OF STATE,  
Columbia, December 11, 1876.

I certify that the foregoing is a true copy of the original now on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *County of Sumter:*

Personally appeared before me Henry J. McLaurin, who, being duly sworn, deposes and says that he is a citizen of the State of South Carolina, and a legal voter of said county, residing in Raftin Creek Township in said county at the present time, and was appointed a United States supervisor at Raftin Creek precinct, to attend there on election-day, the 7th of November instant; that he remained at said poll or precinct all of said day, and knows all of the transactions at said poll; that the poll was not opened on the morning of said election-day at six o'clock in the morning, as required by law, but was opened at about twenty minutes after seven o'clock on said morning, one hour and twenty minutes after the proper time; that Marion Sanders was appointed as clerk at the said precinct or poll, but that he did not take the oath of office as said clerk as required by law, and the managers at said precinct did not administer to the said Marion Sanders, or require him to take, the oath so required by law; that the said Marion Sanders, acting as clerk, though not sworn as such clerk, kept the only poll-list at such poll or precinct at said election on said day.

That the box used at said poll at said election-precinct had more than one opening in its lid, and the openings aforesaid were larger than is allowed and prescribed by law; that there was an adjournment of the board of managers at said precinct during said election between the time when the polling or voting at said precinct commenced and the time when said voting ended, and there was an interruption in said election of one hour, during which time all the managers, supervisors, and clerk left the polls and the box containing the ballots cast at said precinct unguarded.

That a large company of men, armed with muskets and guns, marched up near the polls aforesaid, in martial order, commanded by officers; that they stacked their arms near the polls, and marched up in a body to said polls and deposited their ballots; that each one of said men, so armed as aforesaid, had a haversack hung upon his right shoulder, which haversack deponent supposed to contain ammunition, and deponent believes that the demonstration so made intimidated sundry persons at said polls and hindered them from voting.

That another company of men marched up near to the said polls in martial order, with fife and drum, under command of officers, and deposited their ballots at said poll; and that deponent believes that the demonstration so made intimidated sundry persons and hindered them from voting.

That sundry persons known to deponent to be minors, and others known to deponent to be of unsound mind, and others who were non-residents, were allowed by said managers to vote at said poll at said election, notwithstanding they were challenged by sundry persons.

That the said Marion Sanders, acting as clerk as aforesaid, administered to 352 of the persons who offered to and did vote at said poll the oath prescribed by law to be administered to each voter before voting, and that such oath was not administered to any of the said 352 persons by any of the said managers at said poll.

That at the close of said election, the ballots deposited in the said box, at the said precinct, on the said day, were taken out and assorted according to the respective colors of said ballots; the red ballots were placed together on one side and the white ballots were placed together in another heap, apart from the red ballots; that the said ballots were not read, that is to say, the names of the persons voted for thereon for the respective offices were not all read out, nor was there any counting of any of said ballots according to law, but that the red tickets or ballots (which red ballots were printed in red color on white paper) were counted as votes for each and all of the persons known to be candidates for the various offices on the republican ticket; and the said white ballots (which were printed in black color upon white paper) were counted as votes for each and all of the persons known to be candidates for the various offices on the democratic ticket; and it was not ascertained by inspection of each of the said ballots that they were votes for the respective persons for whom they were counted.

H. J. McLAURIN.

Sworn to before me this 13th day of November, 1876.

E. C. GREEN, JR.,  
*Notary Public.*

OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
*Columbia, December 15, 1876.*

I certify that the foregoing is a true copy of the original affidavit on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *Fairfield County:*

Calvin Brice, John McClerkin, and Rufus Lumpkin, on oath say, each of them for himself only, that they are citizens of the State of South Carolina, residing in Fairfield County; that they were duly-appointed managers of election for Youngsville precinct, in the said county, for the election held on the 7th day November last past, and duly performed their duties as such; that at the said election there were cast 313 votes for each of the following seven candidates for electors of President and Vice-President of the United States, to-wit: C. C. Bowen, John Winsmith, T. B. Johnson, Timothy Hurley, William B. Nash, Wilson Cooke, William F. Myers; and there were also cast 278 votes for each of the following seven candidates for electors of President and Vice-President of the United States, to-wit: T. G. Barker, Samuel McGowan, J. J. Ingram, William Wallace, J. T. Erwin, Robert Aldrich, J. W. Harrington. That immediately after the said election, the said managers prepared a written statement of the result of the election in said precinct, and intended to sign the same; and if the said statement was not signed by them, as they have since been informed, it was altogether through an oversight, as it was fully the purpose of the said managers to sign the same; and the said John McClerkin further says that he, having been designated by the said board for that purpose, delivered to the commissioners of election for the said

county within three days after the election, the poll-lists, the boxes containing the ballots, and the said written statement.

CALVIN BRICE.  
R. W. LUMPKIN.  
JOHN McLURKIN.

Sworn and subscribed to before me this 11th day of December, 1876.

THOMAS WALKER,  
*Trial-Justice.*

OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
Columbia, December 15, 1876.

I certify that the foregoing is a true copy of the original affidavit, on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *Georgetown County :*

Joseph E. Collins, John Shackelford, and \_\_\_\_\_, on oath say, each of them for himself only, that they are citizens of the State of South Carolina, residing in Georgetown County; that they were duly appointed managers of the Georgetown precinct, in the said county, for the election held on the 7th day of November last past, and duly performed their duties as such; that at said election there were cast 636 votes for the following candidates for electors of President and Vice-President of the United States, to wit: C. C. Bowen, 636; John Winsmith, 636; T. B. Johnston, 636; Timothy Hurley, 636; William B. Nash, 636; Wilson Cook, 636; William F. Myers, 636; and there were also cast votes for the following seven candidates for electors of President and Vice-President of the United States, to wit: Theodore G. Barker, 297; Samuel McGowan, 298; John W. Harrington, 299; John J. Ingram, 299; William Wallace, 299; J. T. Ervin, 299; Robert Aldrich, 299. And that immediately after the election the said managers prepared a written statement of the result of the election at the said precinct; and the said Joseph E. Collins further says that he, being chairman of the said board of managers, being designated in writing by the board for that purpose, delivered to the commissioners of election of that county, within three days after the election, the poll-list, the box containing the ballots, and the said written statement.

JOS. E. COLLINS,  
*Chairman Board Georgetown Precinct.*  
JOHN H. SHACKLEFORD.

Sworn and subscribed to before me this 7th day of December, 1876.

R. O. BUSH,  
*Probate Judge.*

OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
Columbia, December 15, 1876.

I certify that the foregoing is a true copy of the original affidavit, on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA, *Edgefield County :*

Personally comes before me Dennis Sullivan, United States supervisor, who, on oath, says that he was United States supervisor at Shaw's Mill precinct, and was at said place November 7, 1876, to discharge his duty. That before six o'clock he saw a crowd of white democrats unloading a wagon which was loaded with guns. That the voting was commenced down stairs, and the box was carried up stairs against the will of the republican manager; that when the box was brought down stairs it was carried some other way; he saw it brought from behind the house by Joseph Merriwether, the democratic manager. That there was only one republican manager to act. Joseph Merriwether took the blank oath out of the box which was for the other republican manager to take, and put it in his pocket and would not allow the republican manager to take it. That not a republican could get to vote for at least an hour when the poll was first opened. That the democrats would not allow some republican voters to vote who were legal and justified voters to his knowledge. That white men came there and voted who were not known by any of the election officers, and they refused to give their names, but would say to the clerk, who was a democrat, "You know my name." Deponent is satisfied that Georgians voted at Shaw's Mill on the 7th of November, 1876, in the State and county aforesaid. That he could not challenge any voter but colored men, as his life was threatened by Joseph Merriwether. That two strangers came up and voted without taking any oath. That no clerk was elected or sworn. That some



one stood between the clerk and manager all the while, and when the votes were counted there were twenty-seven tickets in the box more than names, and all of the twenty-seven votes overplus were not drawn out. That Joseph Merriweather took the box and did not seal it, and he did not know that it was locked.

D. S. SULLIVAN,  
United States Supervisor.

Sworn to before me this 13th day of November, 1876.

JESSE JONES, C. C. C. P.

**SOUTH CAROLINA, Edgefield County:**

Personally appeared before me the undersigned deponent, Seabron Merreweather, manager, who, being duly sworn, made oath as follows: That Joseph Merreweather, democratic manager, took the box from him, (Seabron Merreweather, republican manager,) and then Joseph Merreweather had both box and key, and then Joseph Merreweather carried said box off a short distance and took out the blank oath which was for the other republican manager to take, and thereby defeated his acting as such manager that day.

The voting was commenced down stairs, and Joseph Merreweather took the box, carried it up stairs, and had it in his exclusive possession for about thirty minutes, while I and the United States marshal were protesting against carrying said box up stairs; and when the box was brought down it was carried behind the house, and the table and chair were brought down the same way it went up. Joseph Merreweather carried the box around the house.

Deponent was intimidated, and not allowed to challenge any voter, except a colored man who he thought was an illegal voter; that white voters came up and refused to give their names, and said to the clerk, who was a democrat, "You know my name."

When the poll was closed, Joseph Merreweather took the box off without sealing it and without locking it, so far as he knows, and he did not feel safe in questioning anything Joseph Merreweather did; that he pronounces the election at Shaw's precinct or polling-place unfair, and it should not be counted. Hence he enters his solemn protest against the same.

SEABRON MERREWEATHER.

Sworn to before me November 13, 1876.

JESSE JONES, C. C. C. P.

**SOUTH CAROLINA, Edgefield County:**

Before me comes H. W. Thomas and Sampson Pope, who, being duly sworn, make oath that they are the managers appointed to attend at the Mount Willing precinct.

First. That there was not a fair election at said precinct, and that we were prevented from discharging our duties as we were sworn to do, to wit: we were intimidated by the democrats and prevented from ordering the clerk to sit in our presence. The clerk was a democrat, and he was made to sit out of our presence, and we were not allowed to object. The democratic party voted more than one ticket to a man, and we know not how many names the clerk wrote down to correspond with the double tickets. We were both born and raised in that settlement, and men voted there whom we never saw there before. We know that repeating was done, and that minors voted. Hence we enter this our most solemn protest against the election at said precinct.

H. W. THOMAS.  
his  
SAMPSON + POPE.  
mark.

Sworn to before me this 9th November, 1876.

JESSE JONES, C. C. C. P.

**STATE OF SOUTH CAROLINA, Edgefield County:**

Personally appeared before me Wallace Morgan, supervisor for box No. 1, Edgefield Court-House, who, being duly sworn, deposes and says that he appeared at box No. 1, about six o'clock on the morning of November 7, to act in the capacity of supervisor. That when he reached the court-house (village) it was crowded to its utmost capacity with armed white men; that he expected the box to be opened under the arch of the court-house steps, the place designated by the commissioners of election for Edgefield County. That he was informed the box had been taken up stairs by one of the managers. That during the entire day the court-house and court-house steps were so crowded with white men that numbers of colored men were forced off the steps while trying to reach the poll. That during the entire day, the ground around the court-house steps was so occupied with horsemen that it was impossible for colored men to push their way through to the poll. That box No. 1, at the court-house, is a place where the colored voters have always polled from 800 to 900 votes, but owing to facts

enumerated above, only 35 or 40 colored men voted at this place on the 7th of November instant. That about four o'clock in the afternoon, the court-house steps and portico were occupied by speakers from the democratic party, and several speeches were delivered to the horsemen then surrounding the steps.

That during the day many strangers to this deponent voted at box No. 1. That deponent is a resident of Edgefield County, has resided in this county all his life, being 30 years of age, and is well acquainted with most of the voters of said county.

That owing to the facts set forth, this deponent is compelled to swear that the election held at this precinct was unfair, and that the votes here polled should not be counted.

W. A. MORGAN.

Sworn to before me this 14th day of November, 1876.

JESSE JONES, C. C. C. P.

STATE OF SOUTH CAROLINA, *Edgefield County* :

Personally appeared before me Ambrose Cartledge, who, being duly sworn, says on oath that he was United States marshal at Tolbert Store precinct, and a great many voted there that he was not acquainted with, and he is perfectly acquainted with the whole settlement, and he is one of the county officers for that section of the country, and has been for two years, and he can swear that he saw men vote there who, as he is informed by managers at other voting-places, voted elsewhere.

Deponent further swears that he saw numbers of men from Georgia that he is personally acquainted with, and he is perfectly satisfied that men from the State of Georgia, who were not legal voters in this State, voted at said precinct.

Deponent further swears that when these strangers presented themselves as voters, they would not give their names openly but whispered their names to the clerk, who wrote them down as given by these parties; that he remonstrated against this mode of voting by appealing to one of the managers and the supervisor, and that the said supervisor and the manager said if they undertook to put a stop to it it would cause a row, and therefore they were afraid to interfere. Deponent further swears that he was present at this precinct during the entire day, and believing, as he does, that many persons voted there who were not legal voters in this State and county, enters his solemn protest against the counting of the ballots polled at such precinct by the commissioners.

A. CARTLEDGE.

Sworn to before me this 9th day of November, 1876.

JESSE JONES, C. C. C. P.

STATE OF SOUTH CAROLINA, OFFICE SECRETARY OF STATE,  
*Columbia, December 11, 1876.*

I certify that the foregoing are true copies of the original affidavits of Dennis Sullivan, Seaborn Merriweather, W. H. Thomas, Sampson Pope, Wallace Morgan, and Ambrose Cottledge, now on file in this office.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

SOUTH CAROLINA, *County of Edgefield* :

Personally came before me M. A. Markent, who, being duly sworn, says that he was duly appointed and qualified as a manager of the election at the Edgefield Court-House precinct number two.

That the commissioners of election in and for said county advertised according to law that the election at said precinct would be held in the office of the county treasurer in the village of Edgefield, to which place deponent believed it to be his duty to appear pursuant to the advertisement of the said commissioners of election.

That two of the managers of election at said precinct, viz, Charles Holmes and John Wardenborough, without the knowledge or consent, and without any manner of consultation with deponent, changed the place of holding the election for said precinct from the office of county treasurer to Macedonia Church, a point about one-half or three-quarters of a mile from the office of the county treasurer.

Deponent further swears that after the said change had been made as aforesaid, without his knowledge or consent, he suggested to the managers aforesaid that the election for said precinct should be held as nearly as possible to the office of the county treasurer, and proposed to secure a comfortable and suitable building for such purposes; to all of which suggestions and propositions the said managers objected.

M. A. MARKENT.

Sworn to before me this 10th day of November, A. D. 1876.

[L. s.]

J. C. SHEPPARD,  
*Notary Public, South Carolina.*

SOUTH CAROLINA, *Edgefield County* :

Personally appeared before me, Jesse Jones, C. C. C. P., Levy H. Graham, who, upon being duly sworn, says that on November 7, 1876, at Haltiwanger's store, at the polls, he was a manager, and many white men, among them was one J. H. Brooks, did so abuse and threaten and attempt to commit violence on him and the other republican manager that he was compelled to abandon the polls.

his  
LEVY H. + GRAHAM.  
mark.

Sworn to before me this 9th day November, 1876.

JESSE JONES, C. C. C. P.

SOUTH CAROLINA, *Edgefield County* :

Personally appeared before me, Jesse Jones, C. C. C. P., A. C. Harris, marshal, who, upon being duly sworn, says that on Tuesday November 7, at Haltiwanger's store, at the polls, while in the discharge of duty as marshal, he was interrupted by Jesse Coleman and Thompson Longs, and that he was also arrested by J. H. Brooks, D. C. Bullock, Add Hipps, John Walker, and Pierce Connolly, and commanded him to give them a warrant for the arrest of some republicans whom they had driven from the polls, and did prevent many republicans from voting. Deponent further says that while in the act of sending for the United States soldiers he was threatened and otherwise ill-used.

Deponent further says that one Calvin Sowers did threaten to shoot and abuse many republicans.

A. C. HARRIS.

Sworn to before me this 9th day of November, 1876.

JESSE JONES, C. C. C. P.

SOUTH CAROLINA, *Edgefield County* :

Personally appeared before, Jesse Jones, C. C. C. P. and G. S., Wm. Gilchrist, supervisor, and Thomas Bettis, manager, who, upon being duly sworn, say that on Tuesday, November 7, 1876, at Liberty Hill, at the polls, they saw one G. J. Sheppard steal tickets from the box, and on questioning him about it he acknowledged the same.

WM. GILCHRIST.  
his  
THOMAS + BETTIS.  
mark.

Sworn to before me this 9th day of November, 1876.

JESSE JONES, C. C. C. P.

SOUTH CAROLINA, *Edgefield County* :

Personally appeared before me, Jesse Jones, C. C. C. P. and G. S., Wm. Gilchrist, supervisor, Thomas Bettis, marshal, W. H. Gilchrist, manager, who, upon being duly sworn, say that on Tuesday, November 7, 1876, at Liberty Hill, at the polls, one John Blackwell, of Edgefield, and one ——— Burton, of Augusta, Ga., who is personally known to deponents, voted at Liberty Hill, and so did one Marcus Larkeware, who is personally known to them, voted under an assumed name.

W. H. GILCHRIST.  
WM. GILCHRIST.  
his  
THOMAS + BETTIS.  
mark.

Sworn to before me this day 9th November, 1876.

JESSE JONES, C. C. C. P.

## LANHAM STORE PRECINCT.

SOUTH CAROLINA, *Edgefield County* :

Personally came before me Aaron Miles, who, being duly sworn, made oath as follows: That he was appointed by the commissioners of election to act at Lanham store precinct as manager of the election which took place November 7, 1876; that he went to said precinct on the 7th November, 1876, to act as aforesaid, but was met and refused upon the ground that he was too late; that two democrats met him when he first went to said precinct and said, "We want no radicals here;" that he went on up to the voting-place, and upon being positively refused by B. R. Tillman, democratic manager, the right to act as manager, he went off; that he did not feel safe in voting at said precinct; that from what he saw while at said precinct, republicans had no chance to vote at said precinct.

AARON MILES.

Sworn to before me November 15, 1876.

JESSE JONES, C. C. C. P.

STATE OF SOUTH CAROLINA, *Edgefield County* :

Personally appeared before me Willis Brunson, one of the managers of the precinct known as Torbett's store, who, being duly sworn, deposes and says that he acted as manager at the above-named precinct, and that he is thirty-four years of age and has resided in the neighborhood of Torbett's store all of his life, and is well acquainted with all the voters within ten miles of said precinct; that this deponent has acted as manager at said precinct at the last four elections held in this county, and that at no election has the entire vote exceeded 150, but at the election held on 7th November, 1876, 385 votes were polled; that there were nearly two hundred white men at this polling-place on 7th November that were strangers to this deponent, and when many of these strangers were asked their names they refused to give them openly, but would say to the clerk, "You know my name."

This deponent further deposes and says that Robert Cheatham voted at said precinct, and that this deponent is now informed by some of the managers that the said Robert Cheatham voted elsewhere.

This deponent further deposes and says that since the facts have been brought to his knowledge he is compelled to swear that the election held at Torbett's store was unfair, parties having voted there that voted elsewhere; that while this deponent has signed affidavit, he now swears that at the time of signing said affidavit he had not been informed of the voting of the parties herein named at other precincts.

WILLIS BRUNSON.

Sworn to before me this 13th, 1876.

JESSE JONES, C. C. C. P.

I have heard the above affidavit read, and certify to the correctness of the same.

WESLEY SETTLES.

STATE OF SOUTH CAROLINA, *County of Edgefield* :

Personally appeared before me Augustus Glover, who, upon oath, says that he was a supervisor at Richardsonville on the day of election, (November 7, 1876;) that a large number of unknown persons to him voted at that precinct; that upon inquiring their residences they replied that it was none of his damned business; that he is an old resident at Richardsonville, and knows that they were strangers; that Wade Taylor and John Rambo voted at Richardsonville, of which I was a supervisor, and I am informed that they voted at other precincts.

AUGUSTUS GLOVER.

Sworn to before me this 11th day of November, A. D. 1876.

JESSE JONES, C. C. C. P.

STATE OF SOUTH CAROLINA, *Edgefield County* :

Personally appeared before me Wiley Weaver, one of the managers for Red Hill, who, being duly sworn, deposes and says that a great many persons (whites) voted at Red Hill precinct that are unknown to this deponent; that Pierce Winfield and Benj. T. Morris voted at said polling-place, and that this deponent has since been informed by other managers attending at other precincts that the said Pierce Winfield and Benj. T. Morris voted elsewhere; that owing to the above facts this deponent is satisfied that the election was unfair and protests against counting the votes polled at Red Hill.

T. W. WEAVER.

Sworn to before me this 13th day of November, 1876.

JESSE JONES, C. C. C. P.

STATE OF SOUTH CAROLINA, *Edgefield County* :

Personally appeared before me, Jesse Jones, clerk of the court of common pleas, Thomas P. Carroll and Levi H. Graham, managers for the election-precinct known as Hattiwanger's Store, who, upon oath, depose and say that they, as managers of said precinct, repaired there early on the morning of the election, November 7, 1876, to enter upon the discharge of their duties as managers. That while on their way there they were met by Eldred S. Addison, Preston S. Brooks, J. H. Brooks, Pierce Connerley, D. H. Pompkins, with a large crowd following them, and they carried out intimidation generally, and drove many colored people from the poll, and they went off without voting.

Deponent further says that he requested one J. H. Brooks to quiet his men, and he answered that he was nobody's master, and he intended to let his men do as they pleased, and if certain negroes voted he would assist in putting them and the managers and all negroes out of the way.

L. H. GRAHAM.

T. P. CARROLL.

Sworn to before me this 9th day of November, 1876.

JESSE JONES,  
Clerk Court Common Pleas.

## COLEMAN'S CROSS-ROADS.

SOUTH CAROLINA, *Edgefield County* :

Personally came Anderson Franklin, who, being duly sworn, made oath as follows :  
First. That he was one of the United States supervisors at Coleman's Cross-Roads to supervise and see after the election which was carried on at Coleman's Cross-Roads precinct.

Second. That there was not a fair election at said ballot-box, because repeating was done to my own knowledge. Voting under age was done, and unknown men voted. Your deponent enters his solemn protest against said election.

ANDERSON FRANKLIN.

Sworn to and subscribed before me November 9th, 1876.

JESSE JONES,  
*Clerk Court Common Pleas.*STATE OF SOUTH CAROLINA, *Richland County* :

Personally appeared before me Jonas Hammond, who, being duly sworn, says that he was qualified and commissioned as a manager of elections at Johnson's precinct, in Edgefield County, in the general election held in that county on the 7th day of November instant; and that, of his own knowledge, he swears that votes were cast there by minors, persons who resided in Georgia, and persons not qualified to vote who were brought there on the train on the Charlotte, Columbia and Augusta Railroad.

his  
JONAS + HAMMOND.  
mark.

Sworn to and subscribed before me this November 20, 1876.

LAWRENCE CAIN,  
*Notary Public, South Carolina.*STATE OF SOUTH CAROLINA, *Richland County* :

Personally appeared before me P. D. Moore, who, being duly sworn, says that he was qualified and commissioned as a manager of election at Johnston's precinct, in Edgefield County, at the general election held in said county on the 7th day of November instant, and, of his own knowledge, swears that minors voted at that precinct, and also persons who came on the train on the Charlotte, Columbia and Augusta Railroad, who were unknown to the deponent, and whom he was informed and believes were citizens of the State of Georgia.

P. B. MOORE.

Sworn to and subscribed before me this 20th November, 1876.

LAWRENCE CAIN,  
*Notary Public, South Carolina.*STATE OF SOUTH CAROLINA, *Edgefield County* :

Personally appeared before me, Jesse Jones, clerk of court of Edgefield County, Budd Stephens, one of the managers for Meeting street, and made oath that he was born and raised in the neighborhood, and has lived there all his life. That on Tuesday, 7th November, while managing the election, a great number of persons presented themselves as voters who were unknown to this deponent, and from the information received from other managers this deponent believes that many of said parties voted at Richardsonville and other polling-places in the county. This deponent further deposes and says that one J. C. Rambo voted at Meeting street; that he is now informed that the said J. C. Rambo voted at Richardsonville. This deponent further deposes and says that one Pierce S. Addison voted at Meeting street, and that he is now informed that the said Preston S. Brooks voted at Holliwanger's store. This deponent, believing as he does that a great deal of wrong was practiced in the way of illegal voting and repeating, enters this his affidavit and solemn protest against counting the vote in favor of any candidate that were polled at Meeting street.

BUD STEVENS.

Sworn to before me this 9th day of November, 1876.

JESSE JONES,  
*Clerk Court Common Pleas.*

## LANHAM STORE PRECINCT.

SOUTH CAROLINA, *Edgefield County* :

Personally came before me H. T. Tanksly, who, being duly sworn, made oath as follows: That he was a manager at Lanham Store precinct, in said State and county, of the election held on the 7th November, 1876; that he was born and raised in that settlement, and knows very near or quite every voter in said settlement, and a great

number of white men voted at said precinct on said day at said election that he never saw before in his life, and he has never heard of their names before said day; that he has been informed that Marshall Mays, who voted at said precinct, voted elsewhere; that there was only two managers, one republican and one democrat; that the other republican manager was refused by the democratic manager, who was chairman of the board; that he wanted the other manager to act; that the other manager went off when he was refused the right to act by the democratic manager; that when the votes or tickets were counted they outnumbered the names by about eleven or twelve; that the clerk was a democrat and sat behind the managers all the while.

HANDY TANKSLY.

Sworn to before me November 14.

JESSE JONES,  
Clerk Court Common Pleas.

**SOUTH CAROLINA, Edgefield County :**

Personally before me William Gilchrist, who, upon being duly sworn, says that he was United States supervisor at Liberty Hill on November 7, 1876; that many republicans, because of the violence of the white men, were compelled to return home without voting; and that many were beaten and otherwise ill-treated; and that one John Cheatham did curse him and strike him, and told him to leave the polls, or he would shoot his head off; and the said John Cheatham did get between him and the box, and excluded it entirely from his view.

his  
WILLIAM + GILCHRIST.  
mark.

Sworn to before me this 9th day of November, 1876.

JESSE JONES,  
Clerk Court Common Pleas.

**SOUTH CAROLINA, Edgefield County :**

Personally appeared before me Wiley J. Williams and Abraham Lanham, two of the managers of box No. 1, Edgefield Court-House, and D. B. Cotton, clerk for said box, and made oath that, on the morning of the election, they appeared to the court-house as managers to conduct the election; that, according to the instructions given by the commissioners of election, they intending to hold the election under the arch of the court-house steps; that A. A. Glover, one of the managers, took the box contrary to the desire of these two managers and the directions of the commissioners of election, and carried it up into the court-house; that at the time the court-house was crowded with armed white men; and that there were some arms stacked away in the court-house; that the court-house was packed with white men, and been all night; that after these men voted they remained in the court-house and on the court-house steps, and so crowded the polling-place that colored men were not allowed to vote; that about 9 o'clock this crowd had all voted; yet they remained in the court-house and on the court-house steps; that while the crowd was in the court-house and on the court-house steps, several hundred horsemen were crowded around the court-house steps in such a manner that colored men could not approach the court-house; that during the day many of these parties voted four or five times, and when we protested against such a proceeding we were told that it was none of our business; that William T. Gary, of Augusta, Ga., told these managers that he had several boys here to-day from Georgia that no one knew; that when these deponents would protest against this repeating, and would ask the repeaters where they lived, they were told by James M. Cobb and J. C. Sheppard that it was none of their business where they lived, and hence these repeaters would not answer the questions; that these deponents finding that they could not carry on the election according to law, were anxious to abandon the poll, but were told that they would not be allowed to leave; that all of these white men around there were armed, and that these deponents were compelled to yield to anything they demanded; that in the evening about 4 o'clock the steps of the court-house were taken possession of by Butler Gary and J. C. Sheppard, who delivered speeches to the horsemen who were crowded around the court-house steps; that these managers wanted to write the names of colored men under the column fixed for colored men, and the names of white men under the column fixed for white men, but were not allowed to have it done; that not more than thirty-five or forty colored men voted at this box during the entire day, and that most of these voted late in the evening when they were accompanied by the box of United States marshal; that when the poll was closed after 6 o'clock the box was taken possession of by William T. Gary, of Augusta, Ga., J. M. Cobb, and J. C. Sheppard, of Edgefield Court-House, who assisted without authority in the counting of the votes; that when the votes were counted in several cases four or five democratic votes were folded together; that, in the face of all these facts, knowing them to be true, these deponents declare that the

whole affair was unfair and contrary to law, and enter their solemn protest against the counting of said votes for or against any of the candidates.

WILEY J. WILLIAMS.

ABRAHAM <sup>his</sup> + LANHAM.

D. B. COTTON. <sup>mark.</sup>

Sworn to before me this 9th day of November, 1876.

JESSE JONES,  
Clerk Court Common Pleas.

**SOUTH CAROLINA, Edgefield County :**

Personally appeared before me John Starks and Jasper Booker, two of the managers for Trapp's Mill, who, being duly sworn, each for himself deposes and says that he is an old resident of the settlement in which said polling-place is situated, and that he is well acquainted with the people living in said neighborhood. That on the 7th of November many white persons, strangers to these managers, voted at said precinct. That these managers have been informed by other managers of election that Alfred Bell, Pierce Mathes, and Abner Clegg voted elsewhere on the 7th of November; and they further swear that the said Alfred Bell, Pierce Mathes, and Abner Clegg voted at Trapp's Mill precinct on the same day. That in view of these facts these managers are compelled to acknowledge the election held at said precinct as being unfair, and protest against the counting of said box.

JOHN STARKS,  
JASPER BOOKER, his x mark.

Sworn to before me this 14th day of November, 1876.

JESSE JONES, C. C. C. P.

**COLEMAN CROSS-ROAD.**

**SOUTH CAROLINA, Edgefield County :**

Personally came Charles Lindsay, who, being duly sworn, made oath that he was one of the managers at the ballot-box for Coleman Cross-Road, in said State and county.

First. That to the best of his knowledge and belief there were repeating done by the democratic party at said ballot-box, viz: Samuel Webb, jr., Wade Taylor, Jack Brooks, and Chambers Trotter.

Second. That to the best of his knowledge and belief minors voted at the said ballot-box, viz: Henry Goggins and James Deloch.

Third. That unknown voters voted at said ballot-box, viz: G. W. Wadkins, N. G. Pompey, M. G. Purvis, T. G. Williams, and H. T. Bairts.

Fourth. That your deponent has lived in Edgefield County and in that settlement all his life, and knows every man who resides about there, and that many other unknown men voted at said ballot-box.

Fifth. That your deponent knows that there was not a fair election at the said ballot-box; and your deponent enters his solemn protest against the said election at said ballot-box.

CHARLES LINDSAY.

Sworn to and subscribed before me November 9, 1876.

JESSE JONES, C. C. C. P.

**RIDGE SPRING PRECINCT.**

**SOUTH CAROLINA, Edgefield County :**

Personally came before me Moses D. Lott, manager of the election at Ridge Spring precinct, who, being duly sworn, made oath as follows :

That on 7th November, 1876, he was at the said precinct on said date, as manager, and did act as such on said day. That he is now 23 years of age. That he has lived 20 of these years in said precinct next before the election. That white men voted at said precinct that he never saw nor heard of before that day, and in many cases these unknown white men would not give their names, but would say to the clerk, who was a democrat, "You know my name," which was not satisfactory to the republican managers, and against which they protested. That seeing a strict enforcement of the law would have endangered his life, he, with his colleague, waived many of their rights and legal duties. That when, in counting the votes, the number of votes or tickets in the box exceeded the names on the poll-list by 113, which was drawn out, and I know all these were democratic except 7, because they were into each other; and the democratic United States supervisor refused to allow them to be thrown out as found in each other, but had them stirred up together and drawn such out, which was contrary

to law. That for the above reasons I know that said ballot-box was stuffed, and there was not a fair election at said voting-precinct, and I protest against the counting of any votes found in said ballot-box.

M. D. LOTT.

Sworn to before me November 13, 1876.

JESSE JONES, *C. C. C. P.*

**SOUTH CAROLINA, Edgefield County :**

Personally came George Jackson, before me, Jesse Jones, who, being duly sworn, made oath that he was a United States supervisor of election in and for said State and county, at Ridge Spring precinct, and that the ballot-box was stuffed by the democratic party, and, to the best of my knowledge and belief, there were repeaters voted in said box, and that box was stuffed by the democratic party, who voted from two to three ballots at once, to a man. And there was not a fair election at said precinct by any means.

GEORGE JACKSON, his x mark.

Sworn to before me November 8, 1876.

JESSE JONES, *C. C. C. P.*

**STATE OF SOUTH CAROLINA, Edgefield County :**

Personally appeared before me Lucius Devore, one of the managers at Cheatham's Store, who, being duly sworn, deposes and says that he acted as manager at said precinct. That he has acted as manager at said precinct for the last five elections. That he has resided in said neighborhood for the last 30 years, and is well acquainted with all the people of the settlement. That on the 7th of November numbers of white persons unknown to this deponent voted at said precinct. That John Blackwell and Robert Cheatham voted at said polling-place, and that this deponent has since been informed that the above-named John Blackwell and Robert Cheatham voted at other precincts in this county on that day.

LUCIUS DEVORE.

Sworn to before me this 13th day of November, 1876.

JESSE JONES, *C. C. C. P.*

**RICHARDSONVILLE PRECINCT:-**

**SOUTH CAROLINA, Edgefield County :**

Before me came Richmond Mobley and Charles Johnson, who, being duly sworn, made oath that they are managers of the election which was held at Richardsonville precinct. First, that there was not a fair election at the said ballot-box, to wit: Repeating was done to our knowledge, without any hinderance. Parties who we know repeated, viz, Samuel Webb, jr., Wade Taylor, and Jack Brooks; and, to the best of our knowledge and belief, there were many others repeated. Hence we enter this our solemn protest against said election.

RICHMOND MOBLEY.

CHARLES JOHNSON, his x mark.

Sworn to and subscribed before me November 9, 1876.

JESSE JONES, *C. C. C. P.*

**STATE OF SOUTH CAROLINA, Richland County :**

Personally appeared before me Charles Cobb, who, being duly sworn, says that he was a commissioned and duly-qualified deputy marshal of the United States Government, and was acting as such at Johnston's precinct, Edgefield County, at the general election held in said county on the 7th day of November, instant; and that, in consequence of threats made against his life, and because he believed his life to be in imminent danger from democrats at that poll, he was obliged to desist from voting and to abandon his duty at that place. Deponent has reason to believe that other republican voters were kept from voting and had to leave that poll for the same reason that he did.

CHARLES COBB.

Sworn to and subscribed before me this November 20, 1876.

LAWRENCE CAIN,  
*Notary Public, S. C.*

**SOUTH CAROLINA, Edgefield County :**

Personally appeared before me Andrew J. Lee, one of the managers for Red Hill precinct, and made oath that Tuesday, 7th November, 1876, while acting as manager



at Red Hill, many persons presented themselves as legal voters (and did vote) that were strangers to him.

That during the day one Pierce Winfield voted at said precinct, and that since that time this deponent has been informed that the said Pierce Winfield voted at box No. 1, Edgefield County House.

A. J. LEE.

Sworn to before me this 10th day of November, 1876.

JESSE JONES, C. C. P.

RICHARDSONVILLE PRECINCT.

SOUTH CAROLINA, *Edgefield County* :

Personally came Thomas Johnson, who, being duly sworn, made oath that he is United States marshal, and was at the Richardsonville precinct, and that there was not a fair election at said precinct. He knows that Wade Taylor did repeat, and many others who your deponent does not know by name. Your deponent enters his solemn protest against the said election.

THOMAS JOHNSON.

Sworn to before me November 9, 1876.

JESSE JONES, C. C. C. P.

THE STATE OF SOUTH CAROLINA, *Edgefield County* :

Personally appeared before me Isaac Bouknight, who, being duly sworn, says on oath that he was a supervisor at Cheatham Store precinct; and he further stated that he is personally acquainted with John Blackwell, Dr. James Storm, Thomas Holloway, and Wesley Oliphant, and he will solemnly swear that the said John Blackwell, Dr. James Storm, Thomas Holloway, and Wesley Oliphant voted at Cheatham Store precinct; and he further swears that many strangers were there, not legal voters in this State, according to his opinion. The deponent believing that illegal voting was carried on at said precinct, enters his solemn protest against the counting of the votes cast at said precinct.

ISAAC BOUKNIGHT.

Sworn to before me this 9th day of November, 1876.

JESSE JONES, C. C. C. P.

OFFICE SECRETARY OF STATE SOUTH CAROLINA,  
*Columbia, December 15, 1876.*

I certify that the foregoing twenty-seven (27) affidavits are true copies of the originals on file in this office, as furnished by the several managers and supervisors of election and United States deputy marshals for Edgefield County.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

CERTIFIED COPY OF THE MINUTES OF THE BOARD OF STATE CANVASSERS.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,  
OFFICE SECRETARY OF STATE,  
*November 10, 1876.*

Pursuant to the provisions of section 21, chapter 8, of the revised statutes, the board of State canvassers met in the office of the secretary of state at twelve m.

Present, Hon. H. E. Hayne, secretary of state; Hon. F. L. Cardozo, State treasurer; Hon. T. C. Dunn, comptroller-general; Hon. William Stone, attorney-general; Hon. H. W. Purvis, adjutant and inspector general.

On motion of the comptroller-general, Hon. H. E. Hayne was elected chairman, and H. B. Johnson secretary.

There being no further business before the board, on motion of the comptroller-general, board adjourned until Saturday, November 11, at ten o'clock.

SATURDAY, *November 11, 1876.*

Pursuant to adjournment, the board met at ten a. m.

Present, Hon. H. E. Hayne, Hon. F. L. Cardozo, Hon. T. C. Dunn, Hon. William Stone, and Hon. H. W. Purvis.

The question being raised as to the jurisdiction of the board in the matter of the election of members of the general assembly, the following resolution was introduced by the attorney-general and unanimously adopted by the board:

*Resolved*, That as to the returns of the election of members of the general assembly,

the board will consider them in connection with any protests or notices of contest that may be presented, this having been the established practice of the board heretofore.

General James Connor, on behalf of the candidates on the democratic ticket, submitted the following papers, and requested the board to indicate by resolution its action in regard to the points therein :

That, under the 4th section of article 3 of the constitution, the returns of every election of governor and lieutenant-governor shall be sealed up by the managers of election in the respective counties and transmitted to the secretary of state, who shall deliver them to the speaker of the house.

That, under these provisions of the Constitution, the State canvassers have no duties or powers in regard to election of governor and lieutenant-governor. But, in any event, the duty and power of the board of State canvassers can extend no further than to transmit to the secretary of state the returns as forwarded by the managers of election to the board of State canvassers.

JAS. CONNOR,  
*Counsel for Democratic Candidates.*

That the State board of canvassers has no right or duty in regard to the election of electors for President and Vice-President and members of Congress, except to aggregate the vote of the respective counties, and certify what persons have received the greatest number of votes.

All questions of contest or protest belong to the other tribunals, and not to the board of State canvassers, to hear and determine.

JAS. CONNOR,  
*Counsel for Democratic Candidates.*

That, for the offices of treasurer, comptroller-general, secretary of state, attorney-general, adjutant-general, and superintendent of education, there is a contest or protest. That the function and duties of the board of canvassers on such contests or protests are judicial.

That the board of canvassers, as organized, consists of Hon. F. L. Cardozo, as treasurer, (who is a candidate for re-election;) of the Hon. T. C. Dunn, as comptroller-general, (who is a candidate for re-election;) of the Hon. H. E. Hayne, as secretary of State, (who is a candidate for re-election.)

On behalf of the citizens of the State, whom we represent, and on behalf of the democratic candidates on the State ticket, we protest against the board of State canvassers exercising jurisdiction.

That the members of the said board hereinbefore named and all the republican candidates were voted for on one and the same ticket, and the offices of each and every one of them depend upon the same canvass and decision; and for the said F. L. Cardozo, the said T. C. Dunn, the said H. E. Hayne, or any one of them, to hear and decide any contest and protest in regard to said offices is for them to make themselves judges in their own case, and to enable them to decide the election in their own favor.

Against such a bold violation of justice we enter our earnest protest.

JAS. CONNOR,  
*Counsel for Democratic Candidates.*

So far as regards the election of members of the general assembly, that the board of State canvassers can only aggregate the vote of the several precincts in the counties as certified by the board of county canvassers, and declare what persons have received the greatest number of votes for the senate and house of representatives, and certify such statements to the secretary of state, who shall transmit a copy of such certified determination, under the seal of office, to each person declared to be elected.

We submit this point, and ask the decision of the board thereon.

And the board of state canvassers, having thereupon passed its resolution refusing the said application, we protest against the said resolution, and notify the board that any further action of it under such resolution is regarded as illegal, null, and void.

JAS. CONNOR,  
*Counsel for Democratic Candidates.*

By Mr. CARDOZO:

*Resolved*, That the board deliberate on the points submitted by counsel, and then adjourn until Monday morning at ten o'clock.

On the question of the decision of the board on the points submitted by General Connor, the following resolution was offered by the attorney-general:

*Resolved*, That the board of State canvassers do not propose to canvass the returns of governor and lieutenant-governor; as it is of opinion that the determination of the election of those officers is given by the constitution to the general assembly.

Adopted; the affirmative being Messrs. Hayne, Cardozo, Dunn, and Stone.

The attorney-general also offered the following resolution; which was unanimously adopted:

*Resolved*, That the State board of canvassers have the right to hear protests as to the election of electors for President and Vice-President and members of Congress, and to give their certificate to such persons as have the highest number of votes.

Also, the following was offered by the attorney-general, and unanimously adopted:

*Resolved*, That it is the opinion of the board of State canvassers that the State treasurer, secretary of state, and comptroller-general have the right to sit as members of the board to hear and determine all questions coming before them, except that neither of the said officers shall vote upon his own election.

MONDAY, November 3, 1876.

Pursuant to adjournment, the board met at 10 a. m., all the members being present.

The comptroller-general introduced the following resolution; which was unanimously adopted:

*Resolved*, That the board hear oral argument on the point as to the limitation of time in which the board can canvass the returns for presidential electors, and that argument be limited to half an hour on each side.

General James Connor, on behalf of the democratic candidates, submitted the following paper in regard to the jurisdiction of the board:

*To the Board of State Canvassers:*

On behalf of the citizens of the State, whom we represent, and of the democratic candidates on the State ticket, we submit that all acts of the general assembly authorizing the board of State canvassers to hear and decide all cases under protest or contest that may arise in regard to the election of electors for President, Vice-President, members of Congress, and all officers elected at any general election held in this State are in violation of the twenty-sixth section of article I of the constitution, and, therefore, unconstitutional and void. We demand that the board of State canvassers, now assembled, shall not hear or decide any such cases of contest or protest, but shall only act ministerially in ascertaining from the returns and statements forwarded by the board of county canvassers the persons who have received the greatest number of votes for the offices for which they were respectively candidates, and declare the same, and certify it to the secretary of state.

After hearing argument by General Connor, the attorney-general introduced the following resolution:

*Resolved*, That the board of State canvassers will proceed to canvass the returns for electors of President and Vice-President, beginning on the —— day of November, 1876, (unless the returns for all the counties have been previously received,) and will continue to canvass such returns from day to day until the last day of their session, if it be necessary to do so.

Unanimously adopted.

The board then took a recess until one p. m., to allow counsel to prepare argument on the constitutionality of the act under which the board exercise their functions, the question having been raised by counsel for the democratic candidates.

The board re-assembled at 1 p. m., all the members being present.

Mr. L. F. Youman, on behalf of democratic candidates, appeared and made argument to sustain the constitutional objection submitted by General Connor.

On motion of the comptroller-general, General Elliott, of counsel for the republican candidates, was allowed until Tuesday morning, November 14, at 10 o'clock, to prepare reply to Mr. Youman, and board adjourned until that time.

TUESDAY, November 14, 1876.

Pursuant to adjournment, the board met at 10 o'clock a. m., all the members being present.

The chairman laid before the board a process served upon them by the counsel for the democratic candidates, setting forth that they would apply to the supreme court for a writ of prohibition and mandamus in certain cases, in consequence of which the board adjourned to await the result of the application.

WEDNESDAY, November 15, 1876.

The board met at 10 o'clock a. m., the secretary state, comptroller-general, attorney-general, state treasurer, and adjutant and inspector general being present.

General Connor, on behalf of the candidates on the democratic ticket, submitted the following papers, and asked a decision of the board in regard to them:

*To the Board of State Canvassers:*

We submit that the comparing the statements of the board of county canvassers with the returns of the managers and the verifying of the aggregation of the returns

be accomplished by the clerk and an assistant clerk of the board and a clerk and assistant clerk on the part of those whom we represent.

That the clerk of the board open the sealed packages in the presence of one clerk, and that the two clerks verify the papers and compare them with the returns of the managers and call off the figures, and that the assistant clerks shall on separate papers keep the tally and aggregate the figures.

JAS. CONNOR, *Counsel*.

*To the Board of State Canvassers :*

We request, on behalf of the parties whom we represent, that the board will decide upon the request submitted on the 13th instant, and regard its failure to decide as a refusal of the requests.

Mr. Cardozo introduced the following resolution :

*Resolved*, That this board will not act upon any proposition until the question of its jurisdiction and duties be decided by the supreme court.

Unanimously adopted.

The board adjourned until 10 o'clock Thursday.

THURSDAY, November 16, 1876.

Pursuant to adjournment, board met at ten o'clock, all the members being present. On motion of the state treasurer, the board took a recess until 3 p. m.  
3 p. m.—Board met and adjourned without action.

FRIDAY, November 17, 1876.

The board met at ten o'clock, all the members being present.

The following resolution was introduced by the attorney-general and unanimously adopted :

*Resolved*, That the board will now proceed to make up the statement of votes given at the last general election for electors of President and Vice-President of the United States and other officers, and also for and against the proposed constitutional amendment; and that during the canvassing of the returns from the several counties eight persons from the democratic and eight persons from the republican party be invited to be present and witness the same.

The board then took a recess until one o'clock.

The board re-assembled at 1 p. m., all the members being present.

The board then proceeded to canvass the returns of the managers of election at the several precincts in Abbeville County for presidential electors; and having canvassed Abbeville, Aiken, Anderson, Barnwell, Beaufort, Charleston, Chester, Chesterfield, Clarendon, Colleton, Darlington, Edgefield, Fairfield, Georgetown, at 11 p. m. adjourned until 10 o'clock Saturday, November 18.

SATURDAY, November 18, 1876.

The board met at 10 a. m., all the members being present.

The canvass of the electoral vote was proceeded with and concluded.

General Connor submitted the following exception :

Except to the aggregation of the result and the announcement of them, on the ground that the canvass and comparison of the managers' returns with the county canvassers' statements shows irregularities and errors and omissions which vitiate the result and prevent the aggregation of the county canvassers' statements from being regarded as a true aggregation of the votes cast at the election.

JAMES CONNOR, *Counsel*.

After which the board adjourned until 3 p. m.

4 o'clock p. m.—The board met at 4 p. m., all the members being present.

On motion of Mr. Cardozo, the board commenced the canvass from the returns of the county canvassers of the vote cast for State officers, and completed the same at 7 p. m.

General Gordon submitted the following request :

*To the honorable board State canvassers :*

I respectfully request, in the interest of fairness, that the clerks appointed by the board and the democratic attorneys respectively be permitted to take copies of the returns as certified by the precinct managers. I make this request both in order to insure satisfaction and in view of the fact that these returns may become an important factor in ascertaining the result of the election.

Respectfully,

J. B. GORDON.

The consideration of this request having been postponed until Monday morning, the board adjourned.

MONDAY, November 20, 1876.

The board met at 10 a. m., all the members being present.

The board canvassed the returns for Congressmen, circuit solicitors, and county officers, and completed said canvass at 8 o'clock p. m., after which the board adjourned.

TUESDAY, November 21, 1876.

The board met at 10 a. m., all the members being present.

A report was submitted to the supreme court, in obedience to its order of the 17th instant, showing the number of votes received by each person voted for at the election on the 7th day of November, as returned by the canvassers of election for the several counties.

The board adjourned until 4 p. m.

4 o'clock p. m.—The board re-assembled, all the members being present.

On motion of Mr. Stone, the following resolution was offered:

*Resolved*, That this board do now proceed to certify, determine, and declare the result of the election for electors of President and Vice-President of the United States.

Upon a vote being taken, the resolution was rejected, those voting nay being Messrs. Purvis, Cardozo, and Hayne, those voting yea being Messrs. Dunn and Stone.

After which the board adjourned.

WEDNESDAY, November 22, 1876.

The board met at 10 a. m., all the members being present.

The secretary of state offered the following resolution; which was unanimously adopted:

*Resolved*, That the votes cast for F. C. Dunn, as comptroller-general, and John B. Tolbert, as superintendent of education, be counted for T. C. Dunn and J. R. Tolbert, respectively, for the said offices of comptroller-general and superintendent of education.

The following certificates and determination of the board were submitted and adopted:

STATE OF SOUTH CAROLINA, *Office Secretary of State:*

Whereas, in pursuance of the constitution and of the statutes of this State, an election was held on the seventh day of November, 1876, for seven electors of President and Vice-President of the United States, and, upon examination of the returns which have been received, it appears that Christopher C. Bowen, John Winsmith, Thomas B. Johnson, Timothy Hurley, W. B. Nash, Wilson Cooke, and W. F. Myers have been duly elected by the highest number of votes, we do therefore, by virtue of the powers in us vested, certify and declare that the said Christopher C. Bowen, John Winsmith, Thomas B. Johnson, Timothy Hurley, W. B. Nash, Wilson Cooke, and W. F. Myers have been duly elected as electors of President and Vice-President of the United States.

Given under our hands and the seal of the State, in Columbia, this twenty-seventh day of November, in the year of our Lord one thousand eight hundred and seventy-six, and in the one hundred and first year of the Independence of the United States of America.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

F. L. CARDOZO,  
*Treasurer South Carolina.*

THOS. C. DUNN,  
*Comptroller-General.*

WILLIAM STONE,  
*Attorney-General.*

H. W. PURVIS,  
*Adjutant and Inspector General,  
Board of State Canvassers.*

STATE OF SOUTH CAROLINA, *Office Secretary of State:*

Whereas, in pursuance of the constitution and of the statutes of this State, an election was held on the seventh day of November, A. D. 1876, for one secretary of state, one attorney-general, one State treasurer, one adjutant and inspector general, one State superintendent of education, one comptroller-general, five members of the Forty-fifth Congress, one member of Congress from the second congressional district for the unexpired term of the Forty-fourth Congress, and for one judge of probate, one

sheriff, one clerk of court, one coroner, one school commissioner and three county commissioners in the several counties of the State of South Carolina, and also for the following members of the general assembly of the State of South Carolina, to wit:

One senator from Abbeville County,  
 One senator from Aiken County,  
 One senator from Barnwell County,  
 One senator from Beaufort County,  
 One senator from Charleston County,  
 One senator from Edgefield County,  
 One senator from Fairfield County,  
 One senator from Georgetown County,  
 One senator from Greenville County,  
 One senator from Horry County,  
 One senator from Laurens County,  
 One senator from Lexington County,  
 One senator from Marion County,  
 One senator from Newberry County,  
 One senator from Oconee County,  
 One senator from Orangeburgh County,  
 One senator from Spartanburgh County,  
 One senator from York County,  
 Five representatives from Abbeville County,  
 Four representatives from Aiken County,  
 Four representatives from Anderson County,  
 Five representatives from Barnwell County,  
 Six representatives from Beaufort County,  
 Seventeen representatives from Charleston County,  
 Three representatives from Chester County,  
 Two representatives from Chesterfield County,  
 Two representatives from Clarendon County,  
 Five representatives from Colleton County,  
 Four representatives from Darlington County,  
 Five representatives from Edgefield County,  
 Three representatives from Fairfield County,  
 Two representatives from Georgetown County,  
 Four representatives from Greenville County,  
 Two representatives from Horry County,  
 Three representatives from Kershaw County,  
 Two representatives from Lancaster County,  
 Three representatives from Laurens County,  
 Two representatives from Lexington County,  
 Four representatives from Marion County,  
 Two representatives from Marlborough County,  
 Three representatives from Newberry County,  
 Two representatives from Oconee County,  
 Five representatives from Orangeburgh County,  
 Two representatives from Pickens County,  
 Five representatives from Richland County,  
 Four representatives from Spartanburgh County,  
 Four representatives from Sumter County,  
 Three representatives from Union County,  
 Three representatives from Williamsburgh County,  
 Four representatives from York County,

And also for one solicitor for each of the eight judicial circuits of the State;

And upon examination of the statements which have been received it appears that the persons hereinafter named have been duly elected to the several offices set opposite their respective names or therein designated by the highest number of votes:

We do therefore, by virtue of the powers in us vested, certify and declare, that the said several persons have been duly elected to the said several offices, as designated herein, to wit:

Secretary of state, Henry E. Hayne.

Attorney-general, R. B. Elliott.

State treasurer, F. L. Cardozo.

Comptroller-general, Thomas C. Dunn.

Superintendent of education, J. R. Tolbert.

Adjutant and inspector general, James Kennedy.

Congressmen for Forty-fifth Congress: First district, Joseph H. Rainey; second district, Richard H. Cain; third district, D. Wyatt Aiken; fourth district, John H. Evins; fifth district, Robert Smalls.

Congressman for unexpired term Forty-fourth Congress, second district, C. W. Buttz.

Solicitors.—First circuit, C. W. Butt; second circuit, S. J. Lee; third circuit, M. J. Hirsch; fourth circuit, W. W. Sellers; fifth circuit, \_\_\_\_\_; sixth circuit, T. C. Gaston; seventh circuit, B. W. Ball; eighth circuit, J. S. Cothran.

## ABBEVILLE COUNTY.

Probate judge, J. Fuller Lyon.  
 Sheriff, Joshua T. Jones.  
 Clerk of court, M. C. Zeigler.  
 Coroner, Samuel W. Cochran.  
 School commissioner, John A. Wier.  
 County commissioners, Robert Jones, G. M. Mattison, Robert A. McCaslan.  
 Senator, John C. Maxwell.  
 Representatives, William K. Bradley, Robert R. Hemphill, F. A. Conner, William Hood, Thomas L. Moore.

## AIKEN COUNTY.

Probate judge, W. W. Williams.  
 Sheriff, W. T. Holly.  
 Clerk of court, Thomas P. Brown.  
 Coroner, James A. Mosely.  
 School commissioner, W. C. Anderson.  
 County commissioners, G. E. Mills, James Powell, A. W. Sanders.  
 Senator, A. P. Butler.  
 Representatives, C. E. Sawyer, J. J. Woodward, L. W. Asbill, John G. Guignard.

## ANDERSON COUNTY.

Probate judge, W. W. Humphreys.  
 Sheriff, James H. McConnell.  
 Clerk of court, John W. Daniels.  
 Coroner, H. O. Herrick.  
 School commissioner, J. H. Carwile.  
 County commissioners, Samuel Brown, John G. Gantt, O. H. P. Fant.  
 Representatives, H. R. Vandiver, R. W. Simpson, W. C. Brown, James L. Orr.

## BARNWELL COUNTY.

Probate judge, James M. Rion.  
 Sheriff, J. W. Lancaster.  
 Clerk of court, J. J. Brabham.  
 Coroner, Jack Fleming.  
 School commissioner, J. S. Havener.  
 County commissioners, J. C. McMillan, Osborne Dyches, W. R. Brabham.  
 Senator, Jones M. Williams.  
 Representatives, Isaac S. Bamberg, John W. Holmes, L. W. Youmons, M. A. Roundtree, Robert Aldrich.

## BEAUFORT COUNTY

Probate judge, A. B. Addison.  
 Sheriff, William Wilson.  
 Clerk of court, S. J. Bamfield.  
 Coroner, A. W. Muckinfnuss.  
 School commissioner, T. H. Wheeler.  
 County commissioners, V. S. Scott, R. J. Martin, R. F. Gleaves.  
 Senator, Samuel Green.  
 Representatives, Thomas Hamilton, Hastings Gantt, Joseph Robinson, George A. Reed, N. B. Myers, T. E. Miller.

## CHARLESTON COUNTY.

Probate judge, Macom B. Allen.  
 Sheriff, Christopher C. Bowen.  
 Clerk of court, John H. Ostendorff.  
 Coroner, Michael H. Collins.  
 School commissioner, Joseph E. Hayne.

County commissioners, George J. Cunningham, Louis Dunneman, William H. Thompson.

Senator, William N. Taft.

Representatives, E. W. M. Mackey, William I. Brodie, Benjamin F. Smalls, Robert Simmons, William C. Glover, Frederick S. Edwards, Isaac Prioleau, John Vanderpool, Joseph J. Leense, Joseph T. Lazarus, Samuel C. Brown, Benjamin F. Capus, Adam P. Ford, Richard Bryan, Julius C. Trugman, Abram Smith, William G. Pinckney.

#### CHESTER COUNTY.

Probate judge, John Dickey.

Sheriff, John W. Walker.

Clerk of court, C. C. Macoy.

Coroner, T. M. Graham.

School commissioner, S. J. Conch.

County commissioners, G. C. McNeil, William Worthy, Alfred Walker.

Representatives, John Lee, Samuel Colman, Purvis Alexander.

#### CHESTERFIELD COUNTY.

Probate judge, W. J. Hanna.

Sheriff, P. F. Spofford.

Clerk of court, Thomas F. Mulloy.

Coroner, H. D. Tiller.

School commissioner, Charles A. Malloy.

County commissioners, Stephen Jackson, N. C. McKinnon, Edward Clark.

Representatives, J. C. Coit, D. T. Redfram.

#### CLARENDON COUNTY.

Probate judge, George I. Brown.

Sheriff, William R. Burgess, sr.

Clerk of court, W. A. Barfield.

Coroner, Primus A. Logan.

School commissioner, William H. Dickson.

County commissioners, W. J. Lesesne, Sampson Maxwell, Augustus Collins.

Representatives, Gyfa Metton, Hampton Boston.

#### COLLETON COUNTY.

Probate judge, Benjamin Stokes.

Sheriff, Robert Black.

Clerk of court, Robert Fishbourn.

Coroner, J. K. Risher.

School commissioner, M. C. Conner.

County canvassers, Albert Wichman, John W. Overton, T. M. Stokes.

Representatives, H. E. Bissell, William Maree, John H. Cummings, L. E. Parler  
Robert Jones.

#### DARLINGTON COUNTY.

Probate judge, John Lunuey.

Sheriff, Albert Baruch.

Clerk of court, Theodore B. Gordon.

Coroner, Richard Lang.

School commissioner, Joshua E. Wilson.

County commissioners, Isaac P. Brockruton, Sylvester W. Williams, Boykin W. Mc-  
Ion.

Representatives, Richard H. Humbert, Samuel J. Keith, Zachariah Wines, Jackson  
A. Smith.

#### FAIRFIELD COUNTY.

Probate judge, Osmond R. Thompson.

Sheriff, \_\_\_\_\_.

Clerk of court, W. B. Peake.

Coroner, G. S. Hannant.

School commissioner, Willard Richardson.

County commissioners, George Burns, James Jones, John T. Wilson.

Senator, Israel Bird.

Representatives, John Gibson, Prince R. Martin, Daniel Bird.



## GEORGETOWN COUNTY.

Probate judge, R. O. Bush.  
 Sheriff, James M. Lesesne.  
 Clerk of court, William J. Moultrie.  
 Coroner, Frank Laurens.  
 School commissioner, S. B. Gipson.  
 County commissioners, J. Harvey Jones, James L. Magill, Joseph Bush.  
 Senator, B. H. Williams.  
 Representatives, Charles S. Green, P. K. Kinloch.

## GREENVILLE COUNTY.

Probate judge, S. J. Douthlet.  
 Sheriff, P. D. Gilreath.  
 Clerk of court, W. A. McDaniel.  
 Coroner, William Bayne.  
 School commissioner, Joseph Brookshire.  
 County commissioners, J. H. Campbell, W. A. Mooney, J. L. Woodside.  
 Senator, S. J. Crittenden.  
 Representatives, J. W. Gray, J. F. Donald, J. T. Austin, J. L. Westmorland.

## HORRY COUNTY.

Probate judge, Isaac G. Long.  
 Sheriff, Francis J. Sessions.  
 Clerk of court, R. G. Sessions.  
 Coroner, M. R. Skipper.  
 School commissioner, E. D. Richardson.  
 County commissioners, Daniel M. Reaves, Mark Reynolds, Lorenzo D. Graham.  
 Senator, William L. Buck.  
 Representatives, L. D. Bryan, John R. Cooper.

## KERSHAW COUNTY.

Probate judge, J. F. Sutherland.  
 Sheriff, R. R. Player.  
 Clerk of court, N. W. Blair.  
 Coroner, E. J. Connoray.  
 School commissioner, William R. Carter.  
 County commissioners, Isaac English, Nathan S. Truesdale, Nathaniel Phillips.  
 Representatives, R. D. Gathier, A. W. Hough, E. H. Dibble.

## LANCASTER COUNTY.

Probate judge, John W. Twitty.  
 Sheriff, James R. Hunter.  
 Clerk of court, D. A. Williams.  
 Coroner, A. J. Beldon.  
 School commissioner, Simon Beckham.  
 County commissioners, J. F. Kennington, W. D. Hyatt, Richard Elliott.  
 Representatives, John B. Erwin, J. C. Blackimy.

## LEXINGTON COUNTY.

Probate judge, S. P. Wingard.  
 Sheriff, S. P. Drafts.  
 Clerk of court, W. J. Assman.  
 Coroner, James E. Rawl.  
 School commissioner, James J. Smith.  
 County commissioners, S. L. Smith, J. M. Jones, W. M. Johnson.  
 Senator, H. A. Meetze.  
 Representatives, G. Leaphart, G. Maller.

## MARION COUNTY.

Probate judge, John Wilcox.  
 Sheriff, A. E. Grice.  
 Clerk of court, R. K. Clark.  
 Coroner, J. E. Jamigan.  
 School commissioner, E. W. Johnson.  
 County commissioners, J. M. Johnson, J. H. Stafford, W. L. Hymon.  
 Senator, R. G. Howard.  
 Representatives, J. G. Blue, James McRae, R. H. Rodgers, J. P. Davis.

## MARLEBOROUGH COUNTY.

Probate judge, Knox Livingston.  
 Sheriff, W. P. Emanuel.  
 Clerk of court, C. M. Weatherly.  
 Coroner, A. L. McLaurin.  
 School commissioner, Nathan L. Sweatt.  
 County commissioners, John R. Parker, David S. John, James F. Bolton.  
 Representatives, Philip M. Hamer, Thomas H. Edens.

## NEWBERRY COUNTY.

Probate judge, James C. Leahy.  
 Sheriff, John J. Carrington.  
 Clerk of court, Thomas J. Clayton.  
 Coroner, James M. Eichelberg.  
 School commissioner, M. S. Long.  
 County commissioners, Wesley R. Brown, Henry Kennedy, Simeon Young.  
 Senator, Henry C. Corwin.  
 Representatives, Thomas Keith, S. S. Bridges, Will H. Thomas.

## OCONEE COUNTY.

Probate judge, Richard Lewis.  
 Sheriff, N. H. Craig.  
 Clerk of court, Jesse W. Stribbling.  
 Coroner, Richard E. Noerman.  
 School commissioner, M. B. Dendy.  
 County commissioners, Thomas Bibb, Robert J. Rutledge, S. M. Crawford.  
 Senator, J. W. Livingston.  
 Representatives, B. Frank Sloan, John S. Verner.

## ORANGEBURGH COUNTY.

Probate judge, Roland Turner.  
 Sheriff, J. H. Livingston.  
 Clerk of court, George Bolivar.  
 Coroner, J. I. Mitchell.  
 School commissioner, Thomas Phillips.  
 County commissioners, J. P. Mayer, E. T. R. Smoak, F. B. Johnson.  
 Senator, S. L. Duncan.  
 Representatives, D. A. Straker, Shadrach Morgan, W. H. Reedish, C. W. Caldwell,  
 Ellis Forrest.

## PICKENS COUNTY.

Probate judge, William G. Field.  
 Sheriff, Joab Mouldrie.  
 Clerk of court, Jno. J. Lewis.  
 Coroner, Beny B. Earle.  
 School commissioner, George W. Singleton.  
 County commissioners, John T. Lewis, Ben. J. Johnston, Thomas Loper.  
 Representatives, D. Frank Bradley, E. H. Bates.

## RICHLAND COUNTY.

Probate judge, Walter R. Jones.  
 Sheriff, Jesse E. Dent.  
 Clerk of court, D. B. Miller,  
 Coroner, C. D. Lowndes.  
 School commissioner, C. J. Carroll.  
 County commissioners, Andrew Lee, Anderson Burns, V. T. McLaughlin.  
 Representatives, Andrew W. Curtis, C. S. Minort, James Wells, R. J. Palmer, Wm.  
 M. Lowman.

## SUMTER COUNTY.

Probate judge, Samuel Lee.  
 Sheriff, John M. Tindall.  
 Clerk of court, George W. Reardon.  
 Coroner, John H. Legare.  
 School commissioner, T. J. Thomey.  
 County commissioners, T. J. Coghlan, Zachariah Walker, Rufus C. Westbury.  
 Representatives, Thomas B. Johnston, John H. Femter, Wm. J. Andrews, John H.  
 Westbury.

## SPARTANBURGH COUNTY.

Probate judge, George W. Nichols.  
 Sheriff, W. W. Thompson.  
 Clerk of court, F. M. Trimmer.  
 Coroner, S. B. Ezell.  
 School commissioner, B. B. Chapman.  
 County commissioners, A. H. Kerby, S. E. Mason, W. J. Thorne.  
 Senator, Gabriel Cannon.  
 Representatives, W. P. Compton, John W. Wofford, E. S. Allen, Charles Petty.

## UNION COUNTY.

Probate judge, Joseph S. Gist.  
 Sheriff, Robert Mackbeth.  
 Clerk of court, Charles Bolt.  
 Coroner, John Thompson,  
 School commissioner, A. A. James.  
 County commissioners, J. F. Bailey, W. F. Goudehook, D. P. Duncan.  
 Representatives, W. H. Wallace, G. D. Peake, Wm. Jeffreies.

## WILLIAMSBURGH COUNTY.

Probate judge, James Thorp.  
 Sheriff, Louis Jacobs.  
 Clerk of court, Max. Jacobs.  
 Coroner, Louis Donath.  
 School commissioner, H. E. Mouzon.  
 County commissioners, Benjamin Mouzon, George Cooper, Sidney B. Shaw.  
 Representatives, William Scott, James F. Petterson, John Evans.

## YORK COUNTY.

Probate judge, Jos. A. McLean.  
 Sheriff, Robert H. Glenn.  
 Clerk of court, Jos. F. Wallace.  
 Coroner, William B. Williams.  
 School commissioner, Robert Latham.  
 County commissioners, George I. Riddle, W. J. Stephenson, Robert Hayes.  
 Senator, Isaac D. Witherspoon.  
 Representatives, A. E. Hutchinson, J. A. Deal, W. B. Byers, B. H. Massy.

Given under our hands and the seal of the State, in Columbia, this 22d day of November, A. D. 1876, and in the one hundred and first year of the Independence of the United States.

[SEAL.]

H. E. HAYNE, *Secretary of State,*  
 F. L. CARDOZO, *Treasurer South Carolina,*  
 THOS. C. DUNN, *Comptroller-General,*  
 WM. STONE, *Attorney-General,*  
 H. W. PURVIS, *Adjutant and Inspector General,*  
*Board State Canvassers.*

On the question as to whether the statement of the county canvassers of Laurens County should be included in the statement and determination of the board, the vote was as follows: Those voting in the negative were the adjutant and inspector general, comptroller-general, and State treasurer; those voting in the affirmative were the secretary of state and attorney-general.

On the same question as to Edgefield County the vote was as follows: Those voting in the negative were the adjutant and inspector general, comptroller-general, attorney-general, and State treasurer; in the affirmative, the secretary of state.

The secretary of state submitted the following, and asked that it be entered in the minutes:

"I vote 'yes' on the question of including Edgefield and Laurens Counties in the certificate and determination of the board, for the reason that the testimony before the board as to irregularities in the conduct of the election in those counties is entirely *ex parte*.

"H. E. HAYNE,  
*"Secretary of State."*

The attorney-general submitted the following, and asked that it be entered in the minutes:

*" To the board of State canvassers :*

" I vote in favor of declaring such persons elected from Laurens County as members of the general assembly and county officers for said county as appear by the statement of the board of county canvassers of said county to have received the highest number of votes cast at the general election held on the 7th day of November, 1876"

" I do not regard the affidavit of W. H. Rutherford, one of the commissioners of election of said county, explaining why he signed the statement of the board of county canvassers under protest, sufficient, without further evidence, to justify this board in declining to declare any persons lawfully elected as members of the general assembly or county officers for said county.

I vote in favor of making no declaration as to what persons were elected as members of the general assembly from Edgefield County, or what persons were elected as county officers of said county, for the reason that it appears from papers filed with us on behalf of candidates of the democratic party that one precinct in said county was established at a place not fixed by law; and, further, that it appears from affidavits of managers of election at many of the precincts in said county—which affidavits are filed with this board—that said managers were unlawfully interfered with and prevented by threats or force from discharging their duties as managers as required.

In the light of these affidavits, and because of the doubt I entertain as to whether the precinct complained of as having been unlawfully established was a lawful precinct, I do not think this board can undertake to determine and declare what persons received the highest number of legal votes cast for the several officers voted for at said election.

WILLIAM STONE.

NOVEMBER 22, 1876.

On motion of the attorney-general, the board adjourned *sine die*.

HENRY B. JOHNSON,  
*Secretary of Board.*

STATE OF SOUTH CAROLINA,  
*Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct copy of the minutes of the board of State canvassers recorded in this office.

Given under my hand and the seal of the State at Columbia this 16th day of December, A. D. 1876, and in the one hundred and first year of the Independence of the United States of America.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

State of South Carolina.—In the supreme court.—November term, 1876.

THE STATE EX REL. R. M. SIMS ET AL.,

*vs.*

H. E. HAYNE ET AL., BOARD OF STATE CANVASSERS. }

*Certified copy of record.*

The State of South Carolina.—In the supreme court.

THE STATE OF SOUTH CAROLINA EX RELATIONE R. M. SIMS,  
Johnson Hagood, S. L. Leuphart, James Conner, H. S. Thompson,  
and E. W. Moise, as citizens of the said State, and as  
candidates,

*vs.*

H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN; AND F. L.  
Cardozo, State treasurer; T. C. Dunn, comptroller-general;  
William Stone, attorney-general; and H. W. Purvis, adju-  
tant and inspector-general, members of the board of State  
canvassers, and H. E. Hayne, as secretary of state.

Be it remembered that, on the 14th day of November, A. D. 1876, come R. M. Sims, Johnson Hagood, S. L. Leuphart, James Conner, H. S. Thompson, and E. W. Moise, as citizens of the said State, and as candidates for the offices of secretary of state, comptroller-general, State treasurer, attorney-general, superintendent of education, and adjutant and inspector-general, here into court, and give the court to be informed that, on the 7th day of November, A. D. 1876, a general election was duly held in the

said State, and in all the counties thereof, for the following officers, to wit, for electors for President and Vice-President of the United States; members of the Congress of the United States; governor, lieutenant-governor, secretary of state, comptroller-general, treasurer, attorney-general, superintendent of education, and adjutant and inspector-general of the said State; and for members of the general assembly of the said State, from the counties thereof, respectively; and for sheriffs, clerks of the court, judges of probate, school commissioners, county commissioners, and coroners in the several counties, and solicitors in the several circuits of said State; and that at said election divers persons were candidates for the several offices, respectively; and that said election having been held as aforesaid, the votes for the opposing candidates for said offices, respectively, were thereupon duly counted by the several boards of managers of said election, and by them duly returned in their respective counties to the boards of canvassers of the said counties, respectively; and the said boards of county canvassers having made their statements of the votes cast, in manner as required by law, the same, together with all protests and papers appertaining to said election, were, by the said boards of county canvassers, duly transmitted to the board of State canvassers of the said State, or are in the course of transmission, as these relators are informed.

And your relators further give the court to be informed that the statements so transmitted by the boards of county canvassers to the board of State canvassers were, in a large number of instances, accompanied by protests and contests of the said election, upon the part of certain persons who were candidates for the said offices, and that thereupon your relators appeared before the said board of State canvassers on the 11th day of November, A. D. 1876, and insisted that so far as pertained to the election of members of the general assembly, the duty of the said board of State canvassers was purely ministerial; and demanded in writing that said board should do no more than to state the votes of the said counties as certified to it by the boards of county canvassers, and thereupon declare what persons had received the highest number of votes for the senate and house of representatives, and certify such statement to the secretary of state, who should transmit a copy of such certified statement and determination, under the seal of his office, to each person declared to be elected; but the said board of State canvassers refused the demand of your relators, and, on the contrary, resolved, contrary to the protest of your relators, to consider and determine matters of contest and protest in such cases, (all of which particularly appears by the copy of the demand and protest of your relators and of the resolution of the said board, annexed hereto, and to which your relators crave that reference may be had as part of this suggestion,) and the said board of State canvassers are now proceeding to hear and determine all cases of protest or contest that are made in regard to the election of members of the general assembly.

And that, so far as pertains to the election of electors for President and Vice-President of the United States and members of the Congress of the United States, your relators further demanded that the said board of State canvassers should limit itself to the duty of aggregating the managers' returns from the several counties, as certified to the said board by the county canvassers of the several counties, and of declaring the persons who had received the highest number of votes cast, respectively, for electors of President and Vice-President, and the highest number of votes cast for members of Congress in the several congressional districts; and further demanded that said board of State canvassers should not hear or assume to decide any question of protest or contest in regard to the election of any electors for President or Vice-President, or of any member of Congress; but the said board of canvassers refused to accede to the demand of your relators, and, on the contrary, resolved to hear protests as to the election of such electors and members of Congress, (as will appear by the copy of your relators' said demand and the certified copy of said resolution, hereto annexed, and to which your relators crave that reference may be had as part of this suggestion;) and are now proceeding to hear and determine all protests and contests in regard to said election for electors and members of Congress, and are thereby assuming functions and duties which belong to other tribunals.

And your relators further suggest that for the offices of treasurer, comptroller-general, secretary of state, attorney-general, superintendent of education, and adjutant and inspector-general, contests or protests have been made before the said board of State canvassers; and the said board, as organized, consists, among others, of the Hon. F. L. Cardozo, as treasurer, who is a candidate for re-election; of the Hon. T. C. Dunn, as comptroller-general, who is a candidate for re-election; and of the Hon. H. E. Hayne, as secretary of state, who is a candidate for re-election; and that at the said general election, held on the 7th instant, the said members of the board of State canvassers, together with all the candidates for the several offices on the one side, were voted for on one and the same ticket; and your relators, together with all candidates for the said offices on the other side, were voted for on one and the same opposing ticket; and the offices of each and every one of them depend upon the same canvass and decision; and for the said F. L. Cardozo, the said T. C. Dunn, the said H. E. Hayne, or any one of

them, to hear and decide any contest or protest in regard to any one of said offices is for them to make themselves judges in their own cases, and to enable them to declare the election in their own favor. And although in respect of the election of said officers, the duties and functions as prescribed by the act are judicial, yet, contrary to the protest of your relators, the said board of State canvassers have resolved that the said treasurer, comptroller-general, and secretary of state shall sit as members of said board to hear and determine all questions that shall come before them, except only that the said officers shall not vote upon their election, (all of which will appear by reference to the certified copy of the resolution of the said board, and your relators' protests, hereto annexed, and to which reference is craved as part of this suggestion;) and the said treasurer, comptroller-general, and secretary of state are now proceeding, as members of said board, to hear and determine the matters aforesaid.

And that the said board of State canvassers, in assuming to hear protests or contests in respect to the election of officers heretofore first mentioned and voted for at the said general election, excepting only the offices of governor and lieutenant-governor of said State, have assumed to exercise and discharge duties and functions which are clearly judicial; that article I, section 26, of the constitution of the State provides that "in the government of the commonwealth, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other;" that said board of State canvassers, as organized, consists of the State treasurer, the comptroller-general, the secretary of state, the attorney-general, and the adjutant and inspector-general of said State, all of whom are executive officers of the State and belong to that department of the State government, and are prohibited by the constitution from exercising judicial powers or functions, and all acts or parts of acts giving to the members of the said board the power to hear and determine such contests or protests are unconstitutional and void. And notwithstanding the premises and the protests of your relators, the said board of State canvassers, and the several members thereof, as aforesaid, are now proceeding to hear and determine matters of contest and protest arising upon said election as aforesaid.

And the said board of State canvassers are proceeding to hear and determine all matters of contest or protest before them in regard to the election of persons who are candidates for the several offices aforesaid, at the said general election, and are proceeding to certify their determination on such contests and protests to the secretary of state; and the said secretary of state is about to issue certified copies of such determination of the Board of State canvassers to the parties in whose favor such determinations are made; whereas your relators aver that the said board of State canvassers have no right or authority to hear such protests or contests, or to determine the same, or to certify such determination to the secretary of state; that their only power or duty is to certify to the secretary of state the persons who have received the highest number of votes as appears by the managers' returns and the statements of the board of canvassers of the respective counties, without regard to or consideration of any protest or contest, and the secretary of state has no power or authority to receive or record any certified statement or determination of the board of State canvassers in any case in which the said board has heard or determined any protest or contest, or to issue to any person any copy of such certified determination in any case in which the board of State canvassers has heard and determined any protest or contest; wherefore your relators pray that a writ of prohibition may issue from this honorable court to the said H. E. Hayne, secretary of state, as chairman; and the said F. L. Cardozo, State treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general; and H. W. Purvis, adjutant and inspector-general, members of the said board of State canvassers, and to the said H. E. Hayne, as secretary of state, prohibiting and forbidding them, the said board of State canvassers, from exercising any judicial functions or duties whatever in regard to any protests or contests which have been or may be submitted to them touching the said election held on the 7th day of November instant, and from hearing or determining any such contests or protests, and from doing anything other or further than the ministerial acts of ascertaining from the managers' returns and the statements forwarded by the boards of county canvassers for the respective counties, the persons who have received the highest number of votes for the offices for which they were candidates, and declaring the same, and certifying such statements to the secretary of state.

And particularly prohibiting and restraining the said board of State canvassers from hearing or determining any contest or protest in regard to the election of electors for President and Vice-President of the United States, and members of the Congress of the United States, and from doing anything other or further than to ascertain from the managers' returns and the statements forwarded to the said board by the boards of county canvassers the person or persons who have received the greatest number of votes for said offices respectively, and certify the same to the secretary of state.

And restraining and prohibiting the said board of State canvassers from hearing or determining any contest or protest in regard to the election of members of the general

assembly of the State, or from doing anything other or further than to declare the persons who, according to the managers' returns and the statements forwarded by the boards of county canvassers of the respective counties, have received the greatest number of votes in said counties for said offices, and to certify such determination to the secretary of state.

And restraining and prohibiting the said board of State canvassers from hearing or determining any contest or protest in regard to the said offices of treasurer, secretary of state, comptroller-general, attorney-general, superintendent of education, and adjutant and inspector general, and the offices of solicitors in the several circuits of the State, and from doing anything other or further than to ascertain from the managers' returns and the statements forwarded to said board by the boards of county canvassers for the respective counties, the persons who have received the greatest number of votes for said offices respectively, and to certify such determination to the secretary of state.

And restraining and prohibiting the said board of State canvassers from hearing or determining any contest or protest in regard to the election of county officers in the respective counties, and from doing any more than declaring the persons who have, according to the managers' returns and the statements made by the boards of county canvassers for the respective counties, received the greatest number of votes for said offices respectively, and certifying such determination to the secretary of state.

And restraining and prohibiting him, the said H. E. Hayne, as secretary of state, from receiving or recording any certified statement or determination of the said board of State canvassers in any case in which the said board of State canvassers has heard or determined any contest or protest, and from issuing to any person any copy of any certified statement or determination of the board of State canvassers, in any case in which the said board of State canvassers has heard or determined any protest or contest, and from issuing any copy of any certified statement of the board of State canvassers to any person who has not received, according to the managers' returns and the statements forwarded by the boards of county canvassers, the greatest number of votes cast for the office for which he was a candidate.

And that your relators may have such other and further relief, and such other and further original and remedial writs, as may be necessary to the supervisory control of the said board of State canvassers, in furtherance of justice and to the protection of your relators.

JAS. CONNER,  
*Attorney for Relators.*

STATE OF SOUTH CAROLINA, *Richland County* :

Personally appeared before me, W. K. Bachman, notary public, the undersigned, and swear that the facts set forth in the foregoing suggestion and petition are true.

JAS. CONNER.  
JOHN T. RHETT.  
LOUIS LÉCONTE.  
LEROY F. YOUMANS.

Sworn to before me, November 13, 1876.

[L. S.]

W. K. BACHMAN,  
*Notary Public.*

So far as regards the election of members of the general assembly, that the board of State canvassers can only aggregate the vote of the several precincts in the counties as certified by the board of county canvassers, and declare what persons have received the greatest number of votes for the senate and house of representatives, and certify such statement to the secretary of state, who shall transmit a copy of such certified determination, under the seal of office, to each person declared to be elected. We submit this point, and ask the decision of the board thereon.

And the board of State canvassers, having thereupon passed its resolution refusing the said application, we protest against the said resolution, and notify the board that any further action by it, under such resolution, is regarded as illegal, null, and void.

JAS. CONNER,  
*Counsel for Protestants.*

That the State board of canvassers have no right or duty in regard to the election of electors for President and Vice-President, and members of Congress, except to aggregate the vote of the respective counties, and certify what persons have received the greatest number of votes.

All questions of contest or protest belong to other tribunals, and not the board of State canvassers, to hear and determine.

JAS. CONNER,  
*Counsel for the Protestants.*

That for the offices of treasurer, comptroller-general, secretary of state, attorney-general, adjutant-general, and superintendent of education there is a contest or protest.

That the function and duties of the board of canvassers on such contests or protests are judicial; that the board of canvassers, as organized, consists of Hon. F. L. Cardozo, as treasurer, who is a candidate for re-election; of the Hon. T. C. Dunn, as comptroller-general, who is a candidate for re-election; of the Hon. H. E. Hayne, as secretary of state, who is a candidate for re-election.

On behalf of the citizens of the State whom we represent, and on behalf of the democratic candidates on the State ticket, we protest against the board of State canvassers exercising jurisdiction. That the members of the said board hereinbefore named, and all the republican candidates, were voted for on one and the same ticket, and the offices of each and every one of them depend on the same canvass and decision; and for the said F. L. Cardozo, the said T. C. Dunn, the said H. E. Hayne, or any or one of them, to hear and decide any contest and protest in regard to said offices, is for them to make themselves judges in their own case, and to enable them to decide the election in their own favor.

Against such a bold violation of justice we enter our earnest protest.

JAS. CONNER,  
*Counsel for Protestants.*

By the board: *Resolved*, That as to the returns of the election of member of the general assembly, the board will consider them in connection with any protests or notices of contests that may be presented; this having been the established practice of the board heretofore.

A true copy.

HENRY B. JOHNSON,  
*Secretary.*

The following resolutions were adopted in regard to the points submitted by General Conner:

1. *Resolved*, That the board of State canvassers do not propose to canvass the returns of governor and lieutenant-governor, as it is of opinion that the determination of the election of those officers is given by the constitution to the general assembly.

2. *Resolved*, That the State board of canvassers have the right to hear protests as to the election of electors for President and Vice-President, and members of Congress, and to give their certificates to such persons as have the highest number of votes.

3. *Resolved*, That it is the opinion of the board of State canvassers that the secretary of state, State treasurer, and comptroller-general have the right to sit as members of this board, to hear and determine all questions coming before them, except that neither of the said officers shall vote upon his own election.

HENRY B. JOHNSON,  
*Secretary Board of State Canvassers.*

*To the honorable the Board of State Canvassers:*

Please take notice that the relators above named will move before the supreme court of the State of South Carolina, at 10 o'clock a. m., on Tuesday, November 14, 1876, for the writs of prohibition and mandamus above prayed for.

JAMES CONNER,  
*Counsel for the Relators.*

NOVEMBER 13, 1876.

The State of South Carolina, in the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE R. M. }  
Sims et al., }  
against }  
H. E. HAYNE, AS CHAIRMAN, AND OTHERS AS MEMBERS OF }  
the board of State canvassers, and H. E. Hayne as sec- }  
retary of state. }

*Suggestion for prohibition and mandamus.*

On hearing the suggestion, and on motion of James Conner for the relators,  
*Ordered*, That the said suggestions be heard and considered as separate suggestions; the one praying for the writ of prohibition only, and the other praying for the writ of mandamus only; and that the said separate suggestions be regarded as filed.

F. J. MOSES.

NOVEMBER 14, 1876.



## The State of South Carolina, in the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE R. M. Sims et al.,  
*against*  
 H. E. HAYNE AS CHAIRMAN, AND OTHERS AS MEMBERS OF  
 the board of State canvassers, and H. E. Hayne as secretary of state.

*Suggestion for prohibition.*

On hearing the suggestion, and on motion of Conner for the relators,  
*Ordered*, That a rule do issue requiring the chairman and members of the board of State canvassers and the said secretary of state to show cause on Thursday next, November 16, 1876, at 12 o'clock and 30 minutes p. m., why a writ of prohibition should not issue in accordance with the prayer of the suggestion.

NOVEMBER 14, 1876.

F. J. MOSES.

## The State of South Carolina, in the supreme court.

THE STATE OF SOUTH CAROLINA, EX REL. R. M. SIMS, Johnson Hagood, S. L. Leaphart, James Conner, H. S. Thompson, and E. W. Moise, as citizens of said State and as candidates,  
*vs.*  
 H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN; AND F. L. Cardozo, State treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general; and H. W. Purvis, adjutant and inspector-general, members of the board of State canvassers; and H. E. Hayne as secretary of state.

*Return to rule to show cause.*

The respondents in the above-entitled cause, having been served with a rule to show cause why a writ of prohibition should not issue in accordance with the prayer of the suggestion, for cause show:

That their duties and powers as a board of State canvassers are defined in chapter 8, title 2, of the general statutes of the State of South Carolina as follows:

"SEC. 21. The secretary of state shall appoint a meeting of State canvassers, to be held at his office or some convenient place, on or before the 10th day of November next after such general election, for the purpose of canvassing the votes for all officers voted for at such election.

"SEC. 22. The secretary of state, comptroller-general, attorney-general, State auditor, State treasurer, adjutant and inspector-general, and the chairman of the committee on privileges and elections of the house of representatives shall constitute the State canvassers, four of whom shall be a sufficient number to form a board.

"SEC. 23. If a majority of these officers shall be unable, or shall fail to attend, the president of the senate, being notified by the secretary of state, shall attend without delay, and, with the officers attending, shall form a board.

"SEC. 24. The board when thus formed, shall, upon the certified copies of the statements made by the board of county canvassers, proceed to make a statement of the whole number of votes given at such election for the various officers, and for each of them voted for, distinguishing the several counties in which they were given. They shall certify such statements to be correct, and subscribe the same with their proper names.

"SEC. 25. They shall make and subscribe on the proper statement a certificate of their determination, and shall deliver the same to the secretary of state.

"SEC. 26. Upon such statements, they shall then proceed to determine and declare what persons have been, by the greatest number of votes, duly elected to such offices or either of them. They shall have power, and it is made their duty, to decide all cases under protest or contest that may arise, when the power to do so does not, by the constitution, reside in some other body.

"SEC. 27. The board shall have power to adjourn from day to day for a term not exceeding ten days.

"SEC. 29. The secretary of state shall record in his office, in a book to be kept by

him for that purpose, each certified statement and determination which shall be delivered to him by the board of State canvassers and every dissent or protest that shall have been delivered to him by a canvasser.

"SEC. 30. He shall, without delay, transmit a copy, under the seal of his office, of such certified determination to each person thereby declared to be elected, and a like copy to the governor.

"SEC. 31. He shall cause a copy of such certified statements and determinations to be printed in one or more public newspapers of this State.

"SEC. 32. He shall prepare a general certificate, under the seal of the State, and attested by him as secretary thereof, addressed to the House of Representatives of the United States in that Congress for which any person shall have been chosen of the due election of the person so chosen at such election as representative of this State in Congress, and shall transmit the same to said House of Representatives at their first meeting."

That as to the duty of the board of State canvassers in relation to the election of electors of President and Vice-President, section 7, chapter 9, General Statutes, page 35, provides as follows:

"The board of State canvassers shall proceed in making a statement of all the votes, and in *determining* and certifying the persons elected, in the manner prescribed by law in relation to the election of other officers."

The duty of the secretary of state in connection with this election is defined as follows by section 8, chapter 9, General Statutes:

"The secretary of state shall, without delay, cause a copy, under the seal of his office, of the certified determination of the board of State canvassers to be delivered to each of the persons therein declared to be elected, and for that purpose he may employ such and so many messengers as he shall deem necessary."

And these respondents further say, as to the matters of fact set out and alleged in the suggestion of the relators, that they admit the same to be true, except as follows:

That as to whether the several boards of managers of said election have duly counted the votes cast of said election, and have duly returned the same in their respective counties to the board of canvassers of said counties respectively; and whether the board of county canvassers have made their statements of the votes cast in the manner required by law, and the same, together with all the protests and papers appertaining to said election, have been forwarded by said boards of county canvassers to these respondents, or are in the course of transmission, these respondents are not informed, and as yet have not sufficient information to found a belief relating thereto. They admit that a portion of the returns of the managers of election and of the board of county canvassers have been received, but as yet they have not proceeded to examine and certify the same; that the returns of the managers of election and the board of county canvassers for several counties in the State have not as yet been received by these respondents, and no opportunity, therefore, as yet has been had to pass upon the same as required by law.

As to the suggestion on the part of the relators that, as the Hon. F. L. Cardozo, treasurer, Hon. T. C. Dunn, comptroller-general, and Hon. H. E. Hayne, secretary of state, members of the State board of canvassers, are candidates for re-election, and were voted for on one and the same ticket, and the relators, with all candidates for said offices on the other side, were voted for on one and the same opposing ticket, and the offices of each and every one of them depended upon the same canvass and decision; and for the said F. L. Cardozo, the said T. C. Dunn, and the said H. E. Hayne, or any one of them, to hear and decide any contest or protest in regard to any one of said offices is for them to make themselves judges in their own cases, these respondents say they deny the same, and say that when the said board passes upon the election or right of any one of these persons to the office for which he was a candidate, and for which he was voted at the election, that person must and will retire from the board for the time being, and until the other members of the board shall determine whether he or his opponent is entitled to a certificate of election.

This mode of procedure does not in any proper sense make any member of the board a judge in his own case, but expressly excludes him from such position.

These respondents say as the matters of law set out in the suggestion of the relators, the same are erroneous, and contravenes the statute law of the State hereinbefore recited, and the practice of the board of State canvassers since the adoption of the present constitution of the State.

These respondents say that they are ready and willing, as soon as the returns of the managers of election and the returns of the board of county canvassers, and all papers connected therewith, of the election held on the 7th of November instant are received, to proceed and discharge their whole duty according to the constitution and laws of the State, keeping strictly within the same, and this they are, under heavy penalty, bound to do.

Having fully answered the exigencies of said rule, these respondents pray to be hence dismissed with their reasonable costs, in this behalf most wrongfully sustained.

H. E. HAYNE,

*Secretary of State,*

F. L. CARDOZO,

*State Treasurer,*

THOS. C. DUNN,

*Comptroller-General,*

WM. STONE,

*Attorney-General,*

H. W. PURVIS,

*Adjutant and Inspector-General,*

*Board of State Canvassers.*

D. T. CORBIN,

R. B. ELLIOTT,

*Attorneys for Respondents.*

The State of South Carolina, in the supreme court.

THE STATE OF SOUTH CAROLINA EX RELATIONE R. M. SIMS,  
Johnson Hagood, S. L. Leaphart, James Conner, H. S. Thompson,  
and E. W. Moise, as citizens of the said State and as candidates,

*vs.*

H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN; AND F. L. Cardozo, State treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general; and H. W. Purvis, adjutant and inspector-general, members of the board of State canvassers, and H. E. Hayne, as secretary of state.

Be it remembered that, on the 14th day of November, A. D. 1876, come R. M. Sims, Johnson Hagood, S. L. Leaphart, James Conner, H. S. Thompson, and E. W. Moise, as citizens of the said State, and as candidates for the offices of secretary of state, comptroller-general, state treasurer, attorney-general, superintendent of education, and adjutant and inspector-general, here into court, and give the court to be informed that on the 7th day of November, A. D. 1876, a general election was duly held in the said State and in all the counties thereof, for the following officers, to wit: For electors for President and Vice-President of the United States, members of Congress of the United States, governor, lieutenant-governor, secretary of state, comptroller-general, treasurer, attorney-general, superintendent of education, and adjutant and inspector-general of the said State; and for members of the general assembly of the said State from the counties thereof, respectively; and for sheriffs, clerks of the court, judges of probate, school-commissioners, county commissioners, and coroners in the several counties, and solicitors in the several circuits of said State; and that at said election divers persons were candidates for the said several offices, respectively; and that said election having been held as aforesaid, the votes for the opposing candidates for said offices, respectively, were thereupon duly counted by the several boards of managers of said election, and by them duly returned in their respective counties to the boards of canvassers of the said counties, respectively; and the said boards of county canvassers having made their statements of the votes cast in manner as required by law, the same, together with all protests and papers appertaining to said election, were by the said boards of county canvassers duly transmitted to the board of State canvassers of the said State, or are in the course of transmission, as these relators are informed.

And your relators further give the court to be informed that the statements so transmitted by the boards of county canvassers to the board of State canvassers were, in a large number of instances, accompanied by protests and contests of the said election, upon the part of certain persons who were candidates for the said offices, and that thereupon your relators appeared before the said board of State canvassers on the 11th day of November, A. D. 1876, and insisted that so far as pertained to the election of members of general assembly the duty of the said board of State canvassers was purely ministerial; and demanded in writing that said board should do no more than to state the votes of the said counties as certified to it by the boards of county canvassers, and thereupon declare what persons had received the highest number of votes for the senate and house of representatives, and certify such statement to the secretary of state, who should transmit a copy of such certified statement and determination, under the seal of his office, to each person declared to be elected; but the said board of State canvassers refused the demand of your relators, and on the contrary resolved, contrary to the protest of your relators, to consider and determine matters of contest and protest in such cases (all of which particularly appears by the copy of the demand

and protest of your relators and of the resolution of the said board, annexed thereto, and to which your relators crave that reference may be had as part of this suggestion;) and the said board of State canvassers are now proceeding to hear and determine all cases of protest or contest that are made in regard to the election of members of the general assembly.

And that, so far as pertains to the election of electors for President and Vice-President of the United States, and members of the Congress of the United States, your relators further demanded that the said board of State canvassers should limit itself to the duty of aggregating the managers' returns from the several counties, as certified to the said board by the county canvassers of the several counties, and of declaring the persons who have received the highest number of votes cast, respectively, for electors of President and Vice-President, and the highest number of votes cast for members of Congress in the several congressional districts; and further demanded that said board of State canvassers should not hear or assume to decide any question of protest or contest in regard to the election of any electors for President or Vice-President, or of any member of Congress; but the said board of canvassers refused to accede to the demand of your relators, and on the contrary resolved to hear protests as to the election of such electors and members of Congress (as will appear by the copy of your relators' said demand and the certified copy of said resolution, hereto annexed, and to which your relators crave that reference may be had as part of this suggestion;) and are now proceeding to hear and determine all protests and contests in regard to said election for electors and members of Congress, and are thereby assuming functions and duties which belong to other tribunals.

And your relators further suggest, that for the offices of treasurer, comptroller-general, secretary of state, attorney-general, superintendent of education, and adjutant and inspector general, contests or protests have been made before the said board of State canvassers; and the said board, as organized, consists, among others, of the Hon. F. L. Cardozo, as treasurer, who is a candidate for re-election; of the Hon. T. C. Dunn, as comptroller-general, who is a candidate for re-election; and of the Hon. H. E. Hayne, as secretary of state, who is a candidate for re-election; and that at the said general election held on the 7th instant the said members of the board of State canvassers, together with all the candidates for the several offices on the one side, were voted for on one and the same ticket, and your relators, together with all candidates for the said offices on the other side, were voted for on one and the same opposing ticket; and the offices of each and every one of them depend upon the same canvass and decision; and for the said F. L. Cardozo, the said T. C. Dunn, the said H. E. Hayne, or any one of them, to hear and decide any contest or protest in regard to any one of said offices is for them to make themselves judges in their own cases, and to enable them to declare the election in their own favor. And although in respect of the election of said officers the duties and functions as prescribed by the act are judicial, yet contrary to the protest of your relators, the said board of State canvassers have resolved that the said treasurer, comptroller-general, and secretary of state shall sit as members of said board, to hear and determine all questions that shall come before them, except only that the said officers shall not vote upon their own election, (all of which will appear by reference to the certified copy of the resolution of the said board and your relators' protests, hereto annexed, and to which reference is craved as part of this suggestion;) and the said treasurer, comptroller-general, and secretary of state are now proceeding, as members of said board, to hear and determine the matters aforesaid.

And that the said board of canvassers, in assuming to hear and determine protests or contests in respect to the election of officers hereinbefore first mentioned and voted for at the said general election, excepting only the offices of governor and lieutenant-governor of said State, have assumed to exercise and discharge duties and functions which are clearly judicial; that article 1, section 26, of the constitution of the State provides that "in the government of the commonwealth, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other;" that said board of State canvassers, as organized, consists of the State treasurer, the comptroller-general, the secretary of state, the attorney-general, and the adjutant and inspector general of said State; all of whom are executive officers of the State and belong to that department of the State government, and are prohibited by the constitution from exercising judicial powers or functions; and all acts or parts of acts giving to the members of the said board the power to hear and determine such contests or protests are unconstitutional and void. And notwithstanding the premises and the protests of your relators, the said board of State canvassers and the several members thereof, as aforesaid, are now proceeding to hear and determine matters of contest and protest arising upon said election as aforesaid.

And the said board of State canvassers are proceeding to hear and determine all matters of contest or protest before them in regard to the election of persons who are can-

didates for the several offices aforesaid, at the said general election, and are proceeding to certify their determination on such contests and protests to the secretary of state; and the said secretary of state is about to issue certified copies of such determination of the board of State canvassers to the parties in whose favor such determinations are made; whereas your relators aver that the said board of State canvassers have no right or authority to hear such protests or contests, or to determine the same, or to certify such determination to the secretary of state; that their only power or duty is to certify to the secretary of state the persons who have received the highest number of votes as appears by the managers' returns and the statements of the boards of canvassers of the respective counties, without regard to or consideration of any protest or contest; and the secretary of state has no power or authority to receive or record any certified statement or determination of the board of State canvassers in any case in which the said board has heard or determined any protest or contest, or to issue to any person any copy of such certified determination in any case in which the board of State canvassers has heard and determined any protest or contest; wherefore your relators pray that a writ of *mandamus* may issue from this honorable court to the said H. E. Hayne, secretary of state, as chairman; and the said F. L. Cardozo, State treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general; and H. W. Purvis, adjutant and inspector general, members of the said board of State canvassers, commanding and compelling them to ascertain from the managers' returns and statements forwarded to them by the boards of county canvassers, the persons who, at the general election held on the said 7th day of November instant, received the greatest number of votes for the offices for which they were candidates respectively, and to declare the same, and certify such declaration, and none other, to the secretary of state, and commanding and compelling them to perform all ministerial acts devolved upon them by the acts of the general assembly, and commanding and compelling them to revoke and annul all illegal and unauthorized acts by them committed, and to revoke and annul any determination or decision which they have made in any case of contest or protest, if any such there be.

And that your relators may have such other and further relief, and such other and further original and remedial writs, as may be necessary to the supervisory control of the said board of State canvassers, in furtherance of justice and to the protection of your relators.

JAS. CONNER,  
*Attorney for Relators.*

STATE OF SOUTH CAROLINA,  
*Richland County:*

Personally appeared before me, W. K. Bachman, notary public, the undersigned, and swear that the facts set forth in the foregoing suggestion and petition are true.

JAS. CONNER.  
JOHN T. RHETT.  
LOUIS LECONTE.  
LEROY F. YOUMANS.

Sworn to before me November 13, 1876.  
[L. S.]

W. K. BACHMAN,  
*Notary Public.*

So far as regards the election of members of the general assembly, that the board of State canvassers can only aggregate the vote of the several precincts in the counties as certified by the board of county canvassers, and declare what persons have received the greatest number of votes for the senate and house of representatives, and certify such statement to the secretary of state, who shall transmit a copy of such certified determination, under the seal of office, to each person declared to be elected, we submit this point, and ask the decision of the board thereon.

And the board of State canvassers, having thereupon passed its resolution refusing the said application, we protest against the said resolution, and notify the board that any further action by it, under such resolution, is regarded as illegal, null, and void.

JAS. CONNER,  
*Counsel for Protestants.*

That the State board of canvassers have no right or duty in regard to the election of electors for President and Vice-President, and members of Congress, except to aggregate the vote of the respective counties, and certify what persons have received the greatest number of votes.

All questions of contest or protest belong to other tribunals, and not the board of State canvassers, to hear and determine.

JAS. CONNER,  
*Counsel for the Protestants.*

That for the offices of treasurer, comptroller-general, secretary of state, attorney-general, adjutant-general, and superintendent of education there is a contest or protest.

That the functions and duties of the board of canvassers on such contests or protests are judicial. That the board of canvassers, as organized, consists of Hon. F. L. Cardozo as treasurer, (who is a candidate for re-election;) of the Hon. T. C. Dunn as comptroller-general, (who is a candidate for re-election;) of the Hon. H. E. Hayne as secretary of State, (who is a candidate for re-election.)

On behalf of the citizens of the State whom we represent, and on behalf of the democratic candidates on the State ticket, we protest against the board of State canvassers exercising jurisdiction. That the members of the said board hereinbefore named, and all the republican candidates, were voted for on one and the same ticket, and the offices of each and every one of them depend on the same canvass and decision; and for the said F. L. Cardozo, the said T. C. Dunn, the said H. E. Hayne, or any one of them, to hear and decide any contest and protest in regard to said offices, is for them to make themselves judges in their own case, and to enable them to decide the election in their own favor.

Against such a bold violation of justice we enter our earnest protest.

JAMES CONNER,  
Counsel for Protestants.

By the board.—*Resolved*, That as to the returns of the election of members of the general assembly, the board will consider them in connection with any protests or notices of contests that may be presented; this having been the established practice of the board heretofore.

A true copy.

HENRY B. JOHNSON, *Secretary*.

The following resolutions were adopted in regard to the points submitted by General Conner:

1. *Resolved*, That the board of State canvassers do not propose to canvass the returns of governor and lieutenant-governor, as it is of opinion that the determination of the election of those officers is given by the constitution to the general assembly.

2. *Resolved*, That the State board of canvassers have the right to hear protests as to the election of electors for President and Vice-President, and members of Congress, and to give their certificate to such persons as have the highest number of votes.

3. *Resolved*, That it is the opinion of the board of state canvassers that the secretary of state, state treasurer, and comptroller-general have the right to sit as members of this board, to hear and determine all questions coming before them, except that neither of the said officers shall vote upon his own election.

HENRY B. JOHNSON,  
*Secretary Board of State Canvassers.*

To the honorable the Board of State Canvassers:

Please take notice that the relators above named will move before the supreme court of the State of South Carolina, at 10 o'clock a. m., on Tuesday, November 14, 1876, for the writs of prohibition and mandamus above prayed for.

November 13, 1876.

JAMES CONNER,  
Counsel for the Relators.

The State of South Carolina, in the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE R. M. SIMS  
*et al.*  
*against*

H. E. HAYNE AS CHAIRMAN, AND OTHERS AS MEMBERS, OF THE  
board of state canvassers, and H. E. Hayne as secretary of  
state.

*Suggestion for prohibition and mandamus.*

On hearing the suggestion, and on motion of James Conner for the relators,

*Ordered*, That the said suggestions be heard and considered as separate suggestions; the one praying for the writ of prohibition only, and the other praying for the writ of mandamus only; and that the said separate suggestions be regarded as filed.

November 14, 1876.

F. J. MOSES.

## The State of South Carolina, in the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE R. M. Sims, *et al.*,  
*against*  
 H. E. HAYNE AS CHAIRMAN, AND OTHERS AS MEMBERS,  
 of the board of State canvassers, and H. E. Hayne as  
 secretary of state.

*Suggestion for mandamus.*

On hearing the suggestion, and on motion of Conner for the relators,  
*Ordered*, That a rule do issue, requiring the said chairman and members of the board of State canvassers and the said secretary of state to show cause, on Thursday next, November 16, 1876, at 12 o'clock and 30 minutes p. m., why a writ of mandamus should not issue in accordance with the prayer of the suggestion.

November 4, 1876.

F. J. MOSES.

## The State of South Carolina, in the supreme court.

THE STATE OF SOUTH CAROLINA, EX REL. R. M. SIMS, Johnson Hagood, S. L. Leaphart, James Conner, H. S. Thompson, and E. W. Moise, as citizens of said State and as candidates,  
*vs.*  
 H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN; AND F. L. Cardozo, State treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general; and H. W. Purvis, adjutant and inspector-general, members of the board of State canvassers, and H. E. Hayne, as secretary of state.

*Return to rule to show cause.*

The respondents in the above-entitled cause, having been served with a rule to show cause why a writ of prohibition should not issue in accordance with the prayer of the suggestion, for cause show—

That their duties and powers as a board of State canvassers are defined in chapter 8, title 2, of the general statutes of the State of South Carolina, as follows:

"SEC. 21. The secretary of state shall appoint a meeting of State canvassers, to be held at his office, or some convenient place, on or before the tenth day of November next after such general election, for the purpose of canvassing the votes for all officers voted for at such election.

"SEC. 22. The secretary of state, comptroller-general, attorney-general, State auditor, State treasurer, adjutant and inspector-general, and the chairman of the committee on privileges and elections of the house of representatives shall constitute the State canvassers, four of whom shall be a sufficient number to form a board.

"SEC. 23. If a majority of these officers shall be unable, or shall fail, to attend, the president of the senate, being notified by the secretary of state, shall attend without delay, and, with the officers attending, shall form a board.

"SEC. 24. The board, when thus formed, shall, upon the certified copies of the statements made by the board of county canvassers, proceed to make a statement of the whole number of votes given at such election for the various officers, and for each of them voted for, distinguishing the several counties in which they were given. They shall certify such statements to be correct, and subscribe the same with their proper names.

"SEC. 25. They shall make and subscribe on the proper statement a certificate of their determination, and shall deliver the same to the secretary of State.

"SEC. 26. Upon such statements, they shall then proceed to determine and declare what persons have been, by the greatest number of votes, duly elected to such offices, or either of them. They shall have power, and it is made their duty, to decide all cases under protest or contest that may arise, when the power to do so does not, by the constitution, reside in some other body.

"SEC. 27. The board shall have power to adjourn from day to day for a term not exceeding ten days.

"SEC. 29. The secretary of State shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination which shall be delivered to him by the board of State canvassers and every dissent or protest that shall have been delivered to him by a canvasser.

"SEC. 30. He shall, without delay, transmit a copy, under the seal of his office, of such certified determination to each person thereby declared to be elected, and a like copy to the governor.

"SEC. 31. He shall cause a copy of such certified statements and determination to be printed in one or more public newspapers of this State.

"SEC. 32. He shall prepare a general certificate, under the seal of the State, and attested by him as secretary thereof, addressed to the House of Representatives of the United States in that Congress for which any person shall have been chosen, of the due election of the person so chosen at such election as Representative of this State in Congress, and shall transmit the same to said House of Representatives at their first meeting."

That as to the duty of the board of State canvassers in relation to the election of electors of President and Vice-President, section 7, chapter 9, general statutes, page 35, provides as follows:

"The board of State canvassers shall proceed, in making a statement of all the votes, and in determining and certifying the persons elected, in the manner prescribed by law in relation to the election of other officers."

The duty of the secretary of state, in connection with this election, is defined as follows by section 8, chapter 9, general statutes:

"The secretary of state shall, without delay, cause a copy, under the seal of his office, of the certified determination of the board of State canvassers to be delivered to each of the persons therein declared to be elected, and for that purpose he may employ such and so many messengers as he shall deem necessary."

And these respondents further say, as to the matters of fact set out and alleged in the suggestion of the relators, that they admit the same to be true, except as follows:

"That as to whether the several boards of managers of said election have duly counted the votes cast of said election, and have duly returned the same in their respective counties to the board of canvassers of said counties respectively; and whether the board of county canvassers have made their statements of the votes cast in the manner required by law, and the same, together with all the protests and papers appertaining to said election, have been forwarded by said boards of county canvassers to these respondents, or are in the course of transmission, these respondents are not informed, and as yet have not sufficient information to found a belief relating thereto. They admit that a portion of the returns of the managers of election and of the board of county canvassers have been received, but as yet they have not proceeded to examine and certify the same. That the returns of the managers of election and the board of county canvassers for several counties in the State have not as yet been received by these respondents, and no opportunity, therefore, as yet has been had to pass upon the same, as required by law.

As to the suggestion, on the part of the relators, that as the Hon. F. L. Cardozo, treasurer, Hon. T. C. Dunn, comptroller-general, and Hon. H. E. Hayne, secretary of state, members of the State board of canvassers, are candidates for re-election, and were voted for on one and the same ticket, and the relators, with all candidates for said offices on the other side, were voted for on one and the same opposing ticket, and the offices of each and every one of them depended upon the same canvass and decision; and for the said F. L. Cardozo, the said T. C. Dunn, and the said H. E. Hayne, or any one of them, to hear and decide any contest or protest in regard to any one of said offices is for them to make themselves judges in their own cases, these respondents say they deny the same, and say that when the said board passes upon the election or right of any one of these persons to the office for which he was a candidate, and for which he was voted at the election, that person must and will retire from the board for the time being, and until the other members of the board shall determine whether he or his opponent is entitled to a certificate of election.

This mode of procedure does not in any proper sense make any member of the board a judge in his own case, but expressly excludes him from such position.

These respondents say as to the matters of law set out in the suggestion of the relators, the same are erroneous and contravene the statute-law of the State, hereinbefore recited, and the practice of the board of State canvassers since the adoption of the present constitution of the State.

These respondents say that they are ready and willing, as soon as the returns of the managers of election and the returns of the board of county canvassers, and all papers connected therewith, of the election held on the 7th of November instant, are received, to proceed and discharge their whole duty according to the constitution and laws of the State, keeping strictly within the same, and this they are, under heavy penalty, bound to do.



Having fully answered the exigencies of said rule, these respondents pray to be hence dismissed with their reasonable costs, in this behalf most wrongfully sustained.

H. E. HAYNE,  
*Secretary of State,*  
 F. L. CARDOZO,  
*State Treasurer,*  
 THOS. C. DUNN,  
*Comptroller-General,*  
 WM. STONE,  
*Attorney-General,*  
 H. W. PURVIS,  
*Adjutant and Inspector-General,*  
*Board of State Canvassers.*

D. T. CORBIN,  
 R. B. ELLIOTT,  
*Attorneys for Respondents.*

THE STATE *ex rel.* R. M. SIMS *et al.* }  
*vs.* }  
 H. E. HAYNE *et al.*, BOARD OF STATE CANVASSERS. }

It is ordered that relators have leave to amend by striking out the words democratic and republican, and substituting relators and respondents, or other apt words, to designate the parties.

F. J. MOSES.

November 14, 1876.

The State of South Carolina.—In the supreme court.

*Mandamus.*

THE STATE *ex rel.* R. M. SIMS *et al.* }  
*vs.* }  
 H. E. HAYNE *et al.*, STATE CANVASSERS. }

It is ordered, in the above-entitled cause, that the board of State canvassers, consisting of H. E. Hayne, secretary of state, as chairman, and F. L. Cardozo, treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general, and H. W. Purvis, adjutant and inspector-general, do forthwith proceed to aggregate the statements forwarded to them by the board of county canvassers, and ascertain the persons who have received the greatest number of votes for the offices for which they were candidates respectively at the general election held in the State on the 7th inst., and certify their action in the premises under this order to the court.

This order to apply to all officers voted for at said general election, except the office of governor and lieutenant-governor, which are not in question by the pleadings.

F. J. MOSES.

COLUMBIA, November 17, 1876.

I dissent from so much of this order as requires that the board of State canvassers certify the action in the premises to this court.

J. J. WRIGHT, *A. J.*,  
*South Carolina.*

Supreme court—April term, 1876.

*Copy return of State board of canvassers, filed 21st November, 1876.*

THE STATE *ex relatione* R. M. SIMS *et al.* }  
*vs.* }  
 H. E. HAYNE *et al.*, BOARD OF STATE CANVASSERS. }

*Statement of board of State canvassers to supreme court.*

In re R. M. SIMS *et al.* }  
*vs.* }  
 H. E. HAYNE *et al.* }

To the supreme court of the State of South Carolina:

The board of State canvassers, respondents herein, hereby certify that it appears, by the statements of the several boards of county canvassers, laid before this board,

that the following named persons have received the number of votes set opposite their respective names for the several offices herein designated, namely :

*For electors of President and Vice-President.*

	Votes.
C. C. Bowen received.....	91, 786
John Winsmith received.....	91, 870
T. B. Johnston received.....	91, 852
T. Hurley received.....	91, 136
W. B. Nash received.....	91, 804
Wilson Cook received.....	91, 432
W. F. Myers received.....	91, 830
F. G. Barker received.....	90, 896
Samuel McGowan received.....	90, 737
J. W. Harrington received.....	90, 895
J. I. Ingram received.....	90, 798
William Wallace received.....	90, 905
John B. Erwin received.....	90, 906
R. Aldrich received.....	90, 860

*For secretary of state.*

H. E. Hayne received.....	91, 676
R. M. Sims received.....	91, 449
Scattering.....	64

*For attorney-general.*

R. B. Elliott received.....	91, 146
James Conner received.....	91, 139
Thomas C. Dunn received.....	238
Johnson Hagood received.....	410

*For State treasurer.*

F. L. Cardozo received.....	91, 485
S. L. Leaphart received.....	91, 277

*For comptroller-general.*

T. C. Dunn received.....	90, 858
Johnson Hagood received.....	91, 114
R. B. Elliott received.....	241
James Conner received.....	407
F. C. Dunn received.....	318

*For superintendent of education.*

John R. Tolbert received.....	91, 112
H. S. Thompson received.....	91, 554
John B. Tolbert received.....	532

FOR MEMBERS OF CONGRESS.

*First district.*

Joseph H. Rainey received.....	18, 180
J. S. Richardson received.....	16, 661
Scattering.....	1

*Second district—(Unexpired term.)*

C. W. Buttz received.....	21, 378
M. P. O'Connor received.....	13, 030
Scattering.....	2

*Second district—(Regular term.)*

Richard H. Cain received.....	21, 385
M. P. O'Connor received.....	13, 028
Scattering.....	2

*Third district.*

L. Cass Carpenter received.....	15, 553
D. Wyatt Aiken received.....	21, 479

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*Fourth district.*

	Votes.
A. S. Wallace received .....	16, 071
John H. Evins received .....	21, 875

*Fifth district.*

Robert Smalls received .....	19, 954
G. D. Tilman received .....	18, 516
Scattering .....	2

FOR SOLICITORS.

*First circuit.*

C. W. Buttz received .....	19, 480
W. St. J. Jorvey received .....	11, 566

*Second circuit.*

S. J. Lee received .....	17, 377
F. H. Gantt received .....	12, 356
Scattering .....	2

*Third circuit.*

M. J. Hirsch received .....	10, 366
F. J. Dargan received .....	6, 587
Samuel T. Atkinson received .....	632
Scattering .....	1

*Fourth circuit.*

D. D. McColl received .....	9, 558
W. W. Sellers received .....	10, 993
Scattering .....	3

*Fifth circuit.*

E. M. Brayton received .....	10, 313
John R. Abney received .....	12, 528

*Sixth circuit.*

C. P. Pelham received .....	8, 864
T. C. Gaston received .....	8, 972

*Seventh circuit.*

W. M. Fleming received .....	7, 845
B. W. Ball received .....	12, 185

*Eighth circuit.*

A. Blythe received .....	7, 726
J. T. Cothran received .....	15, 943

*For adjutant and inspector general.*

James Kennedy received .....	91, 606
E. W. Moise received .....	91, 545
Scattering .....	2

FOR COUNTY OFFICERS AND MEMBERS OF THE GENERAL ASSEMBLY.

ABBEVILLE COUNTY.

*Probate judge.*

J. F. Lyon .....	3, 773
T. B. Milford .....	3, 736

*Sheriff.*

J. T. Jones .....	3, 795
C. W. Guffin .....	3, 698

*Clerk of court.*

M. G. Zeigler .....	3, 812
L. L. Guffin .....	3, 680

*Coroner.*

Samuel W. Cochran .....	3,798
H. H. B. Fuller .....	3,703

*School commissioner.*

John A. Wier .....	3,792
Thomas M. Christain .....	3,710

*County commissioners.*

Robert Jones .....	3,813
G. M. Mattison .....	3,799
Robert A. McCaslan .....	3,795
William H. Taggart .....	3,697
Lewis Clay .....	3,704
A. B. Griffin .....	3,705

*Senator.*

John C. Maxwell .....	3,796
Thomas N. Tolbert .....	3,707

*Representatives.*

W. K. Bradley .....	3,799
Robert R. Hemphill .....	3,800
F. A. Connor .....	3,792
William Hood .....	3,799
Thomas L. Moore .....	3,798
William M. Pope .....	3,718
H. A. Wideman .....	3,708
Isaac H. White .....	3,706
Benj. F. Porter .....	3,705
Wm. H. Hurd .....	3,702

AIKEN COUNTY.

*Probate judge.*

Edwin R. Bardein .....	2,464
W. W. Williams .....	3,171

*Sheriff.*

M. P. Hollay .....	3,176
William Peel .....	2,456

*Clerk of court.*

Angus P. Brown .....	3,172
Porter B. Williams .....	2,464

*Coroner.*

James A. Moseley .....	3,124
George R. Allen .....	2,460

*School commissioner.*

W. C. Anderson .....	3,173
Wm. H. Lawson .....	2,460

*County commissioners.*

G. B. Mills .....	3,178
James Powell .....	3,172
A. W. Sanders .....	3,177
Thomas W. West .....	2,448
Samuel P. Picksly .....	2,443
Warren R. Diver .....	2,446

*Senator.*

A. P. Butler .....	3,176
Edward P. Stoney .....	2,461
Scattering .....	1

*Representatives.*

C. E. Sawyer .....	3, 179
J. J. Woodward .....	3, 182
L. W. Asbill .....	3, 177
John G. Guignard .....	3, 177
Fred. A. Palmer .....	2, 44
Paul W. Jefferson .....	2, 453
Gloster H. Holland .....	2, 450
L. W. James .....	2, 452

ANDERSON COUNTY.

*Probate judge.*

W. W. Humphreys .....	4, 261
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*Sheriff.*

James H. McConnell .....	4, 256
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*Clerk of court.*

John W. Daniels .....	4, 259
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*Coröner.*

H. O. Herrick .....	4, 229
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*School commissioner.*

J. N. Carwile .....	4, 255
Scattering .....	1

*County commissioners.*

Samuel Browne .....	4, 137
John C. Gantt .....	4, 127
O. H. P. Fant .....	4, 128
Harry Gaillard .....	1, 125

*Representatives.*

H. R. Vandiver .....	4, 221
R. W. Simpson .....	4, 217
W. C. Brown .....	4, 129
James L. Orr .....	4, 126

BARNWELL COUNTY.

*Probate judge.*

James M. Ryan .....	3, 931
W. J. Mixson .....	2, 781
Scattering .....	1

*Sheriff.*

J. W. Lancaster .....	3, 947
Frank C. Miller .....	2, 779

*Clerk of court.*

J. J. Brabham .....	3, 941
George E. Osborne .....	2, 370
Wesley Dickson .....	402

*Coröner.*

Jack Flemming .....	3, 893
Geo. H. Harris .....	2, 785
James Patterson .....	1

*School commissioner.*

J. S. Hanener .....	3, 936
B. K. Motte, jr .....	2, 778

*County commissioners.*

W. R. Brabham .....	3, 941
J. C. McMillian .....	3, 939
Osborne Dyckes .....	3, 935
James G. Varne .....	2, 786
J. H. Moody .....	2, 786
John F. McMillian .....	2, 782

*Senator.*

Jones M. Williams .....	3,941
Charles P. Leslie .....	2,769
G. E. Osborne .....	2
L. A. Wright .....	2

*Representatives.*

Isaac S. Bamberg .....	3,956
John W. Holmes .....	3,94
L. W. Youmaus .....	3,948
M. A. Roundtree .....	3,943
Robert Aldrich .....	3,915
Scipio Bennett .....	2,781
Wm. M. Brabham .....	2,776
Silas Cave .....	2,776
Austin Jackson .....	2,773
Fred. Nix, jr .....	2,751

## BEAUFORT COUNTY.

*Probate judge.*

A. B. Addison .....	6,865
R. K. Carlston .....	679
C. E. Bell .....	1,951
Scattering .....	28

*Sheriff.*

William Wilson .....	7,608
Owen Duke .....	2,167

*Clerk of court.*

S. J. Bampfield .....	7,493
H. G. Judd .....	2,298
Scattering .....	2

*Coroner.*

A. W. Muckenfass .....	7,344
S. W. Washington .....	2,177
W. S. Washington .....	26
Doctor Johnson .....	2

*School commissioner.*

Q. H. Wheeler .....	7,533
B. F. Buckner .....	2,219
George R. Harris .....	13
S. D. Gilbert .....	9

*County commissioners.*

V. S. Scott .....	7,510
R. J. Martin .....	7,506
R. F. Greaves .....	7,522
H. R. Williams .....	2,221
Cupid Hayward .....	2,178
William Russell .....	2,205
Ben De Vaux .....	11
R. Ward .....	13
J. Cole .....	2
M. S. Elliott .....	2
S. Drayton .....	10
Doctor Johnson .....	3

*Senator.*

Samuel Green .....	7,534
William Elliott .....	2,233
N. B. Myers .....	7
Sam Green .....	14

*Representatives.*

J. W. Moore .....	2, 230
John Lawson .....	2, 225
C. J. C. Hutson .....	2, 226
Daniel Washington .....	2, 245
A. P. Jenkins .....	2, 173
W. J. Gooding .....	2, 217
Thomas Hamilton .....	7, 533
Hastings Gantt .....	7, 435
Joseph Robinson .....	7, 473
George A. Reed .....	7, 540
N. B. Myers .....	7, 531
T. E. Miller .....	7, 512
Scattering .....	63

## CHARLESTON COUNTY.

*Probate judge.*

Macon B. Allen .....	14, 924
George Buist .....	8, 853

*Sheriff.*

C. C. Bowen .....	15, 049
Alex. Melchers .....	8, 697
Scattering .....	4

*Clerk of court.*

John H. Ostendorff .....	14, 733
Jacob Williman .....	9, 022

*Coroner.*

M. H. Collis .....	14, 920
C. Kerrison, jr. ....	8, 771
Scattering .....	5

*School commissioner.*

Joseph E. Hayne .....	14, 954
E. M. Grimke .....	8, 778

*County commissioners.*

George I. Cunningham .....	15, 090
Louis Dunneman .....	14, 990
Wm. H. Thompson .....	14, 860
F. S. Browning .....	8, 730
C. C. Leslie .....	8, 820
Phil. Fogarty .....	8, 762
Scattering .....	1

*Senator.*

Wm. N. Taft .....	14, 961
Charles H. Simmonton .....	8, 792
Scattering .....	1

*Representatives.*

E. W. M. Mackey .....	15, 058
William J. Brodie .....	14, 981
Benj. F. Smalls .....	14, 957
Robert Simmons .....	14, 961
William C. Glover .....	14, 964
Frederick S. Edwards .....	14, 964
Isaac Prioleau .....	14, 902
John Vanderpool .....	14, 957
Joseph J. Lesesne .....	14, 962
Joseph S. Lazarus .....	14, 955
Samuel C. Brown .....	14, 967
Benj. F. Capers .....	14, 960
Adam P. Ford .....	14, 900
Richard Bryan .....	14, 958
Julius C. Tingman .....	14, 954

Abraham Smith.....	14,926
William G. Pinckney.....	14,956
B. Bollman .....	8,766
R. Birnie .....	8,777
B. Callahan.....	8,791
F. Connor.....	8,760
P. B. Drayton.....	8,742
S. C. Eckhard.....	8,740
John F. Ficken.....	8,779
Joshua Garrett.....	8,724
F. B. Hacker.....	8,762
John S. Horlback.....	8,788
S. D. Hutson.....	8,775
James McElroy.....	8,755
W. J. Parker.....	8,747
P. H. Rutledge.....	8,773
Jacob Small.....	8,773
S. Porcher Smith.....	8,756
C. C. White.....	8,756
Scattering.....	35

## CHESTER COUNTY.

*Probate judge.*

John Dickey.....	2,414
J. H. McDaniel.....	1,990

*Sheriff.*

Jno. W. Walker.....	42
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*Clerk of court.*

C. C. McCoy.....	2,439
Julius Mills.....	1,960

*Coroner.*

T. M. Graham.....	2,430
W. A. Saunders.....	1,971

*School commissioner.*

S. J. Couch.....	2,417
Douglas Harrison.....	1,982

*County commissioners.*

G. L. McNeil.....	2,421
Alfred Walker.....	2,420
William Worthy.....	2,421
W. H. Hardin.....	1,975
E. T. Atkinson.....	1,975
T. H. Moffitt.....	1,991

*Representatives.*

John Lee.....	2,413
Samuel Colman.....	2,421
Purvis Alexander.....	2,420
Jno. J. Hemphill.....	2,000
Jno. W. Wilkes.....	1,977
C. W. McFadden.....	1,969

## CHESTERFIELD COUNTY.

*Probate judge.*

W. J. Hanna.....	1,606
Jus. F. Perkins.....	999

*Sheriff.*

P. F. Spofford.....	1,610
D. R. Davis.....	1,004
D. D. Davis.....	2



*Clerk of court.*

Thos. F. Malloy .....	2, 626
Scattering .....	2

*Coroner.*

H. D. Tiller .....	1, 613
Isaac Hoffman .....	996

*School commissioner.*

Charles A. Mulloy .....	1, 562
Robert E. Evans .....	1, 004
C. F. Mulloy .....	37
Scattering .....	1

*County commissioners.*

Stephen Jackson .....	1, 501
M. C. McKinnon .....	1, 618
Edward Clark .....	1, 602
L. H. Wadsworth .....	1, 006
V. Sidney Blakeney .....	989
Elijah Brown .....	992
Scattering .....	4

*Representatives.*

J. C. Coit .....	1, 514
D. T. Redfearn .....	1, 538
Daniel Douglas .....	946
Lisbon Arthur .....	985
Scattering .....	5

## CLARENDON COUNTY.

*Probate judge.*

George I. Brown .....	1, 883
Joseph Galluchat, jr. ....	1, 406

*Sheriff.*

Wm. R. Burgess, sr .....	1, 882
J. E. Scott .....	1, 411
Scattering .....	1

*Clerk of court.*

W. A. Barfield .....	2, 144
Scattering .....	107

*Coroner.*

Prince A. Logan .....	1, 889
Cuffe Birds .....	1, 387
Scattering .....	2

*School commissioner.*

William H. Dickson .....	1, 499
Jno. C. Bognal .....	1, 791
Scattering .....	12

*County commissioners.*

W. T. Lesesne .....	3, 278
Sampson Maxwell .....	1, 893
Augustus Collins .....	1, 888
Jacob Levine .....	1, 394
M. Gomis .....	1, 394

*Representatives.*

Syfax Milton .....	1, 892
Hampton Boston .....	1, 840
Jno. P. Richardson .....	1, 435
Mack Martin .....	1, 387
Scattering .....	3

## COLLETON COUNTY.

*Probate judge.*

Benj. Stokes .....	2,801
Charles Wetsell .....	2,341
Terrence R. Tigue .....	1,946

*Sheriff.*

Robert Black .....	2,823
Jno. K. Terry .....	2,306
William A. Driffler .....	1,988

*Clerk of court.*

Robert Fishbourn .....	2,856
James M. Martin .....	2,295
Jno. A. Burbridge .....	1,957

*Coroner.*

J. K. Risher .....	2,876
Daniel H. Hay .....	2,280
Joseph Brown .....	1,956

*School commissioner.*

M. C. Connor .....	2,871
E. D. Holmes .....	2,328
L. Sherman .....	1,906

*County commissioners.*

Albert Williman .....	2,892
T. M. Stokes .....	2,831
Jno. W. Overton .....	2,863
James W. Grace .....	2,118
Frank Youngblood .....	2,473
S. Youngblood .....	2,291
Fred. H. Trotty .....	1,953
David D. Johnson .....	1,866
Phillip A. Ferguson .....	1,748

*Representatives.*

H. E. Bissell .....	2,853
William Maree .....	2,807
Jno. M. Cummings .....	2,880
L. E. Parler .....	2,874
Robert Jones .....	2,851
A. P. Holmes .....	2,288
S. Smalls .....	2,150
L. A. Harper .....	2,308
Toby H. Grant .....	2,278
A. H. Humbert .....	2,269
William M. Thomas .....	1,958
Hercules Simmons .....	2,059
Thos. D. Richardson .....	1,976
Simon A. G. Gailliard .....	1,953
Hansford D. Padgett .....	2,018

## DARLINGTON COUNTY.

*Probate judge.*

John Lunney .....	3,508
T. George Dargan .....	2,738
Scattering .....	2

*Sheriff.*

A. Baruch .....	3,485
J. A. Law .....	2,760

*Clerk of court.*

Theodore B. Gordon .....	3,506
William E. James .....	2,744

*Coroner.*

Richard Lang .....	3, 503
M. A. Huggins .....	2, 741

*School commissioner.*

Joshua E. Wilson .....	3, 505
W. A. Brunson .....	2, 746

*County commissioners.*

Isaac P. Brookington .....	3, 506
Sylvester W. Williams .....	3, 495
B. W. McIver .....	3, 505
John Floyd .....	2, 747
M. Marco .....	2, 743
Solomon Bright .....	2, 720

*Representatives.*

Richard H. Humbert .....	3, 500
Samuel J. Keith .....	3, 498
Zackariah Wims .....	3, 503
Jackson A. Smith .....	3, 508
W. C. Coker .....	2, 741
H. L. Morris .....	2, 743
J. C. Clements .....	2, 745
A. F. Edwards .....	2, 738

## EDGEFIELD COUNTY.

*Probate judge.*

L. Charlton .....	6, 262
William M. Heath .....	3, 109

*Sheriff.*

Jno. T. Gaston .....	6, 251
H. N. Boney .....	3, 117

*Clerk of court.*

O. F. Cheatem .....	6, 254
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*Coroner.*

A. F. Broadwater .....	6, 253
John Starks .....	3, 118

*School commissioner.*

T. C. Morgan .....	6, 258
A. W. Simkins .....	3, 110

*County commissioners.*

W. L. Stephons .....	6, 252
J. J. Bunch .....	6, 251
Wyatt L. Holmes .....	6, 250
David Harris, jr. ....	3, 117
Charles Lindsay .....	3, 117
Budd Stephens .....	3, 117

*Senator.*

M. W. Gary .....	6, 268
L. Cain .....	3, 121

*Representatives.*

W. S. Allen .....	6, 250
J. C. Sheppard .....	6, 250
James Callison .....	6, 245
T. E. Jennings .....	6, 250
H. A. Shaw .....	6, 251
Paris Simkins .....	3, 123
Elisha B. Harris .....	3, 118
David Graham .....	3, 120
Archie Weldon .....	3, 118
Augustus Simkins .....	3, 119

## FAIRFIELD COUNTY.

<i>Probate judge.</i>	
O. R. Thompson .....	4,946
<i>Clerk of court.</i>	
W. B. Peake .....	2,858
Jno. B. Davis .....	2,101
<i>Coroner.</i>	
G. S. Hennant .....	2,856
Jas. L. Richmond .....	2,062
<i>School commissioner.</i>	
Willard Richardson .....	2,870
Jno. Boyd .....	2,084
<i>County commissioners.</i>	
George J. Burns .....	2,832
James June .....	2,857
John T. Wilson .....	2,851
F. M. L. Duke .....	2,093
W. H. Kerr .....	2,093
J. R. Boyles .....	2,093
<i>Senator.</i>	
Israel Bird .....	2,829
Thomas W. Woodward .....	2,141
<i>Representatives.</i>	
John Gibson .....	2,869
Prince R. Martin .....	2,853
Daniel Bird .....	2,843
H. A. Gailliard .....	2,141
Thomas S. Brice .....	2,128
F. J. Cameron .....	2,119

## GEORGETOWN COUNTY.

<i>Probate judge.</i>	
R. O. Bust .....	1,989
C. R. Anderson .....	1,044
James W. Reed .....	599
<i>Sheriff.</i>	
James M. Lesesne .....	2,836
<i>Clerk of court.</i>	
W. J. Moultrie .....	2,147
William F. Shaw .....	1,046
Charles H. Sperry .....	642
<i>Coroner.</i>	
Frank Lawrence .....	2,190
Sherrold Johnson .....	1,044
Benjamin J. Tramplet .....	600
Scattering .....	1
<i>School commissioner.</i>	
S. B. Gipson .....	2,025
F. W. McCusker .....	1,136
W. C. White .....	549
<i>County commissioners.</i>	
J. Harvey Jones .....	2,175
James L. Magill .....	2,486
Joseph Bush .....	2,188
H. D. McDonald .....	1,041
A. J. Jackson .....	1,036
W. R. Beamer .....	1,041
Job Mazyck .....	604
Thomas E. Roades .....	606
Frank Brown .....	307

*Senator.*

B. H. Williams .....	9, 132
R. Dozier .....	1, 040
W. H. Jones .....	659

*Representatives.*

Charles S. Green .....	2, 461
P. K. Kinlock .....	1, 085
R. M. Collins .....	1, 043
H. McD. Hall .....	1, 044
R. M. Harriott .....	609
E. H. Alston .....	607
James A. Bowley .....	1, 079
Scattering .....	4

## GREENVILLE COUNTY.

*Probate judge.*

S. J. Douthit .....	4, 118
Scattering .....	1

*Sheriff.*

P. B. Gilbreath .....	4, 014
M. K. Robertson .....	1, 844

*Clerk of court.*

W. A. McDaniel .....	4, 119
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*Coroner.*

William Bayne .....	4, 106
Scattering .....	1

*School commissioner.*

Joseph Brookshire .....	4, 083
W. C. Yeargin .....	1, 766
Scattering .....	2

*County commissioners.*

J. H. Campbell .....	4, 110
W. A. Mooney .....	4, 093
J. L. Woodside .....	4, 096

*Senator.*

S. S. Crittenden .....	3, 991
J. P. Latimer .....	1, 845

*Representatives.*

J. W. Gray .....	4, 079
J. F. Donald .....	4, 106
J. F. Austin .....	4, 100
J. L. Westmoreland .....	4, 044
W. B. Johnson .....	1, 775

## HORRY COUNTY.

*Probate judge.*

Isaac G. Long .....	1, 913
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*Sheriff.*

Francis J. Sessions .....	1, 771
W. H. Johnson .....	78
A. H. Skipper .....	4
Samuel Hodge .....	4

*Clerk of court.*

R. G. Sessions .....	149
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*Coroner.*

M. R. Skipper .....	1, 909
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*School commissioner.*

E. D. Richardson .....	1,676
Thomas K. Mishoe.....	639
Mrs. M. B. Beatty.....	65
Scattering .....	17

*County commissioners.*

Daniel M. Reaves .....	1,923
Mark Reynolds.....	1,902
Lorenzo D. Graham.....	2,358
Scattering .....	4

*Senator.*

William L. Buck .....	1,874
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*Representatives.*

L. D. Bryan.....	1,838
John R. Cooper .....	1,808
M. B. Beatty .....	12
Scattering .....	2

## KERSHAW COUNTY.

*Judge of probate.*

J. F. Sutherland.....	2,086
F. P. Beard.....	1,726

*Sheriff.*

R. R. Player.....	2,041
John Doby.....	1,759

*Clerk of court.*

H. W. Blair .....	2,069
E. E. Sill .....	1,741

*Coroner.*

E. J. Conway .....	2,059
W. H. R. Werkman .....	1,753

*School commissioner.*

William W. Carter .....	2,060
L. W. R. Blair .....	1,741

*County commissioners.*

Isaac English.....	2,056
Nathan T. Truesdel.....	2,055
Nathaniel Phillips.....	2,951
V. S. Jordan .....	1,753
John Cantey.....	1,752
C. E. Haile.....	1,756

*Representatives.*

R. D. Gaither.....	2,027
A. M. Hough .....	2,053
E. H. Dibble .....	2,065
W. Z. Leitner .....	1,760
J. D. Shaw.....	1,744
L. B. Stevenson .....	1,764
Scattering .....	1

## LANCASTER COUNTY.

*Judge of probate.*

John W. Twitty.....	1,529
F. G. Mittag.....	1,217

*Sheriff.*

James R. Hunter.....	2,770
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*Clerk of court.*

D. A. Williams.....	1,434
Thomas H. Clyburn .....	1,327

*Coroner.*

A. J. Belden .....	1,515
W. P. Plyler .....	1,252

*School commissioner.*

Simon Beekham.....	1,499
Thomas S. Riddle .....	1,259

*County commissioners.*

J. F. Kennington.....	1,532
W. D. Hyatt .....	1,513
Richard Elliott.....	1,455
J. N. Estridge.....	1,231
Thomas Massey .....	1,243
John H. McMullen .....	1,243

*Representatives.*

John B. Irwin.....	1,534
J. C. Blakeney .....	1,500
D. C. Wolfe.....	1,251
Nero Crockett.....	1,239

## LAURENS COUNTY.

*Judge of probate.*

A. W. Burnside .....	2,907
Silas Knight .....	1,810

*Sheriff.*

C. L. Fike .....	2,901
G. F. Little .....	1,817

*Clerk of court.*

Martin Babb.....	2,907
Ira W. Rice.....	1,810

*Coroner.*

G. M. Langston .....	2,910
D. M. Milan.....	1,806

*School commissioner.*

D. T. Dial.....	2,909
P. S. Suber .....	1,811

*County commissioners.*

Willis Jones .....	2,909
J. D. Sullivan.....	2,908
Hugh Leamon.....	2,910
S. J. Patterson .....	1,811
John Hamilton.....	1,810
A. H. Johnson.....	1,810

*Senator.*

R. P. Todd.....	2,898
Y. J. P. Owens .....	1,813

*Representatives.*

J. B. Humbert.....	2,911
J. Washington Watts.....	2,909
D. Wade Anderson .....	2,908
A. T. B. Hunter.....	1,811
W. H. Rutherford .....	1,810
Harry McDaniel.....	1,809

## LEXINGTON COUNTY.

*Judge of probate.*

S. P. Wingard.....	2,076
James Sharp.....	1,285

*Sheriff.*

S. P. Drafts.....	2,097
C. J. Hendrix.....	1,274

*Clerk of court.*

W. J. Assmann.....	2,136
E. C. Hutto.....	1,224

*Coroner.*

James E. Rawl.....	2,070
F. B. Smith.....	1,288

*School commissioner.*

James J. Smith.....	2,065
John Sudgrave.....	1,301

*County commissioners.*

S. L. Smith.....	2,065
J. M. Jones.....	2,067
W. M. Johnson.....	2,061
J. M. Clark.....	1,293
John W. Coogler.....	1,289
Henry Bachman.....	1,292

*Senator.*

H. A. Meetze.....	2,019
Simoon Corley.....	1,296

*Representatives.*

G. Leaphart.....	2,086
G. Muller.....	2,051
W. D. M. Harmon.....	1,300
George Sawyer.....	1,288

## MARION COUNTY.

*Judge of probate.*

John Wilcox.....	3,137
H. H. Jackson.....	2,492

*Sheriff.*

A. E. Grice.....	3,092
E. Fryer.....	2,540

*Clerk of court.*

S. G. Owens.....	2,666
R. K. Clark.....	2,951
Scattering.....	8

*Coroner.*

J. E. Jarnigan.....	3,138
B. F. Hayes.....	2,493

*School commissioner.*

M. K. Holloway.....	2,515
J. W. Johnson.....	3,124

*County commissioners.*

J. M. Johnson.....	3,135
J. A. Stafford.....	3,108
W. L. Hyman.....	3,126
R. C. Paston.....	2,519
Z. Russ.....	2,490
P. B. Bethea.....	2,494



*Senator.*

R. G. Howard .....	3, 122
C. Smith.....	2, 504

*Representatives.*

J. G. Blue .....	3, 116
James McRae .....	3, 126
R. H. Rogers .....	3, 155
J. P. Davis .....	3, 136
William A. Hayne.....	2, 500
G. U. Offley .....	2, 466
W. E. Finklea.....	2, 537
J. W. Johnson.....	2, 486
Scattering .....	1

## MARLBOROUGH COUNTY.

*Probate judge.*

Knox Livingston.....	1, 947
Jeremiah Grant .....	1, 598

*Sheriff.*

W. P. Emanuel.....	1, 951
George W. Waddell.....	1, 599

*Clerk of court.*

C. M. Weatherly .....	1, 969
John Wesley Smith .....	1, 582

*Coroner.*

A. L. McLaurin .....	1, 940
John Bristow .....	1, 604

*School commissioner.*

Nathan L. Swett .....	1, 942
Frank S. Hazle.....	1, 600

*County commissioners.*

John R. Parker.....	1, 962
David S. John .....	1, 948
James F. Bolton.....	1, 943
James Sinclair Quick.....	1, 581
David D. McRae .....	1, 599
Alex. J. Hall.....	1, 601

*Representatives.*

Philip M. Hamer .....	1, 955
Thomas N. Edons.....	1, 946
Jacob C. Allman .....	1, 599
Edward J. Sawyer .....	1, 591

## NEWBERRY COUNTY.

*Probate judge.*

James C. Leahy .....	2, 797
Sampson Pope .....	2, 130

*Sheriff.*

John J. Carrington.....	2, 743
Daniel B. Wheeler.....	2, 189

*Clerk of court.*

Thomas J. Clayton.....	2, 776
E. P. Chalmers .....	2, 153

*Coroner.*

James W. Eichelburger.....	2, 802
John Belton Werts .....	2, 140

*School commissioner.*

Monson S. Long .....	2,792
Henry S. Boozer .....	2,145

*County commissioners.*

Wesley R. Brown .....	2,795
Henry Kennedy .....	2,806
Simeon Young .....	2,794
William Lester .....	2,144
Raleigh Wood .....	2,134
Luther P. W. Riser .....	2,148

*Senator.*

Henry C. Corwin .....	2,796
James N. Lipscomb .....	2,131

*Representatives.*

Thomas Keitt .....	2,789
Sampson S. Bridges .....	2,760
Will H. Thomas .....	2,765
Young John Pope .....	2,167
William M. Danoh .....	2,149
Ellison S. Keitt .....	2,165

## OCONEE COUNTY.

*Probate judge.*

Richard Lewis .....	2,055
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*Sheriff.*

W. N. Craig .....	2,051
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*Clerk of court.*

Jesse W. Stribling .....	2,056
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*Coroner.*

Richard E. Norman .....	2,034
Scattering .....	2

*School commissioner.*

M. B. Dendy .....	2,048
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*County commissioners.*

Thomas Bibb .....	2,020
Robert S. Rutledge .....	2,029
S. M. Crawford .....	1,837
M. H. Brice .....	604
William Callis .....	531
David Sanders .....	524
Scattering .....	11

*Senator.*

J. W. Livingston .....	1,962
A. Brice, jr .....	528
Scattering .....	45

*Representatives.*

B. Frank Sloan .....	1,994
Jno. S. Verner .....	1,879
Jno. M. Hudson .....	543
G. Keels Maxwell .....	532
Scattering .....	52

## ORANGEBURGH COUNTY.

*Probate judge.*

Roland Turner .....	4,422
W. M. Hutson .....	2,812
H. P. Cooke .....	72
Scattering .....	3

*Sheriff.*

John H. Livingston .....	4,462
H. H. Talley .....	2,786
J. P. M. Tours .....	68
Scattering .....	3

*Clerk of court.*

George Boliver .....	4,448
J. F. Robinson .....	2,792
H. Riggs .....	76
Scattering .....	2

*Coroner.*

J. J. Mitchell .....	4,413
P. M. General .....	2,875
Scattering .....	2

*School commissioner.*

Thomas Phillips .....	4,429
S. R. Mellichamp .....	2,816
J. H. Wahlers .....	77

*County commissioners.*

J. P. Mays .....	4,411
E. F. R. Smoake .....	4,433
F. B. Johnson .....	4,423
Jno. L. Moorer .....	2,816
J. W. Fairly .....	2,815
Alex. Brown .....	2,790
Jno. H. Phillips .....	74
F. W. Williams .....	74
Rufus Whitstone .....	76
Scattering .....	1

*Senator.*

S. L. Duncan .....	4,169
James F. Izlar .....	2,832
E. J. Cain .....	304

*Representatives.*

D. A. Straker .....	4,177
Shedrack Morgan .....	4,414
W. H. Reedish .....	4,438
C. W. Caldwell .....	4,421
Ellis Forrest .....	4,423
Geo. J. Odour .....	2,822
Ira T. Shumaker .....	2,821
William L. Pou .....	2,837
William J. Sneider .....	2,817
Edward Robinson .....	2,774
B. G. Frederick .....	291
S. R. Felder .....	71
P. E. Jones .....	84
B. Byas .....	69
P. M. Gray .....	78
Scattering .....	3

## PICKENS COUNTY.

*Probate judge.*

Wm. G. Fields .....	1,969
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*Sheriff.*

Joab Mauldin .....	1,970
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*Clerk of court.*

Jno. J. Lewis .....	1,971
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<i>Coroner.</i>	
Benj. B. Earle .....	1,975
<i>School commissioner.</i>	
Geo. W. Singleton .....	1,950
<i>County commissioners.</i>	
John F. Lewis .....	1,970
Benj. J. Johnston .....	1,976
Thomas P. Looper .....	1,963
<i>Representatives.</i>	
D. Frank Bradley .....	1,972
Esaly H. Bates .....	1,986

## RICHLAND COUNTY.

<i>Judge of probate.</i>	
Waiter R. Jones .....	3,845
Andrew Crawford .....	2,403
Scattering .....	2
<i>Sheriff.</i>	
Jesse E. Dent .....	4,039
Samuel G. Henry .....	2,214
<i>Clerk of court.</i>	
D. B. Miller .....	3,792
Richard O'Neale, jr. ....	2,466
<i>Coroner.</i>	
Cæsar D. Lowndes .....	3,841
R. L. Morrison .....	2,411
<i>School commissioner.</i>	
C. J. Carroll .....	3,868
E. S. Percival .....	2,391
<i>County commissioners.</i>	
Andrew Lee .....	3,689
Andrew Burris .....	3,838
N. T. McLaughlin .....	3,826
J. McLaughlin .....	2,403
Christopher Haynesworth .....	2,377
George W. Davis .....	2,414
Scattering .....	2
<i>Representatives.</i>	
Andrew W. Curtis .....	3,866
C. S. Minort .....	3,783
James Wells .....	3,805
R. J. Palmer .....	3,820
Wm. M. Lowman .....	3,806
John C. Seegers .....	2,422
Thomas Taylor .....	2,425
L. E. Le Conte .....	2,406
Geo. A. Shields .....	2,421
Wm. H. Stack .....	2,402

## SPARTANBURGH COUNTY.

<i>Judge of probate.</i>	
George W. Nichols .....	4,592
Anson C. Merrick .....	1,527
Scattering .....	1

*Sheriff.*

W. Wash. Thompson.....	4,394
Jackson P. Peace.....	1,765

*Clerk of court.*

F. M. Toummier.....	4,709
Benj. Wofford.....	7

*Coroner.*

.....	4,597
Charles C. Bonear.....	1,537

*School commissioner.*

B. B. Chapman.....	4,557
Samuel T. Poinier.....	1,458

*County commissioners.*

A. H. Kirby.....	4,594
S. E. Mason.....	4,578
W. T. Thorn.....	4,591
Simpson Cannon.....	1,500
Bassett Weaver.....	1,499
Le Roy McArthur.....	1,574
Scattering.....	1

*Senator.*

Gabriel Cannon.....	4,478
Claude C. Turner.....	1,539

*Representatives.*

Dabney P. Compton.....	4,602
John W. Wofford.....	4,608
Eber S. Allen.....	4,585
Charles Petty.....	4,610
James Simons.....	1,504
E. P. Clement.....	1,504
E. J. Rogers.....	1,504
John J. Moore.....	1,504

## SUMTER COUNTY.

*Judge of probate.*

Samuel Lee.....	3,864
Charles M. Hurst.....	2,354

*Sheriff.*

John M. Tindall.....	3,871
Josiah M. Wilder.....	2,362

*Clerk of court.*

George W. Reardon.....	3,897
Lucius P. Loring.....	2,336

*Coroner.*

John H. Legare.....	3,884
Robert Ross.....	2,330

*School commissioner.*

Timothy J. Tuomey.....	3,885
Julius T. Edwards.....	2,311

*County commissioners.*

T. J. Coghlan.....	3,899
Zachariah Walker.....	3,882
Rufus C. Westbury.....	3,888
Thomas B. Frazier.....	2,351
Thomas Butler.....	2,312
William Gregg.....	2,322

*Representatives.*

Thomas B. Johnston .....	3,886
John H. Ferriter .....	3,881
Wm. J. Andrews .....	3,880
John H. Westbury .....	2,673
Edward H. Holman .....	2,352
James M. Epperson .....	2,366
W. P. Davis .....	2,307
James A. Mays .....	2,327
John W. Westbury .....	1,203

UNION COUNTY.

*Judge of probate.*

Joséph F. Gist .....	2,394
James W. Vincent .....	1,850
Scattering .....	3

*Sheriff.*

Robert Macbeth .....	2,352
David C. Gist .....	1,908

*Clerk of court.*

Charles Bolt .....	2,453
E. A. Cummings .....	1,790

*Coroner.*

John Thompson .....	1,789
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*School commissioner.*

A. A. James .....	2,458
James L. Strais .....	1,796

*County commissioners.*

J. F. Bailey .....	2,423
W. L. Goudelock .....	2,393
D. P. Duncan .....	2,397
John H. Williams .....	1,848
D. D. Goings .....	1,813
F. W. Coleman .....	1,841

*Representatives.*

W. H. Wallace .....	2,466
G. D. Peake .....	2,425
William Jeffries .....	2,414
J. S. Mobley .....	1,784
Wash. Dawkins .....	1,807
J. T. Littlejohn .....	1,806

WILLIAMSBURGH COUNTY.

*Judge of probate.*

James Thorpe .....	2,447
W. M. Kinder .....	1,745

*Sheriff.*

Louis Jacobs .....	2,427
J. E. Brockington .....	1,642
W. W. Ward .....	128

*Clerk of court.*

Maximilian Jacobs .....	2,448
W. R. Brockington .....	1,740

*Coroner.*

Lewis Donath .....	2,447
George P. Nelson .....	1,760

*School commissioner.*

Henry H. Mouzon .....	2,448
J. McBride Graham .....	1,748

*County commissioners.*

Benjamin Mouzon .....	2,450
George Cooper .....	2,448
Sidney B. Shaw .....	2,448
W. R. Singletary .....	1,747
J. Randolph Foroher .....	1,668
W. E. Nesmith .....	1,709
W. G. Caultey .....	93

*Representatives.*

William Scott .....	2,446
James F. Peterson .....	2,443
John Evans .....	2,446
Robert Henry .....	1,751
W. J. Nettles .....	1,744
J. A. James .....	1,747

YORK COUNTY.

*Probate judge.*

Joseph A. McLean .....	3,280
Reuben S. McConnel .....	2,395

*Sheriff.*

Robert H. Glenn .....	3,329
Hugh K. Roberts .....	2,337

*Clerk of court.*

Joseph F. Wallace .....	3,277
Elwood F. Bell .....	2,357

*Coroner.*

William B. Williams .....	3,223
John R. Farris .....	2,445

*School commissioner.*

Robert Latham .....	3,225
Cornelius A. King .....	2,434

*County commissioners.*

George L. Riddle .....	3,260
W. J. Stevenson .....	3,229
Robert Hayes .....	3,211
Frank Edwards .....	2,437
R. L. Simons .....	2,397
Sylvester Barrow .....	2,439

*Senator.*

Isaac D. Witherspoon .....	3,279
J. Hannibal White .....	2,398

*Representatives.*

A. E. Hutchison .....	3,244
J. A. Deal .....	3,234
W. E. Byers .....	3,224
B. H. Massey .....	3,224
Nelson Davies .....	2,441
James A. Ratchford .....	2,445
Lewis Houser .....	2,426
Thaddeus K. Bates .....	2,446

This statement is made to the court in obedience to its order of November 17, 1876, but it is respectfully submitted that under the present proceedings in this court, this board is not by law compelled to report any of its action to the court.

This board further declares that in its opinion the votes returned for F. C. Dunn for

comptroller-general should be counted for Thomas C. Dunn, the only candidate for the office of comptroller-general by the name of Dunn. By making this addition to the votes cast for said officer the said Thomas C. Dunn has received 91,176 votes for the office of comptroller-general.

So also the votes (532 in number) returned for John B. Tolbert should be counted for John R. Tolbert for the office of superintendent of education. By making this addition, the said John R. Tolbert has received for said office 91,644 votes.

This board further shows to this court that allegations and evidences of fraud have been filed with this board as to the election held in Edgefield County by many of the managers of election in said county; that similar allegations have been made and filed as to one or more precincts in Barnwell County; that the statements of the commissioners of election for Laurens County laid before this board are signed by two commissioners only, one of whom signed, as he certifies, under protest. Said commissioner has also filed an affidavit that the reason he signed said statements was because he was in fear of bodily injury if he refused to do so. That various protests and notices of contest have been filed from many other counties of the State, alleging irregularities on the part of the election-officers, illegal voting, &c.

That in view of the said allegations, protests, and notices of contest, none of which have been heard or passed upon by this board because of the pendency of these proceedings, this board cannot, in their opinion properly, ascertain and certify who have actually received the greater number of legal votes in said counties for the several offices voted for, unless they have the opportunity of investigating these allegations and hearing evidence upon these protests.

(Signed)  
(Signed)  
(Signed)  
(Signed)  
(Signed)

H. E. HAYNE,  
F. L. CARDOZO,  
THOS. C. DUNN,  
WILLIAM STONE,  
H. W. PURVIS,  
*Board of State Canvassers.*

The State of South Carolina, in the supreme court.

THE STATE EX REL. R. M. SIMS ET AL. }  
vs. }  
H. E. HAYNE ET AL., BOARD OF STATE CANVASSERS, }  
and H. E. Hayne, secretary of state. }

*Mandamus.*

It appearing from an inspection of the above-stated petition for mandamus that the same relates to different classes of officers, to wit, of members of the general assembly, of electors for President and Vice-President of the United States, of members of Congress of the United States, of circuit solicitors, of county officers; and it appearing to the satisfaction of the court that there are, or may be shown to be, different provisions or rules of law applicable to these several classes of officers; and that the emergency of time may render necessary and proper a priority in the order in which the court shall pass upon the questions of law relating and applicable to these different classes of officers respectively:

*Ordered*, That the petition herein be considered and determined by the court as if several separate petitions had been filed herein, one each in the several above-specified different classes of officers.

November 21, 1876.

F. J. MOSES.

The State of South Carolina, in the supreme court, April term, 1876.

THE STATE EX REL. R. M. SIMS ET AL. }  
vs. } *Suggestion for mandamus.*  
H. E. HAYNE ET AL., BOARD OF STATE CANVASSERS, }  
and H. E. Hayne, as secretary of state. }

PER CURIAM.—Moses, C. J.

The necessity of an immediate decision prevents, for the present, any extended views of the court on the question submitted for its determination. Neither does it propose now to declare its views of the extent or the character of the powers of the board of State canvassers, except so far as they relate to the election of members of the general assembly.

The constitution, by the 14th section of the 2d article, declares that "each house shall judge of the election, return, and qualification of its own members." It was



necessary, therefore, for the organization of each house, that a mode should be provided through which the choice of the electors might be made known, so far as it primarily appeared from the evidence, which the statutes required should be submitted to them. Without some such mode of ascertaining, in the first instance, the probable will of the constituency, there could be no organization of either house. It was not intended by the authority conferred on the State board to delegate to it any of the power vested by the constitution in "each house," but merely to provide a mode and manner which was deemed the most reliable and effective in ascertaining in each county the will of the people, expressed through the ballot-box, as to the offices to be filled by the election. The machinery by which the proposed end was to be met was through the appointment of precinct managers, boards of county canvassers, and the board of State canvassers. The several "statements" submitted to the last-named board, as required by the act, provided the means, not of "judging of the election, return, and qualifications of the members of either house," but of ascertaining who, according to the mode by which the fact was to be established, were entitled to the certificates, not to show the election in the terms of the constitution, but the apparent choice of the people as expressed in the "statements;" and this conclusion was to be reached by the evidence of the number of votes cast, and of the parties in whose favor the greatest number of votes was given, for the senate or house, as the case might be. It was not competent for the board to determine, as the house only could, who, in fact, was the chosen member; for the extent of their means to that end were not commensurate with that of the house. One averring against the seat of another, who is admitted by possession of the certificate, does not arrest his right, by way of appeal from the action of the board, but asks the intervention of the house by force of its inherent and original jurisdiction. The board of State canvassers having certified to this court the number of votes given in the various counties for members of the general assembly, now, in accordance with the views above expressed—

*It is ordered,* That a writ of peremptory mandamus do issue; directed to the chairman and members of the board of State canvassers and the secretary of state, commanding the said board forthwith to declare duly elected to the offices of senators and members of the house of representatives the persons who by said certificate of the said board to this court have received the greatest number of votes therefor, and do forthwith deliver a certified statement and declaration thereof to the secretary of state; and commanding the secretary of state to make the proper record thereof in his office, and without delay transmit a copy thereof, under the seal of his office, to each person thereby declared to be elected, and a like copy to the governor, and cause a copy thereof to be printed in one or more public newspapers of this State.

THE STATE OF SOUTH CAROLINA EX RELATIONE R. M. SIMS,  
Johnson Hagood, S. L. Leaphart, James Conner, H. S.  
Thompson, and E. W. Moise,

vs.

H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN; AND F. L.  
Cardozo, State treasurer; T. C. Dunn, comptroller-general;  
William Stone, attorney-general; and H. W. Purvis, adju-  
tant and inspector-general, members of the board of State  
canvassers, and H. E. Hayne, as secretary of state.

THE STATE OF SOUTH CAROLINA:

To H. E. Hayne, secretary of state, chairman; and F. L. Cardozo, State treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general; H. W. Purvis, adjutant and inspector-general, members of the board of State canvassers, and H. E. Hayne, as secretary of state:

Whereas R. M. Sims, Johnson Hagood, S. L. Leaphart, James Conner, H. S. Thompson and E. W. Moise, relators, did, on the 14th day of November, A. D. 1876, file their petition and suggestion in the supreme court of this State against you for a writ of mandamus; and whereas the said court did thereupon, on the same day, issue a rule against you to show cause why the said writ should not issue, to which said rule you duly responded; and whereas the said court did, on the 22d day of November, A. D. 1876, after consideration of the matters in issue, order and adjudge that a writ of peremptory mandamus do issue, directed to you, commanding the said board of State canvassers forthwith to declare duly elected to the offices of senators and members of the house of representatives the persons who, by the certificate of the said board to the said court, had received the greatest number of votes therefor, and to forthwith deliver a certified statement and declaration thereof to the secretary of state, and commanding the secretary of state to make the proper record thereof in his office, and without delay transmit a copy thereof, under the seal of his office, to each person thereby declared to be elected, and a like copy to the governor, and cause a copy thereof to be printed in one or more public newspapers of this State:

Now, therefore, we do command you, the said respondents, immediately after the

receipt of this writ, that you, H. E. Hayne, secretary of state, chairman; F. L. Cardozo, State treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general; and H. W. Purvis, adjutant and inspector-general, forthwith to declare duly elected to the offices of senators and members of the house of representatives of the general assembly of the State of South Carolina the persons who, by the certificate of the said board of State canvassers to the said supreme court of the said State, have received the greatest number of votes therefor, and do forthwith deliver a certified statement and declaration thereof to H. E. Hayne, secretary of state.

And that you, H. E. Hayne, secretary of state, do immediately, upon the receipt of said certified statement and declaration, make the proper record thereof in the office of secretary of state, and do, without delay, transmit a copy thereof, under the seal of the secretary of state, to each person thereby declared to be elected, and a like copy to the governor of the said State, and do cause a copy thereof to be printed in one or more public newspapers of the said State.

And how you the said respondents shall have executed this our writ make known to the said supreme court forthwith.

Witness, Albert M. Boozer, clerk of the supreme court of the State of South Carolina, at Columbia, this 22d day of November, A. D. 1876.

[SEAL.] (Signed)

ALBERT M. BOOZER,  
Clerk of Supreme Court of S. C.

*Return of the sheriff on the writ of mandamus.*

I hereby constitute and appoint Thos. J. LaMotte my special deputy to serve a copy of the within writ on Hon. F. L. Cardozo.

(Signed)

J. E. DENT, S. R. C.

23D NOVEMBER, 1876.

I, Jesse E. Dent, sheriff of Richland County, do hereby swear that by special deputy, Thos. J. LaMotte, I served a copy of the within writ on Hon. F. L. Cardozo at 9½ a. m. on the 23d November.

(Signed)

J. E. DENT, S. R. C.

Sworn to before me this 23d November, 1876.

(Signed)

B. I. BOONE, [L. s.,]  
Notary Public.

Personally served copies of the within writ on Hon. H. E. Hayne—two copies—at 10 o'clock, and one copy on T. C. Dunn at 10 p. m.; H. W. Purvis at 11 p. m.; and Wm. Stone at 10½ p. m.

(Signed)

J. E. DENT, S. R. C.

22D NOVEMBER, 1876.

Personally served Hon. F. L. Cardozo with a copy of the within writ at 9½ a. m., 23d November, 1876.

(Signed)

THOS. J. LAMOTTE,  
Special Deputy.

Sworn to before me the 23d November, 1876.

(Signed)

JOS. DAN'L POPE,  
Notary Public.

The State of South Carolina, in the supreme court.

THE STATE EX RELATIONE R. M. SIMS, JOHNSON HAGOOD,  
*et al.*, as citizens of said State, and as candidates, and  
in behalf of electors for President and Vice-President,

*vs.*

H. E. HAYNE, SECRETARY OF STATE; F. L. CARDOZO,  
State-treasurer, *et al.*, members of the State board of  
canvassers, and H. E. Hayne, secretary of state.

*Separate return of H. E. Hayne, secretary of state, one of the defendants.*

The said H. E. Hayne, respectfully answering, says as follows:

1. That under and by virtue of the general statutes of the State of South Carolina he, as secretary of state, constituted one of the board of State canvassers of election held in said State on Tuesday, the 7th day of November instant.

2. That after the holding of the election on said day he was notified by H. E. Hayne,

secretary of state, of a meeting of the State canvassers on the 10th day of November for the purpose of counting the votes of all officers voted for on said day.

3. That he and the other persons and officers constituting said board met accordingly on the 10th day of November and adjourned from day to day, (Sunday excepted,) and proceeded to perform the duties imposed on them by law, and, among other things, to ascertain, determine, declare, and certify who had been elected at said election on said day electors for President and Vice-President.

4. That, having fully completed their labors and performed their duties in the premises, a motion was, on Wednesday, the 22d instant, regularly made and carried that the said board adjourn *sine die*, and thereupon the said board accordingly adjourned at the hour of 12.48 p. m. of said day; and at the time of the order of said court in this case, and of the service thereof on this defendant, the board had ceased to exist, and that his function as a member thereof had entirely ceased to exist.

5. He therefore respectfully submits that no further proceedings or action can be taken by him as a member of said board, and that, in view of its dissolution, a peremptory mandamus would be unavailing and cannot properly be allowed.

D. T. CORBIN,  
R. B. ELLIOTT,  
*Attorneys for Respondent.*

State of South Carolina, Richland County.

Personally appeared H. E. Hayne, who, on oath, says that the facts stated in the foregoing return are true of his own knowledge.

H. E. HAYNE.

Sworn to before me the 24th day of November, 1876.

H. NOAH,  
*Notary Public, South Carolina.*

The State of South Carolina, in the supreme court.

THE STATE EX RELATIONE R. M. SIMS, JOHNSON HAGOOD,  
S. L. Leaphart, James Conner, H. S. Thompson, and E.  
W. Moise,

*vs.*

H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN; AND F. L.  
Cardozo, State treasurer; T. C. Dunn, comptroller-general;  
William Stone, attorney-general; and H. W. Purvis,  
adjutant and inspector general; members of the  
board of State canvassers, and H. E. Hayne, as secretary  
of state.

And now come into court the relators aforesaid, and give the court to understand and be informed that, on the pleadings filed in this court by the relators against the respondents, the questions submitted to the court for its adjudication were the duties and powers of the board of State canvassers under the law and the rights of the relators and the citizens of the State thereunder. That your relators asked for a rule to show cause, and inserted in said rule an *ad-interim* order that no further proceedings should be had by the said board of State canvassers until the decision of the court upon the matters submitted to it. That your honors refused to grant such *ad-interim* order, and directed that it should be stricken out of the rule, stating in substance that the board could not and would not do anything after rule had been served upon them from this court. If they do, it will be a high contempt of court.

That the board of State canvassers, by their resolution, filed as an exhibit in this cause, resolved, "That this board will not act upon any proposition until the question of its powers and duties be decided by the supreme court."

That on the 21st day of November, instant, the board of State canvassers filed in court a certified statement of the persons who had received, at the general election held on the 7th of November, instant, the greatest number of votes for the offices for which they were respectively candidates, according to the statements of the boards of county canvassers.

That the board of State canvassers in the same report informed the court that there were clerical errors in regard to T. C. Dunn and J. R. Tolbert, candidates on the one side for comptroller-general and superintendent of education, respectively; and that there were contests and protests from the counties of Edgefield, Barnwell, and Laurens, on account of irregularities, frauds, and intimidation in said counties. But in said report the board of State canvassers did not claim any authority to correct these clerical errors or to adjudicate the protests and contests, their authority and duty in these respects being then under the consideration of the court.

That on the 22d day of November, instant, this court, by its order, commanded "the board of State canvassers forthwith to declare duly elected to the offices of senators and members of the house of representatives the persons who, by said certificate of the said board to the court, have received the greatest number of votes therefor, and to forthwith deliver a certified statement and declaration thereof to the secretary of state, and commanding the secretary of state to make the proper record thereof in his office, and without delay transmit a copy thereof, under the seal of his office, to each person thereby declared to be elected, and a like copy to the governor, and to cause a copy thereof to be printed in one or more newspapers of the State.

That immediately thereafter, and without adjournment, the court took up the matter of electors for President and Vice-President, wherein these relators alleged that there were many errors and irregularities in the statements of the county canvassers, and many discrepancies between the county canvassers' statements and the managers' returns of the precincts, and prayed that the board of State canvassers should compare the statements of the county canvassers with the managers' returns so that the true result of the election should be reached, and that the board should perform their duties according to law, and submit to this court their report with all official papers on which the same is in any manner based.

And this court thereupon issued its rule directed to said board of State canvassers to show cause why the prayer of the relators should not be granted. That the said board of State canvassers, by their counsel, asked for time to answer said rule, alleging, among other things, that the duties imposed upon the respondents, by the previous order of the court in regard to members of the general assembly, would occupy time and prevent due attention to the rule, and time was accordingly granted.

That while these proceedings were being had in court, and the respondents were asking the indulgence of the court, the respondents met without the knowledge of these relators or of any of the parties interested, altered the alleged clerical errors in favor of T. C. Dunn and J. R. Tolbert, candidates of their own party, and thereby reversed the certified aggregation of votes which they had submitted to the court, and further refused to certify as elected the persons who, in Edgefield and Laurens counties, had received the greatest number of votes for members of the general assembly, as appears by the certified report of the said board submitted to this court, and thereby decided the protests from those counties in favor of their own party, and against these relators and the democratic members from those counties, one member of said board voting against said action of the board in this regard, because the testimony was entirely *ex parte*. And the said board of State canvassers further declared elected all the republican candidates for electors, and declared F. L. Cardozo elected as treasurer, T. C. Dunn, elected as comptroller-general, H. E. Hayne elected as secretary of state, R. B. Elliott elected as attorney-general, John R. Tolbert elected as superintendent of education, and James Kenedy elected as adjutant and inspector-general; it not appearing by the minutes of said board that either the said F. L. Cardozo, T. C. Dunn, or H. E. Hayne withdrew from said board when their election was acted upon and declared, and then adjourned *sine die* between the hours of 12 m. and 1 p. m. of the 22d; all of which will appear by the certified copy of the minutes of the said board of State canvassers, hereto annexed.

And these relators show to this court that the mandate and order of this court have been disobeyed by the said board of State canvassers. That, while in court, a party to the proceedings to decide the powers and duties and submitting itself to the jurisdiction of the court, the said board of State canvassers has not waited for the judgment of the court determining its legal duties and powers and the proper execution of them, but has assumed to construe the law and decide those questions for itself and act on its own decision, and to place itself, by adjournment, beyond the reach and control of the court.

And these relators submit this information to the court that such order may be made thereon as to the court may seem meet and proper.

JAMES CONNER, *Counsel*.

THE STATE OF SOUTH CAROLINA, *County of Richland* :

Charles F. Janney, being duly sworn, deposes and says the facts set forth in the above information and suggestion are true of his own knowledge, except such as are stated on information and belief, and as to those he believes it to be true.

CHARLES F. JANNEY.

Sworn to before me this 24th day of November, 1876.

[L. S.]

L. N. ZEALY,  
*Notary Public*.

WEDNESDAY, November 22, 1876.

Board met at 10 a. m., all the members being present.

The secretary of state offered the following resolution, which was unanimously adopted:

*Resolved by the board of State canvassers,* That the votes cast for F. C. Dunn, as comptroller-general, and John B. Tolbert, as superintendent of education, be counted for T. C. Dunn and J. R. Tolbert, respectively, for the said offices of comptroller-general and superintendent of education.

The following certificates and determination of the board were submitted and adopted.

STATE OF SOUTH CAROLINA, OFFICE SECRETARY OF STATE.

Whereas, in pursuance of the constitution and of the statutes of this State, an election was held on the 7th day of November, A. D. 1876, for one secretary of state, one comptroller-general, one attorney-general, one State treasurer, one adjutant and inspector-general, one State superintendent of education, five members of the Forty-fifth Congress, one member of Congress from the second congressional district for the unexpired term of the Forty-fourth Congress, and for one judge of probate, one sheriff, one clerk of court, one coroner, one school commissioner, and three county commissioners in the several counties of the State of South Carolina; and also for the following members of the general assembly of the State of South Carolina, to wit:

- One senator from Abbeville County.
- One senator from Aiken County.
- One senator from Barnwell County.
- One senator from Beaufort County.
- One senator from Charleston County.
- One senator from Edgefield County.
- One senator from Fairfield County.
- One senator from Georgetown County.
- One senator from Greenville County.
- One senator from Horry County.
- One senator from Laurens County.
- One senator from Lexington County.
- One senator from Marion County.
- One senator from Newberry County.
- One senator from Oconee County.
- One senator from Orangeburgh County.
- One senator from Spartanburgh County.
- One senator from York County.
- Five representatives from Abbeville County.
- Four representatives from Anderson County.
- Five representatives from Barnwell County.
- Six representatives from Beaufort County.
- Seventeen representatives from Charleston County.
- Three representatives from Chester County.
- Two representatives from Chesterfield County.
- Two representatives from Clarendon County.
- Five representatives from Colleton County.
- Four representatives from Darlington County.
- Five representatives from Edgefield County.
- Three representatives from Fairfield County.
- Two representatives from Georgetown County.
- Four representatives from Greenville County.
- Two representatives from Horry County.
- Three representatives from Kershaw County.
- Two representatives from Lancaster County.
- Three representatives from Laurens County.
- Two representatives from Lexington County.
- Four representatives from Marion County.
- Two representatives from Marlborough County.
- Three representatives from Newberry County.
- Two representatives from Oconee County.
- Five representatives from Orangeburgh County.
- Two representatives from Pickens County.
- Five representatives from Richland County.
- Four representatives from Spartanburgh County.
- Four representatives from Sumter County.
- Three representatives from Union County.
- Three representatives from Williamsburgh County.
- Four representatives from York County.

And also for one solicitor for each of the eight judicial circuits of the State; and upon examination of the statements which have been received, it appears that the persons hereinafter named have been duly elected to the several offices set opposite their respective names, or therein designated by the highest number of votes; we do, therefore, by virtue of the powers in us vested, certify and declare that the said sev-

eral persons have been duly elected to the said several offices, as designated herein, to wit:

ABBEVILLE COUNTY.

Senator, John C. Maxwell.  
Representatives, W. K. Bradley, R. R. Hemphill, F. A. Connor, William Hood, T. L. Moore.

AIKEN COUNTY.

Senator, A. P. Butler.  
Representatives, C. E. Sawyer, J. J. Woodward, L. W. Asbill, J. G. Guignard.

ANDERSON COUNTY.

Representatives, H. R. Vandiver, R. W. Simpson, W. C. Brown, J. L. Orr.

BARNWELL COUNTY.

Senator, J. M. Williams.  
Representatives, J. S. Bamberg, J. W. Holmes, L. W. Youmans, M. A. Roundtree, Robert Aldrich.

BEAUFORT COUNTY.

Senator, Samuel Green.  
Representatives, Thos. Hamilton, Hastings Gantt, Joseph Bobinson, G. A. Reed, N. B. Myers, T. E. Miller.

CHARLESTON COUNTY.

Senator, William N. Taft.  
Representatives, E. W. M. Mackey, W. J. Brodie, B. F. Smalls, Robert Simmons, W. C. Glover, F. S. Edwards, Isaac Priolean, John Vanderpool, J. J. Lesesne, J. S. Lazarus, S. C. Brown, B. F. Capers, A. P. Ford, Richard Bryan, J. C. Tingman, Abram Smith, W. G. Pinckney.

CHESTER COUNTY.

Representatives, John Lee, Samuel Coleman, Purvis Alexander.

CHESTERFIELD COUNTY.

Representatives, J. C. Coit, D. T. Redfoarn.

CLARENDON COUNTY.

Representatives, Syfax Milton, Hampton Boston.

COLLETON COUNTY.

Representatives, H. E. Bissel, William Maree, J. N. Cumming, L. E. Parler, Robert Jones.

DARLINGTON COUNTY.

Representatives, R. H. Humbert, S. J. Keith, Z. Wines, J. A. Smith.

FAIRFIELD COUNTY.

Senator, Israel Bird.  
Representatives, John Gibson, P. R. Martin, Daniel Bird.

GEORGETOWN COUNTY.

Senator, B. H. Williams.  
Representatives, Charles S. Green, P. K. Kinloch.

GREENVILLE COUNTY.

Senator, S. S. Crittendon.  
Representatives, J. W. Gray, J. F. Donald, J. F. Austin, J. L. Westmoreland.

HORRY COUNTY.

Senator, William L. Buck.  
Representatives, L. D. Bryan, John R. Cooper.

## KERSHAW COUNTY.

Representatives, R. D. Gaither, A. W. Hough, E. H. Dibble.

## LANCASTER COUNTY.

Representatives, John B. Erwin, J. C. Blakeney.

## LEXINGTON COUNTY.

Senator, H. A. Meetzo.  
Representatives, G. Leaphart, G. Muller.

## MARION COUNTY.

Senator, R. G. Howard.  
Representatives, J. G. Blue, James McRae, B. H. Rogers, J. P. Davis.

## MARLBOROUGH COUNTY.

Representatives, P. M. Hamer, Thomas N. Edens.

## NEWBERRY COUNTY.

Senator, H. C. Corbin.  
Representatives, Thomas Keith, S. S. Bridges, W. H. Thomas.

## OCONEE COUNTY.

Senator, J. W. Livingston.  
Representatives, B. Frank Sloan, John S. Verner.

## ORANGEBURGH COUNTY.

Senator, S. L. Duncan.  
Representatives, D. A. Straker, Shedrach Morgan, W. H. Reedish, C. W. Caldwell, Ellis Forrest.

## PICKENS COUNTY.

Representatives, D. Frank Bradley, E. H. Bates.

## RICHLAND COUNTY.

Representatives, A. W. Curtis, James Wells, C. S. Minoit, R. J. Palmer, William M. Lowman.

## SUMTER COUNTY.

Representatives, Thomas B. Johnson, John H. Ferriter, William J. Andrews, John H. Westbury.

## SPARTANBURGH COUNTY.

Senator, Gabriel Cannon.  
Representatives, W. P. Compton, John W. Wofford, E. S. Allen, Charles Petty.

## UNION COUNTY.

Representatives, W. H. Wallace, G. D. Peake, William Jeffries.

## WILLIAMSBURGH COUNTY.

Representatives, William Scott, J. F. Peterson, John Evans.

## YORK COUNTY.

Senator, Isaac T. Witherspoon.  
Representatives, A. E. Hutchinson, J. A. Deale, W. B. Byers, B. H. Massey.

Given under our hands and the seal of the State, in Columbia, this 22d day of November, A. D. 1876, and in the one hundred and first year of the Independence of the United States.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*  
F. L. CARDOZO,  
*Treasurer.*  
THOS. C. DUNN,  
*Comptroller-General.*  
WILLIAM STONE,  
*Attorney-General.*  
H. W. PURVIS,  
*Adjutant and Inspector General.*

STATE OF SOUTH CAROLINA,  
*Office Secretary of State :*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct extract from the certificate and determination of the board of State canvassers now on file in this office.

Given under my hand and the seal of the State, at Columbia, this twenty-fourth day of November, A. D. 1876, and in the 101st year of the Independence of the United States of America.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

On the question as to whether the statement of county canvassers of Laurens County should be included in the statement and determination of the board, the vote was as follows:

Those voting in the negative were, the adjutant and inspector general, comptroller-general, and State treasurer; those voting in the affirmative were, the secretary of state and attorney-general. On the same question as to Edgefield County, the vote was as follows: those voting in the negative were, the adjutant and inspector general, comptroller-general, attorney-general, and State treasurer; in the affirmative, the secretary of state. The secretary of state submitted the following, and asked that it be entered on the minutes:

"I vote *yes* on the question of including Edgefield and Laurens Counties in the certificate and determination of the board, for the reason that the testimony before the board as to irregularities in the conduct of the election in those counties is entirely *ex parte*.

"H. E. HAYNE,  
*"Secretary of State."*

On motion of the attorney-general; the board then adjourned *sine die*.  
Hour 12 m. to 1 p. m., 22d.

I certify that the foregoing is a true and correct copy of the minutes of the board of State canvassers for Wednesday, November 22.

HENRY B. JOHNSON,  
*Clerk of Board.*

The State of South Carolina. In the supreme court.

THE STATE, *ex rel.* R. M. SIMS *et al.*,  
*against*

H. E. HAYNE *et al.*, BOARD OF STATE CANVASSERS, AND H. E.  
Hayne, secretary of state. }

On hearing the suggestion and information of the relators, it is ordered that a rule do issue, directed to H. E. Hayne, as secretary of state, to show cause why a writ of peremptory mandamus should not issue, commanding him, the secretary of state, H. E. Hayne, to record in his office the certified statement of the board of State canvassers reported to this court, and do certify thereon, as duly elected, the persons who, by the said certificate of the board to this court, have received the greatest number of votes for members of the senate and members of the house of representatives from the several counties in the State, and, without delay, transmit a copy thereof, under the seal of his office, to each person thereby certified to be elected to the offices aforesaid, and a like copy to the governor, and cause a copy thereof to be printed in one or more of the newspapers of the State; and that he do show cause to this court, under this order, by four (4) o'clock of this day.

F. J. MOSES.

NOVEMBER 24, 1876.



THE STATE, EX REL. R. M. SIMS ET AL. }  
*against*  
 H. E. HAYNE ET AL. }

The return of Henry E. Hayne, secretary of state, to the rule served upon him this day, to show cause why a writ of peremptory mandamus should not issue, commanding him to record in his office the certified statement of the board of State canvassers reported to this court, and to certify thereon, as duly elected, the persons who, by the said certificate of the board to this court, have received the greatest number of votes for members of the senate and members of the house of representatives from the several counties in the State, and, without delay, transmit a copy thereof, under the seal of his office, to each person thereby certified to be elected to the offices aforesaid, &c., respectfully shows to the court :

I. That the respondent has on file in his office a statement of the board of State canvassers as to the number of votes cast for members of the general assembly in the several counties of the State, and that he is now having the same recorded. That he has also received from the said board a certificate of the persons whom the said board has determined and declared to be elected as members of the general assembly of the said State, and that he is proceeding, as required by law, to transmit copies, under the seal of his office, of such certified determination to each person thereby declared to be elected.

II. This respondent further shows that he has no power or authority to issue certificates except upon the determination of the board of State canvassers.

III. That the certified statement of the aggregation of the returns of the several boards of county commissioners, with the limitations and qualifications therein expressed, referred to and made a part of this return, and of record in this court, was not, and is not, the determination of the election held on the 7th instant by the board of State canvassers, and is not the certified statement and determination by law required to be recorded in respondent's office. That the certificate of the board of State canvassers of their determination of said election, as appears from the record of said determination in the office of this respondent, is not materially different from what is necessarily implied by the return made to this court, as this respondent is informed and believes ; but for more certain information to the court this respondent appends to this return a copy of the determination of the board of State canvassers of said election, as certified to this respondent on the 22d day of November, A. D. 1876, by the board of State canvassers, as to members of the general assembly.

IV. That this respondent is not by law required to transmit to any person anything but the certified determination of the election which shall be delivered to him by the board of State canvassers, and the paper referred to is not such determination, and therefore cannot by this respondent be transmitted as required by the relators.

Having fully answered the rule, this respondent prays hence be dismissed, and the rule discharged.

H. E. HAYNE,  
*Secretary of State.*

STATE OF SOUTH CAROLINA,  
*Office Secretary of State.*

Whereas, in pursuance of the constitution and of the statutes of this State, an election was held on the 7th day of November, A. D. 1876, for one secretary of state, one comptroller-general, one attorney-general, one State treasurer, one adjutant and inspector general, one State superintendent of education, five members of the Forty-fifth Congress, one member of Congress from the second congressional district for the unexpired term of the Forty-fourth Congress, and for one judge of probate, one sheriff, one clerk of court, one coroner, one school commissioner, and three county commissioners in the several counties of the State of South Carolina; and also for the following members of the general assembly of the State of South Carolina, to wit :

One senator from Abbeville County.

One senator from Aiken County.

One senator from Barnwell County.

One senator from Beaufort County.

One senator from Charleston County.

One senator from Edgefield County.

One senator from Fairfield County.

One senator from Georgetown County.

One senator from Greenville County.

One senator from Horry County.

One senator from Laurens County.

One senator from Lexington County.

One senator from Marion County.

One senator from Newberry County.  
 One senator from Oconee County.  
 One senator from Orangeburgh County.  
 One senator from Spartanburgh County.  
 One senator from York County.  
 Five representatives from Abbeville County.  
 Four representatives from Anderson County.  
 Five representatives from Barnwell County.  
 Six representatives from Beaufort County.  
 Seventeen representatives from Charleston County.  
 Three representatives from Chester County.  
 Two representatives from Chesterfield County.  
 Two representatives from Clarendon County.  
 Five representatives from Colleton County.  
 Four representatives from Darlington County.  
 Five representatives from Edgefield County.  
 Three representatives from Fairfield County.  
 Two representatives from Georgetown County.  
 Four representatives from Greenville County.  
 Two representatives from Horry County.  
 Three representatives from Kershaw County.  
 Two representatives from Lancaster County.  
 Three representatives from Laurens County.  
 Two representatives from Lexington County.  
 Four representatives from Marion County.  
 Two representatives from Marlboro County.  
 Three representatives from Newberry County.  
 Two representatives from Oconee County.  
 Five representatives from Orangeburgh County.  
 Two representatives from Pickens County.  
 Five representatives from Richland County.  
 Four representatives from Spartanburgh County.  
 Four representatives from Sumter County.  
 Three representatives from Union County.  
 Three representatives from Williamsburgh County.  
 Four representatives from York County.

And also for one solicitor for each of the eight judicial circuits of the State; and upon examination of the statements which have been received it appears that the persons hereinafter named have been duly elected to the several offices set opposite their respective names or therein designated by the highest number of votes. We do therefore, by virtue of the powers in us vested, certify and declare that the said several persons have been duly elected to the said several offices as designated herein, to wit:

ABBEVILLE COUNTY.

Senator, John C. Maxwell.  
 Representatives, W. K. Bradley, R. R. Hemphill, F. A. Connor, William Hood, T. L. Moore.

AIKEN COUNTY.

Senator, A. P. Butler.  
 Representatives, C. E. Sawyer, J. J. Woodward, L. W. Asbill, J. G. Guignard.

ANDERSON COUNTY.

Representatives, H. R. Vandiver, R. W. Simpson, W. C. Brown, J. L. Orr.

BARNWELL COUNTY.

Senator, J. M. Williams.  
 Representatives, J. S. Bamberg, J. W. Holmes, L. W. Youmans, M. A. Roundtree, Robert Aldrich.

BEAUFORT COUNTY.

Senator, Samuel Green.  
 Representatives, Thos. Hamilton, Hastings Gantt, Joseph Robinson, G. A. Reed, N. B. Myers, T. E. Miller.

## CHARLESTON COUNTY.

Senator, Wm. N. Taft.  
 Representatives, E. W. M. Mackey, W. J. Brodie, B. F. Smalls, Robert Simmons, W. C. Glover, F. S. Edwards, Isaac Prioleau, Jno. Vanderpool, J. J. Lesesne, J. S. Lazarus, S. C. Brown, B. F. Capers, A. P. Ford, Richard Bryan, J. C. Tingman, Abram Smith, W. G. Pluckney.

## CHESTER COUNTY.

Representatives, John Lee, Samuel Coleman, Purvis Alexander.

## CHESTERFIELD COUNTY.

Representatives, J. C. Coit, D. T. Redfearn.

## CLARENDON COUNTY.

Representatives, Syfax Milton, Hampton Boston.

## COLLETON COUNTY.

Representatives, H. E. Bissell, Wm. Maree, J. N. Cumming, L. E. Parler, Robert Jones.

## DARLINGTON COUNTY.

Representatives, R. H. Humbert, S. J. Keith, Z. Wines, J. A. Smith.

## FAIRFIELD COUNTY.

Senator, Israel Bird.  
 Representatives, John Gibson, P. R. Martin, Daniel Bird.

## GEORGETOWN COUNTY.

Senator, B. H. Williams.  
 Representatives, Charles S. Green, P. K. Kinloch.

## GREENVILLE COUNTY.

Senator, S. S. Crittenden.  
 Representatives, J. W. Gray, J. F. Donald, J. F. Austin, J. L. Westmoreland.

## HORRY COUNTY.

Senator, William L. Buck.  
 Representatives, L. D. Bryan, John R. Cooper.

## KERSHAW COUNTY.

Representatives, R. D. Gaither, A. W. Hough, E. H. Dibble.

## LANCASTER COUNTY.

Representatives, John B. Erwin, J. C. Blakeney.

## LEXINGTON COUNTY.

Senator, H. A. Meetze.  
 Representatives, G. Leaphart, G. Muller.

## MARION COUNTY.

Senator, R. G. Howard.  
 Representatives, J. G. Blue, James McRae, B. H. Rogers, J. P. Davis.

## MARLBOROUGH COUNTY.

Representatives, P. M. Hamer, Thomas N. Elden.

## APPENDIX.

## NEWBERRY COUNTY.

Senator, H. C. Corbin.

Representatives, Thomas Keith, S. S. Bridges, W. H. Thomas.

## OCONEE COUNTY.

Senator, J. W. Livingston.

Representatives, B. Frank Sloan, John S. Verner.

## ORANGEBURGH COUNTY.

Senator, S. I. Duncan.

Representatives, D. A. Straker, Shedrach Morgan, W. H. Reedish, C. W. Caldwell, Ellis Forrest.

## PICKENS COUNTY.

Representatives, D. Frank Bradley, E. H. Bates.

## RICHLAND COUNTY.

Representatives, A. W. Curtis, James Wells, C. S. Minort, R. J. Palmer, Wm. M. Lowman.

## SUMTER COUNTY.

Representatives, Thomas B. Johnson, John H. Ferriter, William J. Andrews, John H. Westbury.

## SPARTANBURGH COUNTY.

Senator, Gabriel Cannon.

Representatives, W. P. Compton, John W. Wofford, E. S. Allen, Charles Petty.

## UNION COUNTY.

Representatives, W. H. Wallace, G. D. Peake, Wm. Jeffries.

## WILLIAMSBURGH COUNTY.

Representatives, Wm. Scott, J. F. Peterson, John Evans.

## YORK COUNTY.

Senator, Isaac T. Witherspoon.

Representatives, A. E. Hutchinson, J. A. Deale, W. B. Byers, B. H. Massey.

Given under our hands and the seal of the State, in Columbia, this 22d day of November, A. D. 1876, and in the one hundred and first year of the Independence of the United States.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

F. L. CARDOZO,  
*Treasurer South Carolina.*

THOS. C. DUNN,  
*Comptroller-General.*

WILLIAM STONE,  
*Attorney-General.*

H. W. PURVIS,  
*Adjutant and Inspector General.*

STATE OF SOUTH CAROLINA,  
*Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct extract from the certificate and determination of the board of State canvassers now on file in this office.

Given under my hand and the seal of the State, at Columbia, this twenty-fourth day of November A. D. 1876, and in the 101st year of the Independence of the United States of America.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

THE STATE EX REL. R. M. SIMS ET AL.,  
*vs.*  
 H. E. HAYNE ET AL. } Mandamus in the supreme court of the State  
 of South Carolina, November 24th.

*Rule to show cause.*

It is ordered that the respondent, H. E. Hayne, show cause before this court, at 4 o'clock p. m. this day, why he should not be attached for contempt of this court, as shown by the record of the proceedings of the board of State canvassers, taken on the 22d of November, 1876, after the judgment of this court had been filed, and by his failure to obey the mandate of this court.

F. J. MOSES.

NOVEMBER 24, 1876.

THE STATE OF SOUTH CAROLINA,  
*In the Supreme Court.*

THE STATE EX REL. R. M. SIMS ET AL. }  
*vs.*  
 H. E. HAYNE ET AL. }

STATE OF SOUTH CAROLINA, *Richland County :*

Personally appeared Henry E. Hayne, secretary of state; Thomas C. Dunn, comptroller-general, F. L. Cardozo, State treasurer; William Stone, attorney-general; and H. W. Purvis, late adjutant and inspector general, who, on oath, says, each for himself, as follows:

That he, H. E. Hayne, was served at 1.30 o'clock p. m.; he, Thomas C. Dunn, was served at 1.30 o'clock p. m.; he, F. L. Cardozo, was served at 1 o'clock p. m.; he, William Stone, was served at 1.15 o'clock p. m.; and he, H. W. Purvis, was served at 1.15 o'clock p. m., with a certified copy of a rule to show cause before this court, at 4 o'clock p. m. of this day, (November 24, 1876,) why he and they should not be attached for contempt in not obeying the mandate of this court in this case:

That these deponents have received no copy of any suggestions upon which said rule was issued, and are not informed with particularity as to what they are required to make answer; that one mandate was served upon them as a board, which they conceive they have obeyed, and do not know in what way they have violated it, or can be charged with having violated it; that the leading counsel for the deponents, D. T. Corbin, esq., has also been served with a rule to show cause why he should not be attached for contempt of court; which rule is also made returnable at 4 o'clock p. m. this day; that in the interval of only three hours allowed them by the court, these deponents have had no sufficient opportunity to consult with counsel as to what sort of a return they should make to said rule; that these deponents, and each of them, have endeavored to follow out the provisions of the statute regulating them in the discharge of their duties, and they respectfully submit that a reasonable time ought to be permitted to them in which to make their defense; and they believe that if time is allowed them they can fully and satisfactorily answer the said rule.

To obtain such necessary time, and not for the purpose of delay, this affidavit is made.

H. E. HAYNE,  
*Secretary of State.*  
 WILLIAM STONE,  
*Attorney-General.*  
 F. L. CARDOZO,  
*Treasurer South Carolina.*  
 THOS. C. DUNN,  
*Comptroller-General.*  
 H. W. PURVIS.

Sworn to before me the 24th day of November, 1876.

HENRY B. JOHNSON,  
*Notary Public, South Carolina.*

The State of South Carolina. In the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE R. M. SIMS,  
Johnson Hagood, S. L. Leaphart, James Conner, H. S.  
Thompson, and E. W. Moise,

vs.

H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN, AND F. L.  
Cardozo, State treasurer; T. C. Dunn, comptroller-general;  
William Stone, attorney-general, and H. W. Purvis, adjutant  
and inspector general, members of the board of State can-  
vassers, and H. E. Hayne, as secretary of state.

In re Rule vs. H. E. Hayne, secretary of state, chairman of board of State canvassers,  
for contempt.

The relators in the above cause having filed their suggestion in this court on the 14th day of November, 1876, praying, among other things, that the said respondents might be commanded by this court to perform their duties as State canvassers according to law; and the said respondents having answered thereto, and the duties and powers of the board of State canvassers having been submitted to this court and argument heard thereon; and the said respondents having adopted their resolution, "that this board will not act upon any proposition until the question of its powers and duties be decided by the supreme court," which said resolution was duly filed as an exhibit in this cause; and the said board of State canvassers having, in obedience to an order of this court, made their certified report to this court, setting forth the persons who had received the highest number of votes for the offices for which they were respectively candidates at the general election held in this State on the 7th instant; and this court having on the 22d day of November, 1876, made its order that a writ of mandamus do issue, directed to the said respondents, commanding the said board of State canvassers forthwith to declare duly elected to the offices of senator and members of the house of representatives the persons who, by the certificate of the said board of State canvassers to the said court, had received the greatest number of votes therefor, and forthwith to deliver a certified statement and declaration thereof to the secretary of state, and commanding the secretary of state to make the proper record thereof in his office, and without delay transmit a copy thereof, under the seal of his office, to each person thereby declared to be elected, and a like copy to the governor, and cause a copy thereof to be printed in one or more public newspapers of this State;

And the said board of State canvassers having, on the 22d of November, and while this court was in session, met and made their other certified statement of the persons who had received the greatest number of votes for members of the senate and members of the house of representatives from the several counties, and declared the same duly elected, and delivered said certified statement and declaration to the secretary of State; but the said board of State canvassers refused to certify and declare as elected the persons who had received the greatest number of votes for members of the senate and members of the house from the counties of Edgefield and Laurens, and adjourned *sine die*;

And this court, in pursuance of its order dated the 22d day of November, having issued its writ of mandamus, directed to the said respondents, commanding them to do and perform the matters and things heretofore set forth in their said order, and to make known to said court, forthwith, how they, the said respondents, executed said writ;

And said writ having been duly served upon the said respondents, and the said respondents having failed to obey the mandate of this court expressed in said writ, and having failed to make any return to said writ, showing their performance and execution of the mandate of the court, or good and sufficient cause why the same had not been done; and thereupon a rule having issued from this court, on the 24th day of November, directing the said respondents to show cause why they should not be attached for contempt in not obeying said mandate of the court; and said rule having been served on the said respondents, and the said respondents having appeared in court in answer to said rule, and having failed to make any return thereto, or to show any good and sufficient reason why they had not obeyed and executed the mandate of this court:

It is now adjudged, that the said H. E. Hayne is in contempt of this court; and it is ordered that he do pay a fine of fifteen hundred dollars, and that the sheriff of Richland County do take him, the said H. E. Hayne, into custody, and confine him in the common jail of said county until he be discharged by the order of this court.

[SEAL.]

NOVEMBER 25, 1876.

F. J. MOSES.

I, J. E. Dent, sheriff of Richland County, hereby return to the within order, that I

personally served H. E. Hayne with a copy of this order, and at the same time that I arrested the body of the said H. E. Hayne, and have lodged him safely in the jail of said county, this 25th day of November, A. D. 1876.

J. E. DENT,  
Sheriff Richland County.

State of South Carolina. In the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE R. M. SIMS,  
Johnson Hagood, S. L. Leaphart, James Conner, H. S.  
Thompson, and E. W. Moise,

vs.

H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN, AND F. L.  
Cardozo, State treasurer, T. C. Dunn, comptroller-general,  
William Stone, attorney-general, and H. W. Purvis, adju-  
tant and inspector general, members of the board of  
State canvassers, and H. E. Hayne, as secretary of state.

In re Rule vs. H. W. Purvis, adjutant and inspector general, member of board of State canvassers, for contempt.

The relators in the above cause having filed their suggestion in this court on the 14th day of November, 1876, praying, among other things, that the said respondents might be commanded by this court to perform their duties as State canvassers according to law; and the said respondents having answered thereto, and the duties and powers of the board of State canvassers having been submitted to this court and argument heard thereon; and the said respondents having adopted their resolution, "that this board will not act upon any proposition until the question of its powers and duties be decided by the supreme court;" which said resolution was duly filed as an exhibit in this cause; and the said board of State canvassers having, in obedience to an order of this court, made their certified report to this court, setting forth the persons who had received the highest number of votes for the offices for which they were respectively candidates, at the general election held in this State on the 7th instant; and this court having, on the 22d day of November, 1876, made its order that a writ of mandamus do issue, directed to the said respondents, commanding the said board of State canvassers forthwith to declare duly elected to the offices of senator and members of the house of representatives the persons who, by the certificate of the said board of State canvassers to the said court, had received the greatest number of votes therefor, and forthwith to deliver a certified statement and declaration thereof to the secretary of state, and commanding the secretary of state to make the proper record thereof in his office, and without delay transmit a copy thereof, under the seal of his office, to each person thereby declared to be elected, and a like copy to the governor, and cause a copy thereof to be printed in one or more public newspapers of this State;

And the said board of State canvassers having, on the said 22d of November, and while this court was in session, met and made their other certified statement of the persons who had received the greatest number of votes for members of the senate and members of the house of representatives from the several counties, and declared the same duly elected, and delivered said certified statement and declaration to the secretary of state; but the said board of State canvassers refused to certify and declare as elected the persons who had received the greatest number of votes for members of the senate and members of the house from the counties of Edgefield and Laurens, and adjourned *sine die*;

And this court, in pursuance of its order dated the 22d day of November, having issued its writ of mandamus, directed to the said respondents, commanding them to do and perform the matters and things heretofore set forth in their said order, and to make known to said court forthwith how they, the said respondents, shall have executed said writ;

And said writ having been duly served upon the said respondents, and the said respondents having failed to obey the mandate of this court expressed in said writ, and having failed to make any return to said writ, showing their performance and execution of the mandate of the court, or good and sufficient cause why the same had not been done; and thereupon a rule having issued from this court on the 24th day of November, directing the said respondents to show cause why they should not be attached for contempt in not obeying said mandate of the court; and said rule having been served on the said respondents, and the said respondents having appeared in court in answer to said rule, and having failed to make any return thereto, or to show any good and sufficient reason why they had not obeyed and executed the mandate of this court;

It is now adjudged, that the said H. W. Purvis is in contempt of this court; and it is ordered that he do pay a fine of fifteen hundred dollars, and that the sheriff of Richland County do take him, the said H. W. Purvis, into custody, and con-

fine him in the common jail of said county until he be discharged by the order of this court.

[SEAL.]

NOVEMBER 25, 1876.

F. J. MOSES.

I, J. E. Dent, sheriff of Richland County, hereby return to this order that I personally served H. W. Purvis with a copy of the within order, and at the same time I arrested the body of H. W. Purvis and lodged him safely in the jail of said county, this 25th November, A. D. 1876.

J. E. DENT,  
Sheriff Richland County.

State of South Carolina. In the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE R. M. Sims, Johnson Hagood, S. L. Leaphart, James Conner, H. S. Thompson, and E. W. Moise,

vs.

H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN, AND F. L. Cardozo, State treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general; and H. W. Purvis, adjutant and inspector-general, members of the board of State canvassers, and H. E. Hayne, as secretary of state.

In re Rule vs. T. C. Dunn, comptroller-general, member of board of State canvassers, for contempt.

The relators in the above cause having filed their suggestion in this court on the 14th day of November, 1876, praying, among other things, that the said respondents might be commanded by this court to perform their duties as State canvassers according to law; and the said respondents having answered thereto, and the duties and powers of the board of State canvassers having been submitted to this court and argument heard thereon; and the said respondents having adopted their resolution, "that this board will not act upon any proposition until the question of its powers and duties be decided by the supreme court;" which said resolution was duly filed as an exhibit in this cause; and the said board of State canvassers having, in obedience to an order of this court, made their certified report to this court, setting forth the persons who had received the highest number of votes for the offices for which they were respectively candidates at the general election held in this State on the 7th instant; and this court having, on the 22d day of November, 1876, made its order that a writ of mandamus do issue, directed to the said respondents, commanding the said board of State canvassers forthwith to declare duly elected to the offices of senator and members of the house of representatives the persons who, by the certificate of the said board of State canvassers to the said court, had received the greatest number of votes therefor, and forthwith to deliver a certified statement and declaration thereof to the secretary of state, and commanding the secretary of state to make the proper record thereof in his office, and without delay transmit a copy thereof, under the seal of his office, to each person thereby declared to be elected, and a like copy to the governor, and cause a copy thereof to be printed in one or more public newspapers of this State;

And the said board of State canvassers having, on the said 22d of November, and while this court was in session, met and made their other certified statement of the persons who had received the greatest number of votes for members of the senate and members of the house of representatives from the several counties, and declared the same duly elected, and delivered said certified statement and declaration to the secretary of state; but the said board of State canvassers refused to certify and declare as elected the persons who had received the greatest number of votes for members of the senate and members of the house from the counties of Edgefield and Laurens, and adjourned *sine die*;

And this court, in pursuance of its order dated the 22d day of November, having issued its writ of mandamus, directed to the said respondents, commanding them to do and perform the matters and things hereinbefore set forth in their said order, and to make known to said court forthwith how they, the said respondents, shall have executed said writ;

And said writ having been duly served upon the said respondents, and the said respondents having failed to obey the mandate of this court expressed in said writ, and having failed to make any return to said writ, showing their performance and execution of the mandate of the court, or good and sufficient cause why the same had not been done; and thereupon a rule having issued from this court on the 24th day of November, directing the said respondents to show cause why they should not be



attached for contempt in not obeying said mandate of the court; and said rule having been served on the said respondents, and the said respondents having appeared in court in answer to said rule, and having failed to make any return thereto, or to show any good and sufficient reason why they had not obeyed and executed the mandate of this court:

It is now adjudged that the said T. C. Dunn is in contempt of this court; and it is ordered that he do pay a fine of fifteen hundred dollars, and that the sheriff of Richland county do take him, the said T. C. Dunn, into custody, and confine him in the common jail of said county until he be discharged by the order of this court.

[SEAL.]

NOVEMBER 25, 1856.

F. J. MOSES.

I, J. E. Dent, sheriff of Richland County, hereby return to the within order that I personally served the said T. C. Dunn with a copy of the order, and at the same time arrested the body of the said T. C. Dunn and lodged him safely in the jail of said county this 25th day of November, A. D. 1876.

J. E. DENT, S. R. C.

State of South Carolina. In the Supreme Court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE R. M. SIMS,  
Johnson Hagood, S. L. Leaphart, James Conner, H. S.  
Thompson, and E. W. Moise,

vs.

H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN, AND F. L.  
Cardozo, State treasurer; T. C. Dunn, comptroller-general,  
William Stone, attorney-general, and H. W. Purvis, adju-  
tant and inspector-general, members of the board of State  
cavassers, and H. E. Hayne, as secretary of state.

*In re* rule vs. William Stone, attorney-general, member of board of State cavassers,  
for contempt.

The relators in the above cause having filed their suggestion in this court on the 14th day of November, 1876, praying, among other things, that the said respondents might be commanded by this court to perform their duties as State cavassers according to law, and the said respondents having answered thereto, and the duties and powers of the board of State cavassers having been submitted to this court and argument heard thereon, and the said respondents having adopted their resolution "that this board will not act upon any proposition until the question of its powers and duties be decided by the supreme court," which said resolution was duly filed as an exhibit in this cause;

And the said board of State cavassers having, in obedience to an order of this court, made their certified report to this court, setting forth the persons who had received the highest number of votes for the offices for which they were respectively candidates at the general election held in this State on the 7th instant;

And this court having, on the 22d day of November, 1876, made its order that a writ of mandamus do issue, directed to the said respondents, commanding the said board of State cavassers forthwith to declare duly elected to the offices of senator and members of the house of representatives the persons who, by the certificate of the said board of State cavassers to the said court, had received the greatest number of votes therefor, and forthwith to deliver a certified statement and declaration thereof to the secretary of state, and commanding the secretary of state to make the proper record thereof in his office, and without delay transmit a copy thereof, under the seal of his office, to each person thereby declared to be elected, and a like copy to the governor, and cause a copy thereof to be printed in one or more public newspapers of this State;

And the said board of State cavassers having on the said 22d of November, and while this court was in session, met and made their other certified statement of the persons who had received the greatest number of votes for members of the senate and members of the house of representatives from the several counties, and declared the same duly elected, and delivered said certified statement and declaration to the secretary of state; but the said board of State cavassers refused to certify and declare as elected the persons who had received the greatest number of votes for members of the senate and members of the house from the counties of Edgefield and Laurens, and adjourned *sine die*;

And this court, in pursuance of its order, dated the 22d day of November, having issued its writ of mandamus, directed to the said respondents, commanding them to do and perform the matters and things hereinbefore set forth in their said order, and to make known to said court forthwith how they, the said respondents, shall have executed said writ;

And said writ having been duly served upon the said respondents, and the said respondents having failed to obey the mandate of this court expressed in said writ, and having failed to make any return to said writ showing the performance and execution of the mandate of this court, or good and sufficient cause why the same had not been done; and thereupon a rule having issued from this court on the 24th day of November directing the said respondents to show cause why they should not be attached for contempt in not obeying said mandate of the court, and said rule having been served on the said respondents, and the said respondents having appeared in court in answer to said rule, and having failed to make any return thereto, or to show any good and sufficient reason why they had not obeyed and executed the mandate of this court:

It is now ordered that the said William Stone is in contempt of this court; and it is ordered that he do pay a fine of fifteen hundred dollars, and that the sheriff of Richland County do take him, the said William Stone, into custody and confine him in the common jail of said county until he be discharged by the order of this court.

[SEAL.]

NOVEMBER 25, 1876.

F. J. MOSES.

I, J. E. Dent, sheriff of Richland County, hereby certify that I personally served a copy of the within order on William Stone, by my deputy, I. D. Evans, and at the same time I arrested the body of the said William Stone, and lodged him safely in the jail of said county the 25th November, A. D. 1876.

J. E. DENT, S. R. C.

State of South Carolina. In the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE R. M. Sims, Johnson Hagood, S. L. Leaphart, James Conner, H. S. Thompson, and E. W. Moise,

vs.

H. E. HAYNE, SECRETARY OF STATE, CHAIRMAN, AND F. L. Cardozo, State treasurer; T. C. Dunn, comptroller-general; William Stone, attorney-general, and H. W. Purvis, adjutant and inspector general, members of the board of State canvassers, and H. T. Hayne, as secretary of state.

*In re* rule vs. F. L. Cardozo, State treasurer, member of board of State canvassers, for contempt.

The relators in the above cause having filed their suggestion in this court on the 14th day of November, 1876, praying, among other things, that the said respondents might be commanded by this court to perform their duties as State canvassers according to law, and the said respondents having answered thereto, and the duties and powers of the board of State canvassers having been submitted to this court, and argument heard thereon, and the said respondents having adopted their resolution "that this board will not act upon any proposition until the question of its powers and duties be decided by the supreme court," which said resolution was duly filed as an exhibit in this cause;

And the said board of State canvassers having, in obedience to an order of this court, made their certified report to this court, setting forth the persons who had received the highest number of votes for the offices for which they were respectively candidates at the general election held in this State on the 7th instant; and this court having, on the 22d day of November, 1876, made its order that a writ of mandamus do issue, directed to the said respondents, commanding the said board of State canvassers forthwith to declare duly elected to the offices of senator and members of the house of representatives the persons who, by the certificate of the said board of State canvassers to the said court, had received the greatest number of votes therefor, and forthwith to deliver a certified statement and declaration thereof to the secretary of state, and commanding the secretary of state to make the proper record thereof in his office, and without delay transmit a copy thereof, under the seal of his office, to each person thereby declared to be elected, and a like copy to the governor, and cause a copy thereof to be printed in one or more public newspapers of this State;

And the said board of State canvassers having, on the said 22d of November, and while this court was in session, met and made their other certified statement of the persons who had received the greatest number of votes for members of the senate and members of the house of representatives from the several counties, and declared the same duly elected, and delivered said certified statement and declaration to the secretary of state; but the said board of State canvassers refused to certify and declare as elected the persons who had received the greatest number of votes for members of the senate and members of the house from the counties of Edgetfield and Laurens, and adjourned *sine die*;

And this court, in pursuance of its order dated the 22d day of November, having issued its writ of mandamus, directed to the said respondents, commanding them to do and perform the matters and things hereinbefore set forth in their said order, and to make known to said court forthwith how they, the said respondents, shall have executed said writ;

And said writ having been duly served upon the said respondents, and the said respondents having failed to obey the mandate of this court expressed in said writ, and having failed to make any return to said writ showing their performance and execution of the mandate of the court, or good and sufficient cause why the same had not been done; and thereupon a rule having issued from this court on the 24th day of November, directing the said respondents to show cause why they should not be attached for contempt in not obeying said mandate of the court; and said rule having been served on the said respondents, and the said respondents having appeared in court in answer to said rule, and having failed to make any return thereto, or to show any good and sufficient reason why they had not obeyed and executed the mandate of this court:

It is now adjudged that the said F. L. Cardozo is in contempt of this court; and it is ordered that he do pay a fine of fifteen hundred dollars, and that the sheriff of Richland County do take him, the said F. L. Cardozo, into custody and confine him in the common jail of said county until he be discharged by the order of this court.

[SEAL]

NOVEMBER 25, 1876.

F. J. MOSES.

I, J. E. Dent, sheriff of Richland County, hereby certify that I personally served a copy of the within order on F. L. Cardozo, and at the same time I arrested the body of the said F. L. Cardozo and lodged him safely in the jail of said county the 25th November, A. D. 1876.

J. E. DENT, S. R. C.

The State of South Carolina, in the supreme court.

<p>THE STATE, EX RELATIONE R. M. SIMS AND OTHERS, AS citizens and candidates, vs. H. E. HAYNE AS CHAIRMAN, AND OTHERS AS MEMBERS OF the board of State canvassers, and H. E. Hayne as secretary of state.</p>	}	Order.
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*Ordered*, That the relators have leave to file the amendments proposed to the original suggestions in the above-entitled cause, and that the respondents have time to answer on or before the 7th instant, at 11 o'clock.

F. J. MOSES.

DECEMBER 5, 1876.

State of South Carolina. In the supreme court.

<p>THE STATE, EX RELATIONE R. M. SIMS ET AL., AS CITIZENS of the said State and as candidates, as follows: R. M. Sims, candidate for secretary of state; Johnson Hagood, as candidate for comptroller-general; S. L. Leaphart, as candidate for State treasurer; James Conner, as candidate for attorney-general; Hugh S. Thompson, as candidate for superintendent of education; and E. W. Moise, as candidate for adjutant and inspector general, vs. HENRY E. HAYNE, SECRETARY OF STATE, AND H. E. Hayne, F. L. Cardozo, T. C. Dunn, William Stone, and H. W. Purvis, members of the board of State canvassers, and officers of the said State named above, except adjutant and inspector general.</p>	}	
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*Amended suggestion for mandamus.*

Be it remembered that, on the 22d day of November, 1876, came R. M. Sims *et al.*, as above stated, under and by virtue of the order of severance granted by the court on that day, and say that, on the 7th November, 1876, a general election was duly held in the said State for the State officers above enumerated and named, (amongst other persons voted for at the said election;) that at said election the votes for the opposing candidates for said offices, respectively, were duly counted by the several boards of managers of the said election, and by them duly returned in their respective counties to the board of canvassers for their several counties, and the several boards of county cau-

vassers having made their statement of the votes cast, the same, together with all papers appertaining to said election, were by the said boards of county canvassers duly transmitted to the board of State canvassers of the said State.

And whereas the said board of State canvassers, as in duty bound, did begin to compare the returns of the precinct managers with the returns of the board of county canvassers, and did proceed in that legal manner until the several returns from the counties of Aiken, Abbeville, Anderson, Barnwell, Beaufort, and Charleston had been duly compared, when the said comparison was stopped by order of the board of State canvassers;

And whereas the result of said comparison, partially made as aforesaid, made manifest and caused it to appear that there were many errors, irregularities, and discrepancies between the returns of the managers and the statements of the county canvassers, so that it was and still is necessary to continue said comparison and conform the statements of the county canvassers to the returns of the precinct managers, that a true result should be arrived at, from which true result, when duly arrived at, your relators' rights will be derived and exhibited, and which will show such true result to be more favorable to your relators than now appears, and that your relators have received the greatest number of votes cast at said election for the offices for which they were respectively candidates;

And whereas the said board of State canvassers have failed and refused to conform to the law and perform their said duties in this behalf and in other respects also, although frequently requested so to do according to law;

And whereas the said board of State canvassers have failed and refused to do their legal duty by failing to exclude from their count returns sent up to them from precincts not named in any act of the State legislature, and have actually received and included in their said count returns not duly or legally authenticated or forwarded to them by the boards of county canvassers, and have failed and refused to continue the count, and to compare the several returns from the county managers with the statements of the county canvassers; by means of all which derelictions of official duty, your relators are worse and are debarred of their rights, to wit, to have a true result of the said election declared, and the proper and legal officers, some if not all of whom are your relators, furnished with the proper evidences of their title to the offices to which they have been duly elected:

Wherefore your relators pray that this honorable court will grant to your relators the State's writ of *mandamus*, to be directed to the said H. E. Hayne *et al.*, the respondents, members of the board of State canvassers, requiring them to proceed to perform their said duties according to law, and to submit to this court their report, showing such performance, and bringing into court, with the said report, all official papers on which the same is in any manner based, including the returns of the several managers and the statements of the county canvassers, &c.

And may it please the court to grant your relators such other and further remedial writs and remedies as to the nature of the case may appertain, and to justice may seem meet. And your relators will ever pray, &c.

JAMES CONNER,  
*Counsel for Relators.*

State of South Carolina. In the supreme court.

THE STATE, EX REL. R. M. SIMS ET AL.,  
*against*  
H. E. HAYNE ET AL., BOARD OF STATE CANVASSERS. }

STATE OF SOUTH CAROLINA, *Richland County, ss:*

Louis LeConte, being duly sworn, says that, on the 17th day of November, instant, the board of State canvassers did, under the order of this court in the above cause, proceed to compare the statements of the county canvassers with the returns of the managers of the several precincts, and did so proceed until the comparison had been made for the counties of Abbeville, Aiken, Anderson, Barnwell, Beaufort, and Charleston, when said comparison was stopped by order of the board of State canvassers; that in said comparison it was made manifest that there were many irregularities and discrepancies between the returns of the managers and the statements of the county canvassers; that votes not entered upon the managers' returns were entered by the county canvassers in the statements; that votes given to one candidate, and appearing in the managers' returns, were by the board of county canvassers transferred to another candidate, and so set down in their statements; that the county canvassers included in their statements returns purporting to come from precincts not designated by statute; that the said board of State canvassers received a return not forwarded according to law, signed by the managers of one party only, and never submitted to the board of county canvassers, and forwarded

by said managers of one party, after the county canvassers had made their official statement and closed their labors.

LOUIS LÉCONTE.

Sworn to and subscribed before me this 20th November, 1876.

[SEAL.]

WM. K. BACHMAN,  
Notary Public.

STATE OF SOUTH CAROLINA, *Richland County*, ss :

Louis LeConte, being duly sworn, further deposes and says that, while the said board of State canvassers were comparing the statements of the boards of county canvassers with the managers' returns, as aforesaid, the said relators, by the counsel, called the attention of the said board of State canvassers to the discrepancies hereinabove mentioned; but the said board of State canvassers did not make their return conform to the said managers' returns, but made up their return from the statements of the county canvassers, notwithstanding such discrepancies; that after the said board of State canvassers had compared the statements of the county canvassers with the managers' returns, as aforesaid, to the extent of the counties hereinabove named, the said board of State canvassers resolved to proceed no further with said comparison; that thereupon the relators, by their counsel, insisted that said comparison should proceed and be continued through all the counties of said State; but the said board of State canvassers refused to accede to that demand, and proceeded to make up their return without regard to said managers' returns, and without comparing said county canvassers' statements therewith.

LOUIS LÉCONTE.

Sworn to and subscribed before me this 22d November, 1876.

[SEAL.]

JOS. DANL. POPE,  
Notary Public.

THE STATE, EX RELATIONE R. M. SIMS ET AL.,

vs.

H. F. HAYNE ET AL., BOARD OF STATE CANVASSERS. }

STATE OF SOUTH CAROLINA, *County of Richland* :

Charles F. Janney, being duly sworn, deposes and says that, on the 17th day of November, instant, the board of State canvassers did, under the order of this court in the above-stated cause, proceed to compare the statements of the county canvassers with the returns of the managers of the several precincts, and did so proceed until the comparison had been made for the counties of Abbeville, Aiken, Anderson, Barnwell, Beaufort, and Charleston, when said comparison was stopped by order of the board of State canvassers; that on said comparison it was made manifest that there were many irregularities and discrepancies between the returns of the managers and the statements of the county canvassers; that votes not entered upon the managers' returns were entered by the county canvassers on their statements; that votes given to one candidate, and so appearing on the managers' returns, were by the board of county canvassers transferred to another candidate and so set down in their statements; that the county canvassers included in their statements returns purporting to come from precincts not designated by statute; that the said board of State canvassers received a return not forwarded according to law, signed by the managers of one party only, and never submitted to the board of county canvassers, but forwarded by said managers of one party after the county canvassers had made their official statement and closed their labors; that while the said board of State canvassers were comparing the statements of the board of county canvassers with the managers' returns as aforesaid, the said relators, by their counsel, called the attention of the said board of State canvassers to the discrepancies hereinabove mentioned; but the said board of State canvassers did not make their return conform to the said managers' returns, but made up their return from the statements of the county canvassers, notwithstanding such discrepancies; that after the said board of State canvassers had compared the statements of the county canvassers with the managers' returns as aforesaid, to the extent of the counties herein above named, the said board of State canvassers resolved to proceed no further with said comparison; that, therefore, the relators, by their counsel, insisted that said comparison should proceed and be continued through all the counties of said State, but the said board of State canvassers refused to accede to that demand, and proceeded to make up their return without regard to said managers' returns, and without comparing the said county canvassers' statements therewith.

CHARLES F. JANNEY.

Subscribed and sworn to before me this 22d day of November, A. D. 1876.

JOS. DANL. POPE,  
Notary Public.

## State of South Carolina. In the supreme court.

THE STATE, EX RELATIONE R. M. SIMS AND OTHERS, }  
*against* } Return of defendants.  
 H. E. HAYNE, SECRETARY OF STATE, AND OTHERS. }

And now comes William Stone, attorney-general, one of the above-named respondents, and to the amended suggestions for mandamus filed herein, makes return as follows:

I. That this court has no jurisdiction of this cause, for the reason that no power has been conferred on it by the constitution of this State, or by the laws passed in pursuance thereof, to exercise control over the board of State canvassers in matters within the discretion of said board as executive officers, and upon which said board is, by law, required to act.

II. That the board of State canvassers has already fully performed and discharged all the duties imposed upon it by law, as this respondent is informed and believes, in the manner and form prescribed by law; that after said board had performed said duties, and on the 22d day of November, A. D. 1876, it adjourned *sine die*; that the period within which said board was required by law to perform its duties expired on the said last-mentioned day, and there is now no lawful authority under which the members thereof can re-assemble or perform any official act as a board.

III. That among other duties performed by said board as required by law, the said board duly prepared a certificate declaring the result of the general election held on the 7th day of November, 1876, and said certificate was duly delivered by authority of said board to the respondent, Henry E. Hayne, as secretary of state, as in that behalf and required by law.

IV. That the said board, as this respondent humbly submits; cannot now make any other declaration or certificate of said general election than that which has already been made by said board and delivered to the said secretary of state; and this court, in this form of proceeding, cannot review the action of said board, or make any order to the said board in the premises.

V. That if the said relators or either of them have a lawful right to the offices for which they were respectively candidates, (which this respondent denies,) they have another complete and ample remedy by which to gain possession of the same, to wit, by summons and complaint, as provided by law; but the said remedy is not by mandamus.

VI. That this court, as this respondent is advised, has already heard the original suggestions herein, and has, by an order made on 22d day of November, 1876, passed upon the rights of the relators, and has virtually decided and determined the whole cause, and no further proceedings can properly be had herein.

VII. That as the respondent is advised, no errors, irregularities, and discrepancies between the returns of managers of election and statements of county canvassers, sufficient to affect the result of the general election, were made apparent to the board of State canvassers, nor did the said several relators receive for the offices for which they were respectively candidates the highest number of votes cast at the said election; and this respondent avers that the said board, by their action, arrived at the true and correct result of the said election.

VIII. And this respondent denies that the board of State canvassers failed to do their legal duty by failing to exclude from the count and returns sent up to them from precincts not established by law, or that they have received or included in their count returns not duly or legally authenticated or forwarded to them by the several boards of canvassers. On the contrary, this respondent avers that the said board made up their count of votes cast at the said general election from the statements of the several boards of county canvassers, as required by law to do, and that upon said statements they duly determined and declared the result of said election as to the offices now claimed by said relators.

IX. And this respondent further avers, on information and belief, that H. W. Purvis, late adjutant and inspector general, one of the members of the board of State canvassers, has, since the 22d day of November, 1876, resigned the office of adjutant and inspector general, and does not now hold said office.

And this respondent did, on the 6th day of December, 1876, resign his office as attorney-general of the State of South Carolina, to take effect December 7, 1876; and further, this respondent's term has now expired by law.

That so far as these two respondents are concerned, they have no legal right to perform any further duties as members of the board of State canvassers.

WILLIAM STONE.

STATE OF SOUTH CAROLINA, *Richland County* :

William Stone, on oath, says that the foregoing return is true to the best of his knowledge, information, and belief.

WILLIAM STONE.

Sworn to before me the 7th day of December, 1876.

J. E. HAGOOD,  
*Notary Public for South Carolina.*

The said Henry E. Hayne, Thos. C. Dunn, F. L. Cardozo, and H. W. Purvis having heard the said return of William Stone, hereby join in the same, and submit the same as to their return and the suggestions in this cause.

H. E. HAYNE.  
THOS. C. DUNN.  
F. L. CARDOZO.  
H. W. PURVIS.

Sworn to before me this 7th day of December, 1876.

HENRY B. JOHNSON,  
*Notary Public, South Carolina.*

The State of South Carolina. In the supreme court.

I, Albert M. Boozer, clerk of the supreme court of South Carolina, do certify that the foregoing pages of printed and written matter contain true copies of the proceedings had and filed in this court in the cases of "The State, ex rel. R. M. Sims and others, against H. E. Hayne and others, board of state canvassers, and H. E. Hayne, secretary of state." Suggestion for mandamus, and the same relators against the same respondents. Suggestion for prohibition; the originals whereof are on file in my office.

Witness my hand and the seal of said court, at Columbia, this 15th day of December, anno Domini one thousand eight hundred and seventy-six.

[SEAL.]

ALBERT M. BOOZER,

*Clerk of the Supreme Court of South Carolina.*

State of South Carolina. In the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE WILLIAM H.	}
Wallace, speaker of the house of representatives,	
<i>against</i>	
H. E. HAYNE, AS SECRETARY OF STATE, AND E. W. M.	}
Mackey.	

To the honorable the judges of the supreme court of said State :

The humble petition of William H. Wallace, speaker of the house of representatives of said State, sheweth :

That a general election was held in said State on the 7th day of November, A. D. 1876, for the offices of governor and lieutenant-governor of said State; and upon such election, the returns of the several managers of election were duly transmitted to the said H. E. Hayne, as secretary of state, in accordance with the provisions of the constitution and laws of said State.

And your petitioner further sheweth that the house of representatives of the general assembly convened in the city of Columbia on the fourth Tuesday in November, 1876, to wit, in Carolina Hall, in said city, the members thereof having been excluded by force of arms from the State-house by the Army of the United States; and after convening, duly organized, elected your petitioner speaker of the said house, and sent the proper and usual message to the senate of said State that said house was duly organized and ready to proceed to business.

That your petitioner, as speaker, as aforesaid, thereupon demanded of the said H. E. Hayne, secretary of state, the returns of the election for governor and lieutenant-governor, in the possession of the said secretary of state under section 4, article III, of the constitution of said State; but the said secretary of state refused to deliver the said returns to your petitioner, and still refuses so to do; and has unlawfully delivered said returns to one E. W. M. Mackey, claiming to be speaker of a body claiming to be a house of representatives, which is not legally elected or organized.

Wherefore, and inasmuch as your petitioner is without any other adequate remedy in the premises, your petitioner prays that a writ of mandamus may issue from this honorable court, directed to the said H. E. Hayne, as secretary of state, and E. W. M. Mackey aforesaid, commanding and enjoining them forthwith to deliver to your petitioner, as the speaker of the said house, the returns of the managers of election transmitted to him upon the said general election as aforesaid; and that your petitioner may have such other and further relief as may seem just and necessary. And your petitioner will ever pray, &c.

STATE OF SOUTH CAROLINA, *County of Richland, ss :*

William H. Wallace, being duly sworn, says that the matters and things stated in

the foregoing petition are true to the knowledge of deponent, except in so far as the same are stated on information and belief, and as to such matters he believes the same to be true.

W. H. WALLACE.

Sworn to and subscribed before me this 1st day of December, 1876.

JAS. L. ORR, [L. S.]  
Notary Public.

*Order to show cause.*

THE STATE, EX RELATIONE W. H. WALLACE, SPEAKER OF THE }  
house of representatives,  
vs.  
H. E. HAYNE, SECRETARY OF STATE, AND E. W. M. MACKEY. }

On hearing the suggestion in mandamus in the above-entitled case, on motion of relator, it is ordered that the said H. E. Hayne, secretary of state, and E. W. M. Mackey, do show cause before this court, at 11 o'clock on Monday the 4th December instant, why the prayer of the said suggestion and petition should not be granted.

F. J. MOSES.

DECEMBER 2, 1876.

In the supreme court of South Carolina.

WILLIAM H. WALLACE }  
vs.  
E. W. M. MACKEY ET AL. }

Comes now the said respondent Mackey, and demurs to the reply of the petitioner to respondent's reply for the following reasons, to wit :

The said reply is not sufficient in law to constitute a good and sufficient reply to said respondent's return.

And said respondent demurs specially to that portion of the said reply which sets up and seeks to rely upon the certificates issued in pursuance of the order and decree of this court, for the reason that the court had no jurisdiction of the said matter.

2d. Because the said parties named in said reply were not parties to or in any way before the court.

J. C. DENNY, *for Respondents.*

In the supreme court of South Carolina.

WILLIAM H. WALLACE, }  
vs.  
HENRY E. HAYNE, SECRETARY OF STATE, AND E. W. M. MACKEY. }

Comes now Henry E. Hayne, and for answer to the petition of the said William H. Wallace says, that before the filing of the petition in this court, and before he had any notice of said proceedings, he had delivered to said E. W. M. Mackey the returns of the election which have been forwarded to him by the proper election officers of this State, in pursuance of section 4, article III, of the constitution of this State; that before he so delivered said returns the said Mackey had been elected speaker of the house of representatives of this State, and was then in the speaker's chair and acting as such, and that he so delivered the same before any demand was made upon him by said Wallace, and before he pretended to have been elected; that he did refuse to deliver the same to said Wallace because he could not do so, the same being then in the hands of said Mackey. He therefore says that said returns had, before the filing of said petition in this court, gone beyond his control, and therefore he cannot now produce said returns or deliver them to said Wallace.

D. T. CORBIN,  
J. C. DENNY,  
THOS. SETTLE,  
*For Respondent.*

STATE OF SOUTH CAROLINA :

Henry E. Hayne, on his oath, says that the facts stated in the foregoing answer are true.

H. E. HAYNE.

Subscribed and sworn to before me this 4th day of December, 1876.

HENRY B. JOHNSON,  
Notary Public, South Carolina.



## The State of South Carolina. In the supreme court.

STATE EX REL. WILLIAM H. WALLACE, SPEAKER OF THE  
house of representatives. }  
vs. }  
HENRY E. HAYNE, SECRETARY OF STATE, AND E. W. M.  
Mackey. }

A rule to show cause having been served on this respondent, E. W. M. Mackey, in the above-entitled cause, now comes said E. W. M. Mackey, and for cause shows:

1. That this court has no power or authority or jurisdiction to inquire into, hear, or determine the matters and things alleged and put in issue in the petition of the relator.

That the house of representatives of the State of South Carolina duly assembled in the hall of the house of representatives at the city of Columbia, the capital of said State, on the 28th day of November, A. D. 1876, pursuant to the constitution, and proceeded to organize by the election of this respondent as speaker thereof, and of A. O. Jones as clerk thereof.

That having been duly elected speaker of said house of representatives as aforesaid, the returns of the election for governor, held in said State on the 7th day of November, A. D. 1876, were delivered to this respondent by Hon. Henry E. Hayne, secretary of state, pursuant to section 4, article III, of the constitution, and he now holds said returns as speaker of said house of representatives, and for the purpose indicated in said section 4, article III, of the constitution, and for no other purpose whatever. This respondent therefore says that this court has no power, authority, or jurisdiction to hear and determine the matters in issue in said petition; and he prays to be hence dismissed with his reasonable costs in this behalf sustained.

E. W. M. MACKEY.

Personally appeared E. W. M. Mackey, and, being sworn, says that the facts stated are true of his own knowledge.

HENRY B. JOHNSON,  
*Notary Public, South Carolina.*

## Supreme court of South Carolina.

WILLIAM H. WALLACE }  
vs. }  
E. W. M. MACKEY ET AL. }

Comes now the said E. W. M. Mackey, and for return to the rule entered against him in this cause in this court, says that he was, on the 7th day of November, 1876, duly and legally elected a member of the house of representatives of this State, and is now in his place in said house, having been duly and legally qualified as such. And that heretofore, on the 28th day of November, 1876, the house of representatives of said State did assemble in the hall of the house of representatives, a constitutional quorum of the legally-elected members of said house being present and answering to their names, and said house did then and there organize by the election of this respondent speaker, and A. O. Jones, esq., as clerk, and did in all respects proceed to perfect its organization in conformity with the constitution and laws of this State, and that said house has continued in session from day to day until the present time, and he has at all times since his said election continued to act as such speaker.

And that the senate and house of representatives, by concurrent resolution, have appointed this 4th day of December, at 2 o'clock p. m., in the hall of the house of representatives, as the time and place for opening, counting, and publishing the returns of the election of governor and lieutenant-governor.

And this respondent further says that he was duly and legally elected such speaker, and that said Wallace was not elected by a majority of votes of a majority of the house of representatives who had been legally elected; that eight of the pretended members who acted and voted for said Wallace had not been legally elected, and were not legal members of said house; which question has been submitted to and decided by the legally-constituted house of representatives of this State; and therefore he says that the pretended house, who pretended to act as a house, and who pretended to vote for said Wallace, was composed of fifty-six members, and no more.

And this respondent, having been duly elected speaker of said house of representatives, as aforesaid, the returns of the election for governor held in said State on the 7th day of November, A. D. 1876, were delivered to this respondent by Hon. Henry E. Hayne, secretary of state, pursuant to section 4, article III, of the constitution; and he now holds said returns as speaker of said house of representatives, and for the purpose indicated in said section 4, article III, of the constitution, and for no other purpose.

Wherefore this respondent says that this court has no power, authority, or jurisdiction to hear and determine the matters in issue in said petition, and he prays to be hence discharged with his reasonable costs in this behalf sustained.

E. W. M. MACKKEY.

Personally appeared E. W. M. Mackey, and, being duly sworn, says that the facts stated are true.

HENRY B. JOHNSON,  
*Notary Public, South Carolina.*

The State of South Carolina. In the supreme court.

THE STATE OF SOUTH CAROLINA, EX RELATIONE WILLIAM  
H. Wallace, speaker of the house of representatives,  
*against*  
H. E. HAYNE, AS SECRETARY OF STATE, AND E. W. M.  
Mackey.

And the relator alleges that he is entitled to the writ of mandamus prayed for, notwithstanding anything in the return of the respondent's contained; for the relator alleges that the body of which respondent claims to be the duly-elected speaker is not, and never was, a constitutional house of representatives; inasmuch as said body, when assembled in the hall of the house of representatives, as alleged, did not consist of one hundred and twenty-four members chosen by ballot by the citizens of this State; and that a majority of a lawfully-constituted house of representatives, constituting a legal quorum, viz, sixty-three members, did not assemble or organize; but, on the contrary, as relator is informed and believes, not more than fifty-nine members chosen by ballot (if so many) assembled in the said hall of the house of representatives at the time alleged in the answer, and proceeded to organize, as pretended.

And the relator further says, that he was elected speaker by a majority of votes of a majority of the house of representatives who had been duly elected, viz, by a majority of a legal quorum of the house of representatives of one hundred and twenty-four members; that is to say, sixty-five members; of which sixty-five members fifty-seven members held, as evidences of their legal membership, certificates of the secretary of the state, and of the clerk of the supreme court, as hereinafter more particularly described, of the certified determination of the board of canvassers, and eight members, to wit, the members-elect from the counties of Laurens and Edgefield, (W. S. Allen, J. C. Sheppard, James Callison, T. E. Jennings, and H. A. Shaw, from Edgefield; and J. W. Watts, D. W. Anderson, and J. B. Humbert, from Laurens, who had been refused certificates by the secretary of state,) held as evidences of their title certificates of the clerk of the court, issued in accordance with the judgment of the supreme court, on the petition in mandamus, in the case entitled *The State ex relatione R. M. Sims et al., vs. H. E. Hayne, chairman, et al., the board of State canvassers, and H. E. Hayne, secretary of state.*

All of which the relator is willing and ready to verify. Wherefore he prays judgment, &c.

W. H. WALLACE.

JAS. CONNER, *Counsel for Relators.*

Sworn to before me this 4th day of December, 1876.

EDWARD R. ARTHUR,  
*Notary Public.*

The State of South Carolina. In the supreme court.

THE STATE, EX REL. WILLIAM H. WALLACE, AS SPEAKER OF  
the house of representatives,  
*against*  
H. E. HAYNE, AS SECRETARY OF STATE, AND E. W. M.  
MACKKEY.

The relator traverses the return of H. E. Hayne, as secretary of state, and says: That so much thereof as alleges that said Mackey has ever been elected speaker of the house of representatives of the general assembly of the State is untrue, and denies the same, and craves leave to refer, in regard thereto, to his traverse of the return of E. W. M. Mackey herein, and to make the same a part of this traverse as fully as if

herein set forth. All of which the relator is ready and willing to verify. Wherefore the relator prays judgment.

JAMES CONNER, *Counsel for Relator.*

W. H. WALLACE.

Sworn to before me this December 4, 1876.  
[L. S.]

J. C. SHEPPARD,  
*Notary Public.*

Supreme court of South Carolina.

WILLIAM H. WALLACE }  
*vs.*  
H. E. HAYNE. }

Comes now the said Hayne and says that he denies each and every averment contained in the reply of the said Wallace to the return of respondent.

And the said Hayne further says that the pretended certificates issued to the persons named in said reply were issued by the clerk of this court without any order of this court authorizing or directing them to be issued, and without any authority of law; that the only power or authority under or by virtue of which the certificates could have been issued is the secretary of state, in pursuance of the decision and direction of the State board of canvassers, and therefore he says that said certificates are illegal and void.

J. C. DENNY,  
*Attorney for Respondent.*

Before me personally came H. E. Hayne, and swore that the facts in the foregoing are true of his own knowledge.

H. E. HAYNE.

Sworn before me this 5th day of December, 1876.

HENRY B. JOHNSTON,  
*Notary Public, South Carolina.*

Supreme court, South Carolina.

WILLIAM H. WALLACE }  
*vs.*  
E. W. M. MACKEY ET AL. }

Comes now the said Mackey and says that he denies each and every averment contained in the reply of the said Wallace to the return of respondents.

And the said Mackey further says that the pretended certificates issued to the persons named in said reply were issued by the clerk of this court without any order of this court authorizing or directing them to be issued, and without any authority of law; that the only power or authority under or by virtue of which the certificates could have been issued is the secretary of state, in pursuance of the decision and direction of the State board of canvassers, and therefore he says that said certificates are illegal and void.

J. C. DENNY,  
*Attorney for respondents.*

Before me personally came E. W. M. Mackey and swore that the above facts are true of his own knowledge.

E. W. M. MACKEY.

HENRY B. JOHNSTON,  
*Notary Public, South Carolina.*

It is admitted that all of the sixty-five members of the body which assembled as a house of representatives on the 28th November, at Carolina Hall, in the city of Columbia, and which elected W. H. Wallace speaker, held certificates from the secretary of state, excepting the members claiming seats from the counties of Edgefield, five in number, and Laurens, three in number, who held certificates of the clerk of the supreme court, offered in evidence in this cause.

J. C. DENNY,  
*For Respondents.*

DECEMBER 5, 1876.

Submitted and filed 5th December, 1876.  
Respondents offered no testimony.

## EXHIBIT A.

TUESDAY, November 28, 1876.

Pursuant to the provisions of the constitution of the State of South Carolina, the members of the house of representatives from the several counties of this State assembled in Carolina Hall, in the city of Columbia, this day at 8 o'clock p. m. Mr. Robert Aldrich, a member-elect from Barnwell County, was called to the chair, and Mr. J. C. Sheppard, a member-elect from Edgefield County, appointed temporary clerk.

Mr. Sheppard, the temporary clerk, commenced a call of the members elect of the house of representatives by counties, when the following-named gentlemen appeared, produced their credentials, were sworn by the honorable Judge Thompson H. Cook, and took their seats:

From Abbeville County: Messrs. R. R. Hemphill, T. L. Moore, W. K. Bradley, Wm. Hood, F. A. Conner.

Alken County: Messrs. C. E. Sawyer, J. J. Woodward, John G. Guignard, L. M. Asbill.

Anderson County: Messrs. W. C. Brown, R. W. Simpson, James L. Orr, H. R. Vandiver.

Barnwell County: Messrs. J. W. Holmes, I. S. Bamberg, L. W. Youmans, M. A. Roundtree, Robert Aldrich.

Colleton County: Messrs. H. E. Bissell, Wm. Maree, J. M. Cummins, L. E. Pailer, R. Jones.

Chesterfield County: Messrs. J. C. Coit, D. T. Redfearn.

Edgefield County: Messrs. W. S. Allen, J. C. Sheppard, Jas. Callison, T. E. Jennings, H. A. Shaw.

Greenville County: Messrs. J. W. Gray, James F. Donald, J. T. Austin, J. L. Westmoreland.

Horry County: Messrs. L. D. Bryan, J. R. Cooper.

Lancaster County: Messrs. J. B. Erwin, J. C. Blakeney.

Laurens County: Messrs. J. W. Watts, D. W. Anderson, J. B. Humbert.

Lexington County: Messrs. G. Muller, G. Leaphart.

Marion County: Messrs. J. G. Blue, James McRae, R. H. Rogers, J. P. Davis.

Marlborough County: Messrs. P. M. Hamer, T. N. Edens.

Oconee County: Messrs. B. Frank Sloan, J. S. Verner.

Orangeburgh County: Mr. W. H. Reedish.

Pickens County: Messrs. D. F. Bradley, E. H. Bates.

Spartanburgh County: Messrs. W. P. Compton, J. W. Wofford, E. S. Allen, C. Petty.

Sumter County: Mr. J. W. Westbury.

Union County: Messrs. W. H. Wallace, G. D. Peake, William Jeffries.

York County: Messrs. A. E. Hutchinson, W. B. Byers, B. H. Massey, J. A. Deal.

The clerk announced that sixty-six members were present and sworn, which is a quorum of the whole representation of the house.

On motion of Mr. Erwin, the house proceeded to vote *viva voce* for a speaker, and the roll having been called, it appeared that the following-named members voted for Mr. W. H. Wallace:

Messrs. Aldrich, E. S. Allen, W. S. Allen, Anderson, Astell, Austin, Bamberg, Bates, Bissell, Blakeney, Blue, D. F. Bradley, N. H. Bradley, Brown, Bryan, Byers, Callison, Coit, Comings, Compton, Conner, Cooper, Davis, Deal, Donald, Edens, Erwin, Gray, Guignard, Hemphill, Haines, Holmes, Hood, Humbert, Hutchinson, Jeffries, Jennings, Jones, Leaphart, Maree, Massey, McRae, Moore, Muller, Orr, Parler, Peake, Petty, Redfearn, Reedish, Rogers, Roundtree, Sawyer, Shaw, Sheppard, Simpson, Sloan, Vandiver, Verner, Watts, Westbury, Westmoreland, Wofford, Woodward, Youmans.

Mr. W. H. Wallace, a member from Union County, having received sixty-five, being all the votes cast, was declared duly elected speaker of the house of representatives.

On motion of Mr. Erwin, a committee of three, consisting of Messrs. J. B. Erwin, J. W. Westbury, and W. H. Reedish, was appointed to wait upon the speaker-elect and conduct him to the chair, who was duly sworn by Hon. Judge Thompson H. Cook.

On motion of Mr. Erwin, the house proceeded to vote *viva voce* for a clerk, and the roll having been called it appeared that the following-named members voted for Mr. John T. Sloan, sr.:

Messrs. Aldrich, E. S. Allen, W. S. Allen, Anderson, Asbill, Austin, Bamberg, Bates, Bissell, Blue, Blakeney, D. F. Bradley, William K. Bradley, Brown, Bryan, Byers, Callison, Coit, Comings, Compton, Conner, Cooper, Davis, Deal, Donald, Edens, Erwin, Gray, Guignard, Hamer, Hemphill, Holmes, Hood, Humbert, Hutchinson, Jeffries, Jennings, Jones, Leaphart, Maree, Massey, McRae, Morse, Muller, Orr, Parler, Peake, Petty, Redfearne, Reedish, Rogers, Roundtree, Sawyer, Shaw, Sheppard, Simpson, Sloan, Vandiver, Verner, Wallace, Watts, Westmoreland, Wofford, Woodward, Youmans—

65.

Mr. Westbury voted for E. H. Holleyman—1.

## RECAPITULATION.

Mr. John T. Sloan, sr., received.....	65
Mr. E. H. Holleyman received.....	1
Whole number of votes given.....	66
Necessary to a choice.....	34

The speaker announced that Mr. John T. Sloan, sr., having received a majority of the votes given, was duly elected clerk of the house.

Mr. Sloan appeared at the speaker's desk, and was duly sworn by the chair.

The house proceeded to vote *visa voce* for a sergeant-at-arms, and the roll having been called, it appeared that the following-named members voted for Mr. John D. Brown:

Messrs. Aldrich, E. S. Allen, W. S. Allen, Anderson, Asbill, Austin, Bamberg, Bates, Bissell, Blakeney, Blue, D. F. Bradley, W. H. Bradley, Brown, Bryan, Byers, Callison, Coit, Cummings, Compton, Connor, Cooper, Davis Deal, Donald, Edens, Erwin, Gray, Guignard, Hamer, Hemphill, Holmes, Hood, Humbert, Hutchinson, Jeffers, Jennings, Jones, Leaphart, Maree, Massey, McRae, Moore, Muller, Orr, Parlor, Peake, Petty, Redfearne, Reedish, Rogers, Roundtree, Sawyer, Shaw, Sheppard, Simpson, Sloan, Vandiver, Verner, Wallace, Watts, Westbury, Westmoreland, Wofford, Woodward, Youmans—66.

The speaker announced that Mr. John D. Brown, having received the whole number of votes given, is elected sergeant-at-arms of the house.

The house then proceeded to vote *visa voce* for reading-clerk, and the roll having been called, it appeared that the following-named members voted for Mr. W. B. Williams:

Messrs. Aldrich, E. S. Allen, W. S. Allen, Anderson, Asbill, Austin, Bamberg, Bates, Bissell, Blakeney, Blue, D. F. Bradley, W. K. Bradley, Brown, Bryan, Byers, Callison, Coit, Cummings, Compton, Connor, Cooper, Davis, Deal, Donald, Edens, Erwin, Gray, Guignard, Hamer, Hemphill, Holmes, Hood, Humbert, Hutchinson, Jefferies, Jennings, Jones, Leaphart, Maree, Massey, McRae, Moore, Muller, Myers, Orr, Parler, Peake, Petty, Redfearne, Reedish, Rogers, Roundtree, Sawyer, Shaw, Sheppard, Simpson, Sloan, Vandiver, Verner, Wallace, Watts, Westbury, Westmoreland, Wofford, Woodward, Youmans—66.

The speaker whereupon announced that Mr. W. B. Williams, having received the whole number of votes given, was duly elected reading-clerk of the house.

On motion of Mr. Reedish, ordered that the clerk notify Mr. John D. Brown that he had been elected sergeant-at-arms of the house, and Mr. W. B. Williams that he had been elected reading-clerk of the house.

On motion of Mr. Erwin, ordered that the following message be sent to the senate:

IN THE HOUSE OF REPRESENTATIVES,  
Columbia, S. C., November 28, 1876.

*Mr. President and gentlemen of the senate:*

The house of representatives respectfully inform your body that, pursuant to the provisions of the constitution of the State of South Carolina, the members-elect of the house of representatives assembled in Carolina Hall this day at 8 o'clock p. m., when the following-named gentlemen, sixty-six in number, being a quorum of the whole representation of the house of representatives, appeared, produced their credentials, and were sworn by the Hon. Judge Thompson H. Cooke:

From Abbeville County: Messrs. R. R. Hemphill, T. L. Moore, W. K. Bradley, Wm. Hood, F. A. Conner;

Aiken County: C. E. Sawyer, J. J. Woodward, Jno. G. Guignard, L. M. Asbill;

Anderson County: W. C. Brown, R. W. Simpson, J. L. Orr, H. R. Vandiver;

Barnwell County: J. S. Bamberg, J. W. Holmes, L. W. Youmans, M. A. Roundtree, Robert Aldrich;

Colleton County: H. E. Bissell, W. Maree, J. M. Cummings, R. Jones, L. E. Parler;

Chesterfield County: J. C. Coit, D. T. Redfearne;

Edgefield County: W. S. Allen, J. C. Sheppard, James Callison, T. E. Jennings, H. A. Shaw;

Greenville County: J. W. Gray, J. F. Donald, J. T. Austin, J. L. Westmoreland;

Hovey County: L. D. Bryan, J. R. Cooper;

Lancaster County: J. B. Erwin, J. C. Blakeney;

Laurens County: J. W. Watts, D. W. Anderson, J. B. Humbert;

Lexington County: G. Medler, G. Leaphart;

Marion County: J. G. Blue, Jas. McRae, R. H. Rogers, J. P. Davis;

Marlborough County: P. M. Hamer, T. N. Edeus;

Oconee County: B. F. Sloan, J. S. Verner;

Orangeburgh County: W. H. Reedish;

Pickens County: D. F. Bradley, E. H. Bates;

Spartanburgh County: W. P. Compton, J. W. Wofford, E. S. Allen, C. Petty;  
 Sumter County: J. W. Westberry;  
 Union County: W. H. Wallace, G. D. Peake, Wm. Jeffries;  
 York County: A. E. Hutchinson, W. B. Byers, B. H. Massey, J. A. Deal;  
 and have organized by the election of Mr. W. H. Wallace, a member from Union,  
 speaker, and John T. Sloan, sr., clerk, and are ready to proceed to business.  
 Very respectfully,

W. H. WALLACE,  
*Speaker of the House of Representatives.*

On motion of Mr. Austin,  
*Ordered*, That when this house adjourn it be adjourned to meet to-morrow at 10 o'clock a. m.

On motion of Mr. Sheppard,  
*Resolved*, That a committee of three be appointed to wait upon Mr. H. E. Hayne, secretary of state, and demand that he deliver to the Hon. Wm. H. Wallace, speaker of the house of representatives of South Carolina, the election-returns for governor and lieutenant-governor of the State of South Carolina, and to take such other proceedings as may be necessary to obtain them.

Whereupon the speaker announced Messrs. Sheppard, Orr, and Aldrich of the committee.

On motion of Mr. Youmans the house was adjourned at 10 o'clock p. m.

*Testimony.*

SUPREME COURT,  
 Monday, December 4, 1876.

STATE, EX REL. WALLACE, }  
 vs. }  
 HAYNE AND MACKEY. }

JOHN T. SLOAN, sr., being duly sworn, deposes:

I am clerk of the house of representatives of State of South Carolina, elected Tuesday, November 28, 1876. I keep the journal of the house, as part of my duties. The house assembled on Tuesday, 28th November, 1876, in Carolina Hall. We came to State-house, and were met at the door by military. After some detention we entered, and were, as I have been informed and believe, met at door of house by military, and only such as held certificates from secretary of state were allowed to enter. We then retired, and went to Carolina Hall, situated in Richardson street, in city of Columbia. (Mr. Sloan here read journal, &c., of that day. Exhibit A.)

By Mr. BARKER:

Question. What kind of credentials did the members present?

By Mr. DENNY:

(Objected to, on the ground that the credentials themselves should be presented; credentials produced by Mr. Sloan, who read one signed Albert M. Boozor, clerk of supreme court of South Carolina; objected to; objection overruled; Mr. Sloan then proceeded to read the remaining credentials.)

Mr. Denny submitted that the testimony thus presented was irrelevant. The court ruled to hear the testimony subject to this objection.)

I returned to the members the credentials from secretary of state. The members of Edgefield and Laurens Counties had no credentials from the secretary of state. I retained the certificates issued by the clerk of supreme court, which all the members had. (Cross-examination waived.)

By Associate Justice WRIGHT:

Q. Were all kept out of the State-house?—A. All were detained at the outside door. I did not go in myself.

By Mr. DENNY:

Q. Was any member who held the certificate of the secretary of state kept out?—A. They were all detained about ten or fifteen minutes at outside door—as well the Edgefield and Laurens members as the others. There was United States soldiers at the door, uniformed and armed.

I. C. SHEPPARD, being duly sworn, deposes: I am member-elect from Edgefield; was in Columbia on day referred to, and went with members at head of column to main door of State-house. When I reached the door I started to pass in; was halted by sentinel at door, a private of United States troops, uniformed and armed, acting, apparently, under one Dennis. I informed him I was a member of house of representatives. He asked me what evidence I had. I referred to certificate of judgment of supreme court of the State, signed by the clerk. I think I at first denied his right to re-

quest it. One Captain Kellogg said that no one could enter unless he could present a certificate from the secretary of state. I turned around and said to my associates that the door was barred to house, and I commenced to read protest. Mr. Haskell interfered and said he thought arrangements could be made to enter. It was then decided by Kellogg that all having either certificates from secretary of state or clerk of supreme court could enter. All presented certificates from clerk of supreme court and passed in. They presented none other. We passed on, myself at the head. I demanded admission and presented certificates of clerk of supreme court. The door-keeper said that was insufficient. At that time no troops were there, but in about ten minutes about six soldiers presented themselves and took position at the door. I then retreated. I did not observe any officers with the soldiers. I demanded again admission and presented my certificate a second time and was refused. Several members did the same thing. I suggested that we retire. We then retired and went to Carolina Hall, beyond Law Range, and organized.

(Mr. Sheppard then produced certificate of clerk of supreme court, Exhibit B, and also copy of county canvassers' return for Edgefield County at election on 7th November, 1876, Exhibit C.)

Question by the COURT. Did you offer the copy of county canvassers' return?

Answer. I did not; I did not have the paper there.

(Mr. Denny objected to this paper being used in evidence, because not then produced when seeking admission. Objection overruled.)

Cross-examination by Mr. DENNY:

I do not know that any one of the soldiers said anything to any of us. They said nothing whatever to me. No one interfered with me or any of us as far as I could see, but those who professed to be door-keepers. The door-keeper was a civilian. I passed through the file of soldiers to the door. I do not know the name of the door-keeper.

(Admitted that the Laurens County members would prove the same facts as the members from Edgefield.)

(Judgment of the supreme court submitted in evidence.)

ROBERT ALDRICH, being duly sworn, deposes:

I am a member of the house of representatives from Barnwell County; was present on 28th November, 1876, on first assembly; accompanied the members to the State-house, and retired with them to Carolina Hall, where we organized the legislature of the State of South Carolina. I was chosen temporary speaker; the journal shows all this. I had two certificates or credentials; one from the secretary of state, and one from the clerk of supreme court. I retained the former, and left the other in the hands of the clerk of house.

(Cross-examination waived.)

THOMAS HAMILTON, being duly sworn, deposes:

Am member of the house of representatives of South Carolina from Beaufort County; was here on 28th of November, 1876. I was in an assemblage of persons purporting to be members of the house of representatives of the State of South Carolina on that day.

[Journal of said house offered. Objected to by Mr. Denny. Objection sustained.]

The house was called to order on Tuesday, 28th, by A. O. Jones, former clerk of house, who called the roll: Members-elect presented their credentials. He did not, as I remember, announce how many answered to their names. The point was raised by Mr. Straker, of Orangeburgh, by what authority we could meet. Mr. Mackey decided that, by a decision in Congress, one hundred and sixteen were a legal body elected, and hence fifty-nine were a quorum. The speaker said that fifty-nine were present. Mr. Mackey was speaker then. He mentioned that one hundred and sixteen was a legal body.

Cross-examination:

I don't know, of my own knowledge, how many were present, except that the speaker said "fifty-nine."

N. B. MYERS, being duly sworn, deposes:

Am a member of house of representatives of South Carolina from county of Beaufort; was here on the 28th of November, 1876; was present on first meeting in State-house. Mr. Jones said that one hundred and sixteen members had been chosen; that fifty-nine were present, and they were ready to go into an election for speaker. The first business in order was the election of speaker. Mr. Jones presided temporarily—the clerk of the last house—as is the custom. Mr. Straker suggested as to a ruling by the speaker as to the house. He ruled as stated by last witness.

Testimony on part of relators closed, with the understanding that certain records, as before stated, be considered as submitted.

Adjourned at 7½ p. m. until Tuesday, 5th, 10 a. m.

It is admitted that all of the sixty-five members of the body which assembled as a house of representatives on the 28th of November at Carolina Hall in the city of Columbia, and which elected W. H. Wallace speaker, held certificates from the secretary of state, excepting the members claiming seats from the counties of Edgefield, five in number, and Laurens, three in number, who held certificates of the clerk of the supreme court, offered in evidence in this cause.

J. C. DENNY, for Respondents.

December 5, 1876.

(Submitted and filed 5th December, 1876.)

Respondents offered no testimony.

*Opinion of Moses, C. J.*

The State of South Carolina. In the supreme court, November term, 1876.

THE STATE OF SOUTH CAROLINA, EX RELATIONE  
William H. Wallace, speaker of the house of  
representatives,  
*against*  
H. E. HAYNE, AS SECRETARY OF STATE, AND E.  
W. M. Mackey.

This case is an application, upon suggestion, filed by leave of the court, in the name of the State, at the relation of William H. Wallace, claiming to be the speaker of the house of representatives of the State of South Carolina, against H. E. Hayne, as secretary of state, and E. W. M. Mackey.

The petition sets forth that a general election was held in said State on the 7th day of November, A. D. 1876, for the offices of governor and lieutenant-governor of South Carolina, and, upon such election, the returns were duly transmitted to the said H. E. Hayne, as secretary of state, in accordance with the provisions of the constitution and laws of the State. This allegation is admitted by respondents. The petitioner alleges that the house of representatives, convened in the city of Columbia, on the fourth Tuesday in November, and after convening, duly organized and elected him, William H. Wallace, speaker, and notified the senate; that the petitioner, as such speaker, thereupon demanded of the said H. E. Hayne, secretary of state, the returns of the election for governor and lieutenant-governor; that the secretary of state refused to deliver said returns to the petitioner, and still refuses, and has unlawfully delivered said returns to one E. W. M. Mackey, claiming to be speaker of a body claiming to be a house of representatives which is not legally elected or organized, and petitioner prayed that a writ of mandamus issue, directed to H. E. Hayne, as secretary of state, and E. W. M. Mackey, commanding and enjoining them forthwith to deliver to the petitioner, as speaker of the house of representatives, the returns of the managers of election, transmitted to him upon the election, and for further or other relief. On this suggestion the court granted an order that H. E. Hayne, secretary of state, and E. W. M. Mackey show cause on the 4th of December instant why the prayer and suggestion of the petition should not be granted.

The pleadings, evidence, and arguments of the counsel having been submitted to the court, we now proceed to deliver our decision and judgment.

As to the jurisdiction of the court, the exercise of which has been objected to on the part of the respondents, the court feels no doubt at all that it has power under the constitution. Section 4 of Article IV provides that "the supreme court shall have appellate jurisdiction in cases of chancery, and shall constitute a court for the correction of errors at law, under such regulations as the general assembly may prescribe: Provided, The said court shall always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other original and remedial writs as may be necessary to give it a general supervisory control over all other courts in this State." Now, according to the view of the learned counsel for the respondents, the power of the court as to those writs under section 4, Article IV, of the constitution is limited to the control by our supervision over all other courts of this State.

The mere reading of the section is enough, I trust, to convince the learned counsel that his interpretation of the section is not well founded. The writ of injunction is used, not to control other courts, but acts directly on parties; and no form of injunction could issue to a court to enjoin the proceedings of one of inferior jurisdiction. The writ of mandamus stands upon a different footing. It may be addressed to another court, may control the exercise of an assumed power by another court, and in that view may be said to supervise. But quo warranto is never used in the supervision of another court. It is directly an issue between two persons claiming the same office. So, too, the writ of habeas corpus, mentioned in the section, how can that writ issue to supervise courts of inferior jurisdiction?

It is the great writ of privilege, interposing the shield of the law over the person of



the prisoner. This great writ of right and of liberty acts only upon the person and never upon a court. To show that the views which we entertain of the said section is in consistency with the end designed by the framers of the constitution, and that the exercise of this power was to continue as it existed at common law at the time of the adoption of that instrument, they went further, and gave to this court power to issue such other original and remedial writs as may be necessary to give it general supervisory control—for instance, the writ of certiorari and every other writ which was requisite to bring into this court the proceedings of an inferior tribunal, that its action might be supervised by the court. So much for the objection in that particular.

It is then alleged that this court has no jurisdiction over Hayne, one of the executive officers of the State, because, according to the limitations of the constitution, the powers of the government are vested in three distinct bodies, neither one of which can exercise any control over the other. That may be conceded to the fullest extent, and yet what would become of the rights of the citizen, vested in him, not only by the common law but by statute, if there was no control over the executive department of the government? The treasurer is a part of the executive department, and yet more than one case may be found where this court has interposed to compel him to perform duties specifically required of him; and so of other officers. It is not an encroachment upon the duties of their particular departments.

This court does not undertake to say to them that we are to perform the duties assigned by law to you. It does no more than say you must perform the specific duties assigned to you by law where you have not the privilege of exercising discretion. That is all. The mandamus could not compel the governor to issue a pardon; that would be an encroachment on his prerogative. But to say that the judicial department of the government, when a citizen avers that his right has been infringed by an executive officer, could not interpose, as, for example, when the legislature had appropriated a certain sum of money to be paid to him, and the treasurer refuses, is startling. Where would the judiciary be? Where would the departments of the government be? The judiciary would sink into mere insignificance. The other departments might increase and wield their powers to such extent that the liberties of the people might be entirely destroyed. The court has previously decided this point in the same way. It was only out of respect to the learned counsel from abroad that it permitted it to be again argued.

The question is whether Mr. Wallace has established in this court his right by reason of his holding under the constitution the office of speaker of the house of representatives. We do not feel it incumbent upon us to the possession of the "returns of the election for governor and lieutenant-governor filed with the secretary of state," either to inquire or determine if Mr. Mackey, one of the respondents in this case, is the speaker of a legally-constituted house of representatives of the State of South Carolina. We do not consider that inquiry necessary to the judgment demanded in this case.

The court holds that Mr. Wallace is the speaker of a legally-constituted house of representatives of South Carolina, therefore, has such a status here as not only authorizes but requires the court to hear and determine the matters set forth in his suggestion. It has been made to appear by evidence that of the constitutional number, one hundred and twenty-four, of which the house shall consist, sixty-three members were in their seats when Mr. Wallace was elected. The constitutional requisition having been thus complied with, there was present the necessary "quorum to do business."

This is no new question. It was decided by this court in a day when everything was calm and serene, when the political atmosphere was pure, when there was no excitement in the country, as unfortunately prevails now.

In the case of Morton, Bliss & Co. against the comptroller-general, reported in 4th South Carolina Reports, it was held that to constitute a house of representatives there must be a majority of the number which the constitution requires to make a house, and that is one hundred and twenty-four, (124,) in the proportion of members to the respective counties as fixed by law. Now it is contended that there was not sufficient evidence of the right to membership on the part of the gentlemen constituting the number of sixty-three (63) to entitle them to the floor in the organization of the house. As we understand it from the proof in the case, and it is conceded by the respondents, that all the members had certificates from the secretary of state except eight, (8,) and the qualification of those eight was established by the proceedings in this court.

No matter what was the character of the certificates they had, the return of the board of State canvassers to this court showing that they had received the greatest number of votes in their particular counties entitled them to access to the floor for the purpose of organization.

The return made to the court by the board of State canvassers shows the name of every candidate in every county and the number of votes he received, and therefore the names of those who received the greatest number in their respective counties.

The court then required that the board of State canvassers should make a report in

conformity to that return. Instead of performing that duty, they adjourned sine die, possibly with the view in that way of avoiding the performance of the duty plainly imposed upon them by the law, but more especially brought to their notice by the order of the highest court of the State of South Carolina.

The law cannot be evaded in that way. We must at least preserve our civilization and maintain the due enforcement of the laws according to the judgment of those upon whom the constitution has imposed the duty and responsibility of interpreting them.

Unfortunately in every case there will be differences of opinion, but we think that when a clearer day comes in the political horizon than the present, the whole people of South Carolina will unite in saying that the law must be obeyed. Peace and prosperity can never be the reward of the people until every man knows that his first duty is not only to submit to the laws, but to lend his moral influence to their proper enforcement.

So much of the prayer of the petition as asks for a mandamus against Mr. Mackey must necessarily be dismissed. There cannot be two speakers of the house of representatives in South Carolina, and Mr. Mackey stands in the position, so far as appears by the testimony and in the view of the court, as a private citizen, against whom mandamus cannot issue.

In regard to Hayne, the court considers that another important question is involved, and will order a further hearing at some future day.

It is therefore ordered and adjudged that the said W. H. Wallace is the legal speaker of the lawfully-constituted house of representatives of the State of South Carolina, and, as such officer, was and is entitled to the possession of the returns of the election for governor and lieutenant-governor, held on the 7th day of November, A. D. 1876, and which were transmitted to H. E. Hayne, secretary of state, but it appearing that the said election-returns have been unlawfully delivered by said H. E. Hayne, secretary of state, to E. W. M. Mackey, one of the respondents, the question is reserved for further argument and consideration whether the writ of mandamus should now issue to said H. E. Hayne, secretary of state.

It is further ordered and adjudged that the petition be dismissed as to E. W. M. Mackey.

F. J. MOSES.

DECEMBER 6, 1876.

State of South Carolina, in the supreme court.

THE STATE EX REL. WM. H. WALLACE, SPEAKER OF THE	}
house of representatives,	
vs.	
H. E. HAYNE, AS SECRETARY OF STATE, AND E. W. M.	}
Mackey.	

Opinion of A. J. Willard, associate justice.

As this is a case of very great magnitude, it would be proper to enunciate briefly the propositions upon which I concur with the action of the court. The supreme court has constitutional jurisdiction in cases of mandamus. Our jurisdiction is original and general. We have so construed the constitution repeatedly without objection to that jurisdiction having been raised at this bar, although we repeatedly affirmed that to be under our jurisdiction. Mandamus issues whenever a public officer is called upon to perform a ministerial act of a specific character, and on demand has refused its performance. The question then arises whether the secretary of state and E. W. M. Mackey occupy that position. Are the duties they are called upon to perform ministerial; are they specific; have they been called upon to perform them; and have they refused performance? And the additional question, whether Mackey is a public officer. There can be no question as to the character of the duty of the secretary of state. He is ordered to do a specific thing, to deliver certain papers to a certain person invested with the office of speaker of the house of representatives; that is clearly a ministerial act. We have rightfully defined a ministerial act to be one proceeding from a duty to do something which an individual or corporation has a right to demand should be done. The speaker of the house of representatives has a clear right to demand that the secretary of state should transmit to him the papers in question; the secretary of state, being a public officer, charged with this specific ministerial duty, is bound to perform it, and refusing it he may be compelled by mandamus. The question which is raised is, is Wallace speaker of the house of representatives? It seems that the body over which he presides had the constitutional majority, provided the members from Edgefield and Laurens Counties were entitled to seats in that body. This is in disputable. I am satisfied that the provision of the constitution that the house of representatives shall consist of (124) one hundred and twenty-four members is man-

datory, and the house cannot obtain a constitutional organization without having a majority of that specific number of members participating in the organization. The question as to whether the members from Edgefield and Laurens Counties were entitled to seats was rightly understood by counsel as depending upon the jurisdiction of this court in mandamus. If this court had power to command the board of State canvassers to declare the election of those members from Edgefield and Laurens Counties, then we think they are to be regarded as members of the house of representatives. We permitted counsel to argue this question of our jurisdiction, not because we had any doubt or could conceive of a possible doubt, but because this is a case of great importance, and the court wished to hear everything that could be said upon the subject. We have no doubt about our jurisdiction to confine the board of canvassers within the limits of their proper jurisdiction, to say what the jurisdiction of that body is. We do not claim, nor have we ever exercised, nor do we intend to exercise, the right to control the discretion of any executive officer or board whatever, nor to interfere with their discretion. We determined that they had a mere ministerial duty to perform as regards members of the legislature. The provisions of the constitution making each house the judges of the elections, returns, and qualification of its own members could leave nothing for the board to do, but the ministerial duty of certifying the results of the election as they appeared *prima facie*, and the act of the legislature itself has paid respect to the constitution by withholding in terms from the board of State canvassers such powers when it is lodged in any other body. In the case under consideration it had been already lodged by the constitution in the several houses of the general assembly. The court commanded that specific ministerial duty to be performed. After the judgment was rendered from the bench, and before the writ of mandamus was issued, it appears from the proceedings in that case, which are before us, that the board undertook to make certain declarations in violation of their duty under the judgment of this court. Under familiar principles, that action was null and void, and could give no legal foundation to any legal action whatever. The members of the legislature were then in the same position as if the board had refused to make any declaration whatever after having been commanded by this court; and I presume that there is no lawyer, who will give fair consideration to this matter, who will doubt that if, after judgment pronounced, the board had refused to make any declaration whatever, it would have been competent for the members elected, under the statement of the board made to this court, to take their seats without any certificates whatever, inasmuch as their action was abortive when they disobeyed the order of the court. Technical restrictions are never to be applied in the vital stages of the organization of such a body. Red-tape can never be allowed to tie up the organic powers of the government. It would be to attempt to carry matters of form proper to the minor transactions of life into those great matters which cannot be hampered by such things. I am fully in accord with the court that the body which contained the constitutional number was the house over which Wallace presides; the one presided over by Mackey has no legal status whatever. Mackey is a private citizen, and is subject to arrest and punishment. The criminal courts of the country furnish the means of punishment. As to the secretary of state, I fully concur in the view that the question whether mandamus can go to him after he has parted with the papers should be fully argued at the bar.

The State of South Carolina, in the supreme court.

THE STATE EX REL. WM. H. WALLACE, SPEAKER OF THE HOUSE  
of Representatives,

vs.

H. E. HAYNE, AS SECRETARY OF STATE, AND E. W. M. MACKEY.

*Opinion of Wright, J. J., Associate Justice.*

I fully concur with my associates in all that they have said. I have just remarked to the chief-justice that it was not necessary for me to say a word, inasmuch as he and my other associate have better expressed my views than I am competent to do. The whole point in this case is whether or not five persons from Edgefield and three from Laurens had a *prima facie* right to take their seats and participate in the organization of the general assembly of South Carolina.

In looking a moment ago at the statutes under which the State board of canvassers are directed to act, I find the twenty-fourth section, which is one of the sections which defines their powers and duties, reads thus: "The board when thus formed shall, upon the certified copies of the statements made by the board of county canvassers, proceed to make a statement of the whole number of votes given at such election for the various officers, and for each of them voted for, distinguishing the several counties in which they were given; they shall certify such statement to be correct, and indorse the same with their proper names." That was an indisputable duty devolved upon

the board of State canvassers; it is evident that they did not perform that duty, inasmuch as they assumed to throw out two counties in the State, and to leave the people in those counties unrepresented in the organization of the house of representatives. Now, was there or is there any remedy or redress for the citizens of Edgesfield and Laurens Counties? The statutes provide that the board of county canvassers shall file certified copies of their statements in the office of the clerk of the court for each county; also with the governor, comptroller-general, and secretary of state. I regard that as a wise provision for the simple reason, if it can be called simple, that if the board of State canvassers could throw out a county or counties and declare that those counties shall have no representation, that there is a way by which you can tell who received the highest number of votes. Now, I presume the object of the government is, or should be, the protection and representation of the people. If a body of men acting as a board of State canvassers have a right to throw out one county and thus defeat its representation, they can throw out one-half or all the counties in the State and defeat an entire election, consequently I take it that those eight men had a right to participate in the organization of the house of representatives; that being the fact, it was impossible for the other so-called house to have the requisite constitutional majority.

So far as regards the other case, I fully concur with my associates that it is a very important and grave question; the secretary of state should be fully argued by counsel; it has not yet been argued at all.

The State of South Carolina, in the supreme court, November term, 1876.

I, Albert M. Boozer, clerk of the supreme court of South Carolina, do hereby certify that the foregoing annexed printed and written pages contain true copies of the proceedings had and of record in this court in the case of "The State of South Carolina, *ex relatione* W. H. Wallace, speaker of the house of representatives, against H. E. Hayne, secretary of state, and E. W. M. Mackey." Mandamus.

Witness my hand and the seal of the said supreme court, at Columbia, this 11th day of December, A. D. 1876.

[SEAL.]

ALBERT M. BOOZER,  
Clerk of Supreme Court of South Carolina.

The State of South Carolina, in the supreme court, November term, 1876.

THE STATE OF SOUTH CAROLINA, *ex relatione* R. M. SIMS *et al.* }  
vs. }  
H. E. HAYNE AND OTHERS, *in re* THE STATE OFFICERS. }

Report of referee, T. M. Wilkes.

To the honorable the justices of said court:

Pursuant to the order of this court, whereby it was referred to me "to take the testimony in the above cause and report the same to the court," I now beg leave respectfully to report:

That I have held references from time to time under the said order, attended by counsel for relators and respondents, and have taken the testimony produced before me, which is herewith submitted to the court.

The statements of the county canvassers from the several counties of the State, for the general election held on the 7th day of November, A. D. 1876, together with the managers' returns, poll-lists, and papers appertaining to the said election, so far as the same were on file in the office of the secretary of state, were produced before me under subpoena, and a careful comparison was instituted by me, assisted by the counsel for the parties respectively, and experts furnished by them, between the said statements of the county canvassers and the managers' returns from the precincts in the several counties, and a tabular statement prepared of the managers' returns for each county, upon which was noted all errors and irregularities apparent upon the face of the returns. These tabular statements are herewith filed as part of my report.

From the county canvassers' statements, the managers' returns, and the comparison so made, as well as the evidence, both oral and documentary, produced before me, I beg leave to report specially:

I. That an aggregate of the statements of the county canvassers for all the counties of the State shows the following persons to have severally received at said general election the number of votes set opposite their names for the several State offices voted for, to wit:

For secretary of state.

H. E. Hayne.....	91,676
R. M. Sims.....	91,449
James Conner.....	63

*For attorney-general.*

R. B. Elliott.....	91, 146
James Conner.....	91, 139
Johnson Hagood.....	410
T. C. Dunn.....	238

*For State treasurer.*

F. L. Cardozo.....	91, 485
S. L. Leaphart.....	91, 277

*For comptroller-general.*

T. C. Dunn.....	90, 858
Johnson Hagood.....	91, 114
F. C. Dunn.....	318
James Conner.....	407
R. B. Elliott.....	241

*For superintendent of education.*

J. R. Tolbert.....	91, 112
H. S. Thompson.....	91, 554
J. B. Tolbert.....	532

*For adjutant and inspector general.*

James Kennedy.....	91, 606
E. W. Moise.....	91, 545

II. In making a comparison between the statements of the county canvassers in the several counties and the aggregates of the votes from the managers' returns, according to the tabular statements annexed, for the purpose of ascertaining whether the county canvassers had truly and correctly added the votes returned by the managers, I was compelled to omit the counties of Aiken and Williamsburgh, for the reason that no managers' returns were produced before me from the precinct of "Graniteville" in the former, and the precinct of "Black Mingo" in the latter county; and my own aggregate for these two counties was therefore necessarily incomplete; but upon making such a comparison in respect of all the other counties of the State, I discovered many errors of mere addition upon the part of the county canvassers. These errors, as they affect the several candidates voted for, are particularly set forth in the schedule annexed to this report, marked "Schedule I," from which it will appear that to make the votes above set forth, according to the county canvassers' statements, correspond with the true aggregate of the votes as they now appear upon the managers' return, (so far at least as they were before me,) the following changes should be made:

From the vote of H. E. Hayne should be deducted 42 votes.

To the vote of R. M. Sims should be added 9 votes.

To the vote of R. B. Elliott should be added 20 votes.

To the vote of James Conner should be added 6 votes.

From the vote of F. L. Cardozo should be deducted 55 votes.

To the vote of S. L. Leaphart should be added 52 votes.

To the vote of T. C. Dunn should be added 114 votes.

To the vote of Johnson Hagood should be added 2 votes.

From the vote of J. R. Tolbert should be deducted 3 votes.

From the vote of H. S. Thompson should be deducted 4 votes.

To the vote of E. W. Moise should be added 5 votes.

The 114 votes, however, which would thus be added to the vote of T. C. Dunn, include a discrepancy between my aggregate of the managers' returns for Horry County and that of the county canvassers in that county, amounting to 50 votes; that is to say, my aggregate exceeds the county canvassers' aggregate to that extent. Testimony was produced before me to show that this discrepancy arose not from any error in addition on the part of the county canvassers, but from an alteration of two of the managers' returns after they had been passed upon by the county canvassers, viz, by changing the figure 10, representing T. C. Dunn's vote at the precinct of Dogwood's Neck, in said county, into the figure 30, and by changing the figure 2, representing T. C. Dunn's vote at the precinct of Simpson's Creek, in said county, into the figure 32. If such alterations were in fact made, only 64 votes should be added to the vote of T. C. Dunn, according to the aggregate of the county canvassers' statement, for errors of addition, and not 114, as above stated.

III. The comparison between the county canvassers' statements and the managers' returns also developed the following discrepancies, to wit: That at the precinct of Chisolm's Landing, in Beaufort County, thirty-nine votes returned by the managers for "R. M. Sims as attorney-general" were included by the county canvassers in their

statement of the vote for James Conner as attorney-general; that at the precinct of Lizenby, in Kershaw County, 145 votes, returned by the manager for James Conner as comptroller-general, were included by the county canvassers in their statement of the vote for James Conner as attorney-general, and 145 returned by said managers for Johnson Hagood as attorney-general, were included by the county canvassers in their statement of the vote for Johnson Hagood as comptroller-general; that at the precinct of Fountain Academy, in the county of Aiken, 86 votes returned by the managers for R. B. Elliott as comptroller-general, and 163 votes, returned by them for James Conner as comptroller-general, were included by the county canvassers in their statement of the votes for the said candidates respectively as attorney-general, and 86 votes returned by said managers for T. C. Dunn as attorney-general, and 163 votes returned by them for Johnson Hagood as attorney-general, were included by the county canvassers in their statement of the votes for said candidates respectively for comptroller-general; that at the precinct of "Britton's Neck," in Marion County, 94 votes, returned by the managers for R. B. Elliott as comptroller-general, were included by the county canvassers in their statement of the vote for R. B. Elliott as attorney-general, and 94 votes, returned by the managers for T. C. Dunn as attorney-general, were included by the county canvassers in their statement of the vote for T. C. Dunn as comptroller-general; that at the precinct of White Plains, in Spartanburgh County, 158 votes, returned by the managers for F. C. Dunn as comptroller-general were included by the county canvassers in their statement of the vote for T. C. Dunn as comptroller-general; that at the precinct of "Ralph Smith's Old Place," in Spartanburgh County, 85 votes, returned by the managers for J. B. Tolbert as superintendent of education, were included by the county canvassers in their statement of the vote for J. R. Tolbert as superintendent of education; that at the precinct of "Jamison's Turn Out," county of Orangeburgh, 175 votes, returned by the managers for R. M. Hayne as secretary of state, were included by the county canvassers in their statement of the vote for H. E. Hayne as secretary of state; that at various precincts in the county of Orangeburgh, votes, aggregating 1,308, returned by the managers of said precincts for J. B. Tolbert as superintendent of education, were included by the county canvassers in their statement of the vote for J. R. Tolbert for the same office; and that at the precinct of Market Hall, in the county of Charleston, the vote for E. W. Moise, as adjutant and inspector general, returned by the managers as 282, was included by the county canvassers, in their statement, as 382; all the other candidates on the same side having received about that number of votes, and the managers having returned the whole number of votes cast for said office to be 100 votes in excess of the number which would have been cast had said E. W. Moise received only 282 votes; all of which will more particularly appear by reference to the schedule marked "Schedule 2," annexed to this report.

IV. Testimony was produced before me to show that at Graham's precinct in Barnwell County, and McMillan's precinct in the county of Marion, 407 votes returned by the managers of said precincts for James Conner as comptroller-general, and 241 votes returned by them for R. B. Elliott as comptroller-general, and so stated in the statements of the county canvassers for said counties, were in fact cast for said candidates, respectively, for the office of attorney-general; and that the failure so to return them arose from a clerical mistake upon the part of the managers or their clerk; and that 410 votes returned by the managers for the same precincts, for Johnson Hagood as attorney-general, and 238 votes returned by them for T. C. Dunn as attorney-general, were in fact cast for the said candidates, respectively, for the office of comptroller-general; and that the failure so to return them arose from a like clerical mistake; also, that for the neglect of the county canvassers to correct said mistakes protests were filed.

V. Testimony was also produced before me to show that at Campbell's Bridge precinct, in the county of Marion, 246 votes were actually cast for S. L. Leaphart as State treasurer, and 101 votes for F. L. Cardozo, as State treasurer, and were so counted by the managers at the precinct, but that said managers or their clerk omitted by mistake to include said votes in their return to the county canvassers, and the said county canvassers to include them in their statement; and that protests were filed for the omission of the county canvassers to include said votes.

VI. The returns produced before me as the managers' returns from Barnwell County contained, with other returns, a paper purporting to be a return of the managers from Robbins precinct in said county. This paper was included by me in the tabular statement of the managers' returns from said county, but appears not to have been so included by the county canvassers or the State canvassers in their respective statements. Testimony was taken as to the manner in which said paper came to be included among the papers produced as the managers' returns from Barnwell County, and also as to the character of said paper or return, and to show that it had not been included by the county or State canvassers in their statements; all of which is herewith submitted.

VII. Testimony was also taken by me touching the return purporting to come from

the precinct designated as "Abbeville Court-House, No. 2," and as to the legality of a poll at such precinct.

VIII. The several managers' returns produced before me exhibit upon their faces many irregularities; some of them purporting to be from precincts not named in the statutes; some having no signatures of any managers, others being signed by only one or only two managers, &c.; these, with many other irregularities, were noted, as already stated, in the margin of the tabular statements; for convenience, I have made a special table of such of these irregularities as appeared of most importance, and have attached the same to my report, marked "Schedule 3."

Respectfully submitted.

T. M. WILKES,  
*Referee.*

*Testimony.*

THE STATE, EX REL. R. M. SIMS ET AL., }  
*against* }  
H. E. HAYNE ET AL. }

Suggestion for mandamus.—In re State officers.

Before T. M. WILKES, *referee* :

At a reference held January 2, 1877—present, Messrs. Conner and Corbin, attorneys in the cause. Hon. H. E. Hayne, secretary of state, at 10 o'clock a. m., appeared at the office of the referee in obedience to a subpoena duces tecum, and tendered the referee and the counsel engaged in the cause the use of the ante-room of his office at the State-house for the purpose of holding the reference, and stated that he would there produce the papers demanded, to wit, the statements of the county canvassers and the returns from the managers of precincts, and all protests and papers appertaining to the election of November 7, 1876, which accompanied said statements and returns.

At 10.30 a. m. reference adjourned until 11 o'clock a. m.

Reference opened at 11 a. m. in the ante-room of the office of the secretary of state. Present, Messrs. Conner and Cavender, attorneys in the cause. The returns of managers of election and county canvassers for the county of Abbeville were first taken up, and a tabulated statement of the votes reported cast at said election, according to said returns, was made.

A tabulated statement of the returns of managers of election and of the county canvassers for the county of Aiken was then made. Upon examination of said returns it was ascertained that the managers' return for Graniteville precinct was wanting. General Conner, counsel for the relators, introduced in evidence the managers' return for presidential electors for that precinct, which shows that the democratic electors received 786 votes and the republican electors 76 votes. Mr. Cavender, counsel for the respondents, objected.

The several counties of the State were now taken up in alphabetical order, and tabular statements of the returns of the managers of election and county canvassers of each county were prepared, the work being continued from day to day until completed. Mr. LeConte appeared with General Conner as counsel for the relators, and Mr. Cavender as counsel for the respondents. Notes were made, which appear upon the tabular statements, indicating discrepancies and irregularities in the returns. In addition to these notes a copy was taken, at the request of General Conner, of a statement appearing upon the return of the managers of election for the Club-House precinct of Charleston County, to wit: Underneath the signatures of T. A. Johnson and Nathaniel Mayrant, chairman of the board of managers for the Club-House precinct, is the following, signed in writing by Timothy Hurley, chairman board of canvassers:

"By the poll-lists and the tally-sheet this return shows that the votes recorded for the several persons therein mentioned do agree. The managers sign the same after their attention was called to the same."

Also, the further note was taken, at the request of General Conner, of the following statement appearing upon the return for Rantowle's precinct, Colleton County, to wit:

"The managers of Rantowle's precinct, after counting and verifying the ballots at that precinct, failed to make any statement or return of the votes cast. The ballots were counted by the board of canvassers on the 10th day of November, 1876, and the statement and return of votes made by them. Five ballots were found in the box so folded that their contents were exposed. They were not counted by the board of canvassers. The poll-list was returned by the managers, which was verified.

"A. C. SHAFFER.  
"C. B. BROOK.  
"J. J. FOX."

The tabulated statements herein referred to are attached, marked "A."

A tabular statement of the aggregate votes, as reported by the managers' returns of each county, was prepared, and is attached hereto, marked "B."

FRIDAY, January 5

Reference began at 10 o'clock a. m.  
Present, General Conner and Mr. Cavender.

J. W. PERRIN, a witness offered in behalf of the relators, being duly sworn, testified as follows: I reside in Abbeville County. I was one of the commissioners of election for Abbeville County in the last general election, 7th of November, 1876. On the 30th day of October, 1876, the first meeting of the board of commissioners, the two other commissioners proposed to open box No. 2, stating that they had written to the attorney-general as to the legality of their doing so. I made strenuous opposition to it, and at my suggestion it was adjourned over to the next meeting. At the next meeting, November 4th, 1876, they announced their determination to open precinct No. 2, as will appear from abstract of the record of their proceedings. (A certified copy of this record was here put in evidence, and is attached hereto, marked "C.") I further read to them the legal opinion of two members of the Abbeville bar (General McGowan and Mr. Burt) against the legality of box No. 2. I also requested to see the opinion of the attorney-general which they said they had received, stating that I supposed it was the property of the board. They declined to show it to me, and never did so. Citizens of Abbeville were advised not to vote at poll No. 2, which was held at the A. M. E. school-house.

Mr. Cavender, counsel for respondents, examines witness: If no formal vote was taken at the second meeting, as to holding an election at precinct No. 2, it amounted to the same thing. It was understood that a majority of the board decided a question two to one. My protest was a verbal one. The managers for the other precincts had been appointed at the first meeting. After this decision the board proceeded to appoint managers for precinct No. 2. The managers for this precinct were appointed in the same way as were the managers for other precincts. They appointed two managers and I appointed one. Notice to the voters was published as to elections being held at the other sixteen precincts. Precinct No. 2 was not included in this notice because it had not been established until the preceding Saturday, which was subsequent to the publication-day of the county papers. No public notice was given of this precinct. When I said "Citizens of Abbeville were advised not to vote at poll No. 2," I meant that I had been informed that such a notice had been given to the crowd in the town of Abbeville on the morning of the day I arrived there, which was on the day of the election, 7th of November, 1876. I did not hear the notice given. I was told that Colonel Cothran gave the notice. He was not an election-officer, but a private citizen and a candidate for office. A ballot-box and blanks for poll-lists and election-returns, I presume, were furnished to the managers of that precinct. The matter was intrusted to Desverney, commissioner, living at Abbeville Court-House. The three managers appointed for that poll served as such to my knowledge. Subsequently to the election, they returned to the county canvassers a statement of the results of the election at that poll, with the poll-list and box containing the ballots. I acted as one of the canvassers in counting the votes of the county. We included the returns of this box in the general return of the canvassers. I signed the statement of the county canvassers. I made no protest on the statement. My understanding was that the paper marked "C," the proceedings of the board, including the protest, was to be forwarded with the returns. Two years previous to the 7th of November there was a poll held at precinct No. 2, A. M. E. school-house.

Mr. Conner examines witness in reply: My verbal protest was entered on the minutes. The distance between precinct No. 1 and precinct No. 2 was about 300 yards; both were in the corporate limits.

WEDNESDAY, January 10, 1877.

Reference opened at 10 o'clock a. m.

Messrs. Conner and LeConte, and Mr. Cavender, attorneys, were present.

Counsel agreed that where it has been noted that the christian names or initials of candidates have been omitted, such notes be stricken out, as the noting was not general throughout the returns. Also that the note of the date of the return be omitted for the same reason.

Reference adjourned at 2 o'clock p. m. until 7 o'clock p. m.

7 o'clock p. m., January 10, 1877.

Reference opened. Present, General Conner and Mr. Cavender.

Hon. H. E. HAYNE, secretary of state, witness called on the part of the relators, being duly sworn, says: I was chairman of the board of State canvassers that canvassed the results of the last general election. The return of the precinct called Robbins precinct, Barnwell County, was not included in the county canvassers' statement. The votes of that precinct were not included in the canvass of the State canvassers. The return of that precinct was not included in the canvass of the State canvassers.



The return of that precinct was not forwarded by the county canvassers to me by the messenger who delivered the other returns from that county. The statement forwarded by the county canvassers of Barnwell County was signed by all three of the county canvassers. The statement of the county canvassers that is with the return of the Robbins precinct is signed by only one canvasser.

Question. When and by whom was the return from Robbins precinct delivered to you as secretary of state?—Answer. I can't answer the question; my clerk, Mr. Johnson, can tell.

Mr. Cavender, counsel for respondents, examines witness:

Q. When and by whom was the statement of the county canvassers of Barnwell County delivered to you as secretary of state?—A. I can't say. The returns from Barnwell County were delivered to my clerk, Mr. Johnson. The State canvassers made up their statement from the face of the county canvassers' statements. The statement of the county canvassers of Barnwell County did not declare on its face whether it did or did not include the votes at Robbins precinct.

Q. From what fact do you know that the board of State canvassers did not include the votes at Robbins precinct in their statement?—A. There was an additional return signed by one commissioner only, and the return from Robbins precinct accompanied that paper.

Q. Did that return or paper state that the county canvassers had not counted the votes at Robbins precinct?—A. I can't say from memory. I will have to see the paper.

Q. Where is the paper?—A. In my office.

(The witness was asked to produce the paper.)

Q. At the time the return from Robbins precinct was delivered to you, was it or was it not accompanied by a written statement why it was not delivered to you with the county canvassers' statement?—A. I think there was such a paper. I received two papers, one signed by Mr. Knopf and the other signed by Mr. Generette, both county canvassers.

(Witness was requested to produce these papers.)

General Conner, in reply:

There is a statement from the county canvassers of Barnwell County; cannot state contents from memory, but will produce the paper.

Reference adjourned at 8.30 o'clock p. m. till to-morrow, 9.30 o'clock a. m.

OFFICE OF SECRETARY OF STATE,  
Thursday, January 11, 1877.

Reference opened at 10.30 o'clock a. m. Present, General Conner and Mr. Cavender.

Mr. Hayne, secretary of state, produced papers referred to in his testimony of yesterday, to wit: Affidavits of Abram Knopf, L. W. Generette, and supplemental return of commissioners of election. These papers are attached hereto, marked "D."

The protests of Messrs. Hagood and Conner produced, were identified, and marked as papers in the bundle of the Barnwell papers in the office of secretary of state. They are hereto attached, marked "E."

Mr. Hayne (witness) says, he can't say positively that last above papers came up with the statement of county canvassers. Mr. Johnson received them.

H. B. JOHNSON, sworn and says:

I am clerk of the secretary of state. As such, I received the package sent up by messenger from the commissioners of election for Barnwell County. The package was sealed and wired. The package was received about one week after the election. The Robbins return was received two or three days after the original package was received, as near as I can recollect. The Robbins return was brought by one of the commissioners, L. W. Generette.

Witness examines protests of Messrs. Conner and Hagood, and says that those papers were in the custody of the secretary of state, and produced from that office; presumes that they came up with the returns sent by the messenger, but does not know the fact. Hundreds of papers are now in the office of the secretary of state, connected with the returns, and witness cannot identify all of them. Witness produced paper from Marion County, styled "protest from W. W. Harlee," and papers attached to it. Also produces statement of the board of canvassers which came up with the return. These papers are attached hereto, marked "F."

Cross-examined by Mr. Cavender:

I cannot state at what time the returns from the Robbins precinct was delivered to me; but it was two or three days after the statement of the county canvassers was received from messenger.

L. B. ROGERS, witness called by General Conner, being duly sworn, says, (Mr. Cavender objecting:)

I was one of the managers at the Campbell's Bridge poll, Marion County, at the last

general election. Witness identifies the tally-list as the original tally-list kept at the polls by John A. Breeden, United States supervisor. On that tally-list witness says S. L. Leaphart is put down as a candidate for the office of State treasurer, and received 246 votes. It was from this tally-list that the managers made up their returns. Mr. Breeden kept the tally-list; and the reason why managers did not include the votes for Leaphart in their return must have been that he failed to call out the vote, or the clerk failed to put it down when called out. The error of omission was brought to the attention of the county canvassers. They did not correct it. It was brought to their attention on Saturday after the election.

Witness cross-examined by Mr. Cavender :

Cardozo got at that precinct 101 votes for State treasurer. The managers all insisted that the United States supervisor should keep the tally-list, as he had been manager of election several times previously. After the clerk had made out the return, the managers did not compare the return with the tally-list. After the return was made out, the supervisor kept the tally-list. I first discovered the omission of the votes for State treasurer the first Saturday after the election. Mr. Johnson, the chairman of the democratic county committee for Marion County, wrote me a note that no votes for State treasurer were returned as cast for Leaphart at our precinct. I then went to the supervisor, who had the tally-list, and got it from him. I identified the tally-list from my knowledge of the clerk's handwriting and my memory of the figures. I had put no mark on it by which I could identify it. I then carried the tally-list to Mr. Johnson, chairman of the democratic committee. I do not know what was done with it afterward.

W. H. McPHERSON, a witness called by General Conner, being duly sworn, says, (Mr. Cavender objecting:)

I was clerk of the board of managers for McMillan's precinct, Marion County, in the last general election. Mr. Mike Manheim, chairman of the board of managers, called out the votes and witness kept the tally. I have the paper on which I kept the tally. (Witness produced it, hereto attached, marked "G.") On this list Hagood received 186 votes. Hagood was voted for for comptroller-general at that poll. Conner was voted for for attorney-general at that poll. The votes voted at that precinct were printed votes, on both sides, with one exception on the republican side. Witness called off the vote from the tally-list, and Manheim wrote them on the return. Supposes the error occurred in that way. Mr. Manheim took a copy of witness's tally-list, which he enclosed with the poll-list, which were forwarded to the commissioners of election at Marion Court-House.

Witness cross-examined by Mr. Cavender :

I made out this tally-list myself. Two other persons were chosen by the supervisors to make out tally-lists. I don't know what became of their tally-lists. The chairman's order was to tally for Hampton and Chamberlain. He did not tell me to keep any tally for the other officers. I did not keep the tally in the regular way for the other candidates. The votes marked on my tally-list for Johnson Hagood and T. C. Dunn were cast for them as comptroller-general. Mr. Manheim made out the managers' return. He made out the return, so far as Chamberlain and Hampton are concerned, from my tally-list. The return on file in the office of secretary of state, and now exhibited, is the return he made out. I cannot tell why he did not give Hagood and Dunn the votes on my tally-list. I see on my tally-list that the vote for Dunn is 176, and for Hagood 186, while the vote on the return for Dunn is 175 and for Hagood 187. I see on my tally-list that the vote for Elliott is 176, and for Conner 186, while the vote on the return is for Elliott 175, and for Conner 187. I did not examine every ballot so as to enable me to say for what office each candidate was voted for. I know that all the votes cast for Elliott and Conner were for them as attorney-general, and all those cast for Dunn and Hagood were for them as comptroller-general, because the chairman called them out as the ballots were counted. There were some scratched tickets; only one on the State ticket.

T. C. CRAWFORD, witness called by General Conner, sworn, says, (Mr. Cavender objecting:)

I was supervisor of McMillan's poll, Marion County. I attended the polls from 6 o'clock a. m. to 6 o'clock p. m., 7th November, 1876. The voting at that precinct on both sides was on printed tickets. Hagood and Dunn were voted for as comptroller-general; Conner and Elliott were voted for as attorney-general. I saw none for Dunn or Hagood for attorney-general.

Mr. CAVENDER. No questions.

FRIDAY, January 12, 1877.

Reference opened at 10 a. m. Present: Messrs. Conner and LeConte, and Mr. Cavender.

The managers' returns for each of the several counties in the State were again canvassed as to the vote reported for General Hagood and Captain Dunn for the office of

comptroller-general; and the returns for Corbettsville precinct, Orangeburg County, being examined as to the correct meaning of the vote reported for T. C. Dunn and Johnson Hagood, counsel for Mr. Hagood insisted that his vote should be read 170, and Mr. Dunn's vote 218. On the other hand, counsel for Mr. Dunn insisted that the vote for Mr. Hagood should be read 169, and for Mr. Dunn 219, as was already entered on the tabular statement as previously announced by counsel.

Remark by referee: The figures in dispute appear to have been altered twice by the clerk or some one, and the referee is unable to decide, in the absence of testimony to show the true vote, what number of votes the respective parties are here entitled to. Return attached, marked "I."

E. C. BEHLING, witness called by General Conner, sworn, says, (Mr. Cavender objecting:)

I was chairman of the managers at Graham's precinct, Barnwell County. (The original tally-list kept by witness was identified, and was offered in evidence by General Conner; also the statement or affidavit of the managers of that precinct. The same are hereto attached, marked "H.") The voters at that precinct, in election of 7th November, 1876, voted printed tickets on both sides, and, with the exception of two or three, the tickets were voted straight. General Hagood was voted for for comptroller-general on those tickets. Captain Dunn was voted for for comptroller-general on the republican tickets; and Elliott and General Conner were voted for for attorney-general. By mistake of the clerk, General Conner was placed on the returns as being voted for for comptroller-general, and Hagood for attorney-general; and Elliott and Dunn were transposed in the same way. The mistake was brought to my attention some two months ago.

Mr. CAVENDER. No questions.

SATURDAY, January 13, 1877.

Reference opened at 5 o'clock p. m.

Present, Messrs. Conner and LeConte, and Mr. Cavender.

Abram Knopf, witness called by Mr. Cavender, sworn, says: I was one of the commissioners of election of Barnwell County, in election held on 7th November, 1876. I was chairman of the board. The commissioners first met on Friday, 10th November, 1876, and organized as a board of county canvassers. I had at that time received ballot-boxes, poll-lists, and managers' returns from thirteen precincts, and one empty box from Canaan's Fair Church, with information from one of the managers that no election was held there. We proceeded to count the votes of the county. We took the figures from the returns of the managers, and then aggregated them. We met at the clerk's office at Barnwell Court-House. When we first met to canvass the returns there were a goodly number of people there; the room was full at first. There were some persons in the adjoining room and some on the piazza. General Hagood was there. Judge Maher and others were there. I think I saw one or two colored persons there at the first gathering. I presume all the rest were democrats. Judge Maher offered his services to advise us as a board. We did not employ him as counsel. He said he would advise and assist us in making out the returns. At a previous meeting Mr. Blanton, the democratic commissioner, had said to me we ought to have some advice for the board. I said I did not think that we needed any; nevertheless, Judge Maher did come on this Friday and advise us. I am not positive whether I asked him for any advice or not; I might have done so. The board did not pass any resolution or take any action requesting him to act as their adviser. I went to the meeting that day thinking that we would organize, receive the boxes, and adjourn until the following Tuesday, to canvass the votes. This was my understanding with the other commissioner, Generette. By advice of Judge Maher we proceeded to canvass the votes on Friday, November 10, 1876. Mr. Generette proposed to adjourn, and I said that we had better proceed to canvass the votes under the advice of Judge Maher. So we proceeded to make the canvass. We canvassed the returns for thirteen precincts. Between eight and nine o'clock that night one ballot-box was said to have come from Robbins. I did not see the box. The box which came was offered to me as the Robbins precinct box, and the returns, poll-lists, &c. One of the men was named Bush. The other one I did not see. Bush offered me what he said were the returns. I asked Bush who had the ballot-box, and he said [answer objected to by General Conner] "There is the box," pointing to the other person, who he said was the other messenger. I saw the bag; did not know what was in the bag. I said to them, "Leave; I will touch nothing from Robbins." I told them that I had given orders to bring all the returns by twelve o'clock. I told them it was too late. The meeting of the board continued until eight or nine o'clock next morning. Heard nothing further during the meeting from any of the managers at Robbins precinct. After we had completed the whole canvass, Mr. H. M. Thompson, of Williston, drew up a few lines to the effect that we commissioners had canvassed thirteen precincts and an empty box from Canaan's Fair Church, and nothing received from Robbins. This paper was signed by all the commissioners. I don't re-

member whether we asked Mr. Thompson to prepare such a paper or not. We had some talk among ourselves that we ought to have some note made in regard to Robbins and Canaan's Fair Church. We sealed up our package and left Barnwell for Blackville. I was appointed messenger to bring the returns to Columbia to the secretary of state. I started to Blackville with Generette and the clerk of the board. After we had got about 150 yards from the clerk's office, I met Bush, Allen, Motte, and Mims, as well as I can recollect. Bush was manager at Robbins box. I don't know whether Allen was manager at Robbins box or Canaan's Fair Church. I don't know whether Motte or Mims had anything officially to do with the election or not. Some one of these four asked me to take the returns from Robbins precinct. I told them that the board had completed its work. I said, "I shall receive no more papers." I don't know which one of them offered me the returns. We proceeded to Blackwell. During the evening I was sent for, and when I went, I found the same men I mentioned, and also Generette. They asked me why I refused to receive the returns from Robbins. I said to them, "I have already told you what I intended to do. I shall not have anything to do with them." I saw some papers on the table, poll-lists and returns, as I thought. After this, Generette said he would receive them. They were lying right before him. He signed some return as a canvasser of election. He asked me to sign it with him. I said, "No, sir." I had refused them two or three times already, and I thought it was useless for them to ask me again.

Cross-examined by General Conner :

The paper that Mr. Thompson drew up and the commissioners signed was put with the rest of the returns, sealed up. I delivered the package to the chief clerk of the secretary of state. Generette and the clerk of the board were with me while riding from Barnwell to Blackville with the returns. The time at which Generette signed was near dark, Saturday evening, at Blackville. Monday I brought the sealed package of papers up to Columbia. Generette did not come to Columbia with me. I remained in Columbia till Wednesday night. The clerk of secretary of state, when I handed him the returns I had, asked me if these returns were all. I said, "This is all I have received." He asked me if I had a supplemental return, and I said I had not. He then said he could not receive them. This was on Monday morning about eleven o'clock. He did not take the package until Wednesday. On Wednesday morning I went to the State-house and delivered him the package of the returns, and he gave me a receipt for them. I saw Generette here in town on Monday when I got here. When I was called out on the night of the 10th by the two men to receive what they said were the returns from Robbins precinct, I said nothing about it to the other commissioners on my return to the room. G. E. Osborne was the county commissioner of Barnwell County, who spoke to me in Columbia, and asked me if I did not intend to make a supplemental return.

In reply, by Mr. Cavender :

The clerk of the secretary of state opened the package I gave him by taking the wire off the package and glanced at the back of several of the rolls outside; each roll having an India rubber around it. And he then took the whole into the secretary of state's own room. I am sure he did not examine the papers. The secretary of state was not present at that time.

L. W. GENERETTE, witness called by Mr. Cavender, sworn, says :

I was one of the commissioners of election for Barnwell County at the last election. I was present at the meeting when we organized as a board of county canvassers. This was on the Friday after the election. We met at Barnwell Court-House in clerk of court's office. We met on that day for the purpose of receiving the poll-lists and returns, and to adjourn until the following Tuesday. There had been an agreement made at a previous meeting of the board to this effect. The chairman notified me at the close of that previous meeting to meet on the Friday after the election for that purpose. We received at the Friday meeting returns from thirteen precincts and one empty box from Canaan's Fair Church. We did not adjourn after receiving the returns. I made a motion to adjourn. Mr. Knopf told me that I had better go by the advice of Judge Maher, who was then acting as an adviser of the board. The board had not employed Judge Maher to act as its adviser. Judge Maher asked me why I was not willing to go to work when the others were ready; and I told him by the instructions I had I thought it was right to adjourn until Tuesday, and to canvass the votes then. I continued to object to going on with the count. I finally yielded.

Mr. Knopf, the chairman, said [General Conner here objected to witness's saying anything that Knopf told him] that I had better take the advice; that the democrats were there in such force that it would not do to object any further. I believed there was danger in refusing, and therefore I went on with the work. There were a great many democrats there in the room we were in; in the adjoining room and outside also. Some of them were cursing the radicals, &c. Judge Maher staid there until we got

through the canvass. Judge Maher advised us all the way through. The crowd staid there for two hours after we began to count. After that the crowd began to thin off. I heard nothing during that meeting about the returns from the Robbins box. Mr. Knopf, chairman of commissioners, called the roll of the managers, and there was no answer from Robbins. I heard nothing from any returns from Robbins precinct until the next morning, after we had left the building. Mr. Knopf, the clerk of the board, and myself were about leaving Barnwell on Saturday morning, 11th of November, when Mr. Bush, one of the managers from Robbins precinct, presented the returns and ballot-box and poll-list all together from Robbins precinct to Mr. Knopf and myself. I saw Allen, Mims, and another person along with Bush. Mr. Knopf said he would not receive them; said he was afraid to receive them. I said that I would receive them, and told him to take them on to Blackville. Bush went on to Blackville. We all went on to Blackville. When we got there I received them. I made out a supplemental statement as commissioner of election, and put it with the other papers I had received from Bush, tied them all up together, and brought them to Columbia that Saturday night. Tuesday or Wednesday afterwards I presented them to the secretary of state. I asked Mr. Knopf to sign the supplemental return or statement. He did not sign it.

Question. Did he give you any reason for not signing it?

(Question objected to by General Conner.)

Answer. He said he was afraid to sign it. Said if he did so he knew that he could not live in Barnwell. He said I could sign it if I wanted to.

(Same objection by General Conner.)

Question. Did you ask Mr. Bush why the returns from Robbins had not been brought in at an earlier day?

(Question objected to by General Conner.)

Answer. He told me that while on his way with the poll-list, box, and returns, to Barnwell, he was attacked by an armed body of men and was turned back.

Witness cross-examined by General Conner:

It was after breakfast when we left Barnwell for Blackville. We had adjourned just a little before we started. Bush went on ahead of us to Blackville. It was some time after one o'clock when he turned over the poll-list, &c., to me at Blackville. I left Blackville for Columbia at ten o'clock that night. I did not present them until Tuesday or Wednesday, because I did not know that the board had met to receive returns before that time. I paid my own expenses here, and remained here Sunday, Monday, and Tuesday, without ascertaining whether I could present my supplemental return or not. The only conversation I had in Columbia about the returns was with Mr. Knopf, up to the time of delivering them to the secretary of state. I live now at Midway, in the county of Barnwell, off and on.

Question. What instructions do you refer to when you say you differed from Judge Maher with regard to adjournment because you had instructions?

Answer. I refer to the constitution and the election laws. I don't know whether that was the way the paper was headed or not. I think that each of the board had a copy of the instructions of the attorney-general, Mr. Stone. This is the paper I refer to.

In reply, by Mr. Cavender:

Question. Whether the instructions you refer to were or were not the instructions of the attorney-general, what was the purport of the instructions you refer to, as to whether you should canvass the votes of the county within three days after the election or on the Tuesday of the week following?

Answer. I understood the instructions to be that we should meet on Friday to receive the returns and on the following Tuesday to canvass them.

JANUARY 15, 1877.

Reference opened at 4 o'clock p. m.

Present, Messrs. Couner and LeConte, and Mr. Cavender.

L. W. GENERETTE recalled by Mr. Cavender, and testified as follows:

In my conversation with Mr. Knopf, after my arrival in Columbia, I asked him when he was going to present the returns he had to the secretary of state. He said that he had offered them once and they had not been received, and he did not know when he would offer them again. I told him the reason why I asked him was that I wanted to present my supplementary return the same time when he presented his. Does not know that Knopf's remark was the basis of my not knowing that the State board of canvassers was ready to receive returns. I thought that they would not be ready to receive the returns before Tuesday.

General CONNER. No questions.

B. F. FREDERICK, called by Mr. Cavender, sworn, says :

I was one of the managers at Corbettsville precinct, Orangeburgh County, at the last general election. I was the chairman of the board of managers. I participated in counting the ballots at the close of the election. George F. Frederick, the clerk, counted the ballots as they were taken out of the box. G. A. Summers and myself kept the tally. He was one of the managers. I made out the returns. I made out three returns: one general return, including State and county officers; one of presidential electors, and one of governor and lieutenant-governor. This is the return (marked "I") for State and county officers I allude to. This was made out from the tally-list G. A. Summers and myself kept. I notice the votes given for the democratic State officers. There has been an alteration in each of them. This alteration was made by me in the presence of the board, and by the direction of the board. We made this correction because we found on adding up the return there were 389 votes for each office, while the whole number of names on the poll-list was 388. When we found this out we put the entire number of ballots in the ballot-box and shook them up, and the clerk then drew out one ballot, and that one was a democratic ballot. That caused us to alter the democratic vote from 170 to 169, except General Hampton's, which is changed from 172 to 171. General Hagood's vote, before the alteration, was given as 170; it was altered to 169. Captain Dunn's vote was originally given at 219. His vote was never changed to my knowledge; it was not changed at all. The figures are not plain because the return was made up hurriedly at night, and the figure 9 in Captain Dunn's vote was blotted, but it was not altered at any time. This was all done in the presence of the board and by its direction. This return and the other returns and the poll-list were put inside the ballot-box, which was locked up and sealed, and was delivered to the county commissioners by Robert Washington, another of the managers, and myself. The box was locked and sealed on Tuesday night in the presence of the board and supervisors, on the night of the election, and was delivered to the county commissioners of election on the following Thursday. I notice the return is not signed by the managers. This fact was first called to my attention to-day. The other returns I have mentioned were signed. I know that I signed two returns: for presidential electors and for governor. I don't know why this report was not signed. It was only an oversight. We thought they were all signed before we put them in the box. The whole proceedings of the board were unanimous.

Cross-examined by General Conner: I have my tally-list at home. Nobody kept tally-lists except myself and Summers. G. A. Summers was the democratic manager at that poll. We found that there was one vote too much when we counted the ballots on the tally-list. We found out the mistake after we had filled out the return. The total vote cast, as stated on the first page of the return, has not been altered. I don't remember whether I discovered the error before we finished the return or not. The total number of votes was first 389, altered to 388. The whole ticket was not voted straight on each side. The only split that occurred as to the State officers was two scratched off Chamberlain and put on Hampton.

In reply, by Mr. Cavender: The error was discovered before we completed the returns, but I am not sure that we discovered it before all the figures were down.

It is now agreed between counsel that the referee shall close his report upon all testimony now in or that may come in before twelve o'clock to-night, and that all testimony which shall come in after that time shall be embodied in a supplemental report.

TUESDAY, January 16, 1877.

Reference opened at two o'clock, p. m.  
Present, Messrs. Conner and Cavender.

C. C. BOWEN, called by Mr. Cavender, sworn, says: I am sheriff of Charleston County. I am familiar with the election precincts in Charleston County; know them all. Rushland precinct is on John's Island, near the Stono River. The managers at Rushland precinct were William F. Dover, Dr. Hannihan, and Isaac Anerum. (Newspaper advertisement of managers of election for the several precincts for Charleston County was here put in evidence, marked "J.")

General CONNER. No questions.

H. B. JOHNSON, clerk of secretary of state, being sworn, says :

The testimony of Mr. Kuopf having been read to me, I desire to say that it is not according to my recollection that I refused to receive the returns because they were not complete. He came into the office just as I arrived there, saying that he had the returns of the election for Barnwell County. I asked him if he wanted to deliver them; he replied, "Yes; but that he would like to see General Elliott first." I told him where General Elliott could be found; and also said that he could bring back the returns any time during the morning and I would receive them from him. I then asked him, incidentally, if the return of Robbins precinct was amongst those he had;

he replied, "No;" said Commissioner Generette had them. He did not come back that day. When he brought the returns back again, I received them and receipted for them.

General Conner cross-examined witness:

I had heard it said around the State-house by persons that there was a supplemental return. The first I heard of it was at the republican executive committee room Sunday night or Monday morning. Don't know whether Generette had been to the committee-room or not.

WEDNESDAY, January 17, 1877.

Reference opened at ten o'clock a. m.

Présent: General Conner and Mr. Cavender.

H. B. JOHNSON, clerk of secretary of state, called by General Conner, sworn, says: I now produce the returns, poll-list, and canvassers' statement for the county of Horry. The return for Simpson's Creek is not in the bundle of returns for that county. Ordinarily all the papers relating to each county are kept together. The return for Simpson's Creek poll was in the Horry County package of returns. I don't know what has become of the return from Simpson's Creek. It is possible that the return from Simpson's Creek is among some of the papers from some of the other counties.

(Witness desires to return to the office of secretary of state and examine other papers, and see if it cannot be found there.)

L. E. LÉCONTE, esq., being duly sworn, says:

I examined the returns from Horry County several times. I had noticed (at the first examination of the returns) that the returns from Simpson's Creek and Dogwood Neck, where the vote for Dunn and Hagood was designated, wore the appearance of having been altered. I bore the matter in mind for more special investigation if it should prove to be necessary. On Wednesday last I made a more particular examination of these returns, and then made memoranda from the returns from Simpson's Creek, Dogwood Neck, and Bayboro', in Horry County. These are the original memoranda which I made. It appears upon the face for Simpson's Creek that the total number of votes for comptroller-general was 220; Hagood's vote being 218, and Dunn 32. These were aggregated on the return as 250. In the figures 32, representing Dunn's vote, the "3" appeared to be in a different hand from the "2," and the figures 250, representing the aggregate of the vote, were written over the original figures, which were 220.

Cross-examined by Mr. Cavender:

At the time I first made the examination of the return for Simpson's Creek, which was at the time the tabular statement was made out by the referee, I did not have a note made on the margin of the statement for the reason that I did not wish to suggest a suspicion which might prove unfounded. I had the return in my hand, and I called out the figures from it which were put down by the referee in his tabular statement. In calling out the figures I gave Hagood 218, Dunn 32. I did not call the attention of counsel, for respondents to what appeared to be the alteration in the figures.

In reply, by General Conner:

The suspicion was confirmed in my mind at the time the aggregation of the returns was made, and a discrepancy was found to exist between the aggregation of the managers' returns and the canvassers' statement. This discrepancy amounted to fifty votes. The suspected alteration at this precinct and at the precinct of Dogwood Neck made up the fifty votes. At the time (on Wednesday) I informed General Conner of my suspicions, and showed him these returns. I afterward carefully replaced the return from Simpson's Creek in the batch of returns from Horry County.

W. B. CARTER, witness called by General Conner, being duly sworn, says: I was a manager at Simpson's Creek poll, county of Horry, in the last general election. This poll was held at Round Swamp; there is a store there. N. W. Goss, J. W. Hardwick, and myself were the managers at that poll. T. C. Dunn received two votes for comptroller-general; I made out the returns myself. There were only two votes put down on that return for Dunn. When the return from that poll was completed it was returned to the county canvassers. Before doing so I carried it to Mr. Walsh's office, and a copy of the State vote and the electoral vote was made out from the return I made out at the election-ground. After the copies were made, I carried the returns myself to the county canvassers. The return was never out of my possession till I delivered it to the canvassers.

Cross-examined by Mr. Cavender:

When the votes for that precinct were canvassed by the managers, there was a tally-list kept by myself and the other two managers. We took turn about in calling out the vote and keeping tally. I don't know where the tally-list is. We put it in the

ballot-box and sent it up to the county canvassers, to the best of my recollection. I am confident that neither Mr. Walsh nor Mr. Quattlebaum had the return in their hands. I called off the return to them. I carried the return in my hands, I think, rolled up in a newspaper. It was not sealed then. The number of votes given to the other republican candidates at the poll was, I think, 32. The vote given for the other democratic candidates at that poll was, I think, 218 or 219.

In reply, by General Conner :

The small vote given to Captain Dunn was noted. He had received a large vote before for senator for that county, and the small vote was noted for that reason. It was noted by others beside myself. I do not remember any other circumstances which impressed this on my memory. One of these two votes was by S. T. Bessant. Bessant was deputy United States marshal. He was with me when counting was going on. He seemed to recognize his vote, and said that he did not intend to vote for Captain Dunn. He said he had ordered it marked out, but it was not done. I think he desired us to do so, but we could not do so.

N. W. Goss, called by General Conner, sworn, says: I was manager at Simpson's Creek precinct, called Round Swamp Store precinct, Horry County. Captain Dunn was voted for for comptroller-general, at that precinct, and received two votes. Captain Dunn, four years ago, got the largest vote there for senator of any candidate running; he fell so far behind in the last election that it was generally talked of about the polls when the votes were counted. The colored people generally had his name scratched off, when they did not take off any other name on the ticket. There were two votes put down for Dunn on the return of the managers. The return I signed. There was a tally-list kept; Mr. Carter kept the most of it. It was kept by turns by all the managers. We returned this tally-list to the county canvassers.

Cross-examined by Mr. Cavender :

I did not examine the colored people's ballots at the time they were cast. I heard them frequently say they would not vote for Captain Dunn, and ask others to scratch the name of Dunn off their tickets. I heard this while I was acting as one of the managers out on the piazza. I speak from what I heard and not what I know as to their scratching Captain Dunn's name. I think that the tally-list was sent to the canvassers outside the ballot-box, rolled up but not sealed. I went with it. I saw it delivered to the county canvassers.

In reply, by General Conner :

The poll was held in the piazza. I scratched out Captain Dunn's name for the voters when they would ask me to do so. There were other votes in the ballot-box scratched that I had not scratched.

L. N. BRYAN, called by General Conner, sworn, says: I was manager at the last election at Dogwood Neck precinct, Horry County. To my best recollection Captain Dunn received 10 votes for comptroller-general. I made out the returns. (The return from Dogwood Neck precinct handed to the witness.) This return is in my own handwriting. This is the one I made out. The figures on the return now for Captain Dunn are not the figures put there by me. I put a figure 10 opposite Dunn's name. The figure there now is (30) thirty. The figure 3 of the 30 was not put there by me. The whole number of votes given for comptroller-general, put by me on the return, was 83. There are marks of alteration, but I still read the vote as 83. (Poll-list for "Dogwood Neck precinct" handed to witness. Identifies the poll kept by himself.) There are the names of sixty-six white voters on the list, thirty-five colored. The managers' return was returned to the county canvassers. I delivered the return to them myself. I delivered the poll-list also.

Cross-examined by Mr. CAVENDER :

The other republican candidates got twenty-seven votes to the best of my recollection. Hagood received 83 votes for comptroller-general. Seventy-three I should have said. The vote for each of the other democratic candidates was seventy-three. The whole number of votes given for comptroller-general was 83. [Witness here examines the managers' returns, and says:] The figures 100 as the whole number of votes given for comptroller-general were not written by me. I do not know who wrote them. The figures 100 were not there when I put the figures 83 there. We kept a tally at the time of counting the votes. Myself and a clerk made out the tally-list. I made out the return from the tally-list. I do not know where the tally-list is. Did not send it to the county canvassers. I had the custody of the return from the time I made it out till I delivered it to the county canvassers.

C. P. QUATTLEBAUM, witness called by General Conner, being sworn, says :

I reside at Conwayboro, Horry County. I made a tabular statement of the managers'



precinct returns for that county while they were in the possession of the county board of canvassers for that county. That is to say, Mr. John R. Cooper called off from the returns and I took down the figures. [Witness has paper alluded to and exhibits it.] I see on this paper that the vote for T. C. Dunn, at Simpson's Creek precinct, is put down as 2. I have the vote put down for Hagood at this precinct as 218. At Dogwood Neck precinct there are 10 votes put down for T. C. Dunn. At this precinct the vote for Hagood is put down as 73. The figures on the tabular statement for Buck's Township were put down by Mr. Cooper. The other figures are all mine. The figures in Buck's Township don't relate to comptroller-general's election at all. This paper has been in my possession all the time. I was a witness before the House congressional committee. This paper was produced before the House committee. I was examined particularly as to the vote for presidential electors. I was examined to supply the figures for several precincts. These two were among them. Confident as to "Simpson's precinct." I took this tabular statement for my own convenience, having agreed to furnish the result of the election to the *Journal of Commerce* and the *Horry News*.

Cross-examined by Mr. CAVENDER :

I was not one of the board of county canvassers for Horry County, nor its clerk, nor had I any official connection with it. I was not present during the time they canvassed the returns. I may have been in and out of the office several times during the progress of the canvassing. I made out the statement at the time they were making out the returns. I think I had completed this statement before they had completed their canvass. Jno. R. Cooper was simply a bystander, not a member of the board. I did not look over the figures as he called them out from the return. I may have glanced sometimes at the figures, but my main purpose was to take them down as he called them out. At the time I made out this statement, we did not aggregate the total number of votes at the several precincts for comptroller-general, nor have I done so since. At Simpson's Creek the republican candidates, except Mr. Dunn, got 32 votes, and the democratic candidates generally got 219. At Dogwood Neck the other democratic candidates generally got 73, and the republican candidates got 27, except Dunn.

J. R. COOPER, witness called by General Conner, being sworn, says :

I live in Horry County. [The statement exhibited by last witness examined and identified.] I assisted him in making it out. I called off from each managers' precinct return the name of the candidate and the number of votes each had received, and he set them down. [The precinct return for Dogwood Neck handed to witness.] I don't think that the figures that are now here opposite Captain Dunn's name were on this return when our statement was made. Here on this return now, Captain Dunn appears to have 30 votes; I am satisfied that I called it off 10. I have lived in Horry County all my life. "Green Sea" is at Blanton's Cross Roads, Horry County. Round Swamp Store is at Simpson's Creek. Bull Creek's Muster Shed is in Bucks Township. The poll was held at the Muster Shed, so I was informed. Muster Shed is the usual place. I have been clerking for the last twenty-six years.

General Conner put in evidence the poll-list from Dogwood Neck and the returns marked "K."

Mr. CAVENDER. No question.

L. E. LECONTE, Esq., recalled by General Conner, says :

The day when the re-examination of the returns from Horry was made by me was on Friday and not Wednesday, as first stated. I first stated it to be Wednesday upon the general consent that that was the day when the votes of Hagood and Dunn were recanvassed. The recanvassing in fact took place on Friday. After I replaced the return from Simpson's Creek in the general batch of returns, these returns were recanvassed by Messrs. Cavender and Monteith in the presence of myself and General Hagood and others, in the office of the secretary of state.

Cross-examined by Mr. CAVENDER :

At the time I first made the examination of the return from "Dogwood Neck," which was at the time the tabular statement was made out by the referee, I did not have a note made on the margin of the statement of the alteration in the vote for Mr. Dunn, although I observed it. I had the return in my hand and I called out the figures, which were put down by the referee in his tabular statement, just as they now appear—that is, 73 for Hagood and 30 for Dunn. I did not call the attention of counsel for respondents to what appeared to be the alteration in the figures. The note which appears on the tabular statement was made at the time of the recanvass of the votes for Hagood and Dunn last Friday, the 12th. It was made upon Mr. Monteith's calling attention to a discrepancy between the total number of votes cast for comptroller-general and the whole number of votes polled. It was not my purpose otherwise to have made it.

W. S. MONTEITH, Esq., recalled by General Conner, sworn, says :

I assisted in the recanvass of the returns for Dunn and Hagood, on Friday the 12th

inst. I canvassed the votes for Horry County. I examined the tabular statements, and the votes were called by Mr. Cavender from the returns. As the returns were brought to me by Mr. Cavender from the inner room of the office of the secretary of state, Mr. Cavender called off each return and I verified it by a comparison with the sheets, and the returns were then taken by counties by Mr. Cavender, in the presence of a number of persons, and laid side by side in the recording office of the secretary of state. There I left them. There were no returns from Horry County missing.

Mr. CAVENDER. No questions.

THOMAS S. CAVENDER, Esq., on affirmation, says:

On the original examination of the managers' returns, which was at the time the referee or his assistant made out the tabular statements, I handed the packages for the several counties in alphabetical order to either General Conner or Mr. LeConte, one of whom, in every instance, called out the names of the candidates and the number of votes given for each. I remember, as I looked over the returns, that there were alterations apparent in many of the figures; sometimes General Conner or Mr. LeConte would call my attention to such alterations, and we generally agreed as to what the figures appeared to be. I do not remember any instance in which we did not agree. I do not particularly remember any alterations appearing in the figures in any of the returns from Horry County. As they are stated in the tabular statement, so they were called off by either General Conner or Mr. LeConte. On the re-examination of the managers' returns, with reference to the votes for General Hagood and Captain Dunn, I called off the names of the candidates and the votes given for each, with General Hagood constantly standing at my side or near to me, and with General Conner part of the time, Mr. LeConte and Mr. Monteith most of the time, and at least one of them all the time, overlooking the tabular statements. Frequently after I had completed the calling of a return and had laid it aside, General Hagood would pass behind me to where it was, take it up, review it, and put it down again. I think he did so twice or thrice in the matter of the returns from Horry County; and once, as I remembered, after having done so, he engaged in conversation for a moment with some one standing nearly behind me. After we had gotten through with the returns from Horry County, some one of the parties on the side of the relators asked for the return from Dogwood Neck, which led to our all examining it, and finding that there had been an alteration in the figures denoting the number of votes given for Captain Dunn, and also in the figures denoting the whole number of votes cast for comptroller-general. We also found that the whole number of votes purporting to have been cast for comptroller-general was larger than the total number of votes which appeared on the first page of the return to have been cast at the election, and larger than the number of names on the poll-list. So far as I remember, nothing was said about any alterations in any other of the returns from Horry County. After we had gone through the returns for each county, they were put in a pile and placed in a row on the floor, except for two or three counties, where they were left on the table. While I was telling Captain Dunn, a few minutes after we had completed the re-examination of the returns, of the alterations which had been discovered in the return from Dogwood Neck, the secretary of state directed one of his young men to carry the packages back into the other room. This was done partially, and, I think, altogether before I left the office. The next day, while at the state-house, I urged upon Captain Dunn the necessity of having witnesses from Horry County to establish what had been the actual vote at Dogwood Neck, and, as he did not seem to appreciate the importance of the matter, I invited him to examine the return. He did so, in my presence and in the presence of two or three other persons, in the office of the secretary of state. The return was then put back in the package and the package tied up and put back in the place from which it had been taken. I did not notice any other returns in the package, for the reason that my attention had not been directed to any alterations in any of them.

H. B. JOHNSON, recalled, says:

Since this examination to-day I have made careful examination in the office of the secretary of state, and the missing return from Simpson's Creek cannot be found. The time is now twenty minutes past 2<sup>o</sup>'clock p. m.

Adjourned till 4 p. m.

WEDNESDAY, January 17, 1877.

Reference opened at 4 o'clock p. m.

Present, Messrs. LeConte and Cavender.

R. R. DESVERNEY, witness called by Mr. Cavender, sworn, says:

I was one of the commissioners of election for Abbeville County at the last election. There were seventeen polls opened for the whole county. When the members of the board first talked about opening the seventeen polls, Mr. Perrin, one of the members of the board, objected. He said he did not think we had a right to establish more than

sixteen. He said that he had consulted with some of the members of the legal profession there and they had so advised him. This was on the Monday of the week preceding the election. We, that day, all agreed to open the sixteen polls, and adjourned until Saturday of the same week to decide about the other poll. I had written to the attorney-general about the matter, and desired to get his answer. I did not get an answer to my letter, so I came to Columbia to see him. On Thursday of the same week I saw him, and he advised me that we had a right to conform to the law in establishing seventeen precincts. I returned the next day—Friday—and the board met on Saturday. I advised the board of the opinion I had gotten from the attorney-general, and the board agreed, by a majority vote, to establish the seventeenth poll. We established it at the school-house at the African Methodist Episcopal Church in the town of Abbeville. We established it there because the elections had all been held there since the war. We appointed three managers: Mr. Perrin one, Mr. Tolbert one, and I one. We furnished them with blanks for poll-list and return, and a ballot-box. I know of my own knowledge that an election was held there. I saw a good many voting. All of those who voted were not residents of Abbeville Court-House. There were a few from Calhoun's Mills, a few from Bordeaux, and about two hundred from Magnolia. These last came in about two o'clock. They came for the reason the managers failed to establish a poll at Magnolia. The managers for Magnolia, who had the box and blanks, came in about one-half hour before these men and told me that no poll had been opened at Magnolia. The managers, who held the election at the school-house, made a regular return of the election to the county canvassers, with poll-list and box containing the ballots. On the day after the election this was done. The county canvassers included in their statement the return from that precinct without a word of objection being raised against it.

Cross-examined by Mr. LECONTE :

Mr. Perrin, one of the board, asked me if I had heard from Columbia. I said I had. He said he would like to see the letter. I said I had no letter. Then he said it would not make much difference any way. Mr. Perrin said he had a written opinion from General McGowan and Mr. Burt against the legality of opening a poll at A. M. E. church; but I did not see it. We could not advertise the seventeenth poll, because there was no paper afterwards before the election in the county. We advertised the other sixteen polls on Wednesday following the first meeting. What I have called the "seventeenth poll" is the one returned Abbeville Court-House No. 2. Abbeville No. 1 precinct was in the building of the court-house; the other was at the A. M. E. church, on the border of the town.

ELIAS L. TOLBERT, a witness called by Mr. Cavender, sworn, says :

I was one of the county commissioners of election for Abbeville County in the last general election. There were seventeen polls opened for the whole county. We agreed upon opening the seventeenth poll on Saturday before the election. We had agreed upon opening sixteen polls the previous Monday. After it had been agreed to open the sixteen polls, we agreed to let the matter of opening the seventeenth poll lay over till the next meeting. At the Monday meeting, Mr. Perrin objected to opening the seventeenth poll, and we deferred acting in order that we might find out if we had a right to open the seventeenth poll. Mr. Desverney appealed to Mr. Stone, the attorney-general, to know if we had the right to do so. I united with Mr. Desverney, agreeing to get the opinion of the attorney-general. Desverney told me afterwards he got the opinion of the attorney-general. He did not show it to me. He told me that he had seen the attorney-general in person. He told me that the attorney-general's opinion was that, according to law, we had a right to open the seventeenth poll. I was satisfied with that. When we had the meeting on Saturday, Mr. Desverney made the same statement there. We established the seventeenth poll by a majority vote, at the meeting of the commissioners. We then appointed three managers for it. Mr. Perrin appointed one, Mr. Desverney appointed one, and I appointed the other. This seventeenth poll was opened at the school-house, called Abbeville Court-House No. 2. We opened it there because it had always been a place for voting. I do not know of my own knowledge whether an election was held there. The managers furnished us with a return of the election held there, with poll-list and a box containing the ballots. We included this return in the county canvassers' statement. There was no objection made to our doing so by any member of the board. I am well acquainted in Abbeville County. I was familiar with the state of political feeling in that county previous to and at the last election. I believe that the having of two voting-precincts in the town of Abbeville was conducive to the interests of the public peace.

Mr. LECONTE. No questions.

T. J. MINTON, called by Mr. Cavendar, sworn, says :

(Witness identifies a paper handed to him by Mr. Cavender.) This paper is in my handwriting. (Paper put in evidence, marked "L.") I made this paper out the 19th

day of November last. I made it out in the private office of the secretary of state. I made it out from the managers' returns for the precincts of Conwayborough, Socastee, Buck's Township, Dog's Bluff, Galivant's Ferry, Floyd's Store, Green Sea, Bayborough, Little River, Dogwood Neck, and Simpson's Creek, county of Horry. The figures in the columns of this paper are the same as were on the face of the returns for the several candidates for the several offices voted for. In Dogwood Neck, there were 30 votes given for Mr. Dunn and 73 given for Mr. Hagood. At Simpson's Creek, there were 32 votes given for Mr. Dunn and 218 votes for Mr. Hagood. At the time I made out this paper, there were present Mr. Johnson, Mr. Eaton, Mr. Hayne, secretary of state, and Mr. Cardozo. Mr. Cardozo called off from the returns for me. Mr. Eaton was at another table in the corner of the room with Mr. Hayne. Mr. Johnson handed down the returns from time to time in packages.

Cross-examined by Mr. LeCONTE :

This was on Sunday, the 19th. I was not doing it in any official capacity. I did it at the request of Mr. Cardozo. I am a clerk in his office. I was not employed in any sense by the board of State canvassers. I have not seen this paper since that day. I put it on the desk in the office. I don't know in whose possession it has been. I am willing to swear that the figures on this paper are my figures, and made at that time; but have no recollection of the figures apart from the paper. I refer to the figures representing Dunn's vote at the precincts of Dogwood's Neck and Simpson's Creek.

In reply, by Mr. CAVENDER :

The secretary of state was present the whole time I was making out this paper. After I completed this paper I put it on the table behind me for some one to complete the addition of the figures.

H. B. JOHNSON, called by Mr. Cavender :

(Witness identifies the paper referred to, by previous witness, and marked "L.") I was present at the time it was made out. I handed to Mr. Cardozo and Mr. Minton, as well as to Mr. Eaton and Mr. Hayne, all the packages of returns which they made up tabular statements from that day. I had the care of those bundles; that is, they were in the secretary of state's office. Nearly in every case the returns were received by me as they were delivered by the messenger from the county canvassers. To the best of my knowledge, none of the packages which I handed down that day had ever been opened, from the day they had been received from the messengers, except for the purpose of getting the commissioners' statements, and in the counties of Abbeville, Anderson, Aiken, Barnwell, and Beaufort for the purpose of obtaining the returns for presidential electors, which were canvassed by the board of State canvassers. I am generally in the office of secretary of state during the business hours of the day, and I had the lookout for all the papers filed in the office. These bundles of returns were generally kept in one part of the office in one pile. The bundles were all tied up, each one separately. It would scarcely have been practicable for any one to have gone into any of those bundles from the time they were received up to the time of the making up the statements marked "L" without my knowledge, unless while I was absent. If I stepped out for a moment or two, the porter was left in the office.

Cross-examined by Mr. LeCONTE :

These returns were kept in the recess formed by the south window, in the inner office of the secretary of State. They were piled up on the floor in this recess, not under lock and key. The door between the two offices was usually open. The inner room was usually vacant, except at the particular time while the board of canvassers were in session. During the session of the board there were a good many coming in and out of the office. I was not absent from the office often.

In reply, by Mr. CAVENDER :

No one but Mr. Hayne, secretary of state, could enter the inner room in which these packages were kept except by passing through the room in which I was occupied while there, and which the porter was left in charge of during my occasional absence. Mr. Hayne only had the key from the inner room to the passage.

Mr. LeConte recalls Mr. HAYNE, secretary of state, who says :

I found to-day the missing return of Simpson's Creek precinct, Horry County. I found it in the package of Abbeville returns. When my clerk, Mr. Johnson, told me that he could not find the Simpson Creek return this morning, we looked through the returns hastily and failed to find it. I made a more thorough search afterwards and found it. (Mr. LeConte offered this return in evidence, marked "M.")

Cross-examined by Mr. CAVENDER :

The paper marked "L" was one of the papers tabulated on Sunday, the 19th day of November. Was present the whole time those papers were made up. None of the packages of returns handed down by Mr. Johnson that day had been opened to my knowledge since they were first received at my office, except for the purposes mentioned by Mr. Johnson. During this period I was in the office most of the time. I felt that it was necessary for Mr. Johnson or myself to be there all the time. From the reception of the returns up to the completion of the canvass, before and after the 19th, I was there during office hours. From the time the returns were received up to the meeting of the board of State canvassers to canvass, which was, I believe, on the 17th, the returns were all kept under lock and key in our safe; then they were put in the alcove Mr. Johnson spoke of.

In reply, by Mr. LeCONTE :

After the paper marked "L" was made, it remained in the office subject to the examination of members of the board; it was not made officially by the board.

W. B. CARTER, recalled by Mr. LeConte :

(Paper marked "M," returns from Simpson's Creek, handed to witness.) Witness says: This is my hand-write. The votes as they appear now reported on this return for Hagood and Dunn for the office of comptroller-general are not as they were written by me on the return, that is to say, Johnson Hagood's vote is the same, but the vote for T. C. Dunn has been changed. The figure 2 of the 32 I made; I did not the figure 3. The figures representing the aggregate of the vote as they now stand were not made by me. The original figures made by me were 220. The figure 5 made over the second 2 was not made by me. Mr. Dunn's vote, as returned by me at that precinct, was 2 votes. The return was signed by the managers, and forwarded as made out by me.

Mr. CAVENDER. No questions.

Mr. N. W. Goss, recalled by Mr. LeConte, says :

(Witness identifies the return marked "M" as the return made out by Mr. Carter.) The vote now appearing upon the face of the paper as the vote of T. C. Dunn for comptroller-general is not the vote reported by the managers. The vote reported by the managers was 2; it is now 32. I looked over the return after it was made out, at Mr. Carter's instance, and Dunn's vote was 2. The alteration in the figures representing the aggregate vote of the comptroller-general was not there when the report was made by the managers. The vote was 220 at that time; this paper has been altered since it left the hands of the managers.

By Mr. CAVENDER. No questions.

STATE OF SOUTH CAROLINA, *County of Richland* :

I, F. M. Wilkes, referee in the above-stated cause, do certify that the foregoing is a true and correct copy of my report and testimony taken therein.

Witness my hand this 24th January, 1877.

F. M. WILKES, *Referee.*

SCHEDULE I.

County.	Hayne.		Sims.		Elliott.		Conner.		Cardozo.		Leaphart.		Dunn.		Hagood.		Tolbert.		Thompson.		Kennedy.		Moise.	
	Gains.	Losses.	Gains.	L (es)	Gains.	Losses.	Gains.	Losses.	Gains.	Losses.	Gains.	Losses.	Gains.	Losses.	Gains.	Losses.	Gains.	Losses.	Gains.	Losses.	Gains.	Losses.	Gains.	Losses.
Abbeville.....				9	1																			
Anderson.....			1																					
Charleston.....					2		1						25				3				1		1	
Darlington.....	1			1	2		3		1		2		2		2		1			6	1		4	
Fairfield.....		2																						
Georgetown.....			2																			1		
Greenville.....		43	9		20		1		56	1			32		1				1				1	
Horry.....						1	1						50											
Lancaster.....																				1				1
Laurens.....	2											50												
Marlborough.....			6																					
Orangeburgh.....														1	1									
Union.....			1										1						1		1			
York.....											1													
Edgefield.....																	1	1						
Total gains and losses.....	3	45	19	10	23	3	6		1	56	53	1	114	1	3		1	4	3	7	2	2	6	1
Net result.....		42	9		20		6			55	52		114		2			3		4			5	

SCHEDULE II.

Place.		Elliott, "comptroller-general."	Conner, "comptroller-general."	Dunn, "attorney-general."	Hagood, "attorney-general."	Conner, "secretary of state."	Sims, "attorney-general."	"F. C. Dunn."	"J. B. Tolbert."	Cardozo, State treasurer.	Leaphart, State treasurer.	Moise, adjutant and inspector-general.	R. M. Hayne, secretary of state.
Precinct.	County.												
Graham's .....	Barnwell .....	*66	*220	*63	*223								
Chisolm's Landing .....	Beaufort .....						†38						
Lower Waccamaw .....	Georgetown .....												
Birdfield .....	do .....							*318	*214				
Lizenby .....	Kershaw .....		‡145		‡145				*318				
Ralph Smith's old place .....	Spartanburgh .....								‡85				
White Plains .....	do .....							‡158					
Fountain Academy .....	Aiken .....	‡86	‡163	‡86	‡163								
Miles's Mills .....	do .....				1								
Certain precincts .....	Chesterfield .....					*63							
Do .....	Orangeburgh .....								‡1,308				
Britton's Neck .....	Marion .....	‡94		‡94									
McMillan's .....	do .....	*175	*187	*175	*187								
Campbell's Bridge .....	do .....									\$101	\$246		
Market Hall .....	Charleston .....											100	
Jamison's P. O. ....	Orangeburgh .....												‡175

\* Items marked thus are reported by county canvassers as in this table, and not included in principal votes of several candidates.

† Item marked thus is included by county canvassers in the vote of James Conner, attorney-general.

‡ Items marked thus are reported by managers as on this table, but have been included by county canvassers in the principal vote of the several candidates.

§ Items marked thus are not reported by managers, and not included by county canvassers in their statements.

|| Item marked thus is not included in managers' return, but included by county canvassers; apparently a clerical error of managers.

SCHEDULE III.

County.	Precinct.	Not signed by any managers.		Signed by only one manager.		Signed by two managers.		Name of precinct not mentioned in act.		No name of officers voted for.		Missing precinct.		No name of precinct on return.	
		Dem.	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.
Abbeville	Ninety-Six					5	355								
Do	Abbeville Court-House, No. 2							10	432						
Anderson	Long's Shop					124	40								
Aiken	Graniteville											789	74		
Beaufort	Sheldon					61	553								
Charleston	Ben Patter's					31	4								
Do	Club-House					9	344								
Do	Camp-Ground					44	204								
Do	Cross-Roads	105	67												
Do	Corner of Inspection and Washington streets.	252	311												
Darlington	Darlington Court-House, No. 2					32	448								
Edgefield	Haltiwanger's			245	218										
Do	Currytown			106	2										
Do	Shaw's Mill					383	363								
Fairfield	Durham's	93	185												
Georgetown	Birdfield							71	318						
Do	Sampit	248	173												
Do	Brook Green							58	332						
Horry	Socastee	138	61												
Do	Simpson's Creek							222	32						
Do	Bucks Township							165	143						
Lexington	Granby							99	153						
Do	Sandy Run							69	126						
Laurens	Laurens Court-House, No. 1					47	320								
Orangeburgh	Corbettsville	169	219												
Pickens	Central Station													306	85
Do	Liberty Station									185	35			346	138
Do	Pickens Court-House	346	138							346	138				
Richland	Columbia, Ward 4					368	404								
Spartanburgh	Cherokee Springs					158	17								
Do	Holly Springs					22	129								
Sumter	Johnston's Store	39	382												
Union	Wilkinsville									161	141				
Williamsburgh	Black Mingo											90	79		
York	Bethel					188	66								
Do	Hickory Grove	206	184												



[Put in evidence by Mr. Abbott, in connection with testimony of Thompson H. Cooke.]

SHOOTING IN BRANCHVILLE.

Quite a serious shooting and stabbing affray occurred at Branchville on Tuesday evening, about 6 o'clock, in which a colored man named Stephen Rigsby was shot and killed, another named Warren Wilson shot in the leg, and Mr. J. W. Fairey stabbed in the thigh near the groin. It appears there was a considerable row brewing, and Mr. Fairey was trying to quell the disturbance, as one of his employés was implicated, when some unknown person stabbed him from the rear. About this time the shooting occurred.

Managers' return from Boyd's store precinct, Chester County, S. C.

[Produced in connection with testimony of James M. Brawley.]

Total white vote .....	161
Total colored vote.....	252
Grand total .....	<u>413</u>
Chamberlain received .....	202
Gleaves received .....	203
Hayne received .....	204
Dunn received .....	204
Cardoza received.....	204
Elliott received .....	203
Tolbert received .....	206
Kennedy received .....	203
Wallace received.....	202
Pelham received .....	203
Lee received .....	204
Alexander received.....	203
Coleman received .....	203
Hemphill received .....	210
McFadden received .....	209
Wilkes received.....	209
Hampton received.....	210
Simpson received .....	210
Simms received .....	209
Hagood received .....	209
Leiphart received.....	209
Connor received.....	210
Thompson received.....	209
Moise received .....	209
Evins received .....	209
Gaston received.....	210
Bowen received.....	204
Winsmith received .....	204
Johnson received.....	204
Hurley received.....	204
Nash received.....	204
Cook received.....	204
Myers received.....	204
Barker received.....	208
McGowan received .....	208
Harrington received.....	208
Ingraham received .....	208
Williams received.....	208
Irwin received .....	208
Aldrich received .....	208

SOUTH CAROLINA, *County of Chester :*

The above is a statement of the returns of the managers at Boyd's store precinct, taken from the manuscript retained by the board of commissioners of election for said county, the original of which was forwarded to the board of State canvassers, with all other papers relating to the election, as the law required.

B. G. YOCUM,  
W. A. WALKER,

*Commissioners of Election, Chester County.*

*Tabular statement referred to in Wade Hampton's testimony.*

	Hampton, 1876.	Chamberlain, 1876.	Chamberlain, 1874.	Colored voters by cen- sus of 1875.	Colored voters polled in 1876.
Abbeville .....	3,852	3,069	4,181	4,051	4,473
Anderson .....	4,155	1,124	1,762	2,215	1,858
Barnwell .....	3,956	2,778	3,797	4,734	3,763
Chester .....	2,005	2,404	2,630	3,290	2,813
Chesterfield .....	1,631	985	918	1,199	1,081
Clarendon .....	1,436	1,881	737	2,202	2,046
Darlington .....	2,752	3,507	3,729	3,747	3,714
Fairfield .....	2,159	2,232	3,022	3,370	3,366
Georgetown .....	1,058	2,787	1,821	3,119	3,119
Greenville .....	4,172	1,729	1,879	2,146	2,085
Horry .....	1,939	588	597	712	693
Lancaster .....	1,541	1,230	1,169	1,364	1,344
Lexington .....	2,129	1,256	1,156	1,378	1,313
Marion .....	3,149	2,492	2,343	2,683	2,619
Marlborough .....	1,945	1,608	1,841	1,925	1,864
Newberry .....	2,196	2,761	3,181	3,254	3,139
Oconee .....	2,083	524	522	703	631
Orangeburgh .....	2,870	4,469	3,770	4,384	4,801
Pickens .....	2,002	406	591	545	512
Spartanburgh .....	4,677	1,407	1,540	2,015	1,798
Sumter .....	2,382	3,859	758	4,362	4,295
Union .....	2,519	1,750	1,810	2,356	2,168
York .....	3,233	2,447	2,588	2,995	2,901
Richland .....	2,435	3,857	3,974	5,036	4,212
Aiken .....	3,221	2,495	2,368	3,473	.....
Beaufort .....	2,274	7,604	4,778	8,246	.....
Charleston .....	8,809	15,032	8,727	17,687	.....
Colleton .....	2,984	4,163	3,539	4,217	.....
Edgefield .....	6,267	3,107	3,398	4,400	.....
Kershaw .....	1,757	2,063	1,983	2,421	.....
Laurens .....	2,916	1,804	2,892	2,844	.....
Williamsburgh .....	1,757	2,443	2,313	2,576	.....

STATE OF SOUTH CAROLINA, *Edgefield County:*

Personally appeared before me the undersigned, who, being duly sworn, each for himself, deposes and says that he is a citizen of the United States and of the State of South Carolina, and was for more than sixty days next preceding the general election held on the 7th day of November, 1876, in the county of Edgefield, for presidential electors, members of Congress, and State, circuit, and county officers, a resident of the said county; that by the Constitution and laws of the United States and the constitution of South Carolina he was duly qualified to vote for each and all of the officers that were to be then and there chosen, but that he did not vote, and said election.

Joel Lewis, his x mark, Wise Township.  
 Joe Weaver, his x mark, Wise Township.  
 Butler Simkins, his x mark, Wise Township.  
 Pierce Mitchell, his x mark, Wise Township.  
 Charles Martin, his x mark, Wise Township.  
 Bash Hurlong, his x mark, Wise Township.  
 Edmond Frazier, his x mark, Wise Township.  
 George Jukes, his x mark, Pickens Township.  
 Bob Holley, his x mark, Pickens Township.  
 Tony Robertson, his x mark, Pickens Township.  
 Bill Low, his x mark, Wise Township.  
 Gabriel Hopkins, his x mark, Pickens Township.  
 Jerry Johnson, his x mark, Pickens Township.  
 Zack Loyd, his x mark, Wise Township.

James Tillman, his x mark, Wise Township.  
 Lewis Samuel, his x mark, Mariwether Township.  
 Isaac Tillman, his x mark, Mariwether Township.  
 Thomas Diggs, his x mark, Mariwether Township.  
 Andrew Miller, his x mark, Mariwether Township.  
 Benj. Keller, his x mark, Wise Township.  
 Steven Marimah, his x mark, Wise Township.  
 John Mobley, his x mark, Wise Township.  
 Charles Onzts, his x mark, Pickens Township.  
 Wilson Barrintine, his x mark, Wise Township.  
 Augustus Collins, his x mark, Moss Township.

- Thomas Collins, his x mark, Moss Township.  
 Weldon Williams, his x mark, Wise Township.  
 Patrick Roach, his x mark, Pickens Township.  
 Isaac Goodwin, his x mark, Wise Township.  
 Henry Goodwin, his x mark, Wise Township.  
 Jesse Merrell, his x mark, Wise Township.  
 Elbert Eley, his x mark, Wise Township.  
 Joe Allen, his x mark, Wise Township.  
 Joe Brown, his x mark, Wise Township.  
 Isaac Frazier, his x mark, Pickens Township.  
 James Griffin, his x mark, Wise Township.  
 Spencer Griffin, his x mark, Wise Township.  
 John Arnold, his x mark, Wise Township.  
 David Tilleman, his x mark, Wise Township.  
 Isaac Miller, his x mark, Wise Township.  
 Stebe Yelldell, his x mark, Wise Township.  
 Robert Hampton, his x mark, Wise Township.  
 Whitfield Ross, his x mark, Wise Township.  
 Lark Johnson, his x mark, Wise Township.  
 Wilson Scurry, his x mark, Wise Township.  
 Thomas Smith, his x mark, Wise Township.  
 John Culbreath, his x mark, Wise Township.  
 Johnnie Johnson, his x mark, Wise Township.  
 Alfred Butler, his x mark, Wise Township.  
 Alfred Miller, his x mark, Wise Township.  
 Thomas Martris, his x mark, Pickens Township.  
 Michael Morgan, his x mark, Pickens Township.  
 Jasper Miller, his x mark, Wise Township.  
 Soug Johnson, his x mark, Pickens Township.  
 Abram Johnson, his x mark, Pickens Township.  
 Whitfield Smallwood, his x mark, Pickens Township.  
 Peter Nicholson, his x mark, Pickens Township.  
 Spencer Dearing, his x mark, Pickens Township.  
 Jerry Jones, his x mark, Pickens Township.  
 Was Dunbar, his x mark, Pickens Township.  
 Jim Hubbard, his x mark, Pickens Township.  
 Bill Kemple, his x mark, Pickens Township.  
 Charles Medlock, his x mark, Pickens Township.  
 Harry Weaver, his x mark, Pickens Township.  
 Elias Hunt, his x mark, Pickens Township.  
 Daniel Jones, his x mark, Pickens Township.  
 Jack Williams, his x mark, Pickens Township.  
 Jim Miles, his x mark, Pickens Township.  
 Samuel Brunson, his x mark, Pickens Township.  
 Kemp Moss, his x mark, Pickens Township.  
 Hampton Butler, his x mark, Collins Township.  
 Stephen Brown, his x mark, Collins Township.  
 Peter Simkins, his x mark, Pickens Township.  
 Jesse Simkins, his x mark, Pickens Township.  
 Roderick Johnson, his x mark, Pickens Township.  
 Nelson McManis, his x mark, Wise Township.  
 Daniel Nicholson, his x mark, Wise Township.  
 Ben Thomas, his x mark, Wise Township.  
 Thomas Anderson, his x mark, Wise Township.  
 Scott Burton, his x mark, Grant Township.  
 Luke Cheatham, his x mark, Moss Township.  
 Gilbert Brown, his x mark, Moss Township.  
 Jake Cheatham, his x mark, Moss Township.  
 Lewis Roundtree, his x mark, Pickens Township.  
 Wesley Roberson, his x mark, Pickens Township.  
 Martin Jetu, his x mark, Moss Township.  
 Ben Werts, his x mark, Pickens Township.  
 Edward Wright, his x mark, Pickens Township.  
 Anderson Weaver, his x mark, Moss Township.  
 Ellis Williams, his x mark, Pickens Township.  
 Butler Morris, his x mark, Pickens Township.  
 James Henry, his x mark, Pickens Township.  
 Henry Samuels, his x mark, Mobley Township.  
 Thos. Jones, his x mark, Pickens Township.  
 Ralph Holland, his x mark, Pickens Township.  
 George Peen, his x mark, Pickens Township.  
 Martin Anderson, his x mark, Collins Township.  
 Harry Hill, his x mark, Collins Township.  
 Sheppard Blocker, his x mark, Wise Township.  
 Berry Mitchell, his x mark, Moss Township.  
 Dent Williams, his x mark, Moss Township.  
 George Mitchell, his x mark, Moss Township.  
 Alfred Bell, his x mark, Moss Township.  
 Allen Simkins, his x mark, Moss Township.

- Thomas Allen, his x mark, Moss Township.  
 Milligan Jones, his x mark, Moss Township.  
 Sampson Roberson, his x mark, Moss Township.  
 Peter Daniels, his x mark, Wise Township.  
 Jacob Jennings, his x mark, Pickens Township.  
 Emanuel Adkins, his x mark, Pickens Township.  
 Andrew Buckman, his x mark, Pickens Township.  
 Elias Hult, his x mark, Pickens Township.  
 Charles Medlock, his x mark, Pickens Township.  
 George Mathis, his x mark, Pickens Township.  
 Willis Lewis, his x mark, Wards Township.  
 Aaron Hill, his x mark, Wards Township.  
 Jesse Morris, his x mark, Pickens Township.  
 Milo Jennings, his x mark, Wise Township.  
 Mack Moore, his x mark, Wise Township.  
 George Moore, jr., his x mark, Wise Township.  
 General Lewis, his x mark, Pickens Township.  
 Joseph Long, his x mark, Pickens Township.  
 Jack Long, his x mark, Wise Township.  
 James Bryan, his x mark, Wise Township.  
 Robert Brown, his x mark, Wise Township.  
 Amos Johnson, his x mark, Wise Township.  
 Peter Neal, his x mark, Wise Township.  
 Andrew Abnee, his x mark, Pickens Township.  
 Boston Jones, his x mark, Pickens Township.  
 Allen Cook, his x mark, Mobley Township.  
 William Blocker, his x mark, Mobley Township.  
 Luke Banks, his x mark, Mobley Township.  
 Lewis Banks, his x mark, Mobley Township.  
 Henry Weaver, his x mark, Mobley Township.  
 Lee Frazier, his x mark, Shaw Township.  
 George Permenter, sr., his x mark, Shaw Township.  
 Orsborne Galloway, his x mark, Pickens Township.  
 John Galloway, his x mark, Pickens Township.  
 Silas Galloway, his x mark, Pickens Township.  
 Joseph Rhodes, his x mark, Pickens Township.  
 Clandurs Rhodes, his x mark, Pickens Township.  
 York Weaver, his x mark, Wise Township.  
 Thomas Thomas, his x mark, Pickens Township.  
 Green Coleman, his x mark, Shaw Township.  
 William Williams, his x mark, Pickens Township.  
 Richard Burt, his x mark, Shaw Township.  
 George Antoney, his x mark, Shaw Township.  
 Edmond Richardson, his x mark, Shaw Township.  
 Butler Goodwin, his x mark, Wise Township.  
 Isaac Doby, his x mark, Wise Township.  
 Thomas Anderson, his x mark, Wise Township.  
 Yorick Abney, his x mark, Wise Township.  
 Willis Abney, his x mark, Wise Township.  
 James Prescott, his x mark, Wise Township.  
 Charles Nipper, jr., his x mark, Wise Township.  
 Charles Nipper, sr., his x mark, Wise Township.  
 Samuel Dubore, his x mark, Wise Township.  
 Harry Perry, his x mark, Wise Township.  
 West Chanler, his x mark, Wise Township.  
 James Walton, his x mark, Wise Township.  
 Stewart Butler, his x mark, Wise Township.  
 Aaron Richardson, his x mark, Wise Township.  
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 George Moore, his x mark, Pickens Township.  
 Robert Bean, his x mark, Pickens Township.  
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 Mat Weaver, his x mark, Pickens Township.  
 Harry Weaver, his x mark, Pickens Township.  
 Daniel Bird, his x mark, Pickens Township.  
 Robert Goodwin, his x mark, Shaw Township.  
 Harry Mack, his x mark, Pickens Township.  
 Miles Prescott, his x mark, Pickens Township.  
 Alfred Simkins, his x mark, Pickens Township.  
 Charles Wood, his x mark, Pickens Township.  
 Giles Frazier, his x mark, Blocker Township.  
 Aaron McKelvin, his x mark, Blocker Township.  
 Adam Lake, his x mark, Blocker Township.

- Bill Williams, his x mark, Blocker Township.  
 Ed Wells, his x mark, Blocker Township.  
 Burt Mathis, his x mark, Pickens Township.  
 Thomas Frazier, his x mark, Pickens Township.  
 James Broadnack, his x mark, Blocker Township.  
 Boney Mathis, his x mark, Pickens Township.  
 Lewis Jackson, his x mark, Pickens Township.  
 Ward Holland, his x mark, Pickens Township.  
 Peter Haywood, his x mark, Pickens Township.  
 Abner Bush, his x mark, Pickens Township.  
 Robert Kemp, his x mark, Moss Township.  
 Smith Harrison, his x mark, Moss Township.  
 Alexander Hill, his x mark, Moss Township.  
 Emanuel Catheron, his x mark, Blocker Township.  
 Henry Simson, his x mark, Blocker Township.  
 Milledge Brown, his x mark, Collins Township.  
 Henry Walker, his x mark, Wise Township.  
 Tillman Burr, his x mark, Wise Township.  
 Isaac Youngblood, his x mark, Pickens Township.  
 Joseph Conoway, his x mark, Pickens Township.  
 Thomas Butler, his x mark, Wise Township.  
 Henry Ware, his x mark, Wise Township.  
 William Bettis, his x mark, Wise Township.  
 Fortune Calhorn, his x mark, Wise Township.  
 Perry Abney, his x mark, Wise Township.  
 August Calhoun, his x mark, Wise Township.  
 Henry Williams, his x mark, Wise Township.  
 Joseph Vance, his x mark, Wise Township.  
 Edward Eisey, his x mark, Wise Township.  
 Patrick Williams, his x mark, Wise Township.  
 Richard Tellman, his x mark, Wise Township.  
 Sanson Mills, his x mark, Wise Township.  
 Joseph Quales, jr., his x mark, Pickens Township.  
 Richard Jackson, his x mark, Collins Township.  
 John Watson, his x mark, Shaw Township.  
 Pomp Robert, his x mark, Wise Township.  
 Alfred Hughes, his x mark, Wise Township.  
 Mason Foster, his x mark, Pickens Township.  
 Griffiths Palmore, his x mark, Wise Township.  
 David Morgan, his x mark, Pickens Township.  
 Henry Barnes, his x mark, Blocker Township.  
 Moses Gray, his x mark, Blocker Township.  
 Emery Gowdy, his x mark, Moss Township.  
 David Terry, his x mark, Wise Township.  
 Miah Weldon, his x mark, Pickens Township.  
 Charley Abner, his x mark, Pickens Township.  
 Alick Johnson, his x mark, Wise Township.  
 John Gibson, his x mark, Wise Township.  
 Archy Williams, his x mark, Wise Township.  
 Richard Williams, his x mark, Wise Township.  
 George Hutcherson, his x mark, Wise Township.  
 Randal Adams, his x mark, Pickens Township.  
 Jesse Jones, Pickens Township.  
 Mike Brooks, his x mark, Pickens Township.  
 Anderson Brannan, his x mark, Wise Township.  
 Gabe Simkins, his x mark, Wise Township.  
 Tucker Henderson, his x mark, Meriwether Township.  
 Phillip Griffin, his x mark, Wise Township.  
 Ustus Williams, his x mark, Meriwether Township.  
 Robert Chandler, his x mark, Meriwether Township.  
 Ned Glanton, his x mark, Meriwether Township.  
 John Mackey, his x mark, Wise Township.  
 Ape Wilson, his x mark, Meriwether Township.  
 Hamp Mackey, his x mark, Wise Township.  
 Sam Johnson, his x mark, Wise Township.  
 Rial Miller, his x mark, Meriwether Township.  
 Adam Richardson, his x mark, Meriwether Township.  
 Paul Tillman, his x mark, Meriwether Township.  
 Edmond Crofton, his x mark, Meriwether Township.  
 Spencer Simkins, his x mark, Meriwether Township.  
 Aaron Butler, his x mark, Meriwether Township.  
 George Miles, his x mark, Pickens Township.  
 Gabreal Hopkins, his x mark, Pickens Township.  
 Stewart Butler, his x mark, Meriwether Township.  
 Joe Butler, his x mark, Meriwether Township.  
 Scott Williams, his x mark, Meriwether Township.  
 John Williams, his x mark, Meriwether Township.  
 James Curry, his x mark, Meriwether Township.  
 Henry Lockheart, his x mark, Meriwether Township.  
 Peter Tillman, his x mark, Meriwether Township.  
 Sam Tillman, his x mark, Meriwether Township.  
 Ben Moss, his x mark, Meriwether Township.

Lewis Samuels, his x mark, Meriwether Township.	Giles Miller, his x mark, Wise Township.
Wiley Miller, his x mark, Meriwether Township.	Antoney Myers, his x mark, Mobley Township.
Nathan Jennings, his x mark, Meriwether Township.	James Paul, his x mark, Mobley Township.
Isham Lanham, his x mark, Meriwether Township.	Jack Williams, his x mark, Mobley Township.
Isaac Tillman, his x mark, Meriwether Township.	Alex. Mays, his x mark, Meriwether Township.
	Joshua Bland, his x mark, Meriwether Township.

Sworn to before me this 14th day of November, 1876.

JESSE JONES, C. C. C. P.

I, H. E. Hayne, secretary of state, do hereby certify the foregoing to be a correct copy from the original on file in this office.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

EDGEFIELD, S. C., November 8, 1876.

Capt. E. R. KELLOGG,  
*Eighteenth Infantry, Commanding Company A.*

SIR: I have the honor to report that, in compliance with instructions from the post-commander, I reported to you to proceed with the company to polling-box No. 2, Edgefield, about 9.30 a. m. on the 7th instant; that after the arrival of the company in the vicinity of said box, I was ordered, with a detail of four men, to proceed to the place of voting and assist the deputy United States marshal, and, in accordance with his instructions, and on account of the obstructions in front of the entrance, we entered the building at a window used as an exit for voters. At that time there were three or four colored and as many white men in the act of voting. When the door was opened to admit more voters, I saw a large number of white men on horseback drawn up in front of the door in such a manner as to completely obstruct the way, and prevent the negroes from coming in, except under the horses, and at the danger of losing their lives from pistols and clubs in the hands of these men. The deputy marshal also, Mr. Sheppard, (a manager of election,) tried to have them give way and allow some of the negroes to come in, but these white men swore they would not allow the negroes to come in and vote. They (the white men) were asked to come in and vote, but said they were not ready to vote yet. At this time, by direction of the deputy United States marshal, I, with my detachment, forced an opening through the white men in front of the door, sufficiently wide to enable all who wished to vote to pass through from the front, and kept this passage open.

I would further state that all the white men above referred to were armed with revolvers, which were drawn, and at times used in a very threatening manner. They seemed to be anxious for some pretext for using their pistols and clubs on the negroes, who were gathered around in great numbers, but who, as far as I could see, were entirely without arms.

In conclusion I would respectfully state that, in my opinion, it was a carefully arranged plan to prevent the negroes from voting at this box, and to use force and violence, if necessary, in doing so. I saw one negro struck on the head with a club by a white man when attempting to enter the door.

Respectfully submitted.

GEORGE S. HOYT,  
*First Lieutenant Eighteenth Infantry, Post-Adjutant.*

A true copy.

E. R. KELLOGG,  
*Captain Eighteenth Infantry, Brevet Major, U. S. A.*

EDGEFIELD, S. C., November 8, 1876.

LIEUTENANT: I have the honor to submit the following report of duties performed and scenes witnessed by my company and myself at the election held in this place yesterday. At about half-past nine o'clock in the morning I was directed by Major and Brevet Major-General Brannan, First Artillery, commanding this post, to report for duty with my company to Deputy United States Marshal Beatty, at a school-house in the outskirts of this village, which was one of the two polling-places in the village. I marched my company to the place designated, accompanied by yourself as first lieutenant of the company; arriving at the school-house a few minutes later—about fifteen minutes before ten (10) o'clock—I halted my company about fifty yards from the school-house and reported to United States Marshal Beatty for instructions. He requested me to send a few men to open a passage-way through a large number of

armed and mounted men, whites, who had crowded together in front of and all around the entrance to the ballot-box, and would not permit a negro to enter the building. In compliance with this request, I sent four (4) enlisted men, (increased to eight (8) after you had opened a passage,) under your command, to so dispose the turbulent crowd that those who had courage to brave the almost incessant threats of violence, accompanied by a free display of pistols and bludgeons that were made by the whites, might cast their votes. For a detailed account of the manner in which you performed this duty, I submit herewith your own report for the information of the post-commander.

I will state, however, in this connection, that I soon followed you to the school-house for the purpose of personally ascertaining the state of affairs there. It was difficult for me to make my way through the crowd of horsemen, but I finally succeeded in doing so; and then I saw that you had a delicate, extremely difficult, and even dangerous task to execute; for around you were hundreds of almost frenzied white men, many of them inflamed by liquor, all shouting and cursing the blacks, every white man with his pistol ready to be drawn, while several of the horsemen had their revolvers raised in their hands with their thumbs on the locks and their fingers on the triggers.

But for the courteous but determined manner in which you performed the duty assigned you at this time, the good discipline of the men under your command, and the presence of my company, fifty yards away, I have not the slightest doubt that scores of negroes would have been killed and wounded; for the whites were all armed with pistols, nearly all of them openly displayed, and many of them had heavy clubs in addition to their fire-arms; while I did not see a negro who had any other weapon than a cane, save a few who carried clubs; but the most of the blacks had neither clubs nor canes. There may have been a few negroes who carried concealed pistols, but I scanned them closely, and I saw none whom I suspected of doing this. By simply requesting them to do so, I persuaded the negroes to abstain almost wholly from shouting and cheering. I saw that it was indiscreet for any considerable number of them to shout in concord, as every time they did so I could see angry movements on the part of the whites, and some of them would say, "Now; there's going to be a fuss," or make expressions of like meaning.

I did not see any violence offered by a negro, nor did I hear a black man make a threat against any one, while the shouting, cursing, and angry demeanor of nearly all of the whites, and the frequent threats of violence to negroes by some of them, rang in my ears almost continuously from the time of our arrival at the polling-place until a very short time before our departure, which was about half-past six o'clock in the evening. After the action taken by yourself, described in your report, the voting was continuous until the closing of the polls, at 6 o'clock p. m., but several hundred negroes were unable to cast their votes. At the request of some of the election managers, and the approval of all of them, and in compliance with an order from the post-commander, I left Lieutenant Williams, Eighteenth Infantry, and ten (10) enlisted men, to protect the managers while they counted the votes.

Lieutenant Williams, in compliance with my request for another officer, was sent to me about noon, and he performed discreet and efficient service until after midnight.

To you I am specially indebted for valuable assistance during the whole day, and particularly for the prompt, resolute, but conciliatory manner in which you opened a passage through the mob to the polling-place. I fully concur with you in the opinion that "it was a carefully arranged plan to prevent the negroes from voting at this box, and to use force and violence if necessary in doing so."

I am, very respectfully, your obedient servant,

E. R. KELLOGG,

*Captain Eighteenth Infantry, Commanding Company A.*

First Lieutenant GEO. S. HOYT,

*Eighteenth Infantry, Post-Adjutant, Edgefield, S. C.*

A true copy.

E. R. KELLOGG,

*Captain Eighteenth Infantry, Brevet Major, U. S. A.*

The following was put in evidence by Mr. Lawrence :

#### GOVERNOR CHAMBERLAIN'S LETTER TO PRESIDENT GRANT.

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,  
Columbia, July 22, 1876.

SIR: The recent massacre at Hamburg, in this State, is a matter so closely connected with the public peace of this State that I desire to call your attention to it for the purpose of laying before you my views of its effect and the measures which it may become necessary to adopt to prevent the recurrence of similar events.

It is, in the first place, manifestly impossible to determine with absolute certainty the motives of those who were engaged in perpetrating the massacre at Hamburg. The demand which was made by the mob upon the militia company for the surrender of their arms, taken in connection with the fact that the militia are not shown to have committed or threatened any injury to any persons in that community, would seem to indicate a purpose to deprive the militia of their rights on account of their race or political opinions. It seems impossible to find a rational or adequate cause for such a demand, except in the fact that the militia company was composed of negroes, or in the additional fact that they were, besides being negroes, members of the republican party. Those who made the demand were, on the other hand, white men, members of the democratic party. The lines of race and political party were the lines which marked the respective parties to the affair at Hamburg. I mention this as a fact, and as apparently the most trustworthy index of the motives and aims which inspired those who brought on this conflict.

As affecting the public peace, however, the effect of this massacre is more important than the motives which prompted it. Upon this point I can speak with more confidence. It is not to be doubted that the effect of this massacre has been to cause widespread terror and apprehension among the colored race and the republicans of this State. There is as little doubt, on the other hand, that a feeling of triumph and political elation has been caused by this massacre in the minds of many of the white people and democrats. The fears of the one side correspond with the hopes of the other side.

I do not intend to overstate any matters connected with this affair, nor to omit any statement which seems to me essential to a full understanding of its significance. It is certainly true that most, though not all, of those who have spoken through the newspapers or otherwise here on the white or democratic side upon this matter have condemned the massacre. Their opposition to such conduct has not, however, sufficed to prevent this massacre, nor do I see any greater reason for believing that it will do so in the future. That class which now engage in this cruel work certainly disregard the expressed sentiments of those who assume to speak, for the most part, for their communities, and go forward without fear of public opinion or punishment.

It is sometimes asked, Why do not the colored race return this violence with violence? Why do they suffer themselves to be thus terrorized when their numbers greatly exceed those of their enemies in the localities where many of these outrages occur? The answer is not difficult. The long habit of command and self-assertion on the part of the whites of these Southern States, their superior intelligence as compared with the colored race, the fact that at least four-fifths of the property of these States is in their hands, are causes which contribute to give them an easy physical superiority thus far over the recently-emancipated race, which still exhibit the effects of their long slavery in their habit of yielding to the more imperious and resolute will and the superior intelligence and material resources of the white men.

Add to this that in almost every southern community there may be found a considerable number of daring, lawless, reckless white men, accustomed to arms and deeds of violence, over whom the restraints of the sentiments of the better and more conservative classes of society have little, if any, power; who are inspired by an intense and brutal hatred of the negro as a freeman, and more particularly as a voter and a republican, and you have the elements which would naturally give rise to, and in point of fact do give rise to, nearly all the scenes of bloody violence which occur in the Southern States. Besides all this another fact must be noted here, a fact which, in my judgment, marks and explains the world-wide difference between the effects of such occurrences as this at Hamburg upon the mass of the white people here, and the effects of deeds of blood and violence upon the people of other sections of the country, namely: That such occurrences as this at Hamburg have generally resulted in what is thought to be political advantage to the democratic party here. From this fact it results that the white people here are induced, to a considerable extent, to overlook the naked brutality of the occurrence and seek to find some excuse or explanation of conduct which ought to receive only unqualified abhorrence and condemnation, followed by speedy and adequate punishment. In this way it often happens that a few reckless men are permitted or encouraged to terrorize a whole community and destroy all freedom of action on the part of those who differ from them in political opinions. The more respectable portion of the white people here content themselves with verbal perfunctory denunciations, and never adopt such measures or arouse such a public sentiment as would here, as well as elsewhere, put a stop to such occurrences.

In respect to the Hamburg massacre, as I have said, the fact is unquestionable that it has resulted in great immediate alarm among the colored people and all republicans in that section of the State. Judging from past experience, they see in this occurrence a new evidence of a purpose to subject the majority of the voters of that vicinity to such a degree of fear as to keep them from the polls on election-day, and thus reverse or stifle the true political voice of the majority of the people.

But the Hamburg massacre has produced another effect. It has, as a matter of course,



caused a firm belief on the part of most republicans here that this affair at Hamburg is only the beginning of a series of similar race and party collisions in our State, the deliberate aim of which is believed by them to be the political subjugation and control of the State. They see, therefore, in this event what foreshadows a campaign of blood and violence, such a campaign as is popularly known as a campaign conducted on the "Mississippi plan."

From what I have now said it will not be difficult to understand the feeling of a majority of the citizens in a considerable part of this State. It is one of intense solicitude for their lives and liberties. It is one of fear that, in the passion and excitement of the current political campaign, physical violence is to be used to overcome the political will of the people. I confine myself here to a statement of what I believe to be the facts of the present situation in this State as connected with the public peace and order, without any expression of my individual feelings and opinions. My first duty is to seek to restore and preserve public peace and order, to the end that every man in South Carolina may freely and safely enjoy all his civil rights and privileges, including the right to vote. It is to this end that I now call your attention to these matters. I shall go forward to do all in my power as governor to accomplish the ends above indicated, but I deem it important to advise you of the facts now stated, and to solicit from you some indication of your views upon the questions presented. To be more specific, will the General Government exert itself vigorously to repress violence in this State during the present political campaign on the part of persons belonging to either political party, whenever that violence shall be beyond the control of the State authorities? Will the General Government take such precautions as may be suitable, in view of the feeling of alarm already referred to, to restore confidence to the poor people of both races and political parties in this State, by such a distribution of the military forces now here as will render the intervention of the General Government prompt and effective, if it shall become necessary, in restoring peace and order?

It seems proper to add that I am moved to make this communication to you by no motive or feeling save such as should animate me as the chief executive of this State, bound to do justice to all, and oppress none. I venture to say that I have given sufficient evidence by my whole conduct in this office that, as governor, I am guided by my oath of office and my duty to all the people. I challenge any proof or indication from any word or act of mine as governor that I am capable of doing injustice or denying justice to any citizen of this State. But I do deem it my solemn duty to do my utmost to secure a fair and free election in this State; to protect every man in the free enjoyment of his political rights, and to see to it that no man, or combination of men, of any political party, shall overawe or put in fear or danger any citizen of South Carolina in the exercise of his civil rights. In accomplishing these results, I now recognize, with deep regret, that there are many indications that it will be necessary for me to invoke the aid which, under the constitution and laws, the authorities of the General Government may extend under certain circumstances.

And I trust you will permit me to add that I know no official duty more binding, in my judgment, on the Chief Executive of the United States than that of exercising the powers with which he is invested for the protection of the States against domestic violence, and for the protection of the individual citizen in the exercise of his political rights whenever a proper call is made upon him. I understand that an American citizen has a right to vote as he pleases; to vote one ticket as freely and safely as another; to vote wrong as freely and safely as to vote right; and I know that whenever, upon whatsoever pretext, large bodies of citizens can be coerced by force or fear into absents themselves from the polls, or voting in a way contrary to their judgment or inclination, the foundation of every man's civil freedom is deeply, if not fatally, shaken.

I inclose, for your information respecting the Hamburg massacre, the following documents: The report of Hon. William Stone, attorney-general of this State; the report of General H. W. Purvis, adjutant and inspector general; a copy of all the evidence taken before the coronor's jury; a copy of the printed statement of General M. C. Butler; a copy of a letter addressed by me to Hon. T. J. Robertson; an address to the American people by the colored people of Charleston, and a similar address by a committee appointed at a convention of leading representatives of the colored people of this State in Columbia on the 20th instant.

I have the honor to be, your obedient servant,

D. H. CHAMBERLAIN,  
*Governor of South Carolina.*

#### THE ELECTION LAWS OF SOUTH CAROLINA.

"An act providing for the next general election, and the manner of conducting the same," was passed September 20, 1868. (See Statutes at Large, vol. 14, pp. 138-145.)

This act provided for the holding of the then next general election on the first Tuesday after the first Monday in November then next only.

"An act providing for the general elections, and the manner of conducting the same," was passed March 1, 1870. (See Statutes at Large, vol. 14, pp. 393-397.)

This act provided for the holding of the then next general elections on the third Wednesday in October, 1870, and forever thereafter on the same day in every second year; and was in form substantially the same as the preceding act, except that it contained no provision for "the election of electors of President and Vice-President."

The substance of this act, and the substance of the text of the preceding act, so far as related to the election of electors of President and Vice President, were embodied in the revised statutes passed February 10, 1872. (See Revised Statutes, pp. 28-34.)

The revised statutes took effect and went into operation from and after February 10, 1872. (See Revised Statutes, p. 766.)

The "act providing for the general elections, and the manner of conducting the same," not being repealed by the passage of the revised statutes, was amended in certain provisions concerning the precinct managers and county canvassers, or commissioners, by "An act to amend an act entitled 'An act providing for the general elections,'" passed March 12, 1872. (See Statutes at Large, vol. 15, pp. 170, 171.)

The following are such parts of the revised statutes and the amended act as refer to the machinery of the general elections:

#### AS TO PRECINCT MANAGERS.

SEC. 2. That, for the purpose of carrying on such election, it shall be the duty of the governor, and he is hereby authorized and empowered, at least sixty days prior to any such election, to appoint, in and for each county, three commissioners of election, whose duty it shall be, and they are hereby authorized and empowered, to appoint three managers of election for each election-precinct of the county for which they shall, respectively, be appointed. The said commissioners of election and said managers of election shall take and subscribe, before any officer authorized to administer oaths, the oath of office prescribed by section 30, article 2, of the constitution. \* \* \* (See Revised Statutes, p. 29.)

SEC. 3. That the managers are hereby authorized to appoint a clerk to assist them in whatever duties may be required of them, who shall take the oath of office prescribed by section 30 of article 2 of the constitution before the chairman of the board of managers. (See Revised Statutes, p. 29.)

SEC. 4. That the commissioners aforesaid and the managers aforesaid, at their first meetings, respectively, shall proceed to organize themselves as a board by appointing one of the number chairman of the board; and such chairman, in each instance, shall be empowered to administer the necessary oaths. (See Revised Statutes, p. 29.)

SEC. 9. The voting shall be by ballot, which shall contain, written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be so folded as to conceal the contents; and such ballot shall be deposited in a box to be constructed, kept, and disposed of as hereinafter provided. (See Revised Statutes, p. 30.)

SEC. 11. The commissioners of election shall provide one box for each election-precinct. \* \* \* (See Revised Statutes, p. 30.)

SEC. 12. Each clerk of the poll shall keep a poll-list, which shall contain one column headed "names of voters," and the name of each elector voting shall be entered by the clerk in such column. (See Revised Statutes, p. 30.)

SEC. 3. At the close of the election the managers and clerk shall immediately proceed, publicly, to open the ballot-box and count the ballots therein, and continue such count, without adjournment or interruption, until the same is completed, and make such statement of the result thereof, and sign the same, as the nature of the election shall require. If, in counting, two or more like ballots shall be found folded together compactly, only one shall be counted and the others destroyed; but if they bear different names, the same shall be destroyed and not counted. If more ballots shall be found on opening the box than there are names on the poll-list, all the ballots shall be returned to the box and thoroughly mixed together, and one of the managers, or the clerk, shall, without seeing the ballots, draw therefrom and immediately destroy as many ballots as there are in excess of the number of names on the poll-list. Within three days thereafter the chairman of the board of managers, or one of them, to be designated in writing by the board, shall deliver to the commissioners of election the poll-list, the boxes containing the ballots, and a written statement of the result of the election in his precinct. (See Statutes at Large, vol. 15, p. 171.)

#### AS TO COUNTY CANVAßSERS OR COMMISSIONERS.

SEC. 14. The commissioners of election shall meet at the county-seat, as provided in the last preceding section, and shall proceed to organize, and shall form the county board of canvassers. (See Revised Statutes, p. 31.)

\* Changed to "the first Tuesday following the first Monday in November, in every second year," by amendment to constitution.

SEC. 15. They shall meet in some convenient place at the county-seat on the Tuesday next following the election, before one o'clock in the afternoon of that day. They may appoint some competent person as secretary. The chairman shall then proceed to administer the constitutional oath to each member of the board, as canvassers; and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he shall have administered to the other members of the board. (See Revised Statutes, p. 31.)

SEC. 16. That they shall then proceed to count the votes of the county, and shall make such statements thereof as the nature of the election shall require, within ten days of the time of their first meeting as a board of county canvassers, and shall transmit to the board of State canvassers any protest and all papers relating to the election. (See Revised Statutes, p. 31.)

SEC. 17. Duplicate statements shall be made and filed in the office of the clerk of the county, and, if there be no such clerk, duly qualified, according to law, then in the office of the secretary of state. (See Revised Statutes, p. 31.)

SEC. 19. There shall be prepared by the commissioners three separate lists of each statement, beside the lists to be filed in the office of the county clerk or secretary of state, and each list shall be certified to as correct, by the signatures of the commissioners, subscribed to such certificates. (See Revised Statutes, p. 31.)

SEC. 4. After the final adjournment of the board of county canvassers, and within the time prescribed in this act, the chairman of said board shall forward, addressed to the governor and secretary of state, by a messenger, the returns, poll-lists, and all papers appertaining to the election. \* \* \* (See Statutes at Large, vol. 15, p. 171.)

#### AS TO STATE CANVASSERS.

SEC. 21. The secretary of state shall appoint a meeting of State canvassers, to be held at his office, or some convenient place, on or before the tenth day of November next after such general election, for the purpose of canvassing the votes for all offices voted for at such election. (See Revised Statutes, p. 32.)

SEC. 22. The secretary of state, comptroller-general, attorney-general, State auditor,\* State treasurer, adjutant and inspector general, and the chairman of the committee on privileges and elections of the house of representatives, shall constitute the State canvassers, four of whom shall be a sufficient number to form a board. (See Revised Statutes, p. 32.)

SEC. 23. If a majority of these officers shall be unable, or shall fail, to attend the president of the senate, being notified by the secretary of state, shall attend, without delay, and, with the officers attending, shall form a board. (See Revised Statutes, p. 32.)

SEC. 24. The board, when thus formed, shall, upon the certified copies of the statements made by the board of county canvassers, proceed to make a statement of the whole number of votes given at such election for the various officers, and for each of them voted for, distinguishing the several counties in which they were given. They shall certify such statements to be correct, and subscribe the same with their proper names. (See Revised Statutes, p. 32.)

SEC. 25. They shall make and subscribe, on the proper statement, a certificate of their determination, and shall deliver the same to the secretary of state. (See Revised Statutes, p. 32.)

SEC. 26. Upon such statements they shall proceed to determine and declare what persons have been, by the greatest number of votes, duly elected to such offices, or either of them. They shall have power, and it is made their duty, to decide all cases under protest or contest that may arise when the power to do so does not, by the constitution, reside in some other body. (See Revised Statutes, p. 32.)

SEC. 27. The board shall have power to adjourn from day to day, for a term not exceeding ten days. (See Revised Statutes, p. 32.)

SEC. 29. The secretary of state shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination which shall be delivered to him by the board of State canvassers, and every dissent or protest that shall have been delivered to him by a canvasser. (See Revised Statutes, p. 33.)

SEC. 30. He shall, without delay, transmit a copy, under the seal of his office, of such certified determination, to each person thereby declared to be elected, and a like copy to the governor. (See Revised Statutes, p. 33.)

#### *Of the election of electors of President and Vice-President.*

SECTION 4. The commissioners of election of each county shall make four certified copies of the statement of votes given for electors in their county; one of which copies shall be filed in the office of the clerk of the county, if there be such clerk duly qual-

\* Office abolished.

ified by law; another of such copies they shall forthwith transmit to the governor; another to the secretary of state, and deliver the other as hereinafter directed. (See Revised Statutes, p. 35.)

SEC. 5. The commissioners of election of each county shall appoint a messenger, and shall deliver to such messenger the remaining certified copy of the statement of the votes given in their county for electors, securely inclosed and under seal, and such messenger shall proceed forthwith to deliver the same to the secretary of state. (See Revised Statutes, p. 35.)

SEC. 6. The board of State canvassers shall meet at the office of the secretary of state on or before the 10th day of November next after such election—or sooner, if all the certified copies of the statements of the county canvassers shall have been received from all the counties—to canvass the votes given for the electors of President and Vice-President; and in case all the certified statements shall not have been received on that day, the board may adjourn from day to day until the same shall have been received, not exceeding five days; and if, at the expiration of four days, certified copies of the statements of the county canvassers shall not have been received from any county, the board shall proceed to canvass upon such of the said statements as shall have been received. (See Revised Statutes, p. 35.)

SEC. 7. The board of State canvassers shall proceed, in making a statement of all the votes, and determining and certifying the persons elected, in the manner prescribed by law in relation to the election of other officers. (See Revised Statutes, p. 35.)

SEC. 8. The secretary of state shall, without delay, cause a copy, under the seal of his office, of the certified determination of the board of State canvassers to be delivered to each of the persons therein declared to be elected; and for that purpose he may employ such and so many messengers as he may deem necessary. (See Revised Statutes, p. 36.)

State of South Carolina, board of commissioners of election, Laurens County. Statement and return of votes for presidential electors.

We, the board of commissioners of election of the county of Laurens, State of South Carolina, make the following statement and return of the votes given for presidential electors voted for in the said county on the 7th day of November, A. D. 1876.

Total number of votes cast, 4,723.

The whole number of votes given for presidential electors was 4,723.

Of which The. G. Barker received .....	2,907
Of which Samuel McGowan received .....	2,908
Of which John W. Harrington received .....	2,908
Of which John Isaac Ingram received .....	2,908
Of which William Wallace received .....	2,908
Of which John B. Erwin received .....	2,908
Of which Robert Aldrich received .....	2,908
Of which Christopher C. Bowen received .....	1,814
Of which John Winsmith received .....	1,814
Of which Thomas B. Johnson received .....	1,814
Of which Timothy Hurley received .....	1,814
Of which William B. Nash received .....	1,814
Of which Wilson Cook received .....	1,814
Of which William F. Myers received .....	1,814

We do certify that the foregoing statement is correct in all respects.

In witness whereof we have hereunto subscribed our names this 9th day of November, in the year 1876.

W. L. BOYD,

I hereby sign this paper under protest.

W. H. RUTHERFORD,

County Board of Canvassers for the County of Laurens.

STATE OF SOUTH CAROLINA, Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct copy of the original return of the commissioners of election for Laurens County, now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 15th day of December, A. D. 1876, and in the one hundred and first year of the Independence of the United States of America.

H. E. HAYNE,  
Secretary of State.

STATE OF SOUTH CAROLINA, *Richland County* :

Personally appeared W. H. Rutherford, who, being duly sworn, says that he is a citizen of Laurens County, and was duly appointed and commissioned as a commissioner of election for Laurens County in the general election held on the 7th day of November instant; that on the day of said election, and for some time previous, a general system of intimidating republican voters was resorted to by the democrats; threats of violence were general, and abusive and insulting language was used to republicans; democrats rode over the county by night, with yells and jeers, and fire-arms of various descriptions were discharged; that at the polls various devices were used to prevent republicans from exercising their right of suffrage; they were challenged on the shallowest pretexts, and, if they voted, did so with the impending threats that they would be immediately arrested; some were so arrested without just cause and committed to jail, and this fact kept many legal voters from voting, as they feared to suffer the same fate; that so universal was this system of intimidation that deponent, influenced by this knowledge, and also by a personal observation of the illegal way in which the election was conducted in some particulars, did not feel justified in subscribing to the return of the election in his official capacity as a commissioner, and only consented to do so under protest, as said return will show on its face, when he became satisfied that his life would be placed in jeopardy if he declined to so subscribe the said return.

W. H. RUTHERFORD.

Sworn to and subscribed before me this November 16, 1876.

JAMES O. LADD,  
Notary Public, South Carolina.

OFFICE SECRETARY OF STATE, SOUTH CAROLINA,  
Columbia, July 15, 1876.

I certify that the foregoing is a true and correct copy of the original affidavit on file in this office.

H. E. HAYNE,  
Secretary of State.

*Poll-list kept by the managers of elections of the Robbins election precinct, of the county of Barnwell, of the State of South Carolina.*

## NAMES OF VOTERS.

*Colored.*

1 Abel Smalls.	31 Tom Priester.	61 G. D. Oliver.
2 Thomas Jones.	32 William Graham.	62 Cammell Wise.
3 Henry Owens.	33 George Brown.	63 Nero Wince.
4 March Steplight.	34 Henry Campbell.	64 Robert Nickels.
5 William First.	35 Caesar Smalls.	65 James Sweet.
6 C. J. Brown.	36 Albert Alston.	66 Thomas Snioke.
7 Blake Williamson.	37 O. S. Jones.	67 John Jenkins.
8 Henry Edwards.	38 Albert Thomas.	68 Oliver Porter.
9 Joseph Hamilton.	39 Charles Smith.	69 James Porter.
10 Price Johnson.	40 T. J. Preston.	70 Anthony McKey.
11 Henry Edwards.	41 John Alston.	71 Thomas Robinson.
12 Ned Connor.	42 Boston Ashley.	72 William Levy.
13 Harry Baker.	43 Tom Wilkins.	73 Wilson Asken.
14 Thomas Johnson.	44 Andrew White.	74 Nathan Toomer.
15 William Lions.	45 Daniel Jenkins.	75 Sanders Green.
16 Joe Colo.	46 E. J. Jackson.	76 Robert Tolbert.
17 William Burney.	47 Andrew Lucas.	77 Eawood Evans.
18 Robert Lawrence.	48 S. J. Roberts.	78 John Hayes.
19 Scipio Manigault.	49 Wm. Washington.	79 Calvin Wilson.
20 William Houston.	50 A. L. Edwards.	80 John Singleton.
21 James Wiuters.	51 M. F. Edwards.	81 Andrew Simpson.
22 John Limehose.	52 James McMaster.	82 R. C. Cummings.
23 James Mott.	53 F. O. Haynes.	83 Tom Abraham.
24 Tom Blanding.	54 John Hopkins, jr.	84 Timmons Dart.
25 A. F. Stevens.	55 Sam. Brunson.	85 Wilson Hughes.
26 E. S. Thompson.	56 James Dorkins.	86 William Venning.
27 Thomas Elder.	57 January Ostlen.	87 January Wilden.
28 Paul Jones.	58 Abram Tunis.	88 George Boxton.
29 John Gausch.	59 Dan. Peters.	89 Anthony Gethers.
30 John Procter.	60 Sumter Smith.	90 Peter Saucks.

*Poll-list, Robbins precinct—Continued.*

91 James Brown.	159 William Githers.	227 Tom Pritchard.
92 Bowen Green.	160 Tom Pluckney.	228 Sam. Wigfall.
93 Prince Edwards.	161 Lisbon Barnum.	229 William Gray.
94 Adam Finley.	162 Alex. Simpkins.	230 Scey Wigfall.
95 William Coffin.	163 Wash. Stepright.	231 Peter Bennell.
96 Amos Green.	164 Tom Polite.	232 Henry Kanodd.
97 Walter McNeil.	165 John Darrell.	233 Cesar Parrett.
98 Frank McNiul.	166 Peter Shady.	234 Clinton Comings.
99 Hamilton Robinson.	167 Wm. Freeman.	235 Wm. King.
100 Sandy Robinson.	168 John Freeman.	236 John Clifford.
101 David Robinson.	169 Phil. McCall.	237 Peter Clepation.
102 John Coster.	170 Jack Montaguo.	238 John Gadboldt.
103 James Collins.	171 William Fout.	239 March Alston.
104 P. F. Redings.	172 Lexy Taylor.	240 T. H. Dalton.
105 Hector Shorts.	173 Hanibal Thompson.	241 Andrew Joings.
106 Benj. Simons.	174 Joseph Lee.	242 April Hatch.
107 Dennis Simons.	175 Lester Allen.	243 J. Andrews.
108 Edward Colter.	176 Sumter Livingston.	244 Passum Foster.
109 Willis Jordan.	177 William Welch.	245 Tony Adams.
110 Isaac Montgomery.	178 Monthly Simmons.	246 Abe Joings.
111 M. O. Monterief.	179 Henry Take.	247 G. E. Fuller.
112 John Hayes.	180 Phillip Welch.	248 Jake Fuller.
113 Wm. Baldon.	181 Martin Holman.	249 Sim. Roundtree.
114 R. A. Jackson.	182 Henry Jacobs.	250 Calvin Smith.
115 John Dickson.	183 Jacob Nelson.	251 John Snowling.
116 Chas. Seabring.	184 David Carr.	252 Isaac Corbett.
117 Peter Seabrook.	185 Sandy Nelson.	253 Tom Shucks.
118 Isaac Fordom.	186 William Carr.	254 Robert Marion.
119 Andrew Seabrook.	187 Paul J. Drayton.	255 T. B. Greening.
120 W. H. Anstin.	188 Sandy Jones.	256 O. P. Dick.
121 Peter Andrews.	189 Paul Saxton.	257 William Porter.
122 Tance Miller.	190 William McKay.	258 Abe Stoolo.
123 B. A. Sanson.	191 Sammy Cave.	259 Peter Steele.
124 Riram Davids.	192 Peter Smith.	260 O. F. Cunnning.
125 Barton Johns.	193 Nick Edwards.	261 Baxley Brown.
126 Cuffee Jackson.	194 W. H. Calhoun.	262 Washington Sims.
127 Samuel James.	195 Robert Clay.	263 Moses Brown.
128 Alfred Ferris.	196 R. C. Bullon.	264 Peter Friend.
129 William Atkins.	197 Sam. Clipper.	265 Sam. Mathews.
130 Pinty Williams.	198 Edward Jones.	266 John Doolittle.
131 R. C. Ferris.	199 Edward Jones.	267 Tim. Dissell.
132 S. Wardell.	200 Tom Saunders.	268 A. P. Savage.
133 Horton Wilson.	201 S. A. Dottoy.	269 A. Z. Patterson.
134 Harom Brunston.	202 Davis Hutter.	270 S. W. Saddleman.
135 Sampson Ashley.	203 Nelson Davis.	271 John Tottries.
136 John Philpot.	204 Isaac Hayes.	272 Stephen Clark.
137 Tom Tompson.	205 Nelson Green.	273 W. Colburn.
138 Wm. Hart.	206 William Seymour.	274 Toby McNear.
139 Luster Small.	207 Simon Branch.	275 George Marcy.
140 Peter Allny.	208 James Congue.	276 L. W. Mimms.
141 James Filton.	209 William Chichester.	277 Moody White.
142 Bob Timmons.	210 Phillip Hives.	278 H. Dawson.
143 John Bryant.	211 Tom Saulters.	279 Abner Sease.
144 Amos Smith.	212 Wm. Witherspoon.	280 July Winters.
145 Frank Watson.	213 John Millett.	281 May Austin.
146 Ned Seabrook.	214 William Goodwin.	282 Peter Fleds.
147 Joe Eddings.	215 Tony Shorts.	283 Pompey Jenkins.
148 John Townsend.	216 Martin Robinson.	284 Cesar Snipes.
149 Tony Gibbs.	217 Amos Martin.	285 Joe Smoke.
150 Sancho Green.	218 Tom Righter.	286 John Deansenburg.
151 Danl. Elliott.	219 Sam. Gotbry.	287 Tom Scarbery.
152 Dan. Ferguson.	220 Littleton Ball.	288 Wade Appleton.
153 John Dotheuy.	221 Lewis Corning.	289 Tom Appleton.
154 Joe McHenry.	222 Tom Miller.	290 Hermes Haight.
155 Sam. Major.	223 George Horton.	291 A. D. Porter.
156 John Thompson.	224 George Payton.	292 George Porter.
157 Tony Grant.	225 Marcus Warland.	293 Peter Jones.
158 John Smith.	226 James O'Hear.	294 Tom McCollom.

*Poll list, Robbins precinct—Continued.*

295 Tom McDowall.	363 Sammy Church.	431 Simon Bell.
296 Andrew Blackville.	364 A. C. Pack.	432 George S. Bell.
297 Robert Smith.	365 John Sheppard.	434 Austin Barker.
298 Punched Snow.	366 Cesar Godfrey.	435 Phillip Bonner.
299 F. Gaustin.	367 James Rume.	436 Lewis Bonuer.
300 P. B. Right.	368 Anthony Simmons.	437 Isaac Graver.
301 R. P. Turpin.	369 Harry Drummonds.	438 Peter C. Venere.
302 S. O. Boston.	370 Savage Hagood.	439 J. S. Gardier.
303 Sancho Appleby.	371 Jeremiah Harly.	440 William Gardner.
304 Andrew Sims.	372 John Azor.	441 Gilbert Huggius.
305 A. D. Brown.	373 William Astor.	442 Albert Newinan.
306 John Stopple.	374 Henry Cummings.	443 G. E. Newman.
307 Andy Stewit.	375 Lewis Evans.	444 Herculs Broxter.
308 C. O. Fauknet.	376 Andrew Bunch.	445 Henry Hatson.
309 Toby Roundtree.	377 Paul Estu.	446 Lemuel Broxton.
310 Sandy Strouman.	378 Martin Stanseil.	447 Daniel Broster.
311 Cesar Odom.	379 George Matthews.	448 Freeman May.
312 Thomas Calhoun.	380 Sancho Holman.	449 March Dercey.
313 Zip King.	381 Thomas Aaron.	450 George Dawson.
314 Tony Green.	382 Abram Faust.	451 John Brown.
315 Hang Fullerton.	383 Jake Smith.	452 Peter Brown.
316 A. D. German.	384 Silas Rivers.	453 James O. Gilver.
317 Gabriel Juman.	385 Ben. Cave.	454 Robert O. Gilver.
318 A. L. Pinckney.	386 Wm. Cave.	455 Heyward Grant.
319 Moses Pinckney.	387 Henry Harrlson.	456 Howell Mason.
320 C. B. Brown.	388 January Johnson.	457 Golby Roundtree.
321 Paul Drayton.	389 Scipio Calhoun.	458 Andrew Mayherd.
322 N. D. Brown.	390 Daniel Fielding.	459 Sam. Mayhew.
323 T. W. Peoples.	391 Jerry Myers.	460 Owen Miller.
324 Anthony Garad.	392 August Brown.	461 Pit C. Lowmax.
325 Ropy Garad.	393 Coot Bruusar.	462 Mily Colson.
326 C. O. Martin.	394 March Flemey.	463 Wm. Colson.
327 T. D. Granger.	395 Prince Walker.	464 Cesar Carter.
328 John Harrison.	396 Cain Hartzog.	465 James H. Berry.
329 Peter R. Harrison.	397 Augustus Black.	466 Ben. Fuller.
330 Sandy Adams.	398 Miles McCreary.	467 Clarence Black.
331 Monday Sims.	399 Peter G. Myer.	468 Thos. Ju 'son.
332 Gilbert Copes.	400 Wm. Rush.	469 George Judson.
333 Cesar Colden.	401 Peter Rush.	470 Edward Peoples.
334 Tony Maack.	402 Lemuel Bull.	471 Wm. Simpson.
335 Sam. Johnson.	403 Henry Bull.	472 Pompey Simpson.
336 Billy Wilson.	404 Perry Anderson.	473 Jeremiah Bell.
337 Tom Mills.	405 Jacob Carson.	474 Bill Simpson.
338 Perry Phillips.	406 Wesley Dikes.	475 Mark Blewit.
339 Tom McKade.	407 Hamilton Dikes.	476 Boston Eubanks.
340 George Tucker.	408 Sam. Mitchel.	477 Peter Fiste.
341 John L. Dawn.	409 Daniel Graver.	478 Marcus Green.
342 Sam. Kidd.	410 John Grahams.	479 John B. Green.
343 Moses Washington.	411 Will. Graver.	480 Lewis Brown.
344 John Chestnut.	412 Sancho Gregory.	481 Martin Savage.
345 Marcus Green.	413 Stephen Rice.	482 Wm. Savago.
346 Abram Branch.	414 James Hays.	483 Joe Washington.
347 James Brayton.	415 Jullus Lemons.	484 Mingo Blake.
348 Sam. Thompson.	416 James Lemons.	485 Mundy Samuel.
349 Phil. Drayton.	417 Pnnoh Wiells.	486 Simon Barker.
350 Jones Curry.	418 Stephen Stroman.	487 Sam. Jenkins.
351 Tony Plagett.	419 Sancho Evens.	488 Paul Johnsou.
352 John Patrick.	420 Samuel Buston.	489 Paul Mayers.
353 Peter Smith.	421 Efron Efterson.	490 John Mayers.
354 Henry Peters.	422 Spencer L. Hagood.	491 Bill Odom.
355 Wallace Smith.	423 Frank R. Colman.	492 Sam. Golphim.
356 Primus Green.	424 William Colman.	493 Silas Blake.
357 Saker White.	425 Mingo Duncan.	494 Simon Jones.
358 Sam. Walfus.	426 Jeff. C. Weathershee.	495 Joshua Sanders.
359 Chas. Hamilton.	427 James Green.	496 Albert Sanders.
360 Sam. McDuff.	428 Ramisey Ransbury.	497 Scipio Brown.
361 Pompey Jones.	429 George Ramsey.	498 Lewis Queen.
362 Charles Hardt.	430 Bill Hughes.	499 Sandy Holman.

*Poll-list, Robbins precinct—Continued.*

500 Gam. Bennett.	568 Hector Furman.	636 J. A. Daniels.
501 Elmore Blake.	569 Reddy Monday.	637 A. J. Boxham.
502 Andrew Hamilton.	570 J. L. Burkley.	638 Hart Bankham.
503 John Walker.	571 Lowrod Jefferson.	639 E. Love, jr.
504 Sydney Barfields.	572 Blackton Hogg.	640 Ben, Major.
505 John Fields.	573 Sandy Johnson.	641 Hampton Euery.
506 Sam. Shading.	574 Alex. Kary.	642 George Euens.
507 Thomas Devise.	575 Geo. Kary.	643 Moses McCrary.
508 Cyrus Fleming.	576 Bristu Janes.	644 Peter Askeys.
509 Celus Wescott.	577 Alex. Odomis.	645 Henry Horesman.
510 August Jackson.	578 Bristu Davis.	646 Tom Andrews.
511 Ceaser Tolle.	579 Allen Sampson	647 Lewis Dowling.
512 A. M. Green.	580 John Denny.	648 B. K. Dowling.
513 Wm. Blunt.	581 Sam. Denny.	649 Jacob Bird.
514 George Blunt.	582 Tom Williams.	650 William Lout.
515 Wash. Carr.	583 Cato Green.	651 Anthony Wins.
516 Tom Hutchinson.	584 Ashly Louis.	652 Alfred Daves.
517 Alfred Davis.	585 Wm. Helth.	653 Chanoy Daves.
518 J. H. Trye.	586 W. F. Dexter.	654 Bob. C. Clency.
519 W. L. L. Brown.	587 P. J. Sloan.	655 Nicklas Wragg.
520 John Tenney.	588 Wm. Grant.	656 Allen Bomberg.
521 Willy Evans.	589 Cuffin Green.	657 James Rush.
522 Charles Drew.	590 Henry Smith.	658 D. F. Linke.
523 Hardy Bryant.	591 Wm. Smith.	659 Wash. Mosely.
524 Milo Lewy.	592 John Emery.	660 O. C. Wall.
525 John Bedell.	593 John Spring.	661 John Hurd.
526 Robt. Black.	594 Charles Walker.	662 Peter Horton.
527 Hiram Harrell.	595 Henry W. Lease.	663 Alex. Rorten.
528 Allen Barber.	596 John Grant.	664 David Bristow.
529 Wm. Knool.	597 Robert Thompson.	665 Geo. Bustley.
530 Bob Campbell.	598 Johnson Williams.	666 Paul Williams.
531 Jones Carson.	599 Prince Baxley.	667 Harry Jackson.
532 George Barnwell.	600 Thomas Williams.	668 Harry Lowe.
533 B. K. Collins.	601 Hors Green.	669 John Lowe.
534 E. R. Scotland.	602 Bill Smart.	670 Pinkney Walker.
535 L. W. Turner.	603 Cuffee Moses.	671 John Sulks.
536 Sam. Stringford.	604 Scipio Thompson.	672 Wm. Sulks.
537 Eli Jontons.	605 James Greer.	673 J. C. Mason.
538 W. L. Brown.	606 Wm. Sampson.	674 Andrew McCully.
539 Joseph Clayton.	607 T. B. Myers.	675 Wm. O. Peake.
540 Nat. Fleming.	608 Thompson Wood.	676 Sandy Hoston.
541 Benjamin Bunch.	609 Thomas Holand.	677 James Curry.
542 Tom Moore.	610 Peter Johnson.	678 A. Child.
543 Pink Norrell.	611 George Porter.	679 James McFields.
544 Samuel Purvis.	612 Soon Redy.	680 Alex. Richard.
545 T. J. Bend.	613 John Fish.	681 Joshua Willis.
546 T. W. Brown.	614 Cuff. Woodward.	682 A. J. Burkmyer.
547 Daniel Samuel.	615 Aker Toby.	683 E. M. Loyed.
548 Paul Canig.	616 Thomas Martin.	684 Cain Bodenton.
549 Harry Robinson.	617 Bryant Campbell.	685 Silas Bollenton.
550 Henry Carman.	618 Wm. Campbell.	686 Heury Dukes.
551 Sandy Hair.	619 Davis Jackson.	687 Osear Duncan.
552 Thomas Jefferson.	620 Johnson Turner.	688 Reymen Hendricks.
553 Dickson Adams.	621 Barnwell Turner.	689 Arthur Burston.
554 Jack Low.	622 James Bates.	690 George Henderson.
555 John Zizard.	623 Simon Simmons.	691 A. R. Quick.
556 Barnwell Dallas.	624 Wesley Taylor.	692 Henry Henderson.
557 Collor Consin.	625 George Taylor.	693 B. Oakes.
558 Daniel Jenkins.	626 Seymour Thompson.	694 Oscar McEntyro.
559 Sam. Cesar.	627 Peter Fields.	695 Albert Riley.
560 January Kennedy.	628 William Boxley.	696 Alfred Woods.
561 Duncan Martin.	629 J. F. Peters.	697 George Woods.
562 Danly Jacob.	630 R. A. Saunders.	698 A. P. Aiken.
563 Adam Josifha.	631 Geo. Saunders.	699 Boston Petus.
564 Hart Walton.	632 Danl. Phillip.	670 W. G. Hankford.
565 Jack Loman.	633 Isaac Phillips.	671 Sydney Johnson.
566 Saml. Broxton.	634 Sampson Hankerson.	672 N. A. Cameron.
567 Odom Reynolds.	635 Hardy Boxley.	673 Burton Brabham.



*Poll-list, Robbins precinct—Continued.*

674 Peter Wroten.	742 Peter Honstin.	810 Johnson Harley.
675 Godfrey Firms.	743 Prince Hanniford.	811 Sam. Lee.
676 A. A. Dickson.	744 Cyrus Runion.	812 Frederick Richards.
677 Mill Dickson.	745 Geo. Runion.	813 Nixon Dunbar.
678 James Ferryfee.	746 Simon Rivers.	814 Stephen Richardson.
679 George Ferryfee.	747 George Fletcher.	815 Wesley Runny.
680 Ben. Devise.	748 Montague Fletcher.	816 Wesley Rice.
681 Charles Lisbon.	749 Peter Rivers.	817 Millege Seymour.
682 Sam. Osten.	750 Hinton Revere.	818 Nath. Ashley.
683 Wald Hinton.	751 Rosson Noll.	819 Stepney Dunbar.
684 Sauncho Hinton.	752 Andrew Daniels.	820 Sampson Hair.
685 Andrew Newman.	753 S. P. Glover.	821 Jones Baxlay.
686 Moses Hasper.	754 Jno. Porter.	822 Sam. Perkins.
687 Andy Hasper.	755 Jake Washington.	823 Thomas Lafor.
688 Andy Johnson.	756 Jno. W. Coker.	824 Wm. Lafor.
689 Lincoln Walker.	757 Sam. Robinson.	825 Fred. Bennett.
690 Walker Sims.	758 Jim Moore, jr.	826 Oliver Bennett.
691 Casper Neil.	759 John Felder.	827 Canton Shewsbury.
692 Wash. Moses.	760 Scipio Ryan.	828 John Canton.
693 Chas. Willoby.	761 James Fraust.	829 Nat. Dickerson.
694 Tutts Patterson.	762 Josh. Rice.	830 Julius Brant.
695 Robt. Patterson.	763 Landy Gibbs.	831 Geor. McKnight.
696 Bayley Astor.	764 Charles Parker.	832 Morris Pruster.
697 Peter Astor, jr.	765 Jack Marart.	833 Morris Galleway.
698 B. Z. Broadwater.	766 George Worne.	834 Charles Blake.
699 Nawton Owens.	767 Jno. McPerson.	835 Mingo Blake.
700 Nero Smalls.	768 Sandy Coker.	836 Marcus Robinson.
701 Peter Patterson.	769 Sam. Baxley.	837 John Brabham.
702 Mose. Sullivan, sr.	770 Daniel Pruster.	838 Henry Brabham.
703 Stiff Johnson.	771 J. W. Cummings.	839 Ned. E. Brown.
704 Isaac Wall.	772 Sam. Savages.	840 Charles Wright.
705 Oscar Turner.	773 Jno. Hewhard.	841 Sam. Branard.
706 R. P. Tolbert.	774 Wm. McKnight.	842 Wm. Capers.
707 Tony Muster.	775 Silas Jenkins.	843 G. S. Capers.
708 James Queen.	776 Jno. Stoney.	844 Ben. K. Allen.
709 Corrus Queen.	777 Philip Jenkins.	845 Isaac Holmes.
710 Hector Faber.	778 Horas Jenkins.	846 William Lornings.
711 Sam. Shintus.	779 John Harris.	847 Henry C. Mark.
712 J. W. Coats.	780 Jno. Cummings.	848 Wm. Ford.
713 Dave Jones.	781 Sam. Galliard.	849 Wesley Johnson.
714 Martin Brown.	782 Wm. Pinckny.	850 Marcus P. Fleming.
715 Williams Kirkpatrick.	783 Jno. Parker.	851 Jno. Seabrook.
716 John Harmon.	784 W. H. Daniels.	852 Sandy Disper.
717 Isaac Broadstreet.	785 Wm. Benney.	853 Fed. Rush.
718 Wm. Broadstreet.	786 Cyrus Williams.	854 Henry C. Wescott.
719 Sam. Brabham.	787 Fred. Bull.	855 Allen Godfrey.
720 Jack Daniels.	788 Andrew Nix.	856 Jno. Nickless.
721 Barnwell Jinkers.	789 Westley Deams.	857 Sam. Myers.
722 Patty Guthers.	790 Chas. Fedrich.	858 John Perkins.
723 Neil Robert.	791 Sandy Merriek.	859 P. M. Jones.
724 George Buntou.	792 Elias Hughes.	860 Andrew Jones.
725 Ceaser Bunkum.	793 Marcus Wilson.	861 Jno. E. Johnson.
726 R. S. Montru.	794 Frank Johuson.	862 Sam. Arter.
727 James Simous.	795 Scipio Manigault.	863 Cesar Bull.
728 Cyrus Williamson.	796 Abram Myers.	864 Sambo Edwards.
729 Pinton Petron.	797 John P. Barker.	865 Henry Moore.
730 Alex. Pintron.	798 Chas. Wise.	866 Tom Moore.
731 Alex. Boutout.	799 John Wise.	867 Robert Colter.
732 Wm. Boutout.	800 Peter Mines.	868 Petron McNear.
733 Brown Wintton.	801 Jeff. Jones.	869 Sam. Perry.
734 Wiston Boston.	802 Jno. Bonnings.	870 T. J. Burrell.
735 R. T. Brontou.	803 Hector Monney.	871 D. F. Lee.
736 Winton Sims.	804 Jno. Holmes.	872 J. W. Rookland.
737 Simon Seymour.	805 Chas. Parmer.	873 D. H. Renolds.
738 Willis Hanston.	806 Tony Palmer.	874 P. J. Rust.
739 Peter Hansford.	807 Stephen A. Rolton.	875 Isaac Swinton.
740 Robert Necklos.	808 Stepney Adams.	876 Silas Swinton.
741 John Rivers.	809 Jno. Harrison.	877 Peter Glen.

*Poll-list, Robbins precinct—Continued.*

878 G. W. Clarkston.	936 J. E. Adams.	1004 Henry Lobman.
879 Tom Look.	937 Josey Sams.	1005 John Baskin.
880 J. B. Oliver.	938 John Phillip.	1006 Tim Berry.
881 Puto Montgomery.	939 Edward Milland.	1007 Bruno Wise.
882 Dennis Little.	940 Evan Jackson.	1008 Willis Harrige.
883 Hector Price.	941 David Eboo.	1009 Mungo Prester.
884 Wade Jordom.	942 Mixson James.	1010 Agro Hutto.
885 Henry Bush.	943 S. J. Bush.	1011 Mostley Brabham.
886 L. L. Harrison.	944 Bush Sanders.	1012 Scott Hallington.
887 T. E. Perry.	945 Peter Smitt.	1013 Journey Wilson.
888 Mike Muroy.	946 Sam Hazel.	1014 George Appleton.
889 George Thrasher.	947 Walkins Braddy.	1015 Opent Davis.
890 Hiram Williams.	948 Tony Smithers.	1016 Harry McMillan.
891 Miles Brown.	949 Wm. Wish.	1017 David Foster.
892 Jarvis Wall.	950 Sam Taylor.	1018 Lemas Foster.
893 Robt. Metcher.	951 Danl. Sproud.	1019 Wiley Dortch.
894 Tom Bullocks.	952 Danl. Williams.	1020 Ferrin Glnard.
895 David Wall.	953 Mack Sproud.	1021 Lewis Aldridge.
896 J. E. Williamson.	954 Joe Keller.	1022 Peter Procter.
897 R. H. Moson.	955 Barker Courad.	1023 Harmon Brutus.
898 Sam Curry.	956 Robt. Mixson.	1024 Richard Claster.
899 Moses Montgomery.	957 Sam Brightford.	1025 July Darlington.
890 Geo. Hartridge.	958 London Waters.	1026 Sandy Summers.
891 William Curry.	959 Dook Waters.	1027 Frank Musach.
892 Henry Hartridge.	960 E. J. Osbar.	1028 Peter Morgan.
893 Tom Tilman.	961 Edward Fraser.	1029 Hand Morgan.
894 R. H. Baker.	962 Saml. Frye.	1030 Leon Dervat.
895 Tom Hagood.	963 Edward Qoonor.	1031 Gidney Peacbeck.
896 Wm. Hagood.	964 Frank Cassell.	1032 Nelson Read.
897 Geo. Rainey.	965 Casel Perkley.	1033 Letron Whilden.
898 James Love.	966 H. A. Robinson.	1034 Gubron Hair.
899 Albert Daniels.	967 Ed. Joiner.	1035 Jupiter Hair.
900 Joshua Burke.	968 Tom Prinoton.	1036 Clark Woodley.
901 Lenah Bardou.	969 W. J. Weston.	1037 Elix Hickson.
902 Chas. Bayne.	970 Anthony Mill.	1038 Eli Maker.
903 Ned Buckman.	971 Wm. Scott.	1039 Daniel Watts.
904 C. P. Buckney.	972 Jerome Holland.	1040 Barton Mixson.
905 Henry Buckley.	973 Jacob Holland.	1041 Larry Doe.
906 Sam Clark.	974 H. D. Criston.	1042 Darpy Doe.
907 Peter Landrich.	975 Renben Lord.	1043 Lexy Green.
908 Isaac Landrich.	976 Canto Cannon.	1044 Stephen M. Knight.
909 Geo. Alsopp.	977 Moses Carton.	1045 Martin Patterson.
910 Demar Parker.	978 Thos. Dolas.	1046 Ned Hampton.
911 Danl. Jasper.	979 Wm. Mallen.	1047 Clarence Foster.
912 Minton Perry.	980 Wm. Bates.	1048 Samuel Faber.
913 Jerry Hamilton.	981 George Atkins.	1049 Alex. Buxley.
914 Jona. Kilpatrick.	982 Milo Kulb.	1050 Jno. Woodbury.
915 Dave Rollison.	983 Henry Burns.	1051 Lew. Bremson.
916 Henry Rollins.	984 A. McMurry.	1052 Scipio Brown.
917 Sandford Owens.	985 Simon Gillard.	1053 Henry Gilmore.
918 Jno. Malue.	986 Simon Dial.	1054 Larry Hosea.
919 Elijah Hogg.	987 Sam Dial.	1055 Lowman Johnson.
920 Sam White.	988 Zed. Tucker.	1056 Lucius Ray.
921 Bottney Right.	989 Hill Madford.	1057 Rasper Larkins.
922 Albert Black.	990 R. Lompton.	1058 Jock Zidley.
923 Alfred Drummond.	991 O. Bard.	1059 Daniel Hopes.
924 Jerry Drummond.	992 T. Thomas.	1060 Peter Washington.
925 Jack Golfred.	993 John Brian.	1061 Samuel Fenlow.
926 Sam Singleton.	994 S. H. Hanson.	1062 Barny McE. House.
927 Smither Jones.	995 Willis Wall.	1063 Peter Gregory.
928 Joe Wadkins.	996 Ramsey Washington.	1064 Lewis Colder.
929 H. J. Wilkins.	997 Martin Lake.	1065 Prince Attaway.
930 Martin Dodwise.	998 Leonard Fraser.	1066 Hance Felder.
931 Allen Jefferson.	999 Willy Bush.	1067 Hampson Burdell.
932 Wright Hanford.	1000 Martin Ashley.	1068 Gilbert Hamilton.
933 Coming Williams.	1001 Handy Broxley.	1069 John Patterson.
934 Martin Oriston.	1002 Wm. Sigwald.	1070 Myers Blake.
935 Wm. J. Jones.	1003 Julius Hogman.	1071 Philip Martin.

*Poll-list, Robbins precinct—Continued.*

1072 Daniel Waters.	1140 Jake Sallis.	1208 Tom Goodwii.
1073 London Hoog.	1141 Peter Somlis.	1209 Elias Sims.
1074 Quince Mosely.	1142 Marion Beaufort.	1210 Gofrey Harley.
1075 Jacob Stauneh.	1143 Silas Gale.	1213 George Newton.
1076 Parson Mims.	1144 Milford Bowden.	1214 Ben Hutchinson.
1077 Marcher Simons.	1145 Hinton Lartigue.	1215 Nickelus Baker.
1078 Paris Simpleton.	1146 Camy Bonnes.	1216 Neptere Lee.
1079 Reuben Collins.	1147 Robt. Owens.	1217 Adam Brown.
10-0 Daniel Gage.	1148 Isaac Gary.	1218 Billy Burke.
1081. Ben. Gale.	1149 Archy Hampton.	1219 Champfrey Baker.
1082 Shed Dennelly.	1150 Handy DeBoise.	1220 George Willikon.
1083 Johnson Pritchard.	1151 Glostun Hutchison.	1221 Aaron Pinckney.
1084 Mike Harley.	1152 Martin Gleaves.	1222 Laurence Owens.
1085 Nelson Sanders.	1153 Freeman Devill.	1223 Oliver Jamison.
1086 Jock Sanders.	1154 Lawrence Grant.	1224 Gideon Milhouse.
1087 B. G. Hunt.	1155 Victor Smart.	1225 Petro Bothrell.
1088 Isaac White.	1156 Urbin Morris.	1226 George Gerd.
1089 Bob Hazzog.	1157 Emmanuel Wise.	1227 Thomas Clark.
1090 Fisher Wright.	1158 Cudje Gavl.	1228 Tilton Foster.
1091 Daniel Humbert.	1159 Happy Harris.	1229 Newton Dostich.
1092 Dave Reed.	1160 Peter Foreman.	1230 Mike Borders.
1093 Ben. Dunbar.	1161 Elijah Brunson.	1231 Stepney Milborn.
1094 Bob Bryant.	1162 Luke Towler.	1232 Robert Roy.
1095 Solomon Hair.	1163 Tillman Carter.	1233 John Badger.
1096 Brister Walker.	1164 Gabe Canman.	1234 Andrew Marcy.
1097 Edmond Carter.	1165 Charles Trotte.	1235 Fenly Baker.
1098 John Carter.	1166 Lewis O'Bannon.	1236 Sandy Harder.
1099 Joseph Carter.	1167 Harby Duncau.	1237 Mark Flower.
1100 Henry Lawton.	1168 Ephraim Holly.	1238 Ned Ornsted.
1101 Criston Black.	1169 Daniel Ball.	1239 Julius Dowling.
1102 Jeesey Nix.	1170 Mike Morris.	1240 Frank Gilbert.
1103 Edward Bush.	1171 Bunk Stalling.	1241 August Powers.
1104 L. Faulkner.	1172 Mingo Eaves.	1242 Walter Sampson.
1105 Pompey Hays.	1173 Weston Eaves.	1243 Barker Jenkins.
1106 Seamans Gantff.	1174 Tony Dunn.	1244 Charles Bowen.
1107 Ascas Lard.	1175 Thos. Hewlett.	1245 Thompson Sapp.
1108 Paul Mims.	1176 Luke Summers.	1246 Bill Sapp.
1109 Judson Willis.	1177 Thomas Hollis.	1247 Peter Pipkins.
1110 Castello Moody.	1178 R. S. Singleton.	1248 William Hosborn.
1111 Cast Ransin.	1179 Hanaford Miles.	1249 George Hosborn.
1112 Cyrus Starman.	1180 Holmes Bennett.	1250 Charles Bartlow.
1113 James Steadman.	1181 Henry Hayne.	1251 Mathew Mills.
1114 J. M. Hood.	1182 Robert Daner.	1252 George Bartlow.
1115 Robt. Benton.	1183 Monday Evans.	1253 Silas Lukes.
1116 Car. Crosland.	1184 Henry Marshall.	1254 Wash Lukes.
1117 Jas. Prescott.	1185 Jerry Barnwell.	1255 Gasper Willis.
1118 Danl. Whaley.	1186 Joseph Bomar.	1256 Lucas Bradford.
1119 Bursel Whaley.	1187 Ransey Barker.	1257 Henry Barning.
1120 Burney Newcott.	1188 Phillip Barker.	1258 Wash Barning.
1121 Saul Barten.	1189 Cesar Johnson.	1259 Isaac Willis.
1122 Rans Bush.	1190 Gordon Robert.	1260 Andrew Queen.
1123 Anthony Deans.	1191 Evans Munrough.	1261 Sambo Mitchell.
1124 Chance Wood.	1192 Julius Dunbar.	1262 Austin Marlow.
1125 Honor Howell.	1193 Wiston Gallway.	1263 Burton Wilkinson.
1126 Sumpter Hagood.	1194 Toby Carter.	1264 Tony Aldritch.
1127 Proctor Nocompt.	1195 Gus Lemon.	1265 N. H. Allen.
1128 Reuly Gideen.	1196 Hanford Bellinger.	1266 Edward Hevvy.
1129 Anthony White.	1197 Adam Hughes.	1267 Bryant Mason.
1130 Frank Chisolm.	1198 Wm. Thomas.	1268 Harrison Peters.
1131 Hamp. Mixson.	1199 Doctor Simpson.	1269 Morrison Simons.
1132 Peter Blewell.	1200 Ned Tobin.	1270 Tucker Hernes.
1133 Martin Baxley.	1201 Cesar Martin.	1271 Wm. H. Long.
1134 Peter Broxton.	1202 Sambo Dessausure.	1272 Albert Hair.
1135 Baxter Dunbar.	1203 Abram Still.	1273 Sandy Lawton.
1136 Heyward Dunbar.	1204 Joshua M. Adams.	1274 Peter Thurston.
1137 Richard Bill.	1205 Richard Ashley.	1275 York Adams.
1138 Cain Mamell.	1206 Austin Blake.	1276 Lewis Clark.
1139 Sancho Lawson.	1207 Chas. Ingram.	1277 Willis Burns.

*Poll-list, Robbins precinct—Continued.*

1278 Mingo Willis.	1292 Archy Anderson.	1306 Ben Stoney.
1279 Cairo Hutto.	1293 Watson Hogg.	1307 Lawrence Stevens.
1280 Marcus Adams.	1294 G. E. Brown.	1308 Henry Hanton.
1281 Henry Hardee.	1295 Raisin Winters.	1309 Reuben Hogan.
1282 Golby Preclor.	1296 Gilmore Roland.	1310 Peter Wells.
1283 Linus Stony.	1297 Lucius Riley.	1311 John West.
1284 July Brown.	1298 Ben Hayward.	1312 Cyrus Knight.
1285 Jacob Stone.	1299 Baxley Sims.	1313 Ben Bradley.
1286 Ben Merrill.	1300 Barwoll McKingle.	1314 Bill Bradley.
1287 Chas. Lucas.	1301 Cyrus Frederick.	1315 W. J. Allen.
1288 Wade Carroll.	1302 Milton Seabrook.	1316 William Bush.
1289 Isom Hare.	1303 Horace Macky.	1317 B. K. Mott, Jr.
1290 March Hare.	1304 Cesar Brooker.	
1291 Theodore Wood.	1305 Peter Storey.	

OFFICE SECRETARY OF STATE,  
South Carolina:

I certify that the foregoing is a true copy of the original poll-list for Robbins precinct, Barnwell County, now on file in this office.

Given under my hand and the seal of the State this 23d day of December, 1876, at Columbia, S. C.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

The State of South Carolina. In the supreme court.

THE STATE, EX RELATIONE THEODORE G. BARKER, SAMUEL McGOWAN, J. I. INGRAM, ROBERT ALDRICH, JOHN W. HARRINGTON, WILLIAM WALLACE, AND JOHN B. ERWIN,

vs.

C. C. BOWEN, TIMOTHY HURLEY, JOHN WINSMITH, THOMAS B. JOHNSTON, WILLIAM B. NASH, WILSON COOKE, AND WILLIAM F. MYERS.

*Suggestion for quo warranto.*

Be it remembered that Theodore G. Barker, Samuel McGowan, J. I. Ingram, Robert Aldrich, John W. Harrington, William Wallace, and John B. Erwin, come here the 2d December, A. D. 1876, before the honorable the supreme court of the State of South Carolina, and by leave of said court first had and obtained according to the form of the statute in that case made and provided, give the court here to understand and be informed that, on the 7th November, 1876, a general election was duly held in the said State for electors for President and Vice-President of the United States; that at said election, the above-named relators, Theodore G. Barker, Samuel McGowan, J. I. Ingram, Robert Aldrich, John W. Harrington, William Wallace, and John B. Erwin, were duly and legally elected by general ticket, (they being as many in number as the said State is entitled to appoint,) and had the highest number of votes at said election.

That at said election the votes for the opposing candidates for said offices, respectively, were thereupon duly counted by the several boards of managers of the said election, and by them duly returned in their respective counties to the boards of canvassers for their several counties; and the several boards of county canvassers having made their statements of the votes cast, the same, together with all the papers appertaining to said election, were, by the boards of county canvassers, duly transmitted to the board of State canvassers of the said State.

That the said board of State canvassers met at the office of the secretary of state, on or before the 10th day of November next after such election, and proceeded to canvass the votes given for the electors of President and Vice-President, and made a false and fraudulent statement of all the votes, as appears by a comparison of the statements of the county canvassers with the statements and returns of the precinct managers in the several counties, and falsely determined and certified as the persons elected as electors of the State of South Carolina, of President and Vice-President, the following-named persons: Christopher C. Bowen, John Winsmith, Timothy Hurley, Thomas B. Johnston, William B. Nash, Wilson Cooke, and William F. Myers.

And, thereupon, the secretary of state caused a copy, under the seal of his office, of the certified determination of the board of State canvassers, to be delivered to each of the persons therein declared to be elected.

And the said Christopher C. Bowen, John Winsmith, Timothy Hurley, Thomas B.

Johnston, William B. Nash, Wilson Cooke, and William F. Myers, not being duly and lawfully elected, and not having received said certified determination so delivered, and under and by virtue thereof, as evidence of title to the said offices and functions of State electors of President and Vice-President of the United States, claim the right as such to meet and assemble at the capital on the first Wednesday in December next, being the next after their election, and then and there threaten and claim to vote by ballot for President and Vice-President.

And the said relators further give the court to understand, and be informed, that if a true and correct statement of all the votes cast at said election had been made by the board of State canvassers, by comparing the statements of the county canvassers with the statements and returns of the precinct managers in the several counties; and if the said board had justly and truly determined and certified the persons so elected as electors, your relators above named would have been found to be elected, and to have received the highest number of votes cast for electors at said election, and would have been so determined and certified, and would have been entitled to receive a copy of the said certified determination, under the seal of his office, from the secretary of state, and would have been entitled to assemble, according to law, at the State capital on Wednesday next, and then and there to cast the votes of the State of South Carolina for President and Vice-President of the United States of America.

Whereupon the said relators pray the consideration of the court here in the premises, and that due process of law may be awarded against the said Christopher C. Bowen, John Winsmith, Timothy Hurley, Thomas B. Johnston, William B. Nash, Wilson Cooke, and William F. Myers, in this behalf; and to make them answer to the State and show by what warrant or authority they claim to have, use, and enjoy the offices, liberties, privileges, and franchises aforesaid.

JAMES CONNER,  
*Counsel for Relators.*

THE STATE OF SOUTH CAROLINA :

Before me, Charles E. Carew, personally appeared John B. Gordon, and, being duly sworn, on oath says that the facts of the foregoing suggestion are true, so far as they are within his own knowledge, and so far as they are derived from the information of others, he believes them to be true.

J. B. GORDON.

Sworn to before me at Columbia, the 1st day of December, A. D. 1876.

[L. S.]

CHARLES E. CAREW,  
*Notary Public.*

The State of South Carolina. In the supreme court.

<p>THE STATE, EX RELATIONE THEODORE G. BARKER, SAMUEL McGowan, J. I. Ingram, Robert Aldrich, John W. Harrington, William Wallace, and J. B. Erwin,</p> <p style="text-align: center;"><i>vs.</i></p> <p>C. C. BOWEN, TIMOTHY HURLEY, JOHN WINSMITH, THOMAS B. Johnston, William Nash, Wilson Cooke, and William F. Myers.</p>	}	<p>Motion to dismiss.</p>
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*Suggestion for quo warranto.*

On hearing the suggestion filed in the above-entitled cause, on motion of relators—

It is ordered that the said relators have leave to file said suggestion, and that the said respondents do make answer to said suggestion on Tuesday, the 5th instant, at 10 o'clock a. m., and show by what warrant or authority they claim to have, use, and enjoy the offices, liberties, privileges, and franchises set forth in said suggestion; and that respondents be served with copies of said suggestion and this order.

F. J. MOSES.

DECEMBER 2, 1876.

The State of South Carolina. In the supreme court.

<p>THE STATE, EX REL. THEODORE G. BARKER ET AL.,</p> <p style="text-align: center;"><i>vs.</i></p> <p>C. C. BOWEN ET AL.</p>	}	<p>Motion to dismiss.</p>
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Now comes C. C. Bowen, and others of the defendants in the above cause, by his attorney, D. T. Corbin, and moves to dismiss said cause on the ground—

1. That this court has no jurisdiction to hear and determine the issues made in said cause;

2. That said office of said C. C. Bowen and others is one held by him and them under the Constitution and laws of the United States, and his and their right to hold and execute the same cannot be questioned in this court;

3. That the board of state canvassers, under and pursuant to the Constitution and laws of the United States, have determined and certified to the right of said C. C. Bowen and others to have and hold said offices, and the said determination is final and not subject to be re-examined in this court;

4. That this defendant C. C. Bowen, and others, in this court had jurisdiction, have not been served with summons and complaint, as required by law, (chapter 2, title 13, Code of Procedure,) and cannot be called into court in the manner and form adopted by the relators and required to answer therein.

C. C. BOWEN.

Subscribed and sworn to before me this 5th day of December, 1876.

WILLIAM E. EARLE,

Notary Public.

Petition to remove to the circuit court of the United States.—Filed December 7th, 1876, at 4.30 p. m.

The State of South Carolina. In the supreme court.

THE STATE, EX RELATIONE THEODORE G. BARKER, SAM-  
uel McGowan, J. I. Ingram, Robert Aldrich, John W.  
Harrington, William Wallace, and John B. Erwin,

versus

C. C. BOWEN, TIMOTHY HURLEY, JOHN WINSMITH,  
Thomas B. Johnston, William B. Nash, Wilson Cooke,  
and William F. Myers.

*In quo warranto.*

Your petitioners, C. C. Bowen, Timothy Hurley, John Winsmith, Thomas B. Johnston, William B. Nash, Wilson Cooke, and William F. Myers, who are made defendants in the above-entitled proceedings in quo warranto, respectfully pray that the said case and proceeding in quo warranto may be removed into the circuit court of the United States for the district of South Carolina, and for ground of such prayer and motion petitioners say—

1. That said suit and proceeding is one at law and of a civil nature.

2. That the title and right of your petitioners respectively to the office of electors for the State of South Carolina for President and Vice-President of the United States and the pay and emoluments attached by law to the said office of electors are matters in dispute and which will be disposed of in said case, (if this court has jurisdiction to try said matters, which petitioners deny;) and the said pay and emoluments attached by law to said office of electors are \$600 to each of the undersigned petitioners, or \$4,200 to all of your petitioners, besides mileage, at 20 cents per mile, as provided by the act of assembly approved March 26, 1875, entitled "An act to regulate the compensation of members of the general assembly and to fix the mileage of the same," and the act of assembly fixing the compensation of electors for President and Vice-President of the United States, found in the General Statutes of South Carolina, chapter 9, section 21. Or, if petitioners are not entitled, under said statutes, to the said pay of \$600 each, and are only entitled to the per diem allowed to members of the general assembly, yet such per diem, added to said mileage for all of your petitioners, exceeds the sum of \$500.

3. Said suit and the matters in dispute therein arise under the Constitution and laws of the United States, in this, that the Constitution and laws of the United States prescribe, regulate, and require the duties, powers, and rights of your petitioners as such electors, and are paramount and supreme; and after your petitioners were duly appointed such electors and had received the certificate of such election, and of the board constituted by law to make such determination and deliver such certificates, no State court has authority to try or question the title to said office of electors; and such determination of the election of each of your petitioners was made by such State board of canvassers in favor of the said election of each of petitioners respectively, and such certificates of election were made and delivered as to each of petitioners before said proceeding in quo warranto was begun.

There are also other provisions of the Constitution and laws of the United States which are drawn in question in said suit.

4. Petitioners herewith render and file the bond required by the statute in such case made and provided. (18 Stats. at Large, 471.)

C. C. BOWEN.

J. WINSMITH.

THOMAS B. JOHNSTON.

TIMOTHY HURLEY.

W. B. NASH.

WILSON COOKE.

W. F. MYERS.

STATE OF SOUTH CAROLINA, *County of Richland, ss :*

The undersigned petitioners in the within petition, each on his solemn oath, says that the matters and things set forth in the said petition as upon the information of others they believe to be true, and all the other matters therein set forth are true in substance and in fact.

C. C. BOWEN.  
 J. WINSMITH.  
 THOMAS B. JOHNSTON.  
 TIMOTHY HURLEY.  
 W. B. NASH.  
 WILSON COOKE.  
 W. F. MYERS.

Sworn to and subscribed before me this 6th day of December, A. D. 1876.  
 (Signed) HENRY B. JOHNSON,  
*Notary Public, South Carolina.*

Supreme Court, South Carolina.

*Bond for costs, &c., filed December 7, 1876, at 4.30 p. m.*

STATE EX REL. THEODORE G. BARKER ET AL. }  
 vs. }  
 C. C. BOWEN ET AL. }

Whereas a suit has been commenced in the supreme court of the State of South Carolina by Theodore G. Barker, Samuel McGowan, J. I. Ingram, Robert Aldrich, John W. Harrington, William Wallace, and John B. Erwin against C. C. Bowen, Timothy Hurley, John Winsmith, Thomas B. Johnston, William B. Nash, Wilson Cooke, and William F. Myers; and whereas the said several defendants have made and filed in said court a petition for the removal of said suit to the circuit court of the United States of America, now in session at Columbia, in the district of South Carolina, for the causes in said petition alleged: Now know all men by these presents that we, Christopher C. Bowen, Timothy Hurley, John Winsmith, Thomas B. Johnson, William B. Nash, Wilson Cooke, and William F. Myers hereby jointly and severally bind ourselves and each and every of our heirs, executors, and administrators, to enter into the said circuit court of the United States for the district of South Carolina, on the first day of its next session, and also at the present session of said circuit court, a copy of the record in the said suit, and also to pay, or cause to be paid, all costs that may be awarded by the said circuit court if the said court shall hold that said suit was wrongfully or improperly removed thereto as in that behalf required by law.

In witness whereof we have hereunto set our hands and seals, this sixth day of December, in the year A. D. eighteen hundred and seventy-six.

C. C. BOWEN. [SEAL.]  
 J. WINSMITH. [SEAL.]  
 THOS. B. JOHNSTON. [SEAL.]  
 W. B. NASH. [SEAL.]  
 WILSON COOKE. [SEAL.]  
 W. F. MYERS. [SEAL.]  
 TIMOTHY HURLEY. [SEAL.]

In the presence of—

Supreme Court, South Carolina.

STATE EX REL. J. J. INGRAM ET AL. }  
 vs. } Brief for defendants.  
 C. C. BOWEN ET AL. }

That the right of the electors to hold their office is predicated upon the provisions of the eleventh article and first section of the Constitution of the United States.

Article 12, which is an amendment made by the first session of the Eighth Congress, provides where and when the electors shall meet and vote, and how the result shall be transmitted to the President of the Senate.

Pursuant to such authority contained in the Constitution of the United States, the legislature of South Carolina provided for a State board of canvassers, by an act approved March 1, 1870.

That the State board of canvassers had the right to determine who were legally

elected electors. No provision is made for appeal to any other tribunal. We therefore submit that their action is final, except as it may be revised by Congress.

When any other remedy is given this proceeding cannot be sustained, the rights of the parties can be fully determined by Congress, and therefore the judgment of this court will be futile.

The term of office of the electors has expired by limitation of law, and therefore if the court should, on a final hearing of this cause, determine that they are not electors, no more will be done than is now done by operation of law.

As to power and conclusiveness of acts of board, see 45 Ind., p. 85, and cases referred to.

J. C. DENNY,  
*Atty. for Respondents.*

THE STATE OF SOUTH CAROLINA,  
*In the Supreme Court, November term, 1876.*

I, Albert M. Boozer, clerk of the supreme court of South Carolina, do hereby certify that the foregoing annexed printed and written pages contain true copies of the proceedings had and of record in this court in the case of the State *ex rel.* Theodore G. Barker and others *vs.* C. C. Bowen and others. Suggestion for *quo warranto*.

Witness my hand and the seal of the said supreme court, at Columbia, this 11th day of December A. D. 1876.

[SEAL.]

ALBERT M. BOOZER,  
*Clerk of Supreme Court of South Carolina.*

[From the Charleston Journal of Commerce, Monday, January 1, 1877.]

#### OPINION OF SUPREME COURT.

The following opinion of the State supreme court was filed on the refusal of the petition to transfer the *quo warranto* case as to electors of President and Vice-President, to the United States circuit court:

*Supreme court, November term, 1876, T. G. Barker et al. vs. C. C. Bowen et al.—Opinion by Willard, associate justice.*

The defendant, C. C. Bowen, and his associates, ask, by petition, a transfer of this case to the United States circuit court for the district of South Carolina. They allege that this is a civil action, involving the title and emoluments of the office of electors of South Carolina for President and Vice-President of the United States, and that the pay and emoluments attached to such office by the laws of the State of South Carolina exceed in value four hundred dollars; and further, "that said matters in dispute therein arise under the Constitution and laws of the United States."

The authority claimed for removing the cause is that of the act of Congress of March 3, 1875. (Stat. 1874 and 1875, p. 472.) Its requirement is, "that any suit of a civil nature, at law or in equity, now pending or hereafter brought in any State court when the matter in dispute exceeds, exclusive of costs, the sum or value of four hundred dollars, and arising under the Constitution and laws of the United States," may be removed into the circuit court of the United States for the proper district by any party actually interested either as plaintiff or defendant.

We will consider whether this is a case arising under the Constitution and laws of the United States.

This is an action in the nature of a writ of *quo warranto* brought originally in this court under the authority of section 4, article iv, of the constitution of this State, which is as follows: "The supreme court shall have appellate jurisdiction only in cases of chancery, and shall constitute a court for the correction of errors at law, under such regulations as the general assembly may by law prescribe: *Provided*, The said court shall always have power to issue writs of injunction, *mandamus*, *quo warranto*, *habeas corpus*, and such other original and remedial writs as may be necessary to give it a general supervisory control over all other courts in this State."

Under section 9, article v, of the constitution, providing for a revision and codification of the laws and forms of procedure, it was enacted that "the writ of *quo warranto*, and proceedings by information in the nature of *quo warranto*," were abolished, "and the remedies heretofore obtainable in these forms may be obtained by civil actions under the provisions of this chapter." (Code of procedure, section 443.) It was held by this court, in *Alexander vs. McKenzie*, (2 S. C., 81,) that the effect of this act of legislature, read with the constitution, was to do away with the formal characteristics of the writ of *quo warranto*, but that the substantial jurisdiction covered by that writ remained vested in this court, under the protection of the constitution, and could be exercised under the form of a civil action originally brought here.

The case in hand is of the character just described, namely, an action in the nature



of *quo warranto*, in which the plaintiff seeks a judgment of ouster against the defendants for unlawfully intruding upon and holding the office of electors of President and Vice-President of the United States.

The matter in dispute relates to the title by which the respective parties claim the offices in question. Is it a case arising under the Constitution and laws of the United States?

It is proper to observe that, for the purpose of the present question, it must be assumed that the court has jurisdiction to pronounce such a judgment as the principal case calls for; that is, a judgment of ouster. That question of jurisdiction is before us in a plea to the jurisdiction interposed by the defendant; but we have no occasion to anticipate a decision on that question of jurisdiction in order to dispose of the question of transfer to the United States circuit court. The theory of the present application is that the circuit court has concurrent jurisdiction with this court to determine all questions that can properly arise in the progress of the cause. To destroy the jurisdiction of this court at the present stage of the proceedings, is to destroy the jurisdiction of the United States circuit court, which must receive the same interpretation as that of this court, and thus to defeat the object intended by the petition for transfer.

It must be conceded at once that in order to determine the questions raised by the defendants' plea to the court, it will be necessary for us hereafter, should we conclude that it is our duty to proceed with the case, notwithstanding the petition to transfer, to look into the Constitution of the United States, to see by what authority the State of South Carolina acts in the matter of choosing the presidential electors, and in order to determine whether the authority to act in the matter is of a special and limited character, such as might only authorize a particular legislative or executive act, in relation to which the public officers performing such act should be regarded rather as the immediate agents of the United States Constitution and laws than as agents of the State government; or whether she possesses general authority to proceed in the performance of her duties under the Constitution of the United States, as a State, clothed with local sovereignty, and thus be authorized to exert all her functions, legislative, executive, and judicial, in order to consummate the act of duty and authority cast upon her. It may be assumed that such an inquiry will be necessary in order to reach a conclusion as to the competency of the State judiciary to deal with the question at all. Would such a reference to the Constitution and laws of the United States be sufficient to constitute the case as one arising under the Constitution and laws of the United States? If this question is answered in the affirmative, then it is difficult to see what would become of the boundary-line between the State and national jurisdictions. It would be only necessary for a party to a suit in the State courts, in order to practically defeat their jurisdiction through a transfer to the United States circuit court, to raise an objection to jurisdiction, with or without foundation, based on some reading of the Constitution or laws of the United States; for the moment the State judges undertook to open the Constitution or laws of the United States, to see whether there was any force in such objection, they would be told that the fact of the necessity for such an objection established the case as one arising under the Constitution and laws of the United States, and that it must go to the United States circuit court under the statute.

It is clear that such a construction has not been put upon the Constitution and laws, conferring jurisdiction on the courts of the United States, and that it has no foundation on which to rest. We know of no case resting on the authority of the Supreme Court of the United States holding any such doctrine as that it is enough to confer upon a case depending in a State court the character of one arising under the Constitution and laws of the United States; that a plea to the jurisdiction of the court has been, or may be, interposed involving a construction of the Constitution or laws of the United States. It is not intended to say that limitations imposed by the Constitution and laws of the United States and affecting and controlling the character of the judgment which the court is authorized to render, may not have that effect in any case, but it is intended simply to affirm that where it is alleged that the State court has no jurisdiction of the subject-matter of the controversy, it is not enough to establish the case as one arising under the Constitution or laws of the United States, to claim the want of jurisdiction on the ground of something contained in such Constitution or laws. We understand the Supreme Court of the United States to have said that, in order to ascertain the character of the case, they must look into the pleas as well as into the plaintiff's case; but we do not understand that a plea to the jurisdiction of the court is one of those pleas that are regarded as exhibiting the character of the case in this respect. (*Cohens vs. Virginia*, 6 Wheat., 379.)

We must, therefore, conclude that the parties are bound to show, before they can take away our control over the case, that some provision of the Constitution or laws of the United States properly comes in question in determining the matters on which the respective claims of the parties to have been duly elected to the office in question depend.

We are satisfied that the petitioners ought to show more than this; but even this much cannot be shown, according to the view that we take of the case. There is

nothing in the Constitution or laws of the United States that can be of the least service in determining which of the parties to this suit were duly elected to the office in question. The only feature of the general proceeding to appoint electors that Congress is authorized by the Constitution to control, is the day on which they are appointed. (Art. 2.) Authority to determine the mode of appointment is conferred by the Constitution (article 2, section 1,) on the legislatures of the States. No limitation or restriction as to the mode of appointment, or certifying the fact of appointment, is imposed upon the State legislature. In accordance with this authority this State has undertaken to provide for the election of the electors of President and Vice-President by the electors of the State, and has for that purpose put in operation election-machinery that embraces the action of certain officers deriving their appointment and authority solely from the constitution and laws of the State. By the constitution and laws of this State the ultimate right to determine the result of an election resides in the courts, who, by an action in the nature of a *quo warranto*, may go to the very foundations of right involved, and inquire as to the truth behind all conclusions and determinations of executive bodies and officers in all cases where the nature of the office is such that the writ of *quo warranto* is a proper remedy.

It is not alleged that Congress has ever attempted to abridge the full exercise of State authority in this respect, and, therefore, we are not called upon to examine any question as to the authority of that body under the Constitution.

It is evident, therefore, that it cannot become necessary to construe any provisions of the Constitution or laws of the United States, in order to ascertain who were actually and legally elected to the offices of electors of President and Vice-President.

If it were otherwise it would not be enough to show that the Constitution or laws of the United States were incidentally drawn in question. (Carter's Con. Law, 130.) In our view it would be necessary to show that that which has been done, as the ground of the claims of the respective parties to be duly elected, was done under the direct authority of the Constitution or laws of the United States. On the contrary, the direct authority that stands as the sanction and test of such proceedings is that of the Constitution and laws of the State, while the utmost that can be claimed for the Constitution and laws of the United States is, that they create the office in question, and thus affect the subject-matter to which the controversy relates, without entering at all into the controversy itself.

It is clear that the fact that the matter or thing that the parties are seeking to possess themselves of, by means of a judgment, derives its existence or value from anything contained in the Constitution or laws of the United States, has no effect to confer on the case the character of one arising under the Constitution or laws of the United States. If it were otherwise every suit that seeks the recovery of money would be of that character, for the very foundation of the character and legal value of money lies in the Constitution and laws of the United States, who can alone create it as such to make it a legal object of pursuit through the judgment of a court.

The proposition just stated is supported by *Nesmith vs. Calvort*, (1 Woodbury and Minot, 34.) There it was held that an action on a contract affecting the ownership of letters-patent, issued for an invention, was not one arising under the Constitution or laws of the United States, notwithstanding the letters-patent, the subject-matter to which the controversy related, owed their existence as a subject of legal consideration to such Constitution and laws.

The fair conclusion is, that in order to constitute a case arising under the Constitution or laws of the United States, the right of action must, in its principal and essential features, rest upon such Constitution or laws, so that if they be withdrawn the case would be without support. If any question depending on the Constitution, and such Constitution and laws, incidentally arises, the proper mode of correcting any error committed is by review in the Supreme Court of the United States, if proper force is not allowed thereby to such Constitution or laws.

The petition should be dismissed.

Wright, associate justice, concurs; Moses, C. J., was not present at the final hearing on account of illness, but concurs in the judgment.

Filed December 26, 1876.

*The proceedings in the circuit court and the opinion of Judge R. P. Carpenter in the habeas corpus case of Peter Smith.*

The petition and the writ of habeas corpus are omitted, as their substance appears in the subsequent proceedings.

OPINION OF THE COURT.

STATE OF SOUTH CAROLINA,  
County of Richland :

EX PARTE }  
PETER SMITH. }

The motion is to discharge the petitioner from the penitentiary in which he is confined under sentence for burglary. The petition for the writ of habeas corpus is in the usual form, except the statement of his conviction, sentence, confinement, the pardon of D. H. Chamberlain, the governor, and the refusal of the superintendent of the prison to discharge him according to executive direction. The writ issued, and the superintendent made return thereto that D. H. Chamberlain, who granted said pardon, was not on the day said pardon was granted, in fact or law, governor; that his attempted installation into the office of governor had taken place before an illegal house of representatives without organization; that he had received less votes at the election than General Hampton, his only competitor; that the Hon. E. W. M. Mackey, claiming to be speaker, had unlawfully procured the election returns, and withheld them from the legal and organized house of representatives, and that Wade Hampton had been legally elected and installed into office, and was the legal governor of South Carolina. The prisoner replied, in substance, that Governor Chamberlain had been re-elected and installed, and that General Hampton had neither been elected or inaugurated.

I find, as matters of fact, from the pleadings and evidence—

1st. That D. H. Chamberlain was elected governor of this State at an election held on the 19th day of October, 1874; that he was legally installed into office on the 3d day of December of that year, and that he then entered upon the discharge of his official duties, and from that time until the present has been exercising the functions of governor, in possession of the office provided by law for the use of governor, and the archives and property attached to the same.

2d. That an election for governor and members of the general assembly was held in this State on the 7th day of November last; that there were but two candidates for governor, Messrs. Chamberlain and Hampton; that returns thereof were made by the commissioners of election from every county to the secretary of state; that, according to said returns, the former received 91,127, and the latter 92,231—a majority for Hampton of 1,134.

3d. That the whole number of members of the house of representatives elected at said election, was 124.

4th. That on the 28th day of November last, that fifty-nine members of the house of representatives met in their hall in Columbia, and elected the Hon. E. W. M. Mackey their presiding officer.

5th. That on the 5th day of December last, the said Mackey, having received the election returns from the secretary of state, proceeded in the presence of the senate and the body over which he presided to open and publish the same; that the votes returned from the counties of Edgefield and Laurens were, without formal contest, proof, or debate, excluded by a separate vote of the senate and this body over which he presided, and thereupon said Chamberlain was declared by said Mackey duly elected governor for two years; that on the 7th of December last, before the same bodies, said Chamberlain assumed to take the official oath prescribed by the constitution and delivered the address usual upon installation, and from that time has claimed to be governor by virtue of his last election and installation.

6th. The senate was organized on the 28th day of November, and recognized from that time until its adjournment the body over which said Mackey presided as the lawful house of representatives, and refused to recognize the house over which Wallace presided.

7th. On the 28th day of November fifty-seven members of the house of representatives who had received certificates of their election from the board of State canvassers, and eight members who had certificates from the clerk of the supreme court, met in Carolina Hall in the city of Columbia, and organized by the election of William H. Wallace as speaker and John T. Sloan, sr., as clerk.

8th. On the 14th day of December, the speaker, not being in possession of the election returns, published in the presence of the house and some of the senators "a tabular statement of the votes of the several counties for governor," as sworn to by Mr. John Scoffin, "and a certificate from the secretary of state, showing the whole number of votes given at the elections of 1874 and 1876 for governor," and thereupon the speaker announced that Wade Hampton had received a majority of the votes, and that upon the same day, in the same presence, General Hampton assumed to take the official oath prescribed by the constitution and did then and there deliver the usual inaugural address, and has from that time until the present claimed to be the governor of the State and to act as such.

Upon the foregoing facts three legal questions arise, viz :

1st. Was Governor Chamberlain legally inducted into office on the 7th of December last ? If not, was General Hampton installed as governor by virtue of the proceedings of the 14th of December, 1876 ?

If a negative answer is given to both questions, did the attempted installation of Governor Chamberlain operate in law as a resignation of his former office ?

Before entering upon these questions it will be proper to notice some objections made by the petitioner to the jurisdiction of the court.

It is contended that to decide upon the validity of the pardon granted in this case is equivalent to the decision of the question of title to the office of governor. It was insisted in the argument that the general distribution of powers in the various States, into three distinct departments, had been emphasized in our State constitution, which declares that "In the government of this commonwealth, the legislative, executive, and judicial power of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other." (Article I, section XXVI.) The doctrine of independent co-ordinate and co-equal departments of the State government is fully entertained by this court. The judiciary can no more direct the action of the general assembly than the latter can dictate the decisions of the former, and the legislative and judicial departments combined cannot give direction to the executive in the most important official act.

In all governments there must reside sovereign power, in which exist legislative, executive, and judicial functions. They inhere in every form of government ; in an absolute despotism as much as in a republic. This power is the source of law and legal agencies for its exposition and execution. In the States this sovereignty resides in the people. They have appointed three general agencies, and delegated to them respectively the powers belonging to that particular branch of the government, except so far as their exercise is restricted by the constitution. Within the scope of this delegated authority each is supreme, subject neither to the supervision or control of the others. These departments are simply agencies established by the people, and the officers elected or appointed are but the agents of the people. The constitution is the supreme and paramount law—superior to legislative enactments ; and, of course, to any official act performed by any person elected or appointed under its provisions. The oath of office prescribed by the constitution is conclusive. It is to "support, protect, and defend" that instrument. How can support be given, protection afforded, and defense made by the courts, except by solemn judgments in cases of its infraction by the other departments ? Whether a law passed by the general assembly, or an act done by the executive department, is or not inhibited is a question devolved by the constitution upon the judiciary, for the reasons that its forms of procedure, laws of evidence, cautions of construction, and the presumed absence of partisan feeling, render that department most appropriate for such investigations. This court has not jurisdiction to try the question of title to the office of governor, not only because the proceeding in the case is between third parties, but because the Constitution gives that power to the general assembly. (Art. III, sec. IV.)

Questions in their nature political, or which are by the constitution intrusted to other departments, cannot be heard or decided in the courts. The election by the voters of the State confers the title. The duty of this court is confined to inquiring whether either of the claimants have complied with the constitutional conditions precedent to entering upon the discharge of the duties of the office of governor. The constitutional provisions bearing upon the subject are as follows : "The governor shall be elected by the electors duly qualified to vote for members of the house of representatives, and shall hold his office for two years and until his successor shall be chosen and qualified, and shall be re-eligible. He shall be elected at the first general election held under this constitution for members of the general assembly and at each general election thereafter, and shall be installed during the first session of the said general assembly after his election, on such a day as shall be provided for by law." (Sec. II, Art. III.)

"The returns of every election for governor shall be sealed up by the managers of election in their respective counties and transmitted by mail to the seat of government, directed to the secretary of state, who shall deliver them to the speaker of the house of representatives at the next ensuing session of the general assembly, and a duplicate of said returns shall be filed with the clerks of the courts of said counties, whose duty it shall be to forward to the secretary of state a certified copy thereof, upon being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the secretary of state, after the expiration of seven days from the day on which the votes have been counted, if the returns thereof from any county have not been received, to notify the clerk of the court of said county, and order a copy of the returns filed in his office to be forwarded forthwith. The secretary of state shall deliver the returns to the speaker of the house of representatives at the next ensuing session of the general assembly, and during the first week of the session, or as soon as the general assembly shall have organized by the election of the presiding officers of the two houses, the speaker shall open and publish them in the presence of both houses." (Sec. IV, Art. III.)

"The legislative power of the State shall be vested in two distinct branches, the one to be

styled the 'senate' and the other the 'house of representatives,' and 'both together the general assembly of the State of South Carolina.'" (Sec. I, Art. II.)

"The house of representatives shall consist of one hundred and twenty-four members, to be apportioned among the several counties according to the number of inhabitants contained in each." (Art. II, sec. IV.)

The organization of the two houses presupposes a quorum in both. "A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such penalties as may be provided by law." (Sec. XV, Art. II.)

As no law has been enacted upon the subject, the only business possible for a number less than a quorum to transact is to adjourn and continue to do so until the legal number of members take their seats. All acts done where less than a legal quorum is present are void. (*Logansport vs. Legg*, 20 Ind., 315. *Rice vs. R. R. Co.*, 13 Ind., 58. *McCracken vs. San Francisco*, 16 Cal., 591. *State vs. Wilkesville*, 20 Ohio St. R., 288.)

The question arises, Was the body over which Mackey presided, and in the presence of which he opened and published the returns for governor, the legal house of representatives? I am saved the labor and responsibility of deciding this question by the decision of the supreme court in the case of *The State ex rel. William H. Wallace vs. Henry E. Hayne*, secretary of state, and E. W. M. Mackey. Wallace, as speaker of the house, applied for a writ of mandamus to compel the delivery to him of the returns of election for governor and lieutenant-governor. After full hearing of the evidence and arguments the court unanimously decided that Wallace was the lawful speaker; that the body over which he presided (which was a different body from that over which Mackey presided) was the legal house of representatives; that the body over which Mackey presided was organized without a governor, and that Mackey acquired in law no legal title from his pretended election, but remained a "private person." It was contended by the learned counsel that this case was not authoritative, because the court did not grant the relief asked. The court dismissed the petition as to Mackey upon the express ground that, as he was not speaker but a "private person," he was not amenable to a proceeding by mandamus. The legality of the body over which Mackey presided, his title to the office of speaker, were directly involved in the proceeding, and formed the basis of the order made in the case. They were necessary and unavoidable issues involved in its decision. It is certainly novel to contend that the decisions of the highest judicial tribunals are not authority in the inferior courts unless the judgment is for the plaintiff. In the leading case of *Marbury vs. Madison*, that great judge, Chief-Justice Marshall, in an opinion as exhaustive of the law as it was lucid in statement and apt in illustration, held that the plaintiff had a vested right; that his right had been violated; that the remedy invoked was the proper one, and refused the writ on the ground that the act of Congress conferring authority on the court to issue it in such a case was unconstitutional and void. (1 Cranch, 137.)

This great case has perhaps been more frequently cited in the Federal and State courts than any other found in the reports. It is the universal practice in courts of last resort to settle the principles involved in cases, and when the decision is made it binds all inferior tribunals. If there could be doubt, our State constitution is decisive upon the point, as it provides that the supreme court shall consider and decide "every point made and distinctly stated in the cause." (Art. IV, sec. 8.)

The most cursory examination of the records and judgment of the court in the case will show that the points above referred to were made, distinctly stated, and decided. While I am unable to follow the reasoning of the supreme court as to some of the points decided, I accept its authority. It does not become me to examine into or supplement the reasons for that decision. It is enough that the court, having appellate control over the decisions of this court, have, in a case in which these issues were clearly presented in the record, decided them, emphasizing their concurrence in the decision by pronouncing separate opinions.

"To see the supreme court passing in the review a judgment of this court, in order by an examination of its reasons to ascertain whether it will adopt its principles as a rule of law, would certainly be a very novel spectacle. This would be reversing the order of proceeding contemplated by the constitution." (Per Bradish, president of the court of errors, in *Hunsford vs. Archer*, 4 Hill, 324.)

"A rule of law laid down by the House of Lords cannot be reversed by the chancellor. \* \* The rule of law must remain until reversed by the House of Lords." (Lord Chancellor Eldon in *Perry vs. Whitehead*, 6 Vesey, 544.)

"I gave the judgment in this case in the fourth circuit, because, sitting as an inferior tribunal, I felt myself bound to follow the decisions of this court, although I could not assent to the reasoning upon which they are founded." (Chief-Justice Taney in *Cook vs. Woffat*, 5 How., 308.)

"A respect to the duty which we owe to the highest judicial tribunal of the country, as well as to ourselves, requires that we should not only give to the decision all proper effect in the case presented by the facts, but that we should accept the argument of the opinion as it affects the general question involved in its judgment." (Chief-Justice Moses in *Cochran vs. Darcy*, 5 South Carolina, 126.)

The authority of the highest tribunals, and the most illustrious names, might be multiplied almost without limit upon this principle so universally recognized and so essential to the administration of justice; but the foregoing is sufficient to show that this court is bound by the authority of the decision of the supreme court of the State, in the language of Sir William Jones, "as firmly as the pagan deities were supposed to be bound by the decrees of fate."

If the body over which Mackey presided had consisted of members of the house of representatives numbering less than a quorum, assembled for organization, the only legal act that could have been performed would have been the adjournment from day to day, and all other acts done would have been void. (Cushing's Law and Practice of the Legislative Assemblies, page 95.)

But the legal and logical conclusions of that decision go still further. There can be but one legal house of representatives in this State, and it follows, from the principles laid down by the court, that the body over which Mackey presided was not simply illegal from being incomplete, but actively so, violating positive law and usurping the rightful authority of the house of representatives; that all its acts were illegal and void, and the attempted installation of governor was without lawful authority, and conferred no right whatever.

The next question for consideration is, whether the proceedings of the 14th December last in reference to the installation of General Hampton have the sanction of law, and entitled him to enter upon the discharge of official duties. It will be observed that the legislative power of the State is vested in two distinct branches, "both together the general assembly," and that the governor shall be installed during the first session of the general assembly after his election. The returns are to be made to the speaker of the house at the next ensuing session of the general assembly. "As soon as the general assembly shall have organized by the election of the presiding officers of the two houses, the speaker shall open and publish them in the presence of both houses." It would seem clear from these provisions that the framers of the constitution not only intended the organization, harmonious and united action of both to precede the installation of the governor, but to be a condition precedent to any legislative action whatever. The presiding officer, when the returns for governor are opened and published, is designated, but the acts to be performed are to be done by "both together." When the general assembly convenes, their officers elected, messages interchanged, and a joint message sent to the executive, they then constitute the legislative power of the State and can transact business, and not until then. (Cushing's Law and Practice of Leg. Ass., and cases there cited, page 107; Senate Journal, 32d Congress, 2d sess., 351; House Journal, 30th Congress, 1st sess., 887.) The attempted inauguration of General Hampton took place in the presence of the house of representatives, without the concurrence of the senate, and, so far as appears by the pleadings and evidence, without its knowledge. No official communication took place between the indisputably lawful senate and the house; indeed, the former persistently refused to recognize the legal existence of the latter. Could the house of representatives, under such circumstances, perform the important functions of opening and publishing the election returns and installing the chief magistrate? From the frequent iteration in the constitution of the term "general assembly" in connection with the election, opening and publishing the returns, and the installation of the governor, the actual presence of both branches would appear to be necessary for the legal and proper performance of such duties, and the absence of either would render nugatory such an exercise of legislative power. The proceedings, therefore, of the house of representatives on the 14th day of December, 1876, were ineffectual to invest General Hampton with official authority. It was contended in argument, with much earnestness and ability, that by operation of the law the attempted installation of Governor Chamberlain was a resignation of his former office. The case of *Mellons vs. May*, cited in Bacon's Abridgment, vol. 5, page 653, was relied on, where it is stated "if one be lessee for life or years, and take a new lease of the same lands, though such lease be void for any defect in the making or execution of it—as, if it were for life, to begin at a future day—yet it is a surrender of the first lease." In a note on the same page it is impliedly asserted that the case was erroneously reported. If it ever was law in England, the case has long since been overruled. "No surrender, express or implied, in order to, or in consideration of, a new lease, would bind, if the new lease is absolutely void, for the cause, ground, and condition of the surrender fails." (Lord Mansfield, in *Zouch vs. Parsons*, 3 Burrows, 1807; *Wilson vs. Sewatt*, 4 Burrows, 1980.) So far as my examination of the authorities extends, this doctrine has been sustained by all the British courts since that time; and I think, notwithstanding the case of *Mellons vs. May*, has in a few cases been approved by some American courts of undoubted learning and ability. The preponderance of authority in this country is largely adverse to the ruling said to have been made in that case. It is, perhaps, not unworthy of remark that most of the cases in which the doctrine laid down in *Cro. Eliz.*, 873, has received commendation, arose upon a very different state of facts, and the references thereto were illustrative of some supposed analogy, rather than cited as an authority in point.

What reason can be adduced in support of the proposition? Is not the statement a solecism? An act without legal efficacy, validity, or binding force, conferring no authority in law, null and void, by some legal legerdemain becomes suddenly possessed of life and vigor; power-

less to confer a right, it is potent to destroy those already existing; adding nothing, it subtracts all; ineffectual to support the slightest claim, it is effective in dispossessing a citizen of an admitted legal possession. My reason revolts from a conclusion so illogical and unreasonable. An act void for one purpose is invalid for all. This is one of the cases in which the law overrules the intention of the individual, and renders ineffective and futile his expressed will; and being ineffective for one purpose, it is so for all purposes. (Broom's Legal Maxims, 669.)

The peculiar delicacy of this case, the novelty of the circumstances, and the real difficulty attending some of its points, have induced me to give it a more extended and careful examination than usually occurs in cases heard in this court.

1st. I find, therefore, as conclusions of law, D. H. Chamberlain was not on the 7th day of December last legally installed as governor of South Carolina.

2d. Wade Hampton was not on the 14th day of December, 1876, legally installed into the office of governor of said State.

3d. The attempted installation of D. H. Chamberlain being illegal and void, it did not operate in law as a resignation of the office of governor which he held at that time, as by the constitution the governor holds his office for two years and until his successor is chosen and qualified; and as there has been no legal qualification of his successor, D. H. Chamberlain is lawfully in the possession of the executive office, and entitled to discharge the legal functions of the same until such qualification takes place.

It is, therefore, ordered and adjudged that the petitioner, Peter Smith, be discharged from further confinement in the State penitentiary.

R. B. CARPENTER.

JAN. 29, 1877.

THE STATE OF SOUTH CAROLINA,

*Richland County:*

I, Daniel B. Miller, clerk of the court of common pleas for said county, do certify that the preceding 24 pages contain a true and correct copy of the decision and order in the case of "*ex-parte* Peter Smith," remaining on file in my office.

Given under hand and seal of office, at Columbia, this 29th day of January, anno Domini eighteen hundred and seventy-seven, (1877.)

[SEAL.]

D. B. MILLER, C. C. P.

*The Peter Smit habeas corpus case.*

In the following proceedings in the above-named case before Judge R. B. Carpenter, in the fifth circuit court of South Carolina, the writ of habeas corpus case is omitted as not essential.

RETURN TO WRIT OF HABEAS CORPUS.

STATE OF SOUTH CAROLINA,

*County of Richland:*

*Ex parte Peter Smith.*

The respondent herein, Theodore W. Parmele, by his attorney and counsel, Ed. J. Maxwell, in obedience to the writ of habeas corpus, issued therein on the 21st day of December, 1876, by honorable R. B. Carpenter, judge of the fifth judicial circuit of South Carolina, now appears in court, and respectfully shows: that he has produced the body of the said Peter Smith, now in his custody, in conformity to the injunction contained in said writ, and has here said Peter Smith now present.

This respondent begs leave to refer herein to the petition upon which said writ was issued, and to further answer and return as follows:

That on the 20th day of December, 1876, the date of the alleged pardon set forth in the petition herein, the said Daniel H. Chamberlain therein named, and whose signature is attached thereto, was neither in fact nor in law the governor of the State of South Carolina, but that Wade Hampton was on the said date the lawful governor of the said State, in fact and in law, and this respondent avers that the alleged pardon set forth in the petition is of no force or validity.

And in support of the said allegation this respondent avers and gives this honorable court to be informed, that on the 7th day of November, 1876, an election was duly held in pursuance of the provisions of the constitution and laws of the said State, for the office of governor thereof; that by the provisions of the said constitution it is ordained that the returns of such election shall be delivered to the secretary of state, and by him to the speaker of the house of representatives at the next ensuing session of the general assembly and during the first week of the session, or as soon as the general assembly shall have been organized, by the election of the presiding officers of the two houses; that the said speaker shall open and publish them in the presence of both houses, and that the person having the highest number of votes shall be governor.

That after the said election had been duly held, the said returns thereof were duly cer-



tified and delivered to the secretary of state, and that, without any warrant of law, the said secretary of state delivered them to one E. W. Mackey, a person illegally claiming the office of speaker of the house of representatives, neither he being speaker nor the body electing him being the house of representatives, it containing only fifty-nine members, all told, at the time of its pretended organization, which said claim has been adjudged to be null and void by the supreme court of this State, in a judgment duly rendered December 6, 1876, (to which reference is craved,) made on a petition for mandamus by William H. Wallace as speaker of the house of representatives of said State against said secretary of state, H. E. Hayne, and said Mackey, claiming to be speaker of the house of representatives of said State; and the said Mackey, by such judgment, has been adjudged to be only a private citizen, and not speaker of the house of representatives of said State, and the body which elected him and over which he presided, not to be the house of representatives, and the said Wallace to be speaker of the house of representatives; and the body which elected him, and over which he presided, to be the lawful house of representatives.

That afterward, to wit, December, 1876, said Mackey, in presence of a body of men illegally claiming to be the house of representatives, but which was a mere unauthorized and unorganized assemblage of individuals, and not the house of representatives, in the hall of the house of representatives, the doors being closed, pretended to open and publish the returns of the election for governor; that in reality he opened and published only a portion thereof, and did not open and publish the returns from the counties of Edgefield and Laurens, in which said counties Hampton received a majority of 4,272 votes over Daniel H. Chamberlain, his only competitor, and thereupon illegally declared said Chamberlain to have received the greatest number of votes, and to be elected governor, although, in fact and in truth, the said Chamberlain had not received the greatest number of votes, and had not been elected governor; and thereafter, on the 7th of December, said Chamberlain went through the pretended ceremony of taking an oath of office as governor, and thereupon asserted his claim, in virtue of said action, to be governor of this State for two years from the performance of said pretended ceremony; and this respondent denies the validity of such claim, and insists that the only legal effect of all the said proceedings was to put an end to the term of the office which said Chamberlain had held in fact as well as in law.

And this respondent, for further return, avers that the lawful house of representatives of said State duly and lawfully convened on the 28th of November, 1876, in the city of Columbia, and on said day duly and lawfully organized with a legal quorum, to wit, sixty-five members, and on said day duly and lawfully elected said Wallace speaker of said house; and that afterward, to wit, on 14th of December, 1876, the said house, having given the senate of the said State due notice thereof, said Wallace, as said speaker, in default of possession of said returns of the election of governor, which were illegally detained by said Hayne and said Mackey, opened and published in the presence of said house and of a number of senators who attended, the duplicate of the returns of the election of governor, which had been filed with the clerks of the courts of the several counties, and a certificate by said secretary of state, Hayne, of the number of votes cast for governor at said election, and the said Wade Hampton having received the highest number of votes was duly declared duly elected governor of the said State, and thereupon took the oath of office prescribed by the constitution and then and there entered upon the discharge of the duties of his office. And so this respondent avers that at the date of the said alleged pardon, set forth in the petition, Wade Hampton was the lawful governor of the said State of South Carolina, and the only officer authorized by law to grant pardons.

Whereupon this respondent respectfully submits to this honorable court that he cannot lawfully recognize or yield obedience to the said alleged pardon, and therefore retains the said Peter Smith in his charge and custody, pursuant to the sentence of imprisonment in his said petition set forth.

ED. J. MAXWELL,  
*Attorney for Respondent.*

STATE OF SOUTH CAROLINA,  
*County of Richland:*

Theodore W. Parmele, the respondent above named, being duly sworn, deposes and says, that he has read the foregoing return, and that the same is true of his own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters he believes it to be true.

Sworn to this 26th day of December, 1876, before me.  
[SEAL.]

THEODORE W. PARMELE.

WM. K. BACHMAN,  
*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Richland County:*

Ex parte Peter Smith.

Now comes Peter Smith, and, in reply to the further return of Theodore W. Parmele, says:

That on the 20th day of December, 1876, at the time of granting the pardon set forth in his petition, Daniel H. Chamberlain, who granted the same, was in fact and in law gov-



error of the State of South Carolina, and by virtue of the constitution of said State was authorized to grant reprieves and pardons after convictions (except in cases of impeachment) in such manner, under such terms, and under such restrictions as he shall think proper, (section 11, article 3;) that Wade Hampton was not then and is not now the lawful governor of the State of South Carolina; that on the — day of November, 1874, Daniel H. Chamberlain was, upon the returns of the election theretofore held on the — day of November, 1874, in the presence of both houses of the general assembly of South Carolina declared by the speaker of the house of representatives duly elected governor of the State of South Carolina, for the term of two years then next ensuing; that thereupon, on the first day of December, 1874, the said Daniel H. Chamberlain was duly inaugurated, by taking the oath of office, and was inducted into said office; that since his said induction into office until the present time, he, the said Daniel H. Chamberlain, has been in possession of the office of governor of South Carolina, exercising the functions and performing the duties of said office, and in the possession of the public property and offices set apart for his use as such governor; that on the 7th day of November, A. D. 1876, a general election was held in the State of South Carolina, for the election, among other persons, of a person to fill the office of governor for the term of two years, to commence at the expiration of the then existing term; that the returns for said election for governor were sealed up by the managers of election in their respective counties, and transmitted by mail to the seat of government, to the Hon. H. E. Hayne, secretary of state; that the said secretary of state duly received said returns; that on the 28th day of November, A. D. 1876, the day fixed by the constitution of the State, the next ensuing session of the general assembly of the State convened at the capitol in the city of Columbia. At 12 o'clock, noon, of said day, the senate was duly called to order, and a quorum of members elected, being present, was duly organized by the election of a clerk and other officers, and declared ready for business; that on the same day and at the same hour that the senate met and organized as aforesaid, the members of the house of representatives met in the hall of the said house, and a majority of members elected at the recent election on the 7th day of November, 1876, a quorum being present, proceeded to organize by the election of Hon. E. W. Mackey, member from the county of Charleston, speaker, and A. O. Jones, clerk; that for a full and correct statement of the details of said organization of the house of representatives, as well as a statement of the facts relative thereto, preceding said organization, and the law relative thereto, the "report of the special committee of the house of representatives of South Carolina relative to the organization of that body, and the constitutional validity thereof," adopted December 21, 1876, is hereto appended and made a part of this reply.

That the facts therein stated on information and belief are alleged to be true.

That said house of representatives, having been duly organized as aforesaid, announced itself ready to proceed to business; that said announcement was made to the senate, and a similar announcement was received by the house from the senate as to the organization of that body. A joint committee of the two houses was then appointed, and the same waited on the governor, D. H. Chamberlain, and informed him that the two houses were duly organized and ready to receive any communication which he might be pleased to make.

That on information and belief this replicant says that subsequently to the organization of the house of representatives, as aforesaid, to wit, on the 28th day of November, 1876, the Hon. H. E. Hayne, secretary of state, pursuant to section 4, article 3, of the constitution, did deliver the returns of the election of November 7, 1876, for governor and lieutenant-governor to the Hon. E. W. M. Mackey, speaker of the house of representatives as aforesaid.

That on the 5th day of December, A. D. 1876, at 1 o'clock p. m., pursuant to a joint resolution previously adopted, the senate and house of representatives aforesaid met in joint convention in the hall of the house of representatives for the purpose of canvassing the returns of the late election of November 7, 1876, for governor and lieutenant-governor, in pursuance to section 4, article 3, of the constitution of the State. The returns of said election received from the Hon. H. E. Hayne, secretary of state as aforesaid, by the Hon. E. W. M. Mackey, speaker, were opened and published by him in the presence of both houses, and when the counties of Edgefield and Laurens were published, objections being made to the returns from those two counties, in accordance with rules previously adopted, the senate withdrew, and the two houses, acting separately, decided not to count the votes alleged to have been cast in those two counties.

The canvass of the returns was then completed and the following result announced:

FOR GOVERNOR.

D. H. Chamberlain received.....	86, 216 votes.
Wade Hampton received.....	83, 071 votes.

FOR LIEUTENANT-GOVERNOR.

R. H. Gleaves received.....	86, 620 votes
W. D. Simpson received.....	82, 521 votes

The speaker, Hon. E. W. M. Mackey, thereupon declared that the Hon. D. H. Chamberlain and the Hon. R. H. Gleaves were duly elected respectively governor and lieutenant-governor of the State of South Carolina for the two years ensuing. The joint assembly of the two houses was then dissolved and the senate returned to its chamber.

That on the 7th day of November, 1876, at 1 o'clock p. m., the senate and house of representatives met in joint assembly, pursuant to resolution adopted by both houses, for the inauguration of the governor declared elected as aforesaid.

That then and there appeared the Hon. D. H. Chamberlain, governor-elect, and took the oath of office prescribed by the constitution and delivered his inaugural address. That thereupon the joint assembly was dissolved and the senate returned to its chamber, when the oath of office was duly taken by the Hon. R. H. Gleaves, lieutenant-governor.

That the said Daniel H. Chamberlain was, at the time of his said inauguration and qualification as governor, by virtue of his former election and qualification as governor, in possession of the property and offices, and in the discharge of the functions of governor of the State of South Carolina, and he has, from that time forth to the present time, been in possession of the property and offices, and in full exercise of the functions of governor of the State of South Carolina, and has been and is so recognized by the general assembly of the State of South Carolina, met and organized in the manner aforesaid.

Now, as to the claim of the respondent, that Wade Hampton was, on the 14th day of December, A. D. 1876, by W. H. Wallace, speaker of the house of representatives, duly declared elected governor of the State of South Carolina, this replicant, on information and belief, says:

That it is admitted that said William H. Wallace, as a pretended speaker of a pretended house of representatives, did pretend, in the presence of said pretended house and a few senators, who, without permission, and without the knowledge of the senate, by accident or by design on their part individually, were present, to declare Wade Hampton duly elected governor of the State of South Carolina, but that the senate of the State of South Carolina had no notice of said intended declaration by said William H. Wallace, and was not present thereat: that the senate did not, at the time of its organization on the 28th day of November, 1876, recognize the validity of said pretended house of representatives, of which William H. Wallace was the pretended speaker, and at no time since has recognized said pretended house.

That said body of persons, styling themselves the house of representatives of the State of South Carolina, assembled on the 28th day of November, 1876, in a certain hall, called "Carolina Hall," in the city of Columbia, in said State, and pretended to elect William H. Wallace as speaker and John T. Sloan as clerk, but that said assemblage was without authority of law, and said pretended election of William H. Wallace as speaker and said election of John T. Sloan as clerk were without authority of law and void.

That said body of persons so assembled in "Carolina Hall" was composed of fifty-seven persons only who had been declared elected members of the house of representatives at the recent election of November 7, 1876, by the board of State canvassers, and, as such, had received certificates of election. That said members of the house of representatives wrongfully refused to assemble in the hall of the house of representatives at the State capitol with the other fifty-nine members there, and thus refused because eight certain other persons, claiming to have been elected representatives (five from Edgefield County and three from Laurens County) were refused admittance there, they not having certificates of election from the board of State canvassers. Having refused to assemble in the hall of the house of representatives as aforesaid, said fifty-seven persons proceeded to assemble in said "Carolina Hall," where they proceeded to organize as a house of representatives by the election of W. H. Wallace as speaker and said John T. Sloan clerk.

And this replicant avers that said pretended organization as a house of representatives at Carolina Hall was irregular, unconstitutional, and void—

First. Because said persons composing it refused to assemble at the State-house, in the hall of the same set apart for the use of the house of representatives of the State of South Carolina, and where said body has for years been accustomed to assemble.

Second. Because said persons, composing it, had not sufficient members to constitute a quorum to do business. That the whole number of members declared elected at the election of November 7, 1876, by the board of State canvassers, who received certificates of election, was one hundred and sixteen, and a majority of this number, fifty-nine at least, was necessary for a quorum.

Third. Because said persons, admitting that they, said fifty-seven members, with certificates of election from the board of State canvassers, were not sufficient to constitute a quorum, unlawfully admitted said eight persons, without certificates of election, from Edgefield and Laurens Counties upon an equal footing with themselves, and counted them to make up a quorum, and permitted them to participate in the organization of their said body; that they could not, according to the constitution, so organize, and all acts done by said body then and since, on the basis of said organization, are without lawful authority and void.

Fourth. Because no persons claiming a seat in the house of representatives as members from Edgefield and Laurens Counties could lawfully participate in the organization of the

house unless they held certificates of election from the board of State canvassers. And this replicant avers, on information and belief, that said pretended house of representatives, unlawfully organized as aforesaid, and unlawfully assembled in Carolina Hall, unlawfully proceeded on the 14th of December, A. D. 1876, and without proper returns of the election of November 7, 1876, to declare Wade Hampton duly elected governor of South Carolina for the two years next ensuing.

That said Wade Hampton thereupon unlawfully assumed to take the oath of office prescribed in the constitution. And this replicant, on information and belief, avers that the returns of the election of November 7, 1876, made and forwarded by the managers of election for the several counties to Hon. H. E. Hayne, secretary of state, and upon which alone could the election of governor and lieutenant-governor be determined and declared, were not in the possession of said pretended house of representatives, nor in the possession of William H. Wallace, the pretended speaker of said pretended house of representatives, and said returns were not, therefore, opened and published by the said speaker of said house.

That the Hon. H. E. Hayne, secretary of state, did not, on the 14th day of December, 1876, nor at any time theretofore, deliver to said William H. Wallace the returns of the election for governor of November 7, 1876, nor copies of said returns, nor certified copies of the duplicates of said returns, filed by the managers of election for their respective counties with the clerks of the courts of said counties. That said William H. Wallace did not have, therefore, from any lawful source any returns upon which, had he been the lawful speaker of a lawful house of representatives, he could determine and declare the result of the election of November 7, 1876, for governor.

And the replicant further says, on information and belief, that said William H. Wallace, the pretended speaker of said pretended house, did have a certificate which had been furnished by Hon. H. E. Hayne, secretary of state, to John S. Richardson, democratic candidate for member of Congress for the first congressional district, showing the aggregate results of the election of November 7, 1876, for governor, as made by him. That this certificate included the vote of the counties of Edgefield and Laurens, which vote had by the senate and house of representatives assembled in the State-house been thrown out as invalid and not entitled to be counted in ascertaining the result of said election.

That a duplicate copy of said certificate is hereto appended as an exhibit to this replication; that said certificate furnished no basis to said William H. Wallace or anybody else for determining the election of Wade Hampton.

And this replicant, on information and belief, further says, that at the time of the pretended publication of the returns of the managers of the election for governor by said William H. Wallace, on said 14th day of December, 1876, in the presence of said pretended house of representatives, the senate of the State of South Carolina was not informed thereof, and said senate did not attend, and was not present at the time of the said pretended opening and publication of the returns of the election by said William H. Wallace, (see constitution, section 4, article 3;) and this replicant denies that the supreme court of this State has determined in the case referred to by the respondent, viz, "William H. Wallace, speaker, vs. E. W. M. Muckey, speaker," or in any other case; that a majority of the whole possible representation in the house of representatives, one hundred and twenty-four members, is necessary for a quorum of said body; that it is true that a question as to what constituted a quorum of the house of representatives arose as one of the questions in said cause, but the court could not, as it held, grant the writ of mandamus in said cause as prayed, or any relief at all, and therefore no question was or could be determined in said cause, and no judgment could be or was rendered in favor of the petition in said cause. It is true that the court casually expressed some opinion upon the question of a quorum of the house of representatives, but said opinion so expressed was *obiter dictum*, and in no way necessary to the conclusion reached by the court, viz, that it was not in the power of the court to grant the relief prayed.

And this replicant further says that this court has no power or jurisdiction to determine the contest between Wade Hampton and Daniel H. Chamberlain as to which of them is entitled to be, to have, and to exercise the office of governor of the State of South Carolina. That the jurisdiction of said cause, if one there be, is by the constitution and laws of the State expressly confided in the general assembly of the State of South Carolina. Section 4, article 3, of the constitution provides as follows: "Contested elections for governor shall be determined by the general assembly in such manner as shall be prescribed by law." That section 28, of chapter 8, of the general statutes provides (page 32) how a contest of the election of governor shall be conducted by the general assembly. Thereupon the case of a contest of the election of governor expressly made in this cause is withdrawn from the jurisdiction of any and every tribunal in the State except the general assembly. And this replicant submits that to determine the validity of the pardon granted to him, it is only necessary for this court to determine whether Daniel H. Chamberlain, who as governor signs the same, became lawfully possessed of said office and now holds and exercises the functions thereof, and did so exercise said functions at the time of granting said pardon. And this replicant submits that said pardon granted to him by said Daniel H. Chamberlain as governor of the State of South Carolina is legal and valid, and that he of right forthwith ought to be released from custody and permitted to go hence without day. That this repli-

cant further says, that if the said proceedings whereby Daniel H. Chamberlain was do clared elected as governor and was inaugurated on the 7th day of December, 1876, were for any cause invalid in law, then the same Daniel H. Chamberlain remains and is governor, under section 2, article 3, of the constitution of the State, which provides that the governor shall hold his office for two years, and until his successor be chosen and qualified.

PETER SMITH, his x mark.

Personally appears Peter Smith and says the foregoing reply, by him subscribed, is true according to his information and belief.

[SEAL.]

JAS. DANL. POPE,  
Notary Public.

EXHIBIT.

*Vote for governor, election of 1874.*

D. H. Chamberlain.....	80,403
John T. Green.....	63,818

*Vote for governor, election of 1876.*

*Wade Hampton.....	92,261
*D. H. Chamberlain.....	91,127

OFFICE OF SECRETARY OF STATE.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for governor at the general elections of 1874 and 1876, as appears by the commissioners' returns now on file in this office.

Given under my hand and the seal of the State at Columbia, this 9th day of December 1876, and in the 101st year of American Independence.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

STATE OF SOUTH CAROLINA,  
Office of Secretary of State.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct copy of a statement of the vote cast for governor in 1874 and 1876, prepared by me on the 9th day of December, 1876, for Hon. J. P. Richardson, of Sumter.

Given under my hand and the seal of the State at Columbia, this 27th day of December, 1876, and in the 101st year of American Independence.

H. E. HAYNE,  
Secretary of State.

*Report of the special committee of the House of Representatives of South Carolina, relative to the organization of that body, and the constitutional validity thereof, adopted December 21, 1876.*

REPORT.

The special committee of this house, appointed under the following resolution:

*Resolved*, That a special committee of five, of which the speaker shall be chairman, be appointed for the purpose of preparing a report relative to the organization of the house of representatives, and such subsequent acts thereof as may seem to said committee pertinent to the matter of the constitutional validity of the said house,"

Beq leave to submit the following report:

In considering the question of the organization of this house and its constitutional validity, your committee have deemed it best to present such statement of facts as seemed necessary for the proper understanding of the entire case submitted to their consideration, with a full discussion of all the legal questions involved, in the following order:

I. A statement of the action of the board of State canvassers relative to members of the house of representatives, together with the grounds and reasons for such action.

II. A statement of the proceedings had in the supreme court of the State relative to members of the house of representatives.

III. The proper and legal mode of organizing the house of representatives, as established by general parliamentary law and by the law and practice of this State.

IV. A discussion of the authority of the clerk in excluding from the organization of the house of representatives all but legally elected members having proper certificates of election.

V. A discussion of the legal question of a legislative quorum, and a statement of the precedents relating thereto.

VI. A statement of the actual facts connected with the organization of the house, and such subsequent acts thereof as are pertinent to the matter under consideration.

Following this order, your committee now proceed to consider:

\*This statement includes the vote in Edgefield and Laurens.

## I. ACTION OF THE BOARD OF STATE CANVASSERS.

On the 7th November, 1876, a general election was held in this State for the election, among others, of members of the house of representatives of this State. In accordance with the laws of the State, the returns of this election were forwarded to the proper officers at the capital to be submitted to the board of State canvassers. This board met on the 10th day of November, and began the work of canvassing the returns. In the course of the canvass the board was called upon to consider the election in the counties of Edgefield and Laurens, where it was alleged, upon evidence submitted to the board, that certain unlawful influences had so far affected the election in these counties as to render it impossible for the board to determine and declare who had been duly elected.

*Edgefield County.*—It may be here stated that the leading evidences against the validity of the election in Edgefield County are:

First. The immense disproportion between the whole number of votes cast at this election as compared with the entire population of the county, as exhibited by the United States census of 1870, and the State census of 1875.

By the former census (U. S., 1870,) the entire population of Edgefield County, as then constituted, was 42,486. This included the village of Hamburg and the townships of Gregg, Hammond, and Schultz, having at that time, according to the same census, a population of 7,728, all of which were in 1871 made a part of the new county of Aiken. Deducting this from the entire population, as above stated, we have left 34,758 as the population in 1870 of the territory now comprised in Edgefield County. A further deduction should here be made for the township of Shaw's Creek, fully one-third of which is also included in the county of Aiken. For this, however, we have made no deduction.

According to the State census of 1875, the entire population of Edgefield County, as now constituted, is 35,039.

The whole number of votes cast in this county at the late election, according to the returns before the board of State canvassers, was 9,374. Taking, then, either the United States census of 1870, or the State census of 1875, as giving the population of this county, the result is that at the late election the votes cast considerably exceeded the ratio of one vote for every four inhabitants. This fact alone would throw great discredit upon the accuracy of the returns.

But, by the State census of 1875, the whole number of male persons over twenty-one years of age in the county of Edgefield is only 7,122, showing an excess in the total vote cast at this election, according to the returns, of 2,252 over the entire possible vote of the county.

Second. A comparison of the vote of this county at previous elections will establish the same result as above stated.

In 1870 the entire vote of this county for governor was 8,251. In connection with the vote of this year, it should be remembered that General M. C. Butler was a candidate upon the democratic ticket for lieutenant-governor. It is fair to presume that, owing to the fact of his being a citizen of this county, and the acknowledged leader of the democratic party in that county, he brought out the full democratic strength. In the vote of 1870, as above given, is included the vote of that portion of the county which has since been made a part of the county of Aiken. By reference to the United States census of 1870 it will be found, as already stated, that the entire population of the territory now embraced in Aiken County was 7,728, which gives a voting population—reckoning by the same ratio as is established by a comparison of the entire population of the county with the whole number of males over twenty-one years of age—of, in round numbers, 1,506. Deducting this number from the entire vote, 8,251, we have 6,745 as the vote for 1870 of what constitutes the present county of Edgefield.

The aggregate vote of Edgefield County as reported by the returns for this year is 9,374, showing an excess over the unusually full vote of 1870 of no less than 2,623, or an excess over the vote of the entire county of Edgefield, before the present county of Aiken was established, of 1,123; or, again, an excess in the vote of the present year for the democratic candidates over the entire vote of the old county of Edgefield for General M. C. Butler in 1870 of 2,545.

In 1872, there being no democratic candidate for governor, it will be necessary to take the vote for State senator in that county as the standard of comparison. This vote in the aggregate was 5,374, or exactly 4,000 less than the reported vote of this year.

In 1874 the entire vote of the county was 6,298. By the United States census of 1870 the entire population of the territory embraced in the present county of Edgefield was 31,758. Allowing one voter for every five persons, the ratio established by the same census, there would have been in this county in 1874 a total voting population of 6,351. By the State census of 1875 the whole number of males over twenty-one years of age in this county was 7,122. An examination of these figures will show that the above vote of 1874, 6,298, is very nearly six-sevenths of the entire number of persons over twenty-one years of age, according to the United States census of 1870 or the State census of 1875. The statistics of popular elections in this country have established the fact that six-sevenths of the entire voting population is the highest limit reached in any elections, except in a few extreme and exceptional cases, which do not affect the general rule as here stated.

The conclusion is that the vote of this county in 1874 was a full vote under all ordinary circumstances, and yet this year the reported vote of this county exceeds the vote in 1874 by 3,076. And in this connection it may be added that General M. W. Gary, who claims to have been elected State senator from this county at the late election, has stated in a public card that about 600 colored voters did not vote, which number, being added to the excess just named, would give an aggregate excess of 3,676 over the very full vote of 1874.

Third. The evidence before the board of State canvassers also showed that this large excess of voters over the lawful vote of the county was due to the increase exclusively of the democratic vote. For while the vote was at the recent election largely increased over the vote at any previous election, yet the republican vote was decreased. This decrease in the republican vote was shown by the evidence before the State board of canvassers to be due not to a natural change of party connections, but to the fact of an organized and systematic plan of intimidation and violence carried on throughout the canvass and reaching its culmination on the day of the election.

The increase of the reported democratic vote of this year over the vote for General M. C. Butler in 1870, before the county of Edgefield was divided, is 2,646, and an increase over the democratic vote in 1874 of 3,367.

Fourth. The evidences before the board of canvassers also establish the fact that many of the election officers in Edgefield County were deterred by fear of physical violence from discharging their duties according to their convictions of justice and right. This result was accomplished in various ways. Some of the managers were prevented by threats from assuming the duties of their offices at all; others, again, during the progress of the election, were prevented from rejecting the votes of persons not authorized to vote; others were prevented from making such returns of the election as their judgment dictated, or from forwarding their statements or other written evidences of the fraud and violence practiced at their poll; and, finally, the republican members of the board of county canvassers were coerced by threats of violence into signing returns which they believed registered the results of this overwhelming fraud and violence, rather than the free ballots of the lawful voters of this county.

*Laurens County.*—In Laurens County the conduct of the election in its leading features was not unlike that in Edgefield County. This additional feature appeared, that the return of the board of county canvassers was signed by but two of the three commissioners composing the board, and one of the two signers signed the returns under protest, affixing his protest to the return itself, and afterward filing his affidavit with the board of State canvassers in the following terms:

"That so universal was this system of intimidation that deponent, influenced by this knowledge, and also by a personal observation of the illegal way in which the election was conducted in some particulars, did not feel justified in subscribing to the returns of the election in his official capacity as commissioner, and only consented to do so under protest, as said return will show on its face, when he became satisfied that his life would be placed in jeopardy if he declined to so subscribe the said return."

Under these circumstances, and for these causes, of which the foregoing statement is but a brief and imperfect summary, the board of State canvassers reached the conclusion that no valid and lawful election had taken place in the counties of Edgefield and Laurens, and accordingly refused to declare any persons elected from these counties.

Having concluded the discharge of their duties, the board of State canvassers adjourned *sine die* on the 22d November, 1876.

## II. PROCEEDINGS IN THE SUPREME COURT.

During the sittings of the board of State canvassers, proceedings were instituted in the supreme court for the purpose of controlling the action of the board. That the supreme court had no jurisdiction to control the board in the manner attempted will be clear to all impartial minds when the case is fully understood. It is possible that after the work of the board was fully completed the court could, by some process of review, have inquired into the correctness of its action as to some officers, but it was clearly beyond its power to attempt to control its action in advance of any decision by the board; and as to the declaration of the election for members of the legislature, the court could not have, either before or after the work of the board of canvassers was completed, any jurisdiction or right to interfere with, control, or modify that action. Upon this point the authorities are abundant and conclusive, but the length of this report precludes your committee from presenting them here at length. Your committee will content themselves with quoting two authorities only, in which the language is brief and pointed. Cushing, in his *Law and Practice of Legislative Assemblies*, page 52, section 141, in speaking of returning officers, says:

"It remains to be observed, in conclusion, that the proceedings of these officers, from the necessity of the case, are in the first instance uncontrollable by any other authority whatever, so that if on the one hand, notwithstanding an election has been effected, the returning officers refuse or neglect to make the proper return, the party thereby injured is without remedy or redress until the assembly to which he is chosen has examined his case and adjudged him to be duly elected; and, on the other hand, if the returning officers make a re-

turn when no election has in fact taken place, or of one who is not eligible, the person returned will not only be entitled, but it is his duty to assume and discharge the functions of a member until his return and election be adjudged void."

In the celebrated *Dorr* case, Chief-Justice Durfee, of Rhode Island, used the following significant language in his charge to the jury:

"Courts and Juries, gentlemen, do not count votes to determine whether a constitution has been adopted or a governor elected or not."

After enlarging upon this principle, he continues:

"And why not? Because, if we did so, we should cease to be a mere judicial and become a political tribunal, with the whole sovereignty in our hands. Neither the people nor the legislature would be sovereign."

This view of the want of jurisdiction in the supreme court is fully sustained by the decision of Judge Bond, of the United States circuit court, in deciding the *habeas corpus* case; and from that decision we quote as follows:

"The first question, then; to be decided at this time, and upon this motion, is whether or not the supreme court of the State of South Carolina had jurisdiction to hear and determine the matter before it.

"Article I, section 26, of the constitution of South Carolina, provides: In the government of this commonwealth the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other."

"Section 4 of Article IV of the same instrument defines the power of the supreme court, thus: 'The supreme court shall have appellate jurisdiction only in cases in chancery, and shall constitute a court for the correction of errors at law under such regulations as the general assembly may by law prescribe: *Provided*, The said court shall always have power to prescribe writs of injunction, *mandamus*, *quo warranto*, *habeas corpus*, and such other original and remedial writs as may be necessary to give it a general supervisory control over all other courts in this State.'

"The powers of the board of State canvassers, so far as this case is concerned, are defined by chapter VIII, title II, sections 24, 25, and 26, thus:

"SEC. 24. The board, when thus formed, shall, upon the certified copies of the statements made by the board of county canvassers, proceed to make a statement of the whole number of votes given at such election for the various officers, and for each of them voted for, distinguishing the several counties in which they were given. They shall certify such statements to be correct and subscribe the same with their proper names.

"SEC. 25. They shall make and subscribe on the proper statement a certificate of their determination, and shall deliver the same to the secretary of state."

"SEC. 26. Upon such statements they shall then proceed to determine and declare what persons have been, by the greatest number of votes, duly elected to such offices, or either of them. They shall have power, and it is made their duty, to decide all cases under protest or contest that may arise when the power to do so does not, by the constitution, reside in some other body."

"And the objection to the jurisdiction of the supreme court made by the petitioners is that they are a part of the executive department of the government charged with the execution of a law of the State, and that they alone are authorized to canvass the votes, and that they are not subject, in the exercise of their functions, to the control of the judicial branch of the government.

"The Supreme Court of the United States, in a very able opinion by Mr. Justice Miller, in the case of *Galves vs. Thompson*, (7 Wallace, 347,) has very clearly determined what the law is on this subject, and that is, that 'if it appear that the act which the court is asked to compel the officer of the Executive Department of the Government to do be purely ministerial, the court, having jurisdiction to issue the writ of *mandamus*, may compel the executive officer to perform his duty; but if the act required to be done by the executive officer be not merely ministerial but discretionary, or one about which he is to exercise his judgment, a court cannot, by *mandamus*, act directly upon the officer and guide and control his judgment or discretion in the matters committed to his care in the ordinary exercise of official duty;' and the court further says that 'the interference of the courts with the performance of the ordinary duties of the Executive Departments would be productive of nothing but mischief, and we are quite satisfied that such a power was never intended to be given them;' and for this Mr. Justice Miller quotes the opinion of Chief-Justice Taney in the case of the Commissioner of Patents *vs. Whately*, (4 Wallace, 522;) and the law is stated to the same effect in a very celebrated case in Maryland by Mr. Chief-Justice Bowie, *Miles vs. Bradford*, (22 Md. Rep., 170,) a case where the powers of the governor to canvass the votes was not so broadly given as in the case at bar.

"That the duty of this board of canvassers was not merely ministerial, but that they were clothed with a large discretion, seems to me, is very plain. They were not merely to take the returns and aggregate them—they were to canvass them; that is, they were to examine, to sift, to scrutinize them, which implies a power to reject such as were not lawful in their judgment; and more, they were to decide all cases under protest or contest that might arise when the power to do so did not by the constitution reside in some other body

"They were the executive officers appointed to declare the election of such persons as had, in their judgment, the majority of the legal votes cast. If they decided erroneously or falsely, the remedy of those candidates who thought themselves wronged was by *quo warranto*; but no court had the jurisdiction to compel the board of State canvassers to do otherwise than their own judgment dictated.

"It remains now to be seen what the court was asked to do by the relators. Their suggestion sets forth 'that the board is proceeding to hear and determine all matters of contest and protest before them in regard to the election of persons who were candidates at the general election, and is proceeding to certify their determination on such contests and protests to the secretary of state.' And they pray that a writ of mandamus may issue commanding them to ascertain from 'the managers' returns and statements, forwarded to them by the boards of county canvassers, the persons who, at the general election held on the said 7th day of November, ultimo, had the highest number of votes, and commanding them and compelling them to revoke and annul any determination or decision which they may have made in any case of contest or protest, if any such there be.'

"Under the cases cited in the opinion of the Supreme Court of the United States, (7 Wallace, 347,) *Gaines vs. Thompson*, above referred to, I am of opinion that the supreme court of the State of South Carolina had no jurisdiction to entertain any such 'suggestion' or petition."

In the closing portion of his opinion Judge Bond says:

"That the State board of canvassers were clothed, under the law, with discretionary powers which required them to discriminate the votes, to determine and certify the candidates elected after scrutiny, and that they were a part of the executive department of the government, and were in no wise subject to the control as to what they should do, after they had commenced to perform that duty, of the judicial department."

Your committee, therefore, reach the conclusion that the board of State canvassers acted justly and properly, in view of the law and the facts, as to the election in Edgefield and Laurens Counties.

It will be seen that your committee have presented and defended at some length the conclusions of the board of State canvassers. This has been done for the sole purpose of establishing the fact that the action of that board was in itself just and legal; but it should be borne in mind that the validity of the present organization of this house does not depend in any degree upon the correctness or justice of the action of the board of canvassers. That board having completed its work, whether that work was just or not, it was final, and it only remained for this house to act in view of their declaration as it was actually made. It then became the duty of those who were elected to this house to proceed to effect an organization in accordance with general parliamentary law and the law and usage of this State.

### III.2. MODE OF ORGANIZING THE HOUSE.

Your committee now proceed to consider what is the proper and legal mode of organizing the house of representatives, as upon that question depends, to some extent, the validity of the present organization of this house.

In the well-known case of *Kerr vs. Trego*, (47 Pa. S. R., 292,) cited in Brightley's *Leading Cases on Elections*, (p. 632,) Chief-Justice Lowrie of the supreme court of Pennsylvania, laid down the following principle:

"On the division of a body that ought to be a unit, the test of which represents the legitimate social succession is, which of them has maintained the regular forms of organization, according to the law and usages of the body, or, in the absence of these, according to the laws, customs, and usages of similar bodies in like cases, or in analogy to them. This is the uniform rule in such cases."

And in the same case, speaking of the custom of the clerk of the former organization taking charge of the organization of the new body, he says, (p. 638):

"It has the sanction of the common usage of every public body into which only a portion of new members is annually elected; it is the periodical form of re-organizing the select council and the senate of the State, and also the form of organizing the Senate of the United States on the meeting of a new Congress, when the Vice-President does not appear, and the last President *pro tempore* does; and we understand this custom to be uniform throughout the United States, though this is not very important. And when there is a president whose term as a member has expired, then the functions of the clerks continue, and they, in all cases, act as the organs of re-organizing the body, and continue to hold office until their successors are chosen and qualified. Our State and Federal Houses of Representatives are illustration enough of this. So universal is this mode of organizing all sorts of legislative and municipal bodies that all departures from it can be justified only as founded on special and peculiar usages, or on positive legislation. Whenever this form is adhered to, a schism of the body becomes impossible, though the process of organization may be very tardy." \* \* \*

"It is objected that a rule that attributes so much power to the officers of the previous year gives them an advantage which they may use arbitrarily and fraudulently against the new members, so as to secure to themselves an illegitimate majority. No doubt this may be so; but no law can guard against such frauds so as to entirely prevent them, just as it can-



not entirely prevent stealing and perjury and bribery; the people are liable to such frauds at every step in the processes of an election or organization. But so much the more need for order and law in this part of the process; the law *can* dictate that, though it cannot furnish honesty and sound judgment to the actors in it. That the law and order which we have announced have existed so long and so generally, is proof, at least, that they are better than no law at all."

In Willson's Digest of Parliamentary Law, (sec. 1603, p. 221,) this author says:

"At the commencement of every regular session the Clerk of the House opens the session by calling the names of members by States and Territories, if in Congress, and by counties, if in State legislative assemblies. If a quorum answer to their names, he will put the following question: 'Is it the pleasure of the House to proceed to the election of a Speaker?' If decided in the affirmative, tellers are generally appointed to conduct the vote."

This seems to be the universal custom in the organization of legislative bodies, and such custom not only prevails in this State, but is specially established by the rules of the house of representatives of this State.

Rule 80 of the rules of the house of representatives of this State is as follows:

"In all cases not determined by these rules, or by the laws, or by the constitution of this State, as ratified on the 14th, 15th, and 16th days of April, 1868, this house shall conform to the parliamentary law which governs the House of Representatives of the United States Congress."

Rule 81 is as follows:

"These rules shall be the rules of the house of representatives of the present and succeeding general assemblies, until otherwise ordered."

Turning now to Barclay's Digest, (pages 44 *et seq.*, and 126,) we find that the parliamentary law governing the House of Representatives of the United States Congress requires the clerk of the last House to make up the roll of the members of the new House by placing thereon the names of such persons only whose credentials show "that they were regularly elected;" that having ascertained by a call of this roll that a quorum is present, the clerk then proceeds to call the names of the members for the choice of a Speaker; the Speaker being chosen, assumes the duties of presiding officer, and, after swearing in the members, the oath of office being first administered to him, proceeds to complete the organization; pending the election of a speaker, the clerk preserves order and decorum.

Such being not only the custom and parliamentary practice of this State, but also the general parliamentary law governing legislative bodies, the question arises, Was the present House of Representatives organized on the 28th day of November, in accordance with this universally-established custom? That it was so organized the facts prove beyond a doubt.

#### IV.—AUTHORITY OF THE CLERK IN EXCLUDING ALL BUT LEGALLY-ELECTED MEMBERS.

Before stating, however, the facts connected with the organization of the house of representatives, your committee deem it proper to consider next the question whether the clerk of the last house was authorized to omit from the roll the names of the claimants from Edgefield and Laurens Counties.

Your committee have already in this report stated the fact that the board of State canvassers determined that no valid election had taken place in the counties of Edgefield and Laurens, and had refused to issue certificates of election to any person in those counties.

Upon the question of the right of the claimants of these counties to be placed upon the roll and to participate in the organization, the following citation from Cushing's Law and Practice of Legislative Assemblies (section 229, page 87) is in point:

"The right to assume the functions of a member, in the first instance, and to participate in the preliminary proceedings and organization, depends wholly and exclusively upon the return or certificate of election, those persons who have been declared elected and are duly returned being considered as members, until their election is investigated and set aside, and those who are not so returned being excluded from exercising the functions of members, even though duly elected, until their election is investigated and their right admitted."

To the same effect is section 141, page 52, of the same work, which your committee have already cited in connection with the action of the supreme court.

In section 238, page 91, of the same work, in discussing the principles of parliamentary law governing the assembling and organization of legislative bodies, Cushing says:

"Hence it has occurred more than once that struggles for political power have begun among the members of our legislative assemblies, even before their organization; and it has happened, on the one hand, that persons whose rights of membership were in dispute, and who had not the legal and regular evidence of election, have taken upon themselves the functions of members; and, on the other, that persons having the legal evidence of membership have been excluded from participating in the proceedings."

In order to avoid such difficulties this distinguished writer lays down the following principles in section 240, which are applicable to the question now under consideration:

"That no person, who is *not duly returned*, is a member, even though legally elected, until his election is established."

"That those members who are duly returned, and they alone, (the members whose rights are to be determined being excluded,) constitute a judicial tribunal for the decision of all questions of this nature."

In *Korr vs. Trego*, (Brightley's Election Cases, page 636,) already cited, the Chief-Justice said :

"In all bodies that are *under law*, the law is that where there has been an authorized election for the office in controversy the certificate of election, *which is sanctioned by law or usage*, is the *prima-facie* written title to the office, and can be set aside only by a contest in the form prescribed by law. This is not now disputed. No doubt this gives great power to dishonest election-officers, but we know no remedy for this but by the choice of honest men."

It is proper here, in this connection, to again refer to the language already quoted from the same authority, (page 638:)

"It is objected that a rule that attributes so much power to the officers of the previous year gives them an advantage which they may use arbitrarily and fraudulently against the new members, so as to secure to themselves an illegitimate majority. No doubt this may be so, but no law can guard against such frauds so as to entirely prevent them, just as it cannot entirely prevent stealing and perjury and bribery. The people are liable to such frauds at every step in the processes of an election or organization; but so much the more need for order and law in this part of the process. The law *can* dictate that, though it cannot furnish honesty and sound judgment to the actors in it. That the law and order which we have announced have existed so long and so generally is proof, at least, that they are better than no law at all."

Applying the law as now stated to the facts in the present instance, it is clear, *first*, that there were no representatives from Edgefield and Laurens Counties having certificates of election according to the law and usage of this State; and, *second*, that, under the law, without such certificates, the clerk had no right to place the names of any persons upon the roll of the house as representatives from these counties.

It is true that certain parties did appear at the time of the organization of the house claiming to represent those two counties, and presenting certain certificates signed by the clerk of the supreme court, upon which certificates they claimed that their names should be placed upon the roll, and that they should be admitted to participate in the organization of the house. These certificates the clerk of the house very properly refused to recognize as certificates of election, sanctioned either by law or usage. But, aside from their validity, it is a fact worthy of notice here that those certificates were not authorized to be issued by the court itself. On the contrary, when asked to do so, the court distinctly refused to grant such certificates, but remarked that the parties in interest before the court could obtain transcripts of the record of the court from the clerk. In the proceedings of the court, as reported at the time in the leading democratic journals of the State, and, so far as your committee knows, undisputed up to the present time, the following appears :

"Mr. Youmans then submitted an order that the clerk of court issue certificates to the persons who have received the highest number of votes for members of the general assembly for the counties of Edgefield and Laurens, and that his certificates stand in lieu of those which should have been issued by the board.

"Judge WILLARD. That we cannot do. There is no authority or precedent for such an order. If our opinion has not weight enough to be respected in the organization of the houses, putting it on paper would not add to it." (Charleston News and Courier, November 27, 1876; Columbia Register, November 26, 1876.)

But admitting that the court itself had undertaken to issue certificates of election to persons from Edgefield and Laurens Counties, such certificates would be clearly of no value as certificates of election, entitling the holders to be regarded as representatives of those counties, nor could they be regarded as such *prima-facie* evidence of election as entitled the holders to be placed upon the roll of the clerk.

The position assumed and maintained by the republican party before and during this entire contest was :

*First*. That no persons except those declared elected and duly returned by the board of State canvassers, and holding certificates of the secretary of state, were entitled by law or usage to be placed upon the roll. (Cushing, secs. 229 and 240.)

*Second*. That the organization of the house must be effected by those persons only whose election had thus been declared by the board of State canvassers and certified by the secretary of state in accordance with the law of the State.

*Third*. That all other persons claiming to be entitled to seats in the house as representatives must submit their claims to the house (after its organization by the members whose seats were undisputed. (Cushing, secs. 229 and 240.)

In these just and reasonable demands the democratic members elect of the house of representatives refused to acquiesce, although in the organization of the senate the course which the republicans had laid down was not only followed but acquiesced in by all the democratic senators without protest or debate; and even to this date no person has been admitted to a seat in the senate from either Edgefield or Laurens County.

## V.—LEGISLATIVE QUORUM.

Having ascertained and determined the proper course to be pursued in organizing the house, and having discussed the authority of the clerk to exclude all but legally-elected members having the proper certificates of elections, the only legal question now remaining to be considered is, what number of the duly-elected members were sufficient to constitute a quorum for the purpose of organizing the house of representatives and discharging the functions of a legislative body?

By the action of the board of State canvassers, in regard to the counties of Edgefield and Laurens, but one hundred and sixteen persons were returned as duly elected members of the house of representatives, and the question now arises, what number of these one hundred and sixteen members were necessary to form a quorum for the purpose of perfecting a valid organization?

By section 4, article II, of the constitution of this State, it is provided that "the house of representatives shall consist of one hundred and twenty-four members, to be apportioned among the several counties according to the number of inhabitants contained in each;" and by section 14 of the same article it is further provided that "a majority of each house shall constitute a quorum to do business."

The language of the Constitution of the United States upon the subject of a legislative quorum is identical with the language used in the constitution of our State—"A majority of each (house) shall constitute a quorum to do business."—(Const. U. S., sec. 5, art. 1.) And while it is true that the number of members of which the two houses of Congress may consist is not as precisely fixed as in this State, yet the possible number of which each house may be composed at any given time is absolutely as certain as though it was an unalterable number, the possible membership at any given time being always an absolutely fixed number.

This similarity in the constitutional provisions in regard to the legislature of South Carolina and the Congress of the United States is important in determining what constitutes a quorum of the house of representatives of this State, since, in the absence of all precedents in our own legislative annals, your committee are compelled to refer to the decisions of Congress upon this question.

Fortunately, this matter has been decided by both houses of Congress, and is no longer a disputed question. During the first session of the Thirty-seventh Congress, in the House of Representatives, the Speaker (Hon. G. A. Grow, of Pennsylvania) decided that a quorum of the House consisted of a majority of the members *chosen*, and in this decision of the Chair the House acquiesced, (Journal H. R., 1st sess. 37th Congress, p. 117.) This decision was not rendered, as has been erroneously stated on several recent occasions, for the purpose of enabling the House to organize because several of the States failed to choose Representatives, but it was made fifteen days after the organization, upon a question which in no wise affected the validity of the organization.

The question as to whether a quorum consisted of a majority of the entire number of members provided for by the Constitution, or a majority of the members actually chosen, was first raised in the Senate of the United States on the 11th April, 1862, and after a discussion, which was prolonged for several sessions, it was finally decided on May 4, 1864, by a vote of 26 yeas to 11 nays, that "a quorum of the Senate consists of a majority of the Senators *duly chosen*." Among those voting for this decision we find the names of eminent men of both political parties, such as Reverdy Johnson, Lyman Trumbull, Charles Sumner, Henry Wilson, W. P. Fessenden, Benj. Wade, and others.

Precedents to the contrary may be found in the earlier decisions in Congress and among the earlier writers, but they have been overruled by these later decisions, in which all recent writers concur. For instance, Professor Farrar, in his Manual of the Constitution of the United States, page 166, says in relation to the constitutional provision in regard to a quorum, that "this has been held to be a majority of the members actually sworn in and entitled to seats at the time, and not a majority of a full delegation from all the States."

This question of a constitutional quorum has also been decided by the legislature of Indiana. Certain members of the legislature resigned, in order to leave the legislature without a quorum; the constitution of Indiana providing that two-thirds of the members shall constitute a quorum. The legislature, in consequence of the withdrawal of these members, adjourned without passing the regular appropriation bills, and the governor ordered new elections to fill the vacancies, and again convened the legislature. The appropriation bills were passed, when certain members, in order to defeat a vote upon the ratification of the fifteenth amendment, withdrew again, as on the former occasion. The legislature thereupon decided that two-thirds of the actual membership constituted a quorum, and proceeded to ratify the amendment. This action was certified in forwarding the vote of the legislature on the ratification of the amendment. No question was raised in regard to it by Congress, and the vote of Indiana as thus cast was passed upon and counted.

From this examination of the provisions of our constitution, relating to a legislative quorum, and from the precedents in the Congress of the United States which have been cited, as well as the Indiana case, your committee feel fully warranted in concluding that the true definition of a legislative quorum, under our constitution, is a *majority of the members cho-*

sen, and the organization of the house of representatives upon this basis would be constitutional and valid.

It is objected to the view which your committee has presented of a legislative quorum under our constitution, that if less than a majority of the possible number of members was elected, it would then place it within the power of but a very few members to organize the house. This your committee admit, for unless we act upon this view of the constitution, in certain contingencies it would become impossible to organize a house of representatives in this State. Without such an organization no speaker could be elected, and consequently no writs of election could be issued to fill vacancies, if by any possibility the people failed at the general election to elect a majority of the one hundred and twenty-four members provided for by the constitution. The government, therefore, would, in such an emergency, be brought to a permanent standstill until the next general election. Such a result cannot be reasonably supposed to be within the scope or intent of the constitution.

#### VI. STATEMENT OF FACTS RESPECTING ORGANIZATION OF THE HOUSE.

Having concluded their examination of all the legal questions involved in the organization of the present house of representatives, your committee now proceed to state the facts connected therewith.

The clerk of the last house of representatives, Mr. A. O. Jones, was, as your committee have already explained, charged with the duty of organizing the new house by preparing the official roll of members elect, and by calling the house to order and presiding during the election of a speaker. Mr. Jones placed upon the roll of the house the names only of the one hundred and sixteen persons bearing the certificates of the secretary of state, based upon the decision of the board of State canvassers, the election in Edgefield and Laurens Counties being declared by the canvassers to be void by reason of fraud and violence.

At 12 o'clock m. of Tuesday, the 27th November, 1876, the day fixed by the constitution for the assembling of the legislature, Mr. Jones proceeded with the organization of the house, having previously given orders to the sergeant-at-arms to admit no person to the floor of the house as members except those holding the certificates of the secretary of state. It may be mentioned here that in enforcing this latter order of the clerk, the sergeant-at-arms found himself confronted at the door of the house by the entire body of democratic members, headed by the persons claiming to be elected from Edgefield and Laurens Counties. Having no force at hand sufficient to guard against the entrance of these persons from Edgefield and Laurens, the sergeant-at-arms called upon the United States Army officer on duty in the building to aid him against being overpowered while executing the order of the clerk. The officer complied with the call, and assisted the sergeant-at-arms in maintaining his position. It is not true, all statements to the contrary notwithstanding, that any officer or soldier passed upon or undertook to pass upon the certificates of members of the house. The United States forces acted at this point simply as a support to the sergeant-at-arms, who was engaged in executing a lawful order of the clerk.

Upon the refusal of the sergeant-at-arms to admit the persons claiming to be elected from Edgefield and Laurens, the entire body of democratic members retired from the State-house, notwithstanding all who held certificates of the secretary of state were freely permitted, and even invited and urged, to enter the hall of the house.

At 12 m. the clerk proceeded to call the roll of the house, whereupon fifty-nine answered to their names. The clerk then immediately announced that an election for speaker was in order, and immediately called the roll upon this question, whereupon fifty-nine members voted, one democrat, Mr. W. H. Wallace, of Union, who had entered the hall subsequently to the first call of the roll, being present, but not voting. The result of the vote was declared by the clerk to be that E. W. M. Mackey received fifty-five votes, and was therefore duly elected. Mr. Mackey immediately appeared, took the oath of office, and assumed the duties of speaker. After the election of clerk, a message was sent to the senate informing that body of the organization of the house, and immediately thereafter received a similar message from the senate announcing the organization of that body. A joint committee of the two houses were thereupon appointed and waited upon the governor and informed him that the two houses were duly organized and were ready to receive any communications which he might be pleased to make. After transacting other business, the house and senate adjourned until twelve o'clock the next day. During the second day's session the committee on privileges and elections reported upon the contest for seats from Barnwell County, and their report, seating the republican contestants, was adopted, and four of the persons declared elected were sworn in and took their seats; the other member from Barnwell subsequently appeared and qualified. The house again adjourned until 12 m. of Thursday, the 30th November, the senate adjourning until 12 m. of Friday, the 1st December.

Your committee would here state the action of the democratic members after their refusal to enter the house on Tuesday, the 27th ultimo. They then immediately proceeded to the hall of the Highland Rifle Club, where they elected General W. H. Wallace, before named in this narrative, as speaker, the parties from Edgefield and Laurens taking part in all the proceedings. The whole number of persons present at this time was 65, of whom only 67 held the certificates of the secretary of state. This body continued its sessions from time to

time until the morning of Thursday, the 30th ultimo. At about 11.30 a. m. of the 30th the entire body which had been sitting in the hall of the Richland Rifle Club appeared in a body at the door of the hall of the house of representatives in the State-house, and demanded admission of the officers of the house then on duty at the door. While these officers were endeavoring to enforce the rules of the house, excluding from the floor of the house all parties excepting members and officers of the house and certain privileged persons, the democratic members overpowered the door-keepers and forced their way, together with the claimants from Edgefield and Laurens, into the hall of this house. Mr. Wallace immediately seized and occupied the speaker's chair, and Mr. Sloan took possession of the clerk's desk.

At 12 m. of the same day the speaker and clerk of this house appeared and demanded possession of their respective positions. This demand was refused. This situation was continued until Monday, December 4, 1876, when the house adopted the following preamble and resolutions:

"Whereas the house of representatives of the State of South Carolina did assemble in the hall of the house of representatives on Tuesday, the 28th day of November, 1876, a constitutional quorum of all the members duly elected as members thereof being present and answering to their names, and did organize by the election of Hon. E. W. M. Muckey as speaker, and A. O. Jones, esq., as clerk, and did, in all respects, proceed to perfect its organization in conformity with the constitution and laws of South Carolina, and has continued in session from day to day until the present time; and

'Whereas on Thursday, the 30th November, 1876, a body of men, comprising many persons having no legal claim or credentials, did enter the hall of the house of representatives by force and arms, and did proceed to usurp the speaker's chair and clerk's desk, and did refuse, upon the demand and order of the speaker of the house of representatives, to yield the same; and

"Whereas said body of men have been, since the said 30th day of November, 1876, engaged in interrupting the proceedings and defying the authority of the house of representatives, and are now preventing the house of representatives from proceeding with business; and

"Whereas the senate and house of representatives, by concurrent resolution, have appointed this, the 4th day of December, at 2 o'clock p. m., in the hall of the house of representatives, as the time and place for opening, counting, and publishing the returns of the election of governor and lieutenant-governor; and

"Whereas the house of representatives is unable to enforce its authority against said body of men, who have unlawfully intruded themselves into the house of representatives; and

"Whereas said intruders have openly proclaimed that they will not obey the orders of the house of representatives or retire from the hall thereof, but will resist by force of arms any attempt on the part of the officers of the said house to enforce its orders and authority: Therefore be it

*Resolved*, That the governor of the State be, and he is hereby, requested to take such measures as will protect the house of representatives against the unlawful intrusion, interruption, and violence caused and done by the said body of men who have unlawfully intruded themselves into the hall of the house of representatives, as hereinbefore set forth, and who are now engaged in unlawfully interrupting the proceedings thereof, and who are also, by their unlawful conduct and presence in the house of representatives, preventing the assembling of the general assembly in joint convention, as is provided by the constitution of the State of South Carolina."

Upon the adoption of the foregoing preamble and resolutions, and upon a notification from the speaker of this house that the governor was prepared to immediately respond to the request contained in the resolution, Mr. Wallace, after a few remarks addressed to the body cooperating with him, withdrew with them.

Previous to the withdrawal of Mr. Wallace and his companions, the committee on privileges and elections made a report, which was adopted by the house, confirming the action of the board of State canvassers in regard to the counties of Edgefield and Laurens, and declaring that no valid election was held in either of those two counties on the 7th November, 1876.

On the same day (2d December, 1876) the committee on privileges and elections also reported upon the contest for seats from Abbeville County, and their report, seating the republican contestants, was adopted, four of whom immediately qualified and took their seats, the other member subsequently appearing and qualifying.

On the 5th December, 1876, the same committee reported upon the contest for seats from Aiken County, and their report seating the four republican contestants was adopted, all of whom being in attendance, were duly sworn in and took their seats.

At one o'clock of the same day, pursuant to a joint resolution previously adopted, the senate and house of representatives met in joint convention in the hall of the house of representatives for the purpose of canvassing the returns of the late election for governor and lieutenant-governor, in accordance with section 4, Article III, of the constitution of this State. The returns were opened and read by the speaker of the house, and when the counties of Edgefield and Laurens were reached, objections being made to the returns from those counties, in accordance with the rules previously adopted the senate withdrew, and the two

houses, acting separately, decided not to count the votes alleged to have been cast in the counties of Edgefield and Laurens. The canvass of the returns was then completed and the following result was announced:

*For governor.*

D. H. Chamberlain received.....	86,216
Wade Hampton received.....	83,071

*For lieutenant-governor.*

R. H. Gleaves received.....	86,620
W. D. Simpson received.....	82,521

The speaker then declared that Hon. Daniel H. Chamberlain and Hon. Richard H. Gleaves were duly elected, respectively, governor and lieutenant-governor of the State of South Carolina for the ensuing two years. The joint convention was then dissolved and the senate retired.

On the 7th December, 1876, at one o'clock p. m., the senate and house of representatives met in joint assembly, pursuant to resolution adopted by both houses, for the inauguration of the governor elect. The constitutional oath of office was then administered to Hon. D. H. Chamberlain, governor elect, who thereupon delivered his inaugural address, after which the joint assembly was dissolved and the senate returned to its chamber, where the oath of office was administered to Hon. R. H. Gleaves, the lieutenant-governor elect, thereby perfecting the organization of the government of the State in accordance with the will of the people, as expressed by their legal votes at the general election on the 7th November, 1876.

Your committee have now presented, as they trust, with sufficient clearness and detail, the facts which have attended the history of this house since the declaration of the late election by the board of State canvassors. They have also presented the law which, as it has seemed to them, was applicable to the decision of the legal and parliamentary questions which have arisen and were involved in the facts.

In conclusion, it only remains for your committee to express their unhesitating opinion that the foregoing report establishes in all respects the legal and constitutional validity of this house, and, by consequence, the validity of all its acts since its organization on the 23th day of November, 1876.

E. W. M. MACKAY,  
*Speaker of the House of Representatives.*

J. H. FERSTER,  
JNO. VANDERPOOL,  
FRED. A. PALMER,  
R. H. HUMBERT

*Committee.*

THE STATE EX REL. R. M. SIMS ET AL. }  
  *against*  } Suggestion for mandamus.  
  H. E. HAYNE ET AL. }

In re the State officers.

And the relators aforesaid reply to the return of the said respondents, and say:

As to first allegation of said return, that this court has jurisdiction.

And to second allegation, relators say that the said board of State canvassors has not performed its duty as required by law; and that the time for the performance of its duties has not expired, and that it can be re-assembled by this court and required to perform its duties according to law.

As to third allegation, relators say that the said board did prepare a certificate, as alleged on said return, but that the same was not prepared as required by law.

And to fourth allegation, relators say that the said board can convene and can revoke, under the mandate of this court, their illegal action and determination, and declare the true result of said election.

And to fifth allegation, relators say that there is no other legal remedy to ascertain the true results of said election, and to obtain a proper and legal declaration and determination thereof.

And to sixth allegation, relators say that this cause has not been decided and determined by this court as alleged, as will appear by the records of this court.

And to seventh allegation, relators say that there are errors, irregularities, and discrepancies between the returns of the managers and the statements of the county canvassors, sufficient, as these relators are advised and believe, to affect the result of the election declared by the said board of State canvassors, and to give to these relators the greatest number of

votes cast at said election, for said offices respectively, as will appear by said returns and statements when produced in court, as required by the suggestion of these relators.

And to eighth allegation, relators say that the said board did receive returns from precincts not established by law, and did include in their count returns not legally authenticated and forwarded to them, as will appear by said returns and statements, when produced in court, as required by the suggestion of these relators; and that the said board did not make up their count in the manner required by law.

And to ninth allegation, relators say that the resignation by the said H. W. Purvis of the office of adjutant and inspector-general, and by the said Wm. Stone of the office of attorney-general, cannot affect or limit the action of this court, or exempt the said H. W. Purvis and Wm. Stone, as members of said board of State canvassers, from the performance of duties imposed upon them by law, and which they have not performed.

JAMES CONNOR,  
*Counsel for Relators.*

THE STATE OF SOUTH CAROLINA,  
*Richland County:*

Personally appeared before me James Connor, who, being duly sworn, deposes that the matters and things stated in the foregoing reply are true, so far as the same are stated on his own knowledge; and so far as they are stated on information derived from others, the deponent believes them to be true.

JAMES CONNOR.

Sworn to and subscribed before me this 28th December, 1876.

(Signed)

EDWARD R. ARTIUR, [i. s.]  
*Notary Public.*

A true copy. Attest:

ALBERT M. BOOZER,  
*Clerk of Supreme Court of South Carolina.*

THE STATE EX REL. R. M. SIMS ET AL. }  
vs. } Suggestion for mandamus.  
H. E. HAYNE ET AL. IN RE STATE OFFICES. }

It is ordered that it be referred to T. M. Wilkes, esq., to take the testimony in the above cause and report the same to the court, and that the said referee have power to issue subpoenas and *subpharnas duces tecum*, and that he have leave to report any special matters pending the proceedings and touching the issues in said cause.

December 29th, 1876.

A. J. WILLARD,  
*Associate Judge Presiding.*

A true copy. Attest:

ALBERT M. BOOZER,  
*Clerk of Supreme Court of South Carolina.*

Supreme court. November term, 1876.

THE STATE EX REL. T. G. BARKER ET AL. }  
vs. }  
C. C. BOWEN ET AL. }

OPINION.

Willard, A. J. This is an action in the nature of *quo warranto*, brought by the plaintiffs, claiming to have been elected to perform the functions of electors of President and Vice-President of the United States for the State of South Carolina at a general election held in and for this State on the 7th day of November, A. D. 1876; and complaining that the defendants claiming to have been elected at such general election electors of President and Vice-President have procured certificates of such election to be issued to them by the secretary of state of this State, and claim to exercise the offices of such electors; whereas, as they allege, said defendants were not so elected. The prayer of the complaint is, that the defendant may make answer to the State and show what warrant or authority they have to use and enjoy the offices, liberties, privileges, and functions aforesaid. The defendants have answered, pleading to the jurisdiction of this court, without setting up any other defense. If, then, this court should conclude that it possessed full jurisdiction in the premises, judgment final in behalf of the plaintiffs would necessarily follow from the date of the pleadings. This court possesses, under section 4, article 4, of the constitution of this State original jurisdiction in cases of *quo warranto*, and since the adoption of the code of procedure (sec. 443) that jurisdiction has been exercised in the form of an action in the nature of *quo war-*

*ranto*, (Alexander vs. McKenzie, 2 S. C., 81; State *ex rel.* Barker vs. Bowen, S. C.) If any want of jurisdiction exists, it must arise either from the nature of the rights alleged to be wrongfully exercised by the defendants in form, the character of the parties that stand before us as plaintiffs. The question before us was discussed by the counsel for the defendants chiefly from the general proposition, that national questions belong to the national courts, and State questions to the State courts. On this general theory it was urged that as the controversy relative to the title of the respective parties to an office created under the Constitution and laws of the United States, the case was one necessarily of cognizance in the United States court and improper for the consideration of a State tribunal. I know of no such test, as to the relative jurisdictions of the courts of the United States and of the States, as that contended for. As a general rule the State courts have concurrent jurisdiction with the United States court of questions arising under the Constitution and laws of the United States. This concurrent jurisdiction is the basis of transfer in certain specified cases, from the courts of the State to those of the United States, (act of Congress March 3, 1874 and '75, p. 472.) Certain cases of this general class, among which the most characteristic are those affecting international commerce and diplomatic intercourse, in a particular way, and certain cases immediately affecting the national revenues and administration, are exclusively conferred upon the courts of the United States, but these must be regarded as exceptions to the more general rule of concurrent jurisdiction. The jurisdiction of the United States court arising from the character of the parties, rests on special grounds not affecting the general proposition. Such a scheme of divided jurisdiction resting upon dual courts, as would result from the application of the rule contended for, would have deprived the judicial system of the country of organized stability, and committed it to the consequences flowing from the attrition between inharmonious parts. As long as we have judicial unity no serious inconvenience is likely to arise from the fact that our laws spring from two distinct sources, the one supreme as to certain subjects, and the other final as to all other subjects not prohibited to it. Both legislative jurisdictions blend in giving shape to the rights of citizens. These rights, from their nature, must be cognizable as to their entirety by a judicial body. Two judicial administrations acting independently upon the same rights or subject-matter, each limited to training the operation of laws derived from a particular source upon such right or matter in controversy, would present an anomaly consistent with neither sound theory.

The Constitution and legislation of the United States has, on the whole, embodied the brightest practical wisdom in solidifying the national and State judicial systems, by making every court in the land subject to all consequences flowing from a dual legislative system. Congress has effectuated this purpose by drawing the line that divides their jurisdictions, when not influenced by the character of the parties, upon the return of this right, capable of being brought into controversy, and not upon anything of committing the interpretations of the National Constitution and laws to one body, and that of State constitution and laws to another. It follows that should it appear that both the rights in controversy and those to which the controversy relates, arose or derived their essential features from the Constitution and laws of the United States, that fact would not of itself defeat the jurisdiction of this court, otherwise than by means of transfer to the concurrent authority of the United States circuit court, where the questions to be considered arose under the Constitution and laws of the United States; but it would be necessary, in order to attain that end, to show that the case belongs to a category which, conferred exclusively in the United States courts, is prohibited to the State courts. The real point of difficulty in the present case was not noticed by the counsel for the defendants. It arises out of the general rules governing the writ of *quo warranto* and therefore applicable to formal proceedings serving as a substitute for that remedy. The present action is brought in the name of the State of South Carolina. Can it be maintained in the name of the State, and if not, does not that circumstance prevent judgment? If so a further question will arise, whether that defect can be ever available to the defendants under their present plea to the jurisdiction, notwithstanding that the objection was not taken by them in form. The familiar rule governing proceedings by *quo warranto* is, that only the sovereign from whom the officer franchise is liberty that is the subject of controversy originated, and with whose hands the same, if forfeited, would return, can maintain the remedy or authorize it, by the allowance of his name as a means of asserting the title a right of a citizen to the same. It is necessary then to inquire whether the United States or the State stand in the relation just expressed to the rights in controversy in the present case. The question arises then, did the authority claimed to be exercised by the defendants as electors of President and Vice-President originate in the Constitution and laws of the United States or in those of the State? Whatever difficulty this question presents arises from the fact that while the functions exercised by the electors of President and Vice-President were created and governed by the Constitution and laws of the United States, the right of the respective parties to possess and exercise those functions depends wholly on the effect to be given to the action of State officers acting under the Constitution and laws of the State. The nature of the function of electors of President and Vice-President must then be examined in order to discover the relationship of those functions to the national and State authorities. The electoral function certainly involves a franchise or privilege, for the electors are permitted to exercise choice, as it regards the selection of a President and Vice-President, that is not



enjoyed in common with other citizens and does not arise out of common right. It is conferred by the sovereign authority and exclusively enjoyed by those upon whom it is so conferred. This franchise a privilege is one of a public nature as immediately concerning the public. It will not be necessary to inquire whether each elector is to be regarded as holding an office under the United States, for it is enough for the purpose of the present question to know that the functions of the electors involve the characteristics just stated.

The Constitution and laws of the United States look rather to the body of electors within each State as the subject of legal control and the sources of legal authority, than to the rights and duties of the individual electors. The Constitution (art. 2, sec. 2) declares that "each State shall appoint, in such manner as the legislature thereof shall direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled to in Congress." The twelfth amendment provides that "the electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and Vice-President and of the number of votes for each, which lists they shall sign and certify, and transmit to the seat of Government of the United States, directed to the President of the Senate."

The action of the electors contemplated in these provisions is such as is proper to an aggregate body of a particular constitution, and not to individuals exercising separate and independent directions. Following this idea, Congress has described the body as a "College of Electors," (Rev. Stats., p. 21, sec. 133,) and as such has regulated the action of such body in many particulars. It is true that each elector, acting with the body in conformity to law, influences separately the general count at the seat of Government, independently of whether the majority of votes cast by the body with which he is immediately connected are in accordance with his individual vote; still his right to vote depends upon his acting with and as part of the electoral college, for if he neglects so to do a vacancy occurs, capable of being filled under the authority of the legislature of the State. (Rev. Stat. U. S., p. 21, sec. 133.)

That this was the idea that Congress entertained of the electoral function is very clearly implied in the case of an election classed with that of a Representative to Congress and member of a State legislature under the provisions of section 2110 of the Revised Statutes of the United States, where a right of action is conferred upon all persons who have been deprived of any office other than these above named, by reason of a denial of the civil rights of any citizen.

The only explanation of this classification that appears is that all the persons excepted stand in the relation of members of a body recognized by law, and through which alone their functions are capable of being exercised.

It may therefore be affirmed that the right in controversy is accurately stated, one to participate in the action of a public body clothed as such, with a certain franchise or privilege of a public nature, to wit, of exercising choice in the selection of a President and Vice-President of the United States. It is indisputable that the right, so claimed to be exercised by participating in this action of the electoral college, has its origin and sanction in the Constitution and laws of the United States. The view just presented assumes that the collective body of electors called the college of electors is, as distinguished from the individual electors, clothed with the elective franchise conferred by the Constitution and laws of the United States in relation to the choice of a President and Vice-President. This view would exclude the idea that the true effect of the Constitution of the United States was to confer that franchise in the States as such to be exercised according to their discretion. The difference between the two theories of the deposition of the electors' franchise, just noticed, would lead to opposite conclusions bearing directly on this case. If the Constitution of the United States vests the franchise wholly in the State, so that the discretion involved in the selection of persons to fill the offices of President and Vice-President might be exercised by the State acting through her ordinary political agencies, then the State would have to be regarded as the true elector, having as many votes as the number of electors she is entitled to appoint, and it would be competent for her to appoint electors whose only legal duty would be to express in form the choice already fully determined by the authority of the State. In this case the electors of President and Vice-President would fall into the condition of mere agents of the State to carry out matters resting wholly in its discretion. In this case, no reason appears why such agent might not be displaced at will by the State, either through political or judicial agencies.

If, on the other hand, the electoral college is the true depository of the elective franchise, then the discretion to be used in the selection of persons to fill the offices of President and Vice-President rests with persons composing legally such electoral college. In this case the State has mere authority to appoint, and, at most, may confer the title to hold the franchise, but not control its exercise.

I regard the latter view as the one entitled to be received. The idea that is embodied throughout the legislation by Congress is consistent with itself from the earliest to the latest acts, and is entitled to the authority of a contemporaneous exposition of the Constitution in

its original provisions in article 2. This idea is fairly embodied in the twelfth amendment and must prevail. According to this idea the college of electors is the proper depository of the electoral function. Only those who participate in its action are entitled to a voice in the election of President and Vice-President. The rule of its procedure is placed beyond the control of the State, and emanates from the Constitution and Congress of the United States. The right of each elector assembled to exercise his individual choice is clearly indicated by the words "vote by ballot." Such is the ordinary sense of these terms when applied to the more numerous class of electors who participate in the general elections, and no reason appears for giving them any other interpretation in the present connection. These reasons appear to be sufficient to support the conclusions above stated, while that conclusion is consistent with the actual practice since the Constitution went into operation. Does the fact that the title of the individual electors to claim this right is matured under the provisions of the constitution and laws of the State alone, through the acts of public authority performed by State officers and agencies, tend to place the State in such a relation to the functions performed that the State may exercise the rights proper to the sovereign who created such functions? Clearly it does not. The sovereign who creates an office or franchise often places in the hands of a subject the right to fill such office or confer such franchise by election or appointment, yet that fact has never abolished the necessity of proceeding in the name of the sovereign who created and may resume such office or franchise where the title of a subject to it was to be asserted.

When the question arises between the supreme sovereignty and a subordinate sovereign it should receive the same solution.

In the present case the United States have created the function but authorized the State to exercise power of appointment to fill it.

The case of a municipal corporation created by the sovereign who has conferred upon the corporators the power of choosing municipal officers involves the same general relationship. In the latter case the ouster must take place in the name of the sovereign. The act of appointment is one that can be exercised in the hands of a subject, while the act of ouster through the courts of law can only be claimed of common right through the sovereign. The existence, therefore, of the former right cannot imply the existence of the latter, for its nature and quality are different.

In *Wallace vs. Anderson*, (1 Wheat., 291,) it was held that a writ of *quo warranto* could not be maintained against an officer of the United States, except in the manner of the Government of the United States. The same was held in *Territory vs. Lockwood*, (5 Wall., 236.)

It is very clear that if the action in the nature of *quo warranto* is an appropriate remedy under the claims made in behalf of the individuals who unite with the State as plaintiffs, that such proceeding should be prosecuted in the name of the United States.

It will not be necessary to determine whether an action in the nature of *quo warranto* can be maintained in the State courts in the name of the United States; although no good reason has yet appeared why if the United States choose to employ the courts of the State for such a purpose, they might not do so. It will be the proper time to discuss and settle that question when an attempt is made to exercise it. The State cannot properly raise it, nor can private relators raise it, in the name of the State. The objection raised by the defendants to the jurisdiction by this court involves the question just stated. To meet this objection directly, it would be necessary to decide that which, in my view, cannot be properly decided until the proper parties are before the court. As, however, the court is enabled to procure a real objection to its proceeding with the case arising from the want of proper parties, it is not restricted to the grounds of want of jurisdiction urged by the defendants, and may give weight to the considerations that present an insupportable objection to our exercising such jurisdiction in the present case, should we conclude that we possess it, in a general proposition. (*McClung vs. Silliman*, 6 Wheat., 598.)

The complaint should be dismissed.

State of South Carolina. Supreme court.

I certify that the foregoing nineteen pages contain a true and correct copy of the judgment and opinion of the supreme court aforesaid in the case of *The State ex rel. T. G. Barker et al. vs. C. C. Bowen et al.*

Witness my hand and the seal of the said court, at Columbia, this 31st day of January, 1877.

[SEAL.]

ALLEN M. BOOZEE,  
Clerk of Supreme Court of South Carolina.

(Indorsed :) Supreme court. November term, 1876. *The State ex rel. T. G. Barker et al. vs. C. C. Bowen et al.* Opinion. A. J. Willard, A. J. S. C. I concur in the result: F. J. Moses, C. J., J. J. Wright, A. J. S. C. Filed January 26, 1877. Attest, Allen M. Boozee, clerk of supreme court of South Carolina.

The State of South Carolina county of Chester, sixth circuit.—Ex parte Amzi Rosborough.—*Habeas corpus*.

OPINION OF JUDGE T. J. MACKEY.

The issues involved in this case arise upon the petition of Amzi Rosborough, a prisoner confined in the common jail of Chester County, under sentence of assault and battery, and the return of the sheriff to the writ of *habeas corpus* issued by the judge of the sixth judicial circuit in accordance with the prayer of the said petitioner and pursuant to law. The petition alleges the conviction of the prisoner on the charge of assault and battery, in the court of general sessions of the county of Chester, at the September term, 1876, and his sentence by the presiding judge thereof, on the 22d day of the said month, to a term of six months' imprisonment in the county jail. It further alleges that a free and unconditional pardon, under the seal of the State, has been granted to the petitioner, and has been delivered to and accepted by him, the said Amzi Rosborough, the said warrant of pardon having been issued and signed by Wade Hampton as the governor of South Carolina, and that the sheriff of Chester County has refused and doth refuse to release the petitioner from custody in accordance with the mandate of the said warrant of pardon.

The petition is dated January 30, 1877, and the writ of *habeas corpus*, for which it prays, was issued on the same day, and made returnable at 10 o'clock a. m., January 31, 1877.

The sheriff by his return denies that Wade Hampton is governor of the State of South Carolina at the date of the alleged warrant of pardon, January 29, 1877, and denies, therefore, that it is a valid pardon of the prisoner, Amzi Rosborough, whose body is produced in court pursuant to the mandate of the writ.

The argument of the learned counsel for the prisoner (T. W. A. Walker, esq.) and of the learned solicitor of the circuit (T. C. Gaston, esq.) in support of the sheriff's return was not unworthy of the magnitude of the cause, and have been duly considered by the court.

The question here presented for judicial determination is of the highest gravity. It involves the threefold issue as to the right of the people to have their will expressed at the ballot-box in the choice of a chief magistrate to rule over them duly enforced; the personal liberty of the prisoner who invokes the interposition of this court to release him from alleged illegal custody, and the right of a citizen to hold and exercise the powers of the highest office in the State, to which it is claimed he has been elected, and has been duly installed therein, pursuant to the constitution and laws.

The court will proceed to its determination with due regard to the public interests and the no less vital considerations affecting private rights.

I find as to matters of fact deduced from the evidence herein:

1. That on the 19th day of October, 1874, D. H. Chamberlain, esq., was elected "the governor of the State of South Carolina" for two years, and until his successor shall be chosen and qualified, and was installed into said office on the 3d day of December of the same year, and has continuously exercised the functions of governor from the date of the said installation to the present date, and still claims to be "the governor of the State of South Carolina."

2. That a general election was held in the State on the first Tuesday following the first Monday in November, 1876, at which general election it was required by the constitution that a governor should be elected by the electors duly qualified to vote for members of the house of representatives.

3. That at the said general election the only candidates for the office of governor were Wade Hampton, esq., and D. H. Chamberlain, esq., and according to the returns thereof made by the commissioners of election to the secretary of state, embracing the vote cast for the said two candidates for the office of governor in each and every county of the State, and according to the duplicates of said returns filed with the clerks of the courts of said counties, as required by the constitution, (section 4, article 3,) the whole number of votes cast for the candidates for the office of governor was 133,388; of which Wade Hampton, esq., received 92,261, and D. H. Chamberlain, esq., received 91,127; showing a majority for Wade Hampton, esq., of one thousand one hundred and thirty-four (1,134) votes.

4. That the whole number of persons elected to the house of representatives at the said general election was one hundred and twenty-four, (124.)

5. That on the 28th day of November, 1876, the same being the day fixed by the constitution as that on which the general assembly shall convene, fifty-nine persons claiming to have been duly elected members of the house of representatives, and holding certificates of such election from the secretary of state, met at the usual place of meeting in the State-house, at Columbia, and at the usual time therefor, and claiming to be the house of representatives, elected E. W. M. Mackey, esq., presiding officer of their body, whom they entitled the speaker of the house of representatives.

6. That on the same day fifty-seven persons claiming to have been duly elected members of the house of representatives, and holding certificates of such election from the secretary of state, and eight persons claiming to have been duly elected members of the house of representatives, and holding certificates of such election issued by the clerk of the supreme

court, pursuant to the returns of said general election made by the board of State canvassors to the said court, proceeded to the door of the hall of the house of representatives at the usual time for the assembling of that body on the morning of the said day, and were halted at the said door by an armed sentinel of the United States Army, who refused to admit into the said hall the persons who held certificates of election from the clerk of the supreme court as above stated, such armed sentinel being one of a number of United States soldiers then occupying the body of the State-house, having been stationed therein the night before at the instance and by the request of D. H. Chamberlain, esq., as governor of the State of South Carolina.

7. That thereupon the sixty-five persons above referred to, all of whom had been returned by the commissioners of election as having been duly elected members of the house of representatives at the said general election, retired from the State-house and assembled on the same day in a building in the city of Columbia known as "Carolina Hall," and did there proceed to organize themselves into a body which they entitled the house of representatives, and did elect W. H. Wallace, esq., as presiding officer of their body, whom they entitled the speaker of the house of representatives, together with the other officers thereof.

8. That on the same day the senate was duly organized.

9. That on the 29th day of November, 1876, the body presided over by W. H. Wallace, esq., and claiming to be the house of representatives, notified the senate that it had assembled in Carolina Hall, in the city of Columbia, and was duly organized for business; but that the senate failed and refused to recognize or act with the said body, but recognized and acted with the body assembled in the State-house, and passed bills and transmitted them to the body presided over by E. W. M. Mackey, esq., as the house of representatives.

10. That on the — day of December, 1876, W. H. Wallace, esq., claiming to be the speaker of the house of representatives, instituted proceedings in the supreme court of the State against E. W. M. Mackey, esq., claiming likewise to be the speaker of the house of representatives, and H. E. Hayne, esq., secretary of state, to compel the said respondents to deliver to him, the relator, W. H. Wallace, as speaker of the house of representatives, the returns of the vote for governor, to the end that he might make due publication of the same pursuant to the constitution.

11. That on the 5th day of December, 1876, the said E. W. M. Mackey, esq., claiming to be the speaker of the house of representatives, and in the presence of the body over which he presided, the Senate being there present, did open the returns of the election of governor, and after the returns of said election held in the counties of Edgefield and Laurens were, on motion, excluded therefrom, without notice of contest, or any formal contest, or evidence going to discredit the same, being exhibited to the bodies there assembled, did then and there publish the remainder of the said returns, and did thereupon announce that D. H. Chamberlain, esq., was elected to the office of governor.

12. That on the 6th day of December, 1876, the supreme court of the State rendered its decision in the case above referred to, entitled *ex rel. W. H. Wallace vs. Henry E. Hayne*, secretary of state, and E. W. M. Mackey, and did decide therein that the body presided over by W. H. Wallace, esq., was the house of representatives of the State of South Carolina, organized pursuant to the constitution, and that the said W. H. Wallace, esq., was the duly-elected speaker thereof.

13. That on the 7th day of December, 1876, D. H. Chamberlain, esq., appeared in the hall usually occupied by the house of representatives in the State-house, and in the presence of the body presided over by E. W. M. Mackey, esq., and of the senate, did take the oath of office as governor in pursuance of the alleged publication of the returns of the election of governor made by the said E. W. M. Mackey, esq., as hereinbefore stated, and the said D. H. Chamberlain, esq., has since such alleged installation claimed to exercise the powers and functions of the office of governor, and does still continue to assert such claim.

14. That on the 13th day of December, 1876, the house of representatives notified the senate, in due form, that on the next day, at the hour of 12 meridian, the speaker, W. H. Wallace, esq., would proceed to open and publish the returns of the election of governor, as required by the constitution, and the senate took no action whatsoever in regard to said notification.

15. That on the 14th day of December, 1876, W. H. Wallace, esq., speaker of the house of representatives, did, in the presence of the said house, then consisting of seventy-one (71) members, sixty-three of whom held certificates of election from the secretary of state and eight from the clerk of the supreme court, the senate failing and refusing to attend thereat, open and publish a sworn transcript of the returns of the election of governor, exhibiting the votes cast for the respective candidates for the said office, as set forth in the duplicates of said returns filed with the clerks of the courts of the several counties, as required by the constitution, (section 4, article 3;) and did further open and publish a certificate from the secretary of state, under the seal of the State, setting forth the total vote cast for each candidate for the office of governor at the general elections of 1874 and 1876, respectively of which certificate the following is a true copy:

## VOTE FOR GOVERNOR, ELECTION OF 1874.

D. H. Chamberlain.....	80,403
John T. Green.....	68,818

## VOTE FOR GOVERNOR, ELECTION OF 1876.

Wade Hampton.....	92,261
D. H. Chamberlain.....	91,127

## OFFICE SECRETARY OF STATE.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for governor at the general elections of 1874 and 1876, as appears by the commissioners' returns now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 9th day of December, 1876, and in the 101st year of American Independence.

[SEAL.]

H. E. HAYNE,  
Secretary of State.

This statement includes the vote in Edgefield and Laurens Counties.

And the said speaker did then and there declare that Wade Hampton, having received the highest number of votes for the office of governor, is elected "the governor of the State of South Carolina" for two years from the 7th day of November, 1876, and until his successor shall be chosen and qualified.

16. That on the same day, the 14th of December, 1876, Wade Hampton, esq., did, in the presence of the house of representatives, publicly and in the customary form, take and subscribe the oath of office as the governor of the State of South Carolina, as prescribed in section 30, article 2, of the constitution of the State, and has continuously since said day and up to the present date claimed to be the governor of the State of South Carolina, and has exercised the powers and functions of the said office.

17. That there has been no contest or notice of contest of the election of Wade Hampton, esq., to the office of governor, and that said election has not been contested before the senate and house of representatives, as required by the constitution and laws in case of a contest of the election of governor, (general statutes, section 28, chapter 8,) and that the general assembly adjourned *sine die* on the 22d day of December, 1876.

I find as matters of law that Wade Hampton, esq., having received the highest number of votes at the election of governor, held on the 7th day of November, according to the returns thereof, duly made by the commissioners of election, and his election thereto not being contested as required by the constitution and laws, (constitution, section 4, article 3; general statutes, section 28, chapter 8,) in case of a contest of the election of governor was entitled to be declared by the speaker of the house of representatives elected thereto, and on his taking and subscribing the oath of office prescribed by the constitution, was entitled to be duly installed as the governor of the State of South Carolina.

In coming to this conclusion, I have duly weighed the argument presented by the learned counsel in support of the sheriff's return as to the publication of the vote by the speaker not having been made from the original returns but from attested copies or transcripts thereof.

The sworn transcripts or copies of the returns, together with the certificate of the secretary of state under the seal of the State, appear to my mind to have been the best evidence attainable in view of the facts in the premises.

The rule of law which requires that the best of evidence must always be given, excludes such evidence of facts as from the nature of the thing supposes still better evidence behind in the party's possession or power. The rule is satisfied by the production of the best attainable evidence. (Phillips on the Law of Evidence, vol. 1, p. 396; Greenleaf on Evidence, vol. 1, sec. 91.) The constitution itself provides that the publication by the speaker may be made on "a copy of the returns" filed in the office of the clerk of the court, in case the return from any county has not been received, and directs that in such case "a copy" shall be forwarded forthwith to the secretary of state.

The same principle applies with redoubled force where the secretary of state, in violation of his sworn duty, withholds the returns from the speaker, who is required by the constitution to "open and publish them," and delivers them to a person not authorized to receive them. Especially must it be deemed potential in a case where the person who, by his acts and attitude, questions the validity of such publication, clearly appears to have been a party, by connivance, to the unlawful withholding of the original returns, and has sought to avail himself of the illegal delivery and publication of the same in open defiance of the solemn judgment of the court of last resort of the State.

Whether the sworn transcripts and the statement certified by the secretary agreeing therewith correctly exhibit the aggregate of the votes shown by the returns, equally with all questions affecting the validity of the election and the correctness of the returns themselves, must be determined by a formal contest instituted by or on behalf of the adverse party in interest, D. H. Chamberlain, esq., before the senate and house of representatives, pub-

suant to the constitution, which declares that "contested elections for governor shall be determined by the general assembly in such manner as shall be prescribed by law." (Constitution, section 4, article 3.)

The manner of contesting the election has been prescribed by law, (general statutes, section 28, chapter 8,) and the adverse party in interest, D. H. Chamberlain, esq., having refrained from contesting the said election in the manner prescribed by law, and having failed and refused with full knowledge and ample opportunity to invoke the only tribunal empowered by the constitution to determine contested elections of governor, he and all other parties are estopped by his default from questioning in the courts the correctness of the sworn transcripts of the returns of the said election, the certified statement of the secretary of state, the validity of the election and the accuracy of the returns thereof.

It is well and forcibly observed by that eminent authority, Bigelow on Estoppel, that "where a man has been silent, when in conscience he ought to have spoken, he shall be debarred from speaking when conscience requires him to be silent." (Bigelow on Estoppel, 501; Fonblanque on Equity, 161.)

The said publication by the speaker of the house of representatives concludes all courts and parties, and even the general assembly itself, as to the election of Wade Hampton, esq., to the office of governor, except in case of a contest of the election of governor, in which "case" alone can the general assembly assert any jurisdiction in the premises.

The further question arises upon the pleadings herein, and was urged in the argument, that even granting that Wade Hampton, esq., was duly elected to the office of governor, the publication of the returns by the speaker in the presence of the house only, the senate being absent, having refused to be present thereat, is not a compliance with the requirements of the constitution, which provides that "the speaker shall open and publish them in the presence of both houses," (section 4, article 3,) and that such publication, in the absence of the senate, is not sufficient to invest Wade Hampton, esq., with the office of governor.

The principles that must govern the solution of the issue here presented have found frequent elucidation in the decisions of the highest courts of judicature, both in England and America, and have been fully expounded by all the text-writers who have treated upon the important subject of constitutional interpretation.

There is an entire harmony between the rules of interpretation of constitutions and those of statutes. (Potter's Dwaris on Statutes and Constitutions, 654.)

Mr. Justice Story says "that the first and fundamental rule in relation to the interpretation of all instruments applies to the Constitution—that is, to construe them according to the sense of the terms and the intention of the parties; the context, the subject-matter, the effects and consequences, or the reason and spirit of the law." (Story on the Constitution, section 399.)

The constitution of this State is the organic statute of an elective system, designed to perpetuate a government republican in form. The central idea of this system is the sovereignty of the people. The most direct assertion of sovereignty by the people is found in their election of their rulers. The interpretation of the constitution which tends to impair or defeat the exercise of this sovereign right or choice by the people, must be held repugnant to the elective system which the constitution was intended to perpetuate.

Where there is doubt as to the true construction of the constitution, we must recur to the system of government itself, which, as in a clear mirror, reflects the meaning and intent of those who framed its organic law. All the varied apparatus of the electoral machinery, its multiform agencies for the conduct of elections, the counting and aggregation of votes, and the transmission and declaration of returns, are designed under this system to effect the supreme object of ascertaining and giving effect to the will of the people, expressed at the ballot-box. Yet the position that the court is here called on to combat is that after the people have expressed their choice of a chief magistrate by their ballots, even though the electors should be unanimous in their choice, one branch of the legislature, and that the less popular and numerous, should have the power of annulling that choice by merely abstaining from being present at its annunciation. An interpretation of the constitution which effects a result so repugnant to a republican system of government, and which invades the sovereign right of the people to choose their rulers just where its exercise would appear to be most vital and most jealously guarded, ought not to receive judicial sanction, unless it follows inevitably from the plain words and manifest intent of the instrument.

That illustrious jurist, Chief-Justice Marshall, said, in delivering the opinion of the Supreme Court of the United States in the case of the United States vs. Fisher, (2d Cranch, 501:)

"That the consequences are to be considered in expounding laws where the intent is doubtful is a principle not to be controverted. Where rights are infringed, where fundamental principles are overthrown, where the general system of the laws is departed from, the legislative intention must be expressed with irresistible clearness to induce a court of justice to suppose a design to effect such objects."

In accordance with the canons of constitutional interpretation that have received the approving sanction of the greatest jurists, and are stamped with the authoritative judgment of the highest courts, I am constrained to hold that the clause of the constitution that says

"The speaker shall open and publish the returns in the presence of both houses" is simply directory, and the voluntary and willful absence of the senate did not invalidate such publication. Lord Mansfield's rule for determining whether a provision of a statute is to be deemed mandatory has here a striking exemplification. His lordship said in the celebrated case of *Rex vs. Lookdale*, (1 Burrows, K. B., 447,) "Whether the provision of the statute is to be considered mandatory or not depends upon whether that which was directed to be done was or was not of the essence of the thing required."

The court of appeals of New York announced it as a settled rule of construction, (*People vs. Cook*, 8 N. Y.,) that "statutes directing the mode of proceeding by public officers are directory, and are not regarded as essential to the validity of the proceedings themselves, unless it be so declared in the statute."

The provisions of a law which are merely directory are not to be construed into conditions precedent. (*Whitney vs. Emmot*, 1 Baldwin's United States Reports, 303.)

The provision of the city charter of New York that every person appointed to office under the city government shall take the oath of office before the mayor was held to be merely directory; if it cannot be so taken, it may be administered by some other officer. (*Caniff vs. The Mayor, &c.*, 4 E. D. Smith, 430.)

The title to the office is derived from the election. The publication by the speaker is but the formal notice to the person elected, and to both houses and to the public of the fact of such election, in order that the person duly elected may take and subscribe the oath prescribed, and thus be qualified to enter upon the duties of the office of governor. The two houses do not act "both together" in the matter of opening and publishing the returns. The act of publication is not performed by them either "together" or separately. They cannot act at all in the premises, but are present as mere auditors. The constitution declares that the speaker shall open and publish the returns. They are delivered to him by the secretary of state, and at no time are they in the custody of either house. Upon the speaker alone is devolved the whole duty to be done in the premises. It will hardly be contended that if the senate had been actually present at the opening of the returns and had objected to their being published, that such objection should have availed to restrain the speaker from performing his constitutional duty of publishing the returns of the election of governor. The contumacious absence of the senate after due notice can only be considered in the character of a protest against such publication, yet no greater weight can be attached to it than if that body had been really present and protesting against the publication of the said returns. To hold otherwise is to contend that the senate has greater power to control the matter upon which it desires to act, when absent from the scene of action, than when present. Not one solitary line or word of the constitution can be adduced that even in the remotest degree implies that "both houses" or either of them shall perform any function in relation to the opening and publication of the returns of the election of governor. There are two contingencies, and only two, in which the general assembly can act at all in relation to the election of governor, and neither of them has occurred in the present case. Section 4 of article 8 of the constitution, which is the only section that relates to this branch of the question, provides that "the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, the general assembly shall, during the same session, in the house of representatives, choose one of them governor *viva voce*. Contested elections for governor shall be determined by the general assembly in such manner as shall be prescribed by law."

In this case, two or more were not "equal and highest in votes." One person only was "highest in votes," and he was declared elected by the speaker of the house of representatives, in accordance with the mandate of the constitution, which requires that "in all elections held by the people under this constitution, the person or persons who shall receive the highest number of votes shall be declared elected." (Constitution, section 10, article 8.) Nor was the election "contested." Even had this been a case of a contested election for governor, the general assembly could only have determined in the manner prescribed by law, and the manner prescribed by law is that the two houses shall first severally determine by concurrent resolution, to be voted on not by "both together," but by each in its own chamber, to entertain the contest, and should each so determine, then "the senate and house of representatives shall each separately proceed to hear and determine the facts in the case, so far as they deem necessary, and decide thereon who, according to the tenth section of article 8 of the constitution, is entitled to be declared elected. If the two branches of the general assembly come to the same decision, they shall by concurrent resolution declare who is duly elected, and entitled to enter upon and exercise the office of governor; and such person thereupon shall, upon taking the oath prescribed in the constitution, be inducted into the office. If the two branches of the general assembly do not come to the same decision, then a general election shall be called by the governor, to take place in not less than sixty nor more than ninety days. (General Statutes, section 28, chapter 8.)

This is all the law that has been enacted upon the subject, and it will be perceived that even in a case of a contested election for governor the two houses do not act "both together," but "separately," and their power in such case is limited to declaring who is duly elected by the qualified electors, and failing to come to the same decision, then the matter is remitted to the people, the governor being required to call an election. The two houses act

jointly as the general assembly in relation to the election of governor only when two or more of the persons voted for "shall be equal and highest in votes." But no such feature was presented in this case. And even had the two persons voted for been equal and highest in votes, the general assembly are not required to act thereon when the speaker opens and publishes the returns of the election. The general assembly in such case is required to choose one of them governor "during the same session," and a choice made on the last day of the session would be a full compliance with the requirements of the constitution. There is no doubt that our State constitution of 1790—happily superseded by the present constitution, which recognizes in its full import the sovereignty of the people—was mandatory as to the presence both of the senate and house when the vote for governor was declared, for the governor under that constitution was elected by the senate and house of representatives, and not, as under ours, by the people. The senate, therefore, having no function to perform at the publication of the vote for governor, it cannot be maintained that its refusal to be present renders such publication invalid. In refusing to recognize the house of representatives, after it had been duly adjudged to be the constitutional house by the supreme court of the State, the senate committed a lawless and revolutionary act which has no precedent in the history of American States.

The Supreme Court of the United States, the most august judicial tribunal in the world, holds even itself bound by the decision of the court whose solemn judgment the senate of South Carolina now audaciously defies.

Mr. Justice Swayne said in delivering the unanimous opinion of the Supreme Court of the United States, in the case of *Leffingwell vs. Warren*: "The construction given to a statute of a State by the highest judicial tribunal of such State is regarded as a part of the statute, and is as binding upon the courts of the United States as the text." (2 Black, 603. See also *Green vs. McNeil's Lessee*, 6 Peters, 291.)

Yet the effect which the court is asked to give to that act of unlawful contumacy is no less than the practical annulment of the will of the people expressed at the ballot-box, and solemnly recorded and announced.

Moreover the rights of a citizen are clearly involved in this extraordinary issue.

Says Blackstone: "An office is a species of incorporeal hereditament wherein a man may have a property or estate." (Blackstone's Comm., 2d Book, 36.)

"An appointment or election to office vests in the officer legal rights which are protected by the laws of his country." (Chief-Justice Marshall, in *Marbury vs. Madison*, 1 Cranch, 377.)

The people have made the grant, and have set upon it their broad seal, the grantee has complied with all the conditions annexed, and the courts are then called upon to declare it void because the senate perversely closed its eyes and refused to witness the delivery.

I am of opinion, therefore, after full and deliberate consideration of all the constitutional provisions involved, and of the law and the facts in the premises, that Wade Hampton, esq., having been elected to the office of governor on the 7th day of November, 1876, and having been so declared pursuant to the constitution by the speaker of the house of representatives on the 14th day of December, 1876, and having taken and subscribed the oath of office prescribed in the constitution, is "the governor of the State of South Carolina." The warrant of pardon issued under his hand to the prisoner, Amzi Rosborough, must be duly respected, and the said prisoner will be discharged from custody in accordance therewith.

T. J. MACKEY,  
Circuit Judge.

FEBRUARY 3, 1877.



RECENT ELECTION IN SOUTH CAROLINA.

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TESTIMONY

TAKEN BY THE

SELECT COMMITTEE ON THE RECENT ELECTION IN SOUTH CAROLINA.

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JANUARY 12, 1877.—Ordered to be printed.

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CHARLESTON, S. C.,  
Wednesday, December 20, 1876.

The subcommittee, composed of Messrs. Alexander G. Cochrane, chairman, T. L. Jones, and N. P. Banks, met at 3 o'clock p. m.

C. C. PINCKNEY sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. Where do you reside?—Answer. I reside in Charleston.

Q. What is your business?—A. I am a lawyer by profession.

Q. Have you any business in Saint Andrew's Parish?—A. Yes, sir; I am the owner of some phosphate-mines in Saint Andrew's Parish; mining phosphate rock.

Q. What is your age?—A. Thirty-seven.

Q. How long have you resided in this State?—A. All my life; sir. I was born here, and, except a temporary absence in Europe a year or two, I have always been a resident of the State.

Q. In what voting-precinct are your works situated?—A. Well, I do not know the name of the precinct; the place where the residents of the parish vote is called the "Club-House precinct."

Q. Will you state whether you went to the Club-House precinct on the morning of last election-day?—A. Yes, sir; I went up to my place the evening before and spent the night there, and arrived at the precinct about six o'clock, perhaps a few minutes before six, on that morning.

Q. The morning of the election?—A. Yes, sir; the morning of the election.

Q. Whom did you go to the election with?—A. I went in company with Mr. E. T. Legare, who owns a place there a short distance from mine.

Q. When you reached the polls, how many negroes were there?—A. They were just assembling. They were scattered about the roads in the neighborhood coming in. I suppose perhaps some fifty or so had arrived. I did not estimate the number very accurately, but there were a good many already there.

Q. (By Mr. Jones.) How many had arrived there?—A. I did not make a very careful estimate of them. About fifty were around there; it was early, and they were just coming in from all directions. I passed a good many on the road coming down. They were walking and I was riding.

Q. (By the Chairman, Mr. Cochrane) You say there were fifty negroes at the polls when you got there?—A. Perhaps about that number.

Q. Well, did the negroes continue to come in?—A. They continued to come in pretty rapidly after that.

Q. From the same direction or different directions?—A. From different directions.

Q. Did they come singly or in bands?—A. Generally in batches; sometimes one or two; generally more than that.

Q. What were they doing?—A. They were just drawing toward the voting-precinct.

Q. I want to know what they were doing.—A. At the poll?

Q. No, sir. In coming in, were they making any noise of any kind?—A. They occasionally yelled, whooped, hooted, and blew horns about the country, but at that early hour the noise was not very great.

Q. Well, sir, in the course of two or three hours, how many negroes were there?—A. Well, after that time they began to come in rapidly; and on one or two occasions, I recollect, in large numbers. One body came rushing down the road at a great rate, yelling and whooping, and all armed, a sort of a company. They just came rushing down the road with a great noise.

Q. How were they armed?—A. They were armed mostly with muskets, most all of them with bayonets on them. Others around the polls were armed with all sorts of things.

Q. Did you see any shot-guns?—A. I do not remember seeing any; perhaps one or two shot-guns, and some had dilapidated rifles.

Q. Any clubs?—A. Clubs, bushes, sticks, old swords, and old bayonets. It struck me that they had a considerable variety of implements with them.

Q. Do you recollect seeing a negro with a club fixed in any special way?—A. I noticed one that struck my attention. It was a large oak wooden club, with nails driven in different directions through it, so that the nails would project on the outside, the head being left out about a half-inch, with the spikes projecting all around the club. It was a very singular-looking weapon.

Q. Did you see him shortly after you came to the polls, or how long after?—A. I did not see him or notice him until shortly before we left.

Q. What, if anything, did you hear him say?—A. He passed by Mr. Legare and myself, and was swinging this club in one of his hands. As he passed, he made a rather obscene remark.

Q. What did he say?—A. Well, he says, "If I hit any democrats with this ting, and it don't kill him, Christ will never —."

Q. Now, when a negro would be approaching the polls to vote, what would these negroes standing about the polls do, if anything?—A. They stood around talking and moving about a great deal, going to and fro; and usually, when any new-comers would arrive, they would run down to meet them—half a dozen of them, perhaps—with whatever weapons they might have in their hands. Those who had clubs and arms would run down to meet these new arrivals, and crowd around them, and ask them if they were all right, and such questions, if they had the right ticket, and perhaps carry them tickets, and then they would come up together.

Q. During this time, how were they acting? Were they quiet or disorderly?—A. They were not quiet. There was great exhibition of excitement among them. There was no very positive disorder, because there was no opposition. There was no fighting, because there was not a single negro who voted the democratic ticket, and there was no collision between anybody.

Q. You say not a single negro voted the democratic ticket?—A. At least not up to the time I left.

Q. How long were you there?—A. I was there about three hours.

Q. Until about nine o'clock?—A. Yes, sir.

Q. Do you know of any negroes who wanted to vote the democratic ticket?—A. There were some at my place who were employed there, who desired to vote the democratic ticket, but very few of them came to the polls. One or two desired to vote the democratic ticket, but were afraid to. One I remember particularly.

Q. What was his name?—A. The one I have in my mind was named Kent.

Q. Well, what, if anything, did you hear said to Kent?—A. He was standing near me, and I observed that he appeared to be very much frightened. He did not stand with the others. He stood to one side, looking very uncomfortable and uneasy, but I did not speak to him because I was afraid I would attract attention to him, and I did not want to do that. There was one man there who had voted, and as he was going off he turned around and called out to somebody in the crowd, "Mind now and watch Kent for me."

Q. Well, how did he vote after that?—A. He voted the republican ticket.

Q. How many negroes do you suppose were there at one time while you were there?—A. I think that the negroes increased in number in the time I came; some came and went away. They were coming and going all the time, but probably there might have been from one hundred to one hundred and fifty at one time. They were a good deal scattered about the woods.

Q. How many of these did you see armed with guns?—A. I suppose about one-third were armed with guns; perhaps a little more.

Q. How many with bludgeons?—A. Well, perhaps as many more, sir. Probably, including all varieties of things, a little more than half of them were armed.

Q. How many democratic votes were polled while you were there?—A. I think there were seven white men there, and each one of them polled a democratic vote.

Q. How many negroes had voted?—A. Well, they voted pretty rapidly, sir. I did not attempt to count them.

Q. Give us your estimate.—A. There may have been one hundred and fifty, sir.

Q. Do you remember the whole vote at that precinct—how many republican votes were

cast?—A. At this last election, I think there were some three hundred and forty altogether; three hundred and forty-odd perhaps.

Q. How many of those were republican?—A. Well, there were nine democratic votes the balance were republican.

Q. Prior to the election, did any negroes tell you anything about how they were going to vote or how they wanted to vote?—A. There were a good many at my place who expressed an intention of voting the democratic ticket. In fact, they had formed a club among themselves, and signed a roll expressing their intention to support the democratic nominees.

Q. Did any of these vote there at that precinct?—A. One or two of them I think voted there and voted the republican ticket.

Q. The balance did not vote there?—A. The others did not appear. I did not see them.

Q. Was that the voting-precinct in which they live?—A. That is the precinct they would have voted at naturally. I advised several of them to go across the river and vote, fearing, from the indications, there might be some trouble. It is a parish in which there are scarcely any white people at all. The few who are connected with the phosphate works, form about the only white population in the parish.

By Mr. JONES :

Q. Did you see any negro attempt to vote the democratic ticket at the box?—A. No, sir, not a negro; the white men voted the democratic ticket. There was no opposition made to the white men voting, but no negro while I was there offered or made any move in that direction whatever.

By Mr. BANKS :

Q. Has there been any trouble between the negroes and white people in that particular neighborhood?—A. No, sir.

Q. In what part of the State is Saint Andrew's Parish?—A. It is just across the river, near to Charleston.

Q. How far from Charleston?—A. I do not know exactly where the line is, but my impression is that it is about twelve miles.

Q. Has there been any trouble there between the negroes and white people?—A. As I say, there are no white people there, with one or two exceptions. The foreman, superintendent, and engineer at the works, are about the only white population in the parish.

Q. I see the papers here state that a large number of fires have occurred in different parts of the State?—A. Not in our neighborhood, sir.

Q. No negroes have been charged at any time with setting fires?—A. No, sir; not at all. Perhaps I should have mentioned that I remember one disorder that occurred there. One night the negroes fired into the store of a white man, about two miles from me, and run him out of the store and robbed it. That is about the only instance of the kind that has occurred in that parish.

Q. The negroes did that?—A. It was so supposed.

Q. Was any action taken by the people of Saint Andrew's Parish, in regard to that?—A. Not that I remember. The man who was run out was a timid fellow, and he declined to prosecute them. There is no trouble of that kind in the parish usually.

Q. What is the name of the precinct at which you voted?—A. The Club-House precinct.

Q. Has there been any trouble between the negroes and white people in this city?—A. Yes, sir; a good deal.

Q. What was it about?—A. Well, sir, it is more usual perhaps in the city, between the negroes of the different political parties.

Q. But how was it between the negroes and the white people?—A. There have been several occasions on which there have been serious riots.

Q. Persons killed?—A. Yes, sir.

Q. Many persons?—A. Not many killed.

Q. Many wounded?—A. Some killed and a good many wounded.

Q. Much excitement in the public mind?—A. Very painful excitement, sir.

Q. When did the last occur?—A. The last occurred, I think, the day after the election—that is, of any moment or size.

Q. When did the first occur?—A. Some few occurred previously in the campaign.

Q. Were both parties armed in that case?—A. Not on the first occasion. It took everybody by surprise.

Q. How was it on the last occasion?—A. It had become very customary for persons to arm themselves. Some were armed and some were not. Some were armed with bricks, some pistols, &c.

Q. And there was a great deal of excitement in the public mind?—A. A very great deal of excitement on the first occasion. It was a very violent outbreak. Business was suspended for two or three days.

Q. You say that at this precinct of which you have spoken, they came in batches in the morning—two or three together?—A. Yes, sir.

Q. How large was the largest company that came down together?—A. Well, this com-

pany that I spoke of with bushes was not large. We saw them as we were passing along on the road.

Q. What was the occasion of their coming in squads together?—A. Well, that was their style.

Q. Might not the difficulties that occurred here and there have led them to that as a precautionary measure?—A. No difficulties have occurred there.

Q. Well, but here?—A. I should not suppose that difficulties in the city had anything to do with it.

Q. Might not they suppose it? Are the negroes timid, or brave and resolute?—A. They are very timid when there is any danger, but in that parish they have it all their own way.

Q. Might not their fear be the reason of their coming in squads of two or three or more?—A. I think not.

Q. Might they not think so?—A. I do not think they are so timid as that.

Q. If they are timid, and there had been difficulties for two months or more, might it not have affected them?—A. Not in my judgment.

Q. Might it not have affected them?—A. Well, I say in my judgment it would not have affected them in the least. I do not think there was any such idea in their minds.

Q. Have you been accustomed to mix in political matters?—A. No, sir.

Q. Never had any experience in politics?—A. Very little. I have no taste in that way.

Q. Have you been accustomed to vote?—A. I vote usually.

Q. Have you been present at elections?—A. Not more than to vote. I have not taken much part in these matters.

Q. Have you been present at any considerable time during elections?—A. I have been there two or three times during the day.

Q. Have you ever served upon a committee of any kind?—A. No, sir; not at an election.

Q. At what time have you served on a committee?—A. I never have.

Q. At no election?—A. No, sir.

Q. Do you not know that it is a common thing for people who are interested in elections on one side or the other to look after men when they come up, offering them tickets?—A. Yes, sir.

Q. And to ascertain how they are going to vote?—A. Yes, sir; I am aware of that. I have seen it often.

Q. You say when the negroes saw a squad of their own people coming they ran toward them to see if they were going to vote and if they had the right ticket. Is not that the way it is usually done?—A. No, sir. The style was different on this occasion.

Q. Is it not always the case at polling-places, when voters come up, that one side or the other look after them and see whether they have the right ticket?—A. That is quite natural.

Q. Well, then, how did this differ from that?—A. It differs, from this fact, that the people usually have no knives and clubs in their hands. This last election in Saint Andrew's Parish was different from anything I had ever seen, one of its peculiarities being their style of hallooing and yelling around and making a great excitement.

Q. Are the negroes excitable?—A. Very excitable, sir.

Q. Might it not be necessary to arm themselves on account of these difficulties that had occurred before?—A. I can only judge of what they think from the circumstances surrounding them. I think it would have been a very absurd supposition, and I do not believe that any of them entertained it. I have no idea that any of them had any such thought as that there was anybody there to trouble them.

Q. Had they assurances from the white people here or there that there would not be trouble?—A. Well, it was pretty much understood. There is no bridge across the river, and there is but one way of access to the parish.

Q. If there were parties disposed to do the negroes harm it would not require a great many of them to hurt them if they were armed. Now suppose two or three men were to fire into a company of negroes, would it be likely to frighten them or disturb them?—A. Not if there was a large body of negroes.

Q. You say this man Kent, who was in your employ, wanted to vote the democratic ticket. Had you ever a talk with him about it?—A. Frequently, for some time previous.

Q. What did you say to him?—A. The conversation was general. I did not talk much with him myself, but I occasionally spoke to the hands. The foreman, engineer, and the others had more talk with them—more than I did. The talk was of the usual kind on such occasions, being an endeavor to induce them to vote with us, and stating to them that it was their interest as well as ours to get rid of the class of rulers we had had heretofore.

Q. Did you intimate to Kent that it was an injury to your business?—A. Yes, sir.

Q. And that he could not get work from you if he voted against your interests?—A. I told him that it was a very great injury to my business, but I did not tell him I would not employ him. If he had it would have injured my business. I could not get anybody to do my work.

Q. What did your foreman say to these people?—A. Just the same as I did.

Q. You say you know that he talked with them more than you did?—A. Yes, sir.

Q. Did he say exactly what you said?—A. I instructed him to say so and told him to pursue the same policy with them.

Q. When you say you instructed him to say so, and he talked with them more than you did, what do you mean?—A. What I mean is this: I did not go up there more than once or twice a week to see how affairs were getting on. I was busy during that time, and I did not come in such constant contact with my employés as my foreman did.

Q. You say he talked with them; what did he tell them? How do you know he did not tell Kent that your business would stop, and that you would discharge him?—A. Well, of course I cannot know everything he did say.

Q. Has there been any talk about not employing negroes who voted the republican ticket and did not vote the democratic ticket?—A. Those who had a choice, where there was material enough on both sides to choose from, generally chose democrats.

Q. That has been the general feeling?—A. Very general.

Q. Might not this Mr. Kent have had sense enough to know that? What kind of a man was he?—A. We told him very plainly that if an opportunity occurred to favor them we would do so.

Q. Is not that a sufficient reason for his coming to you and saying that he was going to vote the democratic ticket, and does not that account for his voting the republican ticket when he got to the polls? What I mean to say is, that if you had talked with him about this matter and told him it was for your interest if he voted the democratic ticket, and against your interest if he voted the republican ticket, and your foreman talked with him and told him that you would prefer men who voted the democratic ticket, might not this negro have had a keen and strong suspicion that if he came to your foreman and talked as if he would vote the democratic ticket he would be employed?—A. It is not natural, sir.

Q. Do you not understand that a man has a right to vote just as he pleases?—A. Well, I think he ought to have, but when he is surrounded by muskets and clubs I do not think he—

Q. Well, there was nothing extraordinary in his voting the republican ticket, if he was that way inclined, when he came to the polls?—A. Nothing, except what he said previously to the men employed there with him. It struck me as not natural under the circumstances that he should change his views.

Q. If public opinion was formed in the direction that men who voted the republican ticket could not get employment, was not that an inducement?—A. Well, we knew, as one of them said before election, he was not afraid, because if we discharged the republicans we would discharge everybody. They knew it was impossible to carry on the work without them.

Q. You speak with reference to your place?—A. Yes, sir.

Q. You say there were democratic clubs up there. How many were in them?—A. I think there were eight or nine that signed the democratic roll.

Q. Where were they employed?—A. They were mostly employed at my works, either permanently or temporarily; some were there temporarily.

Q. Your foreman had said to them that you had said to him that it was to your interest for them to vote the democratic ticket?—A. Well, at that time I had not said anything to them.

Q. Had not your foreman said something to them?—A. I do not know that he had. I suppose that he had.

Q. Has labor been scarce there?—A. It is variable. Sometimes it is scarce and sometimes there is plenty of it.

Q. Is it scarce here?—A. In this city?

Q. Yes.—A. No, sir.

Q. If a man has a good place, should he not want to keep it?—A. I should think he would.

Q. Was it not very natural that these eight or ten men should want to stand well with you?—A. Very natural.

Q. Might they not understand that they would lose good positions?—A. I do not think they anticipated any change in employment; in fact, I told them distinctly that I did not intend to discharge them either way they voted, but that I would prefer their voting with me, and would think better of them, and would favor them more if they did it.

Q. You say Kent was a republican and wanted to vote the republican ticket, but he told you that he was inclined to vote the democratic ticket?—A. I did not say that he was a republican.

Q. Did you not state that they were all republicans?—A. They are almost all republicans. I did not say that Kent was at all.

Q. Well, if he went to the polls and stood about there not voting, would it be an unusual thing in politics that those who were interested in politics should wish to see how he intended to vote, and make a record of it for examination?—A. You mean merely as a matter of opinion.

Q. Yes.—A. I think it would have been very natural.

Q. When this man cried "Watch Kent," was it not for the purpose of seeing how he voted?—A. From the surrounding circumstances and the tone of voice in which it was said I imagined it meant more than that.

Q. When you say that it was natural that all of his political friends should say "Watch

Kent," you mean by saying that you should imagine that this man had some hidden meaning when he said "Watch Kent?"—A. I understand that he intended that a strict lookout should be kept upon Kent, and the inference from the surrounding circumstances was that he was being watched for some purpose.

Q. There is nothing criminal in his saying "Watch Kent?"—A. I simply stated the fact, and I did not attempt to draw the inferences; that is for the committee.

Q. You say the negroes are timid and apprehensive in the presence of danger?—A. I think they are.

Q. There has been some excitement here in this part of the State for two months?—A. Yes, sir; a good deal of excitement.

Q. There was a riot the day after the election and some persons were killed?—A. Yes, sir; a white man was killed.

Q. Some negroes were killed?—A. Not to my knowledge, sir.

Q. You said some persons were killed; were they all white men?—A. Only one white man was killed.

Q. There had been considerable difficulty before the election?—A. For some two months before the election there was a riot.

Q. Did the white people make any threats as to what they would do in matters of that kind?—A. They said they would defend themselves.

Q. There was great excitement in the public mind during these two months?—A. Yes, sir.

Q. Anything said about it in the newspapers?—A. The newspapers discussed the matter every morning.

Q. Was it unnatural that the negroes should feel some protection when they came together?—A. I think it entirely unnatural that the negroes up there should feel any apprehension.

Q. Do you think so about this part of the State?—A. In the parish of which I am speaking, I think it would have been exceedingly unnatural.

Q. It is only twelve miles distant, you say. Do you think it is unnatural with the excited state of feeling in this city that they should arm themselves?—A. I do not know that you could call it unnatural.

Q. (By Mr. COCHRANE, chairman.) Just state what that first riot in Charleston was?—A. Well, sir; I did not witness the actual riot, because I passed up King street that night about twenty minutes after ten o'clock on my way home, and I observed lots of negroes about, but I did not think anything of it. I thought it was a political meeting somewhere; I thought it was only natural. As I learned, the outbreak occurred about ten minutes afterwards. With reference to the excitement prevailing, I cannot speak of my own knowledge. The next morning I was going up to my works in the country, but after going two or three miles I felt uneasy and turned back, and spent the next few days in the city. The people were gathered around the bulletin-boards, and great excitement prevailed.

Q. How many blacks were engaged in the riots?—A. I could not say of my own knowledge.

Q. Give us your general knowledge?—A. From the testimony of those who were in it, I suppose at the beginning a hundred or so, and then they gathered in different parts of the city, without taking any actual part in the riot; they were gathered in knots about, and stopped people who were passing; would not allow them to pass, and turning them back. A great many people were beaten in isolated places, and it created naturally a great deal of excitement in the city.

Q. You say that business was practically suspended?—A. For the next two days business was suspended, and on the following night the white citizens remained under arms pretty much all night, gathered together with such arms as they had, and remained so until midnight, when it became apparent that there would not be any further disturbance.

Q. (By Mr. JONES.) I understood you to say a while ago that, notwithstanding this excitement in Charleston, you thought that the negroes in Saint Andrew's Parish had no reason to be alarmed or afraid of any danger to them?—A. No earthly reason to be alarmed, sir.

Q. What was the proportion of blacks and whites in that parish?—A. Well, sir; I think it is about a hundred to one.

Q. They could not therefore have been alarmed or afraid of any personal danger to themselves?—A. No, sir; not without a great exaggeration of timidity. We felt rather uneasy ourselves; the alarm was rather the other way.

Q. The whites were afraid of some demonstration on the part of the blacks in consequence of the great numbers of them in that parish?—A. I was not afraid of them doing anything to me, because I know most of them and was friendly with them; but I knew from the condition they were in they might proceed to great lengths, and I did not feel comfortably during the morning.

Q. Do you think, from what you heard certain black men say previous to the election as to their disposition to vote, that many were deterred from voting the democratic ticket in consequence of these armed men that you saw at the polls and certain demonstrations that they made?—A. There were not a great many, sir; I think there were some. I do not think their numbers were very large. I do not think there were many who intended to vote the democratic ticket.

Q. But you think that some would have voted except for these violent demonstrations on the part of colored men at the polls?—A. Yes, sir; some.

Q. I understood you also to say that you did not make any threats nor did you instruct your overseer or your foreman to make any threats of discharging certain persons in your employ if they did not vote the democratic ticket?—A. No, sir, I did not; I should have hated to do so, not only from the nature of the case, but from the fact that there were no other laborers in the country. I made no such threats.

Q. You saw no such demonstration on the part of white men towards negroes as you saw on the part of negroes to negroes?—A. There was no motion in that direction, for very good reasons.

By Mr. BANKS:

Q. You said that business was suspended for a couple of days?—A. That would be rather a strong expression, sir; but I will say to a considerable extent. Men stood talking on the sidewalks all day.

Q. Some of them were under arms all night the first night?—A. The night succeeding the—

Q. It appears from your statement that the negroes showed a disposition to fight in that case?—A. They did fight; that is, they beat every white man they could get hold of, as far as we could learn the next morning. For two or three hours the streets were held by this mob of negroes.

Q. You say that the negroes nine out of ten are republicans?—A. Not negroes generally. I spoke of those in Saint Andrew's Parish.

Q. You say there were a hundred negroes to one white man there. Did those negroes all vote the republican ticket?—A. Yes, sir; every one at that poll while I was there.

Q. And the nine out of ten would naturally have voted? What do you call that? Is that intimidation?—A. It is not intimidation as to those who wanted to voted it.

Q. Did they ask protection of white people?—A. They formed themselves into a club, called a democratic club, and signed their names to a roll, and published it in the newspapers.

Q. You have said already that it was generally understood that if they voted the republican ticket they might not get employment?—A. I did not say that, sir.

Q. Has there been such intimidation as to produce any serious consequences to the people of this State?—A. I think it has produced very serious consequences.

Q. In that parish?—A. No, sir.

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CHARLESTON, S. C., *Wednesday, December 20, 1876.*

EDWARD P. LEGARE sworn and examined.

By the CHAIRMAN, (Mr. Cochran:)

Question. Where do you reside?—Answer. I am living in this city at present.

Q. What is your business?—A. I am planting in the country, and am carrying on the butcher-business here in Charleston.

Q. Do you own property in the country?—A. Yes, sir; I have a plantation in the country.

Q. How long have you resided in this State?—A. I was born here, sir; and have lived here all my life.

Q. In what parish is your plantation?—A. It is in Saint Andrews Parish.

Q. You are acquainted with Mr. Pinckney, the witness who has just been examined?—A. Yes, sir.

Q. I wish you would state whether you went with Mr. Pinckney on the morning of election-day to Club-House precinct in Saint Andrews Parish.—A. Yes, sir; he and I went together.

Q. About what time did you get there?—A. We got there at the opening of the polls in the morning. I did not have a watch with me to notice the time by, but I believe that it was six o'clock, as that is the time the polls open.

Q. Do you know about how many negroes were present at that time?—A. I did not count them, sir; but judging from the looks of them, there were over a hundred. They were going and coming; sometimes there were a good many and sometimes less.

Q. But I mean when you first went to the poll?—A. There were not a great many out when we got there.

Q. Will you go on and describe when they came, what they had, and their general conduct during the time you staid there?—A. Well, sir, some came up there and behaved themselves very nicely; others came up with a good deal of excitement about them. Sometimes before they got up to the polls they would hoop and hollo and shout and yell, and some of them would blow horns, while others at the polls would answer them, and they would run and meet each other and carry on.

Q. Did they have anything in their hands?—A. Some had guns and some had sticks.

One man I noticed particularly. He had an old bayonet with a pole put in it. There was another man that struck me as having a singular weapon. His name was Moses Waters. He had a stick about four feet long in his hand, with long nails driven through the head of it. Then he had a bag of ammunition hanging to him. I thought at first it was provisions, because I heard him say in the morning that he had not had time to eat, and I thought he had brought his provisions along. But I found out from him afterward that it was ammunition. I says to him, "Moses, what are you going to do with that ugly-looking stick?" He turned around to me and says, "Great God, sir, if I hits a democratic nigger wid this stick I'll knock his damned brains out." I could not tell you what he did say; it was too indecent.

Q. What was the general demeanor of the negroes assembled at that poll?—A. I will tell you the plain truth, sir. I have been through the war, and I have been in some pretty close places, but I never felt so uncomfortable in my life as I did that day. If I had undertaken to carry a democratic negro up to vote that day I believe he would have been mobbed, and I would have been mobbed for carrying him up.

Q. Just state what their conduct was toward negroes who may have been suspected of voting the democratic ticket, or of intention to vote it.—A. They did not come from my part; they came in the same crowd; some of them from town. I did not notice any that were inclined to vote it. You see, sir, I can only speak of those in my immediate neighborhood, on my plantation. We do not mingle much from place to place. We have to attend to business so closely that we only know those in our neighborhood. Pinckney did not know those negroes on my place, and I would not know any of his.

Q. When you say that no negro came up inclined to vote the democratic ticket, you mean none from your plantation?—A. Yes, sir.

Q. Well, now, will you just state whether you had negroes on your place who did intend to vote the democratic ticket.—A. Yes, sir; I had some who promised me to do it.

Q. How many did you expect to vote it?—A. Well, I have a good many hands on my place.

Q. How many as laborers, and in other capacities?—A. Over thirty male people; the rest are women and children.

Q. How many of those negroes promised you they would vote the democratic ticket?—A. There were six.

Q. Where was the precinct at which they would naturally vote?—A. They voted at Brick Church, where we went.

Q. Did any of those six who had promised you to vote the democratic ticket come to that poll to vote?—A. None of them voted there. Three of them came to town and voted; one I told he had better stay at home and attend to my mules; one was working on James Island as a carpenter, and he told me he had better vote over there because the negroes on our side would treat him badly and he was afraid to come back and vote; and one backed out on me and voted the republican ticket after all.

By Mr. JONES:

Q. They were afraid to vote at their own precinct?—A. They did not come to the church. Three of them, as I tell you, came to town.

By the CHAIRMAN, (Mr. Cochrane:)

Q. What was the reason?—A. The reason was this. At first the head fellow told me that I had better, instead of voting in town, come up to the church. I have always let them come to town and vote. But he said that I had better come over into the parish this time and let the men vote there, because he thought if they came to town the negroes would kick up such a fuss that there might be a riot and they would get hurt. So I and Pinckney came over. But when I got there I found that they had got alarmed and come to town because they thought they would be protected here, there being more white people in Charleston. So when I did not find them there I came back to town.

Q. Did you hear any profane language used by any of the negroes at the poll in Brick Church precinct?—A. Yes, sir; one man used some very indecent language, so much so that I would not like to mention it to you gentlemen.

Q. Is there any other fact which you know of?—A. Not that I recall at this moment.

Q. How in reference to a boy that you employed here; what do you know about him as to his voting?—A. Well, he is over on James Island now, I believe, working somewhere, but he voted in town. He was one of the boys that came to vote here. When this boy came to town, he came with my wife's cousin, who works on the place for me and manages it, and who took two of these men and carried them up to the polls to vote. Some white man has to go with them; if they do not the negroes won't go; they are afraid. So after this boy had voted, my wife's cousin let him go to go home. When I got home my wife told me that she had seen these men go with this young lad to vote. Some time afterward, after they had got through voting, he turned them loose to come home, saying that they had better go back home and stay in the yard, as he feared they might be mobbed. When this boy came off a whole lot of these rowdy negroes just crowded around him. I did not see it, because I was in the country, but I was told about it. A mulatto man who came



from the North, named Hunter, was pushing up these young negroes to mob this fellow. My wife says she was sitting at the window looking out at the time, and she heard a great noise, and she saw this man Moses coming home with a lot of these rowdy negro boys around him abusing him, calling him a damned democratic country nigger, and saying that he had voted in the country and had come to town to vote. This man Hunter was pushing these negroes up to mob him. She saw Moses backing like, with a brick in his hand, trying to keep them from closing up on him, and telling them they must not put their hands on him or he would defend himself with this brick. He kept them at bay as long as he could. He thought that he could run and get away from them, which he did finally. She said she was afraid that they would catch him at the door before he could get in and hurt him; so she ran down-stairs to open it for him, and just as she got down she saw him jumping over the fence into the yard. She could not get the door open in time. This boy says to Hunter, "Never mind, sir. I know you, and as soon as this thing is over I mean to prosecute you." When I got home my wife told me about this, and I went into the yard, and asked the boy about it. He was a young lad, what we commonly call a boy, about twenty-two or three, I suppose. In old times they called all the colored men boys. So I told him then that he had better stay in the yard and not go out.

Q. What now, if anything, do you know in regard to the action of the republican negroes in this vicinity—in Charleston—as against the negroes who voted the democratic ticket?—A. Well, sir, they carried it to such an extent that I really felt sorry for a negro who went and voted the democratic ticket. There are a great many negroes who would have voted with us but for the ostracism practiced toward them. One man told me that he would like to vote the ticket, but he did not dare do it, because he lived in a community with a great many negroes; that he went to church with them and mingled with them socially, and he was afraid that if he voted the ticket they would kill his fowls, beat his children, and make it very unpleasant for him. He says, "Of course I would like to vote with you gentlemen, but I cannot possibly do it."

Q. Is that carried on to any great extent?—A. I think it is, sir.

Q. My question was more particularly directed to what you knew, if anything, in reference to any interference by the republican negroes with those democratic negroes who met together during the last canvass.—A. How do you mean, sir?

Q. Do you know of republican negroes interfering with the meetings of democratic negroes?—A. Well, we had very few meetings of them here. The only meeting that I remember of was in George street the night of the first riot. I went to that meeting with a man by the name of Murray Bennett, to hear Stepney Riley speak. Stepney could tell you all about that meeting.

By Mr. BANKS:

Q. Was Riley a negro?—A. Yes, sir; a real black man. Riley spoke at the meeting, and said that he felt that his interests were identical with those of the white people; that they had always treated him well, and he intended to stand with them; that if the white man was elevated, he and his race would be elevated; that if he groveled in the dust he would grovel with us. I went to that meeting feeling that it was my duty to go, for the purpose of giving moral support to the colored people who wanted to vote with us. While I was at the meeting I saw indications which led me to believe that certain colored men had come in there for the purpose of breaking up the meeting. They made so much disturbance that, the thing becoming very rowdyish, I spoke to Mr. Barnwell and told him I thought the best thing he could do with the meeting was to have it adjourn. I never liked the idea of the democratic negroes meeting by themselves. I thought it would be better for them to meet with us, all together. Mr. Barnwell took my advice and adjourned the meeting. After the adjournment such a noisy and threatening crowd of negroes assembled on the pavement in front of the building that we concluded that our democratic negroes would be mobbed, if not protected. Our white people at that time had made up their minds to protect these democratic negroes, and we surrounded them, placed them in the middle, and started to carry them home. On our way up King street, as we got near the citadel, I heard some quarreling on the opposite side of the street. It was too dark to distinguish any one at that distance, but I could see the confusion. I heard some one strike another one a good, heavy lick—whether it was with a stick or the hand, it was a pretty heavy lick—then I saw the flash of a pistol. In a few minutes it became a sort of general confusion, and pistols were fired indiscriminately, but whether they were fired by negroes or white men I could not tell, the whole crowd was so mixed up. A policeman came up on his horse, and the men gathered around him, and some of us thought that in the excitement some man might strike the police-officer, or shoot him, or something of the kind, and Riley and myself, and several other gentlemen in the crowd, all told the men to keep quiet, and not molest the policeman—that he was doing his duty. About that time a good many white people left, and the thing sort of quieted down, and I started to go home. After I got home I heard some firing again, and I heard the next morning that these democratic negroes had to be carried to the citadel for protection.

By Mr. JONES:

Q. How many negroes do you say you thought would have voted the democratic ticket

in Saint Andrew's Parish, who, being afraid to vote there, came away and voted somewhere else?—A. I spoke of those six, who had promised me; that is all I know about it.

Q. You think they were deterred from voting by the appearance of armed negroes at the polls?—A. They did not go to the polls; they came to town and voted here—that is, three of them did.

Q. They were deterred from voting or going to the polls there by violent demonstrations on the part of other negroes?—A. I think so, sir; they were afraid to go there.

Q. Were these negroes who were armed and making violent demonstrations at the polls republicans?—A. Yes, sir.

By Mr. BANKS:

Q. Does the law allow a voter in one county to vote at another precinct in that county?—A. I think it does, sir.

Q. So that a negro could take his choice. If he preferred to vote in one parish to another, he could vote there if it was in the same county?—A. He can vote at a half a dozen polls in this county now.

Q. You spoke of three men who came here and voted in this city. These men voted here because they chose to vote here, did they not?—A. I spoke of six who said they were going to vote the democratic ticket. One staid at home altogether—he did not vote; one voted on James Island because he was working there, and one of them promised me to vote, but voted the republican ticket afterward. The other three came to town and voted.

Q. They did not tell you that they came here because they could not vote anywhere else? They did not tell you they were driven away from the other polls?—A. No, sir; because they did not go there.

Q. Now, about this boy that was chased by some people and got into your yard, what time was that?—A. That was ten o'clock in the day.

Q. Ten o'clock in what day?—A. The day of the election.

Q. Was he a voter?—A. Yes, sir.

Q. Had he voted?—A. Yes, sir; he had voted when they got at him.

Q. Was it ten o'clock in the morning?—A. It must have been ten o'clock in the morning. I was in the country. I do not know anything about it except what my wife told me.

Q. Well, now, you spoke about a negro man having a bag of ammunition; how large a bag had he?—A. I expect it was about the size of a shot-bag—an ordinary twenty-six-pound shot-bag.

Q. Did he tell you it was ammunition?—A. Yes, sir.

Q. Did he use it?—A. No, sir; not while I was there.

Q. Did he have a shot-gun?—A. Yes, sir.

Q. Did he fire it?—A. No, sir.

Q. Was anybody killed there?—A. No, sir.

Q. Anybody wounded?—A. Not while I was there.

Q. Anybody frightened besides yourself?—A. I do not know that anybody was frightened besides myself. Mr. Pinckney and myself and two or three white men were the only democrats there so far as I know.

Q. Nobody was harmed, and everybody that wanted to vote voted, and those that did not want to vote there voted here in the city or elsewhere?—A. There was no colored democrat could have voted at that poll if he had tried it.

Q. That is your opinion?—A. Yes, sir.

Q. Now, as to these men that cultivated land of yours; had you ever told them that they could not cultivate that land if they did not vote the democratic ticket, or if they voted the republican ticket?—A. No, sir.

Q. Did you intimate that to them?—A. No, sir.

Q. Did any of your men tell them that?—A. What sort of men?

Q. Men that you employed or otherwise?—A. No, sir; my foreman is a republican.

Q. Did any person ever tell them or give them to understand from you that if they voted the republican ticket they could not occupy your land?—A. No, sir.

Q. Did you ever join any party of men in any resolution or declaration, or did you ever attend at any meeting where the declaration was made, that those who voted the republican ticket should not be employed?—A. No, sir; some of my best hands are republicans.

Q. I am asking you if you ever joined with anybody in making such a declaration?—A. No, sir.

Q. Do you not know that such declarations have been made in public—that those persons who voted the republican ticket, negroes especially, would not be employed?

Mr. JONES. (To the witness.) Did you ever hear that?

Mr. BANKS. I want to know if he knows; if he does not know it that is enough.—A. I have heard some men say that there were certain negroes whom they would not employ after this thing was over. It was not on account of their voting the republican ticket, however, but because they had threatened to murder us and all that sort of thing. I would not employ a white man under those circumstances.

Q. I ask you again, do you not know that resolutions have been passed at public meet-

ings, and printed in the newspapers, to the effect that negroes or other men who voted the republican ticket would not be employed; have you seen that in the papers, or do you know that such resolutions have been passed?—A. You see the papers yourself, sir; you can judge for yourself.

Q. I want to know if any such public notice has been given to the negroes in this part of the State; if you do not know it, you can say so.—A. It depends on circumstances.

Q. I desire that you answer my question. It is susceptible of a very plain and simple response.—A. I have heard some men say so, but I cannot say that it is a general thing. For instance, in the case of my own hands; some of my best men are republicans, and I would not like to tell them that I was going to do a thing I did not intend to do.

Q. Suppose your poorest hands were to vote the republican ticket, would you turn them off?—A. No, sir. I have never threatened my hands with dismissal for such a cause. But I have reasoned with them as I had a right to do. I have said to them, "Now, I have done you a great many favors, and I think it is your duty to go to the polls and try to protect my property from the men who are taxing us and grinding us down." Said I to them, "There is scarcely anything in which you wanted help that I have not given it; I have got up in the night in sickness to wait on you and give you physic, and I have treated you the same as if you were members of my family; I have done all sorts of things for you and your interests, and now when my interests are so much at stake you ought to do for me. If you don't help me now, you will make it out of my power to help you, for pretty soon I won't have anything to help you with."

Q. Do you not know that that has been the feeling here in this part of the State with the white men—the democrats particularly?—A. Yes, sir; I know that everybody tried to do the best they could to influence the negroes in a friendly way, and nobody was threatened that I knew of. We were trying to get a good government, sir.

Q. Has there been any trouble between the whites and blacks, or between the democrats and republicans, in the last three months—or six months, if you please?—A. Nothing except what you may have seen in the newspapers about the riots.

Q. Where did these riots occur?—A. One occurred in Cainhoy and one in King street.

Q. When was the Cainhoy?—A. Before the election.

Q. Anybody killed there?—A. There were some people killed. I knew one gentleman that was killed, a white man by the name of Simmons.

Q. Any black men killed?—A. Yes, sir; one was killed.

Q. Any wounded?—A. Yes, sir.

Q. Was there any excitement about that?—A. Yes, sir; there was a great deal of excitement about it.

Q. Was the Cainhoy the last one in point of time; did it occur after the King street riot?—A. Yes, sir.

Q. Was there anything like a general disregard of business for a day or two after that?—A. No, sir; there was not.

Q. Any public preparation made to take measures in case such riots occurred again?—A. No, sir.

Q. How many were killed in the King street riot?—A. I do not know that anybody was killed; some people were wounded.

Q. Men wounded on both sides?—A. Well, all I knew of the affair was what I read in the paper. You can find anything you want to read in the newspaper sometimes. They do not always give exactly the true statement, though.

Q. You are a citizen of this place?—A. Yes, sir.

Q. You were here at that time?—A. Yes, sir.

Q. Do you know whether any steps were taken in reference to such outbreaks as that?—A. I know that General Conner wanted to keep everybody quiet, because General Hampton said we must have peace and quiet.

Q. General Conner was apprehensive that there might be some fighting?—A. I do not know about that.

Q. He did not want to have any fighting?—A. He wanted everything peaceable. He said it was wrong to have any excitement at election times; that everybody ought to try to be quiet and have the election without any disturbance, and he advised the people to be orderly, to have no confusion or breach of the peace, to submit to everything and anything.

Q. Was it not natural that the average negro should have the same feeling; might he not think that as well as General Conner?—A. I suppose so.

Q. Who is General Conner?—A. He was a general in the late war, and is a man very popular in this city.

Q. What is his position in politics?—A. He ran on the State ticket at the recent election.

Q. He is a leading man?—A. He is a very popular man and a leading democrat.

Q. When he called upon the people to be quiet he thought there might be some fighting, I suppose. Now, might not the average negro have the same feeling?—A. Nobody was going to trouble them.

Q. Mr. Conner is a democrat?—A. Yes, sir.

Q. Is he chairman of the democratic committee here?—A. No, sir; Col. Simonton is chairman.

Q. Does he not hold some position on the democratic committee?—A. No, sir; he ran on the ticket for the attorney-generalship.

Q. Is he not a man whom everybody looks to for advice?—A. Yes, sir; he is a prominent man.

Q. Well, when he advises the democrats not to fight, is it not reasonable to suppose there is some reason for it?—A. I did not say that he advised the democrats not to fight. In election times if men are not advised to be quiet and peaceable—

Q. I will ask you once more; if General Conner thought it necessary to say that it would be very bad to have any fighting about election-time; that he wanted everybody to be quiet, and he said that to the democrats, is it not natural to suppose that he thought there might be fighting, and that there might be trouble about election-time; and if he thought it, might not the average negro think the same thing?—A. It would be very likely in times like these.

Q. If, then, the negroes thought they were going to be attacked, might they not come to the polls with whatever weapons they might have for self-defense?—A. Nobody threatened them at all sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Was General Conner's suggestion thrown out to the democrats alone, or to all the people?—A. To everybody.

Q. He said he wanted everybody to be quiet?—A. Yes, sir; that is what I mean.

By Mr. BANKS:

Q. Would General Conner undertake to advise republicans what to do, or would they take advice from him?—A. I do not know that they would take any advice from him.

By Mr. JONES:

Q. Do you suppose that the negroes in Saint Andrews Parish in consequence of what General Conner advised, or of anything else that occurred in Charleston, or elsewhere than that parish, were induced to carry arms to the polls there to protect themselves from any violence by white men?—A. I do not, sir.

Q. General Banks has examined you in regard to your influence upon your own hands, and as to what was understood to be the influence of democrats generally in employing hands, to wit, that they would not give them employment if they voted the republican ticket. Now, in what you said to General Banks as having said to your hands, you did not mean to have it understood that you ever threatened or intimated to any of them that you would turn them off if they voted the republican ticket?—A. No, sir; I talked to them just as I would to my own family.

Q. Did you ever say to one of your employes if he did not vote the ticket you would turn him off?—A. No, sir.

Q. Did you ever hear of any republican planter or manufacturer, or of any man in the republican party who carried on any business whatever, and employing a number of persons, employ other than those who voted the republican ticket?—A. No, sir; all I heard was that they wanted to turn a colored man by the name of Doctor Boseman out of the custom-house.

Q. There are republicans in this county who carry on business who have negroes in their employ?—A. Very few of them. Most of the republicans here are office-holders.

Q. Do you not suppose that men who carry on plantations, or engaged in business of any kind, who belong to the republican party, would prefer to employ men who voted with them, or held like sentiments with themselves?—A. I would suppose it to be very natural. I would like to have the men working with me hold the same political sentiments I hold.

By Mr. BANKS:

Q. You mean to say that a man who employs hands should employ those he likes?—A. Yes, sir; I would like my hands to vote with me, but I could not discharge a hand who voted the republican ticket simply because he did so vote. A man on my place, referring to his creed as a republican, said to me, "Now, sir, that is my principle, and if I was to vote against the republican party now you would not trust me any more."

By Mr. COCHRANE:

Q. You still retain him?—A. Yes, sir; I would not turn him off for that reason alone.

By Mr. JONES:

Q. Do you know of many democrats who have republicans employed to carry on their business?—A. Yes, sir.

Q. Do republicans ever employ democrats?—A. No, sir; I do not know a republican that has any democratic employe in this city.

Q. Do you not know that in general employment, everywhere, they employ only republicans?—A. That has been my observation, sir.

By Mr. BANKS:

Q. In other words, they employ only the man they like best?—A. I suppose so, sir.

Q. Did you or did you not say a little while ago that you had said to the men in your

employ that if they voted the democratic ticket you could not do for them as you had done before?—A. What I meant was, that I am getting so poor under the republican rule of this State, that I am so hampered with taxes and one thing and another, that I could not help my people, or do what I would like to do for them. I have killed a cow for them every year at Christmas, and distributed it among them without charge; but I cannot do it this year. I am too poor.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Was Mr. Mackey here during the last election?—A. You mean E. W. Mackey? I heard he was here. I did not see him.

Q. How long have you known him?—A. Ever since the war stopped.

Q. Do you know of any action of his in the last canvass toward influencing colored voters in any way?—A. Well, I cannot answer you. I do not know exactly what you mean.

Q. Do you know, of your own knowledge, of any advice given by Mackey tending towards any riotous proceeding on their part? I do not ask for what people said to you.—A. No, sir.

CHARLESTON, S. C., *Wednesday, December 20, 1876.*

A. M. LATHAM sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. What is your age, sir?—Answer. Forty-nine.

Q. Where do you live?—A. I live in South Carolina.

Q. How long have you lived in South Carolina?—A. Since 1851, sir; twenty-five years.

Q. Where were you born?—A. I was born in Scotland, sir.

Q. Is there a precinct in Saint Andrews Parish known as Red-top Church precinct?—A. Yes, sir.

Q. Are you engaged in any business in that precinct?—A. Yes, sir.

Q. What?—A. Mining phosphates.

Q. How long have you been engaged in business there?—A. I used to plant rice and cotton there since 1868, but for the last three years I have been mining phosphates.

Q. Did you go to the Red-top Church precinct on last election-day?—A. I did, sir.

Q. What time did you reach the polls?—A. Before 6 in the morning.

Q. Before they opened?—A. Before they opened.

Q. What time did the polls open?—A. Six o'clock.

Q. Where was the voting conducted?—A. At Red-top church; in the church.

Q. What position, if any, did you occupy on that day?—A. I was democratic supervisor of election.

Q. At that place?—A. Yes, sir; at that place.

Q. At the time the polls opened about how many negroes were there?—A. There might have been from a dozen to eighteen.

Q. Well, sir, did others come?—A. Yes, sir.

Q. Singly or in bands?—A. They came occasionally in bands and sometimes singly.

Q. Were they armed; and if so, with what?—A. Most of them had bludgeons; some had guns.

Q. Did you see any one with bayonets?—A. I saw some bayonets tied on poles or sticks.

Q. How many managers of election were there?—A. Three.

Q. How many colored men?—A. Two of them were colored men and one was a white man.

Q. Two colored republicans, and the white man was a democrat?—A. Yes, sir.

Q. And was there a republican supervisor?—A. Yes, sir.

Q. Was he white or black?—A. He was a white man.

Q. Well, sir, I wish you would go on now and state from that point, in your own language, and without questions from me, what occurred during the day, giving the events, as near as you can, in their order.—A. About, I should say, a few minutes after I entered the church and the polls were opened, the box was examined by the people to see that it was all right. I proposed to the managers of election that but one person should be admitted to the church at a time, for the purpose of having a fair election; and the managers agreed that it was right enough, and requested the marshals to clear the church. By that time there were a great many in the church, and the people would not go out, so the managers didn't insist upon it. The church then became filled with people who crowded all around the box.

Q. What kind of people?—A. Colored people; all colored people, sir.

Q. Did they surround the box?—A. They were all around the box, close to it, and packed all around it; and a short time after that there was a boy came up to vote by the name of Jenkins, and I challenged the vote.

Q. How old was he?—A. He seemed to be about sixteen years of age—perhaps from thirteen to sixteen—and the crowd became very unruly at my objecting to his vote.

By Mr. JONES :

Q. You challenged the boy on account of his age?—A. I challenged his age, sir.

By the CHAIRMAN, (Mr. Cochrane :)

Q. Well, sir, proceed.—A. The crowd became very unruly about my expressing myself as dissatisfied with the vote, and they brought forward his father, and his father said that he was in his twenty-first year. I told him that that would not do; that he must be twenty-one years and out, and proceeded to swear his father; and they got perfectly obstreperous.

Q. What did they do?—A. They crowded all around me with sticks and hollered, "Take him out; bring him out;" and, of course, I was unable to challenge any more.

Q. Did the boy vote?—A. Yes, sir.

By Mr. JONES :

Q. Did you protest against it?—A. I did, sir.

By the CHAIRMAN, (Mr. Cochrane :)

Q. Were there any others?—A. There were many others, sir, but I could not protest after that; it was as much as my life was worth. Some democratic negroes came in to vote then, and among others my foreman, James Grant. He voted and showed his ticket.

Q. What ticket did he vote?—A. The democratic ticket; and the people became very much annoyed about that; apparently, and were for assaulting him; indeed, they expressed themselves so violently that they frightened the man. He wanted to go away, and he slipped out, and no sooner did he get out than they got after him, and they run him about two hundred yards.

Q. Were you present when any further difficulty occurred?—A. I was not present when they caught the man.

Q. Did you see Grant the next day?—A. I did, sir. He was very much cut up.

Q. What was his condition?—A. When I saw him he was lying in bed, and he told me he was unable to turn over.

Q. How many cuts were there about his head?—A. Well, sir, I think there may have been three or four. There certainly was one very bad one on the brow and head, and a very bad one across the top, and another in the back of his head—probably three or four cuts.

Q. Were there any other injuries or wounds about his person?—A. He was very badly cut in the knee, stabbed with a knife. I saw the cut. It was a very bad one.

Q. Any other cuts?—A. Another cut in the arm.

Q. Now, go back to the polls and tell us what followed after Grant ran out.—A. After that some little time went by before another man came in to vote—Peter Lucas.

Q. Was he a colored man?—A. He was a colored man and a pronounced democrat. He had been in my service for years and had always voted the democratic ticket. Well, they got after Lucas as he was going in, and they marched him up to the door with bludgeons over him, and he came to me and asked me what he should do. I remarked to him that I thought he had better sit down a little while and not vote at present. Just to wait a little while. He was afraid to stay, and went and put in his ticket. He then went out and they got after him again.

Q. Did you see Lucas the next day?—A. I saw him the next day and his head was tied up, and he told me they had all but killed him.

Q. He was cut up, you say?—A. His head was tied up, sir.

Q. Well, now, what further occurred at the polls?—A. Well, sir, at a later period in the day the negroes were around the church all the time, and men and women cursed me. I was kept in the church from six in the morning till eight or nine at night. I could not get out.

Q. What more, if anything, was done?—A. There was a man by the name of John Brown, a democratic negro, got into the church with me in the morning, and he could not get out; and one man came up there and cursed him for a son of a bitch, and that he wanted to knock his brains out. He didn't come into the church, but he came over to the door.

By Mr. BANKS :

Q. Did you see him?—A. I saw him and heard him.

By Mr. JONES :

Q. Who did he curse?—A. He cursed Brown.

Q. Who was Brown?—A. He was a democratic negro. He was afraid to vote and never voted.

By the CHAIRMAN, (Mr. Cochrane :)

Q. Do you know of democratic negroes coming up?—A. Several; a number that told me they were going to vote the democratic ticket were brought up by men one on each side with bludgeons. These men came up to the door with them, and told them if they didn't vote the republican ticket, what they would do, and they stood at the door and saw them vote the republican ticket. Men voted the republican ticket that I am satisfied would have voted the democratic ticket if they had been let alone; they told me so afterward.

Q. How many colored women were there about there?—A. There were thirty or forty armed with bludgeons. There was hardly a woman that hadn't a bludgeon, and they were, if anything, worse than the men.

Q. Was there any incident occurred between a negro woman and yourself that day?—A. There was. One of these women took a gun and aimed it in the window. I happened to go to the window and some one called out, "Look at that woman; she is about to shoot you, sir." I looked out and they had just taken the gun from her by that time.

Q. How many democratic votes were there at that poll altogether that day?—A. Four white men and nine negroes voted the democratic ticket—13 votes.

Q. How many republican votes?—A. Two hundred and ninety-seven; in all there were three hundred and ten.

Q. How many white men were there about the polls on that day?—A. Five.

Q. Who were they?—A. There was one republican supervisor, one democratic manager; there was myself, democratic supervisor, and two others.

Q. Were those two others white democratic voters?—A. Yes, sir.

Q. Will you state whether either of them was detained through fear in the church?—A. Yes, sir; one young man was detained there as long as I was. He remained there the whole day from 6 in the morning until 8 or 9 o'clock in the evening.

Q. He was afraid to go out?—A. Yes, sir; I went to the door two or three times, and whenever I saw the crowd surging toward the church I had to get in again.

Q. You made several efforts to get out?—A. Yes, sir.

Q. But was driven back by the threatening attitude of the crowd?—A. Yes, sir.

Q. I wish you would state whether there was great noise and confusion there during the day?—A. A great deal, sir, and the wildest intimidation I ever saw anywhere.

Q. What did the intimidation consist in?—A. There was a band of men marching backward and forward, beating drums, hallooing and screaming, and carrying on with the women in front of the men. I saw a company of men there, with forty or fifty in it probably, and mostly all armed apparently, half of them with bright, shiny rifles, and the others with bludgeons, sticks, and bayonets.

Q. Were these colored people?—A. Yes, sir; all colored people.

By Mr. JONES:

Q. How many rifles did you say there were?—A. There were about forty or fifty men probably in the company, and half of them were armed with bright, new, shiny rifles, and the others with shot-guns, old muskets, and mixed arms.

By the CHAIRMAN, (Mr. Cochrane:)

Q. How many negroes told you before election that they would vote the democratic ticket?—A. I could not positively say, sir; my estimate would be from 25 to 30.

Q. How many of those actually voted the democratic ticket?—A. Just 9.

Q. What became of the others?—A. The others voted the republican ticket. They had to do it.

Q. Some didn't vote at all?—A. Several didn't vote at all. Several didn't go to the polls; several went to the polls and didn't vote. Some were inside the church, and did not vote, and could not be made to vote.

Q. I wish you would state, sir, whether you used any threats to induce these colored men to vote the democratic ticket?—A. I used no threats, sir; there was no intimidation there, either by myself or any one else, to make them vote the democratic ticket.

Q. But did you use any threats prior to the election to induce these colored men to say that they would vote the democratic ticket; did you threaten to discharge them if they didn't vote the democratic ticket, or anything of that kind, or did you just reason with them?—A. I may have told them that I would think better of those that would vote with me. I may have told some of them that if I could not get along well, and if they were impertinent to me, I would think of it whether they should stay with me after the election or not.

Q. Did you ever threaten to discharge a man if he did not vote the democratic ticket, or anything of that kind?—A. Not that I remember, sir.

By Mr. BANKS:

Q. What did you say your business was, Mr. Latham?—A. I am engaged in mining phosphate rock.

Q. You live in Saint Andrew's Parish?—A. Yes, sir.

Q. At this precinct of which you have been speaking?—A. Near by.

Q. How many hands do you employ?—A. Fifty or sixty generally.

Q. Are you there most of the time?—A. Only part of the time; most of the time I am in the city.

Q. Have you any other business than that of mining?—A. I used to plant rice and cotton, sir.

Q. Do you take any special interest in commercial affairs?—A. No, sir; I don't pay any special attention to it.

Q. Educational affairs?—A. No, sir.

Q. Religious matters?—A. No, sir; nothing of that sort.

Q. Do you give any particular attention to the charities of the State, or the institutions of that kind?—A. No, sir; nothing of that sort.

Q. Do you take much interest in political matters?—A. No, sir; never until now.

Q. How many colored republicans do you say came to you to tell you that they wanted to vote the democratic ticket?—A. I think there were some twenty-five or thirty men.

Q. What led those men to come to you to tell you that they wanted to vote the democratic ticket, knowing that you took no interest in political affairs? I suppose, of course, they knew you took no interest in political affairs?—A. All of us take an interest in these times in political affairs, to a certain extent.

Q. What is the interest you take?—A. We are very anxious to see honest men occupy the positions of governor and lieutenant-governor. We have had a great many dishonest ones here, and I think every good citizen has that feeling, and it is the feeling of every man of any sense of honor in the country.

Q. Did these thirty or forty republicans go about the town and tell everybody that they wanted to vote the democratic ticket?—A. I do not know that they did. They might have come up in a little conversation, and say, "I am going to vote with you this time."

Q. They were republicans?—A. Yes, sir.

Q. What had occurred between you and them to lead them to come to you, and make this declaration that they were going to vote with you this time?—A. I will tell you one thing that occurred: They have been looking for schools up in that parish, and they have never had any yet. A man came to me and asked me why they didn't get these schools, and I told them that these scoundrels here were taking all the money. I told them that Wade Hampton would give them schools.

Q. You told them, if they didn't vote the democratic ticket you would think whether you would employ them or not. Did you or not tell them that if they did not vote the democratic ticket, they would fail in getting employment?—A. No, sir; I didn't tell them that if they would not vote the democratic ticket I would see whether I would employ them or not.

Q. Did ever anybody say that to them in your name?—A. No one was authorized to say that for me.

Q. Do you know whether here in this part of the State it has been the general purpose to give the republicans to understand that, if they did not vote the democratic ticket, they would not have employment?—A. I have heard something of the kind.

Q. How generally has that purpose been pursued?—A. I have heard of it being pursued in the city here in some cases, but I cannot say that it was general.

Q. Have you attended any meeting for that purpose?—A. No, sir.

Q. Do you know that the papers have taken the ground that men who voted the republican ticket could not expect to be employed by democrats?—A. I believe that they did to a certain extent. I may have seen something of the kind, but I know nothing of my own knowledge.

Q. And you believe that the papers have taken that ground; that there has been an impression given to the public that democrats ought not to employ negroes who vote the republican ticket?—A. Well, we wanted people who would vote with us. I did not propose that everybody should be dismissed.

Q. Now, what proportion of these men at the polls of whom you have spoken were armed?—A. I think that nearly every negro at that precinct that day had a bludgeon.

Q. What is a bludgeon?—A. A bludgeon is a piece of wood about two and a half feet long. They were dressed very nicely at the handles, with a string attached, with which they would swing them in their hands.

Q. And the men had the same things?—A. The democratic negroes went there without anything of the kind. They didn't wish to have anything offensive.

Q. But the negro women?—A. O yes, sir; they had them.

Q. Had there been any trouble in this part of the country with the negroes at the time of the election?—A. There was some rioting in the city, sir.

Q. To what extent?—A. I did not see any of them, sir, and do not know anything of them.

Q. Was anybody killed?—A. Yes, sir; young Walter was killed.

Q. Any black men?—A. No black man was killed in the riot in the city.

Q. Any wounded?—A. Some wounded.

Q. When did this occur; shortly before the election?—A. It was only a week or two before the election.

Q. Had there been any riots before that?—A. Yes, sir; in the city there were some.

Q. Who was killed?—A. A white man by the name of Buckner was killed in one.

Q. Any negroes?—A. Not that I know of, sir.

Q. Where was Mr. James Grant when he was hurt?—A. Well, sir, he left the church after he found that he was obnoxious to the negroes. He went out of a sort of a side door and they had the door just packed.

Q. Did you see that yourself?—A. I saw him just before he went out.

Q. But you did not see him when he went?—A. I saw them chase him.

Q. What was your position?—A. Supervisor.

Q. Were you not attending to your duty?—A. When I heard that row I ran to the door.



Q. Was the door in the center or on the side?—A. There is a door at the end and a window at the side, and I was sitting close to the window.

Q. Did you see out of the side window, or did you go to the door?—A. I went to the door, sir.

Q. But you didn't see him when he was hurt?—A. I saw him after he was hurt.

Q. How do you know that he was hurt by the negroes because of his politics?—A. do not know of my own knowledge. I do not know anything further than what I have heard. I have a pretty good idea, but I can't say positively. I saw one man come back immediately after the row, and I saw him pull out a long knife, and it had fresh dirt on it, as if it had been covered with blood and ran in the dirt to clean it.

Q. Well, now, you do not know that those colored men of whom you have spoken did not vote the democratic ticket of their own accord; that they would not have voted it anyhow? You do not know that any other colored man would have voted the democratic ticket, save that some of them told you that they would? Can you come here and swear distinctly and positively, because a negro had told you six months before the election that he was going to vote with you this time, that they did not vote because they were frightened and because they dared not do it?—A. It would be impossible for me to say that. It looked from their appearance that they were democrats. Why should other negroes take hold of these men with bludgeons if they were not democrats?

Q. And the only thing that led you to think that they were going to vote the democratic ticket was because they told you they were going to vote it?—A. They looked as if they were when they came up.

Q. Are the negroes in this section republicans or democrats?—A. Many of them are republicans, but a good many have changed just from the wretched condition of matters here. If there had been no intimidation, I believe we would have had some sixty or seventy votes. A great many old men told me themselves that they were tired of this concern now, that they were getting no schools.

Q. And you told them that if they wanted schools they must vote for Wade Hampton?—I did, sir.

By Mr. JONES:

Q. Well, sir, as to any intimidation that might have been offered by you, you never threatened any colored man in your employ that if he did not vote the democratic ticket you would turn him off?—A. I told them, sir, that those that voted with me I would think better of.

Q. Is it not the policy of the republicans to have employes that vote with them?—A. I thought so then.

Q. As for this man that ran away, you say they pursued him?—A. I did, sir.

Q. Did you see them strike him?—A. No, sir; I was not near them. There was too large a crowd between for me to see.

Q. You saw him the next day?—A. O, yes.

Q. You saw the cuts upon him?—A. O yes, sir.

Q. Did he say who cut him?—A. He told me who struck him with the bludgeon, but he told me that when the cutting was done a woman was lying on his head.

Q. As for these twenty-four or twenty-five colored men you say that you said you believed intended to vote the democratic ticket, you believed so from what they said to you?—A. Yes, sir.

Q. Were they influenced by any threats made by you or by any threats that anybody else made?—A. No, sir; I do not think so; just from what I had been telling them.

Q. Then you saw those persons coming to the polls, and from their appearance you thought that they intended to carry out their wishes?—A. I felt sure that they intended voting the democratic ticket.

Q. But they didn't vote the ticket?—A. O, they voted the republican ticket, sir.

By Mr. BANKS:

Q. You had told these men that if they did not vote the democratic ticket you should think whether you would give them employment or not?—A. These men were good democrats—most of them; they are all men who would have voted the democratic ticket without my saying a word to them. There were some men to whom I may have said: "Well, now, if you don't vote with me this time, and if you are impudent, or saucy, I will think whether I will dismiss you or not."

By Mr. JONES:

Q. You assert, however, that you never threatened any man in your employment that if he did not vote the democratic ticket you would turn him away or you would refuse to employ him?—A. I don't recollect ever threatening anybody.

Q. Do you know the fact that many negroes have joined democratic clubs?—A. A number of them have joined the democratic clubs. We had a democratic club out with us. I saw the paper and saw the signatures.

Q. Were any of them forced to join the clubs by threats or intimidation?—A. No, sir; they were intimidated from joining the club.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Were there democratic negroes who came to the polls and were compelled to vote the republican ticket outside of these men in your employ of whom you have spoken?—A. I could not tell what they were before. There were very few democratic negroes before this last election.

Q. But there were a few negroes that had been voting the democratic ticket all the way through, and they were intimidated—some of them?—A. Yes, sir.

By Mr. JONES:

Q. You said that twenty-five or thirty at least had told you that they were going to vote the democratic ticket, and they didn't do it?—A. That is so, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. You say there were not many democratic negroes before this last election?—A. Very few, sir.

Q. A great preponderance of the negro vote was republican?—A. Yes, sir.

Q. But this time you noticed a marked change?—A. A very great change, sir.

Q. And this you attribute to the fact that the men whom they elected to office before had not complied with the promises they had made them—had not give them schools?—A. Exactly, sir.

By Mr. BANKS:

Q. You have said just now to the chairman that there were very few colored democrats in your precinct before this last election. Now, at this last election how many were there?—A. There were nine voted the democratic ticket there.

Q. How many more were there that did not vote? Can you name one?—A. John Brown didn't vote.

Q. Name another one.—A. Simon Bennett promised to vote the democratic ticket, but did not vote at all.

Q. Who was another one?—A. I could not give you the number. These two men were right before me there.

Q. Did they stand by you in the meeting?—A. John Brown stood by me in the meeting all day. He could not get out. If he had gone out he would have been killed.

Q. Did you tell them to stay there; that they would get hurt if they went out?—A. They staid themselves.

Q. You know two that did not vote?—A. Two that were there that did not vote, and many that did not come at all that didn't vote.

Adjourned.

CHARLESTON, S. C., *Thursday, December 21, 1876.*

The subcommittee met at 10 o'clock a. m. All the members present.

PETER LUCAS, colored, sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question, How old are you?—Answer, Forty-nine, sir.

Q. Were you born in this State?—A. Yes, sir.

Q. Have always lived here?—A. Always, sir.

Q. Do you live in the Red Top Church precinct?—A. Yes, sir; right in that same place.

Q. Did you vote at the Red Top Church precinct?—A. Yes, sir.

Q. About what time did you get there?—A. About nine o'clock in the morning.

Q. How soon after you got there did you vote?—A. I went there about nine o'clock; I reckon I voted about quarter after nine.

Q. Well, after you voted, just state what you did, where you went, and what occurred.—A. I went in, and when I was gwine to vote I was told to hold up my ticket, but I couldn't do it.

Q. Who told you to hold it up?—A. The managers of the poll was the party who said we must hold up our tickets when we voted, so that they could see who voted and who didn't vote. I couldn't hold up my ticket, 'cause there was a murmuring, &c., and I couldn't do it, and I just went and put my ticket in the box.

Q. What ticket did you vote?—A. The democratic ticket, sir.

Q. Well, go on, sir.—A. I then retired back, out of the doors, and about 50 yards from the doors they surrounded me.

Q. Who surrounded you?—A. A crowd of colored people with clubs and sticks, and one said, "Let him alone; he voted the right ticket." The others said, "No, kill him; for he didn't," and they let me go. After I went home to my house six men came there—

Q. Six of whom?—A. Colored people.

Q. Six of those that had been at the polls?—A. Yes, sir. They came to my house and asked me for the ticket what I voted, and I gave them the ticket back what I voted.

Q. What tickets were those that you had?—A. Republican tickets, sir.

Q. When the crowd surrounded you after you came out from the polls, did you say anything about what ticket you had voted?—A. I told them, to save myself, that I voted the right ticket, but I know what I voted, and our party couldn't protect one another, 'cause they were weak, and they was a killing and slaying, and we retired.

By Mr. BANKS:

Q. At the church, they asked you what ticket you had voted?—A. Yes, sir.

Q. That was the colored men?—A. Yes, sir; and they came to my house and asked for the ticket what I had, and I give it back to them, and one says, "The committee says you must give the ticket back for they want it back." And I gave it back. Then I started from my house to go to feed the hogs over the road, about a hundred yards from me in the swamp, and I looked out in the road and I saw a gang of men coming down the road.

Q. What, if anything, did they have in their hands?—A. Clubs, sir. I saw them coming and I knew then they were coming after me, and I ran across the swamp and they run me down and coted me, and then they fetched me up at the Red Top again; at about two hundred yards from it, and then they stripped off my jacket down to my vest and give me about 150 lashes with grubs, a switch about as big as my thumb, and they let me go, and in that time a gang of women was seen coming down from the Red Top after me again; then I run and got away from them.

By Mr. JONES:

Q. From the women?—A. Yes, sir.

Q. What did the women have in their hands, if anything?—A. Clubs, too. Then in my running I left my wife in the road where they whipped me; after I run up in the woods I heard a great noise behind me in the road where I left my wife; then I turned back to the road. I thought they were murdering my wife behind me. Then a young man met me in the time I was coming back for my wife, and he stripped me again.

Q. Who was this man?—A. Eppa Small, a colored man.

Q. What office did he hold?—A. He was one of the rallying committee.

Q. What did he do?—A. He stripped me again and he gave me about ten lashes more.

Q. Well, then did you go home?—A. Then I went around in the woods and went home.

Q. Were the women gone when you got home?—A. Yes, sir; I left them in the road. I went around through the woods.

Q. When you got home the women had gone and your wife was home?—A. Yes, sir; my wife had come back home.

By Mr. BANKS:

Q. Did you ever vote before this time?—A. O, yes, sir.

Q. How many times?—A. I have always been voting, but since I changed my desire to vote on the other side, it's about eight years ago.

Q. It is about eight years since you began to vote?—A. No, sir; eight years since I changed on the other side.

Q. What side did you vote on eight years ago, before you changed?—A. The republican, sir.

Q. Did you ever have any trouble before?—A. No, sir.

Q. When they came to your house and asked you for the tickets that you had, did you give them to them?—A. Yes, sir.

Q. How many did you have?—A. Only one.

Q. You gave that back?—A. Yes, sir.

Q. Who gave it to you?—A. A young fellow on the road.

Q. A colored man?—A. Yes, sir.

Q. After you were whipped the first time you turned to go back, hearing a great noise in the road, what did you find there?—A. When I heard the noise I went back, thinking they had my wife. When I went back my wife was squealing and hallooing, and she had went into a house and the women couldn't catch her.

Q. What house did she go into?—A. Sampson McNeal's house.

Q. Was he a colored man?—A. Yes, sir.

Q. Had he a wife?—A. Yes, sir; he had a wife.

Q. How long did she stay there?—A. Well, I couldn't tell you how long she staid there, because she went into the house when they came to catch her. When I came back they came out of the house.

Q. Who whipped you the second time?—A. Whereabouts, sir?

Q. The second time when you came back and when somebody met you and stripped you and gave you ten lashes?—A. Eppa Small.

Q. He was a colored man?—A. Yes, sir.

Q. What did he say?—A. He says, "What did you vote that ticket for, sir?" I says, "No, Eppa, I didn't, son." He says, "You are a damn liar, sir; you sent the ticket back to us." I told him no I didn't sent the ticket back, but that they asked me for it, and said that the tickets ought to be in before 6 o'clock, and so I give the tickets back; that's what I told Eppa; so he stripped me off and give me ten lashes over again.

Q. You said before, that you had given the ticket back when they first came to your house?—A. Yes, sir; I give them a ticket before.

Q. Before the lashes?—A. Yes, sir.

Q. Then you ran away, then ran back again, and this man Small took you and gave you ten lashes more?—A. Yes, sir.

Q. Did you give him the ticket?—A. No, sir; I gave it to a man by the name of Andrew Effy.

Q. What did Small say to you?—A. He says, "What did you vote that ticket for?"

By the CHAIRMAN, (Mr Cochrane:)

Q. What ticket?—A. The democratic ticket, and I told him I didn't, and he says, "You old son of a bitch, you lie," and I begged him and told him that I didn't; and so he tumbled right on me, and stripped me off again, and give me about ten lashes more.

By Mr. BANKS:

Q. Was he alone?—A. Yes, sir.

Q. Where were the other people?—A. The gang was in the church. There was two men with him in the road, but he was the only one that give me that lick.

Q. Had you had any talk with those colored people about your voting before this?—A. Yes, sir; they always talked, and I told them I voted the democratic ticket.

Q. Who did you work for?—A. I worked for myself, sir; I have my own place.

Q. Own your own land?—A. Yes, sir.

Q. What do you do on your land?—A. Plant corn, cotton, and potatoes.

Q. Had you talked with any white people about your voting, or had they talked with you?—A. No, sir; not one.

Q. You voted the democratic ticket?—A. Yes, sir; it's eight years ago now, sir, since I changed over.

Q. And you never said anything about your voting to anybody, and they had not said anything to you?—A. Not the day of voting.

Q. But before?—A. Well, of course, I always said I would vote the same old way.

Q. Had you talked with the white people the day of the voting about how you would vote?—A. No, sir; not that day.

CHARLESTON, S. C., *Thursday, December 21, 1876.*

JAMES GRANT, colored, sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. How old are you?—Answer. Twenty-six, sir.

Q. Were you born in this county?—A. Yes, sir.

Q. Have always lived here?—A. Yes, sir.

Q. Did you vote at the Red Top Church precinct in Saint Andrew's Parish?—A. Yes, sir.

Q. What ticket did you vote?—A. The democratic ticket, sir.

Q. What time did you go to the polls on the morning of election-day?—A. Very early in the morning, before six o'clock, before the poll opened.

Q. When you went there, and when you went in to vote, were there many people in the church?—A. When they turned the box there didn't been many, but the time I put in the ticket there was a good many crowded in.

Q. Were there many about the table at that time?—A. Yes, sir.

Q. Colored people?—A. All colored; just a few whites.

Q. How many white men do you say were there?—A. There was Captain Latham, Mr. Murphy, and Julius Gess.

Q. Who was he?—A. Julius Gess works with Captain Latham.

Q. Who was the republican supervisor?—A. It is a gentleman, I don't know his name. I think his name is Mr. Johnson. I am not certain of it. He is a short gentleman, a white man.

Q. Any other white man there?—A. No, sir; these are the only ones, if I don't mistake the names.

Q. Without any questions from me, I want you to go on and state in your way, from the time you voted, what was said or done to you during the day.—A. After I got in and voted my ticket, the place where I put my ticket in the box was so crowded that I jumped out of the window; the window was always open. I went out and took a ticket out of my pocket—

Q. What ticket?—A. Democratic, sir; the same that I voted.

Q. How many democratic tickets did you have?—A. I had a good deal, sir. I didn't count them. After I had voted my own and I took the tickets out of my pocket, a young man came up to me, that time, by the name of Simon Bennett. Simon Bennett said

to me, "The crowd is very strong around the door, and if anybody votes the democratic ticket he will be put to death," and says he, "If I can't vote the ticket I won't vote at all." I says, says I, "If you can't vote as you choose, fold your ticket up close, and show it to no man, and then you can put it in the box; don't show it to no man till you get up to that box." At that time he was standing with me, a little way from the church, and then he commenced walking with me, and I had my ticket in my hand, and the crowd burst right out behind me, and we considered the crowd was coming to get the ticket. I wheeled around and I says to Bennett, "Do you think that crowd is after me?" He says, "I don't know." By that time the crowd was nearly up on me, and I heard one man in the crowd say, says he, "Catch the son of a bitch," and as I looked behind me Simon Bennett broke off and run, and I broke off and run, and then we run down the road a little ways, and we turned the fork of the road that goes up to the O'Hare's plantation. As we turned the fork we saw a crowd coming across the field to cut me off.

Q. Part followed after you and the balance cut you off?—A. Yes, sir; after I turned the fork I seen the crowd cutting me off, but they didn't have closed up on me yet, and I wheeled round and saw that they had me in a ring. Then I run round in the ring trying to break out and get away. Then the crowd that had cut me off closed up on me, when one man, by the name of Solomon Lyon, struck me and knocked me down.

Q. Where did he strike you?—A. He struck me right in the head. He struck me two blows; one blow staggered me and the last one, in the back of the head, knocked me down.

By Mr. JONES:

Q. What did he strike you with?—A. A green gum-club. As he knocked me down I jumped up and he knocked me down again.

By the CHAIRMAN, (Mr. Cochrane):

Q. Where did he hit you that time?—A. All in the same spot, sir. Then I jumped up again and Ben Manigault flew up and says he, "Kill the son of a bitch; he voted the democratic ticket." One man says, "No; don't kill him." Sol Lyon says, "Kill the son of a bitch; he is nearly done died. Kill him at once." I says, "O, do, boys; don't kill me," and I jumped up, and Ben Manigault struck at me again, and as Ben struck at me he fell with the force of his own blow and I jumped up and run toward the bank to get to the road, and Lyons says, "Kill him, kill him; don't leave him; he's nearly dead now;" and he runs up and strikes me on the head again.

Q. What with?—A. The same club, and I grabbed hold to the grass on the dam and crept across the dam and run cross the road, and Rebecca Bennett, she run down the road screaming, and I says, "O, do, darling, save me; save me;" and she run toward me, and she hugged I and I hugged she, and she threw me down, and she was on top of me trying to cover me with her clothes.

Q. I see a long scar on your forehead. How did you get that?—A. Ben Manigault, sir, gave me that.

Q. Was that the last time he struck you?—A. Yes, sir.

Q. Well, now, what did they do, if anything, after Rebecca Bennett threw herself over you and tried to protect you?—A. Sol Lyon struck me a lick then on the right side of the head, and in that time Rebecca, she cotched me and I cotched she, and she threw me under her, and they caught up my leg, which was sticking out a piece from her dress, and beat me on my leg, and one of my arms was out, which I cotched she with, and they beat me on my arm too, and some one, to break my hold on sho, cut my arm.

Q. How many times?—A. Two times, sir; cut right to the bone.

Q. Suppose you let us see your arm. (The witness exhibited his right arm to the committee and displayed two long cuts near the elbow. The witness also exhibited the cuts on his head, one on the forehead on the top and one at the back of his head, which were not entirely healed.)

Q. Were you cut any place else?—A. Yes, sir; on my knee.

Q. On the knee of what leg?—A. The left leg.

Q. Was that a deep cut?—A. Yes, sir. You know that cap you can twist about on your leg, they cut down to that; and whatever they was cutting it with, slipped, and it went down side of that bone, and went in there. They sawed right across the cap, and the cap want one side and slipped down. That is the chief pain I've got now, and the doctor says it'll be over six months before I can walk good on it, sir.

Q. You are lame now from that wound?—A. Yes, sir.

Q. Go on and state what occurred after you were cut.—A. Rebecca she was on top of me, and she covered up everything except this right arm and left leg, and they cut that; and one woman she came up and struck me in the head, and Rebecca she was hollerin', "Do marster; don't kill him; don't kill him!"

Q. You say a woman came up and struck you?—A. Yes, sir.

Q. Well, now, after she struck you, what occurred?—A. Julia Madison she came up and struck me.

Q. What occurred after that?—A. After that, Rebecca was then hollerin', and they said, "Kill the woman and get the damned nigger out; kill him, for he voted the democratic ticket."

By Mr. JONES :

Q. Who said that?—A. One of the party. He says, "Kill the woman; kill the damned woman and get the damned nigger out. Kill her; there's no women here to-day; there's no law." Some of them said, "The governor says any nigger man that votes the democratic ticket to-day, kill him, and he will stand in front of the law."

Q. You do not know who it was that made that remark?—A. No, sir; I was covered up by she. Then after that Rivers came up—Richard Rivers.

Q. Was he a colored man?—A. Yes, sir; he was one of the rallying committee. He came up, and says: "Boys, don't do that man so;" he says, "If he did vote the democratic ticket you ought to whip him, but you have no right to beat him that way;" says he, "Stop, boys; don't beat him so;" then every one of the men stopped.

Q. Rivers said, "If you did vote the democratic ticket to whip you, but not beat you in that way?"—A. Yes, sir; whip me, but not beat me with clubs.

Q. Well, then, did they go away?—A. Says he, "Stop, boys; go away," and then they went away. After the crowd went away, says he, "Get up, Miss Bennett;" and Miss Bennett wouldn't get up off me, and Rivers he lifted her up, and she lifted I up, and we three raised up together off the ground. Then Rivers walks a little ways with I and Miss Bennett and leaves me in the hands of Miss Bennett, and Miss Bennett leads me home.

Q. When you got home did you go to bed?—A. When I got home they stripped me. Of course they had to close my bleeding, and I washed myself and went right to bed.

Q. How long were you in bed?—A. After I went to bed the arm commenced to bleed again, and that was Tuesday morning about 9 o'clock, and I laid in bed till Sunday, when Dr. Simmons came up from the city and sewed up the arm and knee and said I must go to the city. Says he, "Grant must go to the city," and I refused coming to the city. Says I, "I never been to a hospital yet." Says he, "Grant, if you don't go to the city your wound will turn out bad; you must go where you can get close attendance." So I says, "Doctor, I'll do what you said." Sunday evening they lifted up the mattress off the bed and put the mattress in the wagon and the men pulled the wagon across the bridge and hitched the mule in and fetched me to the railroad and took me up and put me into the conductor's box and put me in the hospital.

Q. How long were you in the hospital?—A. I was there three weeks, sir; and I asked the doctor to let me go home, and he said, "Yes, if I promised not to walk on my leg." Said he, "That leg won't be fit to walk on for six months."

Q. Have you been able to do anything since?—A. No, sir; my leg won't hold the weight of my body.

By Mr. BANKS :

Q. Had you voted before this year?—A. O, yes, sir.

Q. How many times?—A. Once, sir.

Q. When was that?—A. The last election time, sir; two years ago.

Q. What ticket did you vote?—A. I voted for Mr. Green, sir.

Q. Was that the democratic or conservative ticket?—A. It was what they called the independent republican ticket.

Q. It was not the republican ticket?—A. No, sir.

Q. Then you have only voted twice?—A. Yes, sir.

Q. Who do you work for?—A. Captain Latham, sir. I have been with him since I've been a small boy.

Q. What did he say to you about politics?—A. He never said anything to me, sir. He just was reading the paper, and he said the election was coming off.

Q. Has anybody talked to you about politics?—A. No, sir; neither republicans nor democrats.

Q. Have you ever been to a meeting?—A. No, sir; we have our own meetings.

Q. To whom did you tell this story, that you have told us; who have you talked with about being beaten?—A. Well, I didn't talk to any one, sir. Of course, after being beaten, I was carried right to my house, and after Dr. Simmons came up and sewed up my wounds, he didn't speak. The most talk I had was with Dr. Porcher at the hospital.

Q. You were three weeks in the hospital?—A. Yes, sir; three weeks in full.

Q. Then you came away?—A. Yes, sir.

Q. Did you talk to anybody about being beaten after coming away?—A. Only with Dr. Porcher.

Q. Did you talk with anybody else about it?—A. No, sir; I only seen Captain Latham when I went home, and I said to him, "I liked to have died from voting."

Q. Did you talk to anybody yesterday about this matter?—A. No, sir; nobody but that gentleman, (pointing to the chairman.)

Q. You told your story to Mr. Cochrane?—A. Yes, sir.

Q. Did you talk to anybody the day before?—A. No, sir.

Q. You had a blow on the side of your head and you had two cuts on your right arm and a cut on your left leg by the knee?—A. Yes, sir.

Q. And after this affair was over, Rivers lifted Miss Bennett up and she lifted you up; then you went home?—A. Yes, sir.

- Q. How far was it to your home?—A. About two or three acres, sir.
- Q. And you washed and went to bed, and it was Sunday before the doctor came to you?—A. Yes, sir; it was Tuesday morning when I voted and it was Sunday when the doctor came.
- Q. And you lay in bed all that time?—A. Yes, sir; I couldn't move, sir. I couldn't move nary leg, and I couldn't move none but the left arm. I couldn't move myself, sir; indeed, I could't get up to go on a chamber.
- Q. They had to lift you up on the mattress?—A. Yes, sir.
- Q. Who helped you into the wagon?—A. Four men, sir.
- Q. Who were they?—A. One was named Given, sir.
- Q. A colored man?—A. Yes, sir.
- Q. Were they all colored men?—A. Yes, sir.
- Q. What was the name of another man?—A. I'll tell you the truth; I was so sick that I didn't know.
- Q. How did you know Given?—A. I knew him by his voice, sir.
- Q. Is he here?—A. No, sir. It was a four-cornered mattress they lifted me up on, and one man took hold of each corner, but I was so sick I don't know who they was. They lifted me on the mattress out of the bed, and I lay on that mattress at the hospital.
- Q. You lay in the hospital three weeks?—A. Yes, sir.
- Q. That was in Charleston here?—A. Yes, sir.
- Q. What did you do when you came out of the hospital?—A. I went right home, sir.
- Q. How did you get home?—A. I went on the train, sir. A wagon carried me to the railroad, and a cart met me at the train and carried me over to my house.
- Q. What have you been doing since then?—A. Nothing, sir; except trying to walk about on my stick.
- Q. When did you begin to walk on your stick?—A. After I went home, sir.
- Q. Dr. Porcher gave you your discharge?—A. Yes, sir.
- Q. How long ago was it you got your discharge?—A. I think I was home about two weeks since.
- Q. What have you been doing in this two weeks?—A. I went home, sir; and I lay there in bed, and I would get up by the stove and bathe my leg of a morning. The doctor gave me some dressing to dress my leg with.
- Q. Who do you live with?—A. I live on a piece of land I bought myself, sir.
- Q. How much land is it?—A. Twenty-two and a half acres, sir.
- Q. What do you raise on your land?—A. I plant corn, peas, and cotton, sir.
- Q. Have you got a family?—A. Yes, sir.
- Q. Anybody in your house besides your own family?—A. No, sir; none at all.

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CHARLESTON, S. C., Thursday, December 21, 1876.

J. D. MURPHY sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question: Where do you reside, sir?—Answer. In the city of Charleston.

Q. Where do you do business?—A. In Saint Andrew's Parish, on the Savannah Railroad.

Q. Where were you on last election-day?—A. At the Red Top church precinct. I was there on the day of election, but I do not live in the parish.

Q. At what time in the morning did you get there?—A. Six o'clock.

Q. With whom did you go?—A. With Captain Latham, James Grant, and John Brown.

Q. How long after you got there did the polls open?—A. I suppose almost immediately after I got there.

Q. Did you go into the church?—A. Yes, sir.

Q. State whether many colored people or few came in.—A. There were a great many there. I suppose upward of a hundred. Some of them slept there the night before for the purpose of being there early.

Q. Did they crowd the church up?—A. Yes, sir.

Q. Were they around the box?—A. They were around the box early in the morning, but at the persuasion of the republican supervisor they came out later in the day. They assembled around the building with shot-guns and muskets, and some with bayonets on poles and broomsticks, threatening the life of any colored democrat who chose to vote. They actually beat one.

Q. Was there any confusion or noise?—A. There was a colored militia company came there early in the morning with drum and fife and marched past the polls, and countermarched and went down to the other poll, at Brick Church, and, later in the evening, the Old Town colored militia came there, and voted also. They had State arms.

Q. Did you hear any horns blown?—A. Plenty of them—any quantity of them. That was a kind of signal they adopted.

Q. Did you hear any cursing or loud talking?—A. Yes, sir; from a great many of them. They were very boisterous in their remarks; in fact, they threatened Captain Latham's life several times.

By Mr. BANKS:

Q. What did they call him?—A. They called him a damned democrat, and dared him out of the building. Immediately after Grant had been beaten, I went to see him. I had to be guarded there by the United States deputy marshal, my life being threatened.

By the CHAIRMAN, (Mr. Cochrane.)

Q. What had been said to you?—A. They expressed a wish to get me out of the building to mob me, I being a democrat. They said no white man had any business there at all; that that portion of the country belonged to them. I went to Grant's house and found him in a very bad condition, all beat up and cut with razors; and sent for a doctor.

Q. Did you see any colored women about there that day?—A. Any quantity of them. I think the day would have been more peaceable if it had not been for the women; they were more boisterous than the men.

Q. State whether they were armed with anything.—A. They had sticks, and some of them had hoes, that you work with in the field.

Q. Were they violent in their language?—A. O, yes, sir. One of them grabbed a musket out of the hands of one of the men and pointed it at Captain Latham. They were very anxious to take his life.

Q. Do you remember how many democratic votes there were polled at that precinct?—A. After the polls closed I think they announced thirteen votes.

Q. Do you recollect how many republican?—A. Some three hundred and odd, I think—three hundred and fifteen or sixteen. I am confident that if the people had not been interfered with, there would have been at least a hundred to a hundred and fifty darkies that would have voted the democratic ticket.

By Mr. BANKS:

Q. You do not know that?—A. Only from what they stated before the election.

By the CHAIRMAN, (Mr. Cochrane:)

Q. I wish you would state whether, prior to the election, you heard any persons express their intention to vote the democratic ticket.—A. I did. Some of them came to me during the morning and told me that they intended to vote the democratic ticket, but that it was more than their lives were worth to do it.

By Mr. JONES:

Q. How many told you that?—A. About half a dozen at that time, but it got so in the day that it was dangerous for them to be seen talking with a white man.

By the CHAIRMAN, (Mr. Cochrane:)

Q. About half a dozen, on election-day, came and told you that?—A. Yes, sir; early in the morning.

Q. Well, now, prior to the election, within two weeks before the election, did you talk to many of these colored people?—A. Yes, sir; a great many of them. I have a brother-in-law up at Captain Latham's place, and I often go up to see him. A great many have there expressed a willfulness to vote the democratic ticket, and would have done it. There was a colored democratic club formed up there, and the republicans broke it up.

By Mr. BANKS:

Q. Do you know that fact?—A. Yes, sir; I know that fact.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Give us an estimate of about how many of these colored people talked with you, prior to the election, and announced their desire to vote the democratic ticket.—A. I suppose there were from fifty to a hundred of them altogether, or in that neighborhood.

Q. What reason, if any, did they assign for their desire to vote the democratic ticket?—A. Well, a great many of them told me that they had tried the republican administration in this State for eight years, and found that there was no good came out of it, and that they thought they would try the home-folks now—their old masters; that they thought Mr. Hampton had given every pledge that one man could be expected to give another, and that he was the best man to trust with the State.

Q. Did they say anything about schools?—A. Yes, sir; they said they thought they would get their children educated if the administration was changed. They have no schools here now.

Q. I wish you would state whether these acts of violence at the polls that day which you have spoken of covered the whole day?—A. Yes, sir; the whole day. It was dangerous for a man to have a democratic ticket then in public; he could not exhibit one. I had to vote secretly myself.

Q. You would have been fearful to exhibit your own ticket?—A. I was afraid to examine my ticket.



By Mr. BANKS :

Q. What is your business?—A. I am employed on the Charleston and Savannah Railroad; I am a carpenter; and my age is thirty-two.

Q. How long have you been employed by this company?—A. I have been employed by the company six years.

Q. Where does the railroad run?—A. From Charleston to Savannah. That evening, after I left the poll, I had to get a deputy United States marshal to see me to the depot. The republican supervisor requested that I should have one, and even then I had to take a by-road to go to the depot.

Q. How many white men were there?—A. Five altogether; one republican and four democrats.

Q. Did any of them have a guard except yourself to leave the polls?—A. No, sir; they did not.

Q. What had you done that you should have a guard?—A. I had done nothing at all, sir; my only offense was being a democrat.

Q. But there were other democrats there?—A. Yes, sir; but they went away in the night; I went away at 3 o'clock in the afternoon.

Q. Who was your guard?—A. I forget his name.

Q. Was he a republican?—A. Yes, sir.

Q. A colored man?—A. A colored man.

Q. How far did he go with you?—A. About a mile and a half, sir.

Q. Did you have any trouble?—A. We avoided any trouble by taking a by-path. There would have been trouble if I had gone the regular road, because it was regularly guarded by squads of colored men.

Q. Are the officers of the Charleston and Savannah Road democrats?—A. Well, I never questioned them; I do not know, sir.

Q. Did you ever talk politics with them at all?—A. Very seldom, sir.

Q. Did they talk with you?—A. No, sir.

Q. Did they employ republicans?—A. O, a great many, sir; we have plenty of colored men there.

Q. How large was the militia company that came to the polls in the morning?—A. I suppose there must have been from seventy-five to a hundred in it.

Q. Did they belong there?—A. There were two militia companies came there during the day. One of them belonged very near the place. One was called the "Old Town" militia, and the other called themselves Company D, in the lower end of the parish.

Q. How long were they in the neighborhood of the church?—A. They remained there all the best part of the day.

By Mr. JONES :

Q. Do you speak of the company of militia as having remained there all the day?—A. Yes, sir; this Company D remained there the best part of the day, and the "Old Town" militia company came there in the evening.

By Mr. BANKS :

Q. What was that company that came there in the evening?—A. They came from Brick church, and a great many of them voted and returned.

Q. That was another company?—A. Yes, sir.

Q. How large was that?—A. I do not suppose there was over fifty men in that company.

Q. What was the name or letter of that company?—A. I do not know any letter. The negroes call it the "Old Town" militia.

Q. Did they vote during the day?—A. O, yes, sir.

Q. Did they have on their uniforms?—A. No, sir; they did not have on any uniforms.

Q. Just had on their ordinary clothes?—A. Yes, sir.

Q. With muskets, cartridge-boxes, and the usual infantry equipments?—A. Yes, sir.

Q. Did they stack their arms?—A. I didn't notice that; they left them outside of the building.

Q. How long was the company that came in the evening there?—A. I suppose they staid there an hour, firing off their guns.

Q. Where did they fire them?—In the bushes right around the church.

CHARLESTON, S. C., Thursday, December 21, 1876.

REBECCA BENNETT (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. How old are you?—A. Forty-five years old, I suppose; I really don't know myself.

Q. You have a son?—A. Yes, sir.

Q. Is he a voter?—A. No, sir; he doesn't vote, or he couldn't vote at this election.

Q. Is he twenty-one years of age?—A. Yes, sir; he is about twenty-two years of age.

Q. Did you see any of these men doing anything on election-day in the neighborhood of Red-Top Church precinct to James Grant?—A. Yes, sir.

Q. Well, what did you see? Just tell us in your own way.—A. Whilst I was standing up by the church, sir, I heard a young man by the name of John Green say, "That fellow gwine to vote the democratic ticket;" and say, "See him walking along the road with that other fellow, James Grant;" and that was my son was coming with James Grant. I was standing up by the window when Green said this, and then he went with the men that was standing up to the edge of the church. James Grant had done voted already.

Q. Then Green went up to the crowd, and what did he do?—A. John Green walked from where he was standing by me and walked to the end of the church, and I don't know what he said to the men, but some of the other men said, "One democratic ticket is nothing;" and he said, "One democratic ticket is against us, and it will throw us out of gear." And after he went to the end of the church and talked with those men, I seen them broke to the direction in which my son went. I thought to myself they'll kill my son, and I can't hinder them from killing him, but I will see where they kill him; and I ran up and said to Simon, "What's that kind of noise they have out there?" I says, "I thought they had been whipping you." He said, "They asked me where Grant gone to, and said if I didn't told them, they would kill me, and I told them where Grant went;" and he said, "Mother, run and save Grant." And then I ran and saw the crowd, and James Grant said, "Do, darling, save me, or they'll kill me;" and I run and hugged him, and threw him down under me, and put my clothes over him, and says to the crowd, "O, goodie massie, don't kill him! O, goodie massie, don't kill him! O, goodie massie, don't kill him!" And one man behind me said, "Don't kill the man;" and one said, "For the sake of getting at the man, kill the woman; one woman don't amount to nothing; I want the damn son of a bitch." And I just begged and begged, "Do, massie, don't kill him." So they got him, and beat him, and cut my clothes off my back, clean from the binding to the very last piece on my back.

Q. Where did they cut you?—A. On my knee, sir. And I begged them all I could, "Don't kill him;" and they said they would kill him anyhow, "the God damn son of a bitch; he voted the democratic ticket."

Q. Did any women strike him while you were lying there?—A. When I ran and hugged him Solomon Lyon was nearest to me, and Lyon struck him in my arms, and he said he would kill him—he was so well wounded—he would kill him anyhow, and I just threw him right down, and got on him, and one of his arms and one of his legs was out, and they just got that, and they beat him on his arms and on his legs, and cut him on his knee and on his arms just dreadfully.

Q. Did any woman strike him while he was down?—A. Yes, sir; after I seed the men strike him, I seed the women had a chance to strike his head. Then I put my body over his head, cause the blood was pouring over him just like water, and I was begging them not to knock him any more: "Don't kill him; don't kill him; don't kill him;" and then Rivers come up and told them to stop.

Q. And when did Rivers come up?—A. Rivers come up a good while after that, sir; after Solomon Lyon struck him in my arms, and I was determined to save him. Solomon straddled us and said Miss Bennett get up, and I wouldn't trust him, and Mr. Rivers come up, and said "Don't hit him another lick." Then he said "Get up," and he came and raised me up and I raised up Grant, and we all raised together.

Q. Did you help him?—A. Yes, sir.

Q. Did he go to bed?—A. Yes, sir.

Q. What was his condition; was he badly cut?—A. Yes, sir; he was badly cut.

Q. Did you see the wounds in his arm?—A. Yes, sir; I washed and dressed them myself, sir.

Q. Did you see the wounds in his knee?—A. Yes, sir; washed and dressed them.

Q. Were these deep cuts?—A. Yes, sir, very.

Q. Was he bleeding?—A. Yes, sir; we had to put the wash-tub to catch the blood.

Q. Did he stay home, or did he go to the hospital?—A. He went to the hospital.

Q. How long was he at home before he went to the hospital?—A. Five days, sir.

Q. Then he was brought down here, was he?—A. Yes, sir.

Q. Were you at the house when he was carried out?—A. Yes, sir.

Q. How was he carried out?—A. Four men brought him out; four men put him in the wagon, and four men put him in the cart.

Q. The four men carried the mattress out?—A. Yes, sir; they carried him on the mattress and put him in the wagon.

By Mr. BANKS:

Q. You said you were at the church that morning?—A. Yes, sir.

Q. What time did you go to the church where they were voting?—A. I went to the church about 7 o'clock.

Q. What time did all this happen that you have been speaking about?—A. That happened between 8 and 9 o'clock, sir.

- Q. Was your son in the church?—A. No, sir; I didn't see him in the church.  
 Q. He did not vote, you say?—A. No, sir; he couldn't vote. He was twenty-two years of age.  
 Q. He couldn't vote at the last election?—A. No, sir; he never voted any.  
 Q. Was he old enough to vote?—A. I don't think he was old enough to vote.  
 Q. When Grant left the church was your son with him?—A. Yes, sir.  
 Q. Did you follow them?—A. No, sir; I didn't follow them right off. I didn't have any idea of following them when they walked off together, and I didn't have the idea till I heard John Green say what he did, and I saw the crowd moving across the field and dividing up; then I went. I thought they would kill my son.  
 Q. Did they knock him down while you were with him?—A. I threw him down, sir.  
 Q. Did they strike him on the head?—A. Yes, sir.  
 Q. Did they knock him down?—A. I didn't see that. He was knocked down before I got to him.  
 Q. How do you know he was knocked down?—A. He said so, sir.

By the CHAIRMAN, (Mr. Cochrane:)

- Q. You saw the wounds on his head?—A. Yes, sir; for they struck him right under mo.

By Mr. BANKS:

- Q. Where do you live?—A. Red-Top church.  
 Q. Have you a family?—A. No, sir.  
 Q. Who do you live with?—A. I live by myself, on my own land, sir.  
 Q. Have you any family besides yourself and son; have you a husband?—A. No, sir.  
 Q. What is your business; what do you do for a living?—A. I work at farming.  
 Q. Have you land of your own?—A. Yes, sir.  
 Q. How much land?—A. Fifteen acres of high land, and seven acres of marsh land.  
 Q. What do you plant?—A. Corn, pease, potatoes, and cotton.  
 Q. Does your son work with you?—A. Yes, sir; but he works out sometimes, too.  
 Q. Do you live near where Giant lives?—A. I live on the same plantation. We bought the place together.  
 Q. How far does he live from you?—A. About three or four farms. The plantation was cut up in fifteen-acre farms.  
 Q. Were you at the church all day?—A. No, sir; I didn't stop at the church all day. I went away directly after the noise started, and of course I didn't have time to go back any more when I took Grant home and washed him and cleaned myself up.  
 Q. What time in the day was it that he went home and you washed him?—A. About nine o'clock, sir.  
 Q. It was about half past eight when they struck him, when you were with him?—A. Yes, sir.  
 Q. Did you see the militia company in the morning?—A. I don't know what they was, sir, but I seen them all.  
 Q. They had arms?—A. I didn't see no guns. I seen clubs.  
 Q. Did they have file and drum; any music?—A. I think they did, sir; but directly after I got to the church the row started, and I didn't have time to go back any more.  
 Q. You did not see anything that happened except this affair?—A. No, sir.

By Mr. JONES:

- Q. You say your son did not vote on that day?—A. No, sir.  
 Q. Why didn't he vote?—A. Well, sir; he said that he would have voted the democratic ticket, but he couldn't vote the ticket, 'cause he would get killed or whipped or something or another.

By Mr. BANKS:

- Q. He never has voted?—A. Not in his life, sir.  
 Q. He could not vote?—A. Not before, sir. He was old enough to vote, however, at this last election.

CHARLESTON, S. C., Thursday, December 21, 1876.

SIMON BENNETT (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

- Question. You are the son of Rebecca Bennett?—Answer. Yes, sir.  
 Q. How old are you?—A. Twenty-two, sir.  
 Q. You live in the Red Top Church precinct?—A. Yes, sir.  
 Q. Were you there on the last election-day?—A. Yes, sir.  
 Q. What time did you go there in the morning?—A. About seven o'clock, sir.

Q. How many colored people did you see about there when you went there?—A. A great quantity of them, sir.

Q. What were they doing?—A. They were going around with clubs and sticks, making people vote the republican ticket who didn't want to do it.

Q. Were they threatening at all?—A. Yes, sir.

Q. Much noise, confusion, and cursing?—A. Yes, sir; a great deal of noise and confusion.

Q. What was said to you?—A. Nothing was said, only that if I didn't vote the republican ticket they would whip me.

Q. Who said that to you?—A. The crowd said that; I couldn't name them.

Q. What ticket did you want to vote?—A. I wanted to vote the democratic ticket, sir.

Q. Did you vote the democratic ticket?—A. No, sir; I didn't vote neither.

Q. Why didn't you vote?—A. Because I could not vote the ticket I wanted to vote, and I didn't vote either one.

Q. Did the threats which these people made keep you from voting the democratic ticket?—A. Yes, sir.

By Mr. BANKS:

Q. When were you twenty-two years old; what was your birthday?—A. I don't know rightly, sir; but I am about twenty-two years of age. I was born in August.

Q. What is your business?—A. My regular business is running a locomotive, sir, in machinery works.

Q. You work on the railroad?—A. Yes, sir.

Q. How long have you worked there?—A. About four years, sir.

Q. Are you working there now?—A. No, sir.

Q. Where are you working now?—A. I am working for Captain Latham.

Q. When did you leave the railroad?—A. About two years ago.

Q. How long have you been working for Captain Latham?—A. About seven months, rolling sand from the washer to the sand-pile on the tram-railroad, on the phosphate-works.

Q. Did Captain Latham say anything to you about voting?—A. No, sir; he asked me what ticket, and I told him the democratic ticket, and he said a man is liable to vote whatever he is pleased to vote.

Q. What did you do when you came to the polls in the morning?—A. When I came I had a republican and democratic ticket, but I intended to vote the democratic ticket, and I found out the republican majority was so strong that I didn't vote for any one.

Q. Could you not have voted if you had chosen?—A. No, sir; you could not do it.

Q. Why not?—A. Because they would not let me; because they would whip you.

Q. But they could not do it in the church?—A. But they would whip you after you come out, though.

Q. You could have voted the democratic ticket if you had chosen?—A. I could have voted the democratic ticket if I had wanted to, but I would have got a whipping on the strength of it.

Q. You had a democratic ticket in your hand?—A. Yes, sir; I tore it up; the crowd was so strong that I was afraid to keep it.

Q. If you had folded your ticket as the others did, would they have known what ticket you put in?—A. No, sir; they would not. Some mens would have been whipped whether they voted the democratic ticket or not.

Q. Then it made no difference whether you voted or not?—A. They would whip you, sir.

Q. Who were those men?—A. I couldn't name them, sir; there was a crowd of them.

Q. Where did they belong?—A. They were republican mens.

Q. Did they belong in that parish?—A. That parish, sir.

Q. Yes. Who did they work for?—A. Different people, sir.

Q. And they would whip men whether they voted the republican ticket or not?—A. The only way they wouldn't whip you was if they carried you up to the box and saw you put the republican ticket in; that is the only way they wouldn't whip you.

Q. Then that was the only way there was to avoid a whipping?—A. That was the only way, sir.

Q. Where did you discover that?—A. I went there about seven o'clock, and about eight o'clock the noise was commenced; but I didn't stay there all day. When I saw there was a fuss, I got away as quick as I could.

Q. How long did you stay at the polls?—A. Till about three o'clock in the evening, when everything was quiet as far as I seen. I only went away once before three o'clock.

Q. How long did you stay then?—A. I didn't stay very long. I went home at three o'clock, after I see the great quantity that was there, I went back home and staid till the meeting was over at six o'clock.

Q. Did any one talk with you about your vote?—A. They asked me what ticket I voted, and I told them I voted the republican ticket, in order to escape.

Q. But you told Mr. Latham you were going to vote the democratic ticket?—A. Yes, sir, I did; but I didn't do it, because I couldn't help myself. He said to me: "Vote as you please; no man can prevent you."

Q. Were you with your mother and Grant?—A. No, sir; I was not with them. Grant and I was walking up and down the road, and he gave me the democratic ticket to vote; and I told him, says I, "I don't think I can vote this ticket. I will be in danger." He said, "Yes; if you are going to vote this ticket, you have got to be very bold;" and I said, "Well, I don't think I will run the risk of it." Then we walked up and down till we saw a crowd coming, and they hollered out, "Catch the son of a bitch; catch him, catch him." Then he asked me if I thought they was running after him; and I said, "I think I will run." Then he run, and I didn't run, because I didn't think they was after me. Then they asked me where was Grant, and I told them, and I went back to the poll.

Q. How long did you stay there then?—A. I staid there till about three o'clock, and I went away.

Q. And you didn't come back at all?—A. No, sir; not till the evening; not till everything was quiet.

Q. Do you live near Grant?—A. On the same place.

Q. In the same house?—A. No, sir; not in the same house.

Q. How far from him?—A. I live about half a mile from grant.

Q. How much was he hurt?—A. He was cut five places, and beat all over the body.

Q. Did you see him when he was in his own house after he was hurt?—A. No, sir; I never seen him till about three days afterward.

Q. Where did you see him?—A. I went to his house to see him.

Q. Where was he?—A. In his house.

Q. What was he doing?—A. He was laying down.

Q. Whereabouts?—A. In his bed.

Q. Was he very ill?—A. Yes, sir; he could not raise his right hand, nor raise his leg.

Q. Were you with him when he went to the city?—A. Yes, sir; I helped to put him on the cars.

Q. How did you do that?—A. I held one end of the mattress.

Q. When did he come back from the hospital?—A. He was in the hospital three weeks. He came back home one Sunday morning.

Q. How did he come home?—A. He came home in a cart.

Q. Was there anything done about his being hurt? Did they make any complaint against those fellows who struck him and cut him?—A. No, sir; they didn't have any complaint about them.

Q. Do you know who they were?—A. No, sir; I don't know them rightly, because I didn't know either at the time he got cut. When he run off I went back up to the poll.

By the CHAIRMAN, (Mr. Cochrane:)

Q. You spoke about living on the same place with Grant. This was a plantation once?—A. Yes, sir.

Q. All the land was together then; it was divided up into fifteen-acre pieces?—A. Yes, sir.

Q. Your mother bought one piece?—A. Yes, sir.

Q. Grant bought another?—A. Yes, sir; about half a mile away.

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CHARLESTON, S. C., *Thursday, December 21, 1876.*

JOHN BROWN (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. How old are you?—Answer. About thirty-three, now, sir.

Q. Were you born and raised in this State?—A. Yes, sir.

Q. What ticket do you vote?—A. I vote the democratic ticket. I vote the ticket I think is the right ticket.

By Mr. BANKS:

Q. Where do you live?—A. I live now in Saint Andrew's Parish, where my occupation is—in the Red Top Church precinct.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Were you at the polls on election-day?—A. Yes, sir; at the Red Top Church precinct polls.

Q. What time did you go there?—A. Six o'clock, sir.

Q. Go on and state in your own way what occurred there.—A. When I came up there was another party coming up, and they hollered "Hurrah for Chamberlain," and I hollered "Hurrah for Hampton," and the opposite party shook their clubs at me, and I said "Boys, there is no use having trouble; we came here as friends, let's all go away that way; you do all you can for Chamberlain, and I will do all I can for Hampton." By that time I com-

menced issuing out democratic tickets. James Grant voted his ticket and he went out, and directly I heard a row outside, and I heard that they had beaten James Grant. I says to Captain Latham, "Let's go out and relieve Grant;" and he says, "I can't leave the box; if I go out they will kill me;" and he said, "You go and get a crowd and relieve him." And after that a man came up to the door and said, "Is John Brown in here?" I said "Yes; what do you want with him?" He said, "Never mind, you son of a bitch, we'll kill you before night." And I began to get scared. I says, "I must get out of here." Captain Latham says, "Ain't you going to vote?" And I says, "No, sir; I ain't going to vote; I ain't going to give my life to vote." Then I went upstairs and staid there from eight o'clock in the morning in the top-loft until 4 o'clock in the evening, and they came all around the house and hollered, "Come down and get what you are going to get; never mind, Zacharias is after you." They said, "Come down, salvation is coming." I said, "Your time is done this evening;" and they said, "We have got till next Wednesday night to fix you."

Q. What time was that?—A. About 12 o'clock. There was a window in the loft, and I went to the window and at the same time I saw two men that stood leaning on their guns, and these men were watching around there, and I fired back. And when I went to the window again I peeped out and these men had disappeared, and I saw another crowd with clubs at that door, and I goes right in sight where they could see me again and these two men came back; and then I staid in there till they ran off after another man; and when the crowd yelled and ran off I stole my chance, and two marsha's came and brought me home.

Q. Did you vote?—A. No, sir; I was afraid to vote.

Q. You would have voted the democratic ticket?—A. Yes, sir; I went there with that intention, but they told me that if I voted that ticket they would kill me before night. They said all they was waiting for was for me to put it in the box. There would have been thirty or forty men who would have voted that day, but the threats that was made caused the clubs to disband. We had a democratic club up there, and if you don't believe it I will show you something, sir.

[The witness produces a paper and hands it to the chairman.]

There were thirty names on my list, sir.

Q. What is this paper? [Referring to the paper handed him by the witness.]

A. That was the constitution of the club.

Q. How many members did you have?—A. Thirty.

Q. Who drew up this paper?—A. Well, I had it drawn up. I got Mr. Latham to write it. The CHAIRMAN, (Mr. COCHRANE.) The paper is as follows:

#### "CONSTITUTION OF THE CLUB.

"HAIG PLANTATION, SAINT ANDREW'S PARISH, S. C.,

"October 2, 1876.

"At a meeting held at the above plantation by the colored citizens of said parish, for the purpose of taking into consideration the political issues of the day, a club was formed by the title of 'Saint Andrew's Colored Democratic Club,' when John Brown was elected president, James Grant vice-president, and James Gibbs secretary.

"The following preamble and resolution were adopted:

"That we, the colored citizens composing this club, consider that the republican party of this State has, by its corruption and flagrant departure from economy and honest government, ceased to have the confidence of every upright, honorable man, and seeing that the interests of the whole community, rich and poor, suffer to such an extent as to render the name of the party a reproach to all that belong to it, therefore we hereby pledge ourselves to the support of the democratic party, as represented by Wade Hampton for governor and Simpson for lieutenant-governor; indeed, to give the whole ticket as nominated by the democratic convention our most cordial support.

"Resolved that we recognize with gratitude the great effort made by the white citizens of the State to get honest men and an honest government, and particularly the protection extended to the colored man, and hereby take the opportunity of denouncing the late riots in Charleston as well as in other sections, and the radical party, or rather its leaders, as the instigators thereof."

Q. Who did you say wrote that paper?—A. Mr. Latham. It was on his plantation where we had this club.

Q. You say that this club was disbanded?—A. Yes, sir; they were scared apart.

Q. Was this paper submitted to the club?—A. Yes, sir.

Q. Was it voted for by all these thirty?—A. Yes, sir; all these men were present, sir, and they all adopted that resolution by a vote.

Q. It was read to them?—A. Yes, sir; it was read to them.

Q. How long did the club have an existence—how long after it was organized and passed that resolution?—A. We had some four or five different meetings before it was broken up, and then they commenced talking about cutting the heart out of any one that joined the democratic club, and then they commenced drawing razors, and then they separated.

Q. Who commenced drawing razors?—A. Richard Rivers.

Q. When was this?—A. At one of our meetings; and after that they got to making rows, and we disbanded.

Q. How many votes did you say would have been polled that day if you had had a peaceable and quiet election?—A. From seventy-five to eighty; that is my judgment, sir.

Q. How many colored men did you talk with who promised you to vote?—A. There was over eighty that promised me to vote, sir, by my influence amongst them. I told them I thought I was doing right, and if they did right they would be doing just the same thing; that I thought it was right to go with the men we was doing work with; that it was not right to vote against him to-day and come back the next day and beg him for bread. They broke up the Wilkes poll; they broke it up and divided a part of the votes to the Brick Church, and the other part went to the Red Top Church, with the intention to keep up these riots, and they said that day that there was no law that day, and they could do anything they chose.

Q. Do you work for Captain Latham?—A. Yes, sir; I am with him two years now.

Q. What do you do?—A. Engineer, sir.

Q. I wish you would state now whether Captain Latham ever used any improper influence with you to compel or to induce you to vote?—A. He never did, sir.

Q. Did he ever threaten that if you did not vote the democratic ticket he would discharge you?—A. He never did, sir.

Q. Do you know of his ever having threatened any of his men?—A. He didn't do it in my presence; but I am satisfied he never threatened them.

By Mr. JONES:

Q. You say that over eighty promised you to vote the democratic ticket?—A. Yes, sir; there was more than that, sir.

Q. How many of those eighty men did you see vote the democratic ticket, or did they vote at all?—A. All of them voted the republican ticket with the exception of nine. There was fourteen votes at that poll. One was thrown out, I believe, sir; that made it thirteen; and there was four white democratic votes.

By Mr. BANKS:

Q. You have worked for Mr. Latham two years?—A. Yes, sir.

Q. Who was it suggested this club that you spoke of, of which this paper is the constitution?—A. I got it up myself.

Q. What prompted you to do that?—A. I will tell you why I got it up. When the governors were first nominated all the people around the place commenced to say that they were going to vote for Hampton. Well, now, says I, "I am going to vote for him;" so says I, "The best way to do this business is to find out who is going to vote with us, and we will draw up a paper and every man will sign his name, and pledge himself when he signs to vote the ticket," and thirty men signed.

Q. [Referring to constitution.] Whose writing is that in?—A. Mr. Latham's writing.

Q. That is just as you prepared it?—A. Yes, sir. I asked him to do it.

Q. He only wrote it for you?—A. Yes, sir; he asked me the words, what I wanted to write, and he wrote down the words as I spoke them to him.

Q. Had you voted before this year?—A. I didn't vote at all.

Q. Have you never voted?—A. Before this year at every election.

Q. What ticket have you voted before?—A. Always the democratic ticket.

Q. You never had any trouble before?—A. No, sir. I have always voted in the city. I have had no trouble in the city here.

Q. You have never voted the republican ticket?—A. No, sir.

Q. In getting up this club, was this paper read to the members of the club?—A. It was, sir.

Q. Who read it?—A. I had a man, that was the secretary, that read the papers to them; and also Mr. Latham's clerk read the papers to them.

Q. Where did the men sign? I see no names here.—A. The old paper what I had was written with a pencil, and I carried that old paper to Mr. Latham, and I got him to draw up this new one from the old paper.

Q. Then the signatures were on your old paper? This is not the paper they signed?—A. No, sir.

Q. Where is it?—A. I left it there at the plantation.

Q. Why did you bring this paper here?—A. I have had this all the time to show that I had the club there.

Q. But they didn't sign this paper?—A. O, yes, sir, they signed it.

Q. Show me the names.—A. They didn't sign it; they didn't sign that paper, sir; but they signed the one that it was writ by.

Q. What paper did they sign?—A. They put their names to the piece of paper that I told you that was drawn up in pencil.

Q. Well, what did you bring this paper here for?—A. I have toted this paper all the time with me.

Q. Why did you bring this paper here?—A. I wanted to prove that I had a club.

Q. Why didn't you bring the paper with you that they signed—the paper in pencil?—A. If I couldn't find it I could bring the colored men that signed it.

Q. You don't know where it is?—A. I don't know exactly where it is. I don't know whether I could find it or not.

Q. Well, why did you bring this paper?—A. I only pulled out this paper to prove what I said was true.

Q. But it doesn't prove anything of that kind?—A. It proved that I had the club, sir.

The CHAIRMAN, (Mr. Cochran.) Of course, this paper speaks for itself.

By Mr. BANKS :

Q. Did Mr. Latham tell you to show that?—A. No, sir.

Q. Who were the men that signed this paper of which you spoke?—A. Well, sir, there are four of them out there now, [pointing to the hall,] Jack Davis, Jim Simmons, Simon Bennett, and Jim Grant.

Q. Where do they work?—A. They work for Mr. Latham.

Q. All work for Mr. Latham?—A. Yes, sir.

Q. How many of those thirty men who signed the paper work for Latham?—A. All that signed the paper were working in his employ; but some that worked for him didn't live on his place.

Q. Now, have you ever heard it said, or do you know, that the white people, or democrats, did not employ republicans, who voted the republican ticket?—A. I don't know nothing about anything except Mr. Latham, who has got over fifty republicans working there now.

Q. How many men does he employ?—A. Sometimes he has a hundred head.

Q. How many men does he employ now?—A. I suppose somewhere about sixty; and then he ain't got half as many as he wants.

Q. Cannot he get as many as he wants?—A. Sometimes he can and sometimes he can't.

Q. How do you know that he wants more men than he has got?—A. Because he takes on every man that comes, sir.

Q. Can't he get men?—A. Well, there are so many phosphate-works around there that they can't always get enough men.

Q. Who was it ran you up in the loft?—A. I could not tell you who it was; a gang of men with clubs.

Q. What did you do then?—A. I got up then from where I was sitting down, and I said to Mr. Latham, "I have got to get out of here;" and I went out of there and I went up there into the loft, and they spied me there.

Q. How did you get up in the loft?—A. I went up by the stairs that goes up in the side of the house. There was an old preacher standing by the window, and I asked him to go up there and move that door from the hole; and he says, "Wait;" and I said, "Go and move it now, or they will take me out of here;" and he went and moved the door, and as soon as he opened it I went and crawled up, and they spied me up there, and they ridiculed me, and they told me to come down, and that salvation was at my door; to come down, that they wanted to see me, and they wanted to know if I rented the room up there.

Q. How long did you remain up there?—A. It was about four o'clock when I came down. I went up there about eight o'clock.

Q. Who were the marshals that went home with you?—A. Simon Cryer and Richard Rivers, and the other was this old preacher.

Q. Did you have any trouble in going home?—A. No, sir; I didn't have any trouble. When they got to the place they called the new building, just before they got to my house, they turned back, and this old preacher turned to me and said, "Let us go through the woods, and we will get home."

Q. What was the preacher's name?—A. Samuel Green.

Q. He went with you?—A. Yes, sir.

Q. What time did you get home?—A. I left the church about four o'clock, and I suppose I was half an hour getting home.

Q. Did he go with you to your house?—A. Yes, sir.

Q. Was he at the polls all day till he came home with you?—A. Yes, sir; and then he went back again in the evening.

Q. What was the poll at Wilkes's, that you said was broken up?—A. There was always three voting-precincts in that parish, but this year the Wilkes poll was broken up.

Q. Who broke it up?—A. I don't know that, but the voters there was divided into the Brick church and the Red Top church.

Q. And out of this club of thirty men, nine, you say, voted the democratic ticket?—A. Well, sir, there must have been nine, because there was thirteen tickets in the box, and there was only four white men that voted the democratic ticket.

Q. Had these colored men always voted the democratic ticket?—A. Well, I never noticed no one of them vote the democratic ticket before.

Q. Did you vote that day?—A. No, sir.

Q. Who else did not vote?—A. Well, I do not know of anybody not voting, but this same Simon Bennett. So he told me.

Q. Have you ever testified before anywhere?—A. No more than on a case for Jim Grant; never before that time in my life.







CHARLESTON, S. C., *Thursday, December 21, 1876.*

JAMES SIMMONS (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochran:)

Question. How old are you?—Answer. About twenty-five, sir.

Q. Where do you live?—A. I live at the Red Top Church precinct, in Saint Andrew's Parish.

Q. Will you state whether you were at the Red Top Church precinct on the day of election?—A. Yes, sir; I was there.

Q. What time did you get there?—A. I got there about a little before six o'clock.

Q. How long did you stay there altogether?—A. I was there, sir, until 1 o'clock in the day.

Q. Did you see many people there toward 7, 8, or 9 o'clock?—A. O, yes, sir; a great crowd of people.

Q. What did they have, if anything?—A. They had clubs and guns.

Q. Did you see any bayonets or swords?—A. I saw bayonets, sir.

Q. Just tell us what they did to you, if anything?—A. After I went into the church to vote, they came to the door and said if I ever came out there they would kill me.

C. Did you vote?—A. Yes, sir; I voted.

Q. What ticket did you vote?—A. I voted the republican ticket, sir.

Q. What ticket did you want to vote?—A. I wanted to vote the democratic ticket, sir.

Q. Did you get a democratic ticket from anybody?—A. Yes, sir; I got a democratic ticket from James Grant.

Q. Well, did any of these people see you get it?—A. No, sir; they didn't see it at all, sir.

Q. Tell me what they did to you when you voted. Did you meet anybody; and, if so, what did they do and say to you?—A. They never said anything at all. I went in to vote, and they told me if I ever came out there they would kill me, because I voted the democratic ticket.

Q. Before you went in to vote, did anybody offer you a republican ticket?—A. Yes, sir; before I went in to vote they brought me a republican ticket.

Q. Who was that?—A. Sol Lyon.

Q. Was anybody with him?—A. Yes, sir; the other rallying committee were with him.

Q. What did they have with them?—A. They had clubs.

Q. What did you say when he offered you this republican ticket?—A. I told him I didn't want no republican ticket.

Q. What did he say then?—A. They said, "Well, let him alone; if he don't vote this republican ticket, he won't vote no other ticket here to-day."

Q. After you voted did you go out?—A. I couldn't go out, sir.

Q. Well, when did you go out?—A. I never went out till one o'clock, as I told you, and how I got out was this way: I had to go to the door and tell them I didn't know it was a democratic ticket; and one man caught me by the coat, and said he would introduce me to a party, and I must beg the party's pardon; and he took me, and I had to go down on my knees and take off my hat and ask their pardon.

Q. Ask pardon for what?—A. They said I voted the democratic ticket, and I said I didn't; and they threatened to beat me, and if I hadn't done that they would have beaten me to death.

Q. Well, did you tell them you voted the democratic or republican ticket?—A. I told them I voted the republican ticket, sir.

Q. Was that a quiet crowd, or was it a noisy one?—A. O, George, it was the same as a tiger, sir.

Q. Did you hear any threats made?—A. About killing, sir?

Q. Yes, sir.—A. O, yes, sir; I heard plenty of it, sir.

Q. Did you hear any cursing?—A. Yes, sir; cursing and going on all the time.

Q. Were they standing still, or were they running?—A. Running backward and forward, sir, to see who they could catch voting the democratic ticket.

Q. That frightened you?—A. O, yes, sir.

Q. You say you voted the republican ticket?—A. Yes, sir; I did.

Q. I wish you would state whether, if there had been no threats or violence there, you would have voted the republican or democratic ticket.—A. If they had not threatened to kill me, sir, I would have voted the democratic ticket, and I had to vote the republican ticket to save myself.

Q. State whether anybody was watching you while you were voting.—A. O, yes, sir; they had spies all about the house.

Q. How long have you lived in this State?—A. I have always lived here. I was born here, sir.

By Mr. BANKS:

Q. How many times have you voted, Mr. Simmons?—A. I have been voting, sir, ever since years ago; five or six times.

Q. What ticket have you voted generally?—A. Well, sir, I voted the republican ticket when I voted before.

- Q. You have always voted the republican ticket?—A. Yes, sir; always.
- Q. Because you wanted to?—A. Yes, sir.
- Q. This year you wanted to vote the democratic ticket?—A. Yes, sir.
- Q. Who had you talked with, or who had talked with you, about politics?—A. No one.
- Q. Who did you work for?—A. Captain Latham, sir.
- Q. What was your business?—A. I went on the field and rolled rock for him.
- Q. He never said anything to you?—A. No, sir; he never cracked his breath to me.
- Q. Did you understand that it was necessary for you to vote the democratic ticket in order to keep at work there?—A. No, sir; I never thought so, sir.
- Q. You had never heard anything said about that by anybody?—A. No, sir.
- Q. You wanted to vote the democratic ticket because that was your inclination?—A. Yes, sir.
- Q. Did anybody hurt you?—A. No, sir.
- Q. They did nothing only say to you that you would be whipped or killed?—A. Yes, sir; if I voted the democratic ticket.
- Q. Do you know anybody who was hurt that day because he voted the democratic ticket?—A. James Grant was hurt, sir.
- Q. Did you see him?—A. Yes, sir; I was at the poll in the church at the time he got hurt.
- Q. You didn't see him hurt, then?—A. No, sir.
- Q. Did you know of any other person being hurt but him?—A. No, sir; but they beat old man Lucas. I saw him beat right before the church door on the day of the election.
- Q. Where was Grant beaten?—A. Over by the dam, sir.

CHARLESTON, S. C., Thursday, December 21, 1876.

JOHN DAVIS (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. How old are you?—Answer. About twenty-five years of age, sir.

Q. How long have you lived in South Carolina?—A. I have lived in South Carolina now rising six years.

Q. Where did you live before that?—A. Mecklenburgh, North Carolina.

Q. Were you born there?—A. Yes, sir; and came from there about six years ago.

Q. Do you live in Saint Andrew's Parish?—A. Yes, sir.

Q. At the Red-Top church precinct?—A. Yes, sir.

Q. You work for Captain Latham?—A. Yes, sir.

Q. Were you at Red-Top church precinct on the day of election?—A. Yes, sir.

Q. What time did you go there?—A. I went there about ten minutes before the ballot-box opened.

Q. When you were near the church what was done?—A. When I got within about 200 feet of the church there was about two hundred men met me on the way, rallying committees for the republican party. One had an ax on his shoulder, and he offered me a republican ticket, which I didn't prefer voting, and he told me if I didn't take that ticket I should get beaten, as much so as if I voted the democrat ticket, and he cut a club with his ax.

Q. They offered you the ticket, and you said you didn't want it?—A. Yes, sir.

Q. Well, did you go to the poll?—A. Yes, sir; I went to the poll.

Q. You got a democratic ticket?—A. I had a democrat ticket, but was not able to vote it.

Q. Who did you get a democratic ticket from?—A. I got it from John Brown.

Q. Just tell us what occurred when you got it and where you went.—A. When I got my ticket I was gwine in the church, and I seen those parties that was after Grant when he had voted that time. I seen that party make a great run for Grant, and when I went into the church, I had the democrat ticket, and also a republican ticket, in my pocket, and I was gwine to delay a little time to get a chance to vote the democrat ticket, but there was a man followed me and told me I couldn't vote no other ticket except the republican ticket, and if I did I would get beaten.

Q. What was the name of that man?—A. Alford Jenkins.

Q. Did he have anything—was he armed at all?—A. Yes, sir; he had a club in his hand and a sword to his side.

Q. Did he follow you up to the church?—A. He followed me up to the poll where I was sworn in.

Q. Did you vote?—A. I voted, sir.

Q. What ticket did you vote?—A. The republican.

Q. Now, I want to ask you, if there had been no threats or violence used towards you that day, whether you would have voted the republican ticket or not?—A. If there had been no threats and I had been allowed the freedom of a man, I would have voted the democratic ticket. There was four other men on the same day that didn't vote for the same reason—

Glasgow Green, Simon Bennett, John Brown, and Thomas Smith. I might mistake in calling Thomas Smith's name, but I don't think I do.

Q. That is, you might have made a mistake in the name?—A. I might have made a mistake in the name; if I have made any mistake I hope you will excuse me for it.

Q. These men were all colored men?—A. All colored men, sir.

Q. And they were at the polls?—A. Yes, sir; at the polls.

Q. Did you know others that were kept away from the polls that would have liked to vote the democratic ticket?—A. Well, sir, there was others that staid away from the polls who would have voted that ticket; but there was others that came to the polls with the intention of voting the democrat ticket, who when they got there was overpowered and made to vote the republican ticket; they were made to do it by force.

Q. Do I understand you to say you had voted the republican ticket before?—A. Yes, sir; I had voted it at the election before that, and I saw it had done no good, and so I repealed.

Q. Did Captain Latham ever threaten to discharge you if you would not vote the democratic ticket?—A. No, sir; he never has called me privately to myself and talked to me about voting. He has never talked to me at all, nothing more than he thought it was the best ticket for his men to vote, but he didn't try to compel us to vote the democrat ticket; there was never a threat that he would discharge any one at all.

Q. He has a great many republicans in his employ?—A. O, yes, sir; a great many republicans that voted there that day; there was some thirty-odd names on a list of men in his employ that would have voted the democrat ticket, but they were threatened and didn't dare to vote it.

Q. Did you know of any threats before election-day?—A. No, sir; not more than I heard men say there on that day that if any colored man voted the democrat ticket they should give him a beating; that is all the threats I heard. I heard that as I passed them in different places.

By Mr. BANKS:

Q. They did not threaten you?—A. Yes, sir; well, they didn't threaten no man by his name.

Q. Did anybody make any remarks to you?—A. They never made no remarks by name.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Did you hear anybody say that?—A. O, yes, sir; I heard it said by a female party. I was told on Sunday evening about 4 o'clock—the Sunday before the Tuesday of election—"I want you to own that name on Tuesday, at 7 o'clock," and they showed me a name on a ticket.

By Mr. BANKS:

Q. I will ask you whether anybody made any threats to you or not?—A. No, sir.

Q. You only heard of it from the females?—A. Yes, sir; from the females, and from the females to the males.

Q. You say Mr. Latham did not talk to you; that he never had talked to you, but you had heard something that he had said about voting?—A. Yes, sir.

Q. What did you hear that he had said?—A. The only thing I heard that he had said was when he was giving advice that you or any other man would do what you thought would be the most benefit to you, but he didn't persuade you and didn't compel you; he left it to your own mind.

Q. He said nothing about your work being dependent upon the way you voted?—A. No, sir.

Q. Have you ever heard anything of that kind in this city?—A. No, sir.

Q. You say there were some other men who came there wishing to vote the democratic ticket and did not vote it. How do you know that?—A. As I said before, Glasgow Green wished to vote that ticket, but didn't have the opportunity.

Q. How do you know?—A. Simon Bennett wanted to vote it, but didn't have the opportunity. John Brown, and he didn't have the opportunity, and Thomas Smith wanted to vote the democrat ticket and didn't have the opportunity.

Q. Well, now, how do you know that Simon Bennett wanted to vote and didn't have the opportunity?—A. Well, sir, I seen him make an attempt to go up to the ballot-box two or three times.

Q. Did anybody stop him?—A. Men told him if he voted that ticket—

Q. Did you hear that yourself?—A. I heard that remark myself, sir, made by parties of men outside of the door; people outside gave signs to the men inside.

Q. Did you see that?—A. Yes, sir; the same tricks was done to myself. They gave notice to men inside to take notice what ticket these men voted, so that when the others came in to vote they should give signs to the men outside, so that after these men had voted the men outside could follow them a certain distance from the polls and get after them like they had about Grant.

Q. Did they take hold of any man to prevent him from voting as he liked?—A. No, sir.

Q. They didn't touch you?—A. No, sir.

Q. Did anybody stand in the way of Mr. Green when he was going up there to prevent his

going?—A. They stood in the way so much as this, sir: they stood in his way on the way-side; they stood in his way to see whether he voted the republican or democrat ticket; they staid close enough to see that.

Q. That is not my question. I want you to tell me if anybody took hold of him, if anybody held him, if anybody laid a hand upon him—if they stood in his way with their arms out to prevent him from going up to vote?—A. They staid in about fifteen feet of the ballot, and they put hands on him just so, touching his shoulders, and saying, "If you vote the democrat ticket you shall have a beating when you come out."

Q. But did they by force stop him from voting or from going up to the polls and putting his vote in the box?—A. O, yes, sir; they did.

Q. How did they do it?—A. Well, sir, when he was in about fifteen feet of the box I saw them. They patted the man on the shoulders, and I heard them tell him if he put in that vote—

Q. Yes; but what I want to know is if they stopped any one from voting as he pleased?—A. O, yes, sir.

Q. How did they stop him?—A. They stopped him by the tone of their voices. They said that to him, and, of course, by the way they done other man, he thought that would be the way they would do him; that they would do him some harm.

Q. But I want to know if they stopped him by force from going up and putting in his vote. I do not want your reasoning upon what he thought.—A. Yes, sir.

Q. How did he do it?—A. I have already told you.

Mr. JONES objected to Mr. Banks's manner of questioning the witness.

Mr. BANKS. It is evident that somebody has instructed the witness to come here and tell a story.

By Mr. JONES:

Q. Did anybody instruct you how to give evidence here?—A. Nobody instructed me.

Q. Did anybody tell you what to say when you came here to be examined?—A. Nobody told me what to say.

By the CHAIRMAN, (Mr. Cochrane:)

Q. You perhaps do not clearly understand General Banks's question; the question he wants you to answer is this: Whether or not you saw any person catching hold of these men, and holding them, and preventing them from going up to the box and voting? Now answer that question, and tell how it was, and who it was.—A. Yes, sir; there was a man who wanted to vote the democratic ticket. He was in about fifteen feet from the house, when the rallying committees of the republican ticket would rush up and seize hold of the man and march him up to the polls.

Q. Do you know of a case of their catching hold of and holding a man?—A. No, sir; I don't know anything of that kind; but I saw these rallying committees patting men on the shoulder and giving them tickets, asking them how they were going to vote, and if they had democratic tickets they would take them away from them and tell them there was a republican ticket.

By Mr. JONES:

Q. I want to know if I correctly understood you in your answer to the chairman's question, which was the answer I thought you intended to give to the question of General Banks. You say you saw parties take hold of a man on the outside, as he was approaching the house, and that they took him by the shoulder and asked him how he was going to vote, and if he had a democratic ticket they took that away from him and told him that there was a republican ticket he might have and should only vote that ticket?—A. Yes, sir.

By Mr. BANKS:

Q. You spoke of some others who came to vote the democratic ticket, and who did not vote it?—A. I didn't speak of any other but one.

Q. You spoke of men that signed a constitution or paper?—A. Well, they all might have been on that list, but I was certain of two of them. One of them on there was coming, but he was hailed about 150 feet from the poll, and the republican ticket was forced upon him, when he didn't want to take it; that was Peter Lucas.

Q. I want to know how you knew that these men came there to vote and did not vote. You spoke of a considerable number of others that came to vote and did not vote; how did you know that?—A. Well, Glasgow Green he came there and they offered him a republican ticket and he wouldn't take it.

Q. You spoke of others.—A. Simon Bennett is on that list.

Q. Who else was there besides him?—A. John Brown.

Q. Well, we have heard John Brown's story.—A. Thomas Smith.

Q. Who were the others?—A. Those were the only ones I know.







CHARLESTON, S. C., *Thursday, December 21, 1876.*

PAUL BENSON (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane :)

Question. Where do you live ?—Answer. Saint Andrew's Parish, sir.

Q. Were you born in South Carolina ?—A. Yes, sir.

Q. How old are you ?—A. About twenty-four years of age.

Q. Will you state whether you were at Red-Top Church precinct election-day ?—A. Yes, sir.

Q. What time did you reach there ?—A. I went about 7 o'clock.

Q. How long did you remain there ?—A. I was there till night; till the poll was closed up.

Q. Did you see many people about there ?—A. Yes, sir.

Q. What did they have, if anything ?—A. Well, there was a crowd of them, and they every one had clubs, and some of them had guns.

Q. Did you see any bayonets on sticks ?—A. Yes, sir; I seen some of them. There was a few of them had bayonets, guns, and sticks, and clubs.

Q. Will you state whether they were quiet and orderly, or whether they were violent ?—

A. They were pretty violent at the time I saw them.

Q. What ticket did you vote at that poll ?—A. They made me vote the republican ticket by force.

Q. Just state what occurred.—A. They came to me while they was ravenning so after the others there, and I went off a piece out in the road, and they came after me, and I wheeled back up to the church, and they came up there after me with sticks, and they pulled me into the house. One man gave me a republican ticket, and they marched me back and made me vote it.

Q. How many were in this crowd that were after you ?—A. Some ten or fifteen.

Q. At this time were there a great many negroes about the place ?—A. Yes, sir.

Q. Inside and outside the church ?—A. Yes, sir.

Q. If there had been no violence used toward you, and everything had been quiet, and you had been left to vote as you pleased, what ticket would you have voted that day ?—A. I was intending to vote Mr. Hampton's ticket.

Q. Have you voted before ?—A. O, Lord, yes, sir.

Q. What time did you vote before ?—A. On the last election I voted for Green.

Q. He was the independent republican ?—A. Yes, sir.

Q. Where do you work ?—A. I work with Captain Latham.

Q. What do you do there ?—A. I am working about his machinery there.

Q. Did Captain Latham ever threaten to discharge you if you ever voted the republican ticket, or anything of that kind ?—A. No, sir; he never asked me to vote it.

Q. He never had any talk with you on the subject ?—A. He never asked no one to vote. Of course he said this was a free country, and every man is liable to do just what they please. He never asked me to vote. I just voted for the good-will of myself.

Q. State whether you were frightened on that day.—A. Yes, sir; I was frightened that time, sir, sure. After voting, Captain Latham asked me to get some mens and carry him home. They were frightening him.

Q. Do you say they frightened him ?—A. Yes, sir; them mens were very violent.

Q. Did you get anybody to go with Captain Latham ?—A. Yes, sir; I got about eight or ten; but I was frightened and I ran off.

By Mr. BANKS :

Q. You say Captain Latham never asked you to vote or told you anything about voting ?—A. No, sir.

Q. You said that he never threatened any one; never said that he would not give work to any one ?—A. He never did.

Q. Did he say anything about work to his men, or about their voting ?—A. No, sir; if he did I never heard it, sir.

Q. You spoke about your votes before. How many times have you voted? You voted for Green, you said. When you voted for Green did anybody undertake to make you vote then different from what you wanted ?—A. No, sir.

Q. You have always voted as you wanted to until now ?—A. Yes, sir.

Q. And you wanted to vote for Hampton and you were not allowed to ?—A. Yes, sir.

Q. Did anybody prevent you; take hold of you and stop you from coming up to vote ?—A. One man caught me by this hand, and one man put the paper in this other hand, and pulled me into the house and I voted.

Q. Did they go up to the house ?—A. They went up near enough to the box to see me vote, and they all seen me put it in, and they came away.

Q. They did not have hold of you ?—A. Not at the time that I put it in the box.

Q. There was nothing to prevent you from putting whichever ticket you pleased in the box; if you had had a democratic ticket you could have put that in ?—A. I could not do it, sir.

Q. You stood at the box alone ?—A. They stood around and saw me, and I didn't have but the republican ticket that this man had given me.

Q. You might have had another ?—A. No, sir; I didn't have any other.

CHARLESTON, S. C., *Thursday, December 21, 1876.*

JOHN S. HORLBECK sworn and examined.

By the CHAIRMAN, (Mr. Cochrane):

Question. What is your age?—Answer. Thirty-two, sir.

Q. Where do you reside?—A. I reside in the city here.

Q. Do you do business in Christ Church Parish at Four-mile Church precinct?—A. I do business in Christ Church Parish, three miles above that place.

Q. How long have you resided in Charleston?—A. All my life, sir.

Q. Were you born in South Carolina?—A. Yes, sir.

Q. What business are you engaged in?—A. I am planting and making bricks.

Q. Will you state whether you went to Four-mile precinct on election-day?—A. I did.

Q. Last election-day?—A. Last election-day.

Q. About what time in the morning did you get there?—A. I suppose I got there about a quarter of an hour or twenty minutes before the polls were opened.

Q. How long did you remain there?—A. I remained there until after they closed.

Q. How many negroes were there when you first went?—A. About fifty negroes.

Q. Will you state whether they were armed with anything; and, if so, what?—A. The men had clubs of various descriptions, and of the women some had clubs and some sticks or poles with bayonets stuck on the end of them. There were from fifteen to twenty women there at the time the polls were opened.

Q. State whether any more negroes arrived?—A. During the day they arrived pretty rapidly. Within two hours after the polls were opened the main batch were there.

Q. How many were there?—A. At least two hundred and fifty.

Q. They would keep coming and going, I suppose?—A. Well, in the country the negroes would vote early in the morning, and they rushed to the polls all together, and as a general thing they all leave together. At the election prior to this, when the evening came on, and when the votes were counted, I don't suppose there were twenty present.

Q. How was it at this election?—A. Well, a great many were there when the polls closed.

Q. What, if anything, did you hear these negroes say there that day?—A. When the voting commenced early in the morning, I heard one say that he would "like to see the first negro that would vote the democratic ticket here to-day."

Q. You say they were armed with clubs?—A. Yes, sir; with clubs.

Q. Well, did you hear any threats?—A. I heard similar threats to that during the day.

Q. Did you hear anything said by the negro women?—A. The women were very boisterous and noisy at times, pulling the negroes off the stand and examining their tickets when they went up to vote, saying what they would do if their husbands were to vote the democratic ticket, and that "he better not do it." In one instance I saw one woman shake a club in the face of a man that was there and curse him for a red-bearded son of a bitch. She did it two or three times, following him about the grounds. I told him he had better go away, and I got him off after awhile. He said he was afraid she was going to knock him.

Q. When the polls closed what occurred?—A. Well, I can't say when the polls were closed, but when they were about closing—it was about dark in our climate here and I was not allowed inside of the voting-place—it was cold outside and I was sitting beside a small fire, and after awhile I saw guns commence to appear. There were but three white men left there at that time, at least on the outside. I am not speaking of those in the building—the board of election officers. I suppose about half a dozen came out; there were more negroes there, but half a dozen came out with arms and said, "We would like to see anybody come within fifty yards of this place to-night," and I said to my partner, "There is no chance of seeing a fair vote," and we got in the buggy and rode off. The polls were closed a half an hour when we left.

Q. With reference to these crowds of negroes who stood about the polls during the day, I wish you would state what they did as voters would approach.—A. Well, when voters were coming down the road four or five or a half a dozen of their committee would rush after them and give them tickets and ask them if they were all right. In some instances, when they did have tickets they took them away from them. None of the colored men then dared to vote the democratic ticket openly; they did it clandestinely, and to this day they dare not say they voted the democratic ticket.

Q. How many negroes voted the democratic ticket?—A. Fourteen.

Q. How many white persons?—A. Seventeen or eighteen.

Q. How many republicans voted there?—A. About four hundred and sixty or seventy. There was one white republican vote cast.

Q. From what you saw there, I wish you would state whether, in your opinion, it would have been safe for a negro to have voted the democratic ticket?—A. Well, sir, I will tell you; the negroes generally look upon a white man as being a man that will vote the democratic ticket anyhow, but I do not think it would have been safe for a white man to have boasted there that day that he voted the democratic ticket, or any other man there.

Q. Would it have been safe for any negro, not hiding his ticket, to have gone up and put it in the box?—A. It would not, and the reason I say that is this, that, to my knowledge, there were at least fourteen or fifteen hands on my place that had become members of a

democratic club, and I was satisfied before the poll opened that we should have seventy-five votes.

Q. What did you base that expectation upon?—A. From general conversation with the people about my place, and with others that belonged to the club. I think there were that many that would have voted the democratic ticket.

Q. Did the negroes, prior to the election, seem to be dissatisfied with the manner in which they had been governed?—A. Very much so. I remember in one instance of being at a democratic barbecue, where there were a hundred and fifty negroes, and they appeared to be very well pleased with what they heard there. Of course they didn't all promise to vote, but a good many told me that they would.

Q. And you attribute their not voting to these negro men being there at the polls, armed, and acting as they did?—A. I would suppose that was the reason; they were afraid to do it. I know of an instance where a boy, up to the night before, said he would vote the democratic ticket at that poll if he died in his steps; but the next day he didn't do it.

Q. He voted the republican ticket?—A. He did. I saw him vote it myself. I was not two feet from him when he put it in.

Q. You spoke of fourteen negroes who voted the democratic ticket, and you said that to this day they are afraid to own it?—A. They are afraid of being knocked down, or bruised, or killed. In fact, I really hesitated about bringing a great many witnesses that could have been brought, for fear of violence after they got back.

Q. You hesitated for fear that if they appeared and made statements before the committee there would be violence offered them?—A. Yes, sir.

By Mr. JONES:

Q. You say there were but fourteen negroes who voted the democratic ticket there?—A. Fourteen or fifteen, sir.

By Mr. BANKS:

Q. You were surprised that there were so few democratic votes there?—A. I was.

Q. Have you had much acquaintance with politics? Have you voted?—A. Yes, sir.

Q. How long have you been voting?—A. Since I was twenty-one—about eleven years.

Q. You must have formed some acquaintance with politics and election business in that time?—A. No; I have never mingled a great deal with politics.

Q. Did you know, or did you not know, that it was a common thing for men interested in elections to be surprised with the result?—A. Well, I don't know; they always think they are on the winning side.

Q. Were you a candidate yourself?—A. Yes, sir.

Q. Well, have you ever known of a man being surprised at the result of an election?—A. O, yes, sir.

Q. You expected at least seventy-five votes, and you got only fifteen or twenty; now is it not a common thing that men expect more votes for themselves and for their ticket than they got?—A. I can't answer that exactly, because I am not sufficiently well posted.

Q. You do not know enough about politics to answer that question?—A. I suppose that people are surprised sometimes. Sometimes they get more and sometimes they don't get as many votes as they expect.

Q. Well, now, what right had you to expect that you would get 75 democratic votes at least at that election?—A. Well, sir, I was a candidate myself for the legislature. I own 5,000 acres of land; I have had 500 acres laid off in ten-acre lots, which I have sold to these people, and I have allowed them their own time to pay for it. In many instances I have given them the boards to build their houses. I have always kept their money for them and many times they have put their whole year's crop in my hands to keep for them, and they have shown so much confidence and expressed such good-will toward me, that I was naturally surprised that out of that number there were so few voted for me.

Q. Well, now, when you divided 500 acres of land in this way, and let these people have it on conditions so favorable, did you think they would vote as you thought best or as they thought best?—A. It was not divided out with any view to their voting. These people came to me for advice and everything.

Q. Now I want to know, when you did all this, if you expected them to vote as you voted, or as they wanted to vote themselves?—A. I expected them to vote as they pleased.

Q. When you make a contract with a man for cotton, you would not think you had any claim upon him for the land, growing out of that cotton contract?—A. No, sir.

Q. If you made a contract for land, you would not expect to get a cargo of oranges out of that contract?—A. O, it wasn't that, sir.

Q. Well, then, how did you expect them to vote with you?—A. They told me they were going to vote as I did.

Q. When did they tell you that?—A. During the campaign.

Q. Did you ask them how they were going to vote?—A. No, sir; but about 35 or 40 of them came around the store every day, and everybody was talking politics in this State, and naturally they would join in, and they would say, "Well, we are going to vote as Mars. John does."

Q. Have you made any threats to control the votes of the colored people, or the republi-

cans, by refusing to trade with them or refusing to give them work, or by not recognizing them, or by using any other influence?—A. I have not.

Q. Has it been a customary thing for the democrats in the parish where you live to do that?—A. This is the first time we have run a democratic ticket.

Q. In what county is that?—A. In Charleston County.

Q. I want to know if you have ever known democrats to control the votes of republicans by any such means as I have named?—A. I know of none in my parish.

Q. Do you know that the democratic party has passed resolutions at public meetings that they would not employ men, and that they would not trade with men that voted the republican ticket?—A. I know this, that they would give the preference to those that went with them. I saw that in the papers; we wouldn't have anybody to work for us at all if we only employed those who voted the ticket.

Q. I am speaking now of the county and city of Charleston. Do you not know that there has been an organized effort on the part of the democratic party of this city and county, where you live and where your business is, to control the votes of republicans by the use of such means as I have stated?—A. I do not know that it is by the use of such means; they endeavored to control them by talking about the robbery and corruption that was going on.

Q. But I mean by refusing to trade with them, refusing to have any intercourse with them?—A. I do not know that.

Q. Do you know that it is not done?—A. I cannot say whether it is done or not. I see the same hands working now at the same places they were working before the election.

Q. Do you know of a man that wanted to vote at this precinct of which you have spoken that was prevented voting by violence?—A. I cannot say by violence, but fear of violence.

Q. Who was that man?—A. A man by the name of Jim Collins; he went to another poll.

Q. He preferred to vote at one precinct in preference to another?—A. No; he didn't. He preferred to vote at the precinct where he lived. He came up there two or three times during the day, but he was afraid to vote.

Q. How do you know that?—A. He told me so.

Q. Who prevented him from voting?—A. The threatening manner of the voting there and so on. I know of an instance at the poll that day where one man even attempted to scratch his ticket and put another name on it; but they said, "no," he "must vote the whole thing."

Q. Who was that man?—A. He was a man by the name of Guy Simmons, I believe.

Q. How could he be controlled by their telling him what to do?—A. O, they rushed around him with sticks, and there was a general uproar.

Q. Were the women there as violent as the men?—A. Worse, sir.

Q. Was it you that said that one of them shook a club in the face of one of the officers?—A. Not the officers; in the face of one of the white men there.

Q. What was the occasion?—A. I don't know what was the occasion. He was walking along there; I saw no occasion for it.

Q. How did you know it was shaken at him?—A. I saw it shook in his face. I suppose the stick could not have been five inches from his nose when she shook it.

Q. There must have been some provocation for that. A woman does not go around that way usually.—A. I never saw them at the polls before this election.

Q. How many were at the polls there?—A. Some twenty-five; sometimes a little more, and sometimes a little less.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Mr. Banks has asked you some questions in regard to white people intimidating negroes by threatening that they would discharge them. I will ask you now, whether there is not, in this State, among the colored people a systematic effort to compel all colored people to vote the republican ticket, and whether they do not put them out of churches, and refuse to associate with them?—A. Of course they do; and I will give you an instance of it. We had a meeting, which we called the reform meeting, up there. We gave the people a barbecue, and we wanted to open the proceedings with prayer. There was a colored minister there, and we asked him if he would not open the meeting by prayer. He said, "I will sit on the stand, but I cannot pray, because I will lose my caste by it." That very man said he was with us, but on the day of election he was kept in his house by the women, and he didn't vote at all.

By Mr. JONES:

Q. You say that in that precinct you think there were about seventy five men who would have voted the democratic ticket?—A. I offered to bet on it in the morning going up to the polls.

Q. You formed your opinion as to that number from hearing colored men speak on the subject?—A. Yes, sir, from what occurred before the election.

Q. You heard them talk of the influence of different tickets, and whether they would be benefited or not, and so on?—A. Yes, sir.

Q. Did you hear any case of the coercion of colored men if they didn't vote the democratic ticket?—A. No, sir; we wanted to do all we could to cut down the majority.

Q. You think they were deterred by the demonstrations of the republican negroes on that day?—A. I think so.

By Mr. BANKS:

Q. You had offered to bet, you say?—A. I offered to bet, before the polls were opened, that we would have 75 votes there that day. Shortly after the polls opened one of my friends said to me, "Ain't you glad you didn't bet?" I said, "O, yes; I should hate to be a democratic negro here to-day."

Q. The chairman asked you if you did not know if there was an organized and systematic effort to compel the colored people to vote the republican ticket, and you said, "Of course there is." Is it to be expected?—A. I will tell you why, sir. You will see 50 or 60 or 75 colored people from one plantation coming to the polls, many of them who can't read or write, and if I offered them a ticket they wouldn't take it from me, but they would refer to one of them colored men around the polls and say, "He has the right ticket; whatever ticket he gives me I'm going to vote;" none of my colored men dared carry the tickets that were given out to them.

Q. It doesn't follow from that fact that there is a systematic effort. Now from what does it follow? Does it follow from the fact that the white people and democrats have organizations for that specific purpose?—A. No, sir; they have not, until this election they had no organization at all.

Q. Do you know of your own knowledge that there is no such an association?—A. I do not know of it.

Q. Do you know that there is not?—A. I cannot tell you what there is not.

By Mr. JONES:

Q. Have you ever had any democratic meetings or public discussions in your precinct?—A. Yes, sir; the one I spoke to you of awhile ago; they called it a democratic reform meeting.

Q. Would you consider it safe, even now, to hold a democratic meeting in that precinct?—A. Well, I would consider it safe for myself, or for men who lived in that parish to do so, but I would not like to have a large number of white men from the city go up there and have meetings.

Q. You held democratic public meetings and discussions there?—A. Only one.

Q. Were there any negroes present?—A. About 150 or 200.

Q. Was there any disturbance?—A. No, sir; there never was a more quiet meeting than that.

Q. How many whites were there?—A. About twenty-five at the outside.

Q. Was it a joint discussion?—A. No, sir.

By Mr. BANKS:

Q. Do you know the practice of democratic meetings in other parts of the State, whether armed men came to surround the polls, and so on?—A. I don't know anything of that.

Q. Did it ever occur to you that the colored people might have interests of their own, apart from the designs of white democrats to control their votes, that would lead them to take their tickets from some person that would not deceive them?—A. I have never thought of that for this reason: that when a man comes to me to get me to write a letter to his wife, I should think he would trust me.

Q. You were a candidate for the legislature?—A. Yes, sir.

Q. How many votes did you get?—A. All the votes that were cast there were by these fourteen negroes and seventeen white men. While I was at the North I was nominated. I was not in the county at the time the nominating convention met.

Q. Did it occur to you when you became a candidate that your political ideas might not be in accord with the interests of the colored people, according to their judgment?—A. I could not think so, because I have been more than once called upon by these people, and asked to allow my name to be used for the office. They said, "Why don't you put up a man like yourself, a man whom we all know and for whom we can vote?"

By Mr. JONES:

Q. You were known to be a democrat?—A. Yes, sir.

Q. You presumed that having been called upon by these seventy-five or eighty negroes that you would receive their votes?—A. I was never called upon by them in a body. They came to me at different times. This thing was talked of by the colored people for two or three years.

By Mr. BANKS:

Q. I will ask you whether or not at the time another democratic candidate was running for the legislature, and they asked you, or said, "Why don't you run?" that was not their method of saying in a polite way that they did not want to vote for the man that was nominated?—A. They did not have any nomination of their own, sir.

CHARLESTON, S. C., Thursday, December 21, 1876.

FREDERICK RANDALL (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

- Q. Question. How old are you?—Answer. Over sixty years of age.
- Q. Do you live in Christ Church parish?—A. Yes, sir.
- Q. In the Four-Mile Church precinct?—A. Yes, sir.
- Q. Were you at that precinct on last election-day?—A. Yes, sir.
- Q. About what time did you go to the polls?—A. Between 10 and 11 o'clock, sir.
- Q. How many negroes were there when you got there?—A. At the polls?
- Q. Yes.—A. There was a great gathering there when I got there.
- Q. What did they have in their hands?—A. When I went to the polls those that were there had nothing in their hands but sticks.
- Q. Did you see any women there?—A. Yes, sir; a whole parcel of women were there.
- Q. What did they have?—A. The women had sticks too, sir.
- Q. What kind of sticks?—A. Club sticks, sir.
- Q. Did you vote?—A. Yes, sir.
- Q. What ticket?—A. I voted the ticket against my will. I was made to vote that ticket I did vote.
- Q. What ticket did you vote?—A. I voted the republican ticket, but it was against my will.
- Q. Just tell us in your own way what they did.—A. First and foremost, I was down at the sea-shore milking the cow at the pen, and George Gray and Levy Kepler and John Moore came there and ordered me out of the pen, and says they, "Damn it if you don't come out of that pen just what I've got in this gun I'll give to you."
- Q. Were you at your work?—A. Yes, sir; they said I must make haste and milk that cow and come on and vote, and if I didn't come on quickly they would give me what they had in that gun.
- Q. Did they have a gun?—A. Yes, sir.
- Q. How far was the place you were working from the voting-place?—A. A little over a mile, sir.
- Q. Well, did you go with them?—A. Yes, sir.
- Q. Did they carry the gun along?—A. Yes, sir.
- Q. What did they do when they got to the polls?—A. They dragged me to the polls shamefully.
- Q. Where did you get your ticket?—A. They had the tickets at Mr. McCant's avenue, and when they got up there they presented this ticket, and said, "This is your ticket and you have got to vote it." George Gray said that to me and he stuck to me until I put that ticket in the box.
- Q. It was a republican ticket, was it?—A. Yes, sir.
- Q. And they didn't leave you until you put it in the box?—A. Never an inch, sir, until it was put into the box by me.
- Q. What did the crowd of negroes do that were standing up there when you came marching up with these three men?—A. They were always sticking right around there, and there was a great crowd around there hurrahing.
- Q. What ticket did you want to vote that day?—A. The democratic ticket, sir.
- Q. If they had not marched you up in that way, what ticket would you have voted?—A. My intention was to vote the Wade Hampton ticket.
- Q. So you would have voted that ticket if they hadn't scared you?—A. Yes, sir; I would have done it.
- Q. Did anything else happen to you after you voted?—A. After I had done voted, there was nothing else happened to me.
- Q. Did you see anything happen to anybody else?—A. No, sir; I didn't see anything happen to anybody else.
- Q. Who do you work with?—A. With Mr. Porcher.
- Q. He was the democratic manager at the last election?—A. Yes, sir.
- Q. And you were frightened, were you?—A. I did get a little dampered when they attacked me alone there at the sea-shore. I had nothing with me to defend myself with, and I was scared.

By Mr. BANKS:

- Q. You were scared, were you?—A. Yes, sir.
- Q. These colored people scared you?—A. Yes, sir; I was just by myself, and I had nothing and nobody to defend me.
- Q. You had seen colored people before?—A. Yes, sir; I had seen them before.
- Q. Were you ever scared before by colored people?—A. Not so near as that time, sir.
- Q. You went down to the sea-shore?—A. Yes, sir.
- Q. That was election-day, and they came down after you?—A. Yes, sir.
- Q. They wanted you to go up and vote, and you went with them?—A. Yes, sir.

Q. When you were at the sea-shore were you scared?—A. Not until they attacked me, sir.

Q. When you went up to the polls where the voting was were you scared, sir?—A. After I saw all the gentlemen there which I knew, I felt a little more satisfied, sir.

Q. And then gave you a republican ticket to vote?—A. Yes, sir.

Q. And they staid there until you put it in?—A. Yes, sir.

Q. Did they use any force—any violence?—A. At the polls, sir?

Q. Yes, sir; at the polls?—A. Yes, sir.

Q. What did they do?—A. They made me swear upon the Bible before I put it in the box, and they staid there until I put it in and walked off.

Q. Was there anything very remarkable about that proceeding; was there anything to frighten you in what they did?—A. I did get frightened when I was down beyond by myself.

By Mr. JONES:

Q. You were scared when the three men came to you and told you that if you didn't come up and vote the republican ticket they would give you what they had in their guns?—A. Yes, sir.

By Mr. BANKS:

Q. But when you went up near the church where the men were you felt better?—A. Yes, sir.

Q. Were there women there?—A. Yes, sir; a great many.

Q. Were they pretty violent?—A. Yes, sir; but I didn't mind the women.

By Mr. JONES:

Q. After you had voted the republican ticket you felt better, you say?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. But you would not have voted the republican ticket if you had been let alone?—A. No, sir: not at all.

CHARLESTON, S. C., Thursday, December 21, 1876.

CHLOE RANDALL (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. How old are you?—Answer. I don't know my age, sir.

Q. Are you the wife of Frederick Randall?—A. Yes, sir.

By Mr. JONES:

Q. Do you think you are over fifty years old?—A. I don't know sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. How old is your husband?—A. He is a great deal older than I am; he is about twelve years older than me.

Q. Were you at the Four-mile Church precinct on election-day?—A. Yes, sir.

Q. Well, what did you see there?—A. I was at my house, and I saw Levy Kepler and John Moore. They two came right up in the yard with their guns on their shoulders, and they say, "Where's the old man?" And I tole him he goes down to the sea-shore to milk, and they went right down there after him. George Gray, too, came up to the yard, and he went down to the sea-shore, and he was the one that threatened the old man with the gun.

Q. Where did they take the old man?—A. When he came up to the house I was in my chamber, and I heard them say, "Look here, old man, make haste; I ain't got any time." He says, "I must carry the milk in the house to the white lady," They didn't give the old man time to eat his breakfast, or time to put on his shoes, but they took him right off.

Q. Where did they take him to?—A. They carried him down to the voting.

Q. Did you go down to the polls where the voting was?—A. No, sir; I was not there at all.

Q. You were not at the voting-place at all?—A. No, sir.

Q. Then all you know was what you saw at your house?—A. Yes, sir.

CHARLESTON, S. C., Thursday, December 21, 1876.

PHILIP G. PORCHER sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. Were you the democratic manager at the Four-mile Church precinct in Christ Church Parish last election-day?—Answer. Yes, sir.

Q. What time did you get to the polls.—A. Six o'clock in the morning, sir.

Q. Just state what you heard or saw.—A. When I got to the polls I found about one hundred and fifty people there, and the polls were opened. They were opened by candle-light, and the rush was very great at first. They were negroes, with the exception of four or five whites on the ground at the time.

Q. What did they have in their hands, if anything?—A. Some of them had sticks in their hands. They had a marshal there to keep things in order and to clear the people away and keep them from pulling too much.

Q. Did you hear any threats made?—A. Not while I was in the house.

Q. Well, outside?—A. Outside I could see women and men talking there loud and boisterously.

Q. How many people were there outside?—A. About three hundred and odd, sir—that is, at one time.

Q. Negroes?—A. Negroes and whites.

Q. How many negroes?—A. There must have been three hundred, or more. There weren't more than about thirty democratic votes polled at that poll during the whole day.

Q. Were the negroes boisterous and noisy?—A. Yes, sir.

Q. Do you know of any intimidation of democratic negroes there?—A. Not while I was in the house.

Q. But while you were out?—A. The day before the election I heard of threats.

Q. Well, what were they?—A. That whoever voted the democratic ticket could not stay there.

Q. Who did you hear threatened?—A. Who did I hear threatened?

Q. Yes.—A. There were two or three there that I could bring here as witnesses who would swear that they were afraid to vote on account of threats. These republicans said that whoever voted the democratic ticket could not stay there.

Q. Was that the general talk among the negroes the day before election?—A. Yes, sir.

Q. Do you know of men having been intimidated and prevented from voting by reason of these threats?—A. Yes, sir. Some of them told me that they would have voted, but that they were afraid to vote on account of these threats.

Q. Several negroes?—A. Yes, sir; that they would like to vote the ticket, but that they were afraid to do so; they were afraid to express their opinions even.

Q. How many told you that?—A. Three or four.

Q. What is your age?—A. Twenty-four, sir.

Q. Were you born in South Carolina?—A. Yes, sir; in Charleston County.

Q. Do you live up in that precinct?—A. Yes, sir; I live within four miles of it.

Q. I wish you would state now from your general knowledge upon the subject, if you have any such general knowledge, whether any influence during the last canvass was exerted to prevent negroes, who were inclined to vote the democratic ticket, from so voting?—A. Well, they were intimidated by others telling them that they should not vote that ticket; that the democratic party wanted to put them back in slavery, and all that sort of thing, and that whoever voted should not stay in the country, and they further threatened to beat or kill them.

Q. A general system of terrorism?—A. Yes, sir.

Q. Do you know of them threatening to put democratic negroes out of churches?—A. I have heard of that, but I don't know it positively.

Q. And of men who voted the democratic ticket, or wanted to vote it, being subjected to all sorts of petty annoyances?—A. Yes, sir; of their being subjected to insults and abuse.

Q. How many white votes were polled that day at that poll?—A. I think there were eighteen, sir; there were thirty-one democratic votes altogether polled at that poll.

Q. How many negroes?—A. Thirteen.

Q. How many negro republican votes?—A. I think there were five hundred votes polled altogether at that poll, and thirty-one from five hundred would give the number.

Q. About four hundred and seventy?—A. Yes, sir.

By Mr. JONES:

Q. How many white men voted the republican ticket in that precinct?—A. Only one. That was Mr. Johnson, the United States deputy marshal.

Q. Did you talk with a number of negroes in that neighborhood prior to the election about the manner in which they would vote, or did they talk to you on the subject?—A. Well, they asked me questions for information, and I gave it to them to the best of my ability. I told them that Hampton was the best man to vote for; that he was an honest man; that we were tired of this sort of government, and they all agreed with me; and even a great many that voted the radical ticket said they wanted to vote for Hampton.

Q. Did any of them promise you that they would vote the democratic ticket?—A. No, sir; they did not promise me.

Q. You were in the house all day attending to your duty as manager?—A. Yes, sir; I could only see through the bars in front of the window what was going on outside.

Q. From the best of your knowledge and information received previous to the day of election, how many negroes would have voted the democratic ticket, if there had been no intimidation whatever?—A. I think at least a hundred.



By Mr. BANKS :

Q. You were a manager ?—A. Yes, sir.

Q. What makes you think that there were a hundred negro men that would have voted the democratic ticket that day ?—A. Because I heard them tell a great many persons that they were going to vote the democratic ticket, and a great many promised their white friends that they would vote it.

Q. You were surprised that so few voted it ?—A. Yes, sir.

Q. And surprised that more didn't vote it ?—A. Yes, sir.

Q. That happens very often in elections ; does it not ?—A. It is only the second time I have ever attended one.

Q. Did you not know that it was often the case that men were surprised at the result of the elections ?—A. I was surprised at this election because there was so many that promised faithfully to vote the democratic ticket, and they didn't do it.

Q. Are you not aware now that it is not the custom of people to go about telling other persons how they are going to vote ?—A. No ; I don't think it is the general practice, but I know among the white people we do not hesitate to express who we are going to vote for.

Q. You are now aware that all who tell you they are going to vote the democratic ticket, will not always vote that way ?—A. There were thirteen of them voted at that poll.

Q. Why did you sign this return if you knew there were a hundred people that were not allowed to vote as they wanted to ?—A. I said they would have voted if they had not been intimidated by the general talk of the people.

Q. You said there were at least a hundred men there who would have voted the democratic ticket if they had not been frightened out of it. Now how came you to sign the return if that was the fact ?—A. I had to sign the return of what was put in the box.

Q. How many votes were there ?—A. Five hundred.

Q. Well, now, if you had known that there were five hundred votes there, and a company of armed men—say a rifle-club—had come up and driven those five hundred voters away so that there would not have been a vote put in the box, would you have reported that as an election ?—A. No, sir.

Q. Why do you report it now, then ?—A. Because they were intimidated at home among their friends and neighbors. They were told at home that if they went and voted the democratic ticket they should not come back and stay there.

Q. You said that they had been told that they might be put back into slavery again. Is that intimidation ?—A. Yes, sir ; their fears were excited that the democrats would put them back into slavery.

Q. That is what you call intimidation ?—A. Yes, sir ; I consider that intimidation.

Q. Would that be the same as armed men driving off the people ?—A. No, sir ; that I would call a violent measure. I would call that driving them away by force of arms.

Q. What you would call intimidation is when a negro is told that if the democrats succeed he will be put back into slavery again ?—A. I think it influenced them very much.

By Mr. JONES :

Q. When you say that it was proclaimed among the negroes that if they voted the democratic ticket they would be put back into slavery, and that they were thus intimidated, you do not mean to say that that was the only intimidation ?—A. No, sir.

Q. Now as to the returning of the polls : you simply considered it your duty to return the votes as they were in the box ?—A. Yes, sir.

By Mr. BANKS :

Q. Where do you reside ?—A. In Christ Church Parish, Charleston County.

Q. You understood that those negroes were told that they could not stay there ?—A. Yes, sir.

Q. Have you ever known of any intimidation of colored republicans by the democrats of this city and county, to the effect that if they did not vote the democratic ticket they would not have employment ?—A. Well, I have heard some say that they would not employ any man that would not vote with them.

Q. That they would not trade with them ?—A. I cannot say that.

Q. Why can you not say that ?—A. Because I do not know that.

Q. You have said that the negroes were told that they might be put into slavery again if the democrats succeeded, and that if they voted the democratic ticket they could stay there, and you also know that it has been said by the democrats in the city and county of Charleston that if any man voted the republican ticket they would not be employed by the democrats ?—A. Yes, sir ; I have heard some say so.

By the CHAIRMAN, (Mr. Cochrane :) )

Q. Do you know that it has been generally said ?—A. No, sir ; I do not know that it has been generally said, or that it has been carried into effect.

By Mr. JONES :

Q. You cannot say that you have heard men say that they would not employ negroes

unless they were of their own political thinking?—A. No, sir; I have only heard them say that they would give them the preference.

Q. But did you hear any employers say to the negroes themselves that if they didn't vote the democratic ticket they would not employ them?—A. No, sir; I never heard one.

By Mr. JONES:

Q. You do know that it has been said of republicans that if they voted the republican ticket the democrats would not employ them?—A. I have heard it said.

Adjourned to meet at 3 p. m. to-morrow, Friday, December 22, 1876.

CHARLESTON, S. C., Friday, December 22, 1876.

JOSEPH BARNWELL sworn and examined.

Question. What is your age?—Answer. I am thirty years old.

Q. What is your business?—A. I am a lawyer, sir.

Q. Do you practice law in the city of Charleston?—A. I practice law in the city of Charleston.

Q. How long have you resided here?—A. I have resided here for the last eight years. I was born here, but went away when I was five years old. I have been here for the last eight years; that is ever since I have returned from college.

Q. You are a democrat, I believe?—A. Well, sir, we called ourselves conservatives until the other day. We call ourselves democrats now.

Q. State sir, if you please, whether you took any part in the last campaign in the way of canvassing?—A. I did, sir; a very active part.

By Mr. BANKS:

Q. Canvassing means making addresses, I suppose?—A. Yes, sir; I made addresses and attended meetings. The most of my speeches were to colored people.

By the CHAIRMAN, (Mr. Cochrane):

Q. Do you recollect the riot that occurred in September in the city of Charleston?—A. I do, sir.

Q. On what date did that occur?—A. It occurred on the 6th of September—on Wednesday, the sixth of September.

Q. Where did it occur—at what point did it occur?—A. It occurred on Green street; it originated on that street; that is, the first real rioting occurred there.

Q. Were you present?—A. I was present, sir, during the greater part of it—during, certainly, the first part of it.

Q. I wish you would proceed and state in your own way the causes which led to that riot, and what occurred during the riot.—A. As soon as General Hampton was nominated and the campaign opened, we had a ward meeting in the room over the way. At that meeting two republicans came over to us and made speeches, one by the name of Isaac D. Rivers, and the other a man by the name of Sawyer. They announced their affiliation with the democrats, saying that if they were protected they would give up the republican party and stump the county. They made themselves prominent by that. Quickly following that they attended two or three democratic meetings and made speeches. A few nights after these meetings we had a democratic meeting, at which some republicans came and asked to be allowed to divide time, and we did give them half of the time—we spoke alternately. That meeting was very riotous. I was present myself and was personally and grossly insulted.

Q. By whom?—A. By a man named Darrall, who was then, and is now, a member of the detective force. There was a tremendous row going on, and I went out and said "Keep quiet," and he turned on me and would have struck me if I had not turned off. I called on the police to arrest him, and they would not. On that evening, going home from that riot, this man Rivers was assaulted, and I saw the wound which he had on his face the next morning. At that riot Rivers was beaten, and it caused a good deal of discussion in the city. Rivers and Sawyer came to me personally and told me that they were afraid to go to these democratic meetings any more. I told them that I thought they could go to the democratic meetings in the future with safety, because a great many white men would be there, and that the white men would come home with them. A meeting was then called—the next meeting after that conversation—at Archer's, at the corner of George and King streets, on Wednesday, the 6th of September. At the meeting I was asked to speak, and I went up and spoke. When I got to the hall, I found three or four white men there, and I found Rivers and Sawyer standing on the other side of the street. There were only two or three white men there. I went up to Rivers and Sawyer and asked them why they didn't come into the hall. They told me that they were afraid to come—that they were afraid of being beaten. I asked them why. They pointed out to me squads of colored men, at that time marching down on the other side of the street and uttering threats against the democrats. Rivers and Sawyer said that they had told them they were going to come up there and break

up that meeting. My own impression was that we would not have any row if a plenty of white men were there with the blacks; that no attempt would be made to interfere with Sawyer and the colored democrats who would be there, if we had a large crowd. I thought that they would only attack them in case they met them on by-streets by themselves, and that it was only necessary to have the presence of white men at the meeting to prevent any trouble. I therefore sent around to a ward meeting, which was going on near by, and asked some of the gentlemen to come around there so as to be at the meeting. They came, and gradually the hall filled up with them, from about twenty-five to thirty blacks and about seventy-five whites. Just then I saw collecting about fifteen or twenty colored republicans.

Q. Were these colored men that were in the meeting democrats?—A. Yes, sir; there were about twenty-five colored democrats at the meeting. As I say, I saw about twenty colored republicans come up and stand around with sticks in their hands.

Q. Did they come into the hall?—A. No, sir; They came to the door of the hall. A mounted policeman just then rode up. I went up to him and told him what I had heard these men say about the threats, pointed out to him these men standing around, and asked him to send off for a force of police, as I was fearful that we might have trouble. He laughed when I said I was fearful of trouble, went to the corner, and I heard him tap on the post; giving their signal for summoning policemen. Then knowing that there was a club meeting down town that night, I went down to ask them to attend the meeting in case there was trouble. I saw a doctor come up in his buggy, and I told him about it. Then the meeting went on. Gradually about forty of these republicans collected outside of the door. Some after came in and looked on and some went off. As the meeting drew to its close and was about to be dismissed, a large number of them were present with clubs talking very loudly and threatening all the democrats. Just before the meeting drew to a close, the chairman of the meeting announced that the white men would accompany these colored men to their homes, as the crowd around seemed to be very noisy and threatening. We came out of the hall. The colored men fell in with us, and when I say fell in with us, I do not mean in military order, I mean just a crowd in the middle of the street, and we started up Green street. We had about forty white men with us and about ten or fifteen or these colored democrats.

Q. What did the crowd outside amount to?—A. The crowd outside amounted to about fifty or sixty colored republicans, some with sticks and some without. They marched up on the left-hand pavement as we went up the middle of the street. They were cursing at the colored democrats and brandishing their sticks. This mounted colored policeman kept between our crowd and the colored republicans, trying to keep them back. And he did succeed in keeping them from striking any of us until we got to Calhoun street, which was the end of his beat. As soon as he stopped at the end of his beat, the head of their crowd, re-enforced by colored idlers who were always standing at that corner, closed up on the end of our crowd and commenced throwing bricks. Though I was at the head of our column one brick came right by me. Just then some pistol-shots were fired down at the other end of the line, I can't say by whom, but I saw the flashes of the pistol-shot apparently in the air. Immediately this mounted policeman and another one rushed down. I, myself, rushed down to where the pistol-firing was and tried to find out who had fired it. When I got down there I saw the policeman arrest a white man, and asked him what he was arresting him for, and he said, "He knows who fired the pistol." The man who accompanied the colored policeman was a colored detective by the name of Hood. I went up and asked this man if he had fired the pistol, and he said no. Then the policeman said he just wanted him to come outside of the crowd, as he desired to ask him a question. I asked why he didn't ask him the question there. And then the man went into a little alley-way there, and the policeman did ask him the question, I suppose, and I never saw the man any more. As soon as the police came down on our crowd and our line stopped, a large number of blacks assembled again just on our rear. I was fearful that we were going to have trouble, and I led our line up the street as fast as possible, so as to get out of it. When we got opposite to the next street, which is Vanderhorst street, a large number of colored men came rushing down on our line. I was at the head of the line, and again I heard four or five pistol-shots. When our line had passed Vanderhorst street I heard five or six more, apparently in the air. I ran down to the end of our column and asked a colored policeman that I saw there, by the name of Robinson, for God's sake to get the colored people on the left-hand pavement; that we would take the right-hand pavement, and would thus get out of the trouble. We then marched on for a square, and the colored policeman did try his best to get the crowd on the left-hand pavement, but they would not go. I ran down again and told him that we were quiet, and asked him if he could not keep his crowd in charge. We marched up another square, and just then three policemen from the up-town guard-house broke into our line, halted it, and one of them, a very large black man, brandishing his club, exclaimed, "Sawyer is the man who fired that pistol, and I intend to arrest him." Sawyer, I understood afterwards, was not even in the crowd, and these policemen were two squares off from us when this pistol was fired, to my positive knowledge. I went up to him and said that Sawyer was the most peaceable man possible; that I didn't think he even had a pistol. He at once turned on me and accused

me of attempting to draw my pistol, and held his club over my head, and said, "Barnwell, if you put your hand on your pistol I will knock your brains out." He was head and shoulders taller than I was, and I turned on my heel and retreated from him. I went thirteen or fourteen paces away from him, in the hope that he would let me alone. He followed me, with his club up in the air, threatening me as hard as he could. When I found that I could not escape from him, and saw pistols pointed at me, I took out a pistol and shot at him and hit him, and he fell. I walked to the corner and went down to the hall where this club I spoke of was meeting, found only two or three gentlemen there, and mentioned to them that I had been obliged to use my pistol, and asked whether I had not better surrender myself at once. Later in the evening reports came down that he was dead, which proved not to be so, for he is now on the police-force—but reports came that he was dead, and some of my friends advised me that I was in danger of my life. I went the next day and surrendered myself, and was put under two thousand dollars bond to answer the charge. At the time we thought he was dead I was advised to leave town, but I refused to do so. I replied to the urgent advice of some of my friends that I had done my best to keep the peace, and I intended to remain.

Q. Do you know anything more about this riot?—A. I only know that later in the evening I saw several white men who had come from the crowd with their heads all bleeding. Whilst I was in the crowd a white man right alongside of me was shot just as my pistol went off. As I turned around I saw him clap his hand on his leg.

Q. How long did this thing continue?—A. The riot?

Q. Yes.—A. The row must have started about ten o'clock. It continued about twelve hours and a half.

By Mr. JONES :

Q. Ten o'clock at night?—A. Yes, sir. It was a moonlight night, but the moon was not very bright.

By the CHAIRMAN, (Mr. Cochrane :)

Q. State whether there was great fear excited in the community among the whites.—A. Yes, sir; intense excitement and fear.

Q. How about business in the town?—A. The next day business was almost entirely suspended. Many of my friends told me that my life was not safe in the city. I can illustrate the fear that existed here in this city. A telegram was sent here from the country saying that thirty white men were penned up in a building on the Charleston and Savannah Railroad, with about two hundred blacks surrounding them. These thirty white men telegraphed down for assistance from Charleston. A number of young white men, who were relatives of the gentleman who telegraphed, went to Mr. Barker and asked him whether they had better go there, and he told them that he thought that Charleston was in such danger that not a single white man ought to go from the city; that they had better not leave; and they telegraphed up to Mr. Elliott to know how long he could hold out, and he answered that he could hold out until the next day. There is nothing that can better illustrate the fear at that time than that.

Q. State whether any indictment has been found against you.—A. Not to my knowledge, sir.

By Mr. JONES :

Q. You are still under bond?—A. Yes, sir; I am still under bond.

By the CHAIRMAN, (Mr. Cochrane :)

Q. Did you, during the canvass, know of any instance where any republican orators gave advice to the colored people; and, if so, state when, where, and what was said in regard to what action the colored people were to take.—A. I will state, first, that I attended one meeting up at Strawberry Ferry.

Q. Was any advice given to the colored men there?—A. George Sass, who was the republican chairman on the stand, told the colored people that they must bring their arms there to the meeting, and refused to let them carry them away. That was one thing. He threatened to turn one of the colored members of the legislature out of the church.

Q. Who threatened?—A. This man Sass. He said he was going to turn him out of the church right there; that he would take care of him.

Q. Why would he turn him out of the church?—A. For being on the democratic ticket.

By Mr. BANKS :

Q. Who was he going to turn out of the church?—A. The Rev. Joseph Garrett.

Q. Was Sass a clergyman?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane :)

Q. Did you hear anything said by anybody at any meeting as to any violence towards the blacks; and if so, what was said?—A. The next place that I heard violence threatened was on Edisto Island, where Cyrus Guilliard, a black man, advised the people to chuck—that was his word—and drive off the island any colored man that voted the democratic ticket.

Q. From what place was this given?—A. From the stand; in the presence of Sheriff

Bowen, the chairman of the executive committee of the republican party, to a crowd of fifty white men and two hundred and fifty blacks, and I suppose a hundred negro women in addition.

Q. What relation does this man bear to Bowen?—A. He is one of Bowen's strongest adherents.

By Mr. BANKS:

Q. That is Guilliard?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Was he in the employ of Bowen in any capacity?—A. If I mistake not, he is one of the criers of the court, or one of Bowen's deputies. I think, though, he is a crier of the court; he accompanied him at every meeting I attended. All of the blacks that came to that meeting came in regular military order, with a captain, with a drawn sword, at their head, and I will say that all of the white men, except some five or six, were doing well to get off without being very badly hurt. They were abused very much. These men were all armed with sticks, and the captain had a sword. My friends that were there told me that they saw arms stacked in the building. The white men were insulted repeatedly. Further than that, this man Guilliard, and W. H. Thompson, also a black man, who was elected as county commissioner, and who was one of the canvassers, came up to me, and told me that they thought there would be a riot if any colored democrat attempted to speak, and both of them begged me not to have any colored men to speak, stating that it would certainly cause a riot.

Q. Who appoints the police officers in this town?—A. The mayor.

Q. Who is the mayor?—A. George I. Cunningham, a republican.

Q. Are there more white or black policemen?—A. At that time there were more blacks than whites.

By Mr. JONES:

Q. Is Cunningham a white man?—A. Yes, sir; he is a white man. On another occasion I attended a meeting on John's Island. We were to have a joint discussion there, and we took Mr. Bowen and all his speakers up with us. When we got to the meeting, (we marched about four miles to get there,) we found at least three hundred blacks assembled; of that number at least one hundred and twenty-five had arms—muskets. The twenty-five white men who were with me had to go up to the stand through columns on either side.

Q. Through columns of blacks?—A. Yes, sir; columns of blacks, drawn up on either side, some with rifles and some without, and some with sticks. I was the first democratic speaker, and while I was speaking four sentinels were pacing up and down about ten yards right behind me. During the time that I was speaking I was frequently interrupted with great confusion and noise, and at one time my brother, who was present, and Mr. M. P. O'Connor, who was the democratic candidate for Congressman, had to go to Mr. Bowen, the republican chairman, who had announced the joint meeting, and ask him to quiet the row, because they thought there was great danger. A colored democrat whom we took up there said he was so scared that I could not get him to open his mouth. He said he was afraid. While I was speaking I thought there was danger, but I put a bold front on it. The white men who were with me, though, were in apprehension the whole time. W. H. Thompson, at that meeting, quoted with approval what George Sass had said about settling this colored preacher's business and turning him out of the church. He said to them then that we had five colored democrats on our ticket, but that George Sass would settle him (Mr. Garrett) and turn him out of the church.

By the CHAIRMAN, (Mr. Cochrane:)

Q. How long has Cunningham been mayor?—A. Cunningham was elected mayor in 1875. This is his second term. His first term was from 1873 to 1875. His second term commenced in 1875 and runs to 1877.

Q. Is he a Southern man?—A. Cunningham was originally from Tennessee. He has always been a strong republican, and this time he was elected county commissioner. He is now mayor and county commissioner.

Q. Do you know of any petty annoyances to which colored people were subjected who announced that they proposed to vote the democratic ticket?—A. I know of individual instances. At the beginning of this campaign it was well recognized in Charleston County that black men did not allow other black men to vote differently from them—that is, black republicans would not allow black democrats to vote differently from them. I maintained from the beginning that I could not pretend to make any headway with the black people until we could devise some way or other to prevent those who wanted to vote with us from getting their heads broken. There was a man named Jencks, who, I suppose, five times came to me and asked protection to go home at night. There is an old respectable colored man in this city named Henry Haw, a tailor, who has, time after time, come and told me the same thing. On the night of the first riot in Ward 8, where I was insulted, this man Henry Haw sent a note to my house saying that these colored republicans were going up there to break up the meeting. That note came to my house, but I didn't get it until the next morning. On the stand this was not denied; that two of the Bowenites—

Q. What were they known as?—A. The Bowenites. They never let the Mackeyites differ from them, nor did the Mackeyites permit the Bowenites to differ from them when they were in the majority; but both of them were down on the democrats. I will state further, that at no election in the city of Charleston has a colored democrat voted the democratic ticket except at the danger of a broken head, unless he was protected by four or five white men going up to the polls with him, or unless, as happened at one poll where I was in the last election, the white men were in the majority.

By Mr. BANKS:

Q. What were the circumstances attending the invitation of these fifteen or twenty colored democrats that came to the meeting that you spoke of previous to the first riot on the 6th of September?—A. It was an advertised democratic meeting.

Q. What were the circumstances of getting up that meeting?—A. All that I know of it, sir, is that the president of the ward came to me and told me that Augustus Grant was to have a colored democratic meeting, and asked me to go there.

Q. You do not know anything about getting up the meeting?—A. I do not know anything except that it was advertised.

Q. You do not know whether this meeting was got up by the colored men or got up by the white men for them?—A. I think it was got up by the colored men. They had the meeting in the hall there. I think the colored men got it up.

Q. Who furnished them the hall?—A. I do not know.

Q. What club was it to which you sent for assistance, or the members of which you sent to notify that if there was trouble you would like them to attend?—A. The Carolina rifle-club.

Q. There is a social club called the Carolina Club. Is that the club?—A. Yes, sir.

Q. Is it a recent organization?—A. No, sir; it was organized seven years ago.

Q. What was the purpose of the organization?—A. Purely for social purposes, sir. Then, gradually, as they were not prevented by the State government, they grew into a sort of militia; that is to say, they came out in uniform, and even the United States troops used to turn out with us. Governor Chamberlain presented a flag to the Washington Light Infantry, which was an organization exactly like ours.

Q. How large was that club?—A. I think at that time it had about ninety men.

Q. Had they an armory?—A. I think so at that time, sir.

Q. Are there other clubs of that character?—A. Yes, sir; the Washington Light Infantry, the German Fusileers, (that was founded in 1776, and re-organized after the war,) the Palmetto Guard, the German Hussars, the Washington Artillery, and quite a number of other clubs, sir, by *quasi* consent, were allowed to go on and parade; and gradually, as time went on, a rivalry sprung up between them. They got better uniforms, and they became the citizen-soldiery, and were so addressed by Governor Chamberlain. They were the ones that welcomed the company from Boston, with whom they turned out here on the 28th of June.

Q. What is the number of these clubs altogether?—A. I do not think that they have had more than six or seven or eight hundred men altogether; but I cannot answer positively about that.

Q. They are still in existence?—A. I believe not, sir. They were disbanded.

Q. Had they an order from the President or Governor Chamberlain disbanning them?—A. From both, sir.

Q. The organizations existed at the time of the 6th of September riot?—A. Yes, sir.

Q. Did you see yourself and do you know the facts which you have stated?—A. Yes, sir; I know all that I have stated. I have always qualified my statements, separating that which I knew from that which had been told me.

By Mr. JONES:

Q. Were there any statutes allowing the organization of those rifle-clubs?—A. One or two rifle-clubs had original charters and organized under them, and others organized under charters from the clerk of the court, whilst others organized as purely social organizations.

Q. Did you understand that Governor Chamberlain recognized these clubs here?—A. Surely, sir.

Q. Was he a member of them?—A. He certainly was an honorary member of one of them, and he was entertained by them, and addressed them as the citizen-soldiery in my presence.

By Mr. BANKS:

Q. That was before the events which led to the order for their dissolution?—A. Yes, sir; that was the last 28th of June.

Q. He recognized them at one time and published an order disbanning them and requiring them to surrender their arms?—A. Yes, sir; and they surrendered all the State arms they had and disbanded.

Q. Now, in reference to those meetings?—A. The first meeting we had was by invitation. The chairman of the republican party, Mr. Bowen, agreed with Mr. Calcock, of the democratic party, to have a joint meeting.

Q. There were, of course, certain preliminaries agreed upon in reference to that meeting?—A. There were, sir.

Q. Was there any complaint made that the conditions of the meeting were not adhered to?—A. None, whatever. Let me say about the first meeting: we went to this first meeting on a steamer; the first meeting was at Strawberry Ferry; and we looked on shore and found that they had arms with them, and we took down arms with us, and Mr. Bowen at the next meeting objected to them, and the consequence was that we did not carry them.

Q. Then there was a condition about having arms at that Strawberry meeting?—A. Yes, sir; and we at once stopped.

Q. Was there any excitement or trouble at that meeting?—A. There was no trouble at that meeting.

Q. What was the number of democrats that went up there?—A. I suppose from thirty-five to forty.

Q. How did they get up?—A. They went up in a steamer, sir.

Q. Whose was it?—A. We rented the steamer and went up there by invitation of this club up there.

Q. How many went up in this steamer?—A. I suppose from thirty-five to forty.

Q. Were there not a hundred?—A. Well, no, sir; I am sure there were not over forty.

Q. Who participated in that meeting?—A. I suppose a hundred and fifty or two hundred blacks, and the gentlemen from the neighborhood came up. It was by the invitation of Mr. Bowen that we had that joint meeting.

Q. Why is this place called Strawberry?—A. I do not know, sir; it is an old church where the ordinary public meetings are held in that portion of the country.

Q. Is it in Charleston County?—A. It is, sir; Charleston County is sixty miles long and seventy-five miles broad.

Q. The democrats had arms?—A. Yes, sir; they had arms.

Q. What arms did they have?—A. They carried up some rifles on the steamer, which they didn't take there until they saw the arms at the meeting. The colored people had arms and then they took their arms.

Q. And of that Mr. Bowen complained?—A. Mr. Bowen at the next meeting complained. He said he did not like our having arms, and we told him that we had only taken them because we saw his men have their arms, but if he didn't like it we would not take them.

Q. What arms did the colored people have?—A. Some of them had muskets and some of them had double-barreled guns.

Q. What took place at the meeting; who were the speakers?—A. I spoke, Mr. Bowen spoke, Mr. Barker spoke, and others.

Q. Was there anything noisy occurred in the progress of the speeches?—A. Nothing at all, sir.

Q. The meeting separated peacefully?—A. Peacefully and quiet, sir; every now and then the blacks would get pretty stormy, but the whites kept cool.

Q. What was the number of the whites there?—A. I suppose, with what we carried up, we had about sixty or seventy.

Q. Where was the next meeting?—A. At John's Island.

Q. How many were there?—A. At least 250 to 300 blacks.

Q. How many whites?—A. Twenty-five, sir.

Q. That was the meeting where there was an agreement that there should be no arms?—A. That was the meeting where there were to be no arms.

Q. When was this?—A. The John's Island meeting was in October, I think.

Q. You say the blacks were armed; what did they have?—A. Some of them had breech-loading rifles. I think there were at least 125 with arms of various kinds. I saw a stack of breech-loading rifles and these sentinels marching up and down.

Q. Did the whites have arms?—A. I did not see any.

Q. Do you know that they did not have any?—A. I do not know it, sir. My impression is that the man who would go there without a pistol in his pocket, from the nature of that crowd, would have been in great danger.

By Mr. JONES:

Q. But you saw no arms?—A. I saw no arms.

By Mr. BANKS:

Q. But you do not know that they did not have arms?—A. I do not know it, sir. I carried Mr. Bowen up there. I was pretty certain to have Mr. Bowen there. I would not have gone without him.

Q. What did the women do at Strawberry; what part did they take in it?—A. They stood on the outskirts and yelled and cursed the democrats.

Q. Were they armed?—A. Not to my knowledge.

Q. What excited the women?—A. The fact that we were democrats. I will tell you further what excited them. They had been informed by some of the republicans that if the democrats succeeded they would be put back in slavery.

Q. What action did the mayor take, if any, in regard to this meeting?—A. Mayor Cunningham did not make any effort until two or three days after the riot of the 6th. The mayor had nothing to do with what occurred outside of the city.

Q. How was it at Edisto?—A. We went there, but there were no arms there that I could

tee. I knew that unless we were very cautious we would be in great danger. I understood that there were some arms in a building very near.

Q. Were there any women there?—A. Any quantity of them, sir.

Q. Did they attend all the meetings?—A. Well, they attended that meeting. There were rather more of them there than anywhere else.

Q. There was no disturbance; the meeting was not broken up; nobody was hurt?—A. No, sir; nobody was hurt at that meeting.

Q. Did you come away together?—A. Yes, sir; we came on our side and they came on their side. I made them very conciliatory speeches at that meeting.

Q. What was it that they threatened with regard to Mr. Garrett, this clergyman?—

A. George Sass said he would take care of him and turn him out of the church.

Q. That is just two meetings that you know about?—A. Yes, sir; those are all that I attended.

Q. Do you know of other meetings by public report or by attendance?—A. I know of pretty nearly all of them, but I only attended those I have mentioned.

Q. Has it been customary for men on one side and the other to have arms?—A. No arms have been carried by the whites, to my knowledge.

Q. Do you know that they have not carried arms?—A. I do not know, sir.

Q. Do you know, by public report or by attendance, of the character of these other political meetings?—A. I do not know anything of my own knowledge.

Q. Do you know by general report?—A. I have never seen any account of arms having been carried by whites.

Q. You do not know that the whites or democrats have had arms with them at any political meeting?—A. What sort of arms?

Q. Shot-guns or pistols.—A. I do not know about shot-guns.

Q. I am speaking of arms generally. Do you know, by report, anything about the democrats having arms whenever they have attended political meetings in this State?—A. I have heard about this Cainhoy riot. I saw about that in the newspaper.

By the CHAIRMAN, (Mr. Cochrane:)

Q. We don't want newspaper reports.

Mr. BANKS. I want to know as to the general practice of political meetings here.

The WITNESS. I never heard of such a thing, never in my life, prior to this election.

By Mr. BANKS:

Q. When you say never prior to this election, in your life, do you mean prior to the election of 1876?—A. Never prior to the election of 1876.

Q. What exertions have been made by democrats to induce colored republicans to vote the democratic ticket or to prevent their voting the republican ticket?—A. Well, sir, I can tell you very simply, argument largely.

Q. What else?—A. Well, sir, in some instances I have known of their going this far, of their saying to colored democrats who were struck and beaten and who were threatened, "Now, my friend, I will help you; I will protect you."

Q. That is for men who are afraid of being hurt?—A. Yes, sir.

Q. What beyond that?—A. I presume you mean the policy of proscription. I never advocated that. I do not know of any instance where a man was simply absolutely discharged on account of voting the republican ticket.

Q. If you do not know that, what do you know about the proscription of colored republicans because of their voting the republican ticket and because they did not vote the democratic ticket?—A. The only thing I can tell you is that they would say to the colored democrats, "Now, recollect that we will see for you and we will provide for you."

Q. I do not care about that. I am now talking about your opponents. What do you know to have been done, either by participating in it yourself or by the course of public meetings, to prevent colored republicans voting the republican ticket or to compel them to vote the democratic ticket against their will?—A. I know nothing of my own knowledge.

Q. What do you know by general report?—A. The republicans used to charge it.

Q. Do you know of public meetings—democratic meetings—passing resolutions that men that voted the republican ticket should not be employed?—A. Well, sir, I do not know of that myself.

Q. Do you know that to have been done, or do you know that it has not been done?—A. I do not know that it has been done.

Q. Do you know that it has not been done?—A. Certainly not; I would not say that, sir.

Q. You have been there, individually engaged in this canvass, and have been in this meeting of which you have spoken, as a leader. Now, do you know that public meetings have declared by resolution—meetings of democrats—that colored men who voted the republican ticket should not be employed?—A. To my own knowledge, I do not know of any occasion where they have done so; of my own knowledge I do not know that they have no done so.

Q. Now, I want to know if you know, by public report or by public action of the organized bodies of your own party, of which you were a leader, that they have done this, or that



they have not done it?—A. I have seen in the newspapers that at a certain ward-meeting such a resolution was adopted.

Q. Now, does that ward-meeting deny that statement which has been made?—A. Not that I know of.

Q. Have you attended public meetings of the democratic party, and have you heard speeches made there?—A. I have, sir.

Q. Have you heard, by the arguments of democrats in public meetings, the declaration made that men who voted the republican ticket were not worthy of the recognition of democrats, and should not receive their patronage?—A. I have not heard that at any meeting I have ever attended.

Q. Have you read the newspapers of your party in this city?—A. Yes, sir; I have.

Q. Are they recognized as leaders of political opinion?—A. No, sir.

Q. You do not recognize them as such?—A. No, sir.

Q. Does the democratic party of this city recognize them as authorized to express opinions for the democratic party?—A. Well, sir, in Charleston, very little.

Q. Are they not recognized as leaders of public opinion on the democratic side?—A. Very little, sir.

Q. Do you not know that the democratic papers of this city have taken that ground?

The CHAIRMAN, (Mr. Cochrane.) I suggest that the newspapers be presented; they would be better evidence.

By Mr. BANKS:

Q. What do you know by the declaration of the democratic newspapers of this city upon this subject?—A. One paper was in favor of it, and the other was not.

Q. Which was in favor of it?—A. The News and Courier was in favor of it, and the Journal of Commerce was not.

Q. Do you know whether the trade of this city has been conducted upon this principle; that men that were of the democratic party and voted the democratic ticket should receive or would receive, or ought to receive, the support and patronage of democrats, and that men who did not vote it ought not to receive their patronage?—A. I would say emphatically that it has not been.

Q. Do you mean to say that it has not been in any instance?—A. I would not say to no extent, because one paper has advised it, and the other has not. The Journal of Commerce in this contest represented the public more than the News and Courier. The democratic committee voted down any such resolution as that you have referred to.

Q. What democratic committee?—A. The democratic committee of the city and county.

Q. Now, I want to know if the trade of this city has been conducted upon this principle to the extent that democrats ought not to support or to give their patronage to men of the republican party who did not vote the democratic ticket?—A. I think to a very small extent.

Q. Has it been so far as to induce men engaged in trade to advertise in the newspapers?—A. There has been much cry and little wool.

Q. To what extent has it been done?—A. I know nothing except what I see in the newspapers. The general fact is that it was conducted to a very small extent.

Q. Has it been practiced or expressed by organizations of the democratic party?—A. It has been considered a very dangerous and wrong precedent by the democratic committee, and it has not been advocated, as I know of, by any single prominent speaker, but it has been adopted by the News and Courier.

Q. What is this committee of which you speak, and when did they take this action?—A. This committee had the whole charge of the democratic management of the campaign.

Q. What is it called?—A. The democratic executive committee of the city and county of Charleston.

Q. They have published their action?—A. That I am unable to say.

Q. What was the motive or object for their action, if it was not for publication.

Q. That you must ask the committee. I am not a member.

Q. Well, now, I want to know if these things have existed to a greater or less extent; if white men are armed at meetings; if they attend in force; if they undertake to sustain their influence and their policy by the proscription of men who do not think and act with them; if it is singular at all that colored republicans or republicans without regard to color, should take the same course to defend themselves—do you regard that as singular or strange, or as extraordinary?—A. General, I would like to have taken you down to John's Island to that meeting there; why, sir, you would have been a democrat for ten years after that.

Q. You have not answered my question. I do not care to argue the question with you.—A. I will say this: the democrats never did take arms to the meetings. I will say this also, that it is exceedingly improper that the republicans should have had armed men at these meetings, when their chairman agreed with us and asked us to bring no arms, and it was agreed that they should have no arms.

Q. Considering what you have stated as the action of the democrats in the way of proscription in trade or employment of republicans, colored or white, I will ask you if it is extraordinary that they should have pursued the course they did?—A. I think it is exceedingly extraordinary that they should have been allowed to carry them there by their leaders.

By Mr. JONES :

Q. Do you know of any settled policy among the democrats—among the leaders, (the executive committee,) or among the rank and file of the party—to proscribe negroes, or employés, because they would not vote with them at election?—A. I know of no such policy by the democratic committee. I know of no such universal policy. I know that one of the newspapers advocated it, and it is my impression that some people acted on it.

Q. Do you claim the right in this country to employ just such people as you please to labor for you?—A. Exactly. Regardless of their political opinions.

Q. And you concede the same right to the republicans?—A. We do, sir.

Q. Are there any republicans who employ hands in this country in the rice-fields, the cotton-fields, or in the manufacture of phosphates, &c.?—A. There are some, sir.

Q. And no one of the democratic party has ever interfered with them in employing whom they pleased?—A. No one, whatever, sir.

Q. Do you think it natural still in this country that people should employ those who are most agreeable to them in their politics or otherwise?—A. I think so, sir.

Q. And they claim the right to do so?—A. I think so.

By Mr. BANKS :

Q. Do you know that men have been proscribed, or deprived of employment, or deprived of trade, because of their opinions?—A. I do know it. Why, there is not a democrat allowed in the whole United States service, sir. Democrats are turned off the instant they are found out to be democrats. I do not believe you will ever find a colored republican that employs a colored democrat.

Q. I want to know if you know that it has been done, and to what extent it has been done?—A. I know of one of the papers advocating it, and it is my impression that some people said they would give the democrats the preference, and would employ those who were democrats in preference to those who were republicans.

By the CHAIRMAN, (Mr. Cochrane):

Q. Do you know of any instance where negroes who voted the republican ticket have been discharged?—A. I know of no instance of my own knowledge.

Q. And have you no other knowledge on the subject than that which is derived from your reading of the newspapers of which you have spoken—the News and Courier?—A. I have heard persons say that it was done; I know of no instance of it.

By Mr. BANKS :

Q. You have said that a certain resolution was passed by the executive committee of the city and county of Charleston. Was that resolution published?—A. I do not know, sir.

Q. Do you know that it is the policy of the democratic party, or any of its leaders, to give certificates or tickets to men, "This man is a democrat and votes the democratic ticket?"—A. I do not know of such a custom; I have never seen such a ticket.

Q. And you do not know, from your own knowledge or from public report, that such has been the practice?—A. I do not know about any printed tickets at all.

Q. Have you acted with those of your party who have declared that they would not employ a man who would not vote the ticket?—A. I have never entered into it.

Q. Do you know that it has been done by your party?—A. I have already said that some have done it and some have not.

Q. You spoke of officers being employed by the Government of the same political faith with the Administration. Do you consider that the same as the proscription of individuals on account of their political opinions, in regard to their daily pursuits or employments?—A. I am a strict civil-service reformer, and I believe that the curse of this country is the discharge of its employés for political opinion.

By the CHAIRMAN, (Mr. Cochrane):

Q. I wish you would state whether you have heard this argument used to the negroes; that unless honest men could be elected to official positions in the State, unless taxes could be reduced and the government of the State run economically, that ruin and disaster would certainly come upon all the business interests of the State, and that would necessitate the discharge of negroes?—A. O, I have, often, sir.

By Mr. BANKS :

Q. I will ask you if, in addition to these fine-spun theories, you have heard it asserted and urged upon republicans that they would lose employment and so on?—A. I have not heard it.

Adjourned until 10 o'clock to-morrow, Saturday morning, December 23, 1876.

CHARLESTON, S. C., December 23, 1876.

WILLIAM J. EDMONDSTON sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. In what parish do you live?—Answer. Christ Church, sir.

Q. Do you live near to the Four-Mile Church precinct?—A. Yes, sir; I live about four miles the other side of that.

Q. Is that the nearest voting-place to your residence?—A. Yes, sir.

Q. Were you at Four-Mile Church precinct on the morning of last election-day?—A. Yes, sir; I was there before the polls opened.

Q. About what time did you arrive there?—A. I arrived there a few minutes before six o'clock.

Q. When you got there the polls were open?—A. Yes, sir.

Q. How long did you remain?—A. I was there all day except once, about ten o'clock. I left to carry the poll-list to Mount Pleasant.

Q. How long were you absent?—A. I was back in about an hour.

Q. With the exception, then, of the hour that you were absent, you were there from the time the polls opened until they closed?—A. Yes, sir.

Q. I wish you would state, in your own way, what, if anything, occurred there at that precinct during the day; how many black people were there; whether they were armed or unarmed, and whether you heard any threats or saw any violence?—A. In the morning as soon as I got there the first words I heard, before the polls opened, were, "If any man votes the democratic ticket, we'll club him."

Q. Who said that?—A. It was the general cry.

Q. Among what class?—A. Among the colored people, sir. I saw a good many clubs and bayonets on poles, but I didn't see any guns at the polls. I saw one or two men go away after they had voted, with guns. During the day I was talking with one or two colored men, and a colored woman took and shook a stick in my face, and called me a "damned red-bearded democrat," and said that I had better leave those men, and not talk to them; that I was trying to induce them to vote. I passed her again and she did the same thing. All the remark I made to her was, "Old woman, you can shake your stick, but you mustn't knock;" and she followed me up the whole day, just talking and trying to aggravate me, and I wouldn't notice her. I took my seat by Mr. Horlbeck and one or two gentlemen, and there I remained.

Q. How many negroes, at any time, would be about the poll during the day?—A. Well, sir, I think there must have been two or three hundred—two hundred and fifty, at least—the whole day there, counting men and women.

Q. What proportion of that number had clubs?—A. I suppose at least one-half of them.

Q. You say you saw some bayonets on sticks?—A. Yes, sir.

Q. How many bayonets?—A. Two or three, that I saw.

Q. I wish you would state what the manner of these blacks was; whether they were quiet and orderly.—A. No, sir; they were very noisy during the whole day, and we had to ask one or two of them during the day to try and keep the women quiet. They were more boisterous than the men. At one time I thought there was going to be a row there, because it got so noisy. It was as much as a man's life was worth to sit there, I considered; and after the close of the polls it was just as much as any white man had to do to sit there. In fact, we all had to leave. They guarded the box down to Mount Pleasant the next morning with guns.

Q. After the polls closed you say they all had guns?—A. Yes, sir.

Q. Where did they get these guns?—A. I believe they belonged to a militia company. They were furnished them by the State. There are two or three companies over there that are militia companies. This was one portion of them.

Q. Did the negroes who had been standing at the polls unarmed during the day have these guns after the polls closed?—A. Yes, sir.

Q. You saw no arms in their hands during the time that the voting was progressing?—A. Not at the polls; but I saw them going after they voted. Some of them went back home, and didn't stay at the polls, and they had their guns with them; so they must have had their guns concealed when they voted.

Q. Where did these negroes get their guns?—A. They must have had them concealed, because a good many of them lived too far to go way back home and get them. Some of them lived six or seven miles away.

Q. Did these arms appear very soon after the polls closed?—A. It was not very long, sir.

Q. You have stated that there was great noise and confusion there during the day. State, if you please, in what that noise and confusion consisted.—A. In language of a very boisterous kind.

Q. Give us an idea of the kind of language that was used; what was said by these colored people?—A. One part of the language was what that woman used toward me, that I had better not be talking to any colored men. She told me this every time she spoke to me.

Q. How about the men?—A. There were some men there in the morning, cursing terribly, and saying, "If I see a man vote the democratic ticket, I'll be damned if I don't kill

him right off." Those few that were able to vote the democratic ticket had to do it concealed; they couldn't let it be known at all; and as soon as they had voted, they left the polls. If they had been found out, they would have been mobbed, sure. I think if things had been quiet there and they had known that they would not have been jeopardizing their lives, we would have had at least a hundred votes.

Q. Upon what do you base that supposition that you have just made?—A. About the number of votes, sir?

Q. Yes.—A. Because a great many of them joined the democratic clubs. We had at least sixty members, and a great many didn't join that would have joined.

Q. A great many colored men?—A. Yes, sir; we had a large club.

By Mr. JONES:

Q. You had at least sixty members?—A. Yes, sir; and there were a great many that never joined the club who said they would vote the democratic ticket.

By the CHAIRMAN, (Mr. Cochrane:)

Q. I wish you would state what, if anything, would be done by these various knots or squads of colored men who would be standing at the polls, when a colored voter would be approaching the polls to vote?—A. They crowded all around him, sir; and it was hard work to get a vote in; and if a man had been going to vote the democratic ticket they would have mobbed him right away. It was a hard matter for me to get near the polls when I wanted to vote.

Q. You say all the colored men who voted the democratic ticket had to do so secretly?—A. Yes, sir.

Q. And from what you saw there, you would not have considered it safe, if I correctly understand you, for a colored man to have let the crowd know that he was voting the democratic ticket?—A. Yes, sir; the consequences would have been very serious.

Q. How many colored democratic votes were polled there that day?—A. I think there were fourteen or fifteen. I did have the right number, but I have misplaced it.

Q. How many white democratic voters?—A. Sixteen.

Q. How many colored republican votes?—A. Well, now, I have really forgotten. There was four hundred and something polled, and thirty-one of them was democratic.

Q. In the neighborhood of three hundred and seventy, you think?—A. Yes, sir; fully that.

Q. You would not undertake to give exact figures?—A. No, sir; I am not undertaking to give exact figures, but it was close to that.

Q. How many white men were at that poll at any time during the day?—A. That remained there during the whole day, do you mean?

Q. That would be there at the polls at any one time. Give us the time when the greatest number of white men would be there.

A. About eleven o'clock I suppose there was the greatest number; the sixteen were there. I don't think there was any more.

Q. That was the greatest number during the day?—A. Yes, sir; at one time. When I was down at Mount Pleasant there were some gentlemen had went up from the village to this poll just to see how things were working, and the negroes got an idea that these gentlemen had gone up there to vote a second time, and it almost raised a row. They didn't stay very long. I don't know when they arrived there.

Q. How many were there?—A. Six white men.

Q. Were you at the polls while they were there at all?—A. They had left when I was going back. They were coming down as I was going back.

Q. How many negroes, prior to the election, promised you that they would vote the democratic ticket? Give us an estimate of the number.—A. There was that club that I was telling you about; there were about sixty, I think; and then there were several gentlemen that had hands on their plantations that promised to vote. I had several on my own plantation, at least four, who promised me to vote the ticket.

Q. Only one of them voted it; the others voted the republican ticket at that poll?—A. Yes, sir.

Q. I wish you would state whether you used any threat to compel these colored people to vote the democratic ticket, or whether you threatened them that you would discharge them.—A. I never told them anything like that.

Q. Upon what ground would they say that they proposed to vote the democratic ticket; what reason would they give for the change?—A. I would talk to them and show them where it was to their interests to vote; that the government was going down every day.

Q. You referred to your State government?—A. Yes, sir. I thought that if they would make a change, and go with the men that they worked with, they would be better off. These four that promised me so threw out a suggestion that they would vote that way.

Q. Did you hear any talk among them about schools?—A. Yes, sir; I heard them say that half the time the schools were not open; that they were open only four months out of the year and that they ought to be open at least eight, and I told them that if we had a good government the schools would be open longer. I told them that if they had had more advantages they would have been better able to see for themselves to-day.

Q. What is your age?—A. Twenty-six.

Q. How long have you resided in South Carolina?—A. All my life, sir. I was born and raised here.

Q. What is your business?—A. Planter, sir.

Q. You employ how many negro hands?—A. From ten to fifteen, generally.

Q. Out of this number four had promised you to vote the ticket?—A. Yes, sir.

By Mr. JONES:

Q. You say you think you would have had a hundred votes at that poll but for the violent manifestations of the colored republicans?—A. Yes, sir; I think that we would have had at least a hundred colored votes at that poll.

By Mr. BANKS:

Q. You are a carpenter?—A. No, sir; a planter.

Q. What do these ten or fifteen men do that you employ?—A. Some are field-hands; some are plowmen; two of them are plowmen on the place.

Q. Did you have a foreman?—A. No, sir; I am my own foreman. I only plant on a small scale for the northern market—truck.

Q. You mean by truck a variety of things?—A. Yes, sir.

Q. What is the character of these men that you employ as to intelligence in their business; in gardening, for example?—A. They got along very well in that, sir.

Q. In your absence you can trust them to carry on work for a little while?—A. There is only one man that I leave in charge, and he is my plowman.

Q. I am speaking in regard to their capacity; suppose they were working for themselves?—A. They could get along very well.

Q. Do you not think they understand something about the government under which they live?—A. Some of them do, but not all.

Q. How is it with the white people in your neighborhood; are they all capable?—A. Yes, sir; all that I know of are educated men.

Q. When you talked with these negroes, you say you explained to them what would be the advantage of a change in the government—that they would have schools, and the like of that; and that you made no threats. Now, did you attempt to influence them by any violent language?—A. No, sir.

Q. Or by saying that you could not employ them unless they voted with you?—A. No, sir.

Q. But you took a promise from them that they would do it?—A. Yes, sir; four of them.

Q. How happened they to make you that promise?—A. I explained to them and showed them where I thought they would be benefited by it, and they told me then that they would vote it. One man told me that he would vote it, but he was afraid to vote. I asked him what he was afraid of, and he said he was afraid of being mobbed; and I asked him who was going to mob him, and he said they would mob him after he left the polls.

Q. These men were republicans before?—A. Yes, sir.

Q. Are you sure that they said they would vote the democratic ticket?—A. Yes, sir.

Q. Had you any skill in politics before?—A. No, sir.

Q. Never had been engaged in any canvass?—A. No, sir.

Q. You do not know that men engaged in politics generally think that a great many people are going to vote their ticket who do not do it?—A. No, sir.

Q. You expect, in politics, when a man hears your arguments, and says that he thinks you are right, and he guesses he will vote that way, you expect him to do it?—A. Yes, sir; I always take a man's word until I find him out otherwise.

Q. Now, sir, you say that you have never undertaken to influence these negroes by any unjust means; that you have never threatened them. Do you know whether it has ever been intimated to them in any way that unless they voted the democratic ticket they would not get employment?—A. I have heard them talk that way, but I haven't heard any person who employed them say so.

Q. Do you read the newspapers?—A. Yes, sir.

Q. Have you seen anything in the newspapers to that effect?—A. I believe I have seen it in the papers.

Q. Have you attended democratic meetings?—A. Yes, sir.

Q. Have you ever heard any speeches upon that subject at the democratic meetings which you have attended?—A. No, sir; not at any of the meetings I ever attended.

Q. Are you a speaker yourself?—A. No, sir.

Q. You have, therefore, never made any speeches upon the subject?—A. No, sir; I never made a speech in my life.

Q. Do you know of any resolutions having been passed to that effect at democratic meetings?—A. No, sir.

Q. Do you know that there have been none?—A. I don't know anything about that.

Q. Now, is it not possible that these things may have been done by other persons than yourself, and that the colored republicans may have been led to believe that it was the intention of the democrats to frighten their men away; is it not possible that that may have occurred?—A. No, sir; I do not think so.

Q. You think that they have been in perfect freedom to do just as they please ; that they have not been influenced in any way at all ?—A. I think so, sir.

Q. When you hire a man do you ask him for some certificate from a leading or other democrat that he has voted the democratic ticket ?—A. No, sir ; I never have.

Q. Do you know that such certificates have been given ?—A. No, sir ; I don't know it.

Q. Do you know that they have not been given ?—A. No, sir ; I don't know anything about it.

Q. Do you know that great efforts have been made to get the colored republicans to vote the democratic ticket for the purpose of making a show so as to allow it to be said that the democratic party was made up of colored people and of white people alike ?—A. No, sir ; I don't know that, either.

Q. Do you know that it has not been done—that great efforts have not been made to make a show to that effect ?—A. I don't know it, sir.

Q. What do you turn your attention to ? Do you take any interest in the educational affairs of this city or county ? Are you connected with the school committees ?—A. No, sir. I hold no public position.

Q. Are you connected with the charitable institutions of the city or county of Charleston ?—A. No, sir ; my residence is Mount Pleasant.

Q. Where is that ?—A. I live about thirteen miles from here.

Q. Whereabouts ?—A. In Charleston County.

Q. Do you belong to the church, or do you give any time to the religious affairs of the county ?—A. I belong to the Episcopal Church.

Q. Do you undertake to manage ?—A. I leave that to other people.

Q. You do not trouble yourself about such matters ?—A. No, sir.

By the CHAIRMAN, (Mr. Cochrane :)

Q. You are engaged in farming, raising produce, and trying to make a living ?—A. Yes, sir ; trying to make an honest living.

Q. You have never been a politician ?—A. Never, sir.

By Mr. BANKS :

Q. Were you in the Army ?—A. No, sir ; I was too young.

By Mr. JONES :

Q. Mr. Banks asked you, awhile ago, if you took a promise from any of these hands of yours. Now, I ask you did you ever exact a promise from one of them ?—A. No, sir ; I left it to their own option.

Q. You argued with them as you would have argued with a white man about the condition of affairs ?—A. Yes, sir.

By Mr. BANKS :

Q. In other words, your men were so much satisfied with what you said that they concluded to come up and vote the democratic ticket ?—A. Yes, sir ; they thought there ought to be a change.

CHARLESTON, S. C., *Saturday, December 23, 1876.*

SEMPY GUILLIARD (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane :)

Question. Do you live in Christ Church Parish, in Charleston County ?—Answer. Yes, sir.

Q. How near to Four-mile church do you live ?—A. I believe it is four miles.

Q. How old are you ?—A. I couldn't tell you how old I is.

Q. Well, give us an idea—are you thirty ?—A. O, I is over thirty.

Q. Are you forty ?—A. Well, I doesn't have no doubt but what I am.

Q. Were you born in this county ?—A. Yes, sir.

Q. Have you always lived here ?—A. No, sir.

Q. I wish you would state whether any colored men who were republicans did anything to you before the election ; and, if so, what they did.—A. Yes, sir.

Q. Now, tell us what they did.—A. They told me this : that if I voted the democratic ticket and didn't vote the republican ticket, they would shoot me. Some colored men took me down on the edge of the swamp at night, and told me that I must vote the republican ticket. They says, "I ain't going to ask you to do it, for you must do it. If you don't do it we intend to shoot you as sure as you're born." Bress de Lord ! I was scared ; and so went and voted the republican ticket ; but I didn't intend for to do it, sir.

Q. How long was this before the election ?—A. A week, sir.

Q. Was it in the day-time or night-time ?—A. Night-time.

Q. What time of night ?—A. Between eleven and twelve o'clock.

Q. Where were you ?—A. In the road, sir.

Q. Near to your house ?—A. O, no, sir ; it was farther from my house.

Q. Did you meet these people on the road?—A. Yes, sir; I met them in the store.

Q. Well, when they took you down to the swamp, did they have any arms with them?—

A. O, yes, sir; they had a gun.

Q. What did they make you do when you went down to the swamp?—A. They made me make an oath that I would vote the republican ticket.

Q. Did they make you stand up or sit down, or what?—A. They made me stand up, sir.

Q. You voted the republican ticket, did you?—A. Yes, sir.

By Mr. JONES:

Q. How many of these men were there?—A. Three of them, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. What ticket had you intended to vote?—A. I was intending to vote the democratic ticket.

Q. You would have voted the democratic ticket if you had not been scared by these men?—A. Yes, sir; I would have voted him, certain, sir.

Q. You met these men at a store?—A. Yes, sir.

Q. Did you go out of the store with them?—A. Yes, sir.

Q. Did they ask you to go out, or did you go out of your own accord?—A. We were walking out in the road together.

Q. Going towards home?—A. Yes, sir.

By Mr. BANKS:

Q. How many times have you voted?—A. I have voted three or four times.

Q. Did you vote the democratic ticket?—A. All the time, sir?

Q. Yes?—A. No, sir; I voted the republican ticket, until this time.

Q. Who do you work for?—A. Mr. Horlbeck.

Q. What was your business?—A. Plowing.

Q. Did he say anything to you about your vote?—A. No, sir.

Q. Did any other white man?—A. No, sir.

Q. Nobody but these three men that you have spoken of?—A. Yes, sir.

Q. Did you know them?—A. O, yes; I knowed them, sir.

Q. Where did they live?—A. They staid right around me there, sir.

Q. Did they work for Mr. Horlbeck?—A. No, sir.

Q. Who did they work for?—A. One did; and one worked for Mr. Porcher, and one worked for Mr. Jervey.

Q. Where was the swamp that you went to?—A. Right by the road.

Q. What did they take you into the swamp for?—A. For me to tell them the truth—that I was going to vote the republican ticket; and they said if I didn't do that they would shoot me right then and there, and leave me there.

Q. Did you believe they were going to do it?—A. Yes, sir; I had a good idea that they would.

Q. Had they ever shot anybody before?—A. I never knowed them to shoot anybody up there, but they spoke so pompiously—and they didn't smile once—that I thought they would do it.

Q. Have you a family?—A. Yes, sir.

Q. A wife and children?—A. Yes, sir.

Q. How many children?—A. Four, sir.

Q. Is your wife a republican?—A. Yes, sir.

Q. She doesn't go with the democrats?—A. Not before she works for them.

Q. She was not a democrat?—A. Not before. When she worked with them she was a democrat.

Q. And when she didn't she was a republican?—A. Yes, sir.

Q. How was it with you?—A. O, yes, sir; I never worked for anybody but them.

Q. How long have you worked for Mr. Horlbeck?—A. I was on his place for four years, sir.

Q. Well, did you not understand that it might be better for you if you voted the democratic ticket?—A. No, sir; I never had no understanding. I jined the club.

Q. Who asked you to join the club?—A. Well, a good many white folks.

Q. What did they say?—A. They said that no one should feel exposed to jine that club, and that we could do as we pleased; and so I made up my mind to jine the club; when I did.

Q. Did you leave the club afterwards?—A. I staid with the club up to election-day.

Q. You jined the democratic club to please the white men?—A. No, sir; not exactly to please them. I was just doing it of my own idea, sir.

Q. And you voted the republican ticket to please the republicans?—A. No, sir.

By Mr. JONES:

Q. Did you vote the republican ticket to please yourself?—A. Yes, sir.

By Mr. BANKS :

Q. I understood you to say that a good many white men wanted to join the democratic club, and you joined it; and these three republicans wanted you to vote the republican ticket, and you voted the republican ticket?—A. Yes, sir.

By Mr. JONES:

Q. Did anybody force you to join the democratic club?—A. No, sir; they never forced me.

Q. Did anybody ever threaten you that they would turn you out of employment if you didn't join the democratic club?—A. No, sir.

Q. Then you joined the democratic club of your own free will, and according to your own opinion?—A. Yes, sir; that is my idea.

Q. Therefore you wanted to vote the democratic ticket at the last election, and you voted the republican ticket because these three men took you down into the swamp and made you swear that you would vote the republican ticket, and told you that if you didn't that they would shoot you?—A. Yes, sir.

By Mr. BANKS :

Q. This was a week before the election?—A. Yes, sir.

Q. Where did you go after that?—A. I went back home.

Q. What did you do the next day?—A. I went out into the field and worked.

Q. Did you see these three men again?—A. I never seed them again till about four days after that.

Q. What happened then?—A. One of them says he was funning, and another one says "I wasn't funning; if they had a' been like me you would have been in the swamp now."

Q. When was this that this man said he was funning with you; how long after you were in the swamp with them?—A. They took me into the swamp Thursday, and Sunday of the same week I seen them again.

Q. Before the election?—A. Yes, sir.

Q. Now this was Sunday; did you see them after that?—A. No, sir; not after Sunday.

Q. When did you see them after Sunday?—A. The voting-day.

Q. What did they say to you on the voting-day?—A. I hidid from them on that day.

Q. What time did you go to the polls?—A. I went in the morning, sir.

Q. What time were they opened?—A. At 6 o'clock, sir.

Q. What time did you vote?—A. I didn't vote till about 12 o'clock.

Q. Where were you all the time?—A. O, I just been walking all around, backwards and forwards in the bush.

Q. Among the people?—A. Yes, sir; just back and forwards.

Q. They didn't say anything to you, and you didn't say anything to them?—A. No, sir.

Q. Was the voting in the church?—A. Yes, sir.

Q. Nobody interfered with you?—A. Nobody.

Q. You voted the republican ticket and came away?—A. Yes, sir.

Q. Nobody said anything to you?—A. No, sir.

Q. Nobody beat you?—A. No, sir.

Q. Did you go right home?—A. O, yes, sir; I went right home.

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CHARLESTON, S. C., *Saturday, December 23, 1876.*

GILES SIMMONS (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane):

Question. What is your age?—Answer. I guess, as near as I can get at it, thirty-six.

Q. Were you born in South Carolina?—A. Yes, sir.

Q. Always lived here?—A. Yes, sir; always lived in Pineville, but since the war I have lived at Christ Church Parish.

Q. You have always lived in the State?—A. Yes, sir.

Q. How long have you lived at Christ Church Parish?—A. I have been there since 1865.

Q. What is your business?—A. My trade is blacksmithing, but I am a planter at present.

Q. Have you your own land?—A. I have a piece now, sir; but I haven't got a title for it as yet, and I a'n't living on it.

Q. Do you rent?—A. I rent from Theodore Stoney.

Q. How many acres do you rent?—A. Ten acres.

Q. That is where you do your planting?—A. There's where I live, sir.

Q. How far away from the Four-Mile Church precinct do you live?—A. I guess about three-quarters of a mile, sir.

Q. Were you living there a month before the last election?—A. Yes, sir.



Q. Do you know of any intimidation having been used or threats made prior to the election to prevent colored men from voting the democratic ticket?—A. As far as I know I will tell you as straight as I can.

Q. Confine what you say to the period prior to the election.—A. I know nothing about what occurred before the election, but just exactly at the election.

Q. What time did you go to the polls?—A. I guess I went in the morning about eight o'clock.

Q. Now tell us what occurred there all the time.—A. It was an agreement between I and the people, which they desired me to do, to cut Mr. Abram Smith off their ticket.

Q. What people?—A. The people of Christ Church—the voters at that poll.

Q. Who was Abram Smith? What was he running for?—A. He was the representative of that parish.

By Mr. JONES:

Q. On what ticket?—A. From the republican ticket.

Q. Was he a candidate for the legislature?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Well, you may go on.—A. And I went there to do so according to the request of them, and even also myself.

By Mr. BANKS:

Q. You wanted to do it?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Well, sir, go on.—A. The man who was on the republican ticket was one of the leading men, and his name was to be cut away, and the tickets was to be given to the people after I did cut them.

Q. The man who had the tickets was a leading colored man?—A. O, yes, sir. A man who didn't desire Abram Smith to be elected. He give me the tickets to cut out his name for the people. Then while I was doing that he came back himself and brought a crowd of womens and mens with clubs, and said that I was about ruining the republican ticket, because me, myself, was a democrat, and that I was only cutting out Abram Smith for Mr. Horlbeck to be elected, who was a democrat. Then they abused me for everything that occurred, and attempted several times to strike me, but then they didn't do it—saying I was a democrat. They tried to see whether I would vote the democratic ticket or not, but as it happened I wouldn't let them see me. The fuss then quieted down, and it was about three or four o'clock before I could vote. They went down the next morning and carried the box down to the village and sent it up to the city.

Q. Well, what was the demeanor of these colored republicans at the polls? Were they quiet or were they noisy?—A. O, Lord! I guess you could hear them almost a mile and a half. A man would have had a good heart to stay there at all.

Q. Did you hear any cursing?—A. They were all cursing and swearing—womens and mens—womens with clubs in their hands; some with bayonets on sticks; some with clubs with nails nailed in them all around; and some womens were there that was about sixty or seventy years of age. Some says, "Beat him;" some says, "Shoot him;" some says, "Put him to death."

Q. Did you hear anything said about any persons that voted the democratic ticket?—A. They said distinctly that any man who voted the democratic ticket ought to be killed.

Q. Did they say what they would do?—A. No, sir; they didn't say what they would do; but that is what they said ought to be done.

Q. Did you hear them threaten to beat any one?—A. They threatened to beat me myself. I saw another colored man which I knew right well; me and him was raised in the same parish; and he tried his best to vote the democratic ticket, but he said that he couldn't do it. There was a good many others, but he was the only one that came up to me and explained himself.

Q. What was his name?—A. His name was Tom Mulligan, sir.

Q. Did he vote finally or not?—A. I don't know that he did. He told me that he wanted to go and vote, but I don't know that he did.

Q. Do you know any colored men that would have liked to vote the democratic ticket and were prevented?—A. I know Charles Cooper, my brother-in-law. They made him take his ticket out of his pocket, and he had to show it to them. He had a republican ticket and a democrat ticket, and he had to take the republican ticket and put it in the democrat ticket, and when they called upon him to show his ticket, he took out his republican ticket and showed it, and then he voted the democrat ticket.

Q. Do you know of any colored men that were prevented from voting the democratic ticket?—A. I don't know of any that were made to leave the poll.

Q. I am not asking you that. I am asking you if you know of any colored men that were prevented from voting?—A. That is what I mean, sir.

Q. Do you know of any colored men that were scared, that wanted to vote the democratic ticket and didn't do it?—A. I believe in my heart, sir, that there were over a hundred who were so scared that they couldn't do it.

Q. Were there many colored men who, before the election, told you that they would like to vote the democratic ticket?—A. Yes, sir; I had hoped to vote myself thirty men—thirty men were promised to vote the democrat ticket with me.

Q. How did those thirty men vote?—A. Every one of them voted the republican ticket, sir; every one of them.

Q. Why did they vote it?—A. Well, because, as I told you, they were afraid—they were scared into it. They wouldn't own to-day that they wanted to vote the democrat ticket.

By Mr. BANKS :

Q. Would not own what to-day?—A. I mean that they wouldn't own to day that they wanted to vote the democrat ticket after they seen what I went through.

By the CHAIRMAN, (Mr. Cochrane :) :

Q. That is to say, that they would be afraid to acknowledge that they even intended to vote it?—A. Yes, sir.

Q. How many colored republicans were there about the polls that day?—A. There could not have been less than four hundred.

Q. Well, how many at any one time?—A. I guess at one time there might have been as high as two hundred.

Q. You have stated that there was an agreement between you and the people to cut Abram Smith from the ticket?—A. Yes, sir.

Q. Between you and what people? What persons agreed with you?—A. I mean the voters of that poll.

Q. Well, how many?—A. When this was made up it was made up by all the men that was coming to vote at that poll, and it seemed that it was going right straight through. I saw a good many of them, and it was agreed to by them.

Q. A good many of the people at that poll who were republicans and who intended to vote the republican ticket?—A. Yes, sir.

Q. And they were satisfied to cut the name off the ticket?—A. Yes, sir.

Q. This leader who had charge of the republican tickets was one of the men who agreed with you?—A. Yes, sir.

Q. He agreed to strike out Mr. Smith's name and put in Mr. Horlbeck's?—A. No, sir; but to put on Charles North.

Q. Who was Charles North?—A. He was a republican, sir.

Q. He was running against Smith?—A. Yes, sir; that's it.

Q. Let us hear what happened the next day.

By Mr. JONES :

Q. Was he a colored man also?—A. Yes, sir; he was a colored man also; and the colored people desired him to run because Abram Smith beat him in the convention by fraud; but Smith denies it.

Q. Horlbeck was a democrat?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane :) :

Q. What occurred next day?—A. Next day I was coming down to the village with a load of wood—

By Mr. BANKS :

Q. Do you mean the day after the election?—A. Yes, sir; the day after the election; and I met about eleven men. I was coming to the village, and they were going up, and they halted me on the road. They said to me, says they, "Give me satisfaction for cutting our tickets, you damned democrat son of a bitch." Then, sir, the horse was very skittish and wouldn't stop and was afraid of the guns.

By the CHAIRMAN :

Q. These men had guns, had they?—A. Yes, sir; every one of them had guns.

Q. They were colored men?—A. Every one of them was a colored man.

Q. Well?—A. And as I passed them the horse was very skittish, as I tell you; and I heard one man say, "I'm your captain. Do nothing that I tell you not to do;" and at the same time that I passed by I heard a man say, "Don't shoot! Don't shoot! Don't shoot!" three times, but I never looked back. The next evening I sent my boy to the village—the next evening after that—and in coming back he met with about six men, and they tried to take the horse, and said, "The horse will do as well as the master." Then I didn't want out any more for the next coming two weeks. I was advised to stay at home for the protection of my life; and my business all went down for the next two weeks.

Q. Well?—A. That's all I can tell you concerning the election.

By Mr. JONES :

Q. Did they take the horse?—A. O, no, sir.

Q. They threatened to take it?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane :) :

Q. Is it safe for a colored man to be a democrat, and to declare that he is a democrat?—A. O, no, sir; it ain't safe at all; it is very unsafe indeed.

By Mr. JONES :

Q. How do they treat you now in that locality?—A. O, very cold, indeed; very cold. I have no friends at all. I am in the parish as a stranger.

Q. Have you a church there?—A. Yes, sir.

Q. Do you go to church?—A. Yes, sir.

Q. Are there any democrats there besides yourself?—A. Only one in about forty members.

Q. How do they treat you there?—A. Well, they try to treat me cold, even there; but they have a law that they has to overlook everything; but, notwithstanding, sir, they treat me very cold, indeed, sir.

Q. Are you the minister?—A. No, sir; I am the deacon.

Q. What is the minister?—A. He is a democrat; he voted the democratic ticket. That's all that saved me, sir.

Q. Do they like him?—A. No, sir; they don't like him one bit; but they can't justly approve him; if they could justly approve him, they wouldn't have him at all.

By the CHAIRMAN, (Mr. Cochrane):

Q. He does not say anything at all?—A. No, sir; and that's the case with myself. Some says I am a democrat, some says I ain't, and I don't say I am at all. I just let them have it their own way.

By Mr. BANKS :

Q. What was your objection to Mr. Smith?—A. My personal objection was that Mr. Horlbeck was my real choice. I would give him every vote anywhere that I could.

Q. And you took the tickets, did you, from this leading man?—A. I did, sir.

Q. How many did you take?—A. He gave me ten at one time, and suggested I might have as many as I wanted.

Q. And you cut out Smith's name?—A. Yes, sir.

Q. How many did you cut?—A. I cut about four, when these people came up to me.

Q. And they were very excited?—A. O, my, very excited.

Q. And the women?—A. O, they were worse than the men. Well, I believe these men honestly desire to do what is right, but then these women were coaxed into it by the republican leaders to object to their husbands' doing what was right.

Q. The men want to do what is right and the women want to do what is wrong?—A. Well, there was one man that got up and said, "Let that man alone."

Q. You say that the women are worse than the men?—A. Yes, sir.

Q. Did not the women make the most of this trouble?—A. I believe honestly that the women made the most of it. If it hadn't been for them the others wouldn't have been bad up there.

Q. And you would have cut out Smith's name and put in your friend's name, and he would have been elected?—A. Yes, sir.

Q. Well, now, is there not some way to keep the women away from the polls?—A. There's only one way, and that way, as soon as we have law—I don't believe we have any law; I don't believe we have had any for eleven years—that way is to have a law to protect the men from everybody.

Q. Is there any effort made to keep the women away from the polls?—A. I believe, sir, if we had good government here, and the laws were carried out properly, that the womens would see that things isn't left in their hands, and that things would have to go according to the laws of the State, and they would have to keep in their houses.

Q. Well, Hampton is a good man?—A. O, yes, sir; I believe, according to his own doctrine which I heard him speak, that he is an immense good man.

Q. He would keep the women away?—A. I believe he would, sir.

Q. The colored women make all the trouble?—A. I believe they do, sir.

Q. Your brother-in-law, Charles Cooper, wanted to vote the democratic ticket, you say?—A. And he did do it, too.

Q. Did he have any trouble?—A. As I told you, sir, they made him take out his ticket before he could vote, and he had to show them a republican ticket, and then he voted a democrat ticket.

Q. He showed them a republican ticket and then voted a democratic ticket?—A. Yes, sir.

Q. Well, he is as bright a fellow as you are?—A. Yes, sir.

Q. He knows what he is about?—A. Yes, sir.

Q. He voted for North?—A. Yes, sir.

Q. Smith was elected?—A. Yes, sir; and he is at Columbia now.

Q. Cooper voted the democratic ticket; did he have any trouble?—A. No more than that, sir; they did speak a little, but didn't say so much.

Q. Well, what did they say?—A. They said, "He's a democrat," and they say it now.

Q. They say it all the time, and he is all the time, and votes the democratic ticket?—A. Yes, sir.

Q. And I suppose he believes the same as you do about the women being kept away?—A. Yes, sir.

Q. And he believes that Hampton would keep the women away?—A. Yes, sir. I heard

that Senator that come from Georgia. He spoke better even than Hampton. He spoke as if it was done in writing.

Q. He talked like a book?—A. Yes, sir.

Q. General Gordon said that?—A. Yes, sir.

Q. I suppose you understood him to say that that was the way they did it in Georgia?—A. No, sir; I didn't understand him to say that, but I understand him to say that women gives more trouble, and even also among the whites.

Q. Now, in regard to the hundred men that were scared, who were those fellows?—A. Well, now, sir, I couldn't tell you that.

Q. Cooper was not scared, and you were not scared. Now you say that there were a hundred men scared—so scared that they could not vote. Who were they?—A. They were voters at that poll.

Q. Where did they live?—A. O, they lived all around that place.

Q. What was their business?—A. All planters, sir.

Q. Young men?—A. Young and old, sir.

Q. Colored men?—A. Colored men, every one of them.

Q. How did you know those men were scared?—A. I knew it from their talk.

Q. Did you hear them talk?—A. Yes sir; they wanted to vote the democrat ticket, and they didn't.

Q. They didn't want to vote the republican ticket, and they did it?—A. Yes, sir; they did it.

Q. You say it was the women that scared these men, and but for the women you would have had a hundred votes more?—A. I believe, honestly, that if the women were in their houses attending to their business, the men would have gone off and voted.

Q. You say thirty promised you to vote the democratic ticket—were they colored men?—A. Yes, sir.

Q. Did they do it?—A. No, sir.

Q. Why did not they vote it?—A. Well, if you was there, you would have seen that it couldn't have been done unless they made up their minds to die if they did it.

Q. How came you to be talking with these men about voting?—A. They said they would vote the democrat ticket just the same as I would tell you to-day. They said, "If that man is as you say, I think we had better vote for him."

Q. But they did not vote that way?—A. No, sir.

Q. You say that your business all went down for two weeks. How was it that it went down?—A. I am working by day's labor for my living, and of course, if I promised to be to you to-day and I didn't come, you ain't goin' to pay me for it! if I don't come. To-morrow I promise to carry a load of wood to this gentleman or that gentleman, and the wood doesn't get there, and of course I don't get paid for that.

Q. You did not go out?—A. I didn't go out because my wife and children and friends advised me not to go; and, of course, I wouldn't do it.

Q. How was it at the end of the two weeks?—A. At the end of the two weeks I met the men down to the village—some of them—and I never said anything to them, and they never said anything to me; and from that up to to-day they haven't said anything to me at all.

Q. The republicans are getting to be determined men, are they? They are determined to have men vote their ticket?—A. I believe they do, sir.

Q. They want to maintain their rights?—A. Certainly, sir.

Q. And the women, too?—A. Yes, sir.

By Mr. JONES:

Q. You said a while ago that the women were worse than the men?—A. Yes, sir; a great deal worse.

Q. And you said that the leaders of the republican party influenced the women?—A. I do say so, sir.

Q. Well, what do you understand to be the policy or plan of the republican party there among the colored people generally; is it to approach the women and induce them to threaten the men if they don't vote the republican ticket?—A. Yes, sir.

Q. To induce women to go out at election-time and make such demonstrations as will frighten the men away from the polls if they dare to vote the democratic ticket?—A. I do think so, sir, because I hear the republican speakers stand upon the stump and tell them plainly—says he, "You, women, take care of your husbands, and don't let them put you back in slavery." Any man that would go to the polls would hear that; it is no hidden history at all, sir.

Q. You have heard the republican orators appeal to the women in that way?—A. Yes, sir.

Q. And therefore the women are more violent than the men?—A. Of course. Some of them threaten to kill their husbands because they voted the democratic ticket. Now, that is honestly so, sir.

By Mr. BANKS:

Q. Well, you will have to leave the State if the women keep on this way.—A. Yes, sir;

I will leave, and if General Hampton isn't declared the governor, I would rather leave, because I believe I am a worse slave now than I ever was before. I would rather be dead than live this way.

Q. If you go, will you take your wife with you?—A. Yes, sir.

CHARLESTON, S. C., December 23, 1876.

THEODORE G. BARKER sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. What is your business?—Answer. I am a lawyer, sir.

Q. How long have you been at the bar?—A. Since I was 21; I was admitted to the bar in 1851.

Q. You are practicing in Charleston?—A. Yes, sir.

Q. What is your age?—A. Forty-four.

Q. Were you in Charleston County during the late canvass?—A. Yes, sir; with the exception of an absence at one time at Chester, Winnsborough, Georgetown, and Somerville.

Q. Will you be kind enough to state any facts within your knowledge bearing upon the late canvass and the manner in which that canvass was conducted on both sides?—A. I can only state facts generally. I did not participate in the election itself beyond attending the polls on the day of election, and had only on that day the casual observation of a bystander. I heard reports coming into the committee-room during a portion of the day, when I was there. The active part that I had in this canvass in this county consisted in attendance at what is known as the Strawberry meeting on Cooper River, and certain ward meetings in the city of Charleston. I was present at the appointment which General Hampton made in Chester. I was present at the appointment which he made in Winnsborough, and his appointment at Georgetown; and returning from Georgetown I was with him at Somerville. I do not recall any other points during the canvass.

By Mr. JONES:

Q. Was Mr. Hampton at Sumter, at Chester, and at Winnsborough?—A. Yes, sir; at Sumter, Winnsborough, Georgetown, Somerville, and Chester.

By the CHAIRMAN, (Mr. Cochrane:)

Q. State whether there was during the canvass any intimidation of colored voters, and give us from such information as you possess the manner in which the campaign was managed by the republican party?—A. The campaign in the low country differed entirely from the campaign in the up-country.

Q. I desire you to confine yourself to this portion of the country.—A. The seaboard counties were differently situated in reference to population, and the State republican party has held its stronghold in this lower portion of the State ever since emancipation, corresponding in power to the proportion of the population—the colored population—and its relative proportion to the white population.

Q. What is that proportion?—A. Well, I don't know the figures. There is a very great disproportion in the number of colored people through the seaboard counties, Beaufort, Colleton, Georgetown, and Charleston outside of the city of Charleston.

Q. The colored voters greatly exceed the white voters?—A. O, immensely. The white people are very sparse throughout those regions. In Charleston City the majority is in favor of the whites. The lower part of Barnwell, which borders upon Beaufort and Colleton, and the lower portion of Orangeburgh and Williamsburgh and Sumter present the same features of disproportion, and it gradually diminishes as you go into the upper portion of the State.

Q. Be kind enough to answer the question I put to you before.—A. The system of intimidation which was carried out in the election commenced in a labor movement just before the harvest. The same agents who afterward governed the political intimidators were the agents who appeared in the labor-strikes, and the process was very similar. The dictation on the subject of wages was in prescribing a certain amount of pay, which they got a portion of the negroes to agree to take, and to insist upon; and in the same agreement they embodied the pledge that they would not allow any others to work for any less wages than those. That was carried out throughout the counties of Beaufort and Colleton, and it was attempted on the Cooper River. The negroes were assembled at a meeting, and they were told what the orders were in regard to the wages that they were to demand of the planters. In some cases they signed agreements. In all cases they made agreements binding upon them to insist upon those wages, and agents were appointed by them to carry out the agreement and enforce it against any colored laborers who ventured to work for less wages than those which were prescribed. Numerous instances occurred in Beaufort and Colleton where the negroes—the laborers—were willing to work for the usual prices, and they were threatened with beatings and other maltreatment, which they received in many instances. The

troubles originating from that source have become matter of general history. In many instances—in almost all instances—the majority of the negroes, especially at the commencement of this trouble, said that they were willing to work for the old prices, but that they must have protection; and they sought the protection of the planters. The planters applied to the legal authorities, the trial-justices and sheriffs, and applied to Governor Chamberlain. Riots occurred which threatened the peace of the whole country.

By Mr. JONES :

Q. Who applied to Governor Chamberlain?—A. The planters.

Q. Did he afford them any relief or protection?—A. No, sir; not at all sufficient to stop the riots. They were permitted to go on until the arrival in Beaufort of a man named Wilson, I believe, who was sheriff and a republican, who did interpose and exercise his authority. There was nothing done which could be said to have been effectual by the constituted authorities. I cannot speak of my own knowledge, except as a matter of history, of the Beaufort and Colleton matter, but I can of the Cooper River matter.

By the CHAIRMAN, (Mr. Cochrane :) :

Q. Well, if I correctly understand you, the same parties who controlled those negroes in these labor-strikes were the parties who subsequently controlled them politically?—A. Within my personal knowledge.

By Mr. BANKS :

Q. Describe what Cooper River is.—A. It is the confluence of the Cooper and Ashley Rivers. It is in Charleston County. The Cooper River country would be about sixty miles in direct length. That includes the windings of the river. I suppose fifty miles would carry one from Charleston to the head of the river.

Q. Well, go on, sir.—A. I was interested last summer in three plantations on the Cooper River, conducted under the superintendence of a man named Peter Nelson. He is of Danish origin, and moved out to this country and settled in Carolina since the war. He is a man who had very pleasant relations always with the laborers, and never had any difficulty until this year with any of them.

By Mr. BANKS :

Q. He is your agent?—A. He is my agent. I am interested in three plantations on the Cooper River, and Mr. Nelson is part-owner of one of them, and on the two others he is my agent. On the 24th of August he was ready to harvest the rice, and called together the people who resided upon the place to ascertain who of them were going into the field next day, and he stated that he would pay the prices that he had been in the habit of giving. They generally expressed themselves satisfied, but a few of them raised objections and stated that the orders were that they should not take less than sixty cents, the usual price being fifty cents.

By Mr. JONES :

Q. Fifty cents a day?—A. Fifty cents for what they call a task. A task is the cutting and tying of a quarter of an acre of rice. They began at once to make riotous noise and disturbance, much to his surprise. He had never had anything of that kind occur before. These orders, they stated, were given by a man in the neighborhood who is named George Sass, and three or four of these fellows stated that they had been appointed by George Sass as his foremen to see that these orders were carried out, and they said that the orders were that any man or woman who worked for less than sixty cents should receive fifty-five lashes on the bare back. One man said that he would join with them and see that the fifty-five lashes were put upon the back, and that if they didn't take care it would go up to sixty. The negroes still said generally that they were willing to work for the old prices, but they must have protection. Mr. Nelson sent me down this report, and I received it at 7 o'clock the next morning. I got a trial-justice to issue a warrant for conspiracy and riot and assault and battery, and got a colored constable and went up immediately on the North-eastern Railroad to this plantation where this thing was threatening. When I arrived there I was informed that all of the laborers had gone into the field to cut, including these men who claimed to be appointees of George Sass to carry out these orders; but I was informed by Mr. Nelson that they had sent off a message to George Sass to bring up his people from below to assist them in carrying out these orders. I directed Mr. Nelson to go back into the field where the harvest was going on, and to say to these men that I was there with the authority of the law, and with an officer of the law to protect any of the laborers who were desirous of working on the terms that they wished, and to arrest any one who made a disturbance on the plantation, and who molested any negro who wished to work. He came back to me and reported that he had spoken to one or two of these men who claimed to be appointees or foremen of George Sass, and it seemed that the announcement to them that I was there as a measure of protection to these other people discouraged the malcontents very much, and they apologized and said that they couldn't help taking the appointments, because they were present at the meeting the day before at George Sass's house, and that if they had not accepted these appointments the other negroes would have beaten them into it. I went from that plantation where the harvest was going on to the adjoining plan-

By Mr. BANKS :

Q. Did you hear this conversation?—A. No, sir; it was reported to me by Mr. Nelson. He told me that one of these men who had been threatening the evening before, had not gone into the harvest; that he supposed he had not gone in because he was disposed to stand out. I knew the man, and upon one occasion had had a talk with him in reference to the work up there; and I called him up to me and told him that I understood that he had not gone into the harvest that day because he was going to carry out this programme of George Sass's, and I warned him about the consequences of it, and told him that he had better send off and stop George Sass from sending up his people there, because if they did come and make a disturbance they would get into trouble. He disclaimed having participated in it, and told me of the others whose names had been previously given to me as being the leaders. He left me, and in a short time afterward a party of about twenty negroes, with guns and clubs, were reported to me as coming. He came back to me and reported that those people were coming, and the colored constable whom I had carried with me had gone out of his own motion, and met these people on the road; and this man said that he had spoken to them, and told them that the negroes were working quietly, and that they didn't want any disturbance that day; that he had had to leave; that they had reproached him for going back on the agreement, and they brandished their clubs over his head, and he came away. These people went on and went into the field, and called out one of the head men, as they call him, the foreman; and he, I was informed, told them the same thing about the people being willing to work. They then turned back and came through the lower plantation where I was, and went back home, firing off their guns as they passed.

By the CHAIRMAN, (Mr. Cochrane :)

Q. Well, now, leave the laborers and come back to matters of election.—A. I was going on to say that this same man, George Sass, was the political leader of the intimidation that was practiced at the election.

By Mr. JONES :

Q. In what precinct was this?—A. The Strawberry precinct. There are two precincts there, the Strawberry precinct and the Biggin Church precinct.

By the CHAIRMAN, (Mr. Cochrane :)

Q. Well, sir, proceed.—A. The first republican meeting on Cooper River was at Biggin Church. There Mr. Bowen, the republican chairman of the county committee—

By Mr. BANKS :

Q. Mr. Bowen was the manager of this meeting?—A. He was present at this meeting, and there met the chairman of the democratic precinct committee. At that meeting an agreement was had between them that they would have a joint discussion at Strawberry on a certain day, which I have forgotten the date of.

By Mr. JONES :

Q. Who did he meet there?—A. Mr. Colcock, chairman of the democratic committee, and agreed with him to have a joint discussion at Strawberry.

By the CHAIRMAN, (Mr. Cochrane.)

Q. Well, sir; proceed.—A. Before the time appointed for the Strawberry meeting, at which they were to divide time, as the expression then was, a preliminary meeting had been held by the Bowen republicans under the auspices of George Sass, at which this man Sass and some of his followers had shown a disposition to make some disturbance and threaten the colored people who would venture to vote the democratic ticket. On the day before the day appointed for the joint discussion I received notice from Mr. Colcock that the negroes generally were threatened not to attend this meeting, and were threatened with being beaten and otherwise ill-treated if they joined the democrats, or professed any sympathy with them. He informed me that the negroes were willing to go to the meeting, but they were afraid to go, and that orders had been sent from Charleston, and circulated by George Sass among the negroes, to the effect that they would be prevented from going there. Ammunition had been sent up the day before on the cars and distributed among the negroes, and the negroes were ordered to bring their arms, and this order was accompanied with threats to the democratic negroes, or the negroes that were disposed to turn democratic. He begged me to bring up some people from Charleston to protect these democratic negroes, and I made arrangements for the presence at the polls of a sufficient number of persons from Charleston and from other parts to insure protection for the colored people who were threatened. I went up from Charleston myself in a steamer to Strawberry with fifty or sixty men, and when I got to the ferry at the foot of the hill on which the church is, I there found Mr. Bowen surrounded by a large number of his followers.

Q. How many?—A. Well, I suppose there must have been at least 200.

Q. Negroes?—A. Yes, sir; I could not judge well. Part of them were concealed from my vision when I came up. As we were landing from the steamer in a small boat Mr. Bowen withdrew his people, and went up the hill to the neighborhood of the church where

the platform was arranged for the speaking. I was told that there was a good deal of excitement among the followers of Mr. Bowen and among the followers of his man George Sass, the representative of his party there—a good deal of excitement created by the presence of our people there, and I called together those who had gone with me and assembled them at the foot of the hill; and some of the colored people were standing about—men and women—and I stated to them that we were there for the purpose of participating in this joint discussion, and for the purpose of protecting those of the colored who wanted to vote the democratic ticket against the intimidation which had been threatened; that we were there for the purposes of peace outlyre, and that if the other side wanted to intimidate anybody they could intimidate us; that the threat had been given out that any colored persons who went with the democrats would be beaten or killed, and that we were there for the purpose of showing them that we intended to carry out the pledges with which we began the campaign, which was to assure them that if they voted the democratic ticket they would be protected and sustained by the democratic party; that they should not be intimidated, and that they would be allowed to vote as they pleased. I sent up word to Mr. Bowen to say that I would be glad if he would arrange a place for our people to be gathered about the stand; and I did that in order to avoid carrying a crowd into another crowd, and the chances of any collision that might grow out of that thing. Mr. Bowen did so, and I put a United States flag on a long pole and put the band and speakers in front of the column, and we marched up the hill to the stand, and took our places in the grounds that had been assigned to us by Mr. Bowen by agreement with the chairman of the democratic committee, all of which was arranged before I got there. This man George Sass presided nominally over the meeting, and we went into the joint discussion, Mr. Bowen's party, the republican speakers, having the opening and reply. Mr. Bowen, at one time during the discussion, said something in allusion to the armed men that were with me, and I interrupted him—standing alongside of him on the east—and said to him that the first armed men that appeared on this ground to-day were his followers, and that "we noticed yesterday that all of your followers were summoned by your chairman to be here to-day with arms to prevent the colored democrats from having any showing at this meeting." He at once said that he recognized it, and regretted to see that his followers had come there with arms, and claimed that he had always dissuaded them from doing so, and given them the most peaceable advice; told them that they must not come there and make any difficulty, but always vote the republican ticket. The result of the meeting was that it ended in the most perfect good nature. I was keeping the time, and I told Mr. Bowen that his time was up. He said that there was no use to stop, he could not get to the railroad that night; and I said, laughingly, "No; we can stay here;" and he said, "You will have to give me a passage down in your boat;" and we took him down in our boat. I mention that Strawberry meeting because you will probably find in Washington a report made by Marshal Wallace, after the Calhoun business, in which he refers to this Strawberry meeting as a meeting at which the colored republicans were aggravated by the presence of armed men brought there by the democrats, and he connects that with the Calhoun business in his report.

Q. Well, sir, proceed.—A. After that Strawberry meeting, Colonel Shumton, the chairman of the republican county committee, made an agreement with Mr. Bowen, the chairman of the democratic committee, for joint discussions, without arms on either side, and these joint discussions were held throughout the county until the Calhoun matter, which put an end to them. That Calhoun meeting was held under that arrangement.

By Mr. JONES:

Q. That there were to be no arms?—A. That there were to be no arms, sir; and the gentlemen who went from Charleston as the democratic speakers went up without any protection at all.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Well, go on, sir.—A. After the proclamation of Governor Chamberlain and the proclamation of President Grant, the temper of the republican leaders and of their followers changed very much. There was in this county perfect good-nature in the conduct of the canvass, and we were progressing, as we thought, very well in the influence upon the colored people to vote the democratic ticket; but after that the whole temper of the campaign was changed, and the intimidation began, or increased, and up to the time of the election—

Q. Intimidation of whom?—A. By the colored people of the colored people. They did not intimidate any white people. They threatened the negroes in every way from joining the democratic party or showing any sympathy for the democratic party, or voting for the democratic party. The efforts of those who were competing with the republicans were entirely paralyzed. They appealed to race prejudices.

Q. Who did?—A. The republicans. They insisted upon their party allegiance. They treated them as deserters of their race and of their party, and of their political friends, and brought to bear upon them the most tremendous pressure—a combination of the Union League and the power of the political organization which followed the Union League.

Q. What was that power—the Union League?—A. Yes, sir; after the emancipation the colored people of this State generally were brought into the Union League, and they were bound over by very solemn formula and oaths to adhesion to that organization.



Q. And to the republican party?—A. And to the republican party, which is a part of the understanding of the negroes of what the Union League means.

Q. What was the time of the organization of the Union League?—A. It was planted in South Carolina after the war. It preceded the reconstruction acts of 1867, which gave suffrage to the negroes.

Q. What evidences have you seen of the fact that such an oath was administered?—A. The evidence of that came in different directions from negroes, who expressed their sympathy with the white people with whom they lived, yet up to the point of voting against the republican party they said, "We cannot do that, because we took an oath." Before the first election at which the colored people exercised the suffrage the Union League was manifested in its control over the negro population by appearing in the disturbances of labor, or, rather, in commencing them, and some of the manifestations of it were in this way: "They would be at work in numbers in the field, and, suddenly, without any clew to it on the part of the employers, they would throw down their hoes or spades, or whatever tools they had in their hands, and would all go off, leave their work, and the inquiry would be, 'What is the matter?' and the answer was always, 'Word has come that we have to go to so and so.'"

Q. I wish you would state, sir, what influence was exerted, if any, by colored republicans over their colored brethren?—A. I was going on to tell you that I have heard from Mr. Timothy Hurley, who was one of the electors on the republican ticket, and who is our county treasurer, and who has been a leading man in the republican organizations of this State, that he assisted in the formation of the Union League. His statement to me was that he had assisted in its organization here after the war. All of the exercise of the control of that organization has been entirely in the hands of the republican political leaders from the time that this negro suffrage commenced, in 1868.

By Mr. JONES:

Q. He told you he had been one of the original formers of this league; did he tell you the design of it, or the number of its members?—A. He told me that he had come out in the interest of the members of the Chase party. As soon as suffrage was given to the colored people the organization of the party was upon the basis of this control which had been obtained over the colored population by the Union League, and the Freedmen's Bureau paved the way to the establishment of the political control of the party which took the place of it. The Union League appealed to them through their superstitions; the Freedmen's Bureau represented the Government, which set them free, and interfered between them and the land-owners in the matter of contracts, and furnished supplies to them, and was in the negro mind the representative of their friends against the land-owners; and that was succeeded by the political leaders of the republican party, who stepped immediately into that line, and obtained the most absolute control over the most ignorant men of the negro population of this country.

Q. Was not Mr. Bowen connected in some way with the Freedmen's Bureau at one time?—A. Mr. Bowen was released from prison here in 1865, and became first clerk of the provost court, which was established here in 1865. The provost courts administered all the civil and military police government here for some time. Mr. Corbin was the president of the provost court here in the time of Mr. Sickles and Mr. Canby. Mr. Bowen then became sheriff, and has built up his power in this county from that start to absolute dominion over the whole republican vote of this county, so as to make him independent of his own party. He owns Charleston County now, and he could have defied the whole republican leadership in the State generally. He was opposed to Mr. Chamberlain himself. At these joint discussions Mr. Bowen took no trouble about appealing to the negroes. He assumed that he was an absolute master of the vote, and said very good-naturedly to the democratic orators who went there, "You gentlemen are wasting your time; you are trying to do in one campaign what it has taken me eight years to do—to build up my influence over these people."

Q. Now, sir; I wish you would state what influence was exercised by the colored men over their colored brethren who might desire to vote the democratic ticket?—A. The younger and bolder of the negro men, those who were more disorderly and were not men of families, and not men of quiet dispositions, were generally the material that were organized to be active agents in the business of intimidation, first in the labor movement and afterwards the political intimidation. Boys of 17 and the more desperate side of the disorderly element of the negro population of older years constituted the body of those who were active in the matter. They went about threatening any negro who would dare to go with the white people, or who would dare to go with the land-owners, or who would not vote the republican ticket, and they were assisted very powerfully in their work by the negro women who were under the influence of the negro preachers, who are generally republicans. The negro preachers were in many instances active politicians. The Rev. R. H. Cain, who is the editor of the Missionary Record, in the city of Charleston, and the republican Congressman-elect from this congressional district, is the strongest man known among them, and the most incendiary. In the early part of the campaign he held a meeting, at which I was not present but the proceedings of the meeting were published in the paper, at which meeting he appealed to their race prejudices and to those feelings of antagonism to the white people, which started the inflammatory element in the campaign. With him were several others, and among them a man, also a negro, who was present at the speaking at this Straw-

berry meeting, named Hunter. Those people exercised a sway over the women. This sway was increased solely, I suppose, from the fact that the element was so completely ignorant. The combined influence of the religious teachers and the political teachers and leaders carried the most absolute sway over the colored people in this seaboard country. It was so strong that nothing could resist it. Their sway antagonized all the efforts which were made by the opposite side who represented the capitalists, the property-holders, the intelligence, and the general character of the community. There were many touching instances of the struggle between kindly feelings on the part of the colored man in favor of those whom he had lived with all his life and the sway of this party and race obligation which was brought to bear upon him. Those who showed any disposition at all to come over to the democratic side were denounced as traitors to their party and their race. Their political leaders told them that if they went with the white people and with the land-owners, they were voting to put themselves and children back into slavery, their lives were threatened, and exclusion from churches and the social sympathy of their people—everything was brought to bear upon them. Intimidation was exercised more and more as the canvass went on up to the day of the election, and at the time of the election. In Charleston the militia was entirely in the hands of the colored republicans; they were distributed about at the various precincts in small bodies and formed the nucleus upon which negroes rallied with such weapons as guns, sticks, clubs, and sticks with bayonets on the ends of them, that constituted the armed force at different precincts on election-day, and they frequently appeared at their meetings, before the election, threatening those who declared themselves at all on the democratic side. They were aided on election-day by a large force in the city of Charleston and elsewhere—constables, or rather deputy sheriffs—who were ignorant colored people, wearing badges of office under the appointment of Bowen, the sheriff of the county, and exercising the power of arrest at will of any one that they chose, without reference to the commission of any offense. They were assisted by the same class of persons, wearing the badges of deputy United States marshals, under the appointment of Mr. Wallace, and the exercise by these two sets of persons, who were entirely partisan, all appointed on one side, was always directed against the democrats, and it created a thorough and entire intimidation of that portion of the colored vote which was at all disposed to vote the democratic ticket. The exceptions were men of rare courage, or those who were under the absolute protection of individual white men. The militiamen, who had arms from the State, furnished by republican military commanders or militia officers, in numerous instances presented themselves at the polls in armed force, and controlled the voters to a very large extent.

By Mr. JONES:

Q. Are there not white militia companies in Charleston?—A. There were none in the whole of this seaboard country.

By the CHAIRMAN, (Mr. Cochran):

Q. That about completes the facts that you desire to state in answer to the general question that was asked you?—A. Yes, sir.

By Mr. JONES:

Q. About what is the population of this city and district?—A. The population of Charleston City, I believe, is estimated about 50,000, and the population of the county has been variously estimated at 80,000, including the city. I don't think that any accurate census has ever been taken since the war.

Q. Do you remember the votes given in the county altogether?—A. Twenty-three thousand, I think, were about the figures in round numbers, of which 15,000 were stated to be republican and 8,000 democratic.

Q. Well, sir, what do you suppose would have been the vote of this county and city if none of this intimidation which you have described had been exercised over the people?—A. I should suppose that the best judgment upon that subject could be formed from the previous vote. I think that the legitimate vote of the county would not be more than 15,000 or 16,000.

Q. You did not understand my question. In the first place, would not 23,000 votes be a very large, an unreasonably large, vote in such a population?—A. O yes, sir; 23,000 would be about 25 per cent. of the voting population, if the figures of 80,000 are taken as the total population.

Q. Well, what per cent. of the population do you think would be voters, if you have paid any attention to that subject heretofore?—A. Well, I have not paid very close attention to it, but I think 10 per cent. is a very large per cent.

Q. Do you remember the vote of this county at the previous election?—A. No, sir; I do not.

Q. You say the democratic vote of this county was about 8,000. How many democratic votes do you think would have been given in this county if there had been no intimidation and none of this violence and threatening which you have spoken of?—A. That necessarily must be a matter of speculation, and the answer to it would only give my estimate of the amount of pressure that was put upon the voters.

Q. Well, we have been taking your opinion as to what intimidation was, and all that sort of thing.—A. My opinion is that if the combined intimidation that was exercised in the way that I have described had been removed, and the voters had been allowed to vote as they pleased, without these threats, that the democratic vote could have been easily double what it was; but I give that simply as a matter of speculation and as a matter of my own estimate.

By Mr. BANKS:

Q. In that event, what would have been the republican vote?—A. Of course, it would have taken that much from the republican side.

Q. It would have changed their places?—A. I think it would have changed their places. The control which was exercised at the polls over those people enabled them to repeat to a great extent, and enabled them to vote a great many persons who were not of age.

Q. Will you please to state to what extent there has been repeating here?—A. Do you mean to say of my own personal knowledge?

Q. Yes.—A. Well, I cannot state it.

Q. Do you know of any one person that voted that was under age?—A. I do not.

Q. Then you don't know, sir, that anybody has voted under age?—A. I do not.

Q. Or given a fraudulent vote in any way?—A. I was not an active participant, as I stated in the beginning.

Q. Do you know of any person who does know it?—A. There were several gentlemen who attended the polls at James Island who told me so. I think that the chairman of the county committee could give you the names of those that were active.

Q. At what time did this controversy to which you have referred begin in regard to the wages of labor?—A. I think it began in the month of August.

Q. Of this year?—A. Yes, sir.

Q. Not until this August?—A. There were some riots and strikes, I think, in the month of June, during the planting season.

Q. Never before this year?—A. Nothing of this character that I remember of before this year.

Q. And those you think proceeded from the combination of the laborers, under the direction of certain leaders to whom you have referred?—A. I am satisfied of that.

Q. And this controversy in regard to wages and the regulations as to labor excited the minds of nearly the whole laboring population?—A. They did to a great extent in the counties of Beaufort and Colleton, bordering upon the rivers Combahee and Ashlapoo.

Q. Wherever the population was large?—A. Yes, sir; wherever the plantations were large.

Q. It is the same controversy that has arisen in regard to wages and labor elsewhere, in all parts of the world?—A. I cannot characterize it as the same thing at all, sir. There was not the same political connection.

Q. Do you know that there have been strikes in Massachusetts and that the mills of a whole city were stopped this year?—A. There is a difference between those and these.

Q. But I am not asking you in regard to the difference. You know that there has been a difference in regard to wages and labor in England and elsewhere. Is not this the same, and proceeding from the same causes as the others?—A. I do not think there is the slightest similarity.

Q. Please state the difference.—A. I think that those things originate with the laborers; I think that those strikes that occurred here this year were produced by influences from outside; that is, within my experience and information, they were really things brought about by influence operating upon labor from without. Those labor-unions and so forth are things that are formed within the body of the laboring population, and grow out of the constant attrition between capital and labor.

Q. Then your theory is that the whole political question was applied to labor and wages in this section?—A. Yes, sir.

A. Now, in regard to the influence of the preachers; in what manner are the preachers appointed, and in what manner are the societies supported?—A. The societies are voluntary, sir; I don't think they have any general ecclesiastical association outside of the limits of the State. There are differences among them. They have sometimes Methodist churches and sometimes Baptist churches.

Q. Well, suppose in a precinct like Christ Church, or Four-Mile Church; the colored people want a minister; in what way do they go to work to get one?—A. Whether they are appointed by the parent church, some way off, or whether they appoint them themselves, I do not know.

Q. They are the offshoot, then, of some pre-existing church?—A. I think so, sir.

Q. Do they pay him themselves?—A. They are supported entirely by the communicants.

Q. Do these preachers take an active part in politics?—A. In very many instances they do.

Q. The statement was made here this morning that one of these preachers was a democrat; is it a common thing for them to be democrats?—A. No, sir.

Q. Was it Mr. Cain you spoke of as being the strongest man among the colored people?—A. Yes, sir.

Q. Where does he reside?—A. He owns and publishes the Missionary Record.

Q. What is his given name?—A. I think it is R. H.—R. H. Cain.

Q. Have you been attentive to the course of events here?—A. Yes, sir.

Q. You have spoken of meetings called to debate political questions, and of arguments addressed to the colored people, and of various appeals made to their interests and the interests of the State; now, have you known any other appeals made to them with a view of controlling their votes through their interests?—A. I know of it in the same way that I have stated I have known of a great many things here.

Q. Well, what methods have been taken to affect their opinions and control their action in that regard?—A. I think the same influences that were generally reported being used at the North wherever they—

Q. Describe them as they are here.—A. I don't think that any organized action has ever been taken.

Q. What attempt whatever has been made to do that?—A. I think, in several instances, that I have heard of persons who have employed a large number of laborers notifying them in reference to this election that they would cease to employ them if they voted with the other side, without dictating to them who they should vote for.

Q. To what extent has it been practiced?—A. I don't think it has been practiced to any large extent.

Q. What proportion of employers have adopted that method or means of controlling them?—A. I think it a very small number.

Q. Do you know of any meetings of citizens of this city or county where action has been taken and resolutions have been passed upon this subject?—A. I don't remember; I think that one of the ward-meetings in Charleston, what is called here the preference policy, was advocated.

Q. What was the preference policy?—A. It was that in the giving employment to laborers they would prefer those who voted on their side to those who voted against them; that was the way it was called, and the way it was advocated.

Q. To what extent has that been practiced?—A. That is what I have just spoken of.

Q. Do you know of only one instance where a public meeting has adopted a resolution of that kind?—A. I do not recall but one, and that was a ward-meeting in Charleston. I believe that the executive committee of this county, when applied to in reference to adopting it as a part of their programme, declined to do so, and left it as a matter with individuals themselves.

Q. Do you know of instances of certificates having been given?—A. Yes, sir; I have known of some.

Q. What is the effect of that certificate business?—A. I think it is to give the legitimate weight of influence and property and employment to the defense of the property interests of the country against those people that are trying to break it down.

Q. That is, that a man who bears a certificate that he voted the democratic ticket, and is a democrat, is entitled to employment?—A. Is entitled to more favor or preference.

Q. Now in regard to the democratic press of the city. Do you know that there has been any discussion upon this question?—A. O, undoubtedly, sir.

Q. What is the ground they took?—A. The same ground—that the property interest of the community should seek that mode of protecting itself against the effort to destroy it.

Q. Then the property interest is hostile to the labor interest?—A. The non-property interest, as organized under the radical leadership, was arrayed in open hostility against the property interest.

Q. The property interests claimed, when they hired a man, that they should have so many hours good work out of him, and they claimed also some influence upon his political opinions and political action?—A. I don't think they have ever asserted that in this city.

Q. I am speaking of where the preference system is applied to a man. If his political opinions and political action agree with the opinions of the employer, then he is hired; that is the case under the preference system?—A. Yes, sir.

Q. And if the opinions of the laborer and his action don't conform to the opinions and actions of the employer, then he is not hired?—A. Provided he is able to dispense with him.

Q. What is the effect of this system?—A. The effect was to discourage those who had organized the laborers against the property interests. I don't desire to have myself stated as indorsing it as legitimate.

Q. You have spoken of these colored republicans being armed; do you know whether the democrats were accustomed to take arms to political meetings or not?—A. They did in the beginning of the campaign, sir, to a certain extent.

Q. What kind of arms?—A. Well, I suppose that they had pistols to a certain extent.

Q. Muskets?—A. On one or two occasions that I know of they did carry rifles.

Q. To a certain extent. Now how many revolvers and muskets to a man?—A. I don't know. I don't think that any had more than one.

Q. Now that was done in the beginning. When did it cease to be done?—A. Well, it ceased to be done in this county when this arrangement was made by the chairman of the two county committees.

Q. Were there not arms carried to this meeting at Strawberry?—A. There were, sir, to the extent of about fifteen or twenty, that I know of.

Q. By the white men, the democrats?—A. By the white men; the democrats under my charge.

Q. Were there arms on the other side?—A. There were, sir.

Q. Well, now, the meeting that followed that; was that Biggin?—A. Biggin preceded the Strawberry.

Q. There were arms at the Biggin meeting?—A. I was not there.

Q. The meeting in Saint James Parish?—A. That I don't know anything about.

Q. Do you know whether it is the custom of the white men generally to take their arms when they go out to attend these meetings?—A. No arms that I know of, sir, were carried to any of these meetings where they had joint discussions.

Q. Do you know that they were not carried?—A. I don't know that they were not carried, because I was only present at this Strawberry meeting.

Q. Well, sir, the case that you state is just this: The first difficulty with the colored people was in regard to wages, and, as you say, that was caused by political considerations?—A. It was produced between one set of colored people and another set of colored people. There was no conflict between the laborer and the employer. The conflict that occurred was between a certain class of negroes who were molesting other negroes.

Q. But the question of how much was paid by the employer and how much would satisfy the laborer makes a question exclusively between them?—A. There is no such statement. The larger portion of the laborers were willing to take the prices where there was no intimidation.

Q. The price that the planter wanted to pay was 50 cents for a task, and the price that some of the laborers wanted was 60 cents a task. Now the question was between the laborer and the employer. Was the old price satisfactory without any demand for more?—A. It was satisfactory, sir.

Q. The laborers themselves demanded 60 cents, and would not work without it?—A. That is not the fact.

Q. You did not testify that they wanted 60 cents?—A. I did not.

Q. You did not testify that they threw down their tools all at a given moment, or nearly so?—A. No, sir, I did not.

Q. You did not say that word had come to them?—A. That was not with reference to the labor question. I was telling you that that was the influence of the Union League before the inauguration of negro suffrage.

Q. What did they stop for?—A. Well, now, nine out of ten of them did not know what they stopped for themselves.

Q. What was your theory of their stopping?—A. That was very frequently the case.

Q. Well, what was it for? There must have been some cause for it.—A. They had constant disturbances at that time; that was a year before the inauguration of negro suffrage; and constant trouble and disturbances on the subject of contracts, and the exercise of this influence over them operated in that way.

Q. The contracts related to wages?—A. Yes, sir; there was a great dominion asserted over them.

Q. So that all those related to contracts upon the subject of wages?—A. Yes, sir.

Q. Now, does not that show that there was a controversy between the employer and the laborer in regard to wages?—A. It does not show that. It shows that a set of interlopers and intermeddlers were keeping up a dissatisfied condition between the laborers and their employers.

Q. Now, did not their throwing down their tools have reference to labor?—A. Not always, sir; in many instances it was a mystery to the employer what it was for.

Q. You have stated that there was a principle of preference established here; that it was avowed by individual employers to a greater or less extent; that it was advocated in meetings; that resolutions were passed upon that subject; that newspapers advocated it, and that the community acted upon it?—A. I said that the principle of preference had been, to a very limited extent, adopted by some individuals.

Q. You have testified that it was adopted by resolution in one of the ward-meetings?—A. As far as I remember.

Q. Do you know that it has not been adopted in any other meeting?—A. I cannot say.

Q. It has been advocated in the columns of the democratic press of this city and county?—A. I have stated that, sir.

Q. You have stated that certificates have been given?—A. In some instances.

Q. Signed by influential names?—A. Signed by those who knew the men.

Q. You have also stated that that was a recognition to some extent of the preference policy?—A. That was a letter of recommendation to the laborer.

Q. It was supposed to recommend these men for employment upon the ground that their political opinions and actions were of a certain character?—A. That they were not hostile to the employers.

Q. Then you have stated that at the first meeting there were arms carried?—A. I said there were about fifty men who were with me at Strawberry, and that they had, all told, not

more than fifteen rifles. I was not at Biggin. Biggin was a republican meeting, and not a joint discussion.

Q. Arms have been carried by democrats to other meetings?—A. I don't know that. I desire to say with reference particularly to the Strawberry meeting that arms were carried there avowedly and distinctly to protect the colored democrats against threats which had been uttered generally throughout the neighborhood, which discouraged them from going to the polls. I desire to say that that action, so far as I am concerned, was taken in fulfillment of a public pledge which I individually made at a public meeting in Charleston when the democratic nominations were first ratified after the convention in Columbia, and I there stated, and it is a matter which you can find in the report of the proceedings of that meeting, that at previous elections there had been no effort to contest the election with the republicans; that when the colored people intended to vote the democratic ticket they had been intimidated and threatened, and I spoke for my political associates and said that we intended in this election to dispute with the radical leaders in this State the control which they had held with the colored voters for eight years, and that we intended to resist the system of intimidation of colored people who wished to vote as they please, and might wish to vote the democratic ticket; that if they threatened bloodshed we would not be discouraged by that; but that we would be prepared to resist them and give that protection to these voters if it costs us our lives.

Q. And you swear you took those arms to democratic meetings for this purpose?—A. I took them for the purpose of protecting the colored democrats who had been reported to me as having been threatened throughout that country.

By Mr. JONES:

Q. I understood you to say awhile ago that in reference to this Strawberry meeting you went there on a boat; you took some arms, and while you were landing you saw Mr. Bowen, their leader, surrounded by a large number of negroes; he went up to the church, and when he took the stand to address them, he said something about arms, when he was speaking, and thereupon you said that you were not the aggressors in that respect; that you took arms there because they had taken arms previously?—A. I said that the first arms that have appeared on this hill to-day are in the hands of your followers, and we had notice that all of your followers were summoned to this meeting to come with their arms, and that the threat had been given out throughout the country that the colored democrats would be prevented from attending the meeting. He admitted that the first arms that appeared on that hill that day were in the hands of his own men, and he went on to say that he discouraged it.

Q. You did not mean to say that any regular system has been adopted here in reference to the preference policy?—A. No, sir; it had only been exercised in individual instances to a limited extent.

Q. Well, sir, has that same system or plan been adopted by the individuals of the republican party as well as democrats; do they not employ those who are in affiliation with them in political-sentiment?—A. O, very distinctly, sir.

Q. Mr. Banks asked you about some certificate. There may be some misunderstanding about this certificate business. These certificates were not given under the order of any combination or association of men as having adopted the preference policy?—A. No, sir; I stated that I believed it to be matter of fact that such certificates had been issued. I did not state it in connection with any organization at all.

Q. As to the press having adopted such a policy, was it not confined to but one paper?—A. No, sir; the New York Herald advocated that we should exercise that policy to the fullest extent.

Q. Was it recommended by the press of the city or State generally?—A. I mean to say that the persons having employment to give discriminated between those who were arrayed against them and those who were not arrayed against them, and preferred the former; and that the Charleston News and Courier distinctly advocated the preference policy in the employment of labor, and the New York Herald carried it further, indeed, than the Charleston paper.

Q. As far as your observation goes, the same policy was adopted on the other side?—A. I don't think they would let a democrat have a silver of wages on the republican side, particularly a democratic negro.

Q. Do you know of an employer saying to his hands or employes that if they did not vote with him, being a democrat, he would discharge them?—A. I do not, sir. I don't mean to say by that that there is no such instance.

CHARLESTON, S. C., Saturday, December 23, 1876.

S. V. GREGORY sworn and examined.

By the CHAIRMAN, (Mr. Cochrane):

Question. What is your age?—Answer. I am aged 28.

Q. What is your residence?—A. Christ's Church Parish.

Q. You were United States deputy supervisor?—A. Yes, sir.

Q. Were you at the Four-Mile Church precinct, in Christ's Church Parish, on last election-day?—A. Yes, sir.

Q. What time did you go to the polls in the morning?—A. I started about half past 5 o'clock.

Q. And you got to the polls at what time?—A. At 6 o'clock, sir.

Q. How many negroes did you find there?—A. I suppose about forty were there at the time I got there.

Q. Did you see any of the negroes with arms, or doing anything with guns?—A. While I was going to the polls in the morning I saw quite a number going up there with arms, and when I got to the polls I saw them secreting their arms in the woods around the house where the polls were held.

Q. How many of them?—A. I counted twelve at that time.

Q. Did you remain during the day inside the building?—A. When I got into the building the managers there objected to my remaining. They said that I had no right to stay within the polling precinct; that I must stay outside.

Q. The republican managers?—A. Yes, sir.

Q. Were they negroes?—A. Yes, sir.

Q. Did you remain?—A. Yes, sir.

Q. Do you know of any cases of minors voting?—A. There were some minors to my knowledge voted at the polls.

Q. Negro boys?—A. Yes, sir.

Q. Of what age?—A. Well, I should think they were not more than from fifteen to eighteen years of age. A great many of them had grown up with me.

Q. Did you challenge them?—A. Yes, sir.

Q. Were their votes admitted?—A. They were admitted, sir.

Q. Was there much confusion about the polls?—A. There were quite a number of women assembled there with clubs, and they were wrangling.

Q. Were there many whites there during the day?—A. No more than sixteen whites at any one time.

Q. How many negroes at any one time?—A. Well, sir; there were 454 colored votes polled there, and these people remained there during the day as near as I could see. I didn't see any of them going away; certainly most of them remained there.

Q. Were the democratic negroes permitted to vote?—A. Well, they were threatened there a good many times. I saw one case where a man went up to vote. They knew he voted the ticket, but he jumped in a buggy and got away, and one man said he would kill him if he could get hold of him; that was the only case that I saw; but I heard numerous threats made against the democratic party during the day, that if they saw any negro voting the democratic ticket they would kill him.

By Mr. JONES:

Q. How many negroes voted the democratic ticket there that day?—A. As far as I could compute, there some seventeen voted at that poll; there were sixteen white votes and about seventeen colored votes.

Q. Do you know whether there was a democratic club in that precinct or not?—A. Not at that precinct. There was one four miles from there, at Mount Pleasant.

Q. Did you ever hear more than seventeen negro democrats in that precinct say that they would vote the democratic ticket or wished to vote it, or do you know how many democrats were there?—A. As far as I could count them up, or as they would tell us what they were, there were more than fifty or sixty, I judge, in that place. They said they would vote the ticket. They lived on the neighboring places.

By Mr. BANKS:

Q. Who was this one negro that tried to vote the democratic ticket?—A. His name was Joseph Pinckney.

Q. He did vote it?—A. He did vote it.

Q. They did not kill him?—A. Well, sir; he got away. He jumped into a buggy which he had charge of, and he got away in that way. As soon as he put his vote in he jumped in the buggy and got off.

Q. How was it about those fifty men that promised you they would vote it?—A. They didn't promise me individually; they said that they were going to vote it, but they didn't know whether they would be allowed to vote it.

Q. How did it come that they made that remark to you; did you hear it?—A. Yes, sir.

Q. How did it come that they made it to you?—A. There were about fifty that made that remark, who declared it to me at different times.

Q. For what reason did they come and make such a statement as that to you?—A. I was around on that plantation, and I worked a good many of them there.

Q. Had you talked to them about the situation?—A. I had.

Q. What did you tell them?—A. Well, I showed them the position as near as I could, and they told me that they were willing to vote with the democratic party provided they were allowed to do it.

Q. You heard what the other witness said about the preference system; now was it said to these that if they voted satisfactorily they would be employed, and if not, they would not be employed by you?—A. I made no distinction at all, sir.

Q. Had anybody else any connection with them in regard to that?—A. I don't know, sir.

Q. Do you know whether there was a general talk by employers with regard to the subject of political opinions?—A. Some were rabid enough to talk in that way.

Q. You do not know whether the negroes intended to vote or not?—A. No, sir.

Q. It depends upon what they said to you?—A. Yes, sir.

Q. In regard to these seven minors, who were they?—A. One was named Jack Mathews.

Q. What do you know with regard to his age?—A. I have been on that plantation for three years, as superintendent there, and when I come there he was a small boy.

Q. Will you swear that he is not twenty-one?—A. I will swear that he is not twenty years old.

Q. Who was the next?—A. March Green.

Q. What do you know of his age?—A. I have known him ever since he was a baby. I have known him fifteen or sixteen years.

Q. Who was the next one?—A. I have not got the record of the whole list that voted there, but there were seven from the list that I made. There was no man competent enough to keep the polling-list at the time, and I kept it for them. I wrote up the books and everything else.

Q. What do you know of those five other voters that you have sworn voted fraudulently?—A. I had information from their parents. I believe the whole seven were under age.

Q. What do you know of the other five; do you know when they were born, and how long ago it was?—A. I could not state that; I don't know when they were born.

By the CHAIRMAN (Mr. Cochrane:)

Q. Were these boys just small boys?—A. They were just small boys; they could not possibly be of age.

By Mr. BANKS:

Q. Were they infants?—A. They were nothing but striplings; they had not done growing.

Q. Was not the oath administered to them?—A. Yes, sir; and they took it.

By Mr. JONES:

Q. Is it common in this country for black people, especially those associated together on the same farm or plantation, to talk together and say who they will vote for, and so on?—A. Yes, sir.

Q. Just as it is among white men?—A. Yes, sir.

Q. Well, when you hear a company of white men talk as to politics, you form an opinion as to how they will vote?—A. Yes, sir.

Q. And so you formed your opinion in that way as to the number of colored men in this precinct who would have voted with the democratic party?—A. Yes, sir.

Q. You used no intimidation or threats over these negroes, whom you employed, to get them to vote according to your preference?—A. No, sir.

By Mr. BANKS:

Q. When you hear a white man in Christ Church Parish say that he can do a certain thing, can you come to the city of Charleston and swear that he would have done it if he had not been prevented by somebody else?—A. I could not swear that.

Q. Have you been to any political meetings this year?—A. No, sir; I have not been to one political meeting—that is, I have been to the meetings of the clubs.

Q. You spoke about twelve of these negroes having arms; do you know of any white men having arms?—A. I could not tell, sir; these sixteen men came there afterward.

Q. You saw the arms of the negroes?—A. Yes, sir.

Q. Do you know whether it has been the custom of the democrats to carry arms to these meetings, or not?—A. I have heard about it, but I have never seen it.

Q. What did you hear?—A. Well, I have heard of the Cainhoy affair; that is the only thing I could glean any information from.

By the CHAIRMAN, (Mr. Cochrane:)

Q. You saw no arms in the hands of white men at that poll that day?—A. None at all, sir.

CHARLESTON, S. C., December 23, 1876.

WILLIAM R. WHEELLOCK sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. What is your age?—Answer. Fifty-four.

Q. Where do you reside?—A. I reside in Christ Church Parish, about three-quarters of a mile from Four-Mile Church precinct.



Q. Were you at the polls in the precinct on election-day?—A. Yes, sir.

Q. What time did you go there?—A. About half past six.

Q. What time did you go away?—A. I left there about 5 o'clock in the afternoon. I went home during noon-time to dinner.

Q. Just tell us whether the negroes at that poll were quiet or otherwise during the day.—

A. I saw a number of negroes with arms and guns; there was hardly one there without a club, or a knife, or some old bayonet, or something of that kind.

Q. Did many of them have clubs?—A. Yes, sir.

Q. Were there few or many negroes there?—A. From three to four hundred during the day all the time.

Q. Did you hear any threatening at all of democratic negro voters?—A. I did. I heard a number of them say if any negro voted the democratic ticket they would kill him.

Q. Did you hear any cursing?—A. I did.

Q. Loud talk?—A. A great deal of it.

Q. Were negro women about?—A. Yes, sir.

Q. How many?—A. I should say twenty that were prominent. There were more than that there, but the others were peaceable and quiet, and the fifteen or twenty were noisy and violent. They were armed with knives, or bayonets, or clubs.

Q. What kind of knives?—A. What you would call a butcher-knife. One woman in particular, that I knew, had a large butcher-knife stuck in her apron-belt.

Q. What were they doing?—A. Parading the road there and making a good deal of loud talk.

Q. Did they say anything at all about negro democrats?—A. Yes, sir; they said if they knew any negro who voted the democratic ticket that they would kill him, or that they would pound him, and different expressions.

Q. There were other negro women there that were quiet?—A. Yes, sir.

Q. Do you know of any minors voting there?—A. I know one, sir.

Q. Who was he?—A. His name is Orphelus Grant. He goes by two or three different names, but that is what he is called more than by any other; sometimes he is called Jenkins, sometimes he is called Rankin.

Q. What was his age?—A. Eighteen.

Q. How do you know?—A. I know that when I went on to the place he was a boy eight years old, and it has been ten years since I went there.

Q. Do you know many negroes who had expressed their intention of voting the democratic ticket prior to the election?—A. Yes, sir.

Q. How many?—A. Quite a number—at least twenty-five that I know of particularly.

Q. Well, did they vote it?—A. I should judge not; there could not have been more than sixteen that voted the democratic ticket at that precinct.

Q. Do you know why?—A. Well, they said they were afraid to vote it.

Q. Was this afterwards?—A. Yes, sir; they said so afterwards; and a great many of them said before that they were afraid to vote it openly.

Q. Since the election did any of them tell you they were afraid?—A. Yes, sir; three of them told me so this morning. They promised me last evening that they would come here before this committee; but they dared not come. They told me that they thought it would not be safe for them to go back on the place again. One of them told me that he would come if I said so, but that he would never go back to the place again. I told him he had better stay where he was. I spoke of those three for the reason that their testimony would have been important, because all three of them were assaulted by the negroes at different times.

By Mr. BANKS:

Q. Did you see it?—A. No, sir; I only have their word for it.

By the CHAIRMAN, (Mr. Cochrane):

Q. Do you know of any influence prior to the election being used by republican negroes to prevent democratic negroes from voting?—A. I have often heard them threaten if they did vote, what would be done to them. They would threaten to whip, to pound, or to kill them, and so on; there would be different expressions.

Q. What is your business?—A. I have charge of a plantation called Woodland, in that parish, and conduct that—settling the estate of my former partner, Alexander Knox. I was with him six years. I have been North for the last three years, and they sent for me last May, at the time of his death, and I came down here to settle the estate, and have been conducting the business since.

Q. I will just ask you, sir, whether these negroes are an intelligent or a very ignorant class of people?—A. Well, the majority of them are an intelligent set of laborers.

Q. I am speaking now of their intelligence, not of their capacity to work?—A. Well, none of them are capable of reading or writing at all. They cannot write their names, or read, and I don't know of but one or two on that plantation that could do so.

By Mr. JONES:

Q. You are not a native of this State?—A. No, sir; I am not.

Q. Where were you born?—A. In Massachusetts.

Q. How long have you lived in this State?—A. It has been ten years since I first came. I staid here six years, and then went away, and was gone three years, and a little more. It was in the spring of 1867 when I came here.

Q. How many negroes have you had employed on the Woodland plantation?—A. We have settled on that place, men and women together, about one hundred and fifty; there are not as many as that there now, but when I was here formerly they had that many.

Q. How many have you there now?—A. During the busy season, in the summer, there are a hundred and fifty, because we plant a number of vegetables, and employ a great many laborers.

Q. Have you been a democrat ever since you have been in this State?—A. No, sir.

Q. Do you belong to the republican party?—A. I do.

Q. You voted the democratic ticket at the last election?—A. I did.

Q. How long have you been with that party?—A. I think that I voted the democratic ticket a year ago—the State democratic ticket.

Q. Have you belonged to the republican party up to two years ago?—A. Yes, sir.

Q. You talked to the negroes on your place, and advised them as to what you thought other good citizens ought to do in regard to the government of the State—how they ought to vote?—A. I did in a measure. I didn't make myself conspicuous. Often of evenings, when they would be in the store, they would come up to me and ask me how I was going to vote, and I would tell them.

Q. You made no threats, used no intimidation?—A. No, sir; never.

Q. You never said that you would discharge them if they would not vote with you?—A. Never at all, sir.

Q. You gave them the privilege of voting just as they pleased?—A. I distinctly told them so in all my conversations with them, that they should vote the ticket that they thought was best; but I told them what my opinion was and why I held it.

By Mr. BANKS :

Q. About this boy, Orphelus Grant, what means had you of knowing that he was eight years of age ten years ago?—A. His father told me; he lived on the place at the time, and since I have been here this summer his sister told me that he was not twenty-one.

Q. You would not swear that this boy was a minor?—A. I was not present at his birth. I have been told so by his father and by his sister.

Q. But you would not swear of your own knowledge?—A. No, sir; I cannot swear any plainer than that.

Q. Now, these twenty-five men who expressed an intention of voting the democratic ticket did not do it?—A. No, sir; not all of them.

Q. How many voted?—A. I only know three of my personal knowledge that I saw vote that ticket.

Q. How do you know that the others did not vote?—A. From the fact that there were only thirty-one democratic votes polled at that precinct, and of them there were sixteen white and fifteen colored.

Q. Well, but other persons might not have voted; did you see every man that voted put his vote in the box?—A. No, sir.

Q. Then it is a matter of mathematics that enabled you to know that they didn't vote; you cannot tell, of your own knowledge, how the record was made up. You did not see these sixteen white men vote the democratic ticket; therefore you do not know that they voted it?—A. No, sir.

Q. Can you swear that these twenty-five men did not all vote the democratic ticket? You say some of them voted. Now, can you swear, from your own knowledge, that all of them did not vote it?—A. No, sir.

By the CHAIRMAN, (Mr. Cochrane):

Q. You have no doubt in your own mind that they did not vote it?—A. No, sir.

Q. You have no doubt but that those sixteen white men did vote the democratic ticket?—A. Yes, sir.

Q. They were well known as democrats in that district?—A. Yes, sir.

By Mr. BANKS :

Q. Had they arms?—A. I saw none.

CHARLESTON, S. C., December 23, 1876.

H. D. ELLIOTT sworn and examined.

By the CHAIRMAN, (Mr. Cochrane):

Question. What is your age?—Answer. Twenty-eight.

Q. Your residence?—A. Colleton County.

Q. How long have you resided there?—A. Five years.

Q. What is the place of your birth?—A. Charleston, S. C.

Q. What is your business?—A. At present superintendent of a plantation.

Q. How many negroes are working on your plantation?—A. Twenty-five hands, including a few women. I think there are four women, making twenty-one men.

Q. Will you state, sir, any matters which you know in connection with those labor strikes of which Major Barker spoke in your hearing?—A. I suppose Major Barker was speaking with reference to the Cooper River, instead of Combhee River; there were two strikes this year. One happened in June. I know nothing of that at all of my personal knowledge.

Q. When was the other strike?—A. It commenced the latter part of August. I can't name the day.

Q. What occurred?—A. It was a strike started by the laborers for the purpose of having their wages increased. The price which has always been paid in harvest time was one dollar an acre for cutting rice; they wanted one dollar and a half; that demand was not made by all the laborers; there were some who were willing to work at the other price—the original price—and did work at that price until they were driven out of the field by force by the strikers.

Q. Were many of them willing to work at the old price?—A. I saw on one occasion at least thirty driven out of the field while they were working at the old prices.

By Mr. JONES:

Q. Who drove them out?—A. A gang of strikers one hundred and fifty strong came and drove them out.

By the CHAIRMAN, (Mr. Cochrane):

Q. Was the contest in your county one between the workmen and their employes, or was it between another class of people, who didn't desire them to work, and the landed proprietors?—A. The contest in regard to wages or physical strength?

Q. I meant in regard to labor.—A. It was entirely between the laborers. A portion of the laborers demanded more money from the employers. Some of the laborers were willing to work at the original prices, but were prevented from doing so.

Q. What was the proportion; were there more laborers who wanted work at the old prices than those who were opposed to working at those prices and wanted it in advance; take the aggregate number of laborers?—A. I presume that there were naturally more who desired an increase of wages.

Q. Now state what you saw at the last strike?—A. I saw, as I stated just now, about thirty laborers driven out of the field by about one hundred and fifty strikers; three of the men who were most badly beaten came immediately up to where myself and some gentlemen were, and said that they desired to take out warrants against those parties for beating them.

By Mr. JONES:

Q. Three of those men who were beaten?—A. Three of them who were beaten. They went to the nearest trial-justice, took out warrants of arrest against those parties for assault and battery, and the trial-justice said that he would send down a deputy sheriff the next day to serve the warrants. This occurred on Monday, I think, the 26th of August, but I will not be certain about the date. On Wednesday the deputy sheriff came down and made an attempt to arrest one of the parties for whom he had a warrant. He was resisted by one of the parties whom he tried to arrest. He only had one man with him as a posse at that time, and he retired to the store, three miles off, where there were some more men assembled, so that he could get a posse to carry out his arrest. In a very short time, before he had hardly got up to the store, a crowd of negroes, numbering some two or three hundred, surrounded the store, and not only threatened his life, but the life of the constable whom he had with him. The number of negroes increased from that time on until they reached in the afternoon the number of probably three or four hundred.

By Mr. BANKS:

Q. What was the number in the morning, when he came back to the store with his posse?—A. Two or three hundred followed him from the plantation, where he was trying to serve these warrants—a distance of three miles from the store. There were no negroes at the store when he got there except the employes.

Q. The negroes increased from what number?—A. I can't tell what was the first number. Some of these things I do not know of my own personal knowledge. I am just stating these things to connect everything. At the time the deputy sheriff tried to arrest this man I was at the railroad, telegraphing to the governor for assistance to quell these riots, and I did not reach the store until eleven o'clock. The next day in that store there were thirty-five white men, all told, assembled for a posse in case the sheriff needed our services. We staid in that store the whole night, the lives of these men being threatened if they would come out, and the negroes threatening not only to burn the store, but all the buildings adjacent and all the houses on the river, if those men could not be had to satisfy their revenge.

Q. You do not know what day this warrant was served?—A. I could tell by referring to my memorandum.

By Mr. JONES :

Q. Did they keep you in the house ?—A. Yes, sir ; because we did not care to bring on a collision by coming out.

By the CHAIRMAN, (Mr. Cochran) :

Q. How were you rescued finally ?—A. We were finally released by the influence of Congressman Robert Smalls, who had gone up to Walterborough to a political meeting. I sent up a messenger to him, notifying him of the state of affairs there, and telling him I was satisfied if he came down that matters could be quieted, as we wanted to avoid any collision.

Q. Did he come down ?—A. He came down at daylight in the morning. He came up to me and stated to me that we had stood a great deal more than he ever would have stood.

Q. Mr. Smalls is a colored man, I believe ?—A. Yes, sir ; he is a colored man.

By Mr. JONES :

Q. He came down to relieve you ?—A. He persuaded the crowd that they were acting entirely illegally, and that they had better disperse and go to their homes.

By the CHAIRMAN, (Mr. Cochran) :

Q. How many hours were you detained there ?—A. Twenty-four hours.

Q. They were quite violent during the night ?—A. They were violent at all times, even after Smalls arrived. Some of them did not want to respect him.

Q. How many negroes were around there do you suppose ?—A. I don't suppose that at any time there were less than two hundred, or at any one time greater than four hundred.

Q. Who seemed to be the controlling men among them—the leading spirits ?—A. In regard to name ?

Q. In regard to name first.—A. You could merely judge of the leaders by their gesticulations ; there was no organized plan.

Q. Who were the ringleaders ?—A. I would name Jack Wine Glass for one.

Q. What was his politics ?—A. He was a republican.

Q. Is he at all prominent in politics there ?—A. No, not at all.

Q. Who else ?—A. James Osborne I should say was another prominent character.

Q. What were his politics, if you know ?—A. He is a republican, I think.

Q. To the best of your knowledge and belief what was the origin of those strikes—by whom were they gotten up ?—A. To the best of my belief they were prompted by the political leaders for the purpose of engendering difficulties between the white and the colored men.

By Mr. JONES :

Q. You said when the sheriff went down to arrest those parties who had driven your hands out of the field, you went to the railroad station and telegraphed Governor Chamberlain to send a force down to quell the riots ?—A. Yes, sir ; I telegraphed him the state of affairs there, and I telegraphed besides Lieutenant-Governor Gleaves.

Q. Did you receive any answer ?—A. Not from Chamberlain.

Q. Did you receive any answer at all ?—A. I did from Gleaves.

Q. What did he say ?—A. He said that he could not come.

Adjourned to meet at 10 o'clock a. m. Tuesday, December 26.

CHARLESTON, S. C., December 26, 1876.

ISAAC B. RIVERS (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochran) :

Question. Where do you reside ?—Answer. I reside in Charleston.

Q. How long have you lived here ?—A. I arrived here on the 18th of February, 1865, and I have not been out of the city since.

Q. What State were you born in ?—A. I was born here in Charleston County, on Edisto Island.

Q. How old are you ?—A. I am now, sir, twenty-nine years old.

Q. Were you at the colored democratic meeting which has been spoken of by Mr. Barnwell, in September, in Charleston ?—A. I don't know what particular one he might have spoken about, but I have spoken to two or three democratic meetings, sir, the first one in the same hall, up-stairs.

Q. Did you speak at the meeting which preceded the riot ?—A. I spoke at a meeting in King street, on the 6th of September, at the corner of George and King streets, in the hall known as Archer's Hall, on that night.

Q. Was there any other colored man spoke there ?—A. Yes, sir.

Q. Who ?—A. Jenkins, Sawyer, Riley, and myself.

Q. Well, just state what occurred at that meeting, what threats, if any, you heard, and what occurred after the meeting.—A. I heard nothing prior to the organization of the meeting. After it was organized I went there and found my friends ready, and they received me with great enthusiasm. Unfortunately I was called upon to address the meeting as one of the first speakers. After the meeting adjourned I started to come home, and, as I came out of the hall, (it was in the night-time, and not exactly a bright one, rather a very dark one,) I heard the remark, "Rivers is coming now. Here is the damned democrat son of a bitch. He ought to be killed." I immediately returned to the hall and informed my friends that there was something looked very unpleasant outside, and I asked that they should protect me or see me home. I did not feel myself safe in going home.

Q. You told the white men this?—A. Yes, sir; all white men. It was a democratic meeting. They saw me home, or rather attempted to see me home, and, on our way to my residence, we were attacked by this crowd. Before the attack was made the crowd advanced pretty heavily right upon us, and when I say heavily I mean a good crowd, say two or three hundred men, and the cry was raised, "Kill that son of a bitch." A rock or stone, or something of that kind, was hurled into the crowd; I suppose aimed at me, but struck the man just behind me, a white man, who, in return, fired back at the crowd. I knew that I was the bone of contention, and I said to the white men that were with me, "Gentlemen, you better see me in the citadel or some place near by, because danger seems ahead." I was just a little above the citadel at the time, and a general fusillading or firing began right off on both sides. I then succeeded by the aid of some gentlemen in being carried into the citadel. There I remained until morning. What took place after I was escorted there I could not positively say, unless you take secondary evidence.

Q. How many people did you say there were in this crowd?—A. I suppose about three hundred.

Q. Negroes?—A. All of them to a man, and republicans.

Q. Why did they make an attack on you?—A. Because I had identified myself with the democratic party.

Q. Did you hear any threats made prior to this time or after this time against you for being a democrat, and, if so, what?—A. As I before stated, this was done on the 6th of September, but on the Friday night prior to that, in ward eight, I was attacked and most inhumanly outraged by republicans. It might have been by that very crowd, but they were republicans, anyhow.

Q. By republican negroes?—A. Yes, they were colored republicans.

Q. Well, what did they do to you?—A. Well, sir, there were more than four hundred in that crowd. As I came out of the hall to come home—

Q. You had been speaking in the hall?—A. I had not spoken that night.

Q. But you had been in a hall where there had been democratic speaking?—A. Yes, sir.

Q. Well, go on.—A. As the meeting adjourned I walked out of the hall to go home, and on arriving at the door coming into the street I was collared rudely by some one in the crowd; and at that time the cry came from all about, "Kill him! kill him!" and I called upon the police for heaven's sake to keep the crowd back, or allow me to defend myself if I could do so. At this time the crowd became so turbulent that the police had to abandon me, and I was knocked down, and the first thing I knew of myself at all I realized myself the next morning in the house of somebody on the corner of Cumming and Spring streets.

Q. What else was done?—A. What else was done after that I don't know. I was struck with a rock and I fell down helplessly. I had just crossed one street; whether or not it was Smith street I could not say. But I was going across the street, which I found out next morning to be Cumming street, when I was struck and fell.

Q. What more occurred to you, if anything?—A. I am still subject to social ostracism daily. I have never had any violence offered to me since.

Q. Have you been threatened?—A. O, I have been threatened times without number.

Q. Since the election?—A. Since and prior.

Q. By colored men?—A. O, yes, sir.

Q. What were the threats?—A. That men like me should be put out of the way; that I had no right, as they claimed, to join the democratic party or affiliate with them in any capacity, particularly in a struggle like this. Some of them went far enough to say this: "He ought to be killed, and it will be done." I did not care about talk, so that they did not put it into execution.

Q. Do you really feel safe, or do you fear that some violence may be done you?—A. Why up to the present time I am fearful while walking in the street. I would say that, up to last night, just going out from my home to get something—for I could not take part in the celebration or jubilee Christmas holiday, or whatever you may call it—I was fearful of personal injury.

Q. You remained indoors yesterday?—A. I remained partly indoors.

Q. I wish you would state whether the negroes of Charleston County were allowed a free choice as to how they would vote in this last election?—A. Why, no, sir. I will give you an illustration of that: The colored people here were made to believe—and I say this authoritatively, because I was, prior to this, affiliated with the republicans and had been one of the big guns, as it is termed, in the political circle, taking the stump right around here for

them, and I knew the doctrine they used to preach, though I never tolerated that thing myself; but they taught that the colored man must support the republican party cateless of the men that were put up for office, and if they deviated from that policy they should suffer even death and worse than death if anything could be done worse.

Q. If I understand you correctly, you have in times past been a prominent republican among your race here?—A. I was one of their stump-speakers during their campaign.

Q. What prevailed upon you to change your views?—A. Well, sir, after the nomination of General Hampton, or rather prior to that, I have said in conversations with Governor Chamberlain—I informed Governor Chamberlain to that effect, I believe, in May last, when he came down here. I was taking the political stump right through the different islands here, John's, and Edisto, and Wadmelaw. At Wadmelaw I remarked to him, "Governor, if the independent republican party goes down in this country, I cannot support the regulars. I must go over to the democrats." He expressed his unwillingness for me to do so, but said it was unquestionably a right of mine, and I could take my choice if I desired, which I did. Soon after I was informed that there were two parties here, one the independent republican, and the other the regular republicans. Soon after that, as I learned that the independent republicans must go down, I attended their last meeting, and when they called on me to give my views, I responded telling them that it was the last time I would make a republican speech: that I would go over to the democratic party; that I could not support the class of men that the regular republican party desired me to support; that I had done that long enough.

Q. Do you know of any influence having been exerted by republican stump-orators or others to frighten the negro women into influencing their husbands by threats, and so on, to vote the republican ticket?—A. I don't know of any influence being exercised by any leading men upon the negro women to urge their husbands, but I do know that they have done it.

Q. Do you know whether republican orators appealed to the fears and prejudices and superstitions of the negroes?—A. Yes, sir; that is one of their hobbies.

Q. What did they say, if anything?—A. On most all occasions one of the strongest points of their arguments is that part, that if the democratic party gets into power they will put them into slavery. They brought up before them the picture of slavery, with their wives being sold, and their daughters carried to the work-house, and things of that kind. People devoid of intelligence fell an easy victim to such arguments.

Q. How have those negroes who have voted the republican ticket been treated by their colored brethren on the other side?—A. Why, sir, I want to say that I could answer that question by saying that even in the places of worship the men who were known to affiliate with democrats cannot enter with any peace nor safety. And my reason for saying this I would as soon as not state. On one occasion I was asked by one of the better class of republicans, a brother of my church, to go around and take part with him in what is customary in colored people, sitting up with the dead. I went, but as I arrived at the place where the deceased was laid out, every one of the family, and part of the women in the place, the moment that I entered got up and went out. They were not going to stay in a place where a negro democrat was; and I suppose that is the way all the rest have been treated. Since the election I don't believe that I have met on the street two colored women that have not accosted me with "That democratic negro, he ought to be killed," or something like that, and that has been the case from the day of election up to this time.

By Mr. JONES:

Q. Are you a preacher?—A. No, sir.

Q. Do you belong to a democratic club in this city?—A. After I joined the democratic party I formed a club. It was at one of those club-meetings where some of the difficulty I told you of occurred.

Q. Were there other colored democratic members of the club?—A. O, yes, sir; there were a goodly number of them.

Q. Did they stick to the club until the election?—A. They did. At a meeting of the colored central democratic club which we had in the city the week prior to election, in the Queen Street Hall, we numbered about 875 members.

Q. Did they remain in it until the election?—A. They remained there. A week prior to the election we called a meeting, and all answered to their names and participated in the meeting. Every man who joined the club gave his reason for joining, and we never put an oath to any man. He would simply say, "I will stand by this side of the house."

Q. They stuck to it up to the election, you say?—A. Yes, sir.

Q. Did they after?—A. I have no doubt, sir, but they did.

Q. Do you know that any of them were deterred from voting by threats of their friends, such as you have experienced yourself?—A. Well, I believe they were subjected to a similar experience, because I saw a great deal of it on the day of election. It did not terminate seriously; and when I say seriously I mean this: that I know a republican to have said to a democrat, "You negroes ain't going to vote that ticket;" and they replied, "Yes, I am." And the reply was, "If you do, we are going to do so and so; it ought to be done." But it did not prevent him voting it. In Charleston we were prepared that every colored man who desired to vote the democratic ticket should do so.

Q. I understand you to say they were told that something would be done to them by the opposite party if they did vote the democratic ticket?—A. O, certainly; that was the report the morning of the election; so much so, that some white men came to me, I being badged up with Hampton regalia, and said, "Rivers, are you not afraid of going down there?" and my remark was, "I am an American citizen, and if I die in the attempt, I will go and exercise that right."

Q. But you were insulted?—A. O, there is no question about it, right at the poll; but they did not lay a hand on me that day at the poll to undertake to prevent me by force. They tried argument, and what they considered reason.

Q. Do you know that your club would have been much larger and you would have had a much larger vote if it had not been for these violent threats and intimidations?—A. I believe that, for this reason: that there were colored men who congratulated me, and were astonished at the amount of nerve I possessed in going out with the democrats and making the speeches I have made in this county and city in the face of the violent opposition I have encountered daily and hourly.

Q. Have you ever had the chance of going to school?—A. Well, I have a little.

Q. You can read and write?—A. Yes, sir.

By Mr. BANKS:

Q. What do you say your age is?—A. I am 29 years old.

Q. How long have you been a voter and how many years have you voted?—A. I believe it was in 1868 I cast my first vote.

Q. You were a republican up to the present year?—A. I was.

Q. What made you a republican in 1868?—A. When I was emancipated I was told and led to believe that it was the republican party that freed me, and, if I should vote at all, to vote for the perpetuation of that party, and I did so.

Q. Who did you vote for at that time?—A. I worked principally for Grant and Colfax.

Q. Where did you live at that time?—A. At that time I was working with some colored people.

Q. What were you doing?—A. In the city here, I used to work with a ship-carpenter.

Q. Did the white men take part?—A. They did not at that time. They had no strength then.

Q. When did the white people begin to take part?—A. It was in 1870.

Q. Did they exert themselves to influence the colored men to vote with them?—A. I do not know whether they did or not.

Q. Did they ever deprive them of employment?—A. I do not know, sir; no attempt was made to influence me in that way, and I was as conspicuous as any other colored man around here, except those who held office.

Q. This was in 1870, and you were working with colored men?—A. I was not working with them, I was an officer of the court of common pleas.

Q. Did the white people never attempt to influence the colored men to vote their ticket otherwise than by arguments?—A. Well, I could not say positively about that, because I refused in the outset to say anything that came to me second-hand. I never, of my own knowledge—

Q. When did you begin to make speeches?—A. O, I began that, sir, in 1870.

Q. You have been a prominent speaker, what was considered a big gun among them?—A. Yes, sir; they called it so.

Q. Have you been a candidate for office at any time?—A. I never was.

Q. What do you call the social ostracism to which you were subjected?—A. Well, my race, when I would associate with them in a social way, would ostracise me; they would avoid having anything to do with me; and in doing that they would utter words of disapprobation of my being with them, calling me vile names.

Q. They would not receive you in their company because you were a democrat?—A. No, sir.

Q. They would not allow you to come to their church in peace?—A. I could go to the church at great mortification of feeling; as to their actions and carrying on in my presence, they would seek in every way possible to humiliate me.

Q. Did they not have a right to choose their own friends?—A. I have been one of their friends.

Q. They had a right to choose their friends besides you.—A. I did not question that.

Q. Well, now, about sitting up with the dead. Don't the friends of a deceased person generally invite those that they want to sit up with him?—A. Yes, sir.

Q. Do you consider it an injury not to be allowed to sit up with them?—A. I would state here that prior to this thing, while I was not a preacher, that I am one of these religious men that meet at these places and sing psalms and so on. I would sometimes offer up a prayer in the church, and I was known as such.

Q. What sort of women were these that generally accosted you as being a democrat negro, and so on?—A. I confine it to colored persons. I took this to be the reason for it; whenever they do not do it, that they either don't know me or that they think themselves too much of ladies to disgrace themselves by talking to me on the street.

Q. You were kindly received by the white people?—A. I was. They are the only friends I have politically.

Q. The masses of the colored people—you were not well received by them, I suppose.—A. I would answer that, except those that are really vindictive and in violent opposition to them, the colored people generally received great kindness from the whites.

Q. The moment a republican became outspoken in his opinions, then he was well received?—A. I could not say yes to that, for the reason that I was known as a republican prior to being in the democratic party, and I have yet to know one democrat in town that knows me that said anything ill of me. To the contrary, they have praised me, knowing what limited chances I have had to obtain what intelligence I possess.

Q. When you were with the whites and after you had left the colored people, might not the colored people be disposed to include you with the whites, because you had left them and you were where they could not go?—A. Yes, they could go there.

Q. It seems to me, from your statement and the way of expressing yourself, that you are a man of considerable intelligence. Now, generally the colored people cannot understand these questions as well as you.—A. I would answer, without being considered an egotist, that I must concur that they do not.

Q. It is not to be expected of them that they should understand these questions as well as you do. Take, for example, their apprehension about being put into slavery. They might very honestly have such fears?—A. I don't justify that apprehensive feeling, when I have myself on more than one occasion addressed open meetings of democratic negroes and explained it.

Q. But these other people could not understand this question as you do. Now, might not that be the reason for their dislike of your position as a democrat, without having against you any political feeling or animosity. If they had been as intelligent as you, they would have been with the democratic party perhaps; but not being intelligent, they would adhere to what they think their own interests?—A. There are colored men still there, good speakers, in an intelligent point of view better informed than I am, and yet they are with the republicans.

Q. They were afraid of being put back into slavery by some possibility, and they did not want to associate with you, who would be an instrument of their misfortune if it should come?—A. Perhaps they so considered it.

Q. Well, now, have you ever known the white people to use any improper influence of any kind, either by discharging from employment or promising employment, or giving money, or making promises of any kind, to influence the colored people?—A. I don't know that personally; I have heard these things.

Q. What is your best knowledge and belief in regard to that?—A. Well, my best knowledge and belief is that a man—I cannot speak on that subject except as a supposition.

Q. Let me ask you if the colored people have been in all this time since 1868 perfectly free to express their opinions, to hold meetings, and to vote for themselves, without any interference on the part of other people? Do you know whether that is so or not?—A. I don't know it personally.

Q. You don't know that they had this privilege?—A. Certainly; I know that they had the privilege of speaking, and holding meetings, and exercising their political judgment, and expressing their sentiments without molestation from any other political meeting or political ideas, from the fact that I have been with them, and at all the meetings which I have attended I have not been molested.

Q. Do you know that the white people have interfered with them?—A. I don't know it directly, as I remarked.

Q. You don't know that you have ever interfered with them, and you don't know that they have not had their right to free speech and free opinion and free thought interfered with? You don't know of anything to prevent that of your own knowledge?—A. I do not, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Do you know that in all the meetings which you addressed when you belonged to the republican party, and in all meetings which you attended when you belonged to that party, the colored people were allowed a free right to be heard?—A. Free right and free expression, as I remarked. I was one of their big guns, and I was never disturbed in any of my speeches, except from the republicans when they got a little too happy themselves.

By Mr. JONES:

Q. I understood you to say that while you were a republican you had no difficulty in expressing your opinions, and you saw no difficulty on the part of other colored people holding their meetings and expressing their opinions?—A. That is what I said, sir.

Q. But when you joined the democratic party you found great difficulty in speaking your opinions, and other colored men also were deterred from holding meetings and expressing opinions as democrats?—A. That was attempted. While we were republicans certainly nobody molested us. The democrats did not do it; republicans ain't going to do it; but since we have become democrats, none of the people that joined that side of the house could meet without a rifle-club or a squad of white men to protect us from violence.



Q. Have you ever seen any unkindness manifested by the white people against the colored people because they were republicans and differed with the whites?—A. No, sir. I have already answered that question.

Q. What has been the feeling, so far as your observation has gone, of the colored republicans against the white people who were democrats?—A. To answer that I will have to say that the line in this campaign was drawn very tight. The chances were magnified into very great importance by the politicians, so much so, that the colored people were urged to stand by the republicans, and whatever they did, do it in behalf of the party; that if the democratic party was successful, then freedom would go along with the incoming of that party; and it became so fearful that the colored people were decidedly more turbulent in this crisis with the whites than the whites were with them. They would pick difficulties.

By Mr. BANKS:

Q. The democrats have not manifested any of this feeling at all?—A. I say that the chances were so great that both parties considered it a life-and-death struggle.

Q. Then the democrats have committed as much violence as republicans have in this death-struggle?—A. To my knowledge, I could not say that.

Q. Have they committed any violence in this death-struggle?—A. To my knowledge, I can say that the colored people have committed most of the violence, because I was witness of most of it myself.

Q. Have the democrats committed any violence at all?—A. They have not, to my knowledge.

— CHARLESTON, S. C., December 26, 1876.

J. B. BISSELL sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. What is your age?—Answer. I am forty years old.

Q. Where do you reside?—A. I live in Charleston, sir. I am planting in Colleton. My residence is between the two places.

Q. How long have you resided in South Carolina?—A. Well, pretty much all my life, sir. I was born in Alabama, but I have been living here now twenty-six years.

Q. Were you in Colleton County just prior to the election?—A. Yes, sir.

Q. For what period of time were you there?—A. Well, I used to go up most every week on Wednesday and come in on Saturday night.

Q. You have a plantation there?—A. I have eight plantations in that county.

Q. How many negroes do you employ?—A. About eight hundred negroes.

Q. Will you state, if you please, whether there was any intimidation of democratic negroes by republican negroes in your county; and state the facts within your knowledge bearing upon that matter?—A. Well, I can only state generally what took place just previous to the election. Previous to the election the negroes in that section of the country were outspoken that they would not allow a democratic negro to vote at the polls. That was just about the rice-harvest time, just previous to the election.

Q. What threats, if any, were used toward the colored people?—A. They used threats that if any negroes joined the democratic club which we had formed there that they would murder them. These clubs were formed just previous to the election.

Q. Was there any violence used, so far as you know, toward any negroes who proposed to vote the democratic ticket?—A. Yes, sir. I know that there was violence used toward a number of them. We had in our precinct about seventy-five negroes who joined the democratic club, and there was violence used toward a great many of them, and threats made against all of them. More than half of them have been whipped.

By Mr. JONES:

Q. Those who joined the club?—A. Those who professed democratic principles. The republican negroes went so far as to say that those who worked for me as democrats would be whipped, and they did whip them, and I have got proof of it here—the negroes themselves who were whipped.

By the CHAIRMAN, (Mr. Cochrane:)

Q. How many of your men were whipped?—A. Well, I could not say exactly, but I should judge not less than twenty to twenty-five. You see, the whole of this club were not men that were working for me. Some were my own and some were others', but about twenty or twenty-five of mine were whipped.

Q. Were any of them badly whipped?—A. I have never seen a slave in slavery times whipped as badly as some of these men were whipped. I have a likeness of one here, which was taken just after he was whipped. I did intend to send it to Frank Leslie's, to show the condition of affairs here. [The witness produced and submitted to the committee the photograph of the colored man referred to.] This man is here now.

Q. Just state how the man whose likeness you have produced was beaten.—A. Well, sir, he was whipped by women and men, and he tells me that the men had wires on the end of their whips. I supposed so from the way his face was cut up. He was almost blind.

Q. Was he cut in many places?—A. He was cut all over his body, but his eyes, as you see from the likeness, were nearly closed.

Q. Was he bloody?—A. Yes, sir.

Q. Just describe his wounds.—A. Well, sir, his left arm (I think it was his left arm) was almost broken. He had been beat with clubs. He was beaten up until I think it was dislocated, and his face was cut up, and his left eye, my brother, a physician, told me he would lose. He has recovered from it, however. His body and his chest were all gashed up. As I remarked, never in slavery times did a slave get such a whipping.

Q. He was cut with a lash all over his body?—A. Yes; from his head down to his feet.

Q. Was he bloody about the body?—A. He was bleeding on his chest and on his arm, and he had very little use of his arm at the time. He said the woman beat him on his arm.

By Mr. JONES:

Q. How long after he was whipped did you see him?—A. He came to me the next day. I was there the day he was whipped, and I came down on the cars and did not know that he was going to be whipped, but the next day he came to see me.

By the CHAIRMAN, (Mr. Cochrane:)

Q. I understand you to say that you know of a great many such cases?—A. Yes; I can bring you a great number, if you wish. Numbers of them had to swim a deeper river than the Charleston to get out of the way.

By Mr. JONES:

Q. What river is that?—A. The Combahee.

By the CHAIRMAN, (Mr. Cochrane:)

Q. If it had not been for these threats, this whipping, and the intimidation used by the colored republicans, would there or would there not have been a much larger vote cast for the democratic ticket?—A. We would have had five times as many votes had it not been for this intimidation. They were afraid of their own color, they being in a majority of almost ten to one in Colleton. It required a great deal of moral courage for a negro to come out and assert he was a democrat.

Q. At what polls do you mean that you would have had five times that number of negro votes?—A. I mean within a radius of ten miles of Ashepoo and Blue House polls.

Q. How many negro democratic votes, or about how many, were given in those two polls?—A. I think not over sixty or seventy at Blue House, and I do not think over twenty at Ashepoo. I am only guessing at this, but I know that we would have got five times as many at each place except for the intimidation. We did not expect to beat at all. I can tell you that the intimidation in this section of the country has been the cause of breaking me up, and I know that I work more hands than any man in South Carolina. I have lost from forty to fifty thousand dollars, because the negroes were not allowed to work for me. Those who were democrats were not allowed to work for me because they were democrats, and they were working for a democrat. The republican negroes were banded together to prevent any democratic negroes from working. They would not allow the democratic negroes to work, and they would not work themselves. I employed a great number of hands. I paid out about \$85,000 a year in wages to laborers.

Q. Have these strikes by the negroes a political significance?—A. Yes, sir; they had. A month just previous to the election it was impossible to get a single official in that county to act in the arrest of any of these rioters, simply because they were all office-seekers, all running for office, and there was no justice done. You could not get a thing done. I appealed to Chamberlain in the matter.

Q. Did he aid you?—A. No, sir; he did not. I telegraphed him to send me United States troops.

Q. If I correctly understand you, the contest between the colored people and the employers was not so much one of labor as of political significance?—A. The negroes were perfectly satisfied with the wages we were giving. These very negroes got \$1.50 for a half a day's work; they got through about eleven o'clock. It had nothing to do with wages, because they got through and had no trouble with it. These strikers came into my field when they whipped these negroes, and mashed down immense quantities of rice.

Q. How long have you been planting in Colleton County?—A. Since about five or six years previous to the war.

By Mr. BANKS:

Q. What was the occasion of your paying these negroes \$1.50 a day for a half-day's work?—A. In our low country we work entirely upon what is called task-work—that is, not by day's labor, as they do at the North; therefore they would get through with their task by eleven o'clock in the day, and we gave them so much a task—\$1.50 a task.

Q. What is a task?—A. Cutting one acre of rice.

Q. Do all your hands get \$1.50 for a half-day's work?—A. Many of them get \$2—that is, they could do it all by one o'clock. We call it a day's labor, but very seldom you find one of the hands in the field after one o'clock.

Q. How many do you have who could do it?—A. All of them could do it. They could make \$3 a day; they could do two tasks. An up-country negro could not do that. In the low country before the war the overseer would have to ride long distances in pine-lands from one place to another, so that the plan of forming gangs and working tasks was formed, in order that the overseer might get around.

Q. What was the cause of this strike, which occasioned a loss of forty or fifty thousand dollars on your part?—A. Well, I think it was caused from politics.

Q. What was the strike itself; did all your hands join the strikers?—A. No, sir; more than half of them wanted to work, but the majority of the negroes in that section would not let them work. The strike was a general one.

Q. How long did it continue?—A. Three weeks, I should say it was, sir.

Q. What terminated it?—A. Because we gradually got through.

Q. The strike did not cease until you had got your work done, and then there was no more work for these people?—A. The strike only ceased during the election; they worked up to that time.

Q. There was no abandonment of the strike?—A. No, sir.

Q. Was there nothing said about wages in regard to this matter?—A. We originally gave a dollar a task—that is, from the end of the war up to this time. This year we commenced with a dollar, and they demanded a dollar and a half, and we gave in to them. No sooner did we give in to them than they demanded two dollars.

Q. That was the cause of the strike on their part?—A. I do not think so, sir.

Q. You did not give them two dollars?—A. We did give them two dollars, and they would not work for it. We would not have given them two dollars, only we were compelled to do it or lose all—that is, they were willing to work, but they were not allowed to work by what they called the majority.

Q. What was the pretext or pretense that they should not work, having been paid two dollars a day?—A. They seemed to be acting under instructions.

Q. I want to know what the pretext was.—A. They struck on the dollar and a half, and we gave it, and then they demanded two dollars, which we finally had to give.

Q. Were you willing to, and did you, employ republicans?—A. I employed more republicans than democrats.

Q. You employed all of your people without distinction?—A. Yes, sir; I employed them without distinction.

Q. And paid them the prices they asked?—A. Yes, sir.

Q. Well, they would not work. Now, what was the pretext upon which they refused to go to work for two dollars a task?—A. They refused upon the same ground they did upon the dollar and a half.

Q. When did they strike the second time?—A. The last strike was when we were very nearly through. I did not give them two dollars until they were very nearly through. I did work not a great many at two dollars, but I wanted to save my crop.

Q. How many did you work at two dollars a day?—A. Very few; I could not say exactly how many hands I worked. If I was pushed to-day I would give it, but if I was not pushed I would not give it.

Q. Was there one hand that refused to work for two dollars?—A. I do not know of any.

Q. How do you come to say that these strikes had nothing to do with the wages?—A. I say this: Why would they intimidate the few democrats that I brought down to do the work? I could have worked just as many hands as I wanted to at a dollar and a half, but they were not allowed to work by the republican negroes.

Q. What reason have you for saying that this had nothing to do with wages, when they were willing to work for a dollar and a half until they asked more, and then were not willing to work when you would not pay them the two dollars?—A. I will tell you why: Hundreds of negroes told me that they were perfectly willing to work for a dollar and a half, but they were not allowed to work.

Q. But they did not work?—A. I do not say that they would not work, but that we did gradually work through. I told you first that we gave them a dollar, and then they wanted a dollar and a half, which we gave way to; then they demanded two dollars, and I refused to give way on that to all on my place, but I gave it to some; and the majority of the negroes through that country said, "You shall not work for that amount."

Q. You were willing to employ as many as would complete your work and not any more, and they interfered with you upon that?—A. They interfered, and said the negroes should not work.

Q. You have never known one man who refused to work if paid two dollars a task?—A. They were willing to work.

Q. If they were willing to work, and you were not willing to employ them for the wages they demanded, it was a question of wages between them?—A. Not between us, because I gave them the wages which they demanded.

Q. If you gave a part of them two dollars and were not willing to give the others two dollars, it was still a question of wages.—A. I could not get along on a plantation making distinctions. It would be impossible to work one man for two dollars and give another a dollar and a half.

Q. How many did you pay two dollars to?—A. I paid two dollars on the Beaufort side—I suppose a hundred hands for about two weeks.

Q. That is as long as you wanted them?—A. On that side of the river I got through, but I lost a great deal of my crop, because they were not allowed to work at a dollar and a half. Just as soon as the gang would go into the field and commence work these fellows would come in there and whip them out.

Q. They were not willing to allow them to work at a dollar and a half, but they were willing to allow them to work at two dollars; but you were not willing to pay them that amount?—A. I do not think it was a question of wages.

Q. You say that if it had not been for the intimidation of which you spoke that there would have been five times as many democratic votes?—A. That is my opinion, sir.

Q. Upon what do you found it?—A. I say it because numbers of republican negroes openly said in my store that if those negroes joined the democratic club and attempted to vote the democratic ticket they would be killed.

Q. You do not know that they interfered with them?—A. I know it for this reason, that the democratic negroes were afraid all the time of being killed or hurt.

Q. You do not know that any one of those negro men was a democrat and did not vote the democratic ticket?—A. An avowed democrat voted his ticket. I think that those who joined and had moral courage enough to come out did vote the democratic ticket, but I believe the intimidation prevented others from joining.

Q. What reason have you for assuming that there was one democratic vote more in this precinct of Ashepoo than those twenty who voted?—A. I only assume this; that the negroes themselves have told me that they would join the club, but were afraid to do it.

Q. They told you that they would have joined the club, but that they were afraid?—A. Yes, sir.

Q. Did they tell you that they would vote the democratic ticket?—A. I did not ask them that.

Q. Did five times as many of these men tell you that they would vote it?—A. I only give you an idea of my own of those that were prevented from joining.

Q. You say that a negro in your employ says that he would join the club if he was not afraid, and then you swear that you knew that he would have voted. The only ground that you have for that assumption is that these negroes told you that they would have joined if they had not been afraid. Now, I will ask you, have you ever had anything to do with politics?—A. No, sir; and God forbid that I ever should.

Q. Then you do not know that a man engaged in any election thinks that he is going to get more votes than he really does?—A. I think a great many of them get deceived.

Q. And you have been deceived in just this manner?—A. I have never asked a negro man to vote the democratic ticket, and of course I did not expect anything, and therefore was not deceived.

Q. In regard to this man who was beaten, did he work for you?—A. Only for a week or so.

Q. Did he work for you when he was beaten?—A. I did not see him whipped. I saw the marks upon him, but I did not see him beaten.

Q. Well, how do you know, then, it was because he was a democrat?—A. I knew he was a democrat when I employed him.

Q. How do you know he was beaten for that?—A. Only from what he told me himself.

Q. How do you know that he had not quarreled with some of those men?—A. I knew he had not, because he did not belong to that section of the country at all.

Q. It is not impossible for negroes to quarrel who do not belong in the same section?—A. No, sir.

Q. This loss of forty or fifty thousand dollars which you have experienced this year was caused by this strike?—A. It was caused by the negroes not being allowed to work for me that I wanted to.

Q. Was it because the negroes refused to work?—A. It was not that they did not want to work, but because they were not allowed to work.

Q. Is it because they did not work?—A. Of course. If the rice is wasting and they are not allowed to work, how could—

Q. How do you know that they were not allowed to work?—A. I know it from what I have seen.

Q. What did you see to interfere with their working?—A. Because right on my plantation I met one of the leading negroes, and I said to him, "Why are you not working today?" He said, "Because they will not allow us to work." I said, "What is the reason?" He said, "The strikers will not let us work." I said, "What do they want? Do they want an increase of wages?" He said, "We do not know what they do want, but we are not allowed to work at any price."

Q. You say all the information you have is that they told you that they were not allowed to

work?—A. They told me they were not allowed to work. I got it from the negroes themselves.

Q. Have you seen any person interfered with?—A. I have seen them interfering with gangs, ordering them to stop work.

Q. How large a gang?—A. A gang of from 100 to 150—not men altogether—some women with them.

Q. You have seen that with your own eyes, and you know that these gangs did interfere personally?—A. Yes, sir; I have seen them marching through a field and all the laborers ordered out.

Q. I want to ask you this question: After these people were driven out of the field, or prevented from working, by this gang of 100 or 150, would they stop work?—A. A gang of 150 of these negroes would gather together and march on a place where there were a hundred hands at work, and order them out of the field. If they did not come out they would whip them out, and, of course, having a double quantity of men, they would overpower the others. No sooner would this lot be whipped out than they would take the gang and march on the next field.

Q. Now, I want to know how many were in these gangs?—A. They averaged from a hundred to a hundred and fifty.

Q. How many was in the number that was prevented from working?—A. Sometimes there were from 75 to 100 in the field. The gang that came in to prevent the workers always outnumbered the working gang. They were the strongest gang.

Q. Now, you say that there was no question of wages; that it was politics; that it had nothing to do with their wages?—A. I have never heard that.

Q. Did you ever make any declaration to these people that unless they voted the democratic ticket they would not be employed?—A. I have never spoken to my men on politics in my life.

Q. Has that been done as a general thing?—A. I do not know of a man in our country who has sought to induce a republican negro to vote the democratic ticket by the use of such means.

By Mr. JONES:

Q. You say that you have had great difficulty with your laborers?—A. Yes, sir.

Q. You employed about eight hundred hands?—A. Yes, sir; on different plantations.

Q. You have made agreements with some of these hands to work for certain prices?—A. Yes, sir.

Q. And they have been willing to work for those prices?—A. Yes, sir.

Q. And they have gone into the field and commenced work, and other parties, republicans, have come and overpowered them—come into the field and whipped them—and said that they should not work at the price you had agreed upon?—A. Yes, sir.

Q. And in consequence of this intimidation and violence you think you have lost from \$40,000 to \$50,000 in the last year?—A. Yes, sir.

Q. You claim the right, however, to employ whatever negroes you please to do your work?—A. Yes, sir; but I made no distinction, because I needed the labor. I never asked their politics.

Q. If you knew of a republican planter in the county, you would not think it a ground of objection to him if he preferred to employ republicans instead of democrats?—A. Not at all, sir; he has a right to do as he pleases. I have not had anything to do with but one election, and I swore off and have not had anything to do with an election since. I have never asked a negro to vote the democratic ticket, nor would I. I consider that they have just as much right to vote as they please as I have.

Q. You think these strikes were occasioned by this intimidation?—A. Well, I think the cause of strikes was by the action of republicans. The republicans had all the offices in our county; there was not a democrat holding office. I think the object was to cause a disturbance previous to the election. As regards the republican office-holders, I will say right here that there is not a republican in the county I ever had a quarrel with. I have nothing against them except as to the management of the county. There has never been a difference between us.

TONEY COKER (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

Question. How old are you?—Answer. About forty-six years old.

Q. Were you born in Charleston County?—A. I was born about ten miles from Walterborough, in the State of South Carolina. I never been out of the State but two months, to Georgia. I have always lived here.

Q. Where have you been working, and where were you working prior to the election?—A. I was working in Colleton County, about eight miles from Walterborough.

Q. Did anybody whip you?—A. Yes, sir.

Q. Just before the election?—A. Just before the election I was whipped, about fifteen miles from home.

Q. Will you just state in your own way what you were doing, and who whipped you, and all the circumstances attendant upon it?—A. I was whipped by strikers. I know some of the people personally, and some of them I don't know. I was whipped fifteen miles from home, cutting rice for Dr. Bissell on the Cypress plantation. I was cutting rice there, and getting at the rate of \$2 a day. The raiders came in and asked me what I was doing there, and I told them I was trying to make a living.

Q. A gang of negroes, was it?—A. Yes, sir; I call them raiders.

Q. What did they do to you?—A. They said to me, "You damn democrat son of a bitch, what is you doing here?" "Well," I says, "I am trying to make a living. I hain't got a shoe to my foot." "Well," they says, "I'll give you a living presently," and then they jumped on me and whipped me.

Q. What did they whip you with?—A. With raw cowhide whips. About fifteen of them whipped me at one time.

Q. Did they all have cowhides?—A. Some had sticks and some had raw cowhides. Them that didn't have cowhides struck me with sticks.

Q. How many lashes did they give you?—A. About three hundred lashes, I think.

Q. Did they strip you?—A. No, sir; they cut my coat off me.

Q. What with?—A. With the whips and sticks. They cut my coat all to smash. Tom Hamilton came up then, and they got off of me.

Q. Is he a negro?—A. Yes, sir. After they had whipped me they were fixing to knock me in the head and throw me in the canal, when Tom came up. One man named Jeffrey Barnwell came and says, "Just knock the son of a bitch in the head and throw him in the canal now."

Q. While they were all beating you, did they say anything about politics at all?—A. Yes, sir; they were talking politics all the time. They were low country colored people, and I couldn't understand them well, anyhow. They said, "He was at the meeting on Tuesday night." One man says, "I saw the Spanish son of a bitch at the meeting that night."

Q. Was it a democratic meeting they referred to?—A. Yes, sir.

Q. Why did they whip you?—A. Well, sir, the doctor had sent up to get us to cut rice. As the colored people down there wouldn't let any of the rest of them work, he sent up for all the democrats to go down. Well, I went, and my son went, and three more from up there went, and four white men. They was all democrats but two, and the two of us that wasn't democrats they didn't whip.

Q. Why did they whip you?—A. Well, they say, "I saw you the other night at that meeting, you Spanish son of a bitch, and I am going to give it to you." Tom Hamilton took me away from them, and told them that if they killed that man they would have two to kill.

Q. Tell us how you were hurt and when you got away from them.—A. They had whipped me till they cut the coat off me, and they had beat me with a stick till I could hardly raise my right arm, and it hurts me even now. Some of them had wires in their whips.

Q. How was your face; were you beaten upon your face?—A. O, yes, sir; I was in a bad fix with my face. I was cut over my eye and under my eye. They had knocked the skin off my head in two or three places.

By Mr. JONES:

Q. Were your eyes closed from being beaten?—A. Yes, sir; my left eye was entirely closed for about two weeks.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Were you clubbed about the body?—A. I wasn't cut about the body. They cut me in the breast, though.

By Mr. JONES:

Q. What was it done with?—A. Done with a whip.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Were you beaten about the body?—A. Yes, sir; I was beaten with a stick mostly about the body. I hasn't got over it yet with this arm. They like to broke it with a club.

Q. Were you a democrat or a republican?—A. I was a democrat, sir.

Q. How many persons were there, how many colored men, in this crowd?—A. I think there was a hundred and seventy, men and women.

By Mr. JONES:

Q. Was this in the cypress swamp?—A. It was on the cypress causeway.

By the CHAIRMAN, (Mr. Cochrane:)

Q. You said one hundred and seventy men and women were there. Now, how many women were there?—A. I couldn't tell. The women was beating me and the men was whipping me, so that I couldn't tell. I think it was fifteen who was whipping me at one time.

Q. You have said that you have not yet got fully over that beating?—A. No, sir.

Q. How long was it before you could work?—A. Well, sir; I have never done a lick of work until after the election.

Q. I want you to tell me about those strikes among the colored people. Were the colored people not satisfied with the wages they were getting?—A. Well, sir, I cannot tell anything. The fuss commenced about checks, and they stopped with the checks and paid them new money, silver, they say. I didn't see any checks. I was paid every night for what I done.

Q. Were the negroes willing to work for \$1.50 a task if those men had allowed them to?—A. I can't tell how the rest managed, but they wouldn't let me work.

Q. Were there any negroes working for \$1.50 a task?—A. I was willing to work for 50 cents a day, but we tried to get as much wages as we could.

Q. Were there many democratic negroes beaten there that you know of?—A. I won't say anything because I don't know anything about that.

Q. You never saw any other people whipped?—A. I never saw it. Four of us was beaten. My son, in running away, like to have got drowned in the river.

By Mr. JONES :

Q. You knew these men were whipped?—A. Yes, sir; the same day.

By the CHAIRMAN, (Mr. Cochrane) :

Q. How much were you getting at this time?—A. I was getting two dollars a day. We could cut two acres by three o'clock in the day.

Q. How about the others?—A. They was getting the same thing, sir. We had just commenced to cut with the scythe. We cut with the reap hook till the scythe came, and then after that came we got about two dollars a day.

Q. Was this crowd of negroes that beat you composed of democrats or republicans?—A. They were republicans. They said that no damn democrats should come down there to work; that they didn't get enough to cut that rice, and that no damn democrat should come in there to cut; that they planted the rice and they would cut it. They wouldn't work themselves, and they wouldn't let any of us work.

By Mr. JONES :

Q. You said you would work for fifty cents a day?—A. Yes, sir; I was poor, and I would work for anything. I would take more if I could get it.

By the CHAIRMAN, (Mr. Cochrane) :

Q. Was there a picture taken of you?—A. Yes, sir.

Q. When was this taken?—A. It was taken the day after I was beaten.

By Mr. JONES :

Q. Did you remain there and work after you were beaten?—A. O, no, sir; I had to go back home.

Q. Where is your home?—A. In Hendersonville, about fifteen miles from the plantation where I was working.

Q. Did you earn any money down there?—A. Yes, sir; they paid me every night.

Q. And you would have remained?—A. O, I would have remained, sir. I could have made money.

By Mr. BANKS :

Q. When was this that you were whipped?—A. I think I was whipped about the 18th of September.

Q. You state that there were four others whipped at the same time?—A. Yes, sir.

Q. What were the names of the other men that were whipped?—A. It was Alonzo Elliott, and a boy by the name of Moses Desseaux. They didn't whip these men as much as my son. They told them they were radical, and they wouldn't whip them much.

Q. Did these men come from the same place?—A. Yes, sir. We five came down from the same neighborhood together. They whipped four, and one got away. Pompey Burns got away.

Q. All belonged in the same neighborhood?—A. Yes, sir; we all came from Walterborough, Colleton County.

Q. How came you to go down there to work?—A. We sent word to the doctor that we was hard up, and that we would like to work some, if he had anything to do.

Q. Did you know that there was any strike there?—A. We heard about a strike in the spring, but we didn't know that they had struck for higher wages.

Q. What month in the spring was it?—A. In June.

Q. When you went down, what was the condition of things at this Cypress plantation?—A. I found that the crop was all being ruined, and would be lost entirely if it wasn't harvested right away.

Q. They had not been at work then, during this strike?—A. The plantation people was at work, but when the strikers came on them they had to cut out and get home.

Q. They never commenced working much until you got down there?—A. Some of them had never done much at all, till the rice had commenced wasting in the field; and the doctor had to do something to get up his harvest.

Q. When you went to work there they came to you in the field. What time in the day was it?—A. About twelve o'clock.

Q. And there were a hundred and seventy of them?—A. I think so, altogether; half-grown boys and girls, and women and men.

Q. What was said about checks?—A. Nothing was said at all at that time, because they were paying the money every night. I was perfectly satisfied with the money that I was making.

Q. You got two dollars a day?—A. Yes, sir.

Q. How long had you worked?—A. I went there Tuesday, and they commenced on me Friday about twelve o'clock, and I came to town Saturday.

Q. How long did you work each day?—A. Well, it depended upon circumstances. Some days a man can do his day's work in half a day. Some days it will take you a little longer, say till about three o'clock. Some days, again, you know we don't feel exposed to work all day, and the sun is hot, and we go back in the cool of the day and the sun is down.

Q. Who was at the work that day besides the five that you spoke of, how many people; a large number?—A. I think there was thirty of us, altogether.

Q. Where did this hundred and seventy people that came there belong?—A. Some came from Ashepoo.

Q. They lived in that neighborhood?—A. Yes, sir; some five or six miles from there.

Q. Where did they meet?—A. When they came to me, I don't know where they met; but they got their head man, Jack Wineglass. He 'peared like he was general or colonel, or something, as he came riding there.

Q. He was the head man?—A. It must be, because he was on horseback. He's the man that threatened the doctor's life.

By the CHAIRMAN, (Mr. Cochrane:)

Q. What did he say about the doctor?—A. He says, "By God, doctor, seven years ain't too long for me. I'll get you, sir. Seven years from to-day ain't too long." Says he, "I got the paper in my pocket, sir, for not a lick of work to be done on your place, hire or no hire." He didn't say where he got it from. I don't know whether he got it from Chamberlain, Schaffer, or Perry.

By Mr. BANKS:

Q. What did he say about your cutting the rice?—A. He asked what business I had down there. I told him I came to make a living in an honest way. He says, "Who sent you here?" I says, "I came myself." He says, "What are you cutting rice for?" I says, "For money. I am getting two dollars a day."

Q. And they said that they had planted it, and it should not be cut?—A. Yes, sir.

Q. Did they say anything more about it?—A. I couldn't hardly say they did. I was all beat. The whole of them said it.

Q. The difficulty was you were cutting the rice that they had planted?—A. Yes, sir; they said that they wouldn't cut it, and that nobody shouldn't cut it.

Q. You were working for how much a task?—A. We were cutting for a dollar an acre. We were cutting two acres a day—four of us two acres a day.

Q. Did the other people there get a dollar an acre?—A. Yes, sir.

Q. What was the reason that these other people did not work? Did they say why they were not at work?—A. They said that they wouldn't cut it, and wouldn't let anybody else cut it.

Q. You said before that they said that they did not get enough for cutting?—A. They said so, but I don't know what they were getting.

Q. They said they had got an order to stop it?—A. Yes, sir; they said they had the papers in their pockets to whip them.

Q. Wineglass said that?—A. Yes, sir.

Q. Did others say that?—A. Yes, sir; others talked about it.

Q. How long have you been a democrat?—A. Ever since 1865; all my life; and I glory in it.

Q. Did you ever have any trouble before?—A. I never had any trouble. I had heard threats, though.

Q. Did you ever sit for a photograph before?—A. No, sir. Since that they have cut up my cart, and shot my hogs down. I am a peaceable man till they get me up.

Q. You have voted the democratic ticket every year since 1865?—A. Yes, sir.

Q. And never have been whipped before?—A. No, sir.

Q. And not interfered with, with the exception that they have threatened you?—A. Yes, sir.

Q. How many of this crowd of a hundred and seventy were talking at one time?—A. Every one said something. They looked like they were glorious to catch me there to whip me.

Q. That talk or threat about voting the democratic ticket did not alarm you?—A. O, no, sir; because I had always voted the democratic ticket before.

Q. Did you ever work on Dr. Bissell's plantation before?—A. I never worked there, bu



I used to go there to buy rations, and go back to my place on Mr. Beecher's plantation, where I was working then.

Q. Did you know any of those one hundred and seventy people that were in this crowd?—  
A. O, Yes, sir.

Q. Where did they come from?—A. Some came from Ashepoo, and some came from tolerable close to me.

Q. They were people that had been working around that plantation there?—A. Some of them had never been there to work, but they just accompanied to make up this thing.

Q. Were they all republicans?—A. I don't think they were all republicans.

Q. They were all colored people?—A. Yes, sir.

Q. The most of the laboring people are colored people?—A. Yes, sir.

Q. They were not all republicans?—A. I couldn't tell, sir; they might have been one out of eleven was a democrat.

Q. The greater part of the working people were opposed to any stranger coming there to cut that rice?—A. They whipped some on the plantation; on that same Cypress plantation.

Q. Some of whom on that plantation?—A. Some of the same people that lived on that plantation.

Q. Well, then, it had nothing to do with your politics, nothing to do with your having voted the democratic ticket; it was because you were cutting the rice that they planted; your being a democrat made it so much the worse, but they would not have touched you if you had not been at work?—A. I don't know whether they would have whipped me or not, but they threatened me mighty hard; they had threatened me before, but they didn't beat me.

Q. If you had had any occasion to go down the road that day from Hendersonville to Ashepoo, or any other place, you would not have been afraid to go?—A. No, sir; I wouldn't have been afraid, but I didn't know what they might do; they was powerful against the democrats.

Q. You have been in that neighborhood and have voted the democratic ticket for eight years, and had never been whipped before?—A. Yes, sir; I voted the democratic ticket.

Q. You would not have been afraid of three hundred lashes from these people if you wanted to go down to Ashepoo?—A. No, sir; I wouldn't be afraid to go now.

Q. Have you ever seen any of these people since?—A. Yes, sir; I have seen Wineglass.

Q. What did he say to you?—A. He said that if he had got down from his mule he would have given me more.

Q. They did not beat you election-day?—A. If the soldiers had not come down, in five minutes more there would have been the worst kind of a fuss.

Q. Where did they come from?—A. From down here or somewheres.

Q. What was the name of the precinct?—A. Bluehouse.

Q. You have not been beaten since then?—A. No, sir; I never went back to Cypress plantation; if I had somebody would have been killed; they would have killed me or they would have driven me to kill somebody; they just cut up my cart, and shot down my hogs, and did everything to me.

Q. You never heard anything more about these strikes than what you have told me?—A. No, sir.

Q. Were the hands working on all the plantations?—A. Yes, sir; and every now and then they would come in and drive them off.

Q. Were they driven off from all the plantations around at the same time?—A. Yes, sir; at the same time.

Q. You were cutting rice at a dollar an acre, and it took you till three o'clock to cut two acres, and you got your pay at night?—A. Yes, sir.

Q. What did they pay you in?—A. Money.

By Mr. JONES:

Q. What did they whip you for down on the Cypress plantation? What did you understand it was for?—A. Well, I can't tell; they called me a "damn democrat son of a bitch."

Q. Did you think it was because you were a democrat that they whipped you?—A. Yes, sir; it was because I was a democrat.

Q. When Wineglass came up on his mule and said to you that if he had been there he would have whipped you more, why was it; because you were a democrat?—A. Yes, sir; because I was a democrat.

Q. You say that they killed your hogs, cut up your wagons, and injured your property. What did they do that for?—A. They didn't like me because I was a democrat.

Q. Did you vote at the election?—A. Yes, sir; and I voted an open ticket, too.

Q. Did they see it?—A. They said, "The damn democrat; he always was a democrat, and we'll have to let him alone and let him do what he intends."

Q. Were these one hundred and seventy people who came there along with the men that whipped you going about generally finding democrats to whip?—A. Yes, sir; going about raiding upon democrats and those hands in the fields, saying that they wouldn't work, and they shouldn't work.

Q. These men did not own the rice?—A. No, sir.

Q. They were employed for certain prices, and you were employed for a certain price?—  
A. Yes, sir.

Q. How were you treated in the neighborhood where you lived?—A. O, very well, sir.

Q. Were other colored democrats in the neighborhood treated as you were treated?—A. Yes, sir; I was always treated as well as I could expect. They made no distinction in the neighborhood where I lived. They were all treated alike; some of the colored people, though, had a natural grudge against me because I always was a democrat.

Q. Because you were dyed in the wool?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. I want to ask you whether there were any threats used against colored democrats in that section of the country?—A. O, yes, sir; all the democrats there was to be whipped at the polls. Them that was democrats was to be whipped at the polls after the election if they voted the democratic ticket.

Q. This man Wineglass that you have spoken of was a colored man?—A. Yes, sir.

Q. He was a prominent member of the republican party?—A. Yes, sir; it 'peared to me so when he came up there on a mule and made that remark; that he had a paper in his pocket; that he had got orders not to work.

Q. Did any democrat strike you in that crowd?—A. No democrat struck me.

Q. Was there any democratic colored man in that neighborhood that was opposed to your working, or anybody else working, for any price that you or they pleased?—A. No, sir; not at all. No democrat opposed it.

Q. You did not know of one democrat that opposed the people working for whatever they pleased?—A. No, sir. They could work for five cents, or ten cents, or fifty cents, or anything they pleased without the democrats interfering.

Q. Then the class that were opposing you were republican negroes?—A. Yes, sir.

Q. Well, there was a democratic club up in that section?—A. Yes, sir; there was a democratic club meeting the Tuesday night before I came down.

Q. Were any threats thrown out against those clubs?—A. Yes, sir. The boys said, "We'll try the democrats awhile, and if they don't suit us, we'll go back to the radicals again."

Q. Did the negroes threaten what they would do with any man that would vote the democratic ticket?—A. They said they was to be whipped. They said two or three days before that any man that joined the democrat club and voted the democrat ticket will be whipped; if they put any democrat ticket in, they will be killed dead. The soldiers came down there to the polls and said they come to see democrats and republicans vote alike. Five minutes longer, and there would have been the worst kind of a riot.

Q. Negroes generally are not as brave as you are?—A. One hundred and seventy men can overpower any one. I can't fight the whole world.

Q. They are generally timid; easily frightened?—A. The rest of them run from the one hundred and seventy; but I wouldn't run. I staid right there to see what they was going to do; and they knocked me down. I hold up the scythe to keep off their licks; but they struck me down.

Q. Owing to the threats and violence that were used by these republican negroes, were there many negroes that would have voted the democratic ticket that were prevented from voting it?—A. I suppose there were lots that would have voted the democratic ticket; but there were lots that were whipped, and they wouldn't vote it at all. They said there was no law.

Q. Who said that; the republicans?—A. The people said there was no protection for them if they voted the democrat ticket.

Q. You would be afraid to go back to this region again?—A. Yes, sir. I would be killed.

Q. You are a man of family?—A. Yes, sir.

Q. How many children have you?—A. Six. I have one daughter who ain't behaving herself well, and we never owns her; but, counting all, we have six.

Q. You are living with your family?—A. Yes, sir. I have been living with them twenty five years.

By Mr. BANKS:

Q. Who was this Tom Hamilton of whom you spoke? Where did he belong?—A. He belonged at Ashpoo.

Q. What was his business?—A. He was coming down to Cypress there.

Q. How came they to stop when he came up?—A. I suppose Tom Hamilton, being a radical, they listened to what he said.

Q. I understood you to say just now to Mr. Jones that they said they would not have any democrat, nor anybody else, come and cut that rice at that price?—A. They run radical and all out at the time.

Q. It made no difference? It was the price that they cared about?—A. Yes, sir. They had run the people off before, and the doctor went up to get the democrats.

Q. Why did they call you a "Spanish son of a bitch"?—A. Because I am half Spanish.

Q. You live by yourself?—A. I have a little farm of my own.

Q. You are not dependent upon them?—A. No, sir.

Q. Do you speak Spanish?—A. No, sir. My mother was a colored woman and my father was a Spaulard.

RICHARD COKER (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane:)

—Question. You are a son of Tony Coker?—Answer. Yes, sir.

Q. How old are you?—A. Twenty-two, the last 4th of October.

Q. Do you live in Colleton County?—A. Yes, sir.

Q. Do you recollect the time your father was whipped?—A. Yes, sir.

Q. What time in the day was it?—A. About two o'clock. It was about two o'clock, and when the crowd of colored people came they whipped him and then said, "You damn democrat son of a bitch, you shun't work here any more." I asked what was the reason? They said, "Well, we don't intend to let any damn democrat son of a bitch work here. You must go off from here and go home." So I went home and lied up for about a week.

Q. What did they whip you with?—A. They whipped me with a cowhide and they beat me with sticks across the head.

Q. Did they beat you badly?—A. Yes, sir.

Q. How did you get away?—A. I didn't get away. I never got away till Thomas Hamilton took me away from them.

Q. How many lashes did they give you?—A. About twenty-five.

Q. Who were the persons that whipped you—democrats or republicans?—A. Republicans.

Q. What were they saying while they whipped you?—A. They says, "You damn democrat son of a bitch, you shun't work," and I told them that I thought every man was free and had a right to work where he pleases.

Q. Did any democrat strike you?—A. No, sir; no democrat struck me at all.

Q. Did any democrat aid them or encourage them?—A. No, sir.

Q. Did you see a man there named Wineglass?—A. Yes, sir; I saw a man there named Jack Wineglass.

Q. Where does he live?—A. He lives on Mr. Warren's place in Colleton County.

Q. Is he a leader of the republican party there?—A. Yes, sir.

Q. Was he walking or riding?—A. Riding, sir.

Q. What was he saying?—A. Well, sir, he didn't say anything, but just told them to go ahead when they was whipping; to go on.

Q. What was he riding?—A. He was riding a mule.

Q. How many were there of you working in the field at the time of the whipping?—A. There were three white men and five colored men working with me.

Q. How many were there working on the plantation?—A. Well, sir, there was a good many. I think about thirty on the plantation.

Q. Who else did they whip besides you and your father?—A. They whipped a man by the name of Alonzo Elliott.

Q. What were his politics; was he a democrat?—A. Yes, sir; he was a democrat.

Q. Who else did they whip?—A. They whipped Tobe Desseaux.

Q. Was he a democrat?—A. He wasn't.

Q. What was he?—A. He was a radical.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Well, did they hurt you badly?—A. Yes, sir; they hurted me badly. I went home and lied up a weeks afterward.

Q. These other colored men were whipped for working with you, were they?—A. Yes, sir.

Q. Was your father badly beaten?—A. Yes, sir.

Q. How was he hurt?—A. Well, he was hurted too, sir. He had a lick on his shoulder, and he went home and lied up and got well afore he could ever get about.

Q. How long?—A. Well, he lied up about two weeks afore he could get to go about at all.

Q. Did you hear any threats before the election about what they would do to negroes that voted the democratic ticket?—A. Yes, sir.

Q. What were the threats?—A. Well, sir, the threats was that if I voted the democrat ticket they would kill me, and I told them I had a right to vote for who I please.

Q. Do you know of other democratic negroes being threatened?—A. Yes, sir.

Q. Did any of these men that whipped you that day threaten you afterward?—A. Yes, sir.

By Mr. BANKS:

Q. You said that they beat the men that were with you because they were working with you?—A. Yes, sir.

Q. How do you know that?—A. Well, sir, they said that they would beat any democrat that went into the field to work.

Q. But they were not democrats; they were republicans?—A. One was.

Q. They whipped him because he was a republican?—A. They whipped him because he went into the field to work with us.

Q. How do you know that?—A. That he went into the field?

Q. No; but that they whipped him for that reason?—A. Because when they came in the field they whipped him. They didn't give him as much as they did me. Just as soon as they found out what he was, they stopped it, and they gave me more than they did him.

Q. Did they know you were a democrat?—A. Yes, sir.

Q. Had you voted?—A. No, sir; I hadn't voted then.

Q. What was the reason they would not have you at work there in the field; did you hear them say anything about that?—A. Because I was a democrat.

Q. Did they say that?—A. Yes, sir.

Q. Did you hear them say anything about their having planted the rice?—A. Yes, sir; they said the rice was theirs.

Q. And that nobody should go there to work?—A. Yes, sir.

Q. And they drove you off?—A. Yes, sir; they drove me off.

Q. Did they say anything about the price—the money you got for your work?—A. No, sir; they didn't say anything to me about no price.

Q. Did they to your father?—A. They never said nothing to him about no price.

Q. Didn't they say that the price was not enough?—A. When they came they asked me what I was working for, and I told them I was working for what I could get. They says, "We has a rule to work at;" and I told them, "I didn't know you have a rule to work at."

Q. Did they tell you what the rule was?—A. They told me that their rule was a dollar and a half a day, and I told them I was working for what I could make.

Q. Well, what did you get?—A. I received two dollars a day.

Q. How much did you cut?—A. I cut two acres.

Q. Then you got a dollar for each acre?—A. Yes, sir.

Q. You said their price was a dollar and a half. Do you mean a dollar and a half an acre, or dollar and a half a day?—A. Their price was a dollar and a half a task.

Q. They didn't want you in the field because you got more than they did; did they?—A. I don't know, but that's what they said, sir.

Q. They would not complain of your getting more than they did?—A. No, sir; they didn't complain, but they told me I shouldn't work there, "You damn democrat son of a bitch." I told them I thought every man was free and should work where he please. I was satisfied with fifty cents a day myself.

Q. How long had these thirty hands that were there been working in the field?—A. Well, sir, they were working there; I hadn't long got there. I went down there Monday and set into work, and worked, I think, until Thursday at two o'clock. When I went down there part of them was at work.

Q. Had you heard anything about a strike on the plantation before that?—A. They said that they had stopped striking.

Q. Had they gone to work?—A. The strikers?

Q. Yes.—A. No, sir; they hadn't gone.

Q. Well, then, the strike had not stopped?—A. It hadn't stopped then.

Q. Well, what did they strike for?—A. They said that they struck for higher wages.

Q. Well, how much did they get when they were at work before they struck?—A. Fifty cents a day.

Q. Fifty cents a day, and they struck for higher wages?—A. Yes, sir.

Q. And you got two dollars a day?—A. I got two dollars a day.

Q. How did you know that they got fifty cents a day?—A. They said so themselves.

Q. Did they say so at the time of the whipping?—A. They said, "I have been working for fifty cents a day, but I am striking now for higher wages."

Q. How much did they strike for?—A. A dollar and a half a day.

Q. Did they get it?—A. Yes, sir.

Q. Did they go to work?—A. Yes, sir; they went to work afterward.

Q. How long did they work?—A. They worked until the harvest was up.

Q. Are you sure of that?—A. Yes, sir.

Q. All of these people that were in the crowd that whipped you and your father worked?—A. So they said, but I don't know whether they worked or not.

Q. Was the trouble was about the price?—A. Yes, sir.

Q. And then you do not know, only what they told you, how much they had; and they told you they worked for fifty cents?—A. Yes, sir; they told me that, and that they were striking for higher wages.

Q. Were these full-grown men?—A. Yes, sir; womens, mens, and some childrens.

Q. Did full-grown men work for fifty cents a day in that neighborhood?—A. Yes, sir.

Q. And you got two dollars?—A. Yes, sir.

Q. How would it be that they would work for fifty cents a day and you got two dollars?—A. That was before the strike; that is what they told me when they had me up whipping me.

Q. Who was the leader of the strikers?—A. That same man what I was telling you about.

- Q. Wineglass was the leader?—A. Him and a man by the name of Joe Butler.  
 Q. Who was Hamilton?—A. He was the man who took them away from me.  
 Q. Where did he belong?—A. He came from Ashepoo.  
 Q. Did you vote this year?—A. Yes, sir; I voted.  
 Q. Did you vote the democratic ticket?—A. Yes, sir.  
 Q. Where did they whip you?—A. They whipped me all about.  
 Q. At what place?—A. At Combahee Ferry.  
 Q. Who whipped you?—A. Some strikers done it.  
 Q. How many were there there?—A. There were about ten whipped me.  
 Q. What day was that?—A. That was on the 19th of September.  
 Q. That was the day your father was whipped?—A. The same day, sir.  
 Q. You had not voted then?—A. No, sir; I hadn't voted then.

By Mr. JONES:

- Q. You said a while ago that they whipped you for voting?—A. I didn't mean to say that.

By Mr. BANKS:

- Q. Well, did anybody trouble you when you were voting?—A. No, sir.  
 Q. Were there any colored democrats that voted?—A. Yes, sir.  
 Q. Did they have any trouble?—A. Not there, sir.  
 Q. You had trouble when you came into the field that these men sowed?—A. Yes.  
 Q. When you were out of that you had no trouble?—A. They never bothered me when I was out, and they said I must keep away from the field, and if I didn't they would kill me.  
 Q. Have you been into that neighborhood since?—A. No, sir; I haven't been there since.  
 Q. Do you go about the town where you live?—A. Yes, sir, I go about; it is not in the same place; it is about ten or fifteen miles farther.  
 Q. Nobody disturbs you?—A. Nobody disturbs me, because I am right there with the white people; there ain't no colored people where I stay.

By Mr. JONES:

- Q. You say these people who came upon you in the field began to curse, calling you a damn democratic son of a bitch?—A. Yes, sir.  
 Q. Did they say anything to you about the wages? Did they whip you because you were cutting rice for a different price from that for which they had been cutting, or did they whip you because you were a democrat?—A. They whipped me because I was a democrat. I went to a democratic meeting the night before that.  
 Q. You say there was one republican with you, and they whipped him until they found out he was a republican, and then they stopped, and that they kept on whipping the democrats?—A. Yes sir.  
 Q. They did not whip you because of your cutting the rice at a different price?—A. No, sir; they whipped me because I was a democrat.  
 Q. Well, now you say it was on the day of election?—A. No, sir.  
 Q. Did they abuse you when you went to vote?—A. Yes, sir; that same Wineglass come up, and he was talking about the same striking affair, and then my father says, "Ah, Wineglass, you are the cause of my getting so bruised up," and Wineglass says, "They ought to have given you more than what they did."  
 Q. You left that neighborhood then and went back home?—A. Yes, sir; I couldn't work there.  
 Q. Had you lived in town?—A. No, sir; I lived right in the country.  
 Q. Are there more white or colored people around where you live?—A. More white.  
 Q. You are protected there and you are not afraid?—A. No, sir; they are all very civil people where I am—all white people. I am living right among them.

By the CHAIRMAN, (Mr. Coghane):

- Q. There were some soldiers at the polls?—A. Yes, sir.  
 Q. They kept pretty good order?—A. Yes, sir; they kept good order.  
 Q. And the colored men voted there without being troubled when the soldiers were there?—A. Yes, sir.  
 Q. But you have said that before election you heard these same people that had abused you, and whipped you, say to other colored men, that they would whip them if they would vote the democratic ticket?—A. Yes, sir; I heard them say so.  
 Q. And they threatened you if you voted the democratic ticket?—A. Yes, sir.  
 Q. The soldiers being at the polls kept order?—A. Yes, sir. The colored republicans had great clubs at the polls with nails driven into them, and some had old pieces of swords on the end of them, and some had hatchets on long handles.  
 Q. Did they have any bayonets put on sticks?—A. Yes, sir.  
 Q. Did you see any guns about the polls?—A. Some of them had guns.  
 Q. What kind—single or double barreled guns?—A. Muskets.  
 Q. How many colored people were there at that poll that you voted at?—A. Well, sir, I seen about eight hundred.

Q. How many white people were there about there?—A. About two hundred white people.

Q. And about eight hundred negroes?—A. I mean in all during the whole day.

Q. Six hundred colored people and two hundred white people?—A. Yes, sir.

By Mr. BANKS :

Q. How many soldiers came there?—A. I think it was four, sir; there was so many people there that I didn't take particular notice of them, but I knew they were there.

Q. What did these men say to you when they found you were in the field cutting rice?—A. These strikers?

Q. Yes.—A. Well, sir, they told me to "Come out of there, you damn democrat son of a bitch."

Q. Did they say anything about the work you were doing?—A. Yes, sir.

Q. What did they say?—A. When they first came up they came right in, and I had my scythe on my shoulder. They came in whooping and hollering when they first made the charge, and they said, "Come out of here, you damn democrat son of a bitch. Come out of here; come out of here; come out of here;" and they just put it to me.

Q. Did they say who the rice belonged to?—A. They said that it belonged to them.

Q. And that nobody should cut it?—A. They said it was their rice, and that no damn democrat son of a bitch shouldn't touch it.

Q. Well, what did they say to this man that was a radical—Desseau?—A. Well, sir, we were right together, but they carried me off.

Q. What did they say to him?—A. They asked him what he was, and he told them he was a radical.

Q. Did they let him work?—A. No, sir.

Q. What did they do?—A. After he told them he was a radical, they asked him if he came with us, and he told them yes; he came with us.

Q. Did they let him work?—A. He didn't work there. They were willing for him to work; but he said he couldn't work there, because he didn't know what they might do to him.

Q. What did they say to yourself?—A. They said that fifty cents a day was not enough.

Q. What did you say to them about yourself?—A. I told them I didn't care what they could work for; I had to work for what I could make.

Q. How much were you making?—A. Two dollars a day.

Q. Was the reason that they would not work because they did not think fifty cents a day was enough?—A. I suppose so, sir.

CHARLESTON, S. C., December 23, 1876.

ALEXANDER LEWIS (colored) sworn and examined.

By the CHAIRMAN, (Mr. Cochrane):

Question. How old are you?—Answer. I was born in 1852, and I am now twenty-four years old.

Q. Were you born in South Carolina?—A. Yes, sir.

Q. What is your business?—A. I was having wood cut and paying my own hands.

Q. What county do you reside in?—A. Georgetown.

Q. Are you a democrat or a republican?—A. A democrat.

Q. What part, if any, did you take in the late campaign in your county?—A. Well, sir, I went around and tried to get all my colored friends to join with me in trying to get an honest government.

Q. You went around over Georgetown?—A. Yes, sir.

Q. Did you make speeches to the colored people?—A. Yes, sir.

Q. Did you travel pretty well over the county?—A. Right smart, sir.

Q. Do you know of any intimidation having been used by republican negroes over their brethren who desired to vote the democratic vote?—A. Well, sir, I can say this much: I was on the Santee River, after I came out of the canvass, and Mr. Frazier being chairman of the committee desired for me to go on Santee and distribute tickets for him.

Q. What were you doing on Santee River?—A. Distributing democratic tickets.

Q. How long before the election?—A. The very day they came to the poll to vote.

Q. Well, now, do you know of any intimidation having been used by republican negroes over their brethren who desired to vote the democratic ticket?—A. My own master has a still, and he had right smart of hands working. They were turpentine hands, and they said that they desired to vote the democratic ticket. There was a right smart on the farm, and the rest of the colored hands said if they voted the democrat ticket they would take them and whip them, and turn them out of the church, and I sot up a right smart of the night and talked with them, and they said if there was nothing in the way they would vote the democratic ticket.

Q. What threats did you hear during the whole time you were canvassing?—A. I went on down that night. I told them to go with me; that I would fix a way for them to vote if they wanted to vote for an honest government. I had borrowed a cart from Mr. Reed, and I took them in the cart. We rode some of the way and walked the balance.

Q. How many did you have with you?—A. I had two with me, and the rest came on behind.

Q. How many came on behind?—A. There was two more came on behind.

Q. When did you get to the polls?—A. I got to the polls about an hour, I suppose, before day. I hadn't a watch, but I got within half a mile of the polls about an hour before day, and I stopped and built a fire and camped till daylight.

Q. What was the name of the place?—A. They called it the Santee poll. Shortly after I stopped and made up my fire there was four men came up—all four with guns—and they desired to find out who all we was going to vote for, and what was my business. I told them that I had come there for the purpose of distributing tickets.

Q. Did you tell them you were going to distribute democratic tickets?—A. Yes, sir. There was one short man that was in the crowd—I don't know his name—who said that any man that voted the democratic ticket at the poll that day would be murdered.

By Mr. JONES :

Q. Were those colored men that told you this?—A. Yes, sir; all four colored men. So one out of the four that came up said that they ought to let every man do as they desired to do. They had some considerable talk, and they started to the polls with their guns. I started and got to the polls just before they opened and these men had put away their guns.

Q. Did the four men go with you to the polls?—A. Yes, sir.

Q. Well, what occurred?—A. These six men that I had carried from the Six-Mile House in my cart and carried up to the poll were told by some of the republicans to vote, and they said that they didn't desire to vote at that time, but they would wait a little longer. I hadn't any democratic tickets along with me, and there was another man, by the name of Ned Lawrence, went on ahead of me who had the tickets, and I took them off from the poll—and borrowed tickets from a man by the name of Middleton, who lived on the Santee, and we all four voted together. After we voted we came out into the road and there was some considerable crowd around then, and they asked them if they voted the right way, and these men told them yes, that they voted the right way that they knowed how. And they asked them what way they voted, and they told them that they voted like them, just like the rest of the colored people, and then they said all right, and then I went on down to a little branch that was near the polls, and as soon as I got down there, after leaving these other men, I saw Chester Davis, Hamilton Davis, and Rufe Black, and Sammy Withers, and Oakes Withers come up within a hundred yards of the polls with guns.

By Mr. JONES :

Q. They were all colored men?—A. Yes, sir.

Q. Well, what did they do?—A. They left their guns on the other side of the branch and they went into the road to the man that had the republican tickets, and he told them that he had the right tickets, and they said, "We wants the right tickets," and he said, "The democratic tickets are here;" and he pointed me out as the man that had the democratic tickets, and Chester and Hamilton then came to me and said, "You came here to-day and you used to own a master, and your master used to own you and more slaves, and you came here to-day to vote the democratic ticket and to distribute democrat tickets;" and I told them something about the republican party that happened in town that was not right, and that I ought to follow the bent of my mind and not let a man dictate to me. After Hamilton Davis and me had a few words together I left them, and a young man came to me that I had with me, named William Munlaw, and told me that they were getting some hickory poles, and if we staid there until six o'clock that they were going to whip us with these hickory poles, and he said that he had given a democrat ticket to one man and another man took it out of his hand and tore it up and gave him a republican ticket.

Q. Was any violence used; did you hear any curses?—A. Yes, sir; there was a man named Bush had a whole crowd around him, and he said, "If any man votes the democrat ticket, he won't leave the mustard-ground."

Q. Well, did you see any clubs in the hands of individuals?—A. Every man that was there from Santee had a club.

Q. How many negroes was there?—A. Great Lord, I couldn't tell you.

Q. About how many?—A. Sometimes a man came up and he would cast his ballot and go right off; but there was about seventy-five or eighty around the polls all the time I was there.

Q. Did you see any bayonets on sticks?—A. No, sir; I never seen any bayonets.

Q. See any knives?—A. No, sir; I never seen any knives.

Q. See any swords?—A. No, sir; I never seen any swords.

Q. Did you see any guns?—A. About the polls?

Q. Yes.—A. No, sir.

Q. Did anybody strike anybody?—A. No, sir; not while I was there.

Q. Did you hear any threats?—A. Yes, sir; they said if they could find any man who voted the democratic ticket they should not leave there alive.

Q. Did that have any effect on anybody that intended to vote the democratic ticket?—A. Well, I will tell you that I had a democratic ticket and I could not hold it in my hand, and there were three or four that had democrat tickets and we couldn't hold them in our hands or couldn't take them out of our pockets. We started from that poll about ten o'clock, and two men followed us and tried to pick a fuss with us, and so I told the boys that they had better go on home.

Q. Were any negroes prevented at your poll from voting by any violence that was used, threats, or anything of that kind?—A. I know that there was about a dozen or more with full intention not to vote for the democrats—they said they were going to vote for Bill Jones—they driv a buggy, and they stopped up the branch; and they said, "Not a man votes here to-day but he casts a vote for Bruce Williams and Boley and Gibson."

Q. Will you tell us what Bill Jones was, and how many wanted to vote for him?—A. Bill Jones was the name of a republican, but he was working for the white people all the time.

Q. Well, during your canvass of the county of Georgetown did you see any evidence of violence on the part of the negroes there?—A. Yes, sir.

Q. Did you hear any threats made?—A. Yes, sir; one day, by the ignorant part of the people, but not by the sensible part. We heard some threats made by S. B. Gibson, that was school commissioner up there.

By Mr. JONES:

Q. What did he say?—A. He got up on the stand and made a speech to the colored people about the white people coming around and begging their way in, as they had once, and was whipping the skin off their back, and was wearing the bloody shirt, and so on; and he went on so ridiculous that the most of the people had to go off from him.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Can you repeat the speech that was made on that occasion?—A. Well, I couldn't understand him.

By Mr. JONES:

Q. What was he?—A. He was a republican.

By the CHAIRMAN, (Mr. Cochrane:)

Q. What seemed to be the general line of argument that he adopted?—A. He was telling the people about the bloody shirts, when they had a owner, and now the white people come around to beg their way in, to put them back into slavery again.

Q. Did you hear any threats made by anybody during your canvass?—A. One man on Pedee, whose name was Gospel Green. He and the white people had a meeting called there at Pedee stand, and there was some threats made there on that day. Gospel Green came up there in a white gentleman's buggy, and he hitched up his horse, and he said that "Any damn nigger from Pedee way that votes the democratic ticket here, and we can find him out, we'll strip and tar and burn him."

Q. Well, did you hear any other threats made?—A. No, sir; not from the time he was going on.

Q. Do you know anything more that you would like to communicate?—A. No, sir.

Q. Were you at Santee all day?—A. No, sir; they made me leave about ten o'clock. The people was so down on democrats there that no man didn't stand a chance. They had hands full of sticks and piles of them lying on the road.

By Mr. BANKS:

Q. Did you say you had voted?—A. Yes, sir.

Q. What was the name of the poll at which you voted?—A. The name of the poll was Santee poll.

Q. Did you vote the democratic ticket?—A. Yes, sir.

Q. Did you have any trouble about it?—A. No, sir; because I sneaked my ticket in.

Q. Were any republicans there who wanted to vote the democratic ticket and did not have a chance?—A. Well, I goes to an old man down to the branch and I gin him a democratic ticket, and they tore it out of his hand and gin him a republican ticket.

Q. Did you see anybody struck that day?—A. Not during the time I was there.

Q. Did you see anybody killed?—A. Not during the time I was there.

Q. Did you hear anybody complain that he wanted to vote and could not?—A. Well, I heard a man that gin in his affidavit at Georgetown. He said that he went down there—his name was Manning—and he voted, and they got after him with sticks, and they run him away.

Q. You heard of that?—A. Yes, sir; I heard of it out of the very man's mouth what voted.

Q. Will you be kind enough to let me look at that paper you showed me outside in the hall?



[Witness handed paper to Mr. Banks.]

Mr. BANKS. For the information of the committee I will read this paper It is as follows :

" FIRE-INSURANCE AGENCY, REPRESENTING \$30,000,000 CAPITAL,  
" OFFICE OF S. S. FRASER, COMMISSION MERCHANT,  
" Georgetown, S. C., November 11, 1876.

" This will certify that the bearer, Alex. Lewis, is a good worker in the democratic cause and gave us valuable assistance in the late canvass.

" S. S. FRASER,  
" Chairman Democratic Executive Committee."

Q. What was this given to you for?—A. Because I wanted to get a place to cut some wood on Mr. Reed's land, after the voting was over, and Mr. Fraser said he would recommend me to Mr. Reed, and he did so.

Q. Well, did you get the wood-land?—A. Yes, sir; I got a small piece.

Q. Well, this was given you to help you to get what you wanted, was it not?—A. No, sir; it never ain't got me anything yet. Mr. Reed said he tried to get somebody to go on that piece of land on shares, and he told me he was glad of the opportunity of meeting somebody that wanted to cut green wood, but he told me that I couldn't get it by that paper.

Q. Did you ask for this paper?—A. No, sir; I never asked him for it. He said he would give me a note, and he said Mr. Reed, he supposed, would let me have a piece of land, but he didn't know. So I took that land and cut it on shares, but that paper never carried me any further.

Q. Did you ever show it to anybody else?—A. Yes, sir; I showed it to some gentlemen out here to-day.

Q. What did they say about it?—A. One gentleman said it was a very good recommendation, and he give it back to me, and I put it in my pocket.

Q. Do you want to keep it?—A. Yes, sir; I would like to keep it, 'cause I would like to keep one from my old master who used to own me.

By the CHAIRMAN, (Mr. Cochrane:)

Q. The paper which you have just produced is not in the handwriting of Mr. Fraser?—A. Yes, sir.

By Mr. JONES:

Q. That is just a recommendation from one gentleman to another?—A. No, sir; he only give me this, he say, merely to take to Mr. Reed.

Q. It is just a private recommendation from one gentleman to another?—A. He never told me that it was private.

Q. There is no general system of recommendation like that in this country that you know of?—A. I never seen any of them before.

CHARLESTON, S. C., December 27, 1876.

JAMES H. ROBERSON (colored) sworn and examined.

By Mr. BANKS:

Question. Where do you live?—Answer. I live in Saint Andrew's Parish, on Simmons's farm.

Q. What is your business?—A. I am now only preparing to plant. I have been railroading for the Savannah and Charleston Railroad Company for the last eight or nine years; but I was discharged from there recently.

Q. When were you discharged?—A. I received my discharge on the 16th day of October, previous to the election.

Q. What is your age?—A. As near as I can give you, I will be thirty-eight on or about the 5th day of April approaching.

Q. What precinct do you vote at?—A. I vote at the Red Top Church, in Saint Andrew's Parish.

Q. Did you have anything to do with the election in this State this year?—A. I did, sir.

Q. Are you a republican?—A. I am a republican by principle.

Q. Did you hold any position?—A. I was precinct chairman for the republican party in Saint Andrew's Parish.

Q. What was the character of the election as regards order and decorum?—A. Very good. I was there from the dawn of day until, I suppose, between the hours of seven and eight, or eight and nine o'clock. So far as that part was concerned, I had the papers, and I was interested in the election, and I staid right about the polls. I didn't come away from the polls.

There was loud talking, &c., going on, and at one time I did hear a controversy between two men. I understood that they were quarrelling about a check or something, and I told them not to make any noise around the door, and they went away.

Q. Were there any people armed there, and, if so, how many, and what were the arms?  
—A. There were no persons armed, except in this way: I saw no ammunition. I saw persons with home-pieces, such as they carry to shoot bears with. There were no guns there at all. In fact I went with Mr. J. D. Murphy to the door and asked him to show me anything of that kind, if he saw it.

Q. Did you see revolvers?—A. There was only two pistols that I saw there in the course of the day. Murphy had one, and I had one. I had mine out and showed it to him, to let him see that it could not possibly be used, because it was broken.

Q. Who was Mr. Murphy?—A. He was an interested party on the democratic part there; as spectator only.

Q. Were there people there who had clubs, and, if so, what sort of clubs were they?—A. I saw no clubs except what the people termed walking-sticks. They cut walking-sticks, such as you see people come in from the country walking with.

Q. Where were they cut?—A. In the woods.

Q. What sort of sticks did these people cut?—A. Sticks about an inch through just the length for a man to walk with.

Q. Were there any women about there?—A. There were.

Q. Were they armed in any way?—A. There was not one on the ground armed in any way that I saw.

Q. You felt interested as chairman of the committee to see what was going on?—A. I did, sir; and also pledged myself to keep order in every way.

Q. In regard to this controversy that you heard between two men, of which you have spoken, will you tell us who those men were?—A. One of the parties I was not acquainted with; they all lived up there, and I have often seen him before; his name was James Grant. April Small was another man, a man that belongs to our company.

Q. What is your company?—A. The militia company.

Q. Was the militia company on parade that day?—A. They wasn't; they came there as citizens.

Q. Tell us about this dispute between Small and the man you did not know, and what time in the morning it was.—A. It was between eight and nine o'clock. I heard them talking, and I went up to where they was and told them if anything occurred in the way of violence, or riot, that our work would be of no avail, and that our attempt would be lost for nothing, that all our energies would be for nothing. They were quarrelling about a check, and I begged them to disperse from the place, and they did.

Q. What was the check about?—A. I didn't see it. I don't know anything about them kind of checks. I heard them say "phosphate-checks." I never seen one of them, and I don't know anything about it. I heard Small saying, "You accused me of stealing that phosphate-check," and I don't know anything more about it.

Q. Did they go away?—A. They went off at my command.

Q. Did you see any trouble, or do you know of any trouble, of your own knowledge, between those two men afterwards at any time in the day?—A. I didn't, sir. Mr. Murphy, Captain Latham, and others, said to me that they heard that they had beat James Grant, and asked me if it was so; and I says, "Mr. Murphy, if it is so, it is beyond my knowledge."

Q. There was no quarrel or fight between them on the ground at the poll?—A. No, sir; never.

Q. At this poll was there more disturbance or less disturbance and confusion than occurs ordinarily at polls?—A. We all concluded that it was the most peaceable election we had ever seen since the war was over.

Q. Do you know whether anybody was prevented from voting by violence; did you hear any complaint of that kind?—A. There was no one prevented from voting as they chose. They went in and voted just as they chose. Of course, there was talk among both parties. Some republicans said democrats shouldn't vote; some democrats said republicans shouldn't vote; but, nevertheless, they went in and voted.

Q. Was the conversation you heard outside of the building very violent?—A. It was just as usually occurs at such places.

By the CHAIRMAN, (Mr. Cochrane:)

Q. How many republican negroes were there at that poll during the day?—A. That is a question I could not possibly answer.

Q. Well, give us an idea.—A. There was on the ground, I suppose, between three hundred and twenty or thirty head of persons.

Q. About how many republican negroes?—A. Between three hundred and twenty and three hundred and thirty, I think. I don't know whether they were all republicans or not; they were negroes though, sir.

Q. You were chairman of the precinct?—A. I am chairman of the precinct in that parish.

Q. You had a pretty good idea of who the men were?—A. I knew them, but I have never been in the habit of mingling with them.

Q. It was your duty to organize and know the voters?—A. I was just appointed by the parish people as chairman just before the election a few days.

Q. What were your duties as chairman?—A. I had the commitment of republican tickets in my charge.

Q. You were appointed chairman for the purpose of running the republican tickets and giving them out?—A. I was appointed chairman for the purpose of attending the meetings.

Q. And also for the purpose of issuing republican tickets?—A. Yes, sir.

Q. How many negroes voted the democratic ticket there that day?—A. I can't tell you, sir.

Q. Give us an idea.—A. It is more than I dare say, because, as a general thing, they say one thing and do another. I can't give you an idea.

Q. Were there more than thirteen democratic votes polled that day in that precinct?—A. I really don't know; I didn't count the votes.

Q. Will you swear that there were more than thirteen democratic votes at that poll that day?—A. I won't swear to it, because I don't know.

Q. Were there more than nine negroes that voted the ticket?—A. I don't know, sir.

Q. Were there more than fifteen democrats at the polls at any time during the day?—A. I don't know, because I am not acquainted with it.

Q. You know how many votes there were polled?—A. I disremember the correct number; it was not over three hundred.

Q. How many republican majority were there?—A. I disremember, sir.

Q. Do you not know that there were not over from thirteen to twenty votes polled for the democrats there that day?—A. I saw that in the paper, sir.

Q. But you are satisfied that is correct?—A. That is correct, to my opinion.

Q. Do you not know that there were 297 republican votes polled there that day?—A. I only know from what I saw in the paper, sir.

Q. Well, do you think that is correct?—A. According to the count of the managers' box, it is. I don't know anything about it.

Q. What democrat did you hear say that a republican should not vote the republican ticket? Can you give us the name of a single person that said that?—A. I never had an opportunity to take notice of it, sir. My attention was directed to other things, and I never noticed.

Q. Did you see any bayonets stuck on sticks?—A. I don't remember. I think I did see one follow with one on a stick that way.

Q. Did you see any clubs with nails driven into the end of them and sticking out?—A. I didn't see one.

Q. Do you say there were none there?—A. I only say I didn't see one.

Q. Do you know whether there were any others or not?—A. I don't know.

Q. You did hear the crowd saying that men should not vote the democratic ticket?—A. No, sir; I didn't say that.

Q. Didn't you say awhile ago that democrats said republicans should not vote, and republicans said democrats should not vote?—A. It was only in a social way, just as a joke.

Q. You regarded that as a joke?—A. I didn't say anything of that nature. I didn't see them with their sticks in their hands, sir; they went and put them down.

Q. Some of them had guns, you said?—A. I seen one gun, sir.

Q. Did they carry them when they were talking about people not voting?—A. O, no, sir; when the people got up to the place where they were voting, they laid them down until they were going away, and then they took them up and carried them off.

Q. Where did they lay their arms?—A. Some they carried over to the store and laid there; some in other places. I didn't see a dozen, sir.

Q. Did you see this man that had the bayonet joking about democrats not being allowed to vote?—A. I didn't, to my knowledge, sir.

Q. You could not identify any one that talked in that way?—A. I just regarded it as a social talk and didn't take any notice of it.

Q. When you heard this talk you thought it was a sort of social, pleasant, conversation?—A. I did.

Q. Do you know Brown that works for Captain Latham?—A. I am not acquainted with him; I saw him on that day and was told that he was the Brown.

Q. Did you hear any of those ladies and gentlemen about the polls approach him in a social way and say, "Come out, you son of a bitch, and I will knock your brains out?"—A. No, sir; I saw him leave the room, and I saw him up stairs sitting in the window.

Q. Did you hear any pleasant social remarks by the people below to him?—A. I spoke to him from below.

Q. Were there other parties that spoke to him?—A. I never heard them, sir; they might have spoken to him; but I didn't hear it.

Q. Did you see a negro woman level a gun through the window at Captain Latham who was inside the building?—A. No, sir; I really didn't; and I don't think anybody else saw it.

Q. Did you hear any cursing that day?—A. I did.

Q. Any yelling or hollering?—A. I did.

Q. Blowing of horns?—A. No, sir.

Q. Beating of drums?—A. Yes, sir.

Q. Marching and countermarching of militia companies?—A. O, no, sir; they were beating a drum.

Q. How many white men were there at the polls during the day altogether?—A. Well, I can't tell you exactly; there was not many, however.

Q. Not over five?—A. They seemed like there was somewhere in the neighborhood of five or six, or seven. I saw Mr. Latham, Captain Ramsey, Mr. Murphy, and Mr. Saint Clair, and another stout gray-bearded gentleman that they told me belonged to Brick Church, somewhere, and a young man that had a cane in his hands—a white gentleman.

Q. Who was he?—A. I don't know, sir. He had a double-barrel shot-gun, and he was in company with a colored man that worked up there somewhere. They told me his name, though I never paid any attention to it. Those are all that I remember, and if there was any more I disremember them.

Q. Do you know a man named Peter Lucas?—A. I Don't know him.

Q. Did you see him whipped that day?—A. I heard of it; but I didn't see him.

Q. You didn't see Grant whipped?—A. No, sir; I didn't. I couldn't see more than the rest; Mr. Murphy and all of us was there, and we didn't see it; we heard about it.

By Mr. JONES:

Q. You have lived but a short time in that parish?—A. O, no, sir; I have been in the parish for the last eight or nine years.

Q. You said you knew very few persons;—A. In that neighborhood I know very few people.

Q. What do you mean when you say you were chairman of the managers; do you mean chairman of the managers of the election?—A. I will explain to you what I mean. In the parish they have a man who is termed precinct chairman, who interests himself in regard to the republican party, on any call for a meeting, for instance, when there is any business to attend to.

Q. You mean to say that you are chairman of the republican committee?—A. No, sir; I was precinct chairman for the parish, to give out notice of any call for a meeting, or an election that there was going to be, to notify the people what would be their duty.

Q. You were in the red-top house all day?—A. I was sometimes in the house and sometimes out of doors. Sometimes I would get tired and sit down awhile, and then get up and walk around and interest myself in that way.

Q. You heard some confusion, much noise, &c.?—A. I said I heard hollering—hurrahing for the republican party; persons would come up to vote, and they would go to meet them, that belonged to the republican party, and they would holler and so on.

Q. Many things might have occurred that day that you didn't know anything about?—

A. Many things might have occurred in the shape of words which I didn't know of.

Q. You didn't see, then, men hurt?—A. No, sir; I heard of it; it was away from the polls and out of our sight.

HENRY DRAYTON (colored) sworn and examined.

By Mr. BANKS:

Question. How old are you?—Answer. I guess about twenty-nine years old.

Q. Where do you live?—A. In Saint Andrew's Parish.

Q. How long have you lived there?—A. I have been living there, now, sir, about six years.

Q. What is your business?—A. I am a farmer.

Q. Do you own your own land?—A. Not yet, sir.

Q. You are working on a plantation?—A. Yes, sir; a little farm there.

Q. Where do you vote?—A. I vote at the red-top church in Saint Andrew's Parish.

Q. Were you there at the last presidential election?—A. I was, sir.

Q. Did you hold any office, or have any particular duty to perform?—A. I was appointed a deputy United States marshal.

Q. Let me ask you, then, if you were about there all day?—A. All day, sir.

Q. What time did you arrive?—A. I arrived there a little before six o'clock in the morning.

Q. How late did you stay?—A. I staid there untill after eight o'clock that night, sir; after the ballot-box was closed.

Q. Did you come away from there during that time?—A. No, sir; I was there all day.

Q. Did you take notice of what was going on?—A. I did, sir.

Q. State to the gentlemen of the committee how it was during the day, regarding order and peace; whether there was any riot or general disturbance.—A. It was quite noisy all day until about half past nine or ten o'clock in the day. I heard a little contradiction between Smalls and James Grant, something that he was saying about the stealing of a phosphate check. I didn't even wait for any further conversation from them, seeing they was very near the poll. I went up to them and I said, "Gentlemen, I want you to understand that I am appointed here as marshal, to see Justice and peace around this poll to-day, and I

ask you not to have any disturbance or fuss around this poll, and those that haven't any business here must disperse and go home;" and then they walked off, and I went and turned my back and stood upon the step. Afterward I heard that there was some trouble.

Q. Was there anything said about voting between Grant and Small?—A. Not a word that I heard on that day; nothing except what Captain Latham said to me, that they was after Grant about his voting. I said, "No, that was not what the fellow was after."

Q. In regard to the general behavior of the people in and out, tell us how it was.—A. Well, they were quite quiet, only when they came up some of them was talking and talking, and saying some was a democrat and some a republican.

Q. Was any man prevented from voting on either side?—A. Not a living man, sir.

Q. Did you observe that the people were armed?—A. Yes, sir; I did.

Q. What did you see?—A. The first thing in the morning, after the people gathered there pretty thick, I saw one or two men that had their guns—I believe one double-barrel gun and an old musket—and I said to them same two men, as I thought it was part of my business, that they must carry their guns away just as quick as they could; and I seen one man deposit his gun in the hands of another man till he was done voting. After he was done voting he took his gun and went off down the road.

Q. Was there any militia company about there during the day on parade?—A. No, sir; no parade at all.

Q. Do you know anything about the militia company in that neighborhood?—A. I am an officer in that militia.

Q. What is your rank as an officer?—A. Second lieutenant.

Q. Was there any order for them to parade that day?—A. No, sir.

Q. And you didn't parade?—A. No, sir.

Q. Was there any music, drums, or anything of that sort?—A. I believe there was some boys with an old drum out there, but it didn't make any disturbance; the people were not paying any attention to it at all, sir.

Q. How long have you been a voter?—A. The first time I voted was about eight years ago.

Q. You have been at other elections besides this?—A. I have, sir.

Q. Will you tell the committee how this compared, in the behavior of the people, as to order or disorder, with what you have seen before?—A. In my judgment, sir, this has been the quietest election we have ever had, as far as I have ever seen.

By the CHAIRMAN, (Mr. Cochrane:)

Q. How long have you lived in Saint Andrew's Parish?—A. Six years, sir.

Q. Do you live in the Red-Top Church precinct?—A. No, sir; I don't live there.

Q. What precinct do you live in?—A. I don't know how to divide that, sir.

Q. Do you live in town?—A. No, sir.

Q. Do you live near to any other voting-precinct?—A. That is the nearest, excepting Charleston.

Q. How far away from the Red-Top Church Parish do you live?—A. About six miles, as near as my judgment goes.

Q. Where have you voted heretofore?—A. I have voted once before at the Brick Church, in Saint Andrew's Parish.

Q. How far is that away from your house?—A. My house, I believe, is seven or eight miles farther.

Q. Where did you vote after that?—A. I think I voted at the Brick Church once or twice after that.

Q. Where else did you vote?—A. I voted at the Red-Top Church, sir.

Q. How many times do you think you voted there?—A. I don't remember just now.

Q. Did you vote there at all except the last time?—A. No, sir; I don't know as I ever voted there before.

Q. You say that you are second lieutenant of a militia company?—A. Yes, sir.

Q. What time was it that your militia company got to Red-Top Church?—A. Well, the militia company never came there as I know of.

Q. Do you say that your militia company was not there on the day of election?—A. Well, sir, the men came there.

Q. Do you say that they didn't come there with guns and marching?—A. I do say so, sir.

Q. Are you sure about that?—A. I am certain.

Q. Were you inside or outside the church?—A. I was outside the church.

Q. All the time?—A. Yes, sir.

Q. Were you inside at all?—A. I believe I was inside once or twice.

Q. How many guns did you see there that day?—A. In my judgment, sir, I seen two.

Q. Not more than two?—A. No, sir.

Q. In your judgment, there were no more than two guns there?—A. Yes, sir.

Q. Do you know Robertson?—A. Yes, sir.

Q. Roberson swore a few moments ago that there were twelve guns there. Do you say that there were not more than two guns there?—A. I don't say but what I seen.

- Q. You do not know how many more there were there?—A. No, sir.
- Q. Did you hear any cursing there?—A. Well, a few words of it, sir.
- Q. What did they say when they were cursing?—A. I don't remember that I heard any particular cursing about any particular thing, only in the morning, about ten o'clock, I heard them as they was talking about this phosphate check.
- Q. Did you hear any cursing of democratic negroes?—A. I didn't hear one word of it.
- Q. Do you say there was no cursing of them there?—A. No, sir.
- Q. Do you know whether there was any or not?—A. No, sir.
- Q. Do you know Brown, a negro, that works for Captain Latham?—A. Yes, sir.
- Q. Did you hear a man come to the door and say, "Come out, you son of a bitch, and I will knock your brains out?"—A. No, sir.
- Q. Do you say a man didn't say that?—A. I don't say he didn't say so; I didn't see him.
- Q. Do you say that no democratic negroes were threatened there?—A. Not as I heard, sir.
- Q. You don't say there were no such threats?—A. I didn't hear any of them.
- Q. Didn't you hear the colored people saying that the democrats should not vote the ticket?—A. No, sir.
- Q. Mr. Robertson says he heard it. Do you say no such thing occurred?—A. I only say I didn't hear it.
- Q. How many men had clubs about that poll?—A. Well, I believe, as near as I can recollect, everybody had something in their hands—a gun or something.
- Q. Did you see any bayonets on sticks?—A. No, sir; but I seen sticks and things.
- Q. Did you see any big sticks?—A. I didn't see any big sticks.
- Q. Were they just little switches?—A. I don't suppose they were, sir; they were as large as my thumb, and maybe a little larger.
- Q. Did they have strings through them, and the strings wrapped around their hands?—A. No, sir. In general the people over there have sticks as large as my thumb, and you can go into any of their houses and find them at any time.
- Q. When you say that the sticks were as large as your thumb, do you mean lengthways or through your thumb?—A. As large around as my thumb.
- Q. You are a republican?—A. I am, sir.
- Q. And a member of a militia company?—A. I am, sir.
- Q. Do you know a man by the name of Billy Brown?—A. Yes, sir.
- Q. Are you and Billy friends?—A. No, sir; not particularly.
- Q. Is he in the militia company?—A. I believe so, sir.
- Q. Was Billy about there that day?—A. Well, I declare I disremember whether Billy was there or not.
- Q. Did you see Brown when he was run up in the garret by some of those negroes?—A. No, sir.
- Q. Do you know that he was up in the loft of the church there all day?—A. I saw him up there one time of the day myself, but I don't know what scared him up there.
- Q. Did you have any arms with you?—A. I didn't, sir; I only had a small pistol in my pocket.
- Q. What kind of a pistol?—A. A small revolver.
- Q. Robertson says his was broken and would not shoot; was yours?—A. Mine would shoot if I tried to shoot.
- Q. Did you see anybody else with a pistol?—A. No, sir.
- Q. How many women were there about there?—A. Well, I guess there was nine or ten of them, or more.
- Q. Did you see a man beaten?—A. No, sir; I heard about it.
- Q. Did you see Lucas stripped and whipped?—A. No, sir; I heard about it.
- Q. Do you know Captain Latham?—A. Yes, sir.
- Q. He was there all day, was he not?—A. Yes, sir.
- Q. What was his business at the polls?—A. He was supervisor.
- Q. How long was Brown kept in the church-loft there, do you know?—A. I didn't notice how long he was kept up there.
- Q. Did you see any sticks with nails driven in the end of them?—A. No, sir.
- Q. Were there any there?—A. Not in my knowledge.
- Q. Did you see any?—A. No, sir.
- Q. Then you do not know whether there were any there or not?—A. No, sir.
- Q. What year were you born in?—A. I don't know, sir; I never had the account of my age.
- Q. Who did you vote for the first time for President?—A. I believe it was Mr. Grant.
- Q. Was it the first or second time he was a candidate?—A. The first time, I think.
- Q. Did you ever vote before that for any officer?—A. No, sir, I don't think so; not as I remember.
- Q. How many republican votes were polled at Red-Top Church that day?—A. As near as I can remember: I think there were three hundred.

By Mr. JONES :

- Q. You say you know Captain Latham ?—A. Yes, sir.  
 Q. How long have you known him ?—A. About two or three years, sir.  
 Q. Do you think he is a truthful man ?—A. I never had any dealings with him, sir.  
 Q. You know nothing to the contrary ?—A. No.

JAMES H. ROBERTSON (colored) recalled :

By Mr. BANKS :

Question. You said you were discharged by the railroad company ?—Answer. Yes, sir.

Q. How long did you say you had been employed by the company ?—A. I suppose about eight or nine years.

Q. Why were you discharged ?—A. Well, sir, Mr. Boyleston and Mr. Gadsden told me that if I could not support the democratic party they would have to put some one else in my place.

By the CHAIRMAN, (Mr. Cochran) :

Q. Who was he ?—A. The superintendent of the Charleston & Savannah Railroad. Mr. Boyleston was the general freight agent. Mr. Boyleston told me that I must go to work to get up a club to support the democratic party. I told him I would answer him better in a short time. I went down to the railroad afterwards, and Mr. Elmore approached me with a paper and said he wanted to enroll my name on the list, and I would not consent to it; and afterwards I asked him if that was the method he had adopted. He said the railroad company had nothing to do with it; that he was the master-mechanic, and that was his policy, and he intended to do that way.

By Mr. BANKS :

Q. You left the company ?—A. Mr. Gadsden came the next day and told me that if I was not going to do that he would discharge me, and they did discharge me that night. On the next day Mr. Gadsden sent word for me to come back and take my situation again. I staid there a few days, and these gentlemen came to me and told me again that I ought to vote the democratic ticket, and I told them I could not, and they discharged me the second time.

Q. Had you any trouble with them before ?—A. Never, since I had been in their employ, up to that time. They told me I was a good man and they hated to let me go, but that if I could not do their way they would have to let me go.

Q. You said you heard a conversation between Small and some person you did not know in the morning ?—A. Yes, sir; I was told his name was Grant.

Q. In that conversation, so far as you heard, was anything said about voting ?—A. No, sir; they were not talking about voting. There was a crowd, and I seen that it was going to get into a big disturbance near the door, and I commanded them to go away, and they went away. I knew it would be a big disturbance if they started it at the door.

By the CHAIRMAN, (Mr. Cochran) :

Q. What was it the railroad official said when you asked him if that was the policy ?—A. I asked the master-mechanic, when he told me that I had to sign my name to vote that way—I asked him in the evening, after the hands had knocked off, if that was the policy. He says, "Not with the company. The company have nothing to do with it; but I, as the master-mechanic of the railroad, am going to discharge all men who don't vote with the democratic party."

Q. How many men have the railroad company in their employ; do you know ?—A. No, sir; I have not been there since election.

Q. Are there not plenty of republicans employed there now by the company ?—A. That is a question that I cannot answer.

Q. Do you know of anybody else being discharged ?—A. I know that there was others discharged; not that I know that they spoke particular; to them. They never asked anybody else but me to get up a club.

Q. Do you know of anybody else being discharged for political reasons ?—A. I know of others that were quiet, because they said that they would be discharged. Jeffrey Riley was discharged for that reason. He was discharged for keeping his mouth.

Q. Do you know, of your own knowledge, that he was discharged on that account ?—A. No, sir; only what I heard him say.

Q. Do you know now of any other instance of a man being discharged for political reasons ?—A. I do not, sir.

Q. Did you hear of anybody else being discharged for political reasons ?—A. I heard them say, but I do not know.

Q. Who ?—A. John Rivers.

Q. Who else ?—A. No one else, to my knowledge.

Q. Then you have not heard of anybody being discharged except the two persons that you have mentioned ?—A. They were not discharged, but they would have been discharged, they said.

Q. Well, now, how many republicans were employed there when you left?—A. I don't know that there were a great many.

Q. About how many?—A. I may be wrong, but there might be probably eighteen or twenty, more or less.

Q. Did you ever hear any expression of opinion by these men as to their political preferences?—A. No, sir.

Q. Do you know whether any of them were republicans?—A. I do not know that one of them was a republican, except one.

Q. Who was he?—A. That was a man by the name of Joe Thompson, who was not afraid to proclaim his opinion. He had his fingers mashed off, and he knew that they could not discharge him. If they discharged him he would try and sue for his fingers. He was employed there in their machine-shops.

Q. Do you know of any other negro that is a republican in the employ of the railroad company?—A. I will tell you what I do know, that there is plenty of negroes there that would tell you that they were strong republicans, and yet they would go to the gentlemen and tell them they were democrats. That is the reason why I told you I can't tell you how many republicans there were there.

Q. Then you have not much confidence in what they tell you?—A. There is a great many of them I do not, sir.

Q. Well, then, you wouldn't place any confidence in what Rivers or the other man told you about the reason they left there?—A. I wouldn't vouch for what they said; I wouldn't say that I wouldn't place any confidence in what any person said, because I have my doubts on every side. They came out and voted the republican ticket, and we knew that.

Q. Did any others vote the republican ticket?—A. Those around me had to do it slyly, sir. They were afraid of it. I know I was going to be discharged as soon as I voted the republican ticket.

SAMUEL FISHBURNE (colored) sworn and examined.

By Mr. BANKS:

Question. Where do you live?—Answer. On Mrs. Mills's plantation, in Saint Andrew's Parish.

Q. How old are you?—A. Twenty-four years of age.

Q. How long have you lived in Saint Andrew's Parish?—A. I was born and raised there.

Q. What is your business?—A. Planting.

Q. Where do you vote?—A. At Red-Top Church precinct.

Q. Were you there at the last presidential election?—A. Yes, sir.

Q. What time did you get there?—A. I got there in the morning about half past six o'clock.

Q. Were you there all day?—A. Yes, sir; all day, until the polls closed.

Q. Will you tell the gentlemen of the committee if you saw any disturbance there during the day, and if so, what it was?—A. A little disturbance commenced in the morning about half past nine o'clock. This was a light talking. After that they went up the road. The marshal asked them to go up the road from the polls. Mr. Jeems Grant accused Abram Small of stealing a phosphate check. So when they went up the road Grant said to Abram Small, "You have taken my phosphate check," and Small said, "No, sir; I have no phosphate check that belongs to you," and with that Grant drew his revolver to shoot Small.

Q. Where was this?—A. It was a mile from the polls.

Q. Where were they when you first heard the conversation? Had they gone off this distance from the polls?—A. Yes, sir; and then after that, as I aforesaid, Grant drew his pistol to shoot Small, and the cap snapped, and Small did not have anything but a little cane stick about an inch large. After that Small threw him down. After that the boys ran up and whipped Small off of Grant.

Q. What happened when these men went in?—A. When these men went in some of the other men went in and parted them. That is all I saw of the row. As for there being any row around the polls, they did not have any at all.

Q. Did you see any military company at the polls?—A. No, sir; there was no such thing.

Q. Did you belong to the militia company?—A. Yes, sir.

Q. Did you see anybody who belonged to the militia company who had a musket?—A. Yes, sir; but they laid them all to one side of the drays before they went up to vote. There was an old dray there with some hay on it, and they laid them under that.

Q. How many muskets were there there?—A. I saw two of them.

Q. How many times have you voted?—A. Once; this is the first time.

By the CHAIRMAN, (Mr. Cochrane:)

Q. How long have you lived in Saint Andrew's parish?—A. I was born there, sir.

Q. What year were you born in?—A. I do not know. I cannot read or write, but my old missus told me I was 24 years old. I do not know anything about when I was born.

Q. What month in the year were you born in?—A. My mother told me I was born in May.



Q. How long has it been since you saw your old mistress?—A. I saw my old missus just before I voted. I went to her and I asked her if I is old enough to vote, and she told me "Yes, you are twenty-four by the book what I keep your age on."

Q. Who is your old mistress?—A. Mrs. Mills; she lives at the corner of Ball and Rutledge streets.

Q. How long before the election was it you asked her this?—A. About a month.

Q. Was that the first time you had ever talked with her about your age?—A. O, no, sir; I generally go around there to see her; and I asked her afore this, and she told me.

Q. When had you asked your old mistress how old you were?—A. A year before that.

Q. Did she tell you the same thing then—that you were old enough to vote then?—A. Yes, sir; but they had done voted then.

Q. Before the election you asked your mistress how old you were; if you were old enough to vote, and she said you were twenty-four. Is that right?—A. No, sir; the last election which passed before this election, I went there on Saturday and said, "Missus, can you tell me how old I is?" and she said "Yes." Then they was done voting a year before that for governor; and she says, "You are twenty-two years old." A month before this election I went there again and asked her, and she told me I was twenty-four.

Q. You knew that you were old enough to vote before you went to her?—A. Yes, sir.

Q. What did you go to her again for?—A. Because I wanted to be certain if some person questioned me at the polls. They questioned so much at the polls, and they did not allow you to vote until you is twenty-one years of age. After the election was done passed, and another election was coming, I says I will get what age I is at from her, so I can be sure of it.

Q. She told you a year or two before that you were twenty-two years of age, did she not?—A. Yes, sir.

Q. Well, that was old enough to vote, was it not?—A. Yes, sir.

Q. Then why did you go to her when you knew that she had told you that you were twenty-two years old, and that you were old enough to vote?—A. Well, when a man be working with a hoe, a hoe knocks everything out of him. You have got to work so hard with a hoe that it knocks everything out of you.

Q. Did the hoe knock out of your mind the fact that you had gone to see your mistress a year before?—A. Yes, sir.

Q. Now you say you had forgotten; did you forget that you had been to see your mistress a year before?—A. I did not forget that I had been to see my missus a year before. But I had forgot that I had asked my missus about my age.

Q. Well, then, how do you come to remember it now?—A. Well, because she says it is twice I have told you your age, and I ain't have to work half so hard since she told me, as I did before I went to her.

Q. If you had been hoeing you probably would have forgotten it again?—A. I would have forgotten that I was twenty-four.

Q. If you had been working with the hoe since you went to see your old mistress you would probably have forgotten that you went to ask her your age?—A. O, no, sir.

Q. After you went to see her the last time?—A. Yes, sir; because a man forgets a good deal in a year; but I, took my sister to my old missus to set it down.

Q. Did you ever vote before this election?—A. No, sir; I just done told you already I had never voted before this election.

Q. Did they swear you?—A. Yes, sir.

Q. How many negroes were about the polis there that day?—A. I really couldn't tell, because I can't count.

Q. About how many?—A. I could not tell.

Q. Were there five hundred?—A. I don't know, sir.

Q. Six hundred?—A. I don't know, sir.

Q. Seven hundred?—A. I don't know, sir.

Q. A thousand?—A. I don't know, sir.

Q. How many white men were there?—A. The only white man there that I was acquainted with was—because I had been working with him—was Mr. Saint Clair. There was some more besides him.

Q. How many besides him; were there fifty?—A. I don't know.

Q. Were there a hundred?—A. I couldn't tell.

Q. Five hundred?—A. No, sir; there couldn't be five hundred, for there ain't that much white men on the place.

Q. Were there two hundred?—A. I couldn't tell.

Q. How many men were there there?—A. I don't know.

Q. Fifty?—A. I don't know.

Q. One hundred?—A. I don't know.

Q. Five hundred?—A. I don't know.

Q. How many clubs were there about there?—A. I ain't seen any clubs. I saw some little sticks.

Q. How many little sticks?—A. I don't know.

Q. Fifty?—A. I really couldn't tell.

Q. One hundred?—A. I really couldn't tell.

- Q. Five hundred?—A. I really couldn't tell.
- Q. How many guns?—A. I tell you I saw some guns laying up beside the bushes as I was going to vote. There was only two that I seen with my eyes.
- Q. How many people were in this crowd that were after Grant?—A. I do not know.
- Q. Fifty?—A. I don't know.
- Q. One hundred?—A. I don't know.
- Q. Five hundred?—A. I don't know.
- Q. You are not able to say whether there was fifty or a hundred?—A. I don't know.
- Q. You did not see anybody hurt Grant?—A. I seen a crowd. They were after Small.
- Q. You did not see anybody after Grant?—A. No, sir; they were after Small. I seen one man in the crowd named Grant that had a pistol, and it was a five-shooter.
- Q. Was it a revolver?—A. Yes, sir.
- Q. It had five chambers in it?—A. Yes, sir.
- Q. You paid particular attention to it?—A. Yes, sir; I took particular attention when I saw it drawn, but I did not count it. I seen Grant the day before that day, and he was shooting at a squirrel with the pistol.
- Q. Did you count how many balls were in it at that time?—A. Yes, sir.
- Q. How many feet long was the pistol?—A. I don't know about the feet.
- Q. What would be the weight of the ball that it would shoot?—A. I really couldn't tell.
- Q. Would it shoot an ounce ball?—A. I don't know anything about an ounce ball. I told you all I know about it.
- Q. Did you see any blood on Grant?—A. No, sir.
- Q. Did you see any wounds on Grant?—A. No, sir; I was not there after the pistol was drawn. After it was drawn I came away.
- Q. Did you see anything of Grant after he drew the pistol?—A. No, sir.
- Q. Then, just as soon as he drew the pistol you immediately turned and went away?—A. After he drew the pistol and the pistol snapped, I turned and went right away from the place.
- Q. And you did not look at it any more?—A. No, sir; because people had went in to part them.
- Q. Who have you talked with about this matter; have you talked with Mr. Robeson?—A. No, sir; I did not have anything to say to Mr. Robeson.
- Q. Were you not out in the hall talking with him a few moments ago?—A. No, sir.
- Q. Did you talk to Mr. Drayton?—A. No, sir. I never seen him until I come in here.
- Q. Who did you talk to about this?—A. Nobody; I never spoke to anybody.
- Q. Never told anybody that you had seen this trouble?—A. This morning?
- Q. Yes.—A. No, sir.
- Q. Did you ever tell anybody that you had seen this trouble between Small and Grant?—A. Not until they asked me.
- Q. Did anybody ask you anything about it?—A. No, sir.
- Q. And you never mentioned a word of what you said here to any person?—A. No, sir.
- Q. Well, then, how did they come to bring you here, if nobody knew that you knew anything about it?—A. I never mentioned it to anybody, except to the gentlemen that had a right to ask me.
- Q. You said that you had not spoken about this to anybody?—A. No, sir; not out in the street.
- Q. You said you had never spoken about it to anybody; now, who did you speak to?—A. I spoke to that gentleman, (pointing to Mr. Banks.)
- Q. Did you speak to any person else about it?—A. Yes, sir; I spoke to the lawyer.
- Q. What lawyer?—A. Lawyer Stone.
- Q. When did you speak to him about it?—A. Yesterday.
- Q. Who is Lawyer Stone?—A. I don't know him, but he is a lawyer; I know his name is Lawyer Stone.
- Q. Where did you speak to him about it?—A. At his office.
- Q. Did you tell him in his office what you have told us here?—A. Yes, sir.
- Q. Who told you to go to Lawyer Stone's office?—A. I had a summons down there.
- Q. You were summoned to go there, and you went there and told this story?—A. Yes, sir.
- Q. Did you see Rebecca Bennett there about the scene of this trouble between Small and Grant?—A. No, sir; I did not see her.
- Q. You know Rebecca Bennett, do you not?—A. No, sir.
- Q. This was a mile from the polls where this trouble occurred. How did you come to go away from the polls at all?—A. I was going out into the road to get some water, and when I was coming back I met them out in the road and heard that talking, and I walked a little way up by the bridge, and I stopped, and after I stopped they were as far from me as the corner of that house, (about thirty feet.)
- Q. You walked a mile to get a drink of water?—A. Yes, sir; the spring is a mile from the church.
- Q. Did you go alone?—A. Yes, sir; just me alone.
- Q. How long were you away from the church?—A. About a half hour.
- Q. Half an hour? Then you waited and saw this trouble and walked two miles—a mile there and a mile back?—A. It wasn't two miles.

- Q. You walked a mile to the spring and saw this trouble and came back, and you were only away from the polls a half hour?—A. Yes, sir.
- Q. You do not know what occurred at the polls while you were away?—A. No, sir.
- Q. Then, nothing occurred at the polls while you were away?—A. No, sir.
- Q. There were no guns there while you were away?—A. No, sir.
- Q. There were no threats made while you were away?—A. Not to my knowing.
- Q. Do you know anything about it?—A. No, sir.
- Q. Well, did you go away from the polls any other time that day?—A. No, sir; not until the polls closed. From the time I went to the spring until I came back, I staid there until the polls closed.
- Q. Did you have a club or stick?—A. No, sir; nothing in my hand.
- Q. Did you see any bayonets and sticks there?—A. No, sir; I did not see none.
- Q. Did any women have anything in their hands?—A. No, sir. If they did I did not see it.
- Q. You did not hear any women say anything at the polls?—A. To my knowing they was all quiet.
- Q. Did you have any preaching or praying in the woods that day?—A. No, sir; no preaching or praying.
- Q. Were the colored ladies generally sitting down or walking about?—A. Yes, sir; some walked about and some sit down.
- Q. And they were very orderly and quiet?—A. Yes, sir.
- Q. And the men were very orderly and quiet?—A. Yes, sir; only as they were passing along, that was all I saw.
- Q. Did you see Peter Lucas there?—A. If I saw him I wouldn't know him.
- Q. You heard about his being whipped?—A. I heard about it during the day.
- Q. About his being whipped with switches?—A. Yes, sir.
- Q. But you did not see any of them?—A. No, sir.

By Mr. JONES:

- Q. Do you remember when the war closed?—A. No, sir.
- Q. How long have you been working for yourself?—A. Since the first year of the Union.
- Q. What union?—A. The peace declared.
- Q. How long has that been?—A. I don't know, sir.
- Q. Do you remember when you were a slave?—A. Yes, sir.
- Q. Do you remember when you were set free?—A. No, sir; I was a good-sized boy. I was about four feet high.
- Q. How old were you in the first year of the Union, as you call it?—A. I don't remember anything about it.

By Mr. BANKS:

- Q. You remember about Grant and Small, don't you?—A. Yes, sir.
- Q. You say you cannot count?—A. Yes, sir.
- Q. When you see a crowd of people you cannot tell how many there are in it?—A. No sir.

APRIL SMALL (colored) sworn and examined.

By Mr. BANKS:

- Question. How old are you?—Answer. Twenty-seven.
- Q. Where do you live?—A. I live on Mrs. Mills's plantation, about a mile from John's Island ferry.
- Q. Where is Mrs. Mills's plantation?—A. In Saint Andrews Parish, across the new bridge.
- Q. What is your business?—A. Farming.
- Q. Were you at the polls at Red-Top church precinct on last election-day?—A. Yes, sir.
- Q. At what time did you get there?—A. I got there that morning about 6 o'clock, just before the box opened.
- Q. Do you know a man by the name of James Grant?—A. Yes, sir.
- Q. Did you see him there?—A. Yes, sir.
- Q. Was there any difficulty between you and him?—A. Yes, sir; there was.
- Q. Will you please tell the gentlemen of the committee about it just as it occurred?—A. Me and James Grant come into a fuss about he accusing of me of stealing a phosphate check from him, and I wouldn't say nothing to him until I got through putting my vote in the ballot-box. About an hour after, I went up the road about a mile from the polls and I asked him how about his accusing me about the check, and before he gave me any satisfaction he hauled out his pistol and made fire at me and the cap snapped and the same time as the cap snapped I had a small walking-stick in my hand and I struck him in the head with it.
- Q. How large was the stick?—A. It was a small oak stick about an inch thick. Then

me and him got into a fight, and we bind one another and I threw him down and at the same time his crowd ran up and grabbed me; then my party of boys had to run up for to help me; then at the same time this man, Peter Lucas, he was one of James Grant's party, and he came up and stroke me across my shoulders with a club about an inch thick; after he stroked me with the club I went at him, and me and him got into a fuss.

Q. At the same place?—A. No, sir; at the next place.

Q. What happened after Lucas struck you?—A. When Lucas stroke me where Grant was?

Q. Yes?—A. After the fuss between me and Grant we parted and I went off.

Q. Where did you go to?—A. I went off up to the polls, and me and Grant did not have any more fuss, and me and Peter Lucas got into a fuss about his stroking me.

Q. Where did you see Lucas afterward?—A. I never seen Lucas for about an hour and a half after me and Grant got through. When I seen him I was gwine up the road home, and I and him had a fuss.

Q. Well, what happened when you met Lucas?—A. Then we started a fight right there in the road and the folks came up again and parted us. And after the folks parted us I went on home. That is all I know about it.

Q. Was there any trouble between Grant and you about politics?—A. No, sir; nothing like that.

Q. Was there anything said about politics in the morning when you first had the conversation near the polls?—A. No, sir; nothing like that.

Q. Are you a republican or democrat?—A. A republican, sir.

Q. Was there anything said about politics at the time you had the fight with him?—A. No, sir.

Q. It was about the phosphate check?—A. Yes, sir.

Q. What is a phosphate check?—A. After you cut a pit they give you a check, it might be for \$1 or 75 cents, and you keep that check until pay-day and you turn it in and get the money.

Q. When he accused you of stealing his check, were there more than one?—A. There wasn't but one. He had it in his pocket, and he said I was the one that stole it from him.

Q. At the time you had this fight was there anything said about politics between you?—A. No, sir; we had nothing to do with politics at that time.

Q. Did all the colored people carry sticks or clubs?—A. No, sir.

Q. Did you see any other affair that day?—A. No, sir.

Q. Did you go back to the polls and stay there?—A. After I and Grant had a fuss, and Peter Lucas?

Q. Yes.—A. No, sir; I went on home.

Q. What time was it that you and Lucas had this trouble?—A. Between 2 and 3 o'clock.

Q. Do you belong to the militia company?—A. Yes, sir.

Q. Was the militia company parading that day?—A. No, sir.

Q. There was no order for a meeting of the company that day?—A. No, sir.

Q. Did you see any of the militia company there with muskets?—A. No, sir.

Q. Did you see any muskets or arms on the ground?—A. No, sir; I did not see any, but some folks that stood close around there had a few old guns, but they did not carry them to the polls.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. You are a field-hand working on the plantation?—A. Yes, sir.

Q. You say you are twenty-seven years old?—A. Yes, sir.

Q. How do you know your age?—A. My father had my age, and when he died he left it with my folks, and he wrote me a note and told my age.

Q. Do you know what year you were born in?—A. No, sir.

Q. Can you read and write?—A. No, sir.

Q. How long have you lived in Saint Andrews Parish?—A. As far as I can remember, for ten years.

Q. Were you a slave?—A. Yes, sir.

Q. How long has it been since you were emancipated?—A. I could not tell you how many years.

Q. How long has it been since the war closed?—A. I think it is thirteen years since Charleston was taken.

Q. Are you a married man?—A. Yes, sir.

Q. You saw Grant at the polls when you went there, did you?—A. Yes, sir; I saw him.

Q. About what time in the morning?—A. When I got there it was about 6 o'clock, and as soon as I got there I met him there.

Q. Grant had some phosphate checks in his pocket, did he not?—A. Yes, sir.

Q. And, if I understand you, he accused you of stealing some of them?—A. Yes, sir.

Q. How did he come to accuse you of that?—A. I don't know; we were all around him there.

Q. How many people were around him?—A. A good many.

Q. Well, how did he come to accuse you of stealing his checks?—A. God knows, sir. He says I was the one who took his check out of his pocket because I had been around him when he have his check. The crowd was around him, too; but he says there was no one taken his check but me.

Q. You and the crowd were around Grant at the polls, and he asked you if you had taken his check, and he said there was nobody else to take his check but you?—A. Yes, sir; and we were all around him.

Q. You were playing with him, were you?—A. No, sir; I was standing around there while the rest were playing with him.

Q. Pushing him and playing, that way?—A. Yes, sir; like young folks.

Q. Having a little sport; a little fun?—A. Yes, sir.

Q. And in this innocent fun that they were having Grant lost some of his checks?—A. Yes, sir; he dropped his checks some way or another.

Q. There was some little innocent scuffling around there in a playful way?—A. No, sir; there was no scuffling.

Q. Well, they were moving around, playing with Grant?—A. Yes, sir.

Q. The negroes were in a pretty playful mood that morning?—A. Yes, sir.

Q. Grant went down the road about a mile?—A. Yes, sir.

Q. And you did not go near him or did not have any trouble with him at the polls?—A. No, sir.

Q. But you went and voted and then Grant had gone away when you came out?—A. Yes, sir.

Q. And then you started down the road to inquire why it was that he said you had stolen his checks?—A. Yes, sir.

Q. And he was down the road about a mile?—A. He was not a mile down the road then, but after I caught up to him we walked down the road together.

Q. How far did he run before you came up to him?—A. He didn't run.

Q. How far did you run?—A. I didn't run neither; we two walked.

Q. How far did you run before you came up to him?—A. I couldn't tell how far he was, sir.

Q. How many of these playful colored people who had been at the church in the morning were with you?—A. I could not tell how many, because I didn't count them.

Q. Give us an idea of about how many.—A. I couldn't tell, indeed, sir, how many.

Q. Do you think there were as many as 50 playful negroes who were with you on that occasion?—A. I couldn't tell you how many.

Q. Do you suppose there were 100 who were talking and who walked down the road with you?—A. No, sir; there was no one with me.

Q. I thought you said you carried your crowd with you?—A. No one went with me; they never come until the fuss was started.

Q. They followed you down from the church?—A. Yes, sir; they came down to see the fuss.

Q. Well, how many followed you down from the polls?—A. I couldn't tell you how many; it was a large crowd.

Q. Do you think there were a hundred?—A. No, sir; there was not a hundred.

Q. Were there 50 or 75?—A. There was a pretty big crowd, but I wouldn't like to say how many was in the crowd.

Q. How far were you ahead of the crowd?—A. When we came back from the fuss?

Q. Yes.—A. We all came back together, sir.

Q. You spoke of having a little stick in your hand.—A. Yes, sir.

Q. Did any of these other gentlemen who came after you have little wands or sticks also?—A. No, sir; I did not see any.

Q. How far did you walk with Grant before you had any trouble?—A. We walked about a quarter of a mile from the house before I and him had any talking, and we got exactly about a mile from the church, then I and him had a fuss.

Q. Then you walked a quarter of a mile?—A. We were walking as far could get away from the church.

Q. You were walking as far as you could get him away from the polls?—A. Yes, sir; so that we could have a talk.

Q. After you got off with him there what did you do?—A. I was talking to him and he would not give me any satisfaction. I says to him, Grant, you are gwine away and you ain't give me any satisfaction about my stealing your check, and then he wheeled right around to me and said, "Damn you, I will give you satisfaction with this pistol."

Q. How big was this pistol?—A. It was a large pistol.

Q. How many feet long was the pistol?—A. About the length of my hand.

Q. About how many inches long?—A. I could not tell how many inches.

Q. Was it a foot long?—A. I could not tell you whether it was or not.

Q. How long is a foot?—A. A foot is twelve inches.

- Q. Was it twelve inches?—A. No, sir; it was some seven or eight inches.
- Q. It was a five-barreled revolver?—A. Yes, sir.
- Q. Did it have caps on?—A. Yes, sir; I can testify to that positively, and when he pulled fire at me the cap snapped.
- Q. What did you do then?—A. Then I took my stick and struck him right on the head.
- Q. Did you hit him hard?—A. Yes, sir; I hit him hard enough to knock him down.
- Q. Then what did you do when you knocked him down?—A. I jumped on him.
- Q. Jumped on him with your feet?—A. No, sir; I jumped on him with my hands.
- Q. Then what did you do?—A. Then his crowd ran up and jumped on me; and when my party saw his crowd come up they came up and jumped on his crowd.
- Q. How many men were in Grant's crowd?—A. About twenty, I suppose.
- Q. Were they negroes?—A. Yes, sir.
- Q. Was Peter Lucas there?—A. Yes, sir.
- Q. Well, give us the name of another man in Grant's crowd.—A. Jeems Simmons was there.
- Q. Who else?—A. Billy Brown.
- Q. What Brown is that? Is that the Brown that is employed by Captain Latham?—A. Yes, sir.
- Q. Who else?—A. Well, I could not call all the other names.
- Q. You cannot give us any other names than those of Lucas, Simmons, and Brown?—A. No, sir.
- Q. Did you know any of the other men?—A. No, sir; I did not know the others' names.
- Q. Well, then, what did the crowd do when they come up?—A. They all jumped right on and started to beat me.
- Q. What with?—A. With their hands.
- Q. Who struck you?—A. I don't know which one struck me, except Peter Lucas; I am certain of him.
- Q. Well, who else struck you?—A. I don't know who else struck me. I am certain of Peter Lucas, because I was looking at him when he struck me.
- Q. You say you hit Grant and knocked him down and jumped on him, and while you two were down on the ground then Grant's crowd came up?—A. Yes, sir.
- Q. Did not you state a few moments ago that you struck him with your club and caught him around the waist and he caught you around the waist and you threw him down?—A. No, sir; I says after he made fire on me I struck him with my club and knocked him down.
- Q. You did not say that in your examination-in-chief?—A. I did not tell you that.
- Q. How many times was Grant struck with a club?—A. I couldn't tell how many times.
- Q. How many times did you strike him with a club?—A. I didn't strike him but one time.
- Q. Did anybody else hit him with a club?—A. Not to my knowing.
- Q. Did anybody cut him?—A. Not to my knowing.
- Q. What became of his pistol?—A. I don't know nothing about that, sir.
- Q. Did he keep his pistol in his hand all the time?—A. When I and he got into the fuss he had his pistol in his hands until the crowd come, and what became of it after that I don't know.
- Q. You do not know whether he was cut or not?—A. I never know anything about it until I heard about it.
- Q. Do you know Rebecca Bennett?—A. Yes, sir.
- Q. Did you see Rebecca Bennett throw herself down on top of this man Grant?—A. I didn't see her.
- Q. You do not know whether she begged the crowd not to do it?—A. No, sir; I don't know nothing about it.
- Q. How many said "Kill the democratic son of a bitch"?—A. I don't know anything about that.
- Q. How many times did you say that?—A. I didn't say that, because I had nothing to do about that, sir.
- Q. What ticket did Grant vote?—A. I couldn't tell you what ticket he voted; I don't know whether he voted the democrat or republican ticket.
- Q. Were you in the church when he voted?—A. No, sir.
- Q. What ticket did the colored people tell you he voted?—A. They didn't tell me what ticket he voted.
- Q. Do you mean to say that the colored people did not tell you what ticket he voted?—A. No, sir; because I had nothing to do with it; all I had to do was to put my ticket in, and I have nothing else to do with anybody else's business.
- Q. But you followed Grant down the road?—A. Yes, because he called me a disgraced name; he called me a thief.
- Q. When you got through with this fuss you went back to the polls?—A. Yes, sir; me and the crowd went back.

Q. Did you carry the stick back?—A. No, sir; after the fuss was over I threw it away.

Q. Well, then, you met Lucas in the road?—A. Yes, sir.

Q. What time was that?—A. Between 2 and 3 o'clock.

Q. What did you say to him?—A. Then I asked him what he stroke me for, and he said I stroke me because I stroke Grant, and he intended to take up for Grant because they lived on the same place. After he told me he intended to stroke me, he pulled off his jacket and went right in; after he had thrown his jacket off I throwed off mine, and then we went right in to fight, I and him; I hit him and he hit me.

Q. Where did you hit him?—A. I hit him right on the breast.

Q. Where else?—A. I couldn't tell where, because I hit him all about and he hit me all about.

Q. How many persons were there near you and Lucas when you got into the fight?—A. Some ten or twelve persons.

Q. Lucas was alone?—A. No, sir.

Q. Whom did he have with him?—A. The same folks that was with him afore were with him; Sam Black was there with us.

Q. Who is Sam Black?—A. He is a preacher.

Q. What ticket did he vote?—A. I don't know that; I didn't pay no attention to notice who was voting; all I know about it is that I voted the republican ticket, and I intend to die on that.

Q. Were you at Mr. Stone's office?—A. I was up there yesterday.

Q. Did you tell Mr. Stone what you have told here?—A. Yes, sir; I gave him the testimony.

Q. Mr. Stone is a lawyer here in town?—A. I don't know whether he is a lawyer or not; but I have been up there.

By Mr. JONES:

Q. What became of Grant after you and he had the difficulty?—A. I don't know, sir, what became of him; I didn't see any more of him.

Q. Did not you and Grant have a difficulty because Grant was a democrat and you were a republican?—A. No, sir.

Q. Did you hear Grant say anything about his difficulty in voting?—A. No, sir; I didn't have nothing to do with him about his ticket, because I didn't have nothing to do with no man.

Q. How long were you away from the polls during the time you were having this fuss?—A. I couldn't tell how long, because I didn't have no watch to tell how long it was by.

Q. How many democrats voted there that day?—A. I don't know, sir.

Q. Do you know how many republicans voted?—A. No, sir; I don't know how much.

Q. Do you know Captain Latham?—A. Yes, sir, I know him; he is carrying on the phosphate works.

Q. He is a pretty clever man?—A. I don't know whether he is a clever man or a bad man.

Q. What is he, a democrat or a republican?—A. I don't know what he is; I know he is a white man; I have nothing to do with no ticket, black or white, or blue or green, or any other color.

Q. You have lived on this plantation some time?—A. Yes, sir.

Q. Captain Latham has been there a good while?—A. Yes, sir.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. You never heard anybody say what he was?—A. No, sir.

Q. None of the colored people?—A. No, sir; all I know about him is that I saw him at the poll there that day.

By Mr. JONES:

Q. Were all the other republicans in that precinct as ready to die as you are for the ticket?—A. I couldn't tell you about anybody else; I can only tell you about myself.

Q. Would you want to kill a man because he did not agree with you in politics?—A. No, sir; I have no need to kill any man, because, as I say, every man to his own principle.

Q. You do not feel as kindly towards a democratic colored man as a republican colored man?—A. I have got nothing to do with no man, sir.

Q. If Grant had been a republican like you, would this trouble have occurred between you and him?—A. We didn't have no fuss about a democratic affair.

By Mr. BANKS:

Q. Suppose a republican had called you a thief, would you have been satisfied with it?—A. If he had called me a thief, me and him would have got into a fuss just the same as Grant.

By the CHAIRMAN, (Mr. COCHRANE:)

- Q. Do you know James H. Roberson?—A. Yes, sir.  
 Q. Is he a republican or a democrat?—A. I don't know, sir.  
 Q. Do you know Mr. Drayton?—A. Yes, sir.  
 Q. Is he a democrat or a republican?—A. I don't know, sir.  
 Q. Among the three hundred negroes who voted the republican ticket on election-day at Red-Top church, you do not know one?—A. No, sir.  
 Q. How tall are you?—A. I couldn't tell you how tall I is; I don't know for sure.  
 Q. Do you know how much you weigh?—A. The last time I was weighed I weighed 170 pounds.  
 Q. How long ago was that?—A. That was in July.  
 Q. You are about six feet high?—A. I don't know, sir.

By Mr. BANKS:

- Q. Have you ever had a revolver?—A. No, sir.  
 Q. How many colored people in your vicinity have pistols?—A. I couldn't tell?  
 Q. Is it a common thing for them to have pistols?—A. I don't know, sir.

By the CHAIRMAN, (Mr. COCHRANE:)

- Q. You belong to the militia company?—A. Yes, sir.  
 PRINCE ALBERT (colored) sworn and examined.

By Mr. BANKS:

- Question. Where do you live?—Answer. I live at No. 5 Kirkland Lane, in this city.  
 Q. What is your business?—A. My business is laboring business; mostly any kind of business I can get. Sometimes I wait. For the last two years I was employed in laboring business.  
 Q. How old are you?—A. Thirty-one years old the 10th of May coming.  
 Q. Where did you work last?—A. I worked last at the corner of George street and Saint Michael's alley.  
 Q. Whom did you work for?—A. Willis Williman.  
 Q. When did you leave there?—A. The first Saturday night in October.  
 Q. How came you to leave?—A. The last Saturday night in September the boss employer of Mr. Williman came to me and said: "Who are you going to support this time; are you going on our side or are you going to support the republican party?" I said "No." He said, "Why can't you come with us this time and let us have a good Government, and run these Yankee carpet-baggers out, so that we can work and have plenty of money?" I said to him, "I can't do it, sir." He replied, "Why can't you do it? The republicans give you nothing at all." I said to him then, "I think if I was to forget what the republican party have already given me I would be not only ungrateful to man, but ungrateful to God." He says, "I am very sorry that I have to part with you, but you must make up your mind between now and the time the roll comes around; you must either make up your mind to do one thing or the other, either vote with us or don't go to the polls at all." I told him then I couldn't promise him to do either one nor the other; that I would have to take the consequences, no matter what they might be. He says then, "I am very sorry that you will have to go." I told him then I thought it was very hard that I would have to be discharged on the occasion of my political principles; "but," says I, "Boss, it seems to me like your party tries to take the power out of the hand of God Almighty instead of the power out of the hand of man. God has given me the liberty, and I am going to exercise it to the best of my judgment." He said, "Well, let all the past differences be set aside." I told him then, "I can't set it aside, because that is what we have to regard and look upon as an example." Then he said, "Well, you will have to go to-night. Come to work Monday." That was the last Saturday night in September. Well, the first Saturday night in October was the night they was to discharge me, so I went off that Saturday night, and on Monday morning I came back, and after that we went in and worked till Saturday night. Saturday night he called all of us and told all of us we was discharged that wasn't willing to vote. We was to sign our names, and those that didn't sign their names had to go. About fifteen of us didn't sign our names. Some of them are working there now; there was five which wouldn't go with us. We all was out of employment till after the election.  
 Q. Did you try to get employment anywhere?—A. Yes, sir.  
 Q. Did you try often?—A. Yes, sir.  
 Q. What luck did you have?—A. I didn't have luck; but one day in the afternoon I got five hours' work from Mr. Pringle.  
 Q. What was said to you when you asked for employment?—A. They asked me to turn right in and work.  
 Q. Not at that time, but when you went out for work; when you tried and did not get work what was said to you?—A. A great many colored people said nobody can work except democrat niggers.



Q. When you asked men for work, what did they say to you?—A. I never asked but two; one was Mr. Walker. He said, "Did you vote the democrat ticket, too?" I said "Yes, I have already voted it." He said, "We can't give any work to those who have voted against us." That was on the Commercial Press. The other man was Mr. Huger. He didn't give me any work. I went to him and he said, "Prince, are you out of employment, too?" I said, "Yes." He said, "Why?" I said, "Because I can't take sides with Mr. Wilkinson." "Well, now," said he, "see here Prince; I have voted the republican ticket twice; why can't you vote with us this time?" I said, "I can't do so. You can change your suffrage at any time, but it won't do for me to change my suffrage in that direction all the time." He said, "Well, you know me. We were all raised together; and you can't expect to get employment from the republican party." I said, "The most of the republican party is black men." Then he said, "I can't give any one employment that don't vote for us." Then he got up and went right away. He had to give some receipt for cotton-bales.

Q. Did you go back to the place where you were discharged from work?—A. Yes, sir.

Q. When did you go?—A. On the third Saturday evening in October, as near as I can remember. I was discharged about five weeks before the election, and the second Saturday night after the election I went around there, and my object in going around—

Q. What did you do when you got there?—A. I went there not so much to get employment as to get my final discharge. The people said that no one that was discharged by them couldn't get no work unless they got their final discharge from the boss that they was working with. I said to them, "I heard, boss, no one can get employment unless they get their final discharge," and they said, "Yes, but the election is over now, and if you feel like working I will give you a dollar and a half, and fifteen cents an hour for overwork, provided you take an oath to vote with us. All those that are working with us now have promised me already that they are going to vote with us in time to come. That is the reason I give them work again; and if you want work I will give you a dollar and a half a day and fifteen cents for over-time in the night."

Q. What did you tell him?—A. I says, "I can't do that, neither, sir. It is my liberty, and I am going to exercise it to the best of my ability." I said, "If you can't give me employment for less than that, I will take the will for the deed."

Q. What you mean by a final discharge is a recommendation, or character certificate?—A. I wanted a final discharge, and if he felt disposed to give me a recommendation, he might do so. He said to me then: "Any time you want a recommendation I will give it to you, and your discharge." I told him, "Well, I will call around for it to-morrow." He said, "I will let you have it now if you want it." So he give it to me, and I said, "I am very much obliged to you, sir." He signed that recommendation for me in order for me to go around to my friends and get work.

Q. Did he say anything to you about his obligations as to employing men?—A. He never told me nothing at all about his particular obligations, except so far as he stated that he was compelled to do so according to his obligations.

Q. Tell us what he said to you as to his own duty?—A. He said that "any man that don't vote on our side we has to discharge them, and we is compelled to do it."

Q. Did he tell you how he was compelled?—A. He never told me how he was compelled. He told me that the party that he belongs to, according to that party he was compelled to discharge all that he had in his employ that didn't vote with him.

Q. Did he say how he was compelled?—A. No, sir, he never told me how he was compelled.

Q. Did he tell you that he had taken an oath?—A. No, sir; but he wanted me to take an oath to go with that party.

Q. Have you had employment since?—A. I had one day's employment on the rallying committee of the republican party, and five hours' work by Mr. Michael Pringle.

By the CHAIRMAN, (Mr. COCHRAN:)

Q. How long had you worked for Mr. Williman?—A. I worked for him from the 1st of July to the last of September.

Q. What were you doing there?—A. I was doing a little of everything; sorting all the market-cotton, and working on the press. I was there right steady all the time, and Mr. Williman wasn't there all the time.

Q. Who owns the press?—A. Mr. Barnwell and some others; I can't tell you who all owns it.

Q. Then Mr. Williman is an agent?—A. Yes, sir; and superintendent.

Q. How many negroes are employed there altogether?—A. Between thirty and thirty-five.

Q. Did Mr. Williman tell you when he got to talking with you about how the State had been governed by a lot of thieves?—A. Yes, sir.

Q. Did he tell you these people were stealing the public money?—A. Yes, sir.

Q. Did he tell you that business men and business interests would be broken up and destroyed unless there was good government in South Carolina; that the governor that controlled it then was not fit to control it? Did he not tell you if all the business was broken up there would be no employment for anybody, white or black?—A. No, sir; he never said white nor black. He said the democrats gives employment, and unless we came on their side and deserted the carpet-baggers we never would get good government.

Q. He did not compel you to vote anyway? He left it to your own free choice?—A. He didn't compel me, because he couldn't.

Q. He did not try to?—A. He tried to use compelling on me by trying to persuade me.

Q. But he only tried to persuade you by arguing with you?—A. O, he tried to persuade me that way, of course.

Q. Well, now, how many men were discharged with you?—A. As near as I can guess, about fifteen.

Q. How many men of those who were discharged are now back at work?—A. I can't tell particular; about five or six of them went back, and they are there now. They was discharged the same night with me; but those men are employed back there now because they can't do without them.

Q. Do you say that Mr. Williman wanted you to take an oath?—A. Yes, sir.

Q. Did he tell you to hold up your hand and be sworn?—A. He said this to me: "There's a list coming around here and I want all that is employed by us to take the oath, and those that don't we'll discharge them."

Q. Are those the words he used?—A. Yes, sir.

Q. Did he say any more than that?—A. He said a great deal more than that, but I don't recollect it.

Q. You were employed by the republican rallying-committee on the day of the election?—A. After I was discharged.

Q. How much did the rallying-committee pay you a day?—A. The rallying-committee didn't pay me anything, not yet, but they made a promise to pay.

Q. How much?—A. Two dollars. I didn't do that for the money, but I did it to secure my rights.

Q. But you got them to promise you \$2?—A. I didn't ask them to do it; they made me that promise. If a man promises to do anything for me, and if he don't do it, he just makes a falsehood of his own self.

Q. How many days did you work for the rallying-committee?—A. One.

Q. Did you ever go to them and tell them that you did not want them to pay you, that you did it for love?—A. No, sir; I never told anyone that I didn't want any money, but I would tell the opposite party that I didn't want no money.

Q. Were you ever a member of the Union League?—A. No, sir.

Q. Did you ever take an oath to support the republican party?—A. I swore the last time.

Q. When did you take an oath that you would support the republican party?—A. About three months ago.

Q. Who did you take the oath before?—A. Before Lieutenant-Governor Gleaves.

Q. And you swore before him that you would support the republican party?—A. Yes, sir, I did.

Q. Where was the oath administered to you?—A. Down in Archdale street, across town, in our ward meeting.

Q. How many other negroes took the oath there?—A. So many that I couldn't commence to tell you; over six hundred, white and colored.

Q. How many white men?—A. More than I can remember. I aint got no particular remembrance of it.

Q. How many negroes?—A. Over six hundred. It is more than that, because they have had to take that oath every meeting that they called. Every meeting that was called was open for new members every night till the election.

Q. And then they had to take an oath to support the republican party?—A. O, yes, sir. They were not compelled, but they were asked.

Q. What was the oath; what did you swear?—A. The oath was this: "You do solemnly swear to protect and defend the constitution of the republican party, so help you God;" and I forget; there was some other things, such as don't give out no secretness of this club, but something or 'nother of that kind; I couldn't give it exactly, but it is something just that way.

Q. It was, in substance, that you would vote the republican ticket and do all you could to support the republican cause?—A. Yes, sir; that was as I understood it.

Q. You understood from the oath that when you took it you would be bound to vote the republican ticket, and you would be bound to do whatever you could for the republican cause?—A. Yes, sir.

Q. You say that there were a great many negroes that were sworn in the same way?—A. Yes, sir.

Q. Every negro that came to the club would have to sign this oath?—A. I didn't say that they would have to sign this oath, but they signed the constitution.

Q. Did most of the negroes in Charleston belong to these clubs?—A. The majority of them did.

Q. Did all of these republican clubs have the same kind of an oath?—A. It is very likely that all had the same oath. I never visited all the ward meetings. I visited wards 2, 3 and 4, and they all had the same oath.

Q. There was also a provision in the oath that you would not betray any of the secrets of the club?—A. Yes, sir.

Q. Under this oath that you took you would have felt yourself bound to vote for any person who might have been nominated on the republican ticket?—A. Yes, sir.

Q. It did not make any difference who it was?—A. Yes, sir.

By Mr. JONES:

Q. Was not that part of the oath?—A. Yes, sir; all the nominees of the republican party. We made up our minds to vote the straight ticket and all the names on that ticket.

By the CHAIRMAN, (Mr. COCHRAN:)

Q. You say that the lieutenant-governor was there?—A. Yes, sir; he administered the oath.

Q. How many negro men were there connected with your club?—A. I can't remember exactly, but according to the number which was registered there in the ward, it run up between six hundred and seven hundred.

Q. And every one of those six or seven hundred men took the same oath that you did?—A. Yes, sir; he took the same oath in my presence every time that I was there.

Q. They would not allow any one to belong to the club unless he took that oath?—A. No, sir.

Q. Were these meetings held in secret?—A. No, sir; they were public meetings. Anybody could come, but if they didn't feel a desire to take any part with us, he was requested to go out. He could come in as a visitor, but when the time came for particular business we asked him to go out. When we got through initiating new members, then we opened the door and they came in again.

Q. What was the initiation?—A. Only to take that oath.

Q. What was the nature of the business what was done in these clubs?—A. Why, the business that was done in this club was only to state who the officers, &c., should be whom you got to vote for, and to not let any member go out on the street and have any public discussion about what took place in the club.

Q. You were not allowed to tell outside that you took the oath?—A. You could speak about taking the oath, but you wasn't to tell what the oath was.

Q. Who was the president of your club?—A. The president was Aaron Williams.

Q. Was he a white or a colored man?—A. He was a white man.

Q. What was his business?—A. I don't know his business.

Q. Is he in office?—A. No, sir; he didn't occupy any position in this city.

Q. Have you worked any since you were discharged, except the day that you worked for the rallying committee?—A. I worked five hours one afternoon.

Q. Who was that for?—A. That was for a Mr. Michael, on the Southern wharf where the Dictator, the Florida boat, lands.

Q. Is Mr. Michael a democrat?—A. I don't know whether he is a democrat or republican.

Q. Do you know of a great many republican negroes in Charleston working for democrats?—A. Yes, sir; there are a great many working for them now.

Q. You never heard any oath administered to these men since the election? You never saw any white men administer it?—A. You never took an oath, but they wanted you to take an oath.

Q. That one man?—A. Those three that I went to.

Q. Did they want you to take it?—A. No, sir; they only spoke to me concerning it; but my employer did, and I said to him that he couldn't get my vote if he was to give me five thousand dollars cash in my hand and twenty dollars a day. He said, "No intimidation; no intimidation."

Q. You would not violate this oath that you took in this club if a man came to you and gave you a hundred dollars a day?—A. Not for a thousand dollars a day. According to the oath they couldn't do anything to you; but at the same time to be truthful as a truthful man I wouldn't take two thousand dollars a day.

Q. In other words, in taking this oath that the lieutenant-governor had administered to you, you felt as a matter of conscience that you could not vote anything but the republican ticket without violating your oath and violating your conscience?—A. Yes, sir.

By Mr. JONES:

Q. Mr. Williman, with whom you worked, was a democrat?—A. I can't say he is a democrat, but according to his expressions towards me I announce him a democrat.

Q. He gave you when you left, though, a recommendation as a good republican?—  
A. Yes, sir.

Q. Well, do you know that it is the custom among democrats here to employ only those persons who will vote with them; is there any such custom as that?—A. O, yes, sir; I know it is.

Q. You said a while ago that you knew a great many democrats who employ a great many republicans.—A. Yes, sir.

Q. You express your republican sentiments pretty strong everywhere you go?—A. If I am in my house with an individual by myself, of course I suggest the matter.

Q. Suppose you were to go out to look for hands, which would you prefer to employ, republicans or democrats?—A. I would do according to what I thought best; I would employ both.

Q. Do you not think a man has a right to employ anybody he pleases?—A. Yes, sir.

Q. Would you not think that you had a right to employ anybody you please to work for you?—A. Yes, sir.

Q. And if you pleased to employ a republican you would not think a democrat had any right to object, would you?—A. No, sir.

Q. Do you not concede the same right to every other man?—A. Of course they have the same right; but, as I said afore, I would employ both.

Q. But suppose you would only want one hand, would you give the preference to a republican?—A. No, sir.

Q. Would not your oath in that society require that?—A. My oath doesn't come upon my business relations.

Q. Suppose when you went into that society and took that oath you swore to stand by your party and support all its candidates, you had come out and employed democrats to work for you, what do you think your society people would have said to you?—A. That was the principle of that society. That club took an oath to support all the nominees on the republican ticket.

Q. When you took that oath were your doors open?—A. When the oath was administered to the new members they always closed the doors and asked all who was in there who wasn't members to go out.

Q. Then it was a secret business when you came to take the oath?—A. Yes, sir. If you was a member of any other ward meeting, of course you could remain there. That's how it was.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. How long was this oath to bind you?—A. I am under the impression that it was just for this campaign.

By Mr. JONES.

Q. What was the name of that society?—A. Well, we called it the Hayes and Wheeler Unknown Club. That meant that they was to tell nothing at all about our secrets to the opposite party.

Q. When were you at Mr. Stone's? Were you there yesterday or to-day?—A. Yes, sir; I was there about half past 11 o'clock to-day.

LAZARUS DRAYTON (colored) sworn and examined.

By Mr. BANKS:

Question. Where do you live?—Answer. I live on the sea-shore.

Q. In what parish?—A. Christ Church, at Four Mile precinct.

Q. What is your business?—A. Farm-laborer.

Q. How old are you?—A. Thirty-four years old on the 4th of this last July gone.

Q. Were you at the polls in that parish on last election day?—A. Yes, sir.

Q. Did you hold any office or have anything to do with the election?—A. I was a manager, sir.

Q. What time did you go there?—A. I went there about half-past 4 o'clock in the morning.

Q. Did you stay all day?—A. Yes, sir; that was my business.

Q. Will you please to tell the committee what transpired there during the day relating to the order or disorder of the people; how did the people behave themselves there during the day?—A. Very good, both republican and democrat; better than they ever did at that precinct before.

Q. Did anybody bear arms?—A. Not one that day.

Q. How many colored people were there?—A. There were four hundred and fifty-four colored people, and thirty-one white; and sixteen of them voted the democratic ticket.

Q. Four hundred and fifty-four colored people there all day?—A. They didn't continue there all day. There was four hundred and eighty-five votes polled there that day, republican and democrat.

Q. Just state what occurred there during the day?—A. There was no violence be-

tween the two parties. There was a little cross-talk in our own party, but it soon stopped; there was no harm done, no striking nor no threatening. Some of the rest of them got after one man who tried to cut our ticket, and made a little talk, but there was nothing done.

Q. Was anybody prevented from voting just as he pleased?—A. None at all, sir.

Q. Was there any complaint made by anybody to you as a manager, that men could not vote as they pleased?—A. Not one, sir.

Q. Were there any women there?—A. Yes, sir.

Q. How many?—A. I don't know exactly, sir; they came passing backwards and forwards, and some staid there nearly all day.

Q. Had they any arms or clubs of any kind?—A. None at all.

Q. Were the white men armed?—A. If they were I never see them, sir.

Q. Did any colored men vote the democratic ticket?—A. Yes, sir; there was fifteen.

Q. Did they vote openly?—A. Yes, sir.

Q. Did you see them?—A. Yes, sir.

Q. Did other men see them?—A. Yes, sir; other men see them, and knew their names, too.

Q. And nobody interfered with the democrats, white or black, in regard to the votes they cast?—A. No, sir.

By the CHAIRMAN, (MR. COCHRANE:)

Q. You were a manager at the poll?—A. Yes, sir.

Q. Your duty required you to keep in the house, did it not?—A. Yes, sir; right in the house.

Q. You staid in the house all day, did you?—A. Very near, except any particular business took me out.

Q. Well, how long were you out at one time?—A. I couldn't stay out at the highest over fifteen minutes.

Q. Take all the time that you were out all day and how much would it make?—A. Well, about three-quarters of an hour, I guess.

Q. You were attending to your duties during the time you were in the house?—A. Yes, sir; I was attending to my duties.

Q. Then the greater part of the day you do not know what was going on outside?—A. I know whatever was done right there at the house.

Q. If you were inside the house attending to your duties, you do not know what men might have been doing that were out of your sight?—A. I wouldn't swear to it.

Q. What kind of a building was it that the voting took place in?—A. It was a school-house, sir.

Q. Then when you say that you saw no disorder and heard no threats, you speak of the time you were out?—A. Taking all the time together.

Q. That was the time when you would have an opportunity of knowing what was going on outside?—A. The position of the people was fixed towards the swamp. Two roads comes right up to the house, and I voted the men right in the front door, and staid in the house and kept them from crowding me, and I stood at the door in order that I might see right through there and see what happened at the house.

Q. You stood at the door for the purpose of seeing what was happening outside?—A. No, not for that purpose. I stood at the door for the purpose of seeing the voting. I didn't tend to the box, I was right to the door.

Q. I understand that; but there were a great many people at the side and back of the house, were there not?—A. There was a swamp at the rear of the house.

Q. Was there not some ground between the school-house and the swamp?—A. A little space of ground where the people would go out to do their business.

Q. Give us the names of the colored men who voted the democratic ticket.—A. I can't remember all their names now, but they voted there and voted publicly.

Q. If you were a manager of that election and if you saw all of the negroes who voted the democratic ticket, and they voted an open ticket so that every one might know what they voted, I want you to name to me the negroes who voted the democratic ticket.—A. I can't remember them all, sir.

Q. Can you not give me the name of a single negro who voted the democratic ticket?—A. One man was named Brown, one was named Gardling Edwards. I knew the rest of them, but I have forgotten them all.

Q. Can you give me the name of any man who voted the democratic ticket at those polls except Brown and Edwards?—A. No, sir; I can't. I don't remember them now.

Q. Did you belong to any colored club out there?—A. No, sir.

Q. Did you belong to a colored club in Charleston?—A. No, sir.

Q. Did you belong to a colored club any place?—A. No way. I belong to the church.

Q. Were you at the office of Mr. Stone, the lawyer, in the city here?—A. Yes, sir; I was there.

Q. Who notified you to go there?—A. The clerk.

Q. Mr. Stone's clerk?—A. The clerk of the court told me that there was a gentle-

man hunting for me to give me the summons, and he told me that that was the place to go to get it. He told me the marshal was hunting for me.

Q. Did you see Mr. Stone there?—A. Yes, sir.

Q. Did you have a talk with Mr. Stone?—A. I gave him my advice; all I knew about it.

Q. What did Mr. Stone tell you about what you would be asked when you came here?—A. He didn't tell me nothing about it.

Q. What year were you born in?—A. In 1842.

Q. What month?—A. July the 4th.

Q. Did you talk with Mr. Stone about what year you were born in?—A. No, sir; I had no reason to tell him about what year I was born in.

Q. Did he ask you how old you were?—A. No, sir; never.

Q. Have you got a record of your birth?—A. Yes, sir.

Q. Where is the record of your birth?—A. I keep it in the Bible of my father.

Q. Did you see any of the negroes about the polls with clubs or sticks?—A. No, sir; I didn't see any with clubs. Of course I see some carry sticks backwards and forwards, but no more than usual.

Q. Well, sir, how many of them had sticks; half of them?—A. Sometimes you might meet a few. None of the old men had any, but some of the young men might have had a few sticks.

Q. Did you see any bayonets on sticks?—A. I never seen none.

Q. Did you say there were not any bayonets or sticks there?—A. No, sir; I would swear to it.

Q. Did the negroes have guns about the polls?—A. Not one that I see there that day.

Q. Did they have any in the evening?—A. Not till after six o'clock.

Q. How long after the polls closed did you see these guns?—A. Maybe some four or five hours.

Q. Were they not there at 4 or 5 or 6 o'clock?—A. No, sir.

Q. Were not the men there with guns just after the polls closed?—A. As soon as the polls closed my attention was taken up in counting the votes.

FRANK RICHARDSON (colored) sworn and examined.

By Mr. BANKS:

Question. Where do you live?—Answer. In Saint Andrews Parish.

Q. How long have you lived there?—A. About ten years. I moved into Saint Andrews Parish in 1865.

Q. At what precinct do you vote?—A. I vote at the Red-Top church.

Q. What is the Red-Top church?—A. It is a building with a red top.

Q. How old are you?—A. Thirty-two years of age.

Q. What is your business?—A. Planting, sir.

Q. Had you any office or special duty to perform at the last election?—A. No, sir.

Q. Will you please to state to the committee what you know about any fracas or quarrel or trouble that occurred at the Red-Top church poll during that day?—A. I was there at the time when April Small and Grant had some trouble.

Q. What time did you get to the polls?—A. At the time the polls opened.

Q. What time did this trouble occur between Grant and Small?—A. Early in the day.

Q. Tell us what it was.—A. As far as I knew about it, Grant was accusing Small of stealing a check from him, and they had a contradiction of that till they got to fussing, and after that Drayton told them they must go off; and so they went off, talking, and talking, and talking; after that they commenced to talk very loud, and he thought they would have a fuss, and he said that was no place to have a fuss, and so they went away.

Q. What was Drayton?—A. I believe he was deputy marshal there at the poll.

Q. What else do you know about it?—A. After they got away from the poll they got on to short talking, and afterward Grant drew a revolver on Small.

Q. Did you see this?—A. Yes, sir; I see that myself, sir.

Q. How far did they have to go away?—A. As near as I can guess, about three-quarters of a mile; then when Grant drew his revolver on Small Small closed on Grant, and in the time when he first closed on him then the row commenced.

Q. Was either Grant or Small thrown?—A. Both of them binded and went down, and then the crowd collected quite big; after the crowd gathered there one crowd was standing for Small and the other one was standing for Grant, and they commenced to mix up, and had a general row.

Q. At the time that this difficulty began, near the polls, was there anything said about any other subject besides the check?—A. No other subject, sir.

Q. Nothing said about politics?—A. Nothing on political affairs at all.

Q. Nothing said about "you are a democrat, or a republican?"—A. No, sir.

Q. How was it when they met three-quarters of a mile from the poll; were there no politics talked there?—A. No, sir; it was about the check.

Q. Were you at the polling during the whole day?—A. I was at the polls twice that day.

Q. How much of the time were you away, do you think?—A. I was away about an hour.

Q. What was the behavior of the voters at that poll?—A. The people didn't have no fuss at all round about the poll, sir.

Q. Did you see anybody assaulted because he was going to vote the democratic ticket?—A. No, sir.

Q. Did you see any people there with arms—muskets, guns, clubs, or sticks?—A. I saw them with walking-sticks.

Q. What do you call a walking-stick?—A. A common stick about the size of my thumb. Some of them mens has got to walk with a stick as a balance, like.

Q. Were there any women there?—A. A few womens was there. They had some biscuits to sell to the men.

Q. Was there any military company there?—A. No, sir.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. When your attention was first attracted to Grant and Small they were talking together at the polls about this check?—A. Yes, sir.

Q. Mr. Drayton came up to them and told them to move on, not to crowd up the place there?—A. Yes, sir.

Q. Then they walked away together, three-quarters of a mile down the road from the poll?—A. Yes, sir.

Q. Did you go with them?—A. I didn't go till I hear the lamentation of the row, and after that some of the boys says, "Them boys is going to have a row there;" and of course Grant and Small both being friends of mine I didn't want for to see any fuss.

Q. Where were you when you heard the lamentation first?—A. I was off from the poll, where those womens were selling some biscuit.

Q. Near to the poll?—A. Yes, sir.

Q. How far had Grant and Small gone by this time?—A. They just went a piece down the road.

Q. How far; half a mile?—A. No, sir.

Q. A quarter of a mile?—A. No, sir.

Q. Were they out of sight?—A. No, sir.

Q. How many people were with you when you went down?—A. Several of us went together.

Q. How many were there when the fight commenced?—A. It was hard to tell.

Q. A great many were there?—A. Not when they first commenced talking, but after the fuss commenced they gathered there.

Q. Small says that there was a large crowd followed him down, and they were there when the fight commenced; now is he right about it?—A. There was a very large crowd.

Q. Were there fifty people?—A. I couldn't tell.

Q. Were a hundred people there when the fight commenced?—A. It would be hard work to tell that without I was to count it.

Q. You and Small have been talking about this in the hall?—A. About what, sir.

Q. About what Small was going to testify to before the committee?—A. No, sir; he didn't.

Q. Did you and he have any talk at all out there in the room?—A. No, sir; I had no talk with Small, sir.

Q. Did you have any talk with anybody?—A. Of course those men sitting around the fire and myself talked together.

Q. You had no talk at all as to what other witnesses and yourself were to swear to?—A. No, sir.

Q. You say that Grant drew the pistol, and just as he drew the pistol Small ran in and closed with him, and they both went down together; now, who was on top?—A. Of course Small was; he is a stronger man than Grant, and I suppose somehow or 'nother he tripped Grant up.

Q. Is not Grant considered a pretty strongman out there?—A. No, sir; not more than commonly.

Q. Do you know how tall he is?—A. No, sir.

Q. Do you know how much he weighs?—A. No, sir; I don't know.

Q. Well, Small fell on top when they tussled together?—A. I was so dissatisfied about the row that I don't know who was on top.

Q. Did you have a stick in your hand?—A. No, sir.

Q. What did you have in your hands?—A. I had my hands in my pocket, sir.

Q. Did you have a knife?—A. No, sir.

Q. Did you have a razor?—A. No, sir.

Q. Which one of the crowd was it that cut Grant?—A. I don't know, sir.

Q. Which one was it that struck him on the head?—A. I don't know, sir.

Q. Which one of them was it that beat him with a club when he was down?—A. I don't know. It was hard work to tell them.

Q. You did not see Small hit at all?—A. No, sir; I never see him hit.

Q. Did Small have a club in his hand?—A. He had a stick, but not a club.

Q. Did you see him hit Grant with a stick?—A. No, sir; I never see them hit; I see them when they binded.

Q. You saw the revolver and then you saw Small run in and catch him, and Grant got hold of him and they had a struggle, and they went down together, but you did not see any blows struck by anybody?—A. It was hard to tell in that crowd who stroke.

Q. Did you see Small strike anybody?—A. No, sir.

Q. How many men were in the Grant crowd, as you call it?—A. It was hard whiles to tell.

Q. About how many men were there?—A. I don't know, sir.

Q. Were there five?—A. I don't know, sir.

Q. Were there five hundred?—A. I couldn't tell, sir.

Q. Were there a thousand there?—A. I couldn't give you an idea unless I counted them. I know there were mens there.

Q. Can you give us the name of any man that was in what you call Grant's crowd?—A. No, sir.

Q. Did you see Brown up in the loft of the church?—A. No, sir.

Q. Was he up there at all?—A. I don't know nothing about it, sir.

Q. Did you see any guns about that place during the day?—A. No, sir. One old man did have a gun there, but Roberson told him that he mustn't bring the gun on the ground because he violated the law; and he left the gun agin the cart where the womens sold biscuit till he voted, and then he took it and went on home.

Q. Are you a member of a militia company?—A. Yes, sir.

Q. Was the militia company there during the day?—A. No, sir; not at all.

Q. Did you see any bayonets on sticks?—A. No, sir.

Q. Did you see any heavy clubs at all?—A. No, sir.

Q. Did you see any knives?—A. No, sir.

Q. Pistols?—A. No, sir.

Q. Stones?—A. No, sir.

Q. Did you see any women?—A. There were a few womens there, sir.

Q. How many?—A. I don't know how much there was.

Q. Did they have any sticks?—A. No, sir; they had nothing but what they had to sell in their baskets.

Q. Had they any knives?—A. No, sir; I aint seed them with any, sir; I aint seed them with anything but biscuits and apples.

Q. Did you hear anybody swearing about there?—A. No, sir.

Q. You did not hear an oath during the whole day?—A. No, sir.

Q. Did you hear any threats of any kind?—A. No, sir; I heard no threats.

Q. Did you hear anybody saying anything about democrats or republicans, or about democratic tickets or republican tickets?—A. No, sir.

Q. Or how was this or that man going to vote?—A. No, sir; I never heard no such things as them. I 'tended to my own business.

Q. You did not hear a word said on either side?—A. No, sir.

Q. You did not see republican negroes trying to give tickets to any other negroes?—A. I don't know what you mean. No, sir.

Q. It was peaceful and quiet there at the poll?—A. Yes, sir.

Q. No loud talking at all?—A. Yes, sir; joking and going on.

Q. It was the quietest election you ever had there, was it?—A. No, sir; I can't say it was the quietest.

Q. Was it as quiet as any other election?—A. Yes, sir; the same as usual.

Q. Is it usual for you to have the same kind of actions there always as you had this time?—A. Yes, sir.

Q. Did you see Peter Lucas at all that day?—A. Yes, sir; I seen him.

Q. Were you with Small when he and Lucas had the fight?—A. No, sir.

Q. Did you see that fight?—A. No, sir.

Q. Did you see Lucas whipped by any negroes?—A. No, sir, I never seen him.

Q. Where did you see Lucas?—A. I seen Lucas at the polls.

Q. You did not see him after that?—A. Yes, sir.

Q. Where?—A. I seen him just after he went away from the poll and when he came back.

By Mr. BANKS:

Q. Was it before or after the fight?—A. The first time I seen him was before the fight with Grant.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. When did you see him the second time?—A. The second time was after the fight with Grant.



Q. How long afterward?—A. I really couldn't tell.

Q. You did not see him down at the fight?—A. No, sir.

Q. You did not see Brown down at the fight?—A. No, sir; there was such a crowd there that I couldn't see him.

By Mr. JONES :

Q. Did you ever take an oath before this time?—A. I was before a trial-justice one time, sir.

Q. You know the nature of an oath?—A. A man takes an oath to speak the truth.

Q. Well, sir, do you not know that Grant was cursed there that day and beaten because he was a democrat?—A. No, sir; I don't know that.

Q. Did you hear anybody call him a "damn democrat son of a bitch"?—A. No, sir; I didn't hear that.

Q. Did not politics at the voting at the Red-Top church run pretty high?—A. No, sir.

Q. Did you hear much noise and loud talking?—A. No, sir; they went on right peaceable the same as they always did.

Q. You did not hear Grant abused at all because he was a democrat?—A. No, sir.

Q. You saw all the fuss between Grant and Small?—A. Yes, sir.

Q. Which got the best of it?—A. I couldn't tell sir.

Q. Who had the most friends?—A. That was hard for I to tell, sir.

Q. How many were in Small's crowd?—A. I really couldn't tell.

Q. Were there a hundred—or fifty?—A. Many times a man gets into a row and he don't know one thing from 'nother, and that's the way with me.

Q. Are you a republican?—A. Yes, sir.

Q. What is Grant?—A. I don't know, sir, what he is.

Q. Did they say to you that he was a democrat?—A. No, sir.

Q. Did you never hear him say to anybody else that he was a democrat?—A. No, sir.

Q. Do you know what Small is?—A. Yes, sir; I know what he is.

Q. What is he?—A. He is a republican, sir.

Q. You never heard any excitement there that day about democrats and republicans at all?—A. No, sir.

Q. Did you vote?—A. Yes, sir; I voted.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Did you ever belong to any republican club?—A. No, sir.

Q. Did you ever take an oath to support the republican ticket?—A. No, sir; I never taken an oath; it was just my feeling. I know I can't be a democrat, because I'm too black to be one.

Q. Did you ever take an oath or make any pledge that you would vote the republican ticket straight?—A. No, sir; but I took an oath at the polls, of course.

Q. Did you ever take an oath before you went to the polls?—A. No, sir.

By Mr. BANKS :

Q. Did Lucas come back to the poll after his fight with Small?—A. Yes, sir; Lucas was coming from his house towards the poll when I left, but I didn't stay there till he left poll; I went on about my business.

Q. You saw him when he was coming from the house?—A. I saw him when he was coming from his house down the road.

Q. Was he hurt?—A. No, sir; he didn't had the fuss then.

CHARLES H. SIMONTON sworn and examined :

By the CHAIRMAN, (Mr. COCHRANE:)

Question. What is your age?—Answer. I am forty-seven.

Q. Where do you reside?—A. I reside in Charleston.

Q. How long have you resided in Charleston?—A. I was born and raised here; I have resided here all my life.

Q. What position did you hold during the late campaign?—A. I was chairman of the county democratic committee.

Q. Will you now state, if you please, the manner of conducting the campaign by the democracy under your leadership; whether there was any intimidation by the colored men of their colored brethren, and any other matter which you may think important in the premises?—A. Well, sir, as soon as I was appointed the chairman of the executive committee, being well aware of the enormous majority in color against us in this county, I saw that the only possible chance for the democratic party was by a policy of conciliation, to endeavor to win over the men to our side. I was very much encouraged in the conclusion to which I had arrived by the fact that there were already in Charleston a large number of colored people whom we know as free people, who had always been free, the descendants of free persons, who were strongly in sympathy with the democratic party, and whose aid I certainly could calculate upon in carrying out this purpose which had been devised. I made every effort, therefore, to reach the col-

ored people in their strongholds, their societies and associations, and at one time I feel perfectly satisfied that I met with considerable success.' I found, however, that after we had made a considerable impression that influences were brought to bear upon the colored people both through their religious societies and their civil societies which it was exceedingly difficult to meet. They were threatened with ostracism in both of these classes of associations. The men whom I had working for me belonging to the church were debarred the privilege of the church and deprived of the right of communion, and in several cases expelled from the church, and in civil societies the same means were wielded. I then thought that possibly they might be persuaded by means of argument, listening to the expression of our kind feeling towards them. I desired to satisfy them that the great apprehension which seemed to exist in their minds that the democratic party was determined to deprive them of their privileges, and especially of their freedom, could be answered. In order to carry out that purpose I sought an interview with the chairman of the republican executive committee of this county and proposed to him that in all of the appointments which he had previously made for discussions by one party in this county we should be allowed to join, and that these discussions, instead of being *ex parte*, should be joint discussions. My relations with the chairman of that committee, Mr. Bowen, are of somewhat a pleasant character. He is the sheriff of this county, and I am a practicing lawyer here, and our official relations had always been pleasant. We had a frank, full conversation in regard to this matter, and in it we agreed that the joint discussion should go on; that I should be informed as to every meeting which the republicans were to have, and that at all those meetings I would be allowed to attend with such speakers as I thought proper, and the time should be divided. Both of us concurred in the propriety of this rule, that those meetings should be attended by none but unarmed men. Owing to the fact that the white population of this county is exceedingly sparse, Mr. Bowen also concurred in the suggestion that I made to him, that I should send up with our speakers several white persons from the city, who should be, as it were, their supporters in the audience, applaud them when the time came, and call attention to the strong points; but both of us concurred in the agreement that neither of these gentlemen that went up should go with any arms at all. Under this agreement these joint discussions were held. We attended five, I think. The first joint discussion was, I believe, at Mount Pleasant, across from the city of Charleston, and the discussion was allowed owing to the personal influence of Mr. Bowen over the large mass of colored people who had gathered together. We had another discussion at the Red-Top church. Owing to the same influence of Mr. Bowen our speakers got a hearing. Another discussion was had up on John's Island, but there the spirit of opposition which had developed itself in the first two discussions became exceedingly violent. There were armed colored people about the speaking-place, and although no actual violence was offered to our speakers, there were a great many threats of violence, a good deal of open denunciation of the democratic party, and declarations that colored men should not belong to it at all; that no colored man who was true to his race would join it. Our next discussion was on Edisto Island. We went up with several white speakers and one or two colored speakers, with a band of music. A very large concourse of negroes assembled, and although there was some tumult when the democrats commenced to speak, yet Bowen was able to suppress it; but as soon as our colored speakers sought a hearing the negroes became very outrageous indeed and would not listen to them; just abandoned the stand. I had strictly enforced the agreement that had been made between Bowen and myself with regard to no armed men going; and the next place that they met was at Calnhoy, which resulted in a very disastrous collision with the white men, who had unfortunately gone there unarmed.

Q. How many white men were killed there?—A. Seven or eight, I think, and some fifteen wounded.

Q. What was done with the bodies, if anything?—A. Well, I did not see them myself. I understood that the bodies were mutilated in a very savage way. In consequence of this unfortunate result of the Calnhoy meeting I made up my mind to stop these joint discussions, feeling that it was impossible to restrain the violence of the colored people, although I had the utmost confidence in Mr. Bowen's willingness that the discussions should go on, and therefore the next day the discussion which was to have come off at James Island was countermanded by me. Before countermanding it I sought an interview with Mr. Bowen himself in order to give him the conclusion at which I had arrived, and Bowen earnestly urged me to see every democrat that I possibly could and prevent them from going over to James Island. He said that he found himself perfectly powerless to carry out the contract that he had made with me, and that if they went there it would be at the imminent risk of their lives. At the same time that I saw Bowen I met a man by the name of Thompson who is now one of the county commissioners elected by the republican party, and was then a candidate himself; a man who represents the black element among the republicans.

Q. Is he a negro?—A. He is a negro; he is contradistinguished from the colored mulatto element, that which is a mixture of white—Thompson is the representative

of the black people. While I was discussing with Bowen and suggesting to him that although the times were very much disturbed before, and the Cainhoy massacre was producing an immediately bad effect, that we might at some future day not far distant renew these joint discussions and carry them on in the up part of the country, Thompson came forward in a most excited manner and said to me, "I tell you, sir, that you must discontinue these joint discussions altogether. Our people are not going to endure it any more. It is impossible for you to have democrats and republicans mixed up together, or white men attempting to make colored democrats." That experience was enough for me, and I concluded that we would have no more, and so reported to the committee and received their sanction to the conclusion at which I arrived—that we would have no more joint discussions at all, and we had none. Being deprived of this means of reaching the minds of the negroes, I then addressed myself to seeing if I could not personally bring some influence to bear upon the leaders in the various parts of the county. Charleston County, under the old system existing before the war, was divided into eight parishes. Each parish was a separate election district, sent its own members to the house of representatives and its own senators to the senate, and it still keeps up that political division; and among these old parishes, as we call them, are found leaders of the voters. Well, I think that I was in personal communication with the leaders in every one of these parishes, having personal interviews with the large majority of them. I found that they were very kindly disposed—at first—very kindly.

Q. Were these all among the colored people?—A. Yes; I doubt whether there was any break in the whites. I found they were very kindly disposed at first. They thought that we were contending only for honest government in the State; that we were trying to see if they would not assist us in driving away from the strongholds of power men who had settled among us, as we thought, simply for office, and they were very kindly disposed, indeed. I received promises of support from nearly every man that I talked to, and those promises were kept up until the Sunday before the election. I do not know what influence was used on that day; that is, I do not know of my own knowledge what influence was used. I do know that the very strongest efforts were made in every pulpit and county, and on Sunday evening and Monday nearly every one of these men either communicated to me in person or sent me a message that he did not dare to carry out these promises; that it was as much as his life was worth.

By Mr. JONES:

Q. Were these committee-men?—A. They were leaders in the precinct.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Well, sir, proceed.—A. Well, sir; the result of the election proved that the apprehensions were correct, because they voted in a solid mass against us. The votes of this county were almost altogether upon the line of freemen on one side and freedmen on the other. Those who had been emancipated by the war went against us almost in a solid body and those whose condition was not altered by the war voted with us. At every poll from which I heard during that day there was no difficulty at all, and white men and men who had been free voted the democratic ticket; there was no trouble about it. But in every instance in which a freedman attempted to vote he was resisted and prevented, and either did not vote at all or voted the republican ticket. We had as a candidate upon our ticket the clerk of the court, a gentleman of the name of Jack Williman, who had been associated with the republican party when he was nominated by our convention. He is personally a warm friend of mine, and I was exceedingly anxious for his election, and I saw in his behalf a large number of colored people from John's Island, Wadmclaw Island, and Edisto Island, who were his earnest friends and supporters, but supporting no other part of our ticket at all. I furnished them with tickets with Williman's name upon them, and gave them every facility that possibly could be furnished them for supporting Williman, and not one of those men voted for him, because Williman got precisely the same vote through all those portions of the county (which are very strong portions of the county) as the other men upon the ticket, not excluding the most objectionable democrats. Not one of those men who were desirous to vote for him was allowed to do so.

Q. The ticket which you furnished was a straight republican ticket except that it had his name on it?—A. Yes, sir. He was elected by the republican party before.

Q. What in your judgment would have been the result of the election if there had been no intimidation and the negroes had been allowed to vote as they saw fit, and according to their own judgment?—A. I think, sir, that if this extraordinary influence to which I have referred had not been brought to bear upon the colored people that the worst result for us would have been a majority in favor of the republican party of about from 2,000 to 2,500 votes in the county. I am satisfied that if we could have gone among them from the beginning and not been driven off by these discussions that we would have carried the county.

Q. Do you know many democratic negroes who voted the democratic ticket prior to the election and who were prevented at this election?—A. I can tell you this: I had in my possession lists of democratic colored clubs all over the county. There were

three democratic clubs on John's Island, numbering in one club about forty-five, in another about sixty, and in another possibly about fifty, say one hundred and fifty in all. Well, they were in constant communication with me. I had no agency in getting up the clubs at all, but they had volunteered their services and had come over, and they saw me every day. Well, we got out of those clubs of one hundred and fifty or one hundred and sixty men 6 votes. There was a democratic club at the Red-Top church in Saint Andrews Parish, which at one time numbered over sixty-five. I don't think that we got 3 votes at the Red-Top church on the day of election. I know that the president of one of my clubs in Saint Andrews Parish was assaulted the Sunday before election and badly out up, and we had to vote him in Charleston.

Q. Who was that?—A. A man named Parker. We had in the parish of Christ church, where this little village of Mount Pleasant is situated, nearly seventy-five active men, co-operating with the democratic party—all colored men, and of those seventy-five we did not get twenty votes on the day of election. In Saint Thomas and Saint Dennis as far back as the month of June, I had a very active and lively democratic club that was increasing in its membership, but after the Cainhoy affair every man resigned and voted the republican ticket. In Saint James Santee, the outlying parish in this county, round a little village called McLellansville, we had a majority of voters who were avowed democrats. I had the parish thoroughly canvassed.

By Mr. JONES :

Q. Do you remember how many voters there were in that parish?—A. I will not be positive, but I think there are from six to seven hundred, and we did not get a vote on the day of election.

By the CHAIRMAN, (Mr. COCHRANE) :

Q. How many did you get in that parish?—A. We got white votes almost entirely. We did not get colored votes of any consequence.

Q. You think you had a majority of the colored men in that parish before the election?—A. I know we had. The kindest relations existed between the planters and employes in that county, and the planters every one of them made themselves very active indeed, and the most favorable results were expected. You may form some idea of our opinion of our strength among the colored people when I tell you that we were on the eve of making an arrangement with Mr. Bowen, who is exceedingly strong in the county, (and we believe that he would have carried it out,) by which almost the entire colored vote of the county outside of Charleston would have gone for us.

Q. I want to ask you whether you know of any system having been adopted by the whites to discharge colored men in their employ unless they agreed to vote the democratic ticket?—A. The matter was brought up in the committee of which I was a member. It had been suggested by one or two persons, and I think one of our newspapers, that no man should be employed unless he was a democrat. The question was propounded to us by the owner of a very large wharf-property, who employed a large number of negroes and who wanted from the committee an expression of their opinion with regard to that policy, and the committee, after a very full discussion, refused to countenance any policy of that kind.

Q. Do you know whether any such policy was adopted to any extent?—A. I think that such policy was inaugurated partially. Some gentlemen who employed negroes determined to employ none but negroes who promised to vote with them; but I am satisfied that it was not carried out to any extent at all. It was the result of individual action upon the part of some persons. I know that a large number of gentlemen adopted this policy; they endeavored to persuade their house-servants—their men-servants—to vote with us; and for that purpose I appointed a special committee of gentlemen outside of my own committee to thoroughly canvass the city and persuade men-servants who were with gentlemen to vote with us. In that case there was nothing more than persuasion. In that case the gentlemen would promise to go to the poll with the men-servants. In a great many instances there were refusals. In my own house there was a man between whom and myself there has existed the kindest of feelings, and he was spoken to on the day of the election. I think it was the most piteous scene I ever saw in my life. This servant is a thorough gentleman; his manners are just as good as those of any man you ever saw, and my wife said to him: "Colonel Simonton is a candidate for the senate, and you have been here so long with us that I take it for granted you will vote for him." Well, he hesitated, and then she turned to one of us and said: "Francis feels a little uneasy about voting. Go with him to the polls. I am satisfied that he will vote for us." The negro stood in the middle of the floor and the tears rolled down his cheeks as he replied: "Mrs. Simonton, I would die for master; I would give my wife and children up for him, but I dare not go out of this gate; it would be at the cost of my life;" and he burst in a flood of tears. I think, sir, that the policy that you speak of did not address itself at all to the sympathies of our community. I doubt whether you could have obtained anything like unity throughout our whole community in that way, and the best proof of it is that a body of men, numbering about seven hundred, that are called cotton-press men—longshore-men—who do

all the stevedore-work and the manual labor about the wharves, who are as devoted a body of republicans as you ever saw, and who voted unanimously the republican ticket, are at this moment in the employment of the same persons who employed them before the elections, and their vote is as well known as my own in the community. I had an opportunity myself of advising a gentleman who has charge of Mr. Adger's wharves with reference to this same policy. Mr. Adger has four large wharves, and he does as much business as any-cotton factor in the city. This chief wharfinger came to me to consult me as to retaining a colored man who is an ardent republican. I asked him if he had anything to do with the King-street riot. He said no. I asked, "Is he a loud-mouthed politician, discussing on the wharf openly?" He said, "No; but he is an open and avowed republican, a bitter opponent of the democratic party;" and I advised him not to discharge him.

Q. I will ask you at this point if there were any republicans, loud-mouthed republicans, who were talking constantly and losing their time, who were discharged?—A. In some instances men were discharged who were connected openly with the riots that I have spoken of—men who openly and constantly express their sympathy with the people who were engaged in those riots and defended them. They were discharged not because they were republicans, but because we supposed they were endangering the peace of the community. I do not think if those riots had not taken place that you would have ever heard of any man's discharge because of his political sentiments.

Q. Do you know of any oath or any obligation having been taken or entered into by white men to discharge negroes from their employ save those who would vote the democratic ticket?—A. I know of none at all, and I do not believe that any ever existed. I believe that in individual instances men may have discharged their employes of either class for differing with them in politics.

Q. But you do not know and have not heard of obligations of any kind having been taken by white men to discharge any negro in their employ who might not have voted the democratic ticket?—A. No; this is the first time I have heard the thing suggested.

By Mr. JONES:

Q. Do you know the population of Charleston and Charleston County?—A. It is very hard to tell, our census has been taken so badly.

Q. What is about the population?—A. I think it is about 45,000.

Q. What was the vote at the last election?—A. The entire vote was about 22,000; that is the entire vote of the county.

Q. I refer to the entire vote of Charleston and Charleston County.—A. I don't think it is more than 60,000, 65,000 probably, but that is only an estimate.

Q. Well, sir, what was the whole vote at the last election, city and county?—A. Between 21,000 and 22,000.

Q. Was not the republican vote about 15,000 and the democratic vote about 8,000?—A. Somewhere in that neighborhood, sir. I have no head for figures, and cannot remember them at all.

Q. Do you remember what the vote was two years ago, the entire vote?—A. I am afraid to answer that, sir. I think the proper vote of the county is about 17,000. I can furnish all that, because I have it among my papers at my office.

Q. Your attention had not been called to the extraordinary large vote according to the population at the last election?—A. O, yes, sir; I have always been satisfied that our vote was four or five thousand beyond its legitimate number.

Q. What led you to form that opinion?—A. The vast increase of the vote in the city over two years ago. I think that the legitimate vote of Charleston was thrown before 11 o'clock on the day of election, and that every other vote that went into the box after 11 o'clock was illegitimate. It is impossible to stop repeating in a population like ours.

Q. Why do you think it is impossible to stop the repeating?—A. Well, sir, if you have had much experience with colored men, you will know that you cannot tell one colored man from another, especially if you see him for the first time. You cannot tell a negro man from a negro woman if they are dressed in the same clothing.

Q. You think that is the reason chiefly?—A. That is one reason, and a very good reason. We have no check on that at all. There is no registration in this State to fix the residence of the voter, and then it is a class of population that floats from one ward to another.

Q. They are not required to vote in the same ward?—A. No, sir, they are not required to vote in the ward of their residence at all.

Q. Do you know of any boats passing repeatedly that day from Charleston here to the islands and up the river landings in the same county?—A. Early in the morning a very large number of voters, or rather a very large number of men who could vote, passed from Charleston and went over in Christ Church Parish across Cooper River. A large number came from the direction of James and John's Island in Saint Andrew's, on Ashley River, and if you were to examine the vote down in the last poll in this city

at the Union Star Engine House in ward 2 you would find that an enormous vote was polled there early in the morning.

Q. Do you remember anything about the vote in regard to the number that was polled in that ward or the number of the residents in the ward?—A. I can furnish it; it is by no means the largest ward in the city. It is that portion of the city lying south of Queen street, where the Mills House was.

By Mr. BANKS:

Q. You have made no examination of what would be, in your judgment, the legal vote as compared with the vote that was actually given?—A. I compared the votes that had been cast in the county from 1868 to the present time as they were compiled by the newspaper, and came to the conclusion that 17,000 was the legitimate vote of the county.

Q. What would be the actual voting strength in comparison to the voting population of the county?—A. I cannot answer that with any positive certainty, sir; my conjecture would be about one-sixth.

Q. In regard to the practice of the people on the subject of employment, you spoke of some individual cases where references might have been given. Do you know of any public meetings in this city that have been held on that subject?—A. No, sir.

Q. Or in the county?—A. No, sir.

Q. Or any other counties in this low country?—A. No, sir; I do not know anything of my own knowledge. There is an association here of working-men composed of white people and when you first spoke I thought possibly that they might have passed some resolution, but I don't remember it at all sir.

C. RICHARDSON MILES sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE):

Question. What is your age?—Answer. Forty-seven.

Q. What is your profession?—A. I am a practicing lawyer in the city of Charleston, and have been practicing here for more than twenty years.

Q. Are you a resident of South Carolina?—A. Yes, sir; I have always lived here.

Q. Did you occupy any official position during the late campaign?—A. I was a member of the county executive committee.

Q. As a member of such committee did you become familiar with all matters connected with the canvass?—A. Quite so. I devoted my entire time to the canvass.

Q. Will you now state, if you please, the manner of conducting the campaign by the democracy under your leadership; whether there was any intimidation by colored men of their colored brethren, and any other matter which you may think important in the premises?—A. I can add very little to what Colonel Simonton, the chairman of the committee, has said, for I presume that he knows all I know and a great deal more, but still I will mention those few matters that came within my knowledge, that is, within my usual means of observation. I was induced to mingle in this campaign because I had taken quite an interest in the two preceding elections, general and municipal, in one of which the democratic citizens, not under the name of democrats, but as conservatives, had made a coalition with one wing of the republican party in the general election of 1874, when Green was a candidate for governor, nominated by the republican party, against Governor Chamberlain. I took an active interest in that campaign, and was in close connection with a great many of the leading republicans in the conduct of the campaign; and again in the municipal election which occurred a year ago, where they certainly divided, and the majority of the conservative citizens of Charleston supported a republican candidate, the present mayor, while the minority of the conservative citizens supported a democratic candidate. I therefore had good opportunity of judging of the disposition and temper of the colored people in relation to the white people of the county. I was impressed with the fact that the colored people were very anxious for a reform of our local State government; that they had realized that the republican government which they had had for ten years had been injurious to their material interests; that the State was bankrupt in credit and character, and that it was to our interests to see a better State government. I think the majority of them were equally strongly convinced that the republican party of the nation was the party to which they were bound by gratitude and interest, as the party that had given them their freedom and defended them in their freedom; but that they were ready to distinguish between the local government and the national republican government. I think in this canvass there was a very strong disposition shown as soon as the campaign commenced to affiliate with the democratic party in the State and county ticket, and that the general feeling of the leading men in the county on the democratic side was that as far as the colored vote was concerned we would make no effort to deter them from voting for the national republican candidate. Of course we preferred that they should vote the democratic ticket, national and State, but wherever we met that fixed resolve to support the republican party as the national party, we were perfectly content, in order to get a better State government. I found that the

disposition continued, and manifested itself in a voluntary formation of democratic clubs among the colored people. There were a few, quite a small number, of colored men of position and influence here who had always voted with the conservative or democratic people in all our elections, and who had, at first, perhaps, met with some harshness from their own race, but who had been accepted as democrats and had ceased to have any annoyance on that ground. But it was very much wider spread than that. There was a very large number of colored men who had voted for their republicanism who were now anxious to affiliate with us, and who were now ready to enroll themselves in the democratic clubs, but the first requirement was that they should be assured of physical protection. They expressed extreme apprehension, especially out of the city, if they should enroll themselves in these democratic clubs; they were afraid of being maltreated.

Q. By whom?—A. By the colored republicans; their own republican party, and race, unless we could give them that assurance of protection. That matter was called very specially to my attention; so much so that I was the member of the committee that prepared and submitted to the committee an announcement to the colored people pledging our personal honor that we would give them all the protection that was in our power if they associated themselves with us. I think that Colonel Simonton has described much more fully than I could do the effect of that throughout the county. I think that what broke down or checked for the first time that disposition on the part of the colored people to enroll themselves (for it was growing and swelling as you always find those things; it was extending from the leading men to the subordinates, and they were getting a certain pride in the matter of membership in these clubs) was this: The first thing that militated against them was the proclamation of the governor ordering all organizations called rifle clubs to disperse, and treating as violators of law any bearing of arms publicly. I think from that time that the colored people lost heart and faith in the ability of the democrats to give them protection, because I think it is a matter capable of the most perfect demonstration that the order of the governor and the President, harsh as we considered it to be, was implicitly and absolutely obeyed. There was no violation of it in spirit or letter, and we therefore felt, and we recognized that these people felt, that they had not the same protection that they had before, because the militia of the State was composed exclusively of colored men. They retained their arms and carried them to the public meetings. I have myself been at a public meeting when the white men present had no arms visible and where the colored men marched up under arms. When the proposition was made to disarm them Bowen himself said they should march off the grounds. We said, "No; let them stay." We were afraid of no violence when we were in pursuit of a peaceable object.

I attended several of the joint discussions. There were several that my friend Colonel Simonton did not mention. I attended one at Strawberry, one at Wadmelow Island, and one at Charleston; I attended more than one, certainly two, in Saint Andrew's Parish, and perhaps others. Some of those were joint discussions, and some were invited by the democrats, no republicans participating. I can speak from my own observation and experience there that for the first time in this canvass the white people of the State had the ear and were gaining the confidence of the colored voters.

By Mr. JONES:

Q. For the first time since the war?—A. Yes, sir; since 1868. We were beginning to get more of their confidence, and this simple argument involved the whole thing: "You are obliged to live here, and we are obliged to live here; it is our interest to be friends; it is disastrous to be at enmity with each other." The argument which we at first met with was the apprehension that if the democrats succeeded they would be restored to slavery.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Just at that point I desire to ask you whether that line of argument was adopted to any extent by the negro orators and white orators upon the stump, the argument that if the colored people voted the democratic ticket they would be put back into slavery?—A. That did not prevail with the more intelligent men as speakers. While the mass of the colored people had the strong conviction that they would be put back into slavery if the democrats got into power, the more intelligent of them understood that their freedom was not dependent upon party; that it was guaranteed to them by the Constitution; that it could never be taken away; and they varied that. But I have myself heard them say that although it was true, as we said, that they could not be reduced to slavery, still, if the democrats got into power, they would make laws which would make their situation worse than if they were in slavery. One of their great bug-bears was that nobody could go anywhere or sell an egg without a ticket. I have heard that among the country people—the men and women. I have heard these men say, "We understand that if Mr. Hampton is governor nobody will get any work from white people; we don't know what is going to become of us." It was very strong in its influence.

Q. Do you know whether any appeal was made by republican orators to the negro women?—A. Not of my own knowledge. I never was present when any such appeal was made, but I have found at some of these islands a state of savagery. Wadmelaw is perhaps the nearest approach to savagery that I have ever experienced. It is true I was treated with civility; there was nothing like rudeness to me. Many of them came to me afterward and stated to me that they realized that what had been stated to them by the democrats was true, and that they had never heard any of them talk before, and showed themselves anxious to affiliate with us, and to form societies at these islands. I did encounter some violence among the women, but it was from the deep-seated conviction—one which was perfectly ineradicable—that there could not be such a thing as a negro democrat. He might be a traitor to his race, but a negro democrat was impossible. They did, in my hearing, use very harsh expressions at the idea of trying to persuade their husbands to become democrats, and so on.

By Mr. JONES :

Q. The negro women have rather an extraordinary influence over their husbands?—A. Yes, sir, I think they have; the sex generally has; and yet that is consistent with harsh treatment, sometimes, on the part of the husbands. They were more deeply imbued with the idea of race than the men were; that was the impression made upon me. If I were to describe in a single sentence what were the elements that controlled the negroes of Charleston County in voting with the republican party, I would say that it was the churches and the women.

By the CHAIRMAN, (Mr. COCHRANE :) :

Q. Those were the potent influences?—A. Yes, sir; those were the potent influences to the unreasoning minds of the race. I prepared a protest against the election in Charleston County, and I could read a sentence or two from that which would cover the ground on which we disputed the validity of the election. This protest is drawn as an indictment would be, and is as comprehensive as possible, and includes in itself all the precincts which we expected to have evidence about. It is as follows :

“That the said election held on said day is illegal and null and void, because—

“I. The whole of the said county of Charleston was so controlled by systematic intimidation and terrorism that no free opportunity was given to the qualified voters thereof to vote for the candidates they desired.

“II. At certain of the voting-precincts or polling-places in the said county, to wit: Wappetaw Church and Four-Mile Church, in the parish of Christ Church; Muster-House and New Hope Church, in the parish of Saint Thomas and Saint Dennis; Club-House, Red-Top Church, Cut Bridge, and Baptist Church, in the parish of Saint Andrew's; Pineville and Saint Stephen's Depot, in the parish of Saint Stephen's; Dartart's Creek, Thirty-Two-Mile House, and Board Church, in the parish of Saint James Santee; Black Oak, Strawberry, and Calamus Pond, in the parish of Saint John's Berkeley; Four-Mile House, Whaley's Church, Mount Holly, Sumnerville, and Hickory Bend, in the parish of Saint James Goose Creek; Calvary Church, Wright's Store, Andell's Store, Campbell's Church, Rushland, Camp-ground, and Enterprise, in the parish of Saint John's Colleton, armed and organized bodies of men, with muskets and bayonets, and in military discipline, paraded and formed around the polls, threatening and menacing with violence and death any voter who dared to vote the democratic ticket, on which tickets these petitioners were named as candidates for the aforesaid offices, and that the said armed bodies of men voted with arms in their hands, and so continued until the close of the election, by means of all which no fair election could be had, and the result of the election was thereby changed.

“That at the said precincts qualified voters who voted the democratic ticket, or expressed a desire or intention to do so, were beaten and cut and injured and threatened with violence and death, whereby large numbers who desired to vote said ticket were prevented from so doing, and the result of said election thereby changed.

“That at the aforesaid precincts, and also at the following, to wit, the Union Star Engine-house, ward No. 2; Inspection and Washington streets, ward No. 3; Hope Engine-house, ward No. 4; United Engine-house, ward No. 5; Washington Engine-house, ward No. 6; Niagara Engine-house, ward No. 8, large numbers of qualified voters who desired to vote said democratic ticket had said ticket taken away from them and other tickets forced into their hands, and were compelled by threats of violence to vote such tickets against their will and intention, whereby the result of said election was changed.

“That there were present at the aforesaid voting-precincts large numbers of persons claiming to be deputy sheriffs, and wearing badges so designating them, (such pretended deputy sheriffs having been appointed by the sheriff of the county in direct violation of law, and being without any lawful office or authority,) who, pretending to act under color of such office, did, by intimidation and threats of violence, prevent and stop many persons from voting the said democratic ticket, by which unlawful violence and intimidation of said pretended deputy sheriffs the result of the election was changed.



"That gross and unparalleled fraud was practiced in the casting of the vote of said county, large numbers of persons under age having been allowed by the managers to vote at every precinct, and many voters having illegally and fraudulently voted repeatedly at the different voting-precincts, the total vote in said county purporting to have been cast at said election amounting to 4,000, or more than there are qualified voters resident in said county, and that such fraud and repeating and voting of minors and other unqualified voters was practiced by the republican party, which was opposed to the democratic party, the supporters of these petitioners, by which fraud and repeating and illegal votes the result of the election was changed.

"That in and for the county of Charleston, exclusive of the city limits, there were but thirty-nine voting precincts, instead of forty, as prescribed by law.

"That in consequence of the aforesaid fraud, violence, and intimidation, no legal or proper election could be had in said county. Wherefore these petitioners protest against said election, and pray that said election be declared null and void."

By Mr. BANKS:

Q. What paper is that?—A. The Charleston News and Courier, of issue the 14th of November, 1876.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. The statements which you have read from the paper, if I understand you correctly, are read from a copy of a paper which you filed with the board of county-canvassers, after the election?—A. Yes, sir; based upon affidavits, many of which I took from known and reliable witnesses. I was appointed one of a committee composed of George Lamb Buist and Rudolph Siegling, besides myself, to draft this paper.

Q. Are you satisfied of the correctness of that statement, at this time?—A. In the main, I am. I do not know that I can establish each one of those precincts. As I have stated, I have drawn that on the plan of an indictment, but I have no doubt of the truth of those general statements.

Q. Are you satisfied that those deputy sheriffs of whom you have spoken served to decrease the democratic vote and increase the republican vote?—A. I have the most decided impression on that point. Perhaps it may be well to state that that is a hobby with me—opposition to those deputy sheriffs—for I have been at it every election that we have had since 1868; I have always opposed it.

Q. State what effect they had.—A. They acted as party-rallyers, while they worked clothed with a badge which gave them a certain official authority. They were partisan, and violently partisan.

Q. Were there any democrats appointed?—A. No, sir. At the last election in Charleston that was prevented by the commissioners of elections. In the municipal election the commissioners of election were charged with the entire duty of preserving the peace, and our commissioners therefore controlled the sheriffs; while in the general election our commissioners of election have no such power.

Q. Was there anything in the law which authorized the appointment of these deputy sheriffs?—A. In my judgment, there was nothing; they were appointed in open violation of law.

Q. By whom were they appointed?—A. By the sheriff of the county.

Q. Who is the sheriff?—A. Mr. Bowen, who was the candidate for re-election, and also a candidate for presidential elector.

Q. And a prominent republican?—A. The head of the republican executive committee of the county.

Q. Were they all appointed from one party?—A. All from one party.

Q. And that the republican party?—A. Yes, sir; and I think I may say all colored people, or nearly so.

Q. In the article which you have read you speak of the general system of intimidation, of which you complain. Will you explain what you mean by that?—A. I think that in the city of Charleston the intimidation was more moral than it was physical, although it was mingled. I think that the outbreak of the terror was inspired by violence, and existed more in the country than it did in the city. The violence of the 6th of September grew out of an attack on democratic colored men who undertook to speak at a democratic meeting. I would say that the influence here in the city was much more subtle than that—the pressure of race, and the feeling that they would be outcasts from their race if they dared to call themselves democrats.

Q. I will ask you now whether you know of any system having been adopted by the whites of discharging from their employment negroes who would not vote or pledge themselves to vote the democratic ticket?—A. I can add but very little to what the chairman of the committee testified in my hearing on that subject.

Q. You have heard the testimony of Colonel Simonton?—A. Yes, sir; it is entirely correct upon that subject. I would state in reference to the matter just spoken of, that I was one of the committee who prepared a report in which we called attention to the laws of the United States for discharging men for political opinions, and the re-

sult was a resolution of the executive committee that we decline to give any such advice as that; that the employment of labor was a matter of individual and personal judgment; that the grounds upon which they would employ or would not employ must be left to individuals entirely. I would state that there was a good deal of talk and a good deal in the newspapers about it, but the old adage, "Much cry, and little wool," would apply. For instance, there was a butcher's parade in which they carried transparencies upon which were inscribed, "None but democrats buy meat from democratic butchers." That working-association of which Colonel Simonton spoke was composed of working-men who were enrolled to get employment, and they thought that in hard times those who were working with the democratic party, and making sacrifices, should have the preference in the employment of labor; but as a political movement it was not general, and I think as a personal movement it was not near so general as some of the newspapers might have led people to suppose. There are two leading papers here; one of them advocated it, and the other did not; and I would state that those of our people who did do it were very careful to endeavor to rest it upon a politico-economical principle and not a political ground, that the struggle we were making was for a good government, and if we could not get a good government no man was able to say that he could carry on his business, and therefore, unless they would aid us to get a good government, we were unable to give them employment, or to give them any assurance of employment. I know that a great many republicans were willing to say, "Don't vote for bad men," and that appeal was made to a very large class of republicans who had gone with us in the previous election, but on this occasion the line of race was drawn so strictly that we could make no impression.

Q. Do you know of any oath or obligation having been taken by the white citizens to discharge colored men who did not vote the democratic ticket?—A. I never heard of that thing until you asked the question this evening.

Q. Then you are satisfied that no such action was adopted to any great extent, even by individuals?—A. O, yes, sir. I do not think it was materially adopted.

Q. Were the citizens informed of what action your committee had taken in reference to that matter?—A. I cannot say that they were informed by any official publication, because we had no official application to us on the subject. I will not be quite sure, however; I do not recollect whether we published it or not.

Mr. SIMONTON. We did not publish it in the newspaper because we did not want to give it too much importance, but it was communicated to a large number who were employing hands.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. If the negroes had not been intimidated or molested, but had been permitted to vote according to their own best judgment in the last election, what, in your opinion, would have been the result in this county?—A. We carried the city, as it was, by a small majority. I believe that the result would have been that we would have carried the city by, say, 2,500 majority, and we would have diminished the vote in the county very considerably, so that probably the entire republican majority of the county would have been brought down to about 2,500.

Q. Suppose you had been allowed to go out among the colored people—when I say "you" I mean the democratic speakers—and freely speak to them, without threats or violence having been used, from the commencement of the campaign to the conclusion of it, what effect would that have had, in your opinion?—A. It would have had a very decided effect, I should judge, from the professions that were made. It would have given us a large accession of voters.

By Mr. JONES:

Q. You said something about rifle clubs a while ago. How are those clubs constituted; by what authority?—A. In the city of Charleston the larger number of the rifle clubs were the revival of old militia organizations which had existed before the war; the Washington Light Infantry, for instance.

Q. Were they not organizations under some law of the State?—A. No; they were voluntary associations, for target practice, and so on.

Q. Were they recognized by the governor?—A. O, yes, in very memorable ways.

Q. Do you know of his ever having been an honorary member of any of them?—A. I do not remember of that. I was going on to say they were all of them old militia companies; some originated in 1869, when we were in a disturbed condition here and the police were very inefficient and ineffective. After the emergency passed away we grafted upon that formation a social feature. The Germans here had a club of that sort, and had a Schützenfest every year, and we were invited to them yearly.

Q. Well, they had no political significance?—A. With the exception of one of those clubs, they were composed mostly of our best citizens; but they were not formed with that design. On one occasion, on the 28th of June, they paraded under the command of General Hampton, and Governor Chamberlain was himself their guest, and passed in the procession, saluting General Hampton as the commanding officer, and took part

in the supper and festival, and so on. After the proclamation of the President and the governor they disbanded; and I will state that the distinction was very marked, that they were not used in the way of any political purpose, except incidentally that the members were members of one political party.

By Mr. BANKS:

Q. You said that the resolution of the city or county committee in regard to the question of labor or employment was not published in the newspaper?—A. No, sir; I think not.

Q. What was the precise or substantial form in which the opinion of the committee was expressed?—A. It was substantially that the committee considered that the subject of the employment of labor was one upon which they did not feel called upon to express any opinion, as it was a matter entirely for individuals.

Q. It was left then with the people who employed laborers?—A. Yes, sir.

Q. Do you know what action they have taken upon it?—A. I think there were some instances in which persons who employed labor did give the preference to those who voted with them or did not vote at all.

Q. Do you concur in the opinion that was expressed before that there was no action of public bodies here in this county or in other counties?—A. I had the same doubt that my friend had about that workingman's association, but I do not know that they ever passed any resolutions. Unquestionably their object was to get employment themselves.

Q. So far as the county and city were concerned you did not express any opinion?—A. No, sir.

Q. Do you think the rifle clubs were regarded by the colored people as protectors of their rights?—A. By the democratic ones they were, but not by the republicans.

Q. There could have been no colored democrats except those that became so from being colored republicans?—A. That is true in the main, sir.

Q. Then the rifle clubs would have been a protection only as they had abandoned their own party and gone over to the democracy?—A. After we had given a personal pledge to protect the colored democrats from violence, when all the white men who had arms were disbanded, we felt that we were less able to afford protection than we had been before.

Q. Then the dissolution of the rifle clubs was the principal reason that you were unable to get recruits from the republican party?—A. O, by no means, sir; I believe, if there had been no rifle clubs or no disbanding of the rifle clubs, that the pressure of race would have been sufficient to control them. I only brought it in as an evidence, as they thought, that we had less capacity to redeem our promises than we had before.

Adjourned to meet to-morrow, Thursday, Dec. 23, 1876, at 10 o'clock a. m.

CHARLESTON, S. C., Thursday, December 23, 1876.

The committee met at 10 o'clock a. m.; all the members present.

Mr. BANKS. I submit the following paper, as having been handed to me by Prince Albert, a witness called at my instance yesterday:

*"To whom it may concern:*

*"I hereby recommend Prince Albert as a good republican, and reliable and faithful press-hand, and think any republican will do well to employ him.*

*"Respectfully,*

*"WILLIS W. WILLIMAN."*

I also submit in evidence a report of the secretary of the state, dated Columbia, S. C., November 23, 1875, printed at Columbia, S. C., by the Republican Printing Company, State printers, 1876, with a view to having exhibit D printed, it being a statement of the population of the State by counties, according to the census of 1875, and exhibit H, showing the population of the principal cities, towns, and villages in the State.

The CHAIRMAN. No ruling will be made upon the admission of this document. It will be laid over for examination and future decision.

CHARLES F. NORTH (colored) sworn and examined.

By Mr. BANKS:

Question. Where do you reside?—Answer. I live in Christ Church Parish.

Q. What precinct?—A. Four-Mile Church precinct.

Q. How long have you lived there?—A. Well, sir, it is about twenty or twenty-five years probably, and since I know myself I have been there. I will be forty the 8th of next May.

Q. What is your business?—A. I am a carpenter by trade.

Q. Do you follow that trade?—A. Yes, sir.

Q. Is there a polling-place in Four-Mile Church precinct?—A. Yes, sir.

Q. That is where you vote?—A. That is where I vote, sir.

Q. Have you any office or special duty or position in regard to elections in that precinct?—A. No, sir.

Q. Were you at that polling-place at the last presidential election?—A. I was sworn in as the clerk of the board of managers and acted as such.

Q. What time did you get there?—A. I was there before the hour of 6, but I was sworn in at that hour. I was there about 4 o'clock.

Q. Did you stay all day?—A. I staid until 2 o'clock in the night, when we had done sealed up the ballot-box.

Q. Did you go away during the day?—A. No, sir; I never went a foot outside of the building from the time I went in until night.

Q. Will you have the kindness to tell the gentlemen of the committee what the condition of the election was in regard to order or disorder; whether there was any fighting or quarreling so far as you know of your own knowledge?—A. Well, sir, there was nothing as I know of the sort. They had fixed the windows of the school-house where I was with some bars, so that the voters could come and vote through the bars, and not crowd at the door. The door was about two feet and a half or three feet wide; I sat at the door as clerk, and could see what was going on inside and what was going on outside. I saw no disturbance whatever with white nor colored; all that I ever heard in regard to disturbance was from a man who got up and said that he was entitled to vote, but he didn't give his right name; and that was the only thing I heard that day.

Q. Did the man vote?—A. The man voted; he gave in his right name.

Q. Did you see any armed men about there?—A. No, sir; no such thing like that.

Q. Was there any loud, boisterous talking, or loud noises, such as shouting, or anything that was calculated to alarm people?—A. Nothing to disturb us inside the inclosure, sir; nothing at all.

Q. Were any men there with muskets?—A. They was not on that ground.

Q. Did you see any revolvers or pistols drawn?—A. No, sir; there was none.

Q. Or men armed with clubs or sticks?—A. No, sir; I didn't see any, and I looked about just as strictly as the United States deputy that was there, for he and me was together partly in the morning before the poll was open. All the instructions that was given was given by a young man by the name of Johnson and myself, when we arrived on the ground.

Q. Was there any question made about men not being allowed to vote?—A. There was. There was one young man came up there to vote, and there was a gentleman inside the inclosure where I was, as supervisor, and he challenged that man; and that is the only one that I knew of.

Q. Did he vote or not?—A. He did not vote; there was not a man with his name recorded on the list.

Q. Was it the democratic supervisor or the republican that made the objection?—A. The democratic supervisor.

Q. The law was that unless a man's name was on the list he could not vote?—A. Yes, sir.

Q. How many colored people were there there?—A. At that poll I don't really know. It ought to be in that precinct in the neighborhood of 150, white and colored.

Q. Do you remember that during the day of election there was any colored man who wanted to vote the democratic ticket that was not allowed, that was frightened away, or that was interfered with?—A. No, sir; I don't think any such thing occurred there that day. I know nothing of that kind occurred.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. You were clerk?—A. I was, sir.

Q. What were your duties as clerk?—A. I was to register the names of voters, and if any challenges were made to file them, so that when they were called for they could be produced.

Q. How many votes were polled at that precinct during the day?—A. I think there was about four hundred and fifty something.

Q. How many of those votes were democratic?—A. As near as my memory serves me, I think there was thirty-one.

Q. Of those thirty-one, how many were colored men?—A. Ah, that is what I can't tell. They folded their votes and put them in the box in such a way that no living man can tell.

Q. How many colored men were there about the polls at any one time during the day?—A. Well, sir, I didn't take particular notice how much. There were a crowd; but I did not notice, sir.

Q. There was a large crowd?—A. Yes, sir; the inhabitants round about there.

Q. How many white men did you see about the polls?—A. I saw about eight or ten as near as I can say at the present time.

Q. Did you see any women about there?—A. I have not seen any women there more than those that lived there.

Q. Did you see any women at the polls?—A. O, no, sir; not at the polls. I was inside and I was right in front of where they came up to vote.

- Q. And of course you could not see everything?—A. O, no, sir; not everything.
- Q. Was it any part of your duty as clerk to keep the peace?—A. O, yes, sir; I think so. As I was sworn in I think that I had as much right to keep the peace as the managers who were originally appointed.
- Q. Were you sworn to keep the peace?—A. Yes, sir.
- Q. You say that part of your oath was to keep the peace?—A. He did not administer that to me; he only swore me as clerk.
- Q. Then it was not part of your oath that you should keep the peace?—A. I don't want to implicate myself; I don't distinctly remember that the peace were really used to me in the oath. It might have been, but I don't remember distinctly.
- Q. What is your best recollection on the subject?—A. My recollection is that I was sworn in as clerk of the election to do the duty pertaining to clerk. I really don't remember all the oath, to give it verbatim, but it might have been in it.
- Q. What is your best recollection about it?—A. My recollection is that I was sworn to do the duty of a clerk in regards to the laws of the election.
- Q. There were United States marshals there?—A. There was one there: F. M. Johnson, assistant marshal.
- Q. A colored man?—A. No, sir; a white man.
- Q. Any other United States marshals?—A. No, sir.
- Q. Any United States supervisors?—A. Yes, sir.
- Q. Well, it was their duty to keep the peace, and not your duty as clerk?—A. I don't know, sir. His duty, of course is different from mine. I should think it was his duty to keep the peace.
- Q. How far away from the door did you sit?—A. The table was just about three feet from the door.
- Q. How far were you from the door?—A. I was just on the outside of the table from the door; I will allow it to have been five feet. The table was about two feet in width.
- Q. Did you take down the names of all the voters?—A. I did, sir.
- Q. And you did not leave your place during the day?—A. No, sir.
- Q. Do you know Mr. Porcher?—A. Yes, sir; he is a white man.
- Q. What was his place on the election-board?—A. He was a manager, sir; a democratic manager.
- Q. Was he in the polling-place during the day?—A. Yes, sir; inside.
- Q. Do you know Mr. John S. Horlbeck?—A. Yes, sir; he is a white man.
- Q. Did you see him about the polls, outside, during the day?—A. I did, sir.
- Q. Have you a militia company in your precinct?—A. No, sir; not at that precinct.
- Q. Are you a member of any militia company?—A. No, sir.
- Q. Are you a member of any club?—A. None, sir.
- Q. Of any organization among the colored people?—A. O, yes, sir; I belong to such as religious societies.
- Q. Anything else?—A. Nothing more than religious societies in that section of the country.
- Q. In any other section of the country?—A. No, sir.
- Q. Do you belong to any secret society among the colored people?—A. No, sir, I do not.
- Q. What do you work at?—A. Carpentering.
- Q. Whom do you work for?—A. O, gracious, it's trouble for me to tell. I will work for anybody who will give me a job.
- Q. Who are you working for now?—A. Nobody.
- Q. Who did you work for last?—A. I worked just a week before the election for Dr. Pells, on Sullivan's Island.
- Q. Is he a republican or a democrat?—A. I suppose he is a democrat.
- Q. Do you swear that there were no guns near around that poll that day?—A. I do, really.
- Q. Then, if any other colored men who were republicans have said that they saw some guns there, they tell that which is not true?—A. I really think that that is so.
- Q. Do you swear that there were no guns, or do you say that you did not see any guns?—A. I didn't see any guns.
- Q. When you speak about no guns, no arms, and no violence, you are speaking about what you saw and heard, and you were sitting five feet from the door, inside of the polling-place, attending to your duties as clerk?—A. That is correct, sir.
- By Mr. BANKS:
- Q. You say you were clerk of the board?—A. I was, sir.
- Q. If you saw any disturbance would you think yourself authorized to say to the people, "You must not make trouble?"—A. O, certainly, sir.
- Q. If you saw any fighting you would think you were authorized to separate the combatants?—A. As being sworn so, I would do so. I would do so even otherwise, because I am so well known.

Q. If anybody tried to prevent any other man from voting who had a right to vote, you would have felt that you had a right to prevent that trouble?—A. Certainly I would.

By the CHAIRMAN, (Mr. COCHRANE :)

Q. But you would consider that your duties required you to sit at the table and keep the count of the votes; to sit there, to take any challenges, and file them, and to make a registry of the voters; and your duty would not require you to leave the table and go circulating around outside the poll for the purpose of ascertaining whether there was any difficulty or not?—A. O no, sir; that is right.

CHARLES SMALL (colored) sworn and examined.

By Mr. BANKS :

Question. Where do you reside?—Answer. Four miles from Mount Pleasant.

Q. In what parish?—A. Christ Church.

Q. In what precinct?—A. Four-mile-church precinct, sir.

Q. What is your age?—A. Forty-eight.

Q. What is your business?—A. I have no particular business. I plant, work at carpentering, drive teams, or anything that I can make my living at.

Q. Were you at the election the last 7th of November in your precinct?—A. Yes, sir; right there.

Q. What time did you get there?—A. They came to me, sir, because I lived right on the spot.

Q. Were you about there very early in the morning?—A. Very early; I was up about 5 o'clock in the morning.

Q. Were you there all day?—A. All day right there, sir.

Q. Did you hold any office of any kind in regard to the election?—A. No, sir; not exactly. I was appointed, but I begged to be excused.

Q. What did they appoint you?—A. As a marshal.

Q. What reason had you for asking to be excused?—A. Well, sir, because my horse was away and I am a man that is crippled in the leg, and I did not like to be running about among the people, having to stand upon my feet so steady all day. If my horse was there, I would have rode him and took the appointment.

Q. Will you have the kindness to tell the gentlemen of the committee whether you saw any disturbance there during that day, and what occurred generally; what was the character of the assembly, and so forth?—A. I was up before the polls opened in the morning, and I was there until the polls closed. I was right there, and I never heard a word of any cross question, nor no quarreling, nor no intimidation whatever. I must say that it was one of the most peaceable elections that we have ever had before.

Q. Were there any armed men there?—A. I never seen one near; neither pistol, gun, nor knife, whatsoever.

Q. Did you see any clubs or sticks?—A. I never seen none of them, nor nothing like it.

Q. Were any colored men prevented from voting as democrats?—A. No, sir; I never seen one.

Q. Would you have known it if there had been an effort among the colored people there to prevent colored men from voting if they wanted to vote the democratic ticket?—A. Yes, sir. Some men did vote the democratic ticket. They never had no fuss. I know two or three men that voted the democratic ticket, and they came up and voted and did not have any fuss.

Q. Can you name them?—A. William Horlbeck, a colored man, and another one who was wagoner for a gentleman now dead; Edward Gadlen voted. They did not have any fuss with them.

Q. Could you tell about how many colored people there were there during the day?—A. Well, no, sir, I could not.

Q. Do you know whether there were any women there or not?—A. Yes, sir; they passed through there frequently.

Q. What were they doing?—A. Well, sir, I could not tell you exactly what they was doing.

Q. Did they manifest any violence?—A. No, sir.

Q. Interfere with the men in any way?—A. No, sir; why, sir, at every meeting the women was there.

By the CHAIRMAN, (Mr. COCHRANE :)

Q. What year were you born in?—A. I cannot exactly remember that. I know the 10th of this coming February makes me forty-nine; so my old boss tells me.

Q. Who was your old boss?—A. John L. Narrell.

Q. How long was it ago that he gave you the account?—A. About ten years ago.

Q. What account did he give you?—A. From the account that he gave me this coming February I knowed would make me forty-nine.

Q. What did he say to you about your age?—A. At that time?

Q. Yes.—A. He told me I was about thirty-two at that time.

Q. Were you appointed a deputy marshal?—A. I was.

Q. Who appointed you?—A. I was appointed by the precinct chairman.

Q. You were recognized as a leading republican there in that section; you are a prominent man in your party?—A. Well, sir, I tried to be so.

Q. Who do you work for?—A. I work for anybody that pays me.

Q. Who were you working for about election times?—A. I was working for myself.

Q. On whose place?—A. On my own place.

Q. You have a place of your own?—A. Yes, sir.

Q. How many acres have you?—A. I have got a small farm of about one acre.

Q. You were working for yourself about election time?—A. Well, I did not work, but I was at home there looking round about; the election was right before my door.

Q. Who did you work for?—A. Do you mean after the election?

Q. Whether before or after the election.—A. The last person I did any work for was Mr. John S. Horlbeck.

Q. He is a democrat?—A. Yes, sir.

Q. How long did you work for him?—A. I worked for him, I think, about six weeks.

Q. When was that?—A. Some time last year, betwixt last December and last November.

Q. Did you work for anybody since then?—A. I have not picked up my tools to work for anybody since then; if I did it slips my memory; I was planting and working for myself.

Q. Did the negroes about the poll that day have clubs and sticks in their hands?—

A. No, sir; I did not see any one with clubs and sticks in their hands.

Q. Do you say that none of the negroes had sticks?—A. If they did I did not see it.

Q. Did you see any bayonets on sticks?—A. No, sir; I never.

Q. Do you say that there were no bayonets on sticks?—A. I say that if there were, I did not see none, and I was there from 5 o'clock in the morning until 6 in the evening.

Q. Did you hear anybody say, "We want to see any negro vote a democratic ticket here to-day?"—A. No, sir.

Q. Do you say that that was not said?—A. Well, sir, I could not hear everything that was said.

Q. How many negroes were there at any one time at the polls?—A. I am unprepared to answer that question.

Q. Did you see a woman pull a man off the platform and examine his ticket?—A. I never seen it.

Q. As soon as the polls closed did you see the negroes come in with guns?—A. After the polls closed I went home; I and a United States marshal. We went home to my house and staid there till after 10 o'clock.

Q. Did you see any negroes with guns there when the polls closed?—A. I am certain of it, sir, I never seen one.

Q. Do you say they did not have guns there?—A. I am compelled to say that I did not see it.

Q. Do you know that they had guns concealed there?—A. No, sir; I don't know it.

Q. Do not you know that there was a wagon-load of hay there and the guns put under the hay?—A. You are the only man that I heard speak of it. I don't know anything about it.

Q. Do you know of the negroes having their guns concealed in the woods?—A. No, sir; I do not know.

Q. Do you know of the negroes assembling the next morning and marching down to Mount Pleasant with their guns, around the ballot-box?—A. I do not know of it; I did not see it.

Q. Mr. Horlbeck swears in this way: "When the polls opened I heard a negro man say, 'We want to see any negro vote the democratic ticket here.'"—A. Which Mr. Horlbeck, sir?

Q. Mr. John G. Horlbeck. Mr. Horlbeck swears this: "During the day I heard some threats. In one instance I saw a woman pull a man off the platform and examine his ticket. Just after the polls closed the negroes commenced appearing with guns, and said, 'I am going to take charge of this place to-night.'" Now that is what Mr. Horlbeck swears to. Is that true, or do you say that it is not true?—A. I cannot say it is true, because I never seen it.

Q. Will you say that that is not true?—A. I am almost as ready to say that it is true as that it is not true, because I never seen it.

Q. That is all you will swear?—A. No, sir; I cannot swear that I never seen it.

By Mr. JONES:

Q. What party do you belong to?—A. I belong to the republican party.

Q. Do you belong to any society?—A. No, sir.

Q. Any club?—A. No, sir.

Q. Was an oath ever administered to you as a republican to do so and so in the party?—A. No, sir.

Q. Were there any colored democrats in your neighborhood?—A. Yes, sir; we live side and side. We are just as friendly as can be, sir. I had a relative of mine, a democrat, dine with me last Christmas.

Q. Was there not a good deal of hard feeling out there against colored democrats?—A. No, sir; I never hear no quarreling among them there.

Q. Do you hear democratic negroes out there express their sentiments and call themselves democrats?—A. Yes, sir, they do, as the same man I spoke to you about just now has come out plain as a democrat.

Q. Do you know of any colored women who are democrats?—A. No, sir.

Q. They are all republicans?—A. Yes, sir.

Q. Are they not very abusive toward the black men who are democrats?—A. Not to my knowing, sir.

Q. Have you not observed that among them?—A. I did not see any hard feeling among the democrats or republicans, or anybody quarreling.

Q. Is Mr. Horlbeck a truthful man?—A. Well, I don't have much to do with him.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Were you at Mr. Stone's office—the lawyer in town here?—A. No, sir.

Q. Did you see Mr. Stone at all?—A. No, sir; I came right from home, and right here.

Q. Did you get any word from Mr. Stone?—A. No, sir; I never knew that I was summoned until I came down here this morning in the boat.

Q. You have spoken of two negroes who voted the democratic ticket, one of them was named William Horlbeck and the other was Edward Gadlen; were you standing near at the time they voted the ticket?—A. No, sir; I was not standing near; but William Horlbeck took his democratic ticket and said in plain words: "I will do all I can for Hampton to-day."

Q. Were you standing near these two men when they voted the democratic ticket?—A. Yes, sir; I was not ten feet off.

Q. Did you see them putting their tickets in the box?—A. I seen them. Mr. Horlbeck given them the ticket, and they folded it up and went right to the step and put it in.

Q. Did you see them take a democratic ticket, fold it up, and put it into the box, and did you know that the ticket that they put into the box was a democratic ticket?—A. Yes, sir; I seen Mr. Horlbeck go up to them and they took it and folded it up and went direct to the box, and from their open lips I know it was a democratic ticket.

Q. Could you tell a democratic ticket when it was folded from a republican ticket?—A. I believe that we could from the tickets we had there.

Q. If a man approached with a democratic ticket folded you could tell it from a republican ticket?—A. Yes, sir; because it was a smaller ticket.

Q. Which was the smaller ticket?—A. I believe that the republican ticket was the smaller.

By Mr. BANKS:

Q. Do you own your own land?—A. Yes, sir.

Q. And you work on it when you have nothing else to do?—A. When I have nothing else to do.

Q. The chairman asked you something about your age; about the year you were born?—A. I might have made a mistake about it.

Q. When you know a thing of your own knowledge might you make a mistake about it?—A. No, sir.

Q. When you do not know a thing and are pressed for information about it, you might make a mistake?—A. Yes, sir.

Q. You know Mr. Horlbeck?—A. Yes, sir.

Q. You did not see those occurrences of which he spoke?—A. No, sir.

Q. These men that voted the democratic ticket met with no forcible opposition or resistance?—A. By no means, they did not.

Q. They voted just the same as republicans?—A. Yes, sir, and was just as merry as could be afterwards. This man I was telling you about hooked hands with me after he voted. He was a relative of mine.

Q. Did you see anybody here, except when you spoke to me, to whom you spoke about your testimony?—A. No, sir.

Q. Nobody spoke to you at your own home?—A. No, sir.

Q. You had no instructions in regard to it, and you did not know what you were to testify to when you came into this room?—A. No, sir.

Q. What you have said here is what you know of your own knowledge, and is true?—A. Yes, sir.



By the CHAIRMAN :

Q. Did the democrats and republicans hold a love-feast together after the election, in the woods?—A. I don't know about that; I did not see it.

Q. You do not read or write?—A. No, sir.

JAMES BRENNAN sworn and examined.

By Mr. BANKS :

Question. Where do you reside?—Answer. In Summerville.

Q. How far is that from here?—A. Twenty-two miles.

Q. What is your profession or business calling?—A. I am a newspaper correspondent. I am not now, but that is my regular business.

Q. How long have you lived in Summerville?—A. I have been living there four years.

Q. How long in South Carolina?—A. I have been in South Carolina since 1870.

Q. Were you at Columbia during the period when the democratic State convention was held in that city?—A. Yes, sir.

Q. Did you attend the convention?—A. I was in the convention at one time.

Q. Will you please state what was done there?—A. They transacted business sufficient to put a general ticket in the field; a State ticket. I was present in the convention when they nominated the candidate for governor.

Q. Was the convention secret or public?—A. It was secret; they sat with closed doors.

Q. At what time?—A. They organized first, and after that nearly all the proceedings were with closed doors until they nominated the governor, which was done publicly.

Q. Were any reporters present in the convention?—A. I think not, because all the reporters were excluded.

Q. What was the object, if you know, of the secret session or of the closing of the doors?—A. It would be impossible for me to tell.

Q. Was there at that time, or about that time, a torch-light procession and mass-meeting?—A. Yes, sir; the night the nomination was made.

Q. Were you present at the mass-meeting?—A. Yes, sir.

Q. Who took part in the proceedings?—A. Well, there were several parties there.

Q. Name any one there?—A. Colonel Haskell, chairman of the democratic executive committee; a Mr. Kennedy, and General Furgeson, of Mississippi, and some others; but those were all I heard. General Butler and General Geary spoke afterward.

Q. Will you please to give to the committee a statement of the speech of General Furgeson?

The CHAIRMAN (Mr. COCHRANE) objected to the witness answering the question, because the people of South Carolina should not be held responsible for what was said by people not natives of the State.

Mr. BANKS. I ask that Mr. Brennan, the witness who is present, shall be permitted to state what was the character of General Furgeson's speech, made at the general mass-meeting of the citizens of this State on the night when General Hampton was nominated for governor. What I desire him to state is this—if he knows it to be so—whether or not General Furgeson, in his speech at Columbia on the occasion stated, undertook to explain to the people of South Carolina the principal features of what he called the "Mississippi plan," or what might be called the Mississippi plan of election, as to the way and the manner of overcoming large majorities without murder and without the shedding of blood; and whether or not in general terms he suggested the outline that he had given as a proper example for the people of South Carolina.

The CHAIRMAN, (Mr. COCHRANE,) The majority of the committee exclude the proposed evidence upon the ground that the plan adopted in Mississippi is not a matter which this committee have any right to investigate, and is wholly immaterial to the inquiry that this committee is required to make. The fullest and freest latitude will be allowed to the minority to prove how the canvass in South Carolina was conducted, but we decline to go into the manner in which the campaign was conducted—a previous campaign—in Mississippi.

By Mr. BANKS :

Q. Then I will ask you whether or not General Furgeson made a speech in this city?—A. I only know it from a report in the newspapers.

Q. Can you state the general character of that speech?

Mr. JONES. I object to the witness answering this question, because he has already stated that he did not hear the speech made.

By Mr. BANKS :

Q. You will know the speech if you saw it again in the newspaper?—A. Yes, sir. The speech was not a very remarkable one; it was rather a moderate one.

Q. Here is the paper; will you look at it and see if that is the speech?

WITNESS, (referring to the newspaper.) A. All I can say is that I read that speech before.

By Mr. BANKS :

I now offer this paper as evidence of the fact that General Furgeson made a speech in this city during the canvass of the State, and I ask that it may be received as evidence of that fact.

Mr. JONES. I submit whether it is proper to file a paper here, purporting to contain a speech made by Mr. Furgeson, of Mississippi, or Mr. Snooks, of New York or Boston, or any other man in America from any other place in America.

By Mr. BANKS :

Q. Do you know the political character of the News and Courier printed in this city ?—A. Yes, sir.

Q. Is it a leading democratic journal of this city ?—A. I consider it one of the leading democratic journals of the South.

Q. And it is formally or informally the democratic organ of the State ?—A. Yes, sir.

By the CHAIRMAN, (Mr. COCHRANE :) :

Q. I will ask you if you heard General Furgeson make this speech ?—A. No, sir.

Q. Do you know, of your own knowledge, that he made such a speech in Charleston ?—A. I do not.

Q. You merely say then that you saw this speech in the News and Courier, purporting to have been delivered by General Furgeson ?—A. Yes, sir.

Q. Which, in substance, was the same as a speech which you had heard General Furgeson make in Columbia ?

Mr. BANKS. I did not ask him that.

By the CHAIRMAN, (Mr. COCHRANE :) :

Q. Was the speech as you read it in the newspaper the same in substance as the one made at Columbia ?—A. Yes, sir.

By Mr. BANKS :

Q. Do you know whether or not General Furgeson spoke at other places than at Columbia and Charleston ?—A. No, sir.

By the CHAIRMAN, (Mr. COCHRANE :) :

Q. And do you not know of your own knowledge that he spoke at Charleston ?—A. No, sir.

Mr. BANKS. I offer this paper, the News and Courier, printed at Charleston, August 26, 1876, as proof of the proceedings of a democratic mass-meeting held in Charleston on the 25th of August, at which Hon. Charles H. Simonton presided, assisted by seventy-five or six vice-presidents, and at which General Furgeson, of Mississippi, was one of the speakers.

The CHAIRMAN, (Mr. COCHRANE.) The majority of the committee exclude the newspaper offered because it is not competent evidence of the fact that there was a mass-meeting, that General Furgeson addressed that meeting, and that Colonel Simonton presided over it. Any statement which General Furgeson may have made as to the manner in which the campaign was conducted in Mississippi is excluded upon the same grounds as those given when the offer was before made. The majority do not object to the proving by competent evidence that there was a mass-meeting, that Colonel Simonton and vice-presidents presided thereat, and that General Furgeson made a speech thereat, nor would the majority object to any competent proof as to the action taken by said mass-meeting or any other democratic meeting, whether by resolution or otherwise.

By Mr. JONES :

Q. What State are you from, sir ?—A. I am a native of Ireland.

Q. You say you have been a correspondent of newspapers ?—A. Yes, sir.

Q. You are a republican ?—A. Yes, sir.

Q. How long have you been in the United States ?—A. Since 1852.

Q. Are you a naturalized citizen ?—A. Yes, sir, and have been for over twenty years.

By the CHAIRMAN, (Mr. COCHRANE :) :

Q. You have said that the convention sat at Columbia with closed doors, until the time when the governor was nominated ?—A. Yes, sir.

Q. You were present when Governor Hampton was nominated ?—A. Yes, sir.

Q. I wish you would state whether any newspaper reporters at all were admitted at the time the doors were closed.—A. I think not.

Q. Do you know of any democratic newspaper-correspondents desiring admission

and being excluded?—A. Well, every newspaper-correspondent, of course, desired admission, but they were all excluded.

Q. Do you know of the correspondent of the News and Courier having been there and having been excluded?—A. Yes, sir.

By Mr. JONES :

Q. Do you say that that convention was held as a secret convention?—A. Yes, sir.

Q. How do you know that?—A. Because everybody was turned out, and nobody was permitted in.

Q. Were you in when the announcement was made that there was to be a secret session?—A. I know the fact from the reporters coming out, and the doors being closed and nobody being allowed in.

Q. You did not hear the announcement made that there was to be a secret session?—A. When General Hampton was nominated I was there. There was no other candidate, and I think for that reason the doors were opened; but there was a discussion, and some man made a motion to go into secret session and all of the discussions of the convention were had in private; there were none had in public. If you will send for the correspondent of the News, Mr. Moroceaux, he will corroborate this statement.

Q. Do you say that nobody was admitted except the delegates?—A. I do not mean to say that at all; but the public was excluded, the doors were closed, and you could not get in. It was the same as at other private meetings when they go into secret session. I was with the reporters.

Q. Were you in the convention when it first assembled?—A. Yes, sir.

Q. It was public then?—A. Yes, sir.

Q. You heard no announcement while you were in the house that a secret session was to be held?—A. No, sir; I heard no announcement, but everybody knew it and nobody questioned the matter; everybody knew it was a secret session. I can give you the names of half a dozen witnesses that will tell you they were in the house and had to go out.

By Mr. BANKS :

Q. I understood you to say that you were there, and went out?—A. O, yes; that was when General Hampton was nominated that I was there.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Of course you do not know what they did in secret session?—A. O, no, sir.

Q. You do not know whether they went into caucus to talk over who the candidate should be?—A. I know nothing about that.

Q. But you do know that when they came to nominate the governor people were present at that time?—A. O, yes, sir.

By Mr. BANKS :

Q. You were present when the balloting took place?—A. Yes, sir.

Q. There was no other business transacted at that time?—A. It was very near dark, and no other business was transacted that evening.

JACOB MOULTRIE (colored) sworn and examined.

By Mr. BANKS :

Question. Where do you live?—Answer. In Red-Top church, Saint Andrew's Parish.

Q. What is your age?—A. About thirty-four, sir.

Q. How long have you lived in Saint Andrew's Parish?—A. Over ten years, sir.

Q. What is your business?—A. School-teacher, sir.

Q. Were you present at the election?—A. Yes, sir.

Q. Had you any office there?—A. Yes, sir.

Q. What was it?—A. Manager, sir.

Q. Are you a republican?—A. Yes, sir.

Q. What time did you get to the polls in the morning?—A. About 5 o'clock.

Q. Did you stay all day?—A. Yes, sir.

Q. Will you be kind enough to state to the committee whether there was any disturbance there during the day; and, if so, who made it, men or women, republicans or democrats; and what sort of a disturbance it was?—A. No, sir; there was no disturbance at the poll, at all, all day.

Q. There was no quarrelling about politics—about a man's being a democrat or a republican?—A. Not in my presence at the poll.

Q. Was it generally a peaceful assembly of people?—A. Yes, sir. I was manager there, and I think that everything went on the peaceablest out of all I been to.

Q. Did you know anything about a disturbance between Small and Grant?—A. No, sir; I never knew anything about it—the way of it.

Q. Was there any military company about there during the day?—A. No, sir; I never seen any about there all day. I was inside, and never had a chance to come out.

Q. Do you belong to the military company in that precinct?—A. Yes, sir.

Q. Do you know of any parade?—A. The captain of the company ordered them not to take out any arms that day.

Q. Were there any men or women, republicans or democrats, armed that day with shot-guns or pistols, there at that poll?—A. No, sir; not in my presence. I never seen any such thing.

Q. Any clubs or sticks that were unusual for men to carry?—A. Not in the presence of the poll, sir.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Were you a manager of election?—A. Yes, sir.

Q. You were in the house all day, and did not go out?—A. No, sir.

Q. You staid in the house attending to your duties?—A. Yes, sir.

Q. How many negroes were there in that church at any time during the day; was it pretty full?—A. In the morning, when they first met, it was full, but after they commenced to persuade them they went away.

Q. There were a good many crowding in there the morning of that day?—A. Yes, sir.

Q. You voted at a table?—A. Yes, sir.

Q. How many negroes were there crowded around the table there, do you suppose—a hundred?—A. I don't think there was.

Q. Seventy-five?—A. Well, by the door, and what was inside, there might be that number.

Q. Did you see any sticks in the hands of anybody?—A. No, sir.

Q. Do you swear that none of those men inside of the church had sticks?—A. No, sir; no one never had a stick in the church that day. If they had any sticks they left them by the doors. They didn't bring them by the ballot-box.

Q. Were you there when Brown ran up into the attic or loft of the church?—A. No, sir; I didn't see him when he went up there.

Q. You know he was up there?—A. Mr. Latham told me so, but I didn't see him.

Q. Do you not know when he went through the trap-door?—A. No, sir; I was 'tending to my business. I didn't have time to see him.

Q. Well, if you did not have time to see him, you did not have time to see any clubs?—

A. I was there 'tending to my business, as a manager.

Q. You went there to look all around you, did you not?—A. Yes, sir.

Q. Now, did you not know that Brown was threatened and went up into the loft?—

A. If he was threatened he was threatened outside where I couldn't see.

Q. You only say you did not see it?—A. That is all.

Q. Did you see a negro woman pointing a gun at Captain Latham, through the window?—A. No, sir.

Q. Do you say that a negro woman did not do that?—A. No, sir.

Q. All you say is that you did not see it?—A. Yes, sir.

Q. How many negro women were there about there?—A. I couldn't say positively, sir.

Q. Were there a hundred?—A. I saw a good many around there.

Q. Did they have sticks?—A. I heard they had sticks.

Q. Well, did you hear that anybody had guns there?—A. There was a few mens that went there in the morning about 5 o'clock.

Q. Those people with guns staid there during the day?—A. As fast as they voted they went away.

Q. They might have been outside of the church and you not have seen them?—A. I didn't see them again after they had voted; I can't tell whether they were outside or not.

Q. All you know is what you saw and heard inside the church?—A. That's all, sir.

Q. You belong to the militia company?—A. Not the one that been out; I belong to the one on the Bureau's place.

Q. There was one up there that day?—A. No, sir.

By Mr. JONES:

Q. What do you mean by "the one that been out"?—A. The one that was reported to have been out.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. What company was that?—A. Captain Marigault's company.

Q. Did they have their guns with them outside the church?—A. Not as I see; as far as I could see out of the door I didn't see any of the guns; but I can't tell if they had any.

Q. You were attending to your duties as manager and it gave you all you could do there that day?—A. Yes, sir.

Q. How many negroes were there about the polls that day?—A. I couldn't say, sir.

Q. There were three or four hundred about there during the day?—A. No, sir; as fast as they voted they went home.

Q. Captain Latham says they were there.—A. No, sir; they was not that many.

Q. Do you know Captain Latham?—A. I am well acquainted with him. He was to the box that day with me.

Q. He was pretty badly scared?—A. I don't know. He didn't seem so. He told me that he was satisfied—that he didn't have no dread of nothing.

Q. When did he tell you that?—A. To the box.

Q. How did he come to tell you that he "didn't have no dread of nothing"?—A. He told me that when the box was closed; he told me that he was well pleased at how the election went along.

Q. You have said that Captain Latham, when you and he were standing at the box, "didn't have no dread of nothing."—A. I didn't state what time it was, so I tell you now, when the box was closed he said everything was done all right.

Q. Did he say to you that he "didn't have no dread of nothing"?—A. No, sir; he told me that he was satisfied.

Q. Then he did not say to you that he "didn't have no dread of nothing"?—A. The way how he spoke to me was that he didn't have no dread of anything. He told that he was satisfied.

Q. Did he tell you that he "didn't have no dread of anything"?—A. He didn't tell me that he had no dread, but the way he spoke—

Q. Then when you told me a few moments ago that "Captain Latham said he had no dread of nothing" you did not tell me what was true?—A. I was correct so far as that when the box was closed he was satisfied.

Q. Did you not say a few minutes ago that Captain Latham told you that Brown was threatened and had gone up into the loft?—A. No, sir.

Q. Did Captain Latham tell you at all that Brown had gone up into the loft?—A. Yes, sir; he told me so.

Q. Did he tell you the reason why he went up into the loft?—A. No, sir; but he told me he was up there.

Q. Did he not tell you why he was up there?—A. No, sir; he didn't tell me.

Q. Did he not tell you that he was going to stay up there?—A. No, sir.

Q. Now, do you not know that Captain Latham had to be taken home by one of the deputy marshals, or United States supervisors; that he was scared, and had to be taken home by them?—A. No, sir; I don't know nothing about it.

Q. Did you not know that Captain Latham asked a colored man, who was either United States deputy marshal or United States supervisor, to accompany him home, stating to him that he was afraid to go to his house that night after the polls closed, unless he had somebody to go home with him?—A. I don't know anything about it.

Q. Do you not know that Brown was threatened and went up into the loft there?—A. No, sir.

Q. How long was Brown up in the loft?—A. I couldn't tell how long he was up there.

Q. Do you know that Lucas was whipped that day?—A. I heard about it afterwards.

Q. Do you not know that Grant was whipped that day?—A. I heard about it.

Q. Do you not know that the negroes said, "We'll kill any damn democrat son of a bitch that votes at these polls to-day"?—A. No, sir; not in my presence.

Q. Do you not know that Captain Latham asked you and the other colored managers to keep those people away from the table, that democrats could not vote there?—A. No, sir; he never asked me no such thing, 'cause everybody voted as he liked when he came to the box.

Q. You cannot tell what was done outside?—A. No, sir.

Q. Did you see any bayonets on sticks there?—A. No, sir.

Q. Did you see a man with a club with nails driven into the end of it?—A. No, sir.

Q. Do you say that no man had a club like that there?—A. No, sir; not in my presence in the church there.

Q. Do you know whether he had it out of the church?—A. That is more than I can say.

Q. How long have you been voting?—A. Since Governor—what's his name—was first elected; I think about eight years ago.

Q. Do you recollect that it is eight years?—A. It might have been more or less, sir.

Q. How old do you say you are?—A. About thirty-four.

Q. What year were you born in?—A. Well, I can't tell exactly right now, sir.

Q. Well, suppose you are thirty-four years of age, what year would you have been born in?—A. Well, I couldn't tell exactly now, but I have got my age at home.

Q. But you know you are thirty-four now, and yet you cannot calculate back as to

what year you were born in without referring to your book at home?—A. No, sir; not without that.

Q. You are a school-teacher, you say?—A. Yes, sir.

By Mr. JONES:

Q. You say that you did see guns there in the morning?—A. No, sir.

By Mr. BANKS:

Q. You say every man voted as he liked?—A. Yes, sir.

Q. No complaint was made to you by anybody that a man could not vote?—A. No, sir.

Q. And Captain Latham said when everything was finished that he was satisfied with the manner in which things had been done?—A. Yes, sir.

Q. The chairman asked you some questions about whether he said he had no dread of anything. Did you understand that he used those words himself, or was that the impression that you got?—A. It was the impression that I got that he was satisfied.

Q. What studies do your scholars follow?—A. I teach a second-grade school.

Q. How many scholars have you?—A. Forty-seven.

Q. What do they study generally?—A. Geography, grammar, reading, spelling,

By the CHAIRMAN, (Mr. COCHRANE:)

Q. And arithmetic?—A. Yes, sir.

Q. I will ask you a question or two now. What was the exact language that Captain Latham used to you when the polls closed?—A. Well, when the poll was closed and everything was very quiet, then the managers staid there to see everything finished up, and Mr. Latham said he was well satisfied with the way the box went on that day.

Q. Your understanding was that he did not find fault with the officers of the election; or, in other words, that he was satisfied with the way the box went on?—A. Yes, sir; that's my understanding.

Q. And so far as they were concerned he announced himself satisfied?—A. Yes, sir.

Q. And that was all he said?—A. Yes, sir.

By Mr. BANKS:

Q. Did he make any complaint at any time during the day?—A. He didn't make no complaint to me, only in the morning when he first been there, at 6 o'clock, he said that he thought the people were rushing too much towards the box.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. There were a good many negroes crowding around the box, and he complained about so many being around there?—A. Yes, sir.

ARCHIE MANIGAULT (colored) sworn and examined.

By Mr. BANKS:

Question. How old are you?—Answer. About thirty.

Q. Do you live at Red-Top church precinct?—A. Yes, sir.

Q. How long have you lived there?—A. About six years, now.

Q. What is your business?—A. Farming.

Q. Do you belong to the militia company?—A. Yes, sir.

Q. Have you any office in it?—A. Yes, sir.

Q. What is it?—A. Captain.

Q. Were you at the polls on election-day?—A. Yes, sir.

Q. What time did you go there?—A. I got there about half past 6 o'clock in the morning.

Q. Did you stay there all day?—A. Yes, sir.

Q. Will you have the kindness to state to the committee whether you saw any disturbance there?—A. Not at the polls.

Q. Or about there?—A. Yes, sir; I saw something about there. It was a fuss about three-quarters of a mile from the poll. I saw no fuss right about the voting-place.

Q. Were there any armed men about there—either white or colored republicans or democrats?—A. No, sir.

Q. Did the militia company, of which you are captain, turn out that day?—A. No, sir.

Q. Did they have orders not to turn out?—A. No, sir.

Q. Did you give them any orders not to turn out?—A. Yes, sir; I told my men not to turn out on that day.

Q. Does the law allow any military parade on election-day?—A. No, sir; it does not allow it.

Q. Were any colored men prevented from voting just as they pleased, so far as you know, that day?—A. No, sir; they voted just as they pleased.

Q. Were there any colored democrats who voted?—A. Yes, sir.

Q. Nobody quarreled with them?—A. No, sir.

Q. Or swore at them?—A. No, sir.

Q. Or fought them?—A. No, sir.

Q. Well, now, about the disturbance that occurred three-quarters of a mile off, was it between Grant and Small?—A. Yes, sir.

Q. Did you see it?—A. Yes, sir.

Q. Tell us what you saw, if you please.—A. Grant accused Small about a check that he said he stole, and Small attacked Grant in the road about a quarter of an hour after he had done voting, and he told him to give him satisfaction for accusing him of stealing the check; and Grant drew a pistol and snapped it twice on him; and Small knocked him down with a stick that he had in his hand, and Lucas and a crowd of mens rushed together where the fight was, and the rest of the party of boys that went up with him they went there to assist Small for fear Lucas would crowd on him for Jeemes Grant. After we got there and they commenced to fight, the marshal went there to put a stop to it; but I didn't go there right off where the fight was. I thought the marshal had stopped the fuss, and some one called on me to tell me it was best to put a voice in there to stop the fuss. So I went up and hollered after them and told them to stop this fuss, and for all the mens and womens to leave and go back down the road, and get through voting and go back home; and they all fell back from where the fuss was, and voted and went home.

Q. Was there any woman there?—A. Yes, sir.

Q. Who was she?—A. I don't know who she was. She sitting on the ground at the time I went up there and told these men to go off.

Q. Was there anything said about politics in this fight?—A. No, sir.

Q. Do you know whether Grant was a democrat or a republican?—A. No, sir; I don't know what he was.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Are you the captain of this militia company?—A. Yes, sir.

Q. You drilled Small and the rest of these fellows?—A. Not on that day.

Q. But you drilled them on other days?—A. Yes, sir; on other days.

Q. You say you and your crowd were down there. Who was your crowd that went to take care of Small and see that Lucas did not hurt him?—A. One part of the company mens was there, and the rest of them was up to the Brick Church.

Q. Well, who was your crowd?—A. I don't know, sir; because the whole parish was there.

Q. A great many people were there?—A. Everybody turned out on that day to vote, sir.

Q. It created such an excitement that nearly the whole parish was around this fight?—A. No, sir; because part of them was at the polls.

Q. Well, the only man that you were afraid would hit Small was Lucas?—A. I didn't know what side Lucas was on.

Q. Did you not say that you and your crowd went there to keep Lucas from hitting Small?—A. Lucas and Grant stays one place. Well, then, the rest of the boys what stays with me went up with Small.

Q. They stay at another place?—A. Yes, sir.

Q. Then how many of you and the boys went up with Small?—A. I couldn't tell, sir.

Q. About fifty?—A. There was about fifty or sixty; along there.

Q. Were you with them?—A. Yes, sir, I was along with them.

Q. Then you and fifty or sixty men, with Small, all went up together?—A. Yes, sir.

Q. Well, now, how far up the road did you go before you met Grant?—A. We met Grant at the Red Top Church.

Q. He was there, too?—A. Yes, sir.

Q. And he walked up with you?—A. From the church he went up the road.

Q. Did he go up the road with you?—A. Yes, sir; he went up, too, with me and the fellows to the forks of the road, which is about three-quarters of a mile off.

Q. Then you and Small and about sixty other colored men of your crowd, and Grant, all went up the road together to the forks?—A. Yes, sir.

Q. Well, how far did Grant run when he got to the forks?—A. Well, the men run across the corn-field and out into the road again.

Q. And how far did you run?—A. I didn't run at all.

Q. Well, now far did the crowd run?—A. The crowd what went to assist Small they run right out in the road together; they run about half an acre, and run right along the road.

Q. And Small cut across and then cut back again and took another turn to the road?—A. Yes, sir.

Q. Who was with Lucas?—A. I didn't know none of the boys upon that side. I aint acquainted with them.

Q. You cannot give the name of a single man who was with Lucas?—A. No, sir.

Q. What did Lucas do?—A. I don't know what he did do after he got into the crowd.

Q. Well, you did not see him do anything?—A. No, sir; I didn't see him do anything.

Q. Well, did you see any person else do anything to Grant and Small?—A. No, sir; I didn't see anyone else do anything.

Q. You say Grant pulled a pistol and snapped it twice at Small, and then Grant struck him with a stick?—A. Yes, sir.

Q. Did he knock him down?—A. Yes, sir.

Q. Where did he hit him?—A. Across the top of his head.

Q. When Grant was down what did he say?—A. Well, Grant jumped up and he run out in the road again; that was the time he came out on the road again.

Q. Then Small ran after him and knocked him down again on the bank, did he?—A. I guess he knocked him down. I couldn't tell how he fell on the ground. When I went up there the woman was lying on top of him.

Q. Who cut Grant with a razor?—A. I don't know.

Q. Who did you hit that day?—A. I never hit a man.

Q. How big was the club you had?—A. I never toted a stick.

Q. This woman that you spoke about was Rebecca Bennet, was it not?—A. I heard that name called, but I wasn't acquainted with her.

Q. What became of the pistol; did Grant have it in his hand when he was running?—A. I couldn't tell whereabouts he dropped it; but he dropped it.

Q. Then when he was running you didn't see the pistol any more?—A. No, sir.

Q. But you saw Small running after him, and you said to the crowd "Stop this, and come away," and they immediately stopped it and came away?—A. Yes, sir.

By Mr. JONES:

Q. You say you saw this woman lying upon Grant?—A. Yes, sir; sitting right on him; covering him all up.

Q. What did she say when she was doing that?—A. She was whooping and hollering when I came up there; so I came right up and told them to leave.

Q. What were they doing, trying to get at the man?—A. Yes, sir; they all was mixed up with sticks there.

Q. What were they saying; were they not cursing him for a damn son of a bitch, and saying "Kill him, kill him"?—A. No, sir.

Q. Well, what did they say?—A. The marshal, Dick Rivers, told them to stop with the fuss, and they was pulling one another round together.

Q. What were they saying; were they not cursing him and abusing him for a democrat?—A. No, sir.

Q. Did you leave the spot when Becky was on Grant?—A. No, sir.

Q. You do not know what occurred?—A. No, sir.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. How long were you away from the polls during that day?—A. I wasn't from the poll over half an hour, when I was gone to make them men stop. I was out in the road all day, laying there and sitting on the cart.

Q. How long were you away from the polls?—A. After I got through voting in the morning I wasn't back at the polls at all.

Q. Then you went there in the morning and voted and went away, way off on the road?—A. Yes, sir.

Q. And you were not near the place all day?—A. No, sir; I didn't went back to the poll.

Q. You had tickets?—A. No, sir; I hadn't no tickets.

Q. You were a member of the rallying-committee?—A. No, sir.

Q. What position did you occupy?—A. I occupied no position at all.

Q. Well, you are one of the leading republican men up there. You are captain of the company?—A. Yes, sir, I am.

Q. Who do you work for?—A. I am working for myself.

Q. Did you work for anybody else?—A. Yes, sir; when I worked out.

Q. Well, who did you work for last?—A. I worked up to the Drayton Phosphate Company.

Q. For Captain Latham?—A. No, sir; I never worked there.

Q. Well, what phosphate company?—A. Yates's.

Q. Is Yates a democrat or a republican?—A. I don't know what he is; I never heard him explain.

Q. Is he not generally known through the community?—A. Yes, sir.

Q. Well, what do they say about him; that he is a democrat or a republican?—A. I heard some of the men said that he was a democrat.

Q. Do you know Captain Latham?—A. No, sir; I not acquainted with Captain Latham.

Q. Well, you know who he is?—A. I heard about him.

Q. Well, what is he, a democrat or a republican?—A. A democrat.

Q. Do you know whether Small is a republican or not?—A. I know Small is a republican.

Q. Do you know a negro called Brown that works for Captain Latham?—A. Yes, sir.



W. H. HUGER (colored) sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. What is your profession?—Answer. I am a physician, practicing in the city of Charleston.

Q. What is your age?—A. I am fifty.

Q. How long have you practiced here?—A. I have been practicing here for twenty-seven years.

Q. Were you at any polls in the city of Charleston during the election?—A. I spent the day at ward 2. I was there before the opening of the polls, and remained there almost continuously until they closed.

Q. Did you see any officers there known as deputy sheriffs?—A. Yes, sir; there were a great many of them.

Q. How were they designated?—A. They had badges of a particular character. They were spoken of as sheriff's deputies.

Q. All with badges?—A. There were some green badges and some white badges. The green badges were the sheriffs and the white were the deputy marshals, I think; but I cannot state positively which was which.

Q. Were those badges exposed to view?—A. Yes, sir; pinned on their coats, right in front, where everybody could see them.

Q. What did these deputy sheriffs do during the day?—A. Well, sir, they were running about, apparently bringing up the men to vote and giving those republican tickets whom they could influence, distributing them generally.

Q. Were these deputy sheriffs white men?—A. No, sir; they were colored; some of them mulattoes; most of them black.

Q. Did you see any of them taking tickets from any of the voters?—A. On two occasions I saw them take tickets from the hands of the men in the line and give them other tickets.

Q. State whether or not these men were active in working for the republican ticket.—A. They were very active, sir; they were rushing about incessantly, and bringing people up and voting them.

Q. What was the effect of having this class of men at the polls?—A. The effect that was produced, in my opinion, was that it made people vote who did not dare to stay at home and not vote.

Q. Did they go to houses and bring colored men from their houses to the polls?—A. I do not know that they did. I met a colored man and he told me that he would have to go, because they would come and make him go if he did not go himself.

Q. Did they disappear and be away sometimes half an hour or an hour, and then return with voters?—A. O, yes, sir; there is no question of that.

Q. Did you see any one at the polls that day who is employed at the custom-house?—A. I did, sir; a man by the name of Minturn. He appeared to be very active.

Q. What did he say or do?—A. I saw him go up to a man by the name of John Hancock, a plasterer by trade. Hancock was in the line, going up to vote, and Minturn come up to him and told him that if he voted that ticket he would turn him out.

Q. Turn him out of where?—A. That is all he said; "I will turn you out; I'll allow no man to live on me that votes that democratic ticket."

Q. Do you know whether Hancock was employed at the custom-house?—A. I do not, sir; I do not think he was. This man Minturn came up to me later in the day, and said that this man was living with him, and that that was what he meant when he said he would turn him out. Hancock is a plasterer by trade; I do not know anything about his being employed in the custom-house. I made an affidavit of the fact I have stated, and took it up to the marshal's office, and there I met Mr. Poigneer, who made a note of what I said, and told me he would have Minturn arrested, and that if he did not give bonds he would have him put up. Later in the day Minturn told me that he was very sorry that I had made an affidavit against him, because the marshal was going to drop it, and it did not do him any harm. I went around there to the marshal's office, and Marshal Wallace said as soon as he came up he would send for us; but we heard no more of it.

Q. Was Minturn a colored man?—A. Yes, sir.

Q. You say he was working hard all day at the polls?—A. Yes, sir; he was very active, bringing them up, and so on.

Q. What was his manner?—A. He was very much excited when he was talking to to this man Hancock. When he spoke to me, he spoke pleasantly enough; he advised me to drop this thing, assuring me that it would do him no harm.

CHARLESTON, S. C., *Thursday, December 28, 1876.*

PATRICK PHILIP TOALE sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. What is your age?—Answer. Thirty-five, sir.

Q. Where do you reside?—A. In this city, sir.

Q. How long have you resided here?—A. Since 1864, I think, just a few days after the evacuation.

Q. What is your business?—A. Milling; I have a planing-mill and lumber-yard.

Q. Where is your mill?—A. On the west side of Charleston, sir; on the Ashley River, right opposite here.

Q. Have you an office?—A. Yes, sir; I have two stores, or salesrooms, in Haynestreet, Nos. 20 and 22. We make doors, sashes, and blinds, and everything connected with buildings, besides building buildings.

Q. From what State did you come here?—A. From New York State, sir.

Q. Were you born there?—A. No, sir.

Q. Where were you born?—A. I was born in Ireland.

Q. How long did you reside in New York State?—A. Well I have been there since 1846. I was about three years old when I came over. I am not quite thirty-five, but will be that age the early part of next year.

Q. Were you in the Army?—A. I was, sir; in the Federal Army.

Q. How long did you serve?—A. One year, sir.

Q. In what brigade?—A. Well, sir, I was in two or three brigades. I was in the Sixty-fourth New York, Colonel John Cochrane's regiment. Major Schaler, of New York, was our lieutenant-colonel. We were known as the "Chasseurs."

Q. What are your politics? Have you been voting any stated ticket or not?—A. I have voted generally a split ticket until this last election.

Q. When Governor Chamberlain ran before, whom did you vote for?—A. I voted for Green. Green was a reform republican. Before that I had voted for Moses.

Q. Were you at the polls on election-day?—A. I was there part of the time.

Q. How long were you there?—A. I was there probably an hour or so in the morning and about two or three hours in the afternoon.

Q. Please state what poll you voted at?—A. I voted at the first precinct, ward 4, I think.

Q. Now state what occurred, if anything.—A. Well, sir, we were running the mill that day, and I told my hands, as I generally did, to make it as short a time as possible in voting; that I was going to vote about eight or nine o'clock, and if they wanted to vote they could come along and vote with me. Some of them did, and some of them staid behind. There was one of our men who was arrested after he voted.

Q. Was he a white or colored man?—A. He was a colored man named John Hall.

Q. What did you employ him at?—A. At laboring work in the yard.

Q. Now detail to us all the circumstances of the arrest; what was said by him and all the circumstances attendant upon the case.—A. When we got in line to vote, this man Hall stuck very close to me and looked very much frightened, and on my looking around to see the cause of it, I saw several colored men opposite to him, near him, making gestures and looking at him, and so on. Seeing that he was somewhat alarmed, I told him to stand still and not be afraid. After he voted, he was taken possession of by those deputy constables or sheriffs.

Q. Did he vote the democratic ticket?—A. Well, I couldn't say that; I suppose he did. He was accused of voting the same ticket that I did, which was the democratic ticket. He was accused before and afterward of voting the democratic ticket.

Q. After he had voted what occurred?—A. He was taken possession of and was going to be arrested by those black deputy sheriffs. I got between them and tried to reason with them about the folly of arresting him.

Q. What did they say and what did other colored men say, if anything?—A. Well, they said that he voted the democratic ticket, and that he did so under my request. They made an attempt to take him out of the line, however, before he got to the ballot-box, those same men did. You see you had to stand off the length of this room [twenty-five feet] from the ballot-box.

Q. What else did they say about his voting the democratic ticket?—A. They got very violent. They were all armed with clubs and sticks, and so on; and the white men there said he should not be arrested. The majority of the blacks, seeing a few take hold of him, were encouraged to interfere, and there would have been a general fight if I had not begged them to stand back and let the man be arrested. Before that, however, the deputy United States marshal told these constables to stand back and let the man alone; that if he did vote the democratic ticket they had no right to arrest him. Those deputy sheriffs took him away from the marshals altogether, and just at that period a fight was very imminent, and I begged the marshals to let him go and let him be arrested to quiet the crowd and keep off a fight. I did it for peace sake. Of course I got cursed just as much as he did.

By Mr. JONES:

Q. What did they do with him?—A. They took him to the city jail.

By Mr. BANKS:

Q. What was the charge against him?—A. That he was under age. They accused him of being only eleven or twelve years of age. So they took him to jail, and from there he was sent before the United States commissioner.

By the CHAIRMAN, (Mr. COCHRANE):

Q. You followed him down, did you?—A. Yes, sir; I went with him.

Q. What occurred before the commissioner?—A. Well, the commissioner held some whispered conversation there with the attorney-general of the State; this man Stone. Later on the attorney-general called the commissioner out of the room where we were, into the hall, and had some conversation with him out there, I suppose, and he came in and looked at us two or three times, and the commissioner finally came in and asked this man some question in regard to his name and age, and so on, and asked me if I would be responsible for him; that is, to have him whenever the Commissioner would call for him; and I told him I would. After giving that verbal guarantee they let him go and reminded me that they would hold me responsible for the man.

Q. Have they called on him to answer since?—A. No, sir.

Q. Was he twelve years old?—A. Well, he was doing a man's work and receiving a man's wages. I considered him a man. I hire him for a man, and pay him for a man.

By Mr. JONES:

Q. Do you think he is twenty-one years old?—A. I think he is over twenty-one.

By the CHAIRMAN, (Mr. COCHRANE):

Q. Has he whiskers?—A. Yes, sir; he has some hair on his upper lip.

Q. This man alleged that he was only twelve years of age?—A. Eleven, I think.

Q. That was the deputy sheriff?—A. Yes, sir. During all that time there were threats made by those surrounding him, and he was pointed out to the crowd.

Q. What effect did this action of the deputy sheriff's in this case, and the general course which they pursued during the day, have upon the negro voters, that you know?—A. We had to send this man and one other colored man who voted the democratic ticket down back of the mill under a guard. We had to beg the white men on the place to take them down.

By Mr. JONES:

Q. Why?—A. We were afraid they would be torn to pieces. Some evenings later I let them go to go home, and kept my eye on them as far as I could.

Q. From what you saw at the polls of the action of these deputy marshals and others advocating the interests of the republican party, would you consider it safe for a colored man to vote the democratic ticket?—A. No, sir; I would not. I do not suppose there would have been a colored man in Charleston who would have voted the democratic ticket that day if there had not been whites at their back. The supposition was that I voted it, and I was cursed, myself, for voting it. I was among them when they acted in this manner.

Q. What was the action of the deputy sheriffs whom you saw during the hour that you were at the polls in the morning and the two hours that you were there during the afternoon? And I ask this without reference to the case you have given.—A. Well, the deputy sheriffs were interfering—bringing these men up to vote the republican ticket. That seemed to be their duty. They were all armed with clubs of some kind or another—either a rough-hewn piece of stick, or something else. They were anything but peacemakers.

By Mr. JONES:

Q. Do you know of any other case similar to this that occurred?—A. One other of my hands was telling me that he came very near being beaten. He was pushed away from the polls. There was nothing more that came under my observation. There was not a colored man in this town, as far as my knowledge goes, that would dare to proclaim his democracy openly.

By the CHAIRMAN, (Mr. COCHRANE):

Q. I will ask you whether you threatened to discharge any of your men if they did not vote the democratic ticket?—A. No, sir; some of our men voted the democratic ticket, and some voted the republican ticket. Some of them were rallyers for the republican ticket.

CHARLESTON, S. C., *Thursday, December 28, 1876.*

JAMES HALL (colored) sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. What is your age?—Answer. Twenty-one.

Q. When were you twenty-one?—A. I was twenty-one last year gone.

Q. You are the man who worked for Mr. Toale?—A. Yes, sir.

Q. And you were arrested at the polls?—A. Yes, sir.

Q. Well, just tell us briefly what occurred about there.—A. I went to the polls that morning before I set in at my work, and when I got there to the polls I asked a man that was standing there what ticket that was, and he told me it was a Chamberlain ticket, and I went back again and voted.

Q. What ticket did you vote?—A. I voted the republican ticket. I asked a colored man what ticket he was keeping, and he said a republican ticket; and then I went away from the poll, and I went back at 7 o'clock and at 8 o'clock I voted the democratic ticket, and after I had done vote one man done challenged my vote.

Q. What did the deputy sheriffs say to you?—A. They told me to go on home, and there was four or five colored men around me and they said, "He can't go on home till he is arrested."

Q. Did any of the colored men have clubs?—A. Yes, sir; they had clubs around me.

Q. Did they curse any?—A. Yes, sir; they cursed, and they wanted to fight after they found the police wasn't going to arrest me.

Q. Did they threaten you?—A. No, sir; they didn't say any more than that they wanted me arrested.

Q. Were you arrested?—A. Yes, sir, I was arrested.

Q. By whom?—A. Well, I don't know, sir.

Q. Were they colored men that arrested you?—A. Yes, sir.

Q. One or two?—A. One.

Q. Where were you taken to?—A. To the down-town guard-house.

Q. Then where were you taken?—A. Then from the guard-house on down to the marshal's office.

Q. Did Mr. Toale go with you?—A. Yes, sir; he went on down with me.

Q. Well, did they put you back in jail or did they discharge you?—A. They discharged me.

Q. Have they called on you to answer since?—A. No, sir.

By Mr. BANKS:

Q. Who told you you were twenty-one years of age?—A. My mother, sir.

Q. Is your mother living?—A. She is living, sir.

Q. When did she say you were twenty-one?—A. Last year gone.

REUBEN EVANS (colored) sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. Where do you reside?—A. I live down on King street, in Charleston.

Q. What is your age?—A. Well, I don't exactly know my age, but I am rising of fifty-odd, sir.

Q. What is your business?—A. Well, I generally whitewash, plaster, and paint, sir; and, of course, do anything I can to make a living at.

Q. How long have you lived in Charleston?—A. I have been here nearly five years, now, sir.

Q. What ticket did you vote on election-day?—A. I voted the democratic ticket.

Q. What polls did you vote at?—A. I voted at the down-town polls; I forget the name of it.

Q. In what ward?—A. Ward 2, I believe, sir.

Q. Well, what occurred to you after you voted?—A. There was nothing occurred to me after I voted on that day at all. The day that the fracas was taken on Broad street, I was painting for Mr. Upperhard. I started from there down town, and just before I got to Queen street I met some three or four men, and they says, "Yonder is Evans." Says he, "He votes the democratic ticket." Says he, "Damn him; let's kill him." And one of 'em throwed a brick, or something, in a minute and knocked my hat off, and one of 'em knocked at me with a stick, and I up with my hand and warded it off, and the stick broke across my arm. Then up came two or three young men and says, "Ole man what's the matter here? You are about to be murdered." Says I, "Yes." Says he, "It looks like you voted the democratic ticket." Says I, "Yes." "Well," says he, "You are in a bad fix." Says he, "Come on; I'll see you home;" and he seen me down the street.

By Mr. JONES:

Q. Did they see you home?—A. They went part of the way home with me, and I thanked them and went home.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Was this before you voted or after?—A. It was the day after election.

By Mr. JONES:

Q. That fracas then was in the month of November?—A. Yes, sir; it was the day after election.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. This was the evening that they had the fuss on Broad street.—A. Yes, sir.

By Mr. JONES:

Q. Are you afraid to go about now, being a democrat?—A. Some of them is very mean, but I ain't afraid of anybody coming right up afore me.

Q. They do not come before you now?—A. That was the only time that they ever come afore me, 'cause I ain't afraid of them—none of 'em. I'm just as good as a common man, if I is old.

C. C. BOWEN sworn and examined.

By Mr. BANKS:

Q. Where do you reside?—A. In Charleston.

Q. How long have you been here?—A. Since 1856, with a short interval.

Q. What is your age?—A. Forty-two.

Q. What is your profession?—A. I am a lawyer.

Q. Do you hold any office now in connection with the State government here?—A. Yes, sir; I am sheriff of this county.

Q. Have you any official connection with the political parties, democratic or republican?—A. I was chairman of the republican executive committee of this county in the last campaign, and hold that position now.

Q. Did you take any part in the recent presidential campaign in this city and county? And, if so, please state what.—A. Yes, sir; I canvassed the county pretty thoroughly.

Q. In what way?—A. Well, I called meetings and spoke at a good many of them myself; at some of the meetings I sent other parties.

Q. Were these meetings with which you were connected in this way the principle republican political meetings of this county and city?—A. Those meetings were called by myself, as county chairman of the republican party.

Q. And were prominent meetings?—A. Yes, sir; they were advertised in some of the papers and the days upon which they would be held, naming the persons who would be there to speak.

Q. Well, sir, will you please name them in their order, and give us as succinctly and as clearly as you can the general outline of what occurred at them?—A. The first meeting that was called was at Biggin Church, I think a day or two after the democratic convention had nominated General Hampton. The meeting had been called prior to that, but it took place at that time. I spoke at that meeting.

Q. Was there a large attendance?—A. Well, yes, rather large.

Q. What number of people were there do you suppose?—A. Well, I should suppose between three and four hundred.

Q. Exclusively republicans?—A. Nearly all. There were a few democrats, but they did not take any part; they came there, and sat in their buggies most of them, and looked on. Nothing was said or done. That was the first meeting at which I had ever seen any of them even present. At that meeting there was nothing unusual more than the presence of these persons—I suppose twenty or twenty-five. The next meeting that was held was at Strawberry Ferry, in the same place, about ten miles below Biggin Church. These are both in one parish, but those are the names of the localities.

Q. When was this Strawberry meeting?—A. I can not recollect the date, but I suppose it was a week or ten days after the meeting at Biggin Church.

Q. Well, sir, what occurred? Give us a narration, if you please, as to speakers.—A. I think about three days before that meeting took place it had been advertised, and it was generally known that there was going to be a meeting. I was waited upon by a gentleman who lived up there, on the democratic side, to know if I would agree to a joint discussion.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Who was that gentleman?—A. A gentleman by the name of Calcoch. He asked to have the democrats given half of the time. After some preliminary remarks, I agreed that they should have half of the time.

By Mr. BANKS:

Q. Did you know that he was a democrat?—A. O, yes. There was nothing said about the number of speakers or anything of the kind. When the time came I left

the city on the Northeastern Railroad. The cars stopped within, I suppose, four or five miles of the place. The usual way of going there is by railroad. I left by the train that morning. After I got on the train I noticed in the News and Courier that a steamer had left, going to Strawberry Ferry with a number of democrats on board. That was the first intimation that I had of anybody going from here. I got off at the station. There were a few men assembled there. I soon found out from appearances and what I heard that there was a great deal of excitement there. I started from the station and went on down to the place, a conveyance being in waiting, and I met men all along the road more or less excited.

By Mr. BANKS :

Q. What was the distance from the station?—A. Between four and five miles.

By the CHAIRMAN, (Mr. COCHRANE):

Q. Were these men that you met colored men?—A. Yes, sir.

By Mr. BANKS :

Q. What happened with regard to these men?—A. Well, as I say, there was a great deal of excitement. Before I got to the ferry where the meeting was to take place I met, I suppose, some dozen or fifteen women; they were in the road, greatly excited about what they had heard of somebody that was to be killed that day. They had heard it from some one and there was considerable excitement about it. I quieted them as well as I could and advised them to go home, saying that I did not think there was going to be any trouble. They evidently believed the report. As I was on my way to the place of meeting I saw the steamer that I spoke of that had left Charleston that morning coming up the river below. I went on to the place across the river and I suppose there were between three and four hundred men assembled there, mostly at that time colored, with a few whites.

By the CHAIRMAN, (Mr. COCHRANE):

Q. Assembled on the shore?—A. Yes, sir; and they were very much excited; so much so that I was surprised. A few minutes after that the steamer anchored in the river, and they commenced disembarking those that were on board, and I soon found out what a good deal of the excitement meant. They had one hundred and fifty men aboard the steamer, and they all came up there armed with Winchester rifles. They stopped, I suppose, about two or three hundred yards from the meeting, where they landed, and sent up a committee to make arrangements in regard to the speaking. Two gentlemen—Mr. Calcock and another gentleman—came to me to make arrangements in regard to the number of speakers and the time. I told Mr. Calcock that I felt it my duty under the circumstances not to call the meeting to order; that I didn't think it was safe; that I found so much excitement among the people that I did not think it prudent to undertake to hold a meeting; that I found from talk that threats had been made through the country; that the colored people were very much excited, and thoroughly aroused, and believed that the democratic party meant mischief, and it was hard work to persuade them to believe anything else. These repeated conversations that they had had with the democrats up there tended to make them believe there was going to be difficulty. After a considerable talk I finally consented to go on, upon an agreement that each party was to control its own men. I then went up on the stand. The democrats had not then come to the place of meeting; they were below, waiting. I told the people that the democrats had come there for the purpose of taking part in the meeting; that I had been assured that no difficulty should occur, and that I would expect them to be patient and hear both sides of the question, and to take no offense at anything which might be said, which was acquiesced in by them; at least they promised to take my advice. I then arranged the colored people on one side of the stand, and the party from the steamer, about one hundred and fifty in line, marched up to the stand and took position on the other side. I suppose there were one hundred and fifty; in fact I knew there were; I counted them as they passed the stand in two lines. They appeared to be under the charge of Mr. Barker, from the city, and in fact from that time he seemed to take control of their side of the meeting. Mr. Calcock was there, but took no further part. A few moments later a company of horsemen from Mount Pleasant, over here, came up. They had ridden around by land, about fifty-five miles, the night before. I suppose there were thirty or forty of them. A few moments later another company made its appearance. They were from Summerville, on the South Carolina Railroad. They had gone across the country. That made up the sum-total of the meeting on both sides.

By Mr. JONES :

Q. How large was the last party?—A. They said there were fifty in that Summerville party. I did not count them; I heard some of themselves state the number as being fifty.

By Mr. BANKS :

Q. What was the distance from Summerville?—A. Well, I should suppose it was fifty miles from there; probably farther. A few moments after that the meeting commenced, and I think the arrangement was that each speaker was to have half an hour and the republicans should have the close. We had the opening and close. Afterward, at other meetings, I gave them the opening. Well, there was a great deal of angry talk at the meetings. We got through with a great deal of difficulty.

Q. Who were the speakers?—A. The first speaker on our side was a man by the name of Henry Thompson, a colored man. The next speaker, who was on the democratic side, was Mr. J. W. Barnwell, a young man there. The next speaker was myself. I will state here that we did not have a great many speakers. Major Barker spoke next. The next speaker was a man by the name of Hunter, a colored man. The next speaker was a man from Mississippi named Ferguson.

Q. What was his given name?—A. I have forgotten now.

Q. Was he a democrat?—A. Yes, sir; red hot.

Q. Was that the last?—A. No; I closed.

Q. Well, sir, was there any excitement during this speaking?—A. Well, yes, considerable excitement. There was, as I said, a good deal of angry talk, and a good many things said that I thought should not have been said.

Q. What were they?—A. Well, insults.

Q. What were the statements?—A. In the first place, all of the democrats except Ferguson started out on the line that the colored people were being told that if they did not continue to vote the republican ticket they would be kept in slavery. They started out upon that, and that was their general talk, together with denunciation of republicans generally in unmeasured terms, and that there was no truth in the statement made by anybody who told them that. That was their general line of argument. It appeared there had been a strike attempted some three or four days before that among those working for the rice-planters, and Mr. Barker was very bitter in regard to that, and denounced leading republicans for causing the strike.

Q. In what part of the State were the rice-plantations to which you refer situated?—A. On Cooper River. He was denouncing certain men named as being the cause of the strike, and afterward admitted when he got through his speech that he had been mistaken; that he had heard this and he supposed it was true. He abused most all the republicans and called them liars and thieves, and it created considerable excitement; that is, talk, noise.

Q. Did you make any reply to this?—A. I had the close; Major Ferguson's speech was upon an entirely different plan.

Q. What was his speech?—A. He had come down, as he said, to instruct the white people, he did not call them democrats, in what he called the Mississippi plan of carrying the State. He repeated a great many times that they were going to do it peaceably if they could and if not they were going to do it forcibly—they were going to do it anyhow; that this state of things could not exist any longer.

Q. Did he give any outline of what the plan was?—A. Well, a sort of a general one. He only had half an hour to speak, and a man could not go into details in that time. He made, I think, a very violent and bitter speech; in other words, he and all the balance of them argued from a proposition that did not exist.

Q. What was the proposition?—A. Well, first, in regard to the slavery proposition. I certainly had never told the colored people that they would be put back into slavery, and I told these men if they had ever come out to the meetings they could have saved themselves all that trouble; that it was imaginary.

Q. Did this speech produce any marked excitement?—A. Well, there was a good deal of talk and a good deal of noise. When he insisted that they were going to do these things the colored people would reply that they would not, and that it could not be done here, and that it was such men as he that caused a great deal of the difficulty in making remarks of that kind. One remark that he made, I recollect, was that they could not expect the white people to employ them if they continued to vote against the interest of the white man. That was the last meeting held for some time.

Q. What, in a word, was the act or spirit of the meeting at its close? With what demonstration, if any, did it break up?—A. Well, I thought that the feeling was rather better; it was, though, the most inflammable material I ever saw at a meeting; the least disturbance would have caused a riot that no one could have controlled.

Q. Is that all you have to say in regard to that?—A. Yes, sir; there were not any other meetings held until some time after that; not until after the republicans had held their convention; the regular calls were issued for meetings at different places over the county, which took place every day.

By the CHAIRMAN, (Mr. COCHRANE):

Q. The meetings were called by the republicans.—A. All these meetings were called by the republicans; I can give you the place and date of these meetings if you desire; the next meeting was held over at Mount Pleasant, on the 6th of October; on Saturday, the 7th of October, we had another meeting at Strawberry; on the 9th, at Red Top Church

over in Saint Andrew's Parish; at a place called Whaley's Church we had a meeting on the 10th; on the 11th at John's Island; on the 12th at Wadmelow Island; on the 13th again on the lower end of John's Island. John's Island is about twenty-four or twenty-five miles long; on the 14th, on Edisto Island; that is an island farther below, next to Saint Helena Sound; the 15th was Sunday; on the 16th we held a meeting at Cain-hoy. There were other meetings, but that was the last one I attended at which there was any joint discussion.

By Mr. BANKS:

Q. Well, sir, proceed.—A. After this there was a meeting every day until the campaign closed. I had called these meetings myself, and there had been no arrangements for joint discussion or anything of that kind. The morning that I got ready to go to Mount Pleasant, when I got down to the bay to go across to Mount Pleasant, I was approached by a gentleman on the democratic side and asked if I was going to allow a joint discussion, and I told him no. That was the morning of the 6th.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Who was the gentleman?—A. A gentleman by the name of Walker.

By Mr. BANKS:

Q. Where does he live?—A. He lives over at Mount Pleasant. I told him no, and gave as a reason the manner in which we had been treated at Strawberry Ferry before that; that I did not think we had been treated fairly there, either at the meeting or after the meeting was over; that we had been insulted, and that at all those meetings there was liable to be a difficulty. I told him I regarded it as an inducement to trouble that should be avoided. After some complaints on his part, and promising to keep order, I agreed that they should have half of the time, and I sent over to the meeting and made arrangements. We got along at that meeting without any trouble, though, as I say, provocations were offered several times; in other words; the lie was passed very freely from some of the democrats to the republican speakers on two or three occasions.

By Mr. JONES:

Q. Was it not returned?—A. No, sir; that is, it was not returned this way: that the statement that they complained of was not true. One man after the meeting was over, came to me and apologized, but the mischief had been done, because, as I say, that kind of talk was liable to start fight in a minute, and it was with the utmost difficulty that we could keep down fight. At that meeting there were no arms on either side that I knew of except pistols. I presume the most of them, and especially on the democratic side, had pistols.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. You saw the pistols, of course?—A. O, yes, sir.

By Mr. JONES:

Q. Did they carry them openly?—A. A good many had them under their coats, but you could see them sometimes. Why, some of them had two strapped on to them.

By Mr. BANKS:

Q. Was there any attempt to conceal them?—A. No; further than sometimes a man's coat would blow up and the pistols would show in the belt running around his body. At the first Strawberry meeting Mr Baker had two strapped on him, one on each side, in a leather case.

By Mr. JONES:

Q. Is there a law in this State against carrying concealed weapons?—A. I do not think there is; I have never heard of it, if there is.

Mr. JONES. I thought it might be that he carried them in that way to avoid the charge of carrying concealed weapons.

By Mr. BANKS:

Q. How was it with the republicans?—A. Some of them had pistols.

Q. Do you know what proportion of them?—A. Well, I could not state; I would have to guess at that.

Q. Was the arming more general on one side than the other; and, if so, on which side?—A. Yes; the democrats were in a condition to arm themselves to a greater extent than the others were. One thing I forgot to mention in regard to that first Strawberry meeting. Mr. Calcock, who came to ask my consent three days before the meeting took place, went right from my office to a hardware store to buy twenty-four army revolvers.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Did you go with him?—A. No, sir; but he told me so. I would like to make this statement to show you how I know this.

Q. Do you know whether he got these twenty-four army revolvers or not?—A. I do not think he did; that is, he did not at that place. He might have got them afterward. I do not know anything about that. The statement I wished to make in connect-



with that is, that a friend of mine, who was in the office at the time, came in a few minutes afterward and said that he saw him trying to purchase these weapons. When I went to the meeting I charged him with it, and he admitted that it was true.

Q. Did he give you any reason for having gone there to get them?—A. No, sir; not at all. About that time it was a matter of impossibility to buy a pistol here in any store in the town, from the fact that they had all been taken up. It is safe to say that nearly every man that had the money had a pistol, and at these meetings where we went each man had from one to three. I have seen plenty of them with three pistols.

By Mr. BANKS:

Q. Who was the man that told you he had met Calcock at the store?—A. H. H. Hunter. The next day after the Mount Pleasant meeting I went to Strawberry Ferry again. When I got there I found that the democrats had sent a boat again to the ferry. They got there before I did at that time, and insisted on a joint discussion.

Q. Was there any agreement to that effect?—A. O, no; there had been no agreement then. Nothing had been said by any one.

Q. How many were there?—A. I suppose there were about seventy-five on that trip.

Q. Did you assent to the joint discussion?—A. After a good deal of talk I did, but I remonstrated about their coming in that way to this meeting without notice and demanding half of the time, but said as they had come to that meeting I would consent to it for that time. That meeting was more quiet than the first one at that place, but the men that were there were all armed with pistols. They left their rifles on board the boat on that occasion.

By Mr. JONES:

Q. How do you know that they had rifles on the steamer?—A. I came back on the steamer and saw them. I will say in connection with that, that there was one objection that I had at that meeting to a joint discussion—that I did not get there until very late, and that I would have to go back to meet the train, and I stated that, and that I should have to deprive them of the time that had been given me; and then they consented to bring us back on the steamer and to give us two hours more. We came back on the steamer and I saw the rifles on board the boat. That meeting was held on the democratic side under the charge of Mr. Miles and Mr. Barnwell. Mr. Barker was not at that meeting.

By Mr. BANKS:

Q. What occurred?—A. That meeting was more quiet than the first one. Nothing happened serious. I went to the next meeting at Red-Top church by myself; when I say by myself I mean to say that the democrats did not put in an appearance. We held a meeting there and came home without any trouble at all. The meeting for Whaley's church the following day was not attended by any one, as it rained. When I returned from that meeting at Red-Top church I found this note in my office from Colonel Simonton, in regard to joint discussions:

"CHARLESTON, S. C., October 9, 1876.

"DEAR SIR: The democratic executive committee have been informed that your committee have appointed certain days for canvassing this county on the stump. They have instructed me to propose to you that both parties unite in holding their meetings at the places and times you have selected, and that there be a joint discussion of the questions at issue between them.

"Yours, very respectfully,

"CHARLES H. SIMONTON,

"Chairman Democratic Executive Committee.

"HON. C. C. BOWEN,

"Chairman of Republican Executive Committee."

That note was written on the 9th, the day of the meeting at Red-Top church. They did not go there. To that I sent the following answer:

"CHARLESTON, S. C., October 10, 1876.

"DEAR SIR: Your note of this date, saying that the democratic executive committee have been informed that a series of republican meetings have been called for the purpose of canvassing this county, and proposing to me that both parties unite in holding their meetings at the times and places I have selected, and that there be joint discussions of the questions at issue, has been received.

"I have no objection to such an arrangement as the one you suggest, provided that such meeting can be held without the presence or attendance of armed bodies of men.

"I would, therefore, suggest a conference with yourself, or some other representative of your committee, with a view to an arrangement of preliminaries.

"Yours, very respectfully,

"C. C. BOWEN,

"Chairman Union Republican Party, Charleston County.

"Colonel C. H. SIMONTON,

"Chairman Democratic Executive Committee, Charleston, S. C."

To which he sent the following on the 10th :

"CHARLESTON, S. C., October 10, 1876.

"DEAR SIR: I have your reply to my communication of yesterday.

"Owing to pressing engagements, I requested Mr. Buist to see you to-day, but he did not find you.

"As your time is so much engaged, please appoint an hour and place when and where I can see you, and it will afford me pleasure to do so.

"Yours, respectfully,

"CHARLES H. SIMONTON,

"Chairman Democratic Executive Committee.

"Hon. C. C. BOWEN,

"Chairman of Republican Executive Committee."

That is the correspondence in regard to the joint discussions which then took place. These other joint discussions had been held merely as I say by these parties coming there and demanding them. I sent word to him, and met him that night. I did not send any other note. I went down to Colonel Simonton's office here on Broad street, and had an interview with him. There was no one there but himself and myself, and we talked over the situation generally and agreed that we would have joint discussions at all the places where I had called meetings. It was also agreed that the men should not go there armed, and we talked of another class of people here in the city, and it was agreed between Colonel Simonton and myself that under no circumstances should any of those men be allowed to go to any of these meetings. Probably I had better make it more explicit, so that you can understand it. There was an organization which had been formed here in the city called the Butler Guard, and composed of some very bad men, and when I say bad men I mean roughs—irresponsible parties, half-grown boys of sixteen, eighteen, or twenty years of age, who were not responsible to anybody and could not be controlled by any one. The first meeting that we held after this correspondence was on John's Island, on the 11th of October.

By Mr. BANKS :

Q. That was where the Butler Guards should not go?—A. It was agreed that they should not go to any of the meetings.

Q. But that was the first meeting?—A. Yes, sir. The democrats sent down to John's Island I suppose about thirty men besides their speakers. The speakers on the democratic side on that occasion were M. P. O'Connor, Henry E. Young, Joseph W. Barnwell, and R. G. Tharin. I gave them the opening of the meeting. The republicans had the close.

By the CHAIRMAN, (Mr. COCHRANE :) :

Q. Who were the republican speakers there?—A. A man by the name of Ford, a colored man, Cyrus Guilliard, a colored man, and myself. The democrats had half of the time, and admitted that they had not made any converts.

By Mr. BANKS :

Q. What was the character of the meeting?—A. The meeting was very quiet.

Q. Any of the speakers interrupted on either side?—A. Well, no more than to ask questions. The democratic speakers always had a way when they got up to speak of offering to answer any questions that were asked, and it was construed by everybody into an invitation to ask them.

Q. No offense was given or taken in this discussion?—A. None that I ever knew or heard of. That meeting broke up at about nearly dark. The democratic party came on to town and did not get here till some time during the night. I went further—towards Wadmelaw Island, where the meeting was to be held the next day. The meeting the next day was called to order about half past 11 o'clock, and I kept the meeting together until 4 o'clock waiting for the democrats to come there. One speaker I forgot on the republican side was Mackey. Perhaps it would be well to give it here.

By Mr. JONES :

Q. You kept the meeting waiting until 4 o'clock; did you have no speaking?—A. O, yes, sir; anybody that wanted to speak could go on; the meeting was not dissolved. At Wadmelaw we had the same republican speakers. It was a very disagreeable day, and I had come to the conclusion that they would not be there. About 4 o'clock in the afternoon I learned that the steamer had landed about three miles off from the meeting, and as soon as they could get there—it took them half an hour—they came up, 75 of them, accompanied by two speakers. Mr. Miles was one of the speakers and Mr. Alley was the other. When they got on the ground I told them that we had been speaking, and asked them who they would name to speak. Mr. Miles named Mr. Alley, and he spoke as long as he wanted—about half an hour—and stopped. I informed Mr. Miles that I did not think it was worth while to put up any speakers

on our side; that he could follow Mr. Alley himself. Mr. Miles made the next speech, in fact the closing speech. There was nothing said afterward. That meeting was a quiet one. I heard no complaints in regard to that. Their party left and came back to town that night on the steamer. I staid on John's Island for the purpose of going to the meeting the next day, which was to be held on the lower end of the island. John's Island is a good deal in the shape of a horseshoe, and Wadmelow is right inside the horseshoe bend.

By Mr. BANKS:

Q. What population has John's Island?—A. There are about a thousand voters' on the island. I staid on Wadmelow, as I said, for the purpose of going over to the lower end of John's Island the next day. The democrats sent a party down to that island on another steamer. The democrats came back every night; they were afraid to stay in the country on account of fever. The steamer left here early in the morning, about daylight, so I understand.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Who were the democratic speakers at that meeting?—A. They only had one speaker.

Q. Who was he?—A. Mr. Bacot. He is a law partner of the Mr. Walker that I spoke about a little while ago.

Q. Who were the republican speakers?—A. The republican speakers were the same as the day before, except Mackey. He came back to Charleston that day.

Q. How many democrats were there?—A. About thirty at that meeting. They were under the charge of Mr. Bacot.

Q. Was that a quiet meeting?—A. Yes, sir; there was no trouble at all. That party came back to Charleston that night, and I left there and went to Edisto—I suppose four or five miles by water. A boat with another party was sent down to that meeting from here. That was Saturday.

By Mr. BANKS:

Q. They came in a steamer again?—A. Yes, sir; and there were from seventy-five to one hundred of them at that meeting. They brought the German band. I suppose there were about six hundred people present at that meeting; there might have been over that number; counting the democrats, probably there were between six and seven hundred, say. All the democrats at any of these meetings were those that went from here. On John's Island there was not one. There was but one on Wadmelow Island, and at the second meeting on John's Island there was one colored man who announced himself as a democrat.

By Mr. BANKS:

Q. Who were the speakers?

The WITNESS. On Edisto?

Mr. BANKS. Yes.

A. Julian Mitchell was the first speaker. Mr. J. W. Barnwell was the second democratic speaker, and was in charge of that party. I think Mr. Miles was there—yes, I know he was there, and Mr. Augustine Smith. Those were the men that spoke. They had a colored man that they wanted to speak, by the name of Martin R. Delaney, whom they introduced. In fact he had been carried down there, I understand, to rather carry Edisto Island. He did not speak.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Why did he not speak?—A. Well, the people would not hear him. They declined to hear him; when he was introduced they all left the place, and went, I suppose, two hundred yards, out of hearing.

By Mr. BANKS:

Q. Who were the republicans?—A. The same speakers, with probably one or two local speakers, that lived there on the island. I made the closing speech at all those meetings. The people there declined to hear Delaney. He got up after he was introduced, and before he had a chance to say anything they all left; said they did not want to hear him; and Mr. Barnwell came to me and wanted me to use my influence to get them to listen to Delaney. I got up on the stand and urged them to listen to Delaney, and if they didn't agree with what he said they could make up their minds accordingly, but it was with a good deal of difficulty that I could get them to come back. They said that they could listen to what the democrats had to say, but they were not going to listen to one of their own race.

Q. They did come back?—A. They finally came back. I asked Delaney if he wanted to go on. He said no, that he felt that he had been insulted by his own people, as he called them, and he did not want to make a speech. He made a few remarks of that kind and stopped. It then came my time to make the closing speech. It was then nearly 5 o'clock in the afternoon.

Q. How was that meeting?—A. That was a very quiet meeting.

Q. Nothing especial occurred?—A. Some of the men that were present were very angry, but they were very easily controlled; that is, they would make remarks about colored men making democratic speeches. They thought they had sold themselves. That was the language they used. I made a speech, telling them how they could get the colored men to vote the democratic ticket.

Q. What was your suggestion?—A. I don't know as it is worth while to refer to it. I made the statement that the democratic party was trying to get in a few short weeks what it had cost me eleven long years to get, that was, the confidence of the colored people. Mr. Miles wanted to know, "Won't you tell us how you do it?" I said, "Yes, I got it by kind treatment. You can get these votes in the same way."

Q. Did they see it?—A. I think a good many of them agreed with me. The colored people here are not going to change so rapidly.

Q. Well, sir, what occurred next after that?—A. Well, the meeting broke up, and there was no disturbance. I recollect the democrats gave three cheers for the republicans after the meeting adjourned; that is, Barnwell, who was in charge of the democrats, asked the democratic party to give three cheers for the republicans. Then he turned around and asked the colored people if they would not give three cheers for the democrats, and they did it.

Q. Were there any converts to the democratic party?—A. They admitted that they had made none.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. The republican cheer was not as loud?—A. No, I do not say that; but there was not so much feeling in it as if somebody had proposed three cheers for Hayes and Wheeler.

Q. What was the next meeting?—A. The next meeting was the Cainhoy meeting, on Monday the 16th, which terminated in a riot; and that was the last of the joint discussions in the county. I got left on Edisto Island through a misunderstanding, and did not get home until late the next day, on Sunday, at nearly dark. When I got home I did not get up very early the next morning, as I had been out all the week and was pretty tired, and I did not know what the arrangement was for Cainhoy. That morning I went with the others, but the first intimation of the time of starting I saw in the newspapers, which fixed it at 9 o'clock. When I saw it I knew that I could not get ready to go at 9, and I sent word to Major Buist, who was in charge of the boat, that I could not go by 9 o'clock, but that if he would wait half an hour I would go with him; and he sent back word that he would keep the boat for me. They went from the Market wharf down here. I got down there as soon as I could, and I saw a large crowd aboard, about, I suppose, 250. There was on the wharf a considerable crowd of republicans; I suppose about 100.

Q. Who were the men on the boats?—A. They were democrats; and among that crowd, as I found out afterward, there were a great many of these Butler guards that I spoke of. The crowd was on the boat when I got on the wharf. They would not let the republicans on the wharf get aboard of the boat, and they wanted me to get them on, and Major Buist asked me if I wanted them, and I declined to have them.

Q. For what reason?—A. In the first place the boat was crowded, and in the next place there was no use in the world of their going up there. That was the reason I objected to their going. There were on the boat, maybe, a dozen or fifteen republicans who had got aboard before I got down there, and I took on the boat with me three or four men. I was the last one that got on.

Q. Were the three or four you took with you republicans?—A. Yes, sir; the democrats had the band along with them. As soon as we got on the boat the lines were cast off and we started up the river. I had not been on the boat but a few moments before I discovered a portion of the very party that I had objected to in the arrangement with Colonel Simonton as a class, as I before said, of roughs; and I noticed another thing in a very few moments after that, and that was the absence of the old leaders that had been sent to any of those meetings. There was no one in charge of the party that appeared to have any responsibility, or seemed to know anything about it. There were but two speakers along.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Who were they?—A. Mr. M. P. O'Connor and a gentleman of the name of Ficklin. There was another who I was about to forget to mention, Mr. St. Julian Jewey.

Q. Who were the republican speakers?—A. A colored man by the name of McKinley, Cyrus Guillaud—

Q. Colored?—A. Yes; and myself.

By Mr. BANKS:

Q. Come to the meeting now, if you please.—A. When we were going up the river I noticed that the parties were very ugly in the general talk that they made—cursing, and so on. About half way up they commenced practicing with their pistols, discharging

them at any object they saw, and when we got to the wharf, about fifteen miles above here, there was a considerable crowd of people there to meet us, white and black. I think nearly all the democrats in the parish were there. There were but 74 democrats in the whole parish. There were a great many wagons and carts, and all the old vehicles in the parish there, to convey the crowd to the place of meeting, which was about three miles from the landing. As soon as the boat landed there were a good many congratulations between the democrats that went up from here on the boat and those who lived there. I got ashore, and the precinct chairman on the republican side was there with a buggy, and I got into the buggy as soon as I could and rode out, leaving the party at the wharf. The band had commenced to play, and I left them shaking hands, and so on. I got to the place of meeting probably twenty-five minutes, at the outside, before the democrats and the others came up. When I got to the meeting-ground I found about 400 colored people assembled there, and I suppose there were 10 or 12 whites. Most of them had gone down to the landing, but there were that many there. They had prepared a stand. I waited until the democrats came up. O'Connor and myself had had an understanding on the boat, in which it was agreed that each of the speakers should have twenty-five minutes. They came up in about twenty or twenty-five minutes after I got there, and I asked Mr. O'Connor if he was ready, and he said he was, and I got upon the stand and announced to the people that the discussion was going to be a joint one, and that I wished them to pay particular attention to what both sides said and judge for themselves who was right. I then asked them whom they wanted to preside over the meeting. It was usual to elect somebody chairman, and they nominated a colored man by the name of Stewart. He was elected without opposition as chairman. Stewart took his place, and as the democrats were present, and they had a democratic precinct chairman present, I invited him up. It was agreed that he should introduce the democratic speakers and that Stewart should introduce the republican speakers. Mr. Jewey was the first democratic speaker. That meeting was unusually quiet up to that time. Mr. Jewey spoke his twenty-five minutes and got down, and the most of the time you could have heard a pin fall. It had been the most quiet meeting I had seen; that is, there was no interruption. Mr. McKinley, a colored man, was the next, and the first republican speaker. He had been speaking. I suppose, a minute, and had not spoken more than a dozen or twenty words, when I heard some one sing out, "Look out! Look out!" I will have to describe to you the locality so that you will understand it. The stand was a long table, say ten feet long, set out under an oak tree, and behind it a long bench; and the speakers spoke from this table. When they got up they were facing the east. The colored people, say, occupied one side of the stand, and the democrats the other. There was an old house to the left of the stand about ten or fifteen steps away. That house had been built before the war for a carriage-house; that is, when people came there to the church they would drive in there out of the way. The colored people occupied that end of the stand, and the space between this old building and the stand was all blocked up, as it was on the end of the stand where they were located; and the democrats occupied the other end of the stand. This voice came from somebody that I could not see, but in or about the old building. I was sitting on the end of the bench nearest to the building, when McKinley looked around that way and, pointing over the heads of the crowd, says, "Those men have got guns and are going to shoot." The crowd then commenced to break away from the end of the stand nearest the old building, and in, I suppose, half a minute, the space was cleared, when I saw ten or a dozen men standing inside that old building with guns in their hands. Their actions indicated mischief.

By the CHAIRMAN, (Mr. COCHRANE):

What did they do? Just tell us.—A. The first I saw of them after the space was cleared was, with their guns raised, in the attitude of waiting for somebody to shoot at. [The witness here illustrated the attitude of the parties with the guns.]

By Mr. BANKS:

Q. It was in a natural position for firing?—A. Yes, sir.

By the CHAIRMAN, (Mr. COCHRANE):

Q. But the muzzles of the guns were depressed?—A. Yes, sir.

Q. Were these white or colored men?—A. White men. They were some of those very men that went up on the boat; the very men that I had objected to going to Colonel Simonton.

Q. Give their names, please.—A. Well, I could not do that. I could point them out; those that are alive. I could take their own statement and point out their names, but it would be with some circumstantial evidence. They were standing in the position I have indicated when this space was cleared and I stepped to the other end and put my hand on Mr. O'Connor's shoulders, and said, "Those are your men there with guns. You must stop them at once," and Mr. O'Connor called out to them, "What are you doing with those guns?" They were then just as plain to our sight as that fire is there. [About fifteen feet.] They made no reply to Mr. O'Connor at

all, but commenced backing off toward the rear end of the old building, but in the same position that I had first seen them. They went out the rear end of the building and commenced forming a line as they went out the door, and it might have been a minute before the first shot was fired. As soon as they got out and got into a reasonable line the first shot was fired. I saw an old colored man, standing about ten feet from where the first gun was fired, fall, and I suppose, in ten or fifteen seconds after that I saw the man that fired the shot fall. The firing then became pretty general, that is, in the rear of this old building. They discharged those guns, and as soon as these men discharged these muskets they threw them down and commenced using their pistols. They commenced getting away from there pretty soon after that.

By Mr. JONES:

Q. Who, did?—A. The men who commenced with the pistols. The fight up to that time was all between the colored people and these ten or a dozen men. The main body of the democrats had not taken part in it. Some one came to me and asked me if I could not stop the firing, and I replied that if some one would go with me to protect me from a fire in the rear that I would go and try, because the democrats all had their pistols in their hands. Mr. Walker said he would go with me, and turned around and said to his party, "I am going out here with Mr. Bowen and I do not want any shots fired. I stepped out and he stepped behind me, and I give him credit for keeping pretty close up. It was a mutual protection. I stepped out as he stepped in behind, and we stepped close together, like soldiers stepping out.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Well, you went over to the colored people, did you?—A. Yes, sir.

Q. Well?—A. I tried to stop them. They were very much excited and not disposed at first to listen to anything. I would take hold of a man's gun and get the butt of it down on the ground and go to somebody else, and probably the man I had just left would get back into a firing position again.

By Mr. JONES:

Q. Did they have guns?—A. Not all of them. There were probably forty of these old muskets there. I do not think there were more than that. There might have been three or four shot-guns among them. I rather suppose the most of them were loaded with small shot; some of these were loaded with buck-shot. Well, I succeeded in a little while in quieting down the firing, except once in a while a random shot, and thought I was going to succeed entirely, when Mr. Walker left me and went back to his party.

By Mr. BANKS:

Q. Why did he go? Did he say?—A. Yes, sir; I think he has stated it. He published a whole lot of stuff in the newspaper. I say this much: If he had staid with me the fight would have stopped there, and one man that was killed afterward would not have been killed; but that is mere opinion. As soon as he got back to his party they commenced using their pistols. That renewed the fight all along, and the democrats began to retreat. They fell back to the church, a little way from the stand, and took shelter in the vestry-room of the church, and commenced discharging their pistols. Some of them took shelter behind the grave-yard fence, and a good many of them commenced making down toward the boat. When the democrats commenced using their pistols from the vestry-room of the church the colored people charged on it and the church. With the exception of two men that were killed all the rest were of the party that had created the difficulty. The first man that was killed was an old colored man, maybe seventy-five years old, and perhaps the most inoffensive man on the ground, and the other was an old man named Simmons. I am perfectly satisfied in my own mind that he did not have any weapon, and had gone there out of curiosity. All the others that were killed, I am satisfied, were the men who had created the disturbance—the men whom I saw in the building with the guns. I think there were five of those killed; in fact, I am certain of it.

Q. How many were killed besides these two?—A. Five.

Q. Were they all white men?—A. Yes, sir; all white that were killed, except one.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Six white men and one colored man killed? Is that right?—A. I think so.

By Mr. BANKS:

Q. Were all the white men that were killed democrats?—A. I feel satisfied in my own mind that they were.

Q. What occurred after this?—A. Well, the democrats left there and went toward the boat. I quieted the colored people as soon as I could, and advised them to go home. There was a great deal of excitement; in fact, after the first shot was fired they were pretty wild.

Q. Did they go home when you told them?—A. Yes, sir; they were afraid that the

democrats were going to the boat for guns and ammunition, and would come back. They got that into their heads, and there was a disposition on the part of the colored men to go home and get their guns; and I was apprehensive of a second difficulty after the first one had been stopped; and so I advised them to go home, but not to come back, and it turned out that they took my advice. There was no further difficulty there.

Q. What was done with the dead bodies?—A. They were brought down the next day.

Adjourned to meet to-morrow, (Friday,) December 29, 1876, at 10 o'clock a. m.

CHARLESTON, S. C., *Friday, December 29, 1876.*

The subcommittee met at 10 o'clock a. m. All the members present.

C. C. BOWEN, examination resumed.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. When you concluded last night you had arrived at a point in your testimony in which you had described the Cainhoy riot and stated that you had advised the negroes to go home, and that they had taken your advice, and had gone home and remained there. You will please proceed from that point.—Answer. I was stating that portion of the democrats who had gone up on the steamer to Cainhoy remained up there at the village and the steamer came back. I will state for your information that the place called Cainhoy is a little village on the banks of the Wando. That is the village, and the meeting was about three miles from there; two other steamers were sent back up there that night with a portion of two or three rifle clubs. Next day one or both of the boats—one I know—returned to Charleston, bringing some of the persons that had been killed. How many they brought is all hearsay. I think they brought one or two wounded men. I am satisfied that the bodies were all brought down in the next two days, except the colored man, who was buried there. I know that from the fact that the coroner held an inquest here over the bodies. I got back here to the city Monday night, the 16th, about 11 o'clock. A meeting had been called for James Island, the next day, the 17th. On the morning of the 17th I sent for Colonel Simonton and told him that I must withdraw my consent for any more joint discussions; that a serious riot had been created the day before by men sent by his party to Cainhoy, and I did not feel willing to take any further responsibility; but I offered to accompany any of his speakers to the meeting that was to be held that day, or to any other meeting that was to be held afterwards throughout the county, and give them the same hearing that I had myself; they to go with me without any outside support; that is, that no one should go with them. I declined any further joint discussions if he was going to send companies as he had been sending them. These men that had been sent to these meetings were part of different detachments, as it were, from the rifle clubs here in the city, and a riot was liable to happen at almost any time. He went away to consider the proposition, and came back in about an hour afterward and declined it, and there the joint discussions broke up. I will say this much, that I said to Colonel Simonton that he and his speakers would be just as safe as I would be myself; in other words, that there would be no difficulty so far as they were concerned; but that the presence of a large body of men was calculated to create a disturbance. Other meetings were held though throughout the county by the republicans; some smaller meetings attended probably by the democrats.

By Mr. BANKS:

Q. Was there any disturbance at these meetings?—A. No, sir.

Q. Nothing occurred to disturb them?—A. No, sir; everything was peaceable and quiet.

Q. You say it was the habit of these rifle clubs to attend some one day and some another day?—A. They made details every day from different rifle clubs. As I have stated at some of the meetings there were thirty, at some seventy-five, but at this Cainhoy meeting there were at least one hundred and fifty.

Q. Have you anything further to say in regard to the meeting?—A. The usual practice was to send somebody in charge of these men, except to the meeting at Cainhoy; no one seemed to be in charge there. There were two speakers, as I have said, along, but neither one of them had previously had charge of such meetings or appeared to have any control over the men after they got there. When Barnwell, Miles, and Barker went to the other meetings they always kept their men in perfect order.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. M. P. O'Connor was not a leading democrat?—A. No, sir; so far as that purpose was concerned he did not have any more control over them than a woman would.

He was stumping for himself, being a candidate for Congress. Barker was nominated first, but got out of the way, and M. P. O'Connor was put on the ticket.

By Mr. BANKS :

Q. You have spoken of the democratic clubs of colored men which are said to have been in existence in these different precincts?—A. The colored democratic clubs in this county existed on paper. What I mean by that is that they did not have them. I know of one place in particular where they claimed to have had forty men; this place over here at Red Top church. On the 25th of October a short piece appeared in the News and Courier, headed "Sheriff Bowen as an intimidator," in which they went on to state that the democrats had a club consisting of forty colored men over there, and that I had broken it up. I wrote a note to the editors calling their attention to it, saying that it was a mistake, telling them in plain words that they never had the club there, and all the colored men they had in that parish that would vote the democratic ticket would not exceed three, and that the parties who had represented the club had been fooling them. They declined to believe that, and it was afterwards published in another paper I think on the 27th or 28th of October.

Q. How many votes did they get?—A. I do not know; I do not think they got more than three or four; they did not have them there. I know this: they were stopping everybody they could get hold of, and a great many promised them, and they would come to me afterward and tell me what they had promised the other side; but I knew they were not going to vote that ticket.

Q. Let me ask you if this affair at Cainhoj and the proposed meeting at James Island occurred before or after the proclamation of Governor Chamberlain and the President of the United States against the rifle clubs?—A. They occurred after. It was after the clubs went up to Cainhoj that I made application to the United States marshal.

Q. Were the rifle clubs in existence at the time of the meeting at Cainhoj?—A. I have said they were. They went there that night with rifles; do not misunderstand me. The parties that went to these different meetings did not carry their rifles, but as I said yesterday they had their pistols. But that night, after the riot at Cainhoj was over, they went there and carried their rifles and staid there some time. As to the matter of breaking them up they have never disbanded yet.

Q. Do you know whether any vote was taken to suspend operations or suspend meetings?—A. No, sir; I do not. I know that they carried their arms home from different armories; but a good many times they brought them out again when occasion offered or required.

Q. You say that the colored democratic clubs did not exist, and that the rifle clubs did exist?—A. Yes, sir; I knew about how many colored men would vote the democratic ticket outside the city. It is very easy to get at. I know nearly all of them, and could have told before the election very nearly.

Q. In regard to the vote of the city and county of Charleston, and with regard to the general management of political parties, I wish to ask you what, if any, measures were publicly adopted by the democratic party to influence and control against their will the action of the voters of this city and county?—A. Well, I will have to state that my information—

Q. I do not inquire as to particular individuals. Give us public information.—A. One plan they adopted was that they would not employ any one. Another was that they would not go on the bonds of any of the officers.

Q. Do you know whether any public effort was made by anybody to prevent officers of this State or the United States from getting bondsmen or to compel persons to withdraw their bonds in such cases after they had been given?—A. I know that the democrats were forbidden by their party from going on anybody's bond that was a republican office-holder, State and General Government.

Q. Do you know of threats publicly made by the democratic party to compel persons to withdraw their bonds?—A. That is what I mean when I say forbidden. Parties who had been on the bonds of republican office-holders withdrew their names. Resolutions were passed at different meetings here in the city, denouncing them, and calling on them to withdraw and they did withdraw. That has been going on before and since the election. This applies to public officers, national, State, and county.

Q. If you know that any person has been disabled from holding office in that manner you will please to state a case, or if you do not you may say so.—A. I know of one who has been appointed to a public office who has been unable to get bonds for this reason, and he has not yet been able to enter upon his office. I allude to Mr. William Birney, who was appointed by the President to the position of postmaster in this city. After his bond had been made up and sent to Washington, persons who had signed it were induced to come off the bond because Birney was looked upon as a radical. A new blank was furnished him and a second bond was made out, and a great many of those who had signed his bond first declined to sign it again on account of ostracism and threats by the democrats, and he has not succeeded in making the third bond though the appointment is open to him any time he qualifies.



Q. Do you know of any other instance?—A. I know of several instances of county officers.

Q. Do you mean that they have been unable to take their offices?—A. Well, no; they have made bonds and parties have come off, and they have substituted others. I do not know of my own knowledge of a case where they have been deprived of holding office except the one that I have mentioned. I will state this, that the result of that plan of policy is that a great many county officers are holding office with hardly any bond at all; that is to say without sufficient bond, or in other words, straw-bail.

Q. Is it or is it not a fact that these offices cannot be filled by other persons because of the difficulty in obtaining bonds?—A. O, a new appointee on the republican side would share the same fate. There would be no change of condition in that regard. They say this: That it is their determination to keep the republicans from holding office, but not having the approval of bonds, they do not succeed very well.

Q. Have you anything further to say upon this subject?—A. No, sir; I do not know of anything else.

By Mr. BANKS:

Q. I desire to put in evidence resolutions upon this subject adopted at a meeting in ward 8 in the city of Charleston, September 8, 1876, as they appear in the News and Courier issued September 9, 1876.

The CHAIRMAN, (Mr. COCHRANE.) There is no objection to that.

The resolutions, and so much of the article referred to as to which there was no objection, were then read, as follows:

"THE DEMOCRATIC MEETING IN WARD 8—FREE SPEECH SECURED AND PEACE PRESERVED.

"The secretary here stated that he had been handed a set of resolutions by a resident of the ward, which he would read, and hoped that the meeting would give it their unanimous support. He then placed before the meeting the following

"RESOLUTIONS:

"Let us know who are the rich men in this city and State, be they democrats "nominally" or "black-hearted republicans," who for money are aiding radical republican officials in waging war against our race and property, and who are responsible for every riot that occurs in our political campaign.

"Resolved, That this meeting, in behalf of the honest white voting population of South Carolina, ask the democratic papers of Charleston to arrange and publish in their columns an honest and exact directory of all the bonded officials in this State, their names, nativity, politics, office, official bond; the name of the bondsman, his nativity, politics, business, place of business, and the amount for which he bonds himself, and the consideration received by him, if the latter information is obtainable.

"Resolved, That it is the honest conviction of this meeting, and we believe of every honest citizen of the South, that no true and honorable democrat could sign his name as the bondsman and guarantee of any radical republican official in this State, he having been a resident in South Carolina since R. K. Scott was elected governor by the said republican party in 1868."

"The resolutions were then placed before the meeting, and adopted unanimously."

By Mr. BANKS:

Q. What, if any, effort or public concerted action has been made by the democrats of this city to control the votes of men, either by the use of money or in regard to the employment of individuals, within your knowledge?—A. I have heard of a great many men being discharged on account of politics.

Q. I speak now of resolutions of public meetings and speeches of leading orators.—

A. I have heard and read resolutions passed at the different meetings.

The CHAIRMAN, (Mr. COCHRANE.) Would it not be well to introduce the resolutions themselves?

Mr. BANKS. I will do so.

By Mr. BANKS:

Q. Do you know the character of the News and Courier?—A. It is the principal organ of the democratic party of this State.

By Mr. JONES:

Q. Was not that paper considered the organ of Governor Chamberlain, when he was governor last? Did it not support him?—A. No, sir. After Governor Chamberlain was elected the first time the News came over to his support as long as they could use

him. When they failed in that they went back again. They said some very flattering things about Governor Chamberlain, however.

Mr. BANKS. I offer the following editorial in the News and Courier issued September 12, 1876, to be taken in connection with the resolution before offered.

Mr. JONES. I object to this as evidence.

The CHAIRMAN. I do not think that this technically is evidence, but shall not object to its admission, though I do not desire to be understood as waiving objection hereafter to the introduction of newspaper articles.

The editorial was then read as follows:

"DEMOCRATIC BONDSMEN OF RADICAL OFFICE-HOLDERS.

"Any citizen of Charleston who now becomes a bondsman for a radical official is a worse foe to the cause of good government than if he boldly voted the rascally radical ticket at every election. In voting with the radicals he would do no more than any negro who will pass muster as of full age can do equally well, and more frequently; but in becoming, in these days, a surety upon the official bond of a radical appointee, the responsible citizen brings property and position to the rescue of such fellows as Birney, and gives to the public enemy the means of securing office-holders who will faithfully do their dirty work and hinder the success of the democracy.

"For eight years there had been no strict division of political parties in South Carolina. In 1870 the democrats generally voted for the Union reform candidate for governor, who was a republican. Two years later there were two radical candidates in the field, and democratic ballots were cast for both of them. In 1874, the democrats, with few exceptions, voted the independent republican ticket. There was, therefore, no political reason, from 1868 to 1876, why democrats should not, if so inclined and if their personal interest lay in that direction, go upon the official bonds of State and Federal officials. No political principle was compromised by such a course; and, while any act that made it practicable for incompetent or unprincipled persons to hold public office cannot be justified, the doing of that act was not, under the circumstances, such a breach of faith as would call for public reprobation. But since the meeting of the State democratic convention and the nomination of Hampton and Simpson the conditions are changed. What was excusable a few months ago is, if done to-day, an offense against the community.

"The democratic canvass in South Carolina is broad in its aspect and liberal in its punishment of the radical rioters. Nothing short of that will satisfy them. Until that is done, they will not abate a tittle of their vigilance; and until then, executive proclamations, so far as they contemplate the disarming of the whites and the disbanding of their forces, will be no more regarded than so many sheets of blank paper."

By Mr. BANKS:

Q. Do you know whether there was any discussion upon the subject of employment and the preference of one class of laborers to others in these democratic meetings?—A. I know that there were public meetings held, and preference was intended to be given to those who voted the democratic ticket over those who voted the radical ticket, as it was called.

Q. I will ask you if in your communications with Mr. Simonton, who is, as I understand, the chairman of the democratic committee, anything was proposed by you or between you with reference to the action of the democratic and republican parties upon the subject of the general peace of the city at the time of these riots of which we were speaking?—A. They had an organization here known as the Hunkidori Club. They were a band of rather rough, obstreperous people. The democrats claimed that they belonged to the republican party. I claimed and proved that it was a democratic organization and organized by democrats, and that was what the conversation was about. The question was who could or would control them. It was a day or two after the last riot. I insisted with Colonel Simonton and the others that it was their business to control them, as they had organized them. They had been organized by the democratic party to carry this State in the municipal election which took place a year ago. The same party created a riot here under the democratic league. It is alleged that the Hunkidories created the riot. I wrote a letter to Colonel Simonton, which led to a committee being appointed on both sides as a committee of conference, composed of eight or nine members on each side, toward preserving the peace of this city. That was, I think, two or three days after the riot.

Q. What riot was that?—A. The 6th of September.

Q. What resulted from this action?—A. It was admitted on the part of the democrats that they had certain rough men that they could not control. The same was also admitted on the other side. The mayor issued a proclamation forbidding all armed men except the militia from parading in the street with their guns, or at any meeting in the city. The general commanding the militia issued a like order. The militia companies are organizations chartered by the legislature. At that time the rifle clubs had charge of the city and patrolled the streets every night.

Q. In what way did they patrol the streets, if you please?—A. Some were mounted

and some were on foot, with guns with bayonets fixed. There was a great deal of shouting at times going on at night. The result of that interview was that the rifle clubs were withdrawn from the streets and peace and quietness prevailed, the police taking charge of the city.

Q. Have you anything further upon this subject?—A. No, sir.

Q. It was said in substance at a session of this committee held in the Charleston Hotel, in the room of the chairman, one night this week, by Colonel Simonton, who was the chairman of the democratic executive committee, that he had at one time undertaken to make an arrangement with you by which the democrats would have received perhaps a majority, or, at any rate, a large number of colored votes. I want to know if you know of any such attempted arrangement.—A. I will say, in answer to that question, that they never made any arrangement with me, though they held out all kinds of inducements that were ever thought of by any set of people to get the vote. I am speaking now of the men on the committee. I had no conversation with Colonel Simonton in regard to the subject.

Q. It was a remark made by Colonel Simonton. I will read it: "It was agreed that joint discussion should go on, and I should be notified of republican meetings when they should be held, and that we should be allowed to attend with such speakers as we thought proper, and both agreed that no armed men should be present. The white population being very sparse in this section where the meetings were to be held, it was agreed that persons might be permitted to go up with us to applaud the speakers." I want to know if those men were to go for that purpose merely?—A. We did not have any such understanding as that. I used to say to the democratic speakers, and to Colonel Simonton principally, a good many times, commenting upon the use of carrying these men around the county, for instance, in this way: that they were already democrats and would vote the democratic ticket, and that any amount of speaking would do them no good. They wanted to put it on the ground, on one occasion, that it was to protect the speakers. I say this much, that there never was a day in this county but when any democrat could have gone out with me and never been insulted, but when they carried a crowd along with them they would get into a controversy, and by the time two or three words had passed the lie would be given and a pistol-shot would follow. When the thing got started that way no one could control it.

Q. Was there any question between you and him that democrats should be carried up for that purpose?—A. O, no, sir. I do not know really what those crowds were carried to those meetings for. I presume that they wanted somebody to talk to, to give them some consolation, for they had none where they went. What I mean to say is this, that at those places on the island all the vote that they could hope to get was the white vote, which was naturally democratic. For instance, on Edisto there are eighty democrat votes cast by white men; on Wadmalaw seventeen or eighteen; on John's Island probably thirty. Now take John's Island; there are not more than thirty whites on the island, and yet there are a thousand votes there. To go down there to make speeches was like making speeches to a pine-tree. I suppose it was to cheer them up that they carried them along.

Q. You have said that they were solicited to take some action with regard to the republican ticket which would give them an advantage; what was it?—A. I had a conference with a portion of the democratic executive committee in which they wanted to know what I would do for them—that is, the democratic party—upon condition that they would not nominate a sheriff, (I was a candidate for sheriff in this county,) what would I do toward the support or help of the democratic party in the campaign if they would agree not to nominate any one against me. I told them "nothing," and I explained it in these words: "You could not beat me for sheriff if you were to try." Some other proposition was made, I forget the exact language used now, in regard to the election of the county ticket for general officers and members of the legislature. One gentleman wanted to know if I would not cooperate with them and give them ten members of the legislature in this county, that is, ten men that they would select themselves. I declined to do that. I did not want to have anything to do with it. Sixteen members of the legislature and one senator were elected from this county at the last election. As I say, I declined to have anything to do with the proposition; but I did name over the set of men that I would be willing to support; men that were looked upon as good men here in the community, conservative men; men who were not bitter. The difference between us was that they wanted men that were very bitter. They wanted to name men that could not be supported on the republican side. I told them in plain words that I could not undertake to give them my reasons why it would not succeed. I knew I could not influence my friends to vote for the kind of men that they wanted. That is what I mean, and in that conversation came up this proposition: One of the gentlemen of the committee remarked that my constituents could not read very well and that I could send democratic tickets to these places and they would vote them. I declined to do that, and stated that I did not get what popularity I had with the colored people in that way, and that no one who practiced that could keep their confidence. The gentlemen on that committee were Mr. George H. Walter,

a gentleman by the name of Jewey, of the firm of Jewey & Bee, Mr. De Lion, (Mr. De Lion was the one who made the proposition about deceiving the people in regard to the ticket,) and one of the Smythes, was present on that committee. I think it was J. Adger Smythe. That ended the conference.

Q. It has been stated that the vote of this county was some 4,000 and something above the legitimate and legal vote which the county could cast; I want to know if you have examined this subject and what you can say with regard to the result of the election, the number of votes that were cast, and the strength of the combined vote of the republican and democratic parties?—A. I recollect something being said about that soon after the election was over. I did not trace it very far. I looked up the number of votes returned—I think 23,000—and I then looked up the census returns for 1875 and found out that the vote did not come up to the males reported in the census the year before as being 21 years of age.

Q. Do you know anything about the taking of the census, so far as the city and county was concerned, for 1875?—A. I do not know anything about it except that it was taken.

Q. Do you know anything about the character of the man who took the census?—A. The gentleman who took the census is regarded as a reliable and worthy man; Mr. George W. Clark was the man.

Q. Has it ever been impugned in any way as being an imperfect work?—A. I have never heard of its being, sir. So far as that idea is concerned, I will state this of my own knowledge, there is very little difference between the democratic and republican vote here. It is very close. I know the first municipal election we had after the reconstruction acts were passed was under a registration where nearly every voter in the city registered. Party lines were just as closely drawn then as they were in the past election. The republicans carried the city by just 17 votes. What I want to impress upon you is, that that was done under full registration. In the past election I do not remember who carried the city, but it was not probably more than 30 votes either way. Under the election law any person in the county could come here and vote.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. The first meeting which was called, if I correctly understood you, was at Biggin Church?—A. Yes, sir.

Q. A day or two after Hampton's nomination?—A. Yes, sir.

Q. Did a joint discussion take place there?—A. No, sir.

Q. And no violence took place at that meeting?—A. No, sir.

Q. The next meeting was at Strawberry Ferry, about ten miles below Biggin church?—A. Yes, sir.

Q. Was Mr. Calcock a member of the democratic county executive committee?—A. I do not think he had anything to do with the executive committee, but was, I think, the precinct chairman of Strawberry Ferry.

Q. In what parish is Strawberry Ferry?—A. Well, there are no parishes now. The parish line used to be Saint Johns Berkley.

Q. How many negro voters are at Strawberry Ferry?—A. I think the vote is somewhere in the neighborhood, probably a little short, of four hundred.

Q. About how many white voters are there there?—A. Well, this time they voted one hundred and fourteen, I think. Now, I will not be certain, but it is somewhere in that neighborhood, I think.

Q. Do you know whether all of those white men resided there that voted there?—A. I do not.

Q. The negro population largely preponderates at that point?—A. O, yes.

Q. There was nothing said by Mr. Calcock to you as to the number of speakers who would go down?—A. No.

Q. Nor was there anything said to you whether any other than speakers should go down?—A. I will state in regard to that, if I had been informed (that was the first meeting) that they were going to carry a crowd from the city I should probably have objected.

Q. But there was nothing said between you on the subject?—A. Nothing at all.

Q. Nor was there any agreements that any further notice would be given to you as to who would go to the meeting, or anything of that kind?—A. O, no. He merely came down to know if I was going to have the meeting at Strawberry Ferry such a day. He first told me who he was, and then that he had come down to ascertain if I would agree to a joint discussion. It was agreed that we should have a joint discussion, but there was nothing said about who would go to the meeting.

Q. Did you see Mr. Calcock again until the Strawberry meeting?—A. No, sir.

Q. When you got off the train at the station to go to the Strawberry meeting, if I correctly understand you, you saw colored men assembled at the depot greatly excited?—A. A few of them there.

Q. And as you rode along the road from the station you found knots of men?—A. I overtook others, some of them going to the meeting, and maybe one or two going the other way.

Q. All whom you saw seemed however to be laboring under an excitement?—A. Yes, sir.

Q. You found about fifteen women on the road?—A. Somewhere in that neighborhood.

Q. Who were also considerably excited?—A. Yes, sir.

Q. How many colored men did you find at the place of meeting when you got there?—

A. I should suppose about three hundred or three hundred and fifty.

Q. Were they armed?—A. Some of them had their guns.

Q. About what proportion of those colored men had arms?—A. Well, there may have been fifty of them. I do not think there were over that.

Q. What kind of arms had they?—A. Well, most of them were old-fashioned muskets.

Q. Some shot-guns?—A. Yes, some of them had shot-guns. I noticed two or three shot-guns.

Q. How long was it after you came to the place of meeting that you discovered the steamer approaching?—A. Well, I suppose it was fifteen minutes; in fact, I saw the steamer coming up the river before I got there, but it was about fifteen minutes before she became visible from the spot I was at.

Q. Were any of these men whom you met upon the road armed?—A. Yes, once in a while one of them had his old musket or shot-gun; very few of them, however.

Q. You say there were about one hundred and fifty men on board the steamer?—A. Yes, sir.

Q. They came in the boats from the steamer which had anchored in the stream close to the shore and stopped at the shore?—A. Yes, sir.

Q. They were armed with rifles?—A. Yes, sir; Winchester rifles.

Q. All of them?—A. Well, Major Barker was in charge of them. He did not have any rifle. He had two pistols. I do not think there were more than half a dozen in the whole party who wore without rifles, and they were the men who were the leaders or who had the party in charge.

Q. Major Barker says there were about fifty guns?—A. I do not know what he means by "about." He can put his own construction on that. I counted the line when it passed up the hill and came up under the oak-trees. I was standing on the stand we were going to speak from, and they marched up by in two ranks, and I counted them.

By Mr. JONES:

Q. How many men did you count?—A. One hundred and fifty odd; there were not more than 153.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Did you particularly observe and count the guns which they had?—A. No, sir, I did not; but the most of them were armed.

Q. The democrats took a position on one side of the stand and the negroes were at the other side of the stand, and, although there was some talk, no violence at all was used by either party?—A. No, sir; no violence.

Q. And the meeting adjourned in a better spirit than that which was evinced when you first came upon the ground?—A. Yes, sir; I think it did.

Q. Did you go home with them that night?—A. I did.

Q. They took you on the boat?—A. Well, I will make this statement in regard to that: I had the closing speech, and Ferguson, or some of them, I forget who the speaker next to me was—but anyhow they had crowded me a good deal in regard to time; that is the time I would have left over to get to the depot. If I had gone to the depot I would not have had but ten minutes to speak. I reminded them of that and said therefore "I shall take my own time," and Major Barker said, "Well, it won't do to leave you here to night;" so I said, "I cannot get to the depot to-night, and therefore it is no use to hurry." He then said, "Well, we will take you home on the boat;" so I then finished and came on home with them.

Q. The body of those men stopped on the shore, and sent a committee up to you, of which Mr. Calcock was a member, and afterward the men marched up when you and the committee had agreed as to the preliminaries, and so on?—A. Yes, sir.

Q. Did any colored men speak or offer to speak at that meeting on the democratic side?—A. I think not. I do not think they had any at that meeting.

Q. How many colored men spoke on your side?—A. I think there were three. There seemed to be a very bitter feeling between Barker and Thompson.

Q. Thompson was a negro?—A. Yes; Barker characterized him as a "foreign nigger."

Q. And the democrats at the meeting I suppose criticised pretty severely those high in office in South Carolina?—A. Well, yes; that was the line of argument that they adopted.

Q. And also spoke about what they alleged to have been circulated: that the negroes would be put back into slavery if they voted the democratic ticket?—A. They started out upon that. They asserted that the negroes had been told that unless they voted the republican ticket they would be put back into slavery.

Q. You say Major Barker was very bitter against leading republicans?—A. Yes.

Q. What do you mean by that?—A. He made bitter remarks.

Q. Did he speak of Governor Chamberlain?—A. O, no; he wasn't anywhere in sight. He had not been nominated at that time.

Q. Did he speak of any of the State officers?—A. Yes; I think he did in a general way.

Q. Well, against whom were his bitter remarks particularly directed?—A. Republican office-holders. He charged me with being a conspirator; that is, inasmuch as I had advised the colored people not to work for certain prices on the river. I did not consider that it had anything to do with politics. I asked him to put up his witnesses. I assured him that it was not so, and then he said he was very glad to learn that it was not so.

Q. Mr. Ferguson, you say, made a very bitter and violent speech?—A. Yes, sir.

Q. What was the language that he used about carrying the State?—A. Well, that the white people had stood this radical rule as long as they were going to, and that it had to change. One expression of his I recollect was, "By the eternal God, it shall change;" and then he went on to state about their being native citizens, born and raised here, and that the carpet-baggers had taken possession of the soil, and then he went on to unfold what his purpose was here; that he came from Mississippi to show how they had carried that State.

Q. He did not give any detailed statement of the plan they had adopted in Mississippi?—A. Well, no, he didn't have time to go into that; he only had half an hour, and they stopped him when his time was up. I recollect he named Cassius M. Clay as one of the parties who had introduced the plan in Mississippi.

Q. There has been something said about this plan. Just state what he said it was.—A. Well, first that the colored people could not expect to live on the land of the democrats as long as the colored people voted against them at the election. That was one. Then that they could not expect the democrats to furnish them with employment if they persisted in voting against them. He said nothing about violence, except the manner in which he talked; that these things first must be changed, and second that they should be changed, and that they could change them. I know what he meant, but I am not going to give my version of that.

Q. He spoke in a very earnest and determined manner?—A. Yes, sir; very determined.

Q. He criticised pretty severely the class of men whom he styled carpet-baggers?—

A. As a general thing he did. These here in South Carolina he did not know anything about. I told him when I got up to speak that he was a carpet-bagging here from Mississippi.

Q. Well, did he tell the people in his speech about the pecculation and plundering of these men whom he called carpet-baggers who had come down into his State of Mississippi?—A. He spoke about their doing it in Mississippi, and said something about Alabama.

Q. He spoke of the business interests of the people of Mississippi having suffered greatly from the government which they had had?—A. Well, in a general way I think he did.

Q. Did he tell the colored people there that unless that class of men would be driven out of the South the white men would be broken up, and that they would have no means to employ them at all?—A. I don't think he put it in that way. He put it in this way: That the democrats must have control of the State, and that there was no way of getting out of it except by the help of the colored vote, and that they must have it, and that they would have it. That is about the way he put it.

Q. Well, there was no blow struck at that meeting?—A. No, sir.

Q. Now, the next meeting was held on the 6th of October, at Mount Pleasant?—A. Yes, sir.

Q. That was a peaceable, quiet meeting?—A. With the exception of the talk. As I say, the lie was passed once or twice. I made a statement in regard to a reformer here in the legislature, a man who had been elected as a reformer, a leading man in the place, and I stated that although the democrats were talking about reform yet they did not want it; that that was an instrument that any one could play upon, and that they had been playing upon it for some time, and I cited this case; that this gentleman who had been elected two or three years before as a great reformer had drawn his pay, although he never went to the legislature a day, and that he not only drew his pay but drew his mileage, and some man said it was a lie.

Q. Who was that man?—A. It was George A. Trenholm. He is dead now.

Q. I asked who the man was that remarked that it was a lie.—A. It was Mr. Walker.

Q. Who was Mr. Walker?—A. He is a democrat.

Q. Where does he live?—A. He lives at Mount Pleasant. He was the man who insisted on my dividing time with him.

Q. What business is he engaged in?—A. He is a lawyer. One other man made the same remark.

- Q. Who was that?—A. A man by the name of Kimball.
- Q. Where does he reside?—A. He resides at Mount Pleasant.
- Q. What is his business?—A. Farmer.
- Q. They had both known the gentleman about whom you made the assertion?—A. They both knew him.
- Q. Was there anything else said?—A. I don't know that anything else was said.
- Q. Then, with the exception of these two, men there was nothing further objectionable said?—A. Nothing. I knew it was true. I had the certificate to prove it.
- Q. Did any negro try to speak at that meeting on the democratic side?—A. Yes; there was one, but I have forgotten his name. They put up one, and there was considerable objection to it on the part of the colored men. They did not want to hear him. From the commencement of the campaign it was the hardest thing in the world to get the colored men to stand and listen to a colored man who was a democrat speak; and it was with the greatest difficulty that they would be permitted to speak at all; it was the general report when a colored man showed himself to speak on that side, "Well, how much did you get? You have sold yourself; we don't want to hear you."
- Q. Next day, the 7th of October, there was another meeting at Strawberry Ferry?—A. Yes, sir.
- Q. Were there any guns at Mount Pleasant in possession of the white men?—A. No, sir. No guns in the possession of anybody, either white or black.
- Q. How about Strawberry Ferry at the second meeting?—A. Yes, sir.
- Q. Who had them?—A. Both parties had guns. The democrats left their guns on that occasion on board the boat.
- Q. Did the boat anchor out in the stream?—A. No, sir; she pulled up to the wharf within about three hundred yards where the meeting was.
- Q. Did you know that they had their guns until after the meeting was over when you went on board the boat?—A. No, sir.
- Q. Well, had the negroes guns there on that occasion?—A. I suppose maybe there might have been a dozen or so of these old muskets.
- Q. Do you recollect of any of the speakers having remonstrated with you on that occasion, and stated to you that some of the negroes there had guns, while the agreement was that no one should be armed?—A. Not at that meeting; that was at the first meeting. I complained very bitterly of their coming there armed, when Mr. Barker and Mr. Barnwell jumped up, and pointed toward the colored men that had their old muskets, and said, "These men are armed too." I said, "That is not what I am talking about; it is wrong in both of you coming here with arms."
- Q. You do not remember of any remonstrance having been made at the second Strawberry Ferry meeting?—A. No, sir; when the meeting was called to order I saw some ten or a dozen men with guns, and I requested them to carry them to a house two or three hundred yards away. The democrats said, "O, no; it does not make any difference;" but I remonstrated with them about that kind of thing, and some of them went and put them away.
- Q. On the 9th of October you had a meeting at the Red-Top church?—A. Yes, sir.
- Q. That was a quiet meeting?—A. Yes, sir.
- Q. That was not a joint discussion?—A. No, sir.
- Q. On the 10th a meeting was fixed for Whaley's church, which was not held?—A. That was broken up on account of the rain.
- Q. On the 11th of October a meeting was held on John's Island?—A. Yes, sir.
- Q. That was a quiet, orderly meeting?—A. Well, yes, sir.
- Q. Had the white men arms?—A. Yes, sir; pistols; nothing but pistols.
- Q. Had the negroes their guns?—A. Probably a hundred or more.
- Q. Was there any remonstrance made by the democrats about their having these guns?—A. No, sir; the guns were stacked out one side from the meeting, and a guard put over them. There was no remonstrance at all on the part of any one.
- Q. That was a quiet, peaceable meeting?—A. Yes, with this exception, as I said yesterday, I think, when the democratic speakers, as a general thing, got up to talk they would insist upon the colored people asking questions.
- Q. But what I mean is that there was no violence?—A. O, no, sir; there was no violence.
- Q. Was that the meeting at which Delaney, the colored speaker, desired to speak?—A. No, sir.
- Q. The next meeting you had was at Wadmelow Island?—A. Yes; the next day.
- Q. Had the white men arms there?—A. Nothing but their pistols.
- Q. Had the negroes arms?—A. No, sir; I saw no guns with them.
- Q. Was that the place where Delaney wanted to speak?—A. No, sir; Delaney wanted to speak the Saturday after that, at Edisto.
- Q. On the 13th of October there was a meeting at John's Island?—A. Yes, sir.
- Q. Did the white men have guns?—A. No, sir.
- Q. Did the negroes have guns?—A. Yes, sir; twenty or twenty-five guns.
- Q. On the 14th you had a meeting at Edisto Island?—A. Yes, sir.

Q. That was the meeting that Delaney the colored man, wanted to speak at?—A. Yes, sir.

Q. And where the negroes withdrew themselves and refused to hear him?—A. Yes, sir.

Q. Did you see any guns in the hands of the negroes?—A. No, sir.

Q. Any in the hands of the whites?—A. No, sir.

Q. Was there any violence at the meeting?—A. No, sir.

Q. The 15th was Sunday; and on the day of the 16th of October came the Cainhoj meeting?—A. Yes, sir.

Q. Then the only meeting at which there were white men with guns was the first Strawberry Ferry meeting? Is that correct?—A. Yes, sir.

Q. At the second Strawberry Ferry meeting they had guns, but did not bring them out or exhibit them to view?—A. That is right.

Q. And at all the meetings, from the first Strawberry meeting down to the Cainhoj meeting, there had been no act of violence upon the part of the whites?—A. No, sir; nor the colored people either.

Q. Did the democrats take any guns up to the Cainhoj meeting?—A. I do not think they did. I did not see any.

Q. You saw no guns on board the boat going up?—A. No, sir.

Q. Where did those ten or twelve men whom you have spoken about as having been in this house get these guns that they had?—A. They were set up in the corner of the house. They belonged to the colored people. They had been in the habit, since the war, of coming through the woods to the meetings, and they would bring their guns along with them for hunting purposes. The whites have done it many times. These were old muskets, muzzle-loaders, that I suppose they had bought for two or three dollars apiece.

Q. Do you know of other arms having been concealed in the ravine near the place?—A. No; I have heard of that, but I do not believe it. There were colored men who had their guns setting up twenty, thirty, or fifty yards from the place against the trees.

Q. About how many colored men had guns?—A. I think about forty; not over that.

Q. When you heard the exclamation "Look out! Look out!" you say you turned and saw ten or twelve men with muskets in their hands, with the muzzles depressed toward the ground and the butt of the musket resting under the shoulder, in the arm-pit?—A. Let me correct you, because I was in a position where I could have seen. I said when the exclamation was made, McKinley, who was standing on the table, turned, and pointing over toward the open door, made the remark that "Those men"—pointing in that way—"have got guns and are going to shoot," and jumped off the stand. The crowd which then blocked up the end of the stand, and which kept me from seeing the men in this building, commenced breaking away, and then I saw these men there in the position which you spoke of.

Q. They did not raise them, but if I correctly understand you, when Mr. O'Connor halloed out "What are you doing with those guns?" they backed some distance, until they got outside of the building?—A. Yes, sir; went backwards and sideways.

Q. Retreating out at the side of the building?—A. Yes, sir; to the far end of it.

Q. Did you see the first shot fired?—A. Yes, sir.

Q. Who fired it?—A. I could not tell you that.

Q. Well, now at that time when they were backing did you see any other guns in the hands of anybody?—A. No, sir; those were the first guns that I saw; I did not know that there was a gun on the place until I saw them in the hands of those men.

Q. You cannot give the name of the person who fired the first shot?—A. I can give you my impression, if you want it.

Q. Could you swear positively that you know the man who fired the first shot?—A. No, I do not know; all I know about it is that I saw where he stood; saw from the smoke of his gun, and heard the report of it.

Q. Well, you saw smoke and heard the report of a gun, and it came somewhere from the immediate position in which these men were standing with these muskets?—A. O, it came from those men. I was looking at that man just as I am looking at you; the building is forty-five feet long, and I was not more than fifty feet from that man when he fired that gun, and I saw him; I saw him bring it up to his shoulder and fire it; that was the first shot fired at the meeting.

Q. You did not see or hear a colored man fire a pistol before that shot was fired?—A. No, sir; I have heard it, but it is not true.

Q. How many white men were killed altogether in that affair?—A. You will not think me impertinent when I make the suggestion that they ought not properly to be called white men, that they were loafers. I think there were six that were killed. One of them was an old man.

Q. He was killed in the vestry-room of the church?—A. I do not know. I was not there. I have understood that he was found outside. He must have been killed when the fight was nearly over.



Q. Do you know anything of the bodies of the men who were killed having been mutilated?—A. Only what I have heard. The colored people were exasperated, and I will describe it in this way: I have read of mobs in the city of New York, or in other large cities, where persons have been knocked down and trampled to death in the excitement. Now you can imagine from that the condition of a man who had suffered from mob-violence. After that colored man was killed they were a perfect mob; they were infuriated; they felt that they had been outraged, and it took some time to control them so as to stop them. They wanted to go down and burn the boat. I say here now, and I have been borne out by democrats, that if I had been killed at that meeting I don't believe a man would have got away from there.

By Mr. JONES :

Q. Did you know any of the men whom you saw with the twelve guns when you looked around there; did you recognize any of the men from having seen them before?—A. No, sir; I do not think I could. There has been no grand jury in this county since that thing happened. When the next grand jury is formed they will all be brought up. They are all known.

Q. Did you recognize neither one of these twelve men as having been on the boat going up?—A. Only in this way, that there is a marked difference between a man who lives in the country and of these roughs that lays around these engine-houses here in town. A great many of that class of people went up on the boat. I had cautioned Mr. O'Connor in regard to them. I knew from their dress and actions that they were a portion of that party. That is all the way I could identify them.

Q. You suppose that they were the same men who went on the boat, but you did not recognize them as men whom you had positively seen on the boat?—A. From their general appearance I am satisfied that they were the men, and Mr. Sanders will state the same. They came from the city.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. If I understand you correctly, when you and Mr. Walker went up to the negroes, who were firing their volleys, you were unable to stop them shooting entirely; they would still once in a while fire a shot?—A. Yes, sir; but I do not know about the volleys. They came from the democrats, I imagine.

Q. Well, there were a great many shots fired?—A. O, a great many; what probably might have been called during the war considerable of a skirmish. When Walker was with me there were no shots fired from the main body of the democrats, and I stated yesterday that if he had remained with me that would have kept them from using their pistols, and that we would have succeeded in stopping it and have saved the life of the old man.

Q. That is a matter of opinion. It had not at that time quieted down; there were random shots being fired during that whole time?—A. When I first got up to them I succeeded pretty well in stopping them.

Q. Was it stopped entirely when Walker left?—A. I think it was.

Q. Did you not state in your examination-in-chief that you were not wholly able to stop the firing, that they were still firing random shots, and you thought if he had remained you would have stopped it entirely?—A. That is what I say.

Q. The democrats retreated soon after that to the vestry-room of this church?—A. Most of them fell back to that when I left them.

Q. The negroes followed after them?—A. Yes, sir; I saw one or two men who persisted in coming out and discharging their pistols toward a portion of the colored men.

Q. Yes; but the negroes followed after these retreating white men.—A. Well, I stated it in this way, that when Walker left and went back to this party who had taken shelter in the vestry room and behind the grave-yard fence, they commenced firing their pistols; then the negroes advanced on them and drove them out.

Q. Then the negroes did advance upon them?—A. They did.

Q. And this old man was killed at that time?—A. He must have been, because he was found there.

Q. How many negroes were wounded?—A. I know of one; I do not know of any more of my own knowledge.

Q. How many white men?—A. I could not tell you.

Q. A great many?—A. Five or six, probably; as I said, probably the most of their guns were loaded with small shot.

Q. Some of them were loaded with bullets, were they not?—A. They may have been.

Q. Some with buck-shot?—A. Some of them, probably; a good many that were wounded were wounded in the legs with small shot.

Q. How many white men did you say were there altogether?—A. I suppose at the meeting altogether there were fully three hundred; two hundred and fifty, fully, went from here, and they had probably fifty more from that parish.

Q. How many negroes were there?—A. At least four hundred.

Q. You say that you offered Colonel Simonton to accompany his speakers to any

meeting that you had called, provided no one went with them.—A. Well, no party of democrats; no one except the democratic speakers.

Q. Why did he decline that; did he say?—A. Well, he did not say, but I suppose that it was because he was satisfied it would not do any good.

Q. Did he not tell you that he would not consent to allow democratic speakers to go to these meetings with no one to protect them?—A. No; because I told him that there was not the slightest doubt about my being able to protect any two or three men in going to these meetings and saying what they pleased.

Q. He said nothing on the subject to you?—A. No, sir. The men that they were sending were no protection.

Q. You say in your testimony that the democrats claimed to have a club at Red-Top church of forty men, but that they never had any such club there. Do you know that fact of your own knowledge?—A. Yes; I would be a poor organizer if I did not know how many they had.

Q. You know of your own knowledge that there were not forty men joined the democratic club then?—A. O, they may have had forty men there any night when they had a democratic club there, but when it came to voting it was another thing.

Q. You do not know of any men having signed a paper?—A. I do not.

Q. Do you know that there were not forty men who signed a paper agreeing to vote the democratic ticket, and called themselves a democratic club?—A. I am satisfied of that. I do not know what Mr. Latham did in his own private house. When it was claimed that they had forty men, I told them just the men they had, three, and you will find that published in the newspapers.

Q. You knew the negroes would not vote the democratic ticket?—A. I knew a good many of them would vote it.

Q. You knew just how the negroes all over this country would vote?—A. Yes, sir; pretty well.

Q. You could tell just before the election just how many would have voted the democratic ticket?—A. O, no; I do not say that, but I made a pretty good estimate.

Q. You say the Cainhoy trouble occurred after the proclamation of the President and Governor Chamberlain, ordering rifle clubs to disband?—A. Yes, sir; that is my recollection of it. I am satisfied that is true.

Q. Do I understand you to say that these rifle clubs never did disband?—A. I am satisfied they did not.

Q. Do you know of any rifle club in Charleston which kept up its organization and had its armory as it did before the proclamation of the governor and President?—A. I stated that after the proclamation they carried their guns home from the armories, but that when occasion required they went and got them.

Q. In other words, if a man owned a gun he took it to his house?—A. From the armory.

Q. If the gun belonged to him he had a right to take it to his house?—A. I will answer that by saying that he had a right to leave it there.

Q. They were known as rifle clubs throughout the city?—A. They were certainly known as rifle clubs throughout the city.

Q. After the proclamation did these men march through the streets and parade, and keep up the organization that they had kept up before?—A. I do not know that they did.

Q. Do you not know that every rifle club in the city gave up its organization; that the members took their guns out of the armory, and ceased to hold any further meetings in the armories as clubs?—A. No; I do not know that. On the contrary, I know that they did not do it, and that they were called together time and again afterward by their officers.

Q. Give us a case in which they were called together that you know of.—A. For instance, when they sent men to these meetings, the officers would call on men of such and such a club, and they would go on the boat, and go to the meeting.

Q. But I am speaking about the proclamation of the President and governor which just immediately preceded the Cainhoy affair.—A. After that I do know that to all intents and purposes they kept up their organizations as they did before, and called on their men, and the men responded time and again.

Q. Do you know of any rifle clubs, after the proclamation of the President and Governor Chamberlain, having met at their armories?—A. O, they met every night, nearly.

Q. Give us an instance of the company, and of the night when they met.—A. I can do that. They met at the same places; but they did not have their guns.

Q. Now, sir, these clubs which went up to Cainhoy committed no act of violence that you know of, did they?—A. I do not know of any.

Q. You did not hear of any?—A. No, sir.

Q. They did not kill any negro?—A. No, sir.

Q. But they brought down the dead bodies, or some of them, of the white men who had been slain there?—A. Yes, sir; that is, came down on the boat, and the negroes appeared and took the dead body of the colored man at the same time.

Q. They appeared at the same time, did they?—A. Well, Major Buist was in command of the rifle club that went up first, and he in his report spoke of meeting the colored people and letting them go there and get the body of the colored man. I have his statement for it. They met them at a house some distance from there.

Q. Did they meet the rifle clubs?—A. The rifle clubs went to this house where there were some ten or a dozen colored people assembled, and informed them that there was a colored man lying dead on the ground at this place and that they could send and get him.

Q. And no act of violence occurred between them?—A. No, sir; not so far as I heard.

Q. Do you know of Governor Chamberlain's having been made an honorary member of any of these rifle clubs here in this city?—A. No, sir.

Q. Do you know that he was not?—A. If he was, he was in bad company.

Q. This postmaster of whom you spoke, Mr. Birney, has been acting as postmaster here, has he?—A. No, sir; never.

Q. Who is acting?—A. A gentleman by the name of Boseman.

Q. You spoke of rifle clubs having patrolled the streets of Charleston. Was that immediately after the September riot?—A. Yes, sir.

Q. Do you know of any act of violence having been committed by any of these men belonging to these rifle clubs while they were acting as patrols?—A. Not of my own knowledge. I know of my own knowledge that they patrolled the streets, though.

Q. You say that one man of the subcommittee of the executive committee wanted to know if you would not coalesce and give them ten members of the legislature in the county. Who was that man?—A. I think it was Mr. De Lion. I know Mr. Jervey advised him that he had better let it alone.

Q. At this time you agreed that if they would support men that you would name you would agree to support them also?—A. I would like to have it put in this way: I offered to have certain men nominated in the convention. I knew that they could be nominated if they would support them.

Q. Then this convention was prior to the nomination of members of the legislature, and other county officers?—A. Yes, sir.

Q. Who is the Mr. Clark who took the census?—A. I do not know what he does here now; he used to be a commission merchant.

Q. What is he, a democrat or a republican?—A. A republican.

Q. Is he a southern man?—A. No, sir.

Q. How long has he been here?—A. Since the war. He does not hold any position.

Q. How long have you resided in South Carolina?—A. With the exception of probably eighteen months' or two years' absence, since 1866.

Q. Where were you during the absence of the eighteen months or two years to which you refer?—A. Well, at several places—Georgia, Texas, Louisiana, and Alabama. That is, I went to Texas and I had to pass through these States to get there.

Q. What political positions have you held since you came to South Carolina? Commence with the first and give them.—A. The first position in connection with politics that I held was as member of the constitutional convention that met here under the reconstruction acts. I was elected from this city at that time. The city was an election district of itself under the old law.

Q. What was your next position?—A. I was elected in the spring of 1868 member of Congress to fill the unexpired term in that Congress.

Q. Did you take your seat?—A. Yes, sir.

Q. How long did you serve?—A. Served out the term.

Q. What other political positions?—A. I was re-elected for two years to Congress.

Q. Did you serve that term?—A. Yes, sir; clear through.

Q. What was the next position?—A. Member of the legislature, I think, for one session.

Q. What other position after that?—A. Sheriff.

Q. When were you elected sheriff first?—A. Four years ago.

Q. Were you re-elected?—A. Yes, sir.

Q. When, on the 7th of November last?—A. Yes, sir.

Q. You held the position of sheriff four years?—A. That is constitutional, at any rate.

Q. Were you ever in either army?—A. Yes, sir.

Q. Which army?—A. The confederate.

Q. In what branch of the confederate army?—A. When I first went into it, it was known as the partisan rangers, under a special act of the confederate congress, but they were afterward changed to cavalry and regularly mustered in.

Q. When did you enlist in the army?—A. In 1862.

Q. Where did you enlist?—A. In Savannah, Ga.

Q. How long did you serve in the army?—A. Well, you may say that I served until the war closed. I was here when Charleston went up.

Q. At what place when Charleston went up?—A. In the street.

Q. Did you serve in the field in the army up until the time Charleston was burned? Were you in active service during that time?—A. I was notified by a conscript officer that I was a soldier in 1862. I was informed then that I could select a place for myself or they would select one for me. I selected the place. I went in the confederate army as a private. At an election held some time after that I was elected a third lieutenant. I came to the conclusion that I might as well have a position as carry a musket on my shoulder. Afterward the other officers in the army resigned and I was promoted as captain of the company here in Charleston and held that position until the war closed. We were ordered away from Savannah in the last days of 1862. We arrived here the 2d or 3d day of January, 1863, and were encamped here in the city. Some time in the following June of 1863 we were ordered to Georgetown. I went to Georgetown and there we had a difficulty between the officers. It was, you may say, a continual quarrel between the superior officers and myself. They wanted to appoint officers in the company. It grew out of that. When I was third lieutenant they kept the company for three months without any officers except myself. The majority of the company tried to appoint officers, but it could not be done without my consent and I would not give that. They wanted to give the positions to the sons of rich men here and I would not give up to it.

Q. What was the name of the company?—A. Company D, Twenty-first Georgia Battalion. On a good many occasions charges were preferred against me for different things, and in Georgetown I was tried on some of the charges preferred.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Well, what were they?—A. Well, I will have to refer you to the record now. There are so many that I could not tell. There were a great many trifling charges against me.

Q. What was the result of that trial?—A. I think they said I was guilty of what they charged me with.

Q. What was the result?—A. The result was that I left there.

Q. And came from there where?—A. From there to Charleston, from Charleston to Columbia, from Columbia to Augusta, and then back to Charleston.

Q. Were you in prison at all?—A. Yes.

Q. In what place?—A. The Charleston jail.

Q. For what length of time?—A. I suppose about ten months.

Q. How long was it before the destruction of a portion of the city that you were released from prison? I am speaking of the bombardment.—A. The day the United States troops came in here.

Q. Were you in prison when the United States troops came in here?—A. I was out.

Q. How long had you been out?—A. I had been out for a week or more. I want to state that the parties who state to the contrary lie. The party who discharged me is right here in the city. I have been here amenable to the laws of the State ever since. I came here to Charleston and had an interview with General Jordan. While I was in General Jordan's office he asked me some questions and wanted to know when I left Georgetown. He wanted to know where I had been. I told him, and he said it was strange. He reached up and pulled down from a pigeon-hole a telegram from Georgia. It read this way, directed to the chief of police in Augusta, Georgia: "Arrest C. C. Bowen and place him in close confinement. Bowen is charged with assassinating Major White." General Jordan showed me that in his office. I said: "Well, I am here, ready to answer; what are you going to do?" He says: "I don't know." I walked out of General Jordan's office and went around to Major Gear's office, who was then provost-marshal, and told him I had seen this telegram in General Jordan's office, and that I was there for the purpose of surrendering myself. I staid there from about 11 o'clock in the day until dinner-time, which was about 2 o'clock. I then said to Captain Gear, "I am boarding at the Pavilion Hotel; if the order comes, do not send for me; I will come back." Crossing down King street I met a detective, who told me that the order had been sent and that if there was anything wrong I had better get out of the way, and I said: "No, I will now surrender to you; I have been looking for this thing." I saw Mr. Sommer, a lawyer, and put my case in his hands and told him that I was in Columbia at the time that this thing had occurred that I was charged with—the 7th of March—and that he would find my name registered there in the registry of the hotel; and he telegraphed up there and satisfied himself that that was correct. He sent word on to Georgetown for them to bring up their witnesses. They never brought them. I was detained at police headquarters for ten days, and was finally committed to the jail by the then mayor. He committed me to jail upon a charge of assault and battery with intent to kill. I demanded a trial, but there was no chance of getting it, and my lawyers, Mr. Campbell and Mr. Sommer, tried to bring up the case by *habeas corpus*, which did not succeed. The next thing they tried was to get it before a military commission. The next thing they arrested a man that admitted that he had done the shooting but that I had told him to do it. That was all they could ever find. I have been here ever since that time. I have never dodged anything I could.

Q. Who was the officer who was killed?—A. A man by the name of White.

Q. What position did he hold?—A. He was major in the battalion in which I had served.

Q. Was there anything said about this killing before this military court at all?—

A. The charges that I spoke of were preferred by White when he was alive.

Q. What were these charges?—A. O, they brought a great many trifling charges against me—some for conduct in becoming an officer and a gentleman. I had on several occasions asked for a leave of absence, and failed to get it for a long time. Others could get what I could not. I finally succeeded in getting a leave of absence for ten days. Everybody knew that that would not last me until I could get where I wanted to go. I took it though. When it got out I set down and extended it myself, and they took offense at it, and discharged me for it. I was very glad of it.

Q. Were there any other charges than that?—A. O, lots of them.

Q. What were they?—A. Forgery, bigamy, and so on, and I can remember I had an orderly sergeant in my company. I recollect that they charged him with being Mephistopheles and alleged that I was under his influence. It was a common report in that battalion, and it was known by everybody here that if we had ever gone into battle that at least two or three of the rifles in the battalion would have been aimed at Major White. He was one of those overbearing, domineering men that never considered the men under him; putting a ball and chain on his men was a common amusement for him. It was a wonder that he lived as long as he did. I will say this under oath, that I had nothing to do with the killing.

Q. How long after the major preferred these charges against you and you were dismissed from the service by this court-martial was it that he was killed?—A. I suppose six months; it might not have been that long—from four to six months.

Q. Where was he killed?—A. He is said to have been killed on Waccamaw Neck, Georgetown.

Q. Was he assassinated?—A. I will tell you what I have heard about it. I was not there. The quarters that they had were houses that had been occupied by the colored people, who had been sent away from there. He was sitting in one of these houses one night and somebody discharged a rifle, the bullet from which went through the weather-board and struck him in the knee, from which wound he afterward died.

Q. How long after the shooting was it that you were arrested?—A. I suppose may be ten days.

Q. Had White died at this time?—A. No, sir; he did not die until some time after that.

Q. Then he was not dead when the information was made against you?—A. When this dispatch that I had assassinated him was written he was not dead. He lived a month afterwards.

Q. You said in the first place that you were committed on the charge of assault and battery with intent to kill. At the time you were so committed White was not dead?—A. No, sir. The man whom they said afterwards that they had arrested undoubtedly did the shooting. It was in evidence that he had been induced to make the statement that he did it; that he was going to clear himself. That is a matter of record in the courts here. He afterwards made an affidavit and sent it down here while I was in jail. Colonel Simms was then the judge-advocate and testified to it afterwards here in court that when he came to examine the papers in the charges sent down against me, he found an affidavit purporting to have been made by this same man Grimes. The regiment was sent to Virginia and Grimes had been left in jail, and he weakened. Then he made another affidavit that the story he had told in regard to me was not true.

Q. Were you tried for this alleged offense before you were discharged from custody?—A. No, sir; I had no chance of getting a trial.

Q. How long after you were discharged from custody did the trial take place?—A. Several years.

Q. How many years?—A. The trial was a year ago last June. Since I have been sheriff. A certain party trumped up the charge with the intention of holding it over me, and when they got that far I forced them to a trial.

Q. You were tried for what?—A. I was tried for murder, and they undertook to use this man Grimes against me.

Q. Did he appear as a witness?—A. O, yes; they brought him here and I insisted on his being kept in jail; they succeeded in getting him away and would not allow him to be tried afterwards.

Q. Did you appear as a witness?—A. Yes, sir.

Q. Did he allege that you had been the instigator of the affair?—A. Yes, sir; he made four different statements. These parties were my political enemies. They went after Grimes in Georgia, and put him in jail and got an affidavit out of him and let him out of jail when they found they could not do anything with me without getting Grimes's head in also; and he went off with their connivance.

Q. Did he swear on the trial that you had employed him to do the shooting?—A. Yes, sir.

Q. Was the jury white or colored?—A. It was colored. The verdict was given without their leaving the box. The solicitor himself admitted that he had no cause. The judge was a democrat by the name of Shaw. The trial took place in Georgetown County, and the first proposition made by my enemies was that the court would continue the case until some special term after the next regular term. I saw that they wanted to hold it over me. I employed counsel and insisted on a trial, and I finally got the time fixed for a trial.

Q. Is the judge who tried the case living yet?—A. Yes, sir.

Q. Did he instruct the jury to find a verdict for you?—A. He did; the solicitor says, "Well, I submit the case without argument;" and my counsel says, "No;" and the solicitor then got up and says, "Your honor, I'll admit that we have no case;" and the judge then instructed the jury to find a verdict of acquittal.

Q. By whom had the judge been appointed?—A. He had been elected by the legislature.

Q. By a democratic or republican legislature?—A. We have not had any democratic legislature since reconstruction.

Q. What business did you then engage in between the time that you left the Army and the time of your arrest?—A. I did not engage in any; it was some eight or ten days before my arrest, and in that time I went from Georgetown to Charleston, from Charleston to Columbia, from Columbia to Augusta, and back here again.

Q. How long was it from the time the charges were preferred until the commission passed upon them and made the order of dismissal?—A. The charges were first preferred along in the fall of the year, some time in October probably; there was no trial; they could not make things suit them; there was no trial until sometime in the middle of the winter.

Q. About three months?—A. Well, it was more than that; I forget now, but I think it was in the latter part of December that the trial took place; the charges were preferred in October.

Q. Well, when did the court give their decision?—A. Well, sometime in February I think it was.

Q. Then did you remain in camp or did you leave immediately?—A. No, sir; I remained until the promulgation, which was in February.

Q. How long did you remain in camp after that?—A. Well, a few days.

Q. Then did you immediately start on this trip?—A. Yes, sir; I know it was alleged that the shooting took place on the night of the 7th of March, and that night I had been in Columbia and was stopping at the Nickerson Hotel.

Q. How far is Columbia from the place where this affair took place?—A. Between two and three hundred miles.

Q. What business had you been engaged in in Georgia?—A. Well, a good many kinds of business. When I was fourteen years old I went to learn a carpenter's trade. I staid two years and I came to the conclusion that did not suit me. I had no one to take care of me; I had no home and no friends. I then went and staid four years to learn the bricklayer's trade. I learned that and afterward worked as journeyman. I made an arrangement with Mr. Metcalf, in Augusta, Georgia, to work for him for \$2 a day, and he would insure me work every day for a year. I staid with him, I think, until 1855 or 1856, or somewhere along there—until he had built a great many buildings. I then went to carrying on the business myself, of course in a small way. I had no capital. I then went in the country to different small towns and worked at my trade. I followed that trade until, I think it was, 1856 or 1857, I came here and staid a while. I had some friends living here then; when I say I came here and staid a while, I mean maybe a month. I left here and went to Texas, looking about to see what I could find to suit me to do. I came back here. I then went to Georgia and went to farming; I was in that position when the war broke out, and I was offered an opportunity of choosing for myself and I made the choice. I will say this much in answer to all these charges, that I have seen the day that I could be taken by the hands of these men here, and if I liked it could be done now. Why, I have been offered in this last election all the way from a wife to \$50,000. As bad as they say I am, I can get in their boat in half an hour from now.

By Mr. JONES:

Q. In the first place, in reference to this Cainhoy meeting, you say that none of the leaders were at that meeting but Mr. M. P. O'Conner, who seemed to be the chief man, and you observe that you went over and applied to him when the difficulty took place and he ordered these men to stop?—A. Yes. He made the remark, "What are you doing with those guns?" He would have stopped it if he could.

Q. And so would the democratic party if they could?—A. O, yes, sir.

Q. I do not understand you to say that the democrats were responsible for or desired this thing at Cainhoy?—A. O, no, sir.

Q. These rifle clubs, which you have spoken of, were not illegal organizations?—A. They were volunteer companies.

Q. Were they constituted under charters?—A. I think not; I may be mistaken.

Q. Is there not one called the Bowen rifle club?—A. No; that was a militia company that was chartered. There is a difference between the militia companies and the rifle clubs. Under the new constitution we provided for militia. Every man within certain ages, black and white, was ordered to be enrolled as militia. The whites did not want to enroll with the blacks, and hence, when the blacks commenced organizing militia companies, the whites had to do militia duties or pay a fine, and they commenced organizing what they called militia companies, but they were never any part of the militia of this State.

By Mr. BANKS:

Q. In case the officers of the rifle clubs should call them out, how long would it take them to rally them on the street?—A. That is a matter of opinion. I suppose they could get them, under ordinary circumstances, in two or three hours.

Q. Is what is called their disbandment anything more than a suspension?—A. I do not regard it as amounting to that.

By Mr. JONES:

Q. Do you know that they could get them out at all if they should call them to-night?—A. O, I do not know that they could.

JOSEPH H. MORGAN (colored) sworn and examined.

Mr. BANKS, (to the committee.) I call this witness to testify in regard to the meeting at Military Hall preceding the 6th of September.

Question. What is your age?—Answer. I was born in 1843, and am thirty-three years old.

Q. What is your business?—A. My business is common laborer on the bay, at job-work.

Q. Where do you reside?—A. Number 18 Clifford street, in this city.

Q. Have you a family?—A. I have, sir.

Q. Will you tell me if you were, about the 6th of September, or, at any rate, before the outbreak of that date occurred, at a democratic meeting at a hall where Rivers and Jenkins, and some other colored democrats made speeches?—A. It was on the Wednesday night, the 6th of September, on George street, in a hall called Archer's Hall.

Q. Who was speaking at the moment you got there?—A. When I got in the hall Jenkins had concluded making his speech.

Q. What was the condition of things at that moment?—A. The people were in a state of confusion. There was what you might call an interruption in the meeting.

Q. In what way, whether by noise or fighting, was the disturbance manifested?—A. It was manifested by the chairman saying to put out of doors those republicans who caused the disturbance.

Q. Do you know who the chairman was?—A. The chairman was J. R. Jenkins.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Was he a colored man?—A. Yes, he is a colored man.

By Mr. BANKS:

Q. How many called upon the chairman to put out these republicans?—A. Well, sir, there was a number of voices singing out, "Mr. Chairman, put out those republicans; those are the ones that causes the disturbance." I don't know the correct number of them that said that.

Q. Did the chairman make any reply?—A. Yes, sir; there was an attempt made once, but the colored men that were there changed their opinion, saying that they were democrats and they were let alone. But I personally got up on the bench and said: "Gentlemen, I am a republican, but I am here peaceably, and I desire to go out if you all think that I am disturbing the meeting, but I won't change my opinion."

Q. What did you learn as to the cause of this tumult and in what way did you learn it?—A. I went in the meeting, and Rivers was speaking, and the meeting was in a state of confusion; men were in a state of excitement. There was a request made to put out the republicans because they was the cause of the interruption, and so I asked a young fellow what was the cause of the interruption and he said to me—

The CHAIRMAN, (Mr. COCHRANE.) That is not evidence.

Mr. BANKS. Well, I will ask him what was the cause of the disorder. (To the witness.) You may answer that.—A. Jenkins's remarks was the cause of the disorder in the meeting.

Q. Will you state to the committee, in your own way, what occurred that you saw yourself after this?—A. I will state that I was in the hall, and as the meeting was about to adjourn there was a resolution passed that white democrats will see the colored democrats home to their houses, and they attempted to do so by guarding Jenkins, Sawyer, Rivers, and Stepney Riley, and others, who were colored democrat men, home. As they came out of the hall, right in front of the hall, in George street, a row

commenced. Some colored men went to see Jenkins, but they were prohibited by Jenkins's friends, who had him under their protection. The white men prevented them from speaking to him, and they went on their way to King street, and when they got up there I heard the report of a revolver fired. I was then at the corner of George and King, one block from the place where the report of the revolver was heard. I anticipated that there would be a row; and I went peaceably to the meeting, and so I went on home; as I had no arms, and wasn't prepared for no row, I went on home.

Q. Do you know anything further about this matter?—A. When I got at the corner of Clifford and King street I heard a great running of a horse, and I looked around and saw a police coming down.

Q. Was he moving rapidly?—A. Yes, sir.

Q. What did you see further?—A. I didn't see anything then till about half past 11 or 12, when there was a grand row right in the middle of the street near my house.

Q. What time was this when the police came riding down?—A. I went home at half past 10 or 11 o'clock, as far as my memory serves. After I seen the police I went home and went in my house and fastened up all about, and twelve of these men came hollering and running and shouting down the street, and of course I was up stairs and I looked out and seen it. I seen a great crowd of men cursing after each other.

Q. How long did it continue?—A. It didn't continue long. The excitement appeared to be more general on King street.

Q. Was the excitement on King street before or after this?—A. It was before. It appeared like they was running after some party. That is all I know about the whole matter.

Q. Have you been summoned?—A. Yes, sir.

By the CHAIRMAN, (MR. COCHRANE:)

Q. When you got into the hall first Jenkins had concluded his speech?—A. He have, sir.

Q. Was he sitting down?—A. He was presiding over the meeting as chairman and sitting down.

Q. And Rivers was speaking?—A. No, sir; Sawyer was speaking.

Q. Jenkins was a colored democrat?—A. He is.

Q. Sawyer was a colored democrat?—A. He is.

Q. And Rivers was a colored democrat?—A. Yes, sir.

Q. You heard no part of Jenkins's speech yourself?—A. I did not, sir.

Q. Sawyer was speaking when you got there; and he concluded his speech, did he?—A. Yes, sir.

Q. And Rivers commenced speaking?—A. No, sir; Rivers didn't speak, because there was too much confusion.

Q. Well, did he try to speak?—A. I don't know, sir.

Q. You said in your examination-in-chief "Rivers was speaking when I went in." Did you mean that Rivers was speaking or that Sawyer was speaking?—A. I think I stated distinctly that Sawyer was speaking.

Q. If you said Rivers was speaking you made a mistake.—A. Yes, sir; I made a mistake, I think.

Q. When you went into the meeting, then, Sawyer was speaking?—A. Yes, sir.

Q. How long did Sawyer speak?—A. It might have been twenty or twenty-five minutes.

Q. How many people were in the meeting?—A. It was crowded, sir; I am not able to give the number.

Q. Mostly colored people?—A. I think, if my memory serves me right, there was about fifteen or twenty altogether.

Q. Might there not have been a greater number than that?—A. When I say about fifteen or twenty colored, I mean those who were in the meeting like myself, and not including the democrats.

Q. I am speaking about all the colored people.—A. Well, there might have been some thirty or thirty-five.

Q. Were there not more than fifteen colored democrats?—A. Well, I am unable to say whether there was, but I can state this: that the democrats were all placed in the bar.

Q. Were there not fifty or sixty democrats there?—A. No, sir; I think not.

Q. Thirty democrats?—A. I am not able to say.

Q. Did anybody strike you?—A. No, sir.

Q. Nobody lay a hand on you?—A. No, sir.

Q. Nobody offered any violence to you?—A. No one, sir.

Q. Anybody offer to put you out?—A. No, sir.

Q. But you of your own choice got up on the chair and stated that you were a republican, and that you would stick to your principles and if they wanted you to go out you would go out peaceably?—A. That is correct.

Q. You saw no blows struck in the hall?—A. None, sir; only the desire.



Q. Only you heard voices crying to put out those men that had created the disturbance?—A. That is it, sir.

Q. Now when you all went down stairs how many colored men were there on the street outside the hall?—A. We didn't have to go down stairs, for you remember that hall is a down-stairs room.

Q. Well, when you went out of the hall, how many colored men were standing on the street in front of the hall?—A. Well, there was a great many standing around and there was a large crowd of white and colored mixed up.

Q. Well, how many colored men?—A. I am really not able to say.

Q. Was there a large crowd of colored men?—A. Not very many, I suppose.

Q. Were there not two or three hundred scattered about there?—A. O, no, sir; there wasn't that number.

Q. How many, then?—A. I see five colored men, but only waiting like; they couldn't get into the hall by reason of the hall being too full. Then I saw three opposite the hall by the gas-light, but there was some more men near King street, but I didn't give them much thought, 'cause I never go into a crowd.

Q. Well, there was a crowd of people there?—A. Yes, sir; a large number of white and colored men.

Q. How many white men were there there?—A. I am not able to tell the direct number.

Q. Could you give us an estimate of the number?—A. I rather think, according to my dull judgment, there was some fifty or seventy-five, or along there.

Q. How many colored men altogether were there about there?

The WITNESS. Do you mean when the meeting adjourned?

The CHAIRMAN. Yes.

The WITNESS. As I say, I saw five waiting, and three on the other side by the lamp, and there was some colored men mixed up with the white men by King street as you went into the hall; I will say thirty-five colored men.

Q. How many colored men were there on the corner of King street in the crowd?—A. I am unable to tell that, from the fact that I didn't go up there.

Q. Well, there was a large crowd there?—A. Apparently so, in the night.

Q. Well, as soon as Rivers and Jenkins and Sawyer went out, guarded by the white men, those colored men came up toward where Rivers, Jenkins, and the others were; is that correct?—A. They did so.

Q. And what did they say?—A. I haven't been able to hear what they said, but the fact is, I haven't gone into the crowd.

Q. They pressed through to where Jenkins was?—A. It wasn't no pressing, because the colored men was in the middle.

Q. And the white men were around these men, and you observed some colored men start to get through to Jenkins?—A. They did so.

Q. And the white men would not permit them to get through and went on up King street, taking these colored men inside the square that they had formed?—A. Well, they did, sir.

Q. As soon as you saw these things occurring you were satisfied that there was going to be a row, and you got frightened, and as you had not a pistol with you or any other arms, you did the best you could, which was to go home?—A. Yes, sir; I felt in my mind that there would be a row.

By Mr. JONES:

Q. You say that the colored democrats were inside the bar at the meeting?—A. Yes, sir.

Q. Well, this fuss occurred outside the bar?—A. Yes, sir; the fuss was outside.

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CHARLESTON, S. C., *Friday, December 29, 1876.*

DONAS WASHINGTON (colored) sworn and examined.

By Mr. BANKS:

Question. Where do you live?—Answer. I am now living at No. 6 George street.

Q. What is your business?—A. Longshore-man. I am not doing any work now, but still I belong to that society.

Q. How old are you?—A. I am now rising my fifty-third year.

Q. How long have you lived in Charleston?—A. I have been living in Charleston now just two years.

Q. Well, sir, will you state to the committee if you were at Archer's Hall in September at the time the riot or fracas occurred in King street?—A. I was there, sir.

Q. State when you went there and what you saw.—A. When I went to the hall—I

really couldn't tell the time, it was in the evening—Sawyer, a colored man, was speaking, and after he got through with his speech, this colored man Jenkins made a remark to the audience. He was the presider; his remark was that they should turn off every female that was cooking for the democratic members, because they took all of the first out from the coffee and steak and whatsoever was given out to cook and give it to their husbands, because their husbands supported the republican party.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. What occurred after this remark?—A. After he made that remark in the house some cross-questions commenced right there. One man, I don't really remember whether it was a white man or a colored man, in the crowd, made a reply, "That's a lie." They commenced then from one to the other, going on talking, but I stood right still till one of the white gentlemen make answer: "Put these republican mens out, for they are making a disturbment in the house." I walked out in the street as soon as I heard that word mentioned. I walked a little ways off, and I heard the fuss beginning to get hotter and hotter, and I kept right on home. I never stopped again at all.

By Mr. BANKS:

Q. Did you stay there?—A. I staid there, and I don't know anything more after that

HENRY CUTHBERT (colored) sworn and examined.

By Mr. BANKS:

Question. What is your name?—Answer. Henry Cuthbert, but they call me Saul.

Q. How old are you?—A. I am about thirty-three. I was born July 9, 1844.

Q. What is your business?—A. Member of the longshore-men's institution.

Q. What does a longshore-man do?—A. Store cotton on the banks of the river from the different plantations.

Q. Have you lived in Charleston long?—A. I was born and raised here.

Q. Will you state whether you were at Archer's Hall about the time of the riot in King street?—A. Yes, sir.

Q. Was there a democratic meeting there?—A. Yes, sir.

Q. Do you remember what time it was?—A. I believe it was on Wednesday or Thursday; I forget which, but I know it was on the 6th of the month.

Q. Tell us what you saw?—A. Well, sir, I had been to the Military hall at a republican meeting, and was going home with a company of young men, five or six of us, and we all stopped into the democrat meeting.

Q. What did you see?—A. At the time we went in Jenkins was residing as the chairman of the meeting, and John Sawyer, a colored man, was speaking. Jenkins vacated his chair, and said to the community he would make a move, if he could get a second, that all the colored females which was cooking should be discharged, because they fed their husbands from the cook-pot; and them mens, instead of being a democrat, they sticks up to the republicans, and if them females was discharged, they couldn't feed their husbands, and they would vote the democrat ticket. At that time some one said he was a liar; how did he know it? Then they commenced raising of the chairs and different things in there, and put out the lights.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Who began it?—A. I couldn't say who it was. About that time I run out in the street.

By Mr. BANKS:

Q. What happened then?—A. Well, sir, I couldn't tell you what happened, because I went on home. I couldn't go up King street, because there was such a row there right in front of the hall, and I went up a little street called Saint Philip street. That is all I know about it.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. When this remark was made by Jenkins there was a good deal of disturbance by the republicans who did not believe what he said?—A. That is so, sir.

Q. And they commenced blowing out the lights?—A. Yes, sir; I don't know whether it was a republican said to Jenkins, "You are a liar," but everybody sprung upon their feet, and the chairs commenced raising, and the light to the steps was put out, and I run down stairs.

Q. Was there a great deal of noise and disturbance after he made that remark?—A. O, Lord, sir; you couldn't hear nothing but "Put him out," "God damn him," "He's a liar," "Put him out," and all those things.

Q. And the scene was a very disorderly and violent one after that?—A. It seemed so, while I stood there, sir. I don't know how long it remained that way.

Q. You and your friends had been to a republican meeting?—A. Yes, sir.

Q. And when you came up there you knew there was a democratic meeting there, and

you thought you would all go in ?—A. Yes, sir ; we thought we would go in to see what was going on.

Q. You knew that that was a democratic meeting ?—A. I did, sir.

Q. When you got down into the street how many colored men were there about that you saw ?

The WITNESS. In the street ?

The CHAIRMAN. Yes.

A. I don't believe there was ten persons in the street when I jumped out of the hall ; if they was, I was in so much excitement that I didn't notice them.

Q. Did you see colored men outside ?—A. Yes, sir.

Q. Then you went on home ?—A. Yes, sir ; I didn't stop for anything.

By Mr. JONES :

Q. You and your friends, the five or six colored republicans, stopped in, and you stood near the door ?—A. I stood near the door.

Q. You did not get far into the hall ?—A. The hall was crowded. \

Q. When the lie was given to Jenkins it went from where you were standing ?—A. No, sir ; it went from further up, near the speaker's stand.

Q. How did you hear ?—A. Well, whilst everybody stopped to hear what the resolution was Jenkins had to make some one said, " You are a liar ! How do you know it ?"

Q. Then there was a great deal of confusion and noise ?—A. Yes, sir.

Q. Those around you were mostly republicans ?—A. I couldn't say that it was all republicans.

Q. Did you see any but republicans ? Did you see one single colored democrat around you ?—A. Not to my knowing.

Q. Then the light was near you at the door ?—A. The light was on the right of us ; we was more to the left.

Q. That light was blown out, and after that you went out and went home ?—A. Yes, sir.

By Mr. BANKS :

Q. How near to you and your friends was the light that was put out ?—A. About four or five yards off, sir.

Q. Did your people put it out ?—A. I could swear that none of us that went in there together put it out, because we were all standing there together.

Q. Was there more than one light put out, do you know ?—A. Well, as soon as the light that was at the step was put out we came out.

THOMAS LEWIS (colored) sworn and examined.

By Mr. BANKS :

Question. How old are you ?—Answer. Fifty, sir.

Q. Where do you live ?—A. Right in Charleston, here.

Q. How long have you lived here ?—A. All my life, sir ; I was born and raised here.

Q. What is your business ?—A. Cook, sir.

Q. What we want to know is whether you were at a meeting at Archer's Hall in George street about the time of the riot in King street ?—A. I was, sir.

Q. Do you know what day it was ?—A. It was the night of the 6th or 8th. I have forgotten the exact day.

Q. Well, was it the same night as the King-street riot ?—A. Yes, sir.

Q. Tell us what you saw and heard when you went into the hall ?—A. I got to the hall at half-past 6 o'clock. I went in there just to see and hear what I could, and I heard the first person that spoke in the hall, who was Mr. Sawyer. His remark was " Damn the republicans !" Then in the mean time as he spoke so some one, I don't know who it was, on the back part of the room, made an answer, " You are a liar yourself ;" and the person who made the remark said, " Yes, and you will beg the republicans for bread again ;" and he took his word back then immediately.

By the CHAIRMAN, (Mr. COCHRANE :)

Q. What did he say ?—A. Well, sir, he was making all the remarks in the body of the democrats.

Q. What do you mean by his taking his word back ?—A. He said he didn't mean it for any insult ; but his intention was to go and stump for Wade Hampton, and no other man, and he said if Tilden and Hendricks was not elected he would leave Charleston. They hooted at him, and crowded him down, and he stopped his arguing and sat down. Then Mr. Jenkins got up ; he said to all democrats who hire men-servants and their wives, if they don't vote to suit you discharge them, and to discharge the womens at the same time, because if you keep the women and give them a pint of rice to cook s he certainly will take the first out of the pot and save it for their husbands. He said th at he calculated to work to keep all republicans out of situations.

By Mr. BANKS :

Q. Out of employment, or out of political office ?—A. Out of employment. Well, his speech was very small. It was not anything of account ; but then came up Mr. Rivers—we call him here General Hatch—and he rebuked Mr. Bowen for all the “sons of bitches” that he could appreciate in bad language. It was uncommon language ; and so he rebuked Governor Chamberlain in the same way, and said that General Grant is nothing but a damn hound and a damn swindler and a damn thief.

Q. How long did he speak ?—A. He spoke for an hour ; but I wouldn't like to say all his remarks, though I can't.

Q. Well, what happened after his speech ?—A. After his speech then the row commenced, and he was guarded home by a thousand white men, else he would have been killed that night, certain, because I had a pistol and I was going to blow his brains out myself, as he was coming out of the door, but a policeman stopped me.

Q. What happened then ?—A. Then he was gallanted home by those white mens. I seen where they shot this man up the street, right by the Citadel green, and he was shot by his own friends.

Q. Who was shot ?—A. A policeman was shot by Mr. Barnwell, one of his own friends.

Q. You saw it ?—A. Yes, sir ; I saw it. I was right there and I saw him fall, and I helped to pick him up.

Q. What else did you see, if anything ?—A. After I helped him up I went off and went home. There was fifteen of us tried to get at Rivers, and we couldn't do it ; the crowd was too heavy for us.

By the CHAIRMAN, (Mr. COCHRANE :)

Q. This man Rivers used very bad language about Mr. Bowen ?—A. Yes, sir.

Q. And Governor Chamberlain ?—A. Yes, sir ; and even General Grant—uncommon and imprudent language, the awfullest language that he could use.

Q. He stated that they stole public money, and all such declarations as that, and you colored people did not propose to stand it any longer ?—A. No, sir ; we didn't propose to stand it any longer ; we had been standing it long enough.

Q. You proposed to get up and blow his brains out, and if he were to get up again, and called Mr. Bowen, or Governor Chamberlain, or General Grant thieves, that you will go after him and kill him if you can ?—A. Yes, sir ; I will if I possibly can.

Q. And your purpose in following Rivers up the street was to kill him if you could ?—A. Yes, sir.

Q. And if the white men had not been there around him, you would have killed him ?—A. Yes, sir ; he would have been a dead man.

By Mr. BANKS :

Q. Did you talk with these fifteen other men about what you were going to do ?—A. Yes, sir. John Mitchell was one of them. He is a constable ; and he will be here to make his statement. He's gone to bring some person to the jail now.

By the CHAIRMAN, (Mr. COCHRANE :)

Q. You fifteen men understood each other pretty well ?—A. Yes, sir.

Q. And you talked it over and you came to the agreement that any one of you would kill Rivers if you could ?—A. Yes, sir ; if we could.

Q. Did you have arms ?—I did, sir.

Q. Did the other men have pistols also ?—A. Yes, sir.

Q. And the understanding was that any one of you would kill him if you could ?—A. Yes, sir.

By Mr. BANKS :

Q. Did you see any other man shot that night ?—A. Yes, sir ; young Mr. Buckner He is the man that Mr. Barnwell shot that night.

By Mr. JONES :

Q. From what you know of the sentiments of republicans here of your own color, do you think that they entertain the same feelings that you do ?—A. I am certain of it, sir.

By the CHAIRMAN, (Mr. COCHRANE :)

Q. John Mitchell was one of your party, and he made this agreement with you ?—A. Yes, sir.

Q. And you all agreed together to kill him ?—A. Yes, sir, certainly ; to kill him for his argument.

GEORGE I. CUNNINGHAM sworn and examined.

By Mr. BANKS :

Question. Are you the mayor of the city ?—Answer. Yes, sir.

Q. When were you elected mayor for the first time, if you please ?—A. I was elected

in 1873 for two years. I was again elected in 1875, and am now serving my second term.

Q. What is your business or profession apart from your office?—A. I am a butcher.

Q. How long have you resided in Charleston?—A. I have resided here nearly twenty-three years.

Q. Are you a native of the State?—A. No, sir; I am a native of Monroe County, Tennessee.

Q. What is your age?—A. Forty-one.

Q. I will ask you if you were called upon at any time during last autumn to make a public statement in regard to the condition of the city, so far as it concerned the public peace; and if so, what were the facts which called your attention to that subject, and what official action you took in regard to it?—A. I do not know that there was any party that called on me as to any statement of the condition of the city. But an editorial in the News and Courier on the day before, the 9th of October, caused me to publish a card on the 10th. This is a portion of it, [reading from the newspaper:] "To this hour the rifle clubs are the only effective custodian of the peace in Charleston," and then it goes on in that way for some time. That caused the card of the 10th. The city was not in the hands of the rifle clubs, but they were patrolling the city—that is, the cavalry—and giving us a good deal of trouble. The rifle clubs were meeting at their headquarters every day and night regularly.

Q. Were the rifle clubs legal organizations, created by the authority of the city or of the State?—A. Not by the city. I have understood that they are not legal bodies at all. That I know nothing about myself.

Q. You never were officially informed that they had any authority in the city of Charleston to perform any of the functions of government?—A. O, not any right at all.

By Mr. JONES:

Q. They had no right to assume police duties?—A. No, sir.

By Mr. BANKS:

Q. Was it true that they did assume any authority of that nature; and, if so, will you please to state to the committee what you as mayor of the city know was done?—A. The rifle clubs met at their armories. One armory was at the corner of Broad street and the bay. They met there regularly. They never interfered with police duties until these political meetings. For instance, it was thought that there would be a riot, and they came out, marched around, and gave us a good deal of trouble by threats, or one way or the other. Really, if they had kept off the streets we would not have had any trouble at all.

Q. To what period do you refer as to their action in assuming this authority to patrol the street?—A. Well, on the 25th of August at the Tilden and Hendricks and Hampton ratification meeting on the Citadel green. Up to that time we had never had any trouble at all in the city. It was announced in the morning papers that Colonel Davis would that evening detail a hundred men to patrol the city and keep order that night. As I stated, we never had any trouble before that at all. On the next morning in an editorial it was stated that Colonel Davis had detailed a hundred men, and it gave that as a reason for the good order that was kept on the night of the 25th at the meeting. That was really the commencement of the trouble. Here is what the paper says after the meeting on the next day, [reading from a newspaper:] "Of the mounted men Colonel Davis made a detail of one hundred to patrol the city thoroughly, and in consequence the streets were never more quiet than during the continuance of the meeting."

Q. Was it a fact that he did patrol the streets that way, and that the peace of the city was owing to that patrol?—A. O, not at all.

Q. How long did they continue the practice of patrolling the streets in that way?—A. Up to the time of the President's proclamation. I do not remember the date. This is what the News and Courier contained on Friday, August 25, with reference to the torch-light procession that took place that night:

"A PRUDENT PRECAUTION.—Some apprehension having been expressed that the presence in the torch-light procession to-night of so many of the citizens of Charleston will leave the houses in remote parts of the city unprotected from thieves and vagabonds, we are authorized to state that during the continuance of the procession and meeting, every portion of the city will be thoroughly patrolled by mounted men, who will be detailed for that purpose. Everybody can, therefore, take part in the demonstration."

Q. What was the effect, and especially the effect that the city was patrolled on the 25th of August, upon the people of the city?—A. These parties patrolling the city and these speeches on the Citadel green made by General Ferguson and others upon the carrying of this State, was something new and created a great deal of excitement in this city.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Did you hear the speeches, Mr. Mayor: Do you know that these speeches were made?—A. Only as I read them in the newspapers.

By Mr. BANKS :

Q. I will ask you this question, Mr. Mayor: Did these processions of the rifle clubs continue to the 25th of August?—A. They were continued until the President's proclamation.

Q. What were the circumstances, as well as you comprehended them, if it was your duty to understand them, that led to the excitement from the 25th of August up to the early part of September, and which culminated in what is called the riot of the 6th of September?—A. Well, this patrol of the city was one of the causes, and the violent speeches that were made at the meeting. On the night of the riot I was called at that time—

The CHAIRMAN, (Mr COCHRANE.) We only want what you know.

By Mr. BANKS :

Q. Will you state whether these things had such an effect upon the public mind as to bring them to your attention as mayor of the city, and what action you thought it necessary to take in respect to them?—A. I did not take any action. I spoke to these gentlemen and told them I thought it was getting up a good deal of unnecessary excitement.

Q. Whom did you speak to?—A. I do not remember the names, but to a great many.

Q. The citizens?—A. Yes, sir; leading men of the democratic party.

Q. Well, did you make any public declaration?—A. No, sir.

Q. Does this card which you have referred to contain any of those facts that you have spoken of?—A. That card was in reply to the editorial that was published on the 9th, saying that the city was in the hands of rifle clubs, which was not the case.

Q. As a matter of theory they were not in possession of the city?—A. Not in control of the city.

Q. But as a matter of fact they were in control of the city?—A. They did patrol the city and gave us a great deal of trouble.

Q. What do you know of the condition of the city from the 25th of August to the 6th of September?—A. The city was perfectly quiet up to that time, except what I have stated about the rifle clubs. They were in position to resist the civil authorities. In fact I was told by General Connor that if there was any disturbance in the city they would put it down; that they intended to protect themselves; it was to that effect. He told me that the sooner a collision came on the better it would be; that he thought that if it could not be kept off, then the sooner the better.

Q. Anything further, sir?—A. Well, there was a good deal of talk. The general tone of conversation and sentiment was that the rifle clubs were going to see that we had order in the city.

Q. They assumed that to themselves?—A. Yes, sir.

Q. Did they assume authority by your request?—A. Not at all.

Q. Or under your permission as mayor of the city?—A. Against my wishes.

Q. Was your opinion expressed to them?—A. My opinion has been very decided all the time that there would have been no trouble at all if it had not been for the rifle clubs. I am satisfied that there would not have been a death occurred in the city during this campaign if it had not been for the rifle clubs.

Q. What opinion did you express in regard to what General Connor said?—A. I was not at all pleased; I was positive in my own mind that they caused all of the trouble.

Q. Did you make it known in any way?—A. Yes. The colored people in Charleston were absolutely under control. There was no danger of an outbreak at all, and the only danger that there would be of an outbreak would be by the rifle clubs.

Q. I ask you in general terms if you gave to those people that talked to you about the purpose of the rifle clubs any intimation of your opinion?—A. I gave them that opinion, sir.

Q. Did they have any right to assume that they were acting with your consent or with your authority?—A. None whatever. I always spoke to them that way when I spoke to them at all.

Q. Was there anything in the condition of the city which required them or any other class of people to undertake the government of the city so far as the public peace was concerned?—A. No, sir; there was no occasion for it at all. If there had been any circumstance that I thought would have required a larger force than I could have commanded, I would have asked for them. The police force was plenty large enough to keep order if the organizations were not armed.

Q. Then the assumption that the city was legally within the hands of the rifle clubs was not correct?—A. No, sir; it was not correct.

Q. And there was no necessity for their co-operation in the keeping of the public peace?—A. No, sir.

Q. Was there at all times between the 25th of August and the 6th of September sufficient police-force to protect any public meeting?—A. Yes, sir.

Q. Was there any discrimination between public meetings?—A. None at all, sir. When notice of a public meeting would be given at the guard-house we would send a

guard to protect the meeting. When we knew it, we would send a squad of policemen to the democratic meetings, and when we sent a squad of policemen we never had any trouble. Unfortunately on the 6th of September our attention was not called to the meeting, and we never knew anything about it. If there had been any call made for the meeting we should have had a squad of police there.

Q. What was the number of members of the rifle clubs?—A. That I do not know.

Q. Is there any public record or registry of them?—A. That I know not. They are in companies.

Q. And you, as mayor of the city, have no knowledge of their numbers or their purposes?—A. No, sir.

Q. Is it in fact a secret military organization so far as the city government is concerned?—A. It is a military organization so far as outside appearances are concerned.

The CHAIRMAN, (Mr. COCHRANE.) But Mr. Banks means, is it a secret organization? The WITNESS. Well, no; I would not think so.

By Mr. BANKS:

Q. Are their purposes and duties known with regard to what they assume to do in advance of their announcement?—A. They have their officers, and I suppose they understand and direct them.

Q. I ask if you have any means of knowing, as mayor of the city, the number of companies, the number of men, the names of the officers of these companies, the character of the constitution, and the purposes for which they are formed, or the duties which they intend or find it necessary to assume from time to time?—A. No, sir; I have no means of knowing.

Q. Is it or is it not, so far as the city government is concerned, a secret organization?—A. I would not consider it a secret organization, because they come out and parade sometimes and are not secret, but I have no means of knowing their numbers or any of the internal workings of their companies.

By Mr. JONES:

Q. Did you ever attempt to know?—A. No, sir; I did not.

By Mr. BANKS:

Q. Have you any official means of knowing or do they make any reports to you?—A. No, sir.

Q. Do they make any reports to any officer of the city government?—A. Not that I know of.

Q. When you say that it is not a secret organization, you mean that occasionally, from time to time, when they are ready they come out and show themselves?—A. Well, before the President's proclamation they were frequently on the streets, and in fact every night pretty much they had a number of men on the streets patrolling, and they did not appear to be in any way secret at all.

Q. I suppose you know that men that get up a riot may not make public everything they do, but have you any means of knowing in advance any of the demonstrations that are made for such purposes as that?—A. No, sir.

Q. Have you any means of knowing what these men are doing any more than you have of knowing what men are doing who are conspiring against the public peace?—A. I have no means of knowing.

Q. Then, so far as you are concerned, it is an organization outside of the knowledge of the city authorities?—A. Yes, sir.

Q. You say you cannot tell the number of men of which they are composed?—A. No, sir; there are a good many of them.

Q. Is there any law of the State that allows people to form a military company and arm themselves?—A. I do not know about that, sir.

Q. What was your object in the publication of a card to which I have referred, contained in the News and Courier of October 10?—A. My object was to state to the citizens generally that they were not keeping the city in order, and that they had no legal authority at all to interfere with anybody in the city.

Q. Had you made any call for them and given any permission to them to assume this duty?—A. None at all; it was entirely against my views.

Q. Was their purpose or object made known to you in doing this—the thought which inspired them to do this thing?—A. Well, no, sir.

Q. I will ask you if since the proclamation of the governor of the State or of the President of the United States concerning these rifle clubs, they have appeared, or any portion of them?—A. Since that they have met in their armories; for instance, as I say, at the corner of Broad and the bay there is a large room, a very large hall, and they met there regularly after that; there are other places in the city that I know of that they did meet.

Q. It was your duty to know?—A. I did know; I saw them frequently.

Q. Did they have arms at these places?—A. They had arms.

Q. What were their arms?—A. Well, they were rifles.

Q. And they are still in that condition?—A. No, sir; I think they have now disbanded and taken their guns home to their houses; I do not think they have meetings now since the election; but on the 8th, the day after the election, we had a little difficulty here, and in the course of three-quarters of an hour there were probably a thousand men in arms.

Q. What called them out at that time?—A. Well, there was a difficulty in front of the News and Courier office. There were probably a hundred shots firing there, and then up at the corner of Broad street there were some shots fired there, and I suppose in three-quarters of an hour there were a thousand men in arms.

Q. Did they form in companies at all?—A. In regular companies with their arms and with officers.

Q. Have you any reason to believe at the present time that if a similar occurrence should happen they would not appear as readily and in as strong force as they did then?—A. My impression is that they would.

Q. Have you any doubt about it?—A. Well, I have not much doubt about that. The only thing that would prevent it would be fear of the President of the United States.

Q. Independent of the proclamation of the governor of the State and the President of the United States, did they keep up their organization and make their appearance from time to time at their own pleasure from August until after the presidential election?—A. They appeared on the streets up to the time of the President's proclamation, but after that they kept in their armories, that is, their building and halls, until the day after the presidential election and then they appeared on the streets. I will make one statement. In the city of Charleston we have never had any difficulty in keeping order at all. The principal reason of the democratic party voting for me at the last election (I was elected by the democratic party) was on account of the order that we had had the first two years. I got the republican nomination, but was really elected by the democratic party. The News and Courier and the leading citizens here supported me at the last election, and the principal cause of their supporting me was upon the order we had had here for the two years previous that I was mayor. The police force was quite large enough to put down disorders if we did not have armed organizations; and I will state here, very frankly, that if I had had a police force large enough, I should certainly have kept them off the streets, but the organization was too powerful for me to attempt to do anything with them with the police force. Any organization that was not armed would be no trouble at all.

Q. I will ask you whether or not, from the history you have detailed, if you have any knowledge of the ultimate purposes or the immediate purpose of the organization of these rifle clubs; have you so far considered it as to have come to a determination in your own mind?—A. Yes, sir.

Q. Will you state what that is?

The CHAIRMAN, (Mr. COCHRANE.) The opinion of the witness or any conclusion or determination which he may have arrived at is wholly immaterial, and is excluded. The witness has given the facts within his knowledge in detail. His determination would not be evidence.

By Mr. BANKS:

Q. What is the strength of the police force of the city?—A. Ninety-six privates.

Q. How many officers?—A. There are about seventeen altogether.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. You are a republican?—A. Yes, sir.

Q. Have always voted the republican ticket?—A. Yes, sir.

Q. You were elected in 1873?—A. Yes, sir.

Q. Was elected in 1875?—A. Yes, sir.

Q. How many republican votes are there in Charleston?—A. Well, I do not know how many votes there are exactly.

Q. About how many republican votes have you?—A. I do not know the census exactly, something over six thousand.

Q. How many votes did you have in 1875?—A. In 1875 I had 6,700. When I say 6,700 I mean that I think it was about that.

Q. What was the vote of your competitor?—A. About five thousand.

Q. Who was your competitor?—A. General Wugener.

Q. A republican?—A. No, sir; he was running on the conservative ticket.

Q. When did these rifle clubs of which you have spoken commence to patrol the city?—A. The first that I heard of them was through the editorial of the 25th of August.

Q. That was at a democratic ratification meeting?—A. Yes, sir.

Q. How long did they continue to patrol the city?—A. Up to the time of the President's proclamation.

Q. Which was of what date?—A. I think that was on the 18th.

Q. The 18th of what month?—A. The 18th of October.



Q. Then from the 25th of August to the 18th of October these rifle clubs would march through the city?—A. Yes, sir.

Q. You have said that they patrolled the city?—A. I do not say that the rifle clubs patrolled the city. They had cavalry.

Q. Were those men connected with the rifle clubs proper of the city of Charleston?—A. Well, Colonel Davis was the head of this organization and I know that when the rifle clubs go out he is one of the commanders of them.

Q. But do you know that these men who rode upon horses were members of any of these rifle clubs here?—A. I know that they reported to them. I know that they went to Major Buist where he was quartered at the Stonewall engine-house and reported from all over the city.

Q. What did they report?—A. What they reported I do not know.

Q. Who did they report to?—A. They reported to different officers; for instance, Major Buist would have command to-night.

Q. Can you give us the name of any officer to whom they reported at any time?—A. My understanding is—

Q. But you do not know of your own knowledge?—A. I do know that Major Barker had command on several occasions of a portion of the military; that is, of the four lower wards.

Q. But do you know to whom they reported, of your own knowledge?—A. Only from hearsay.

Q. Were they upon the streets during the day-time?—A. Sometimes I have seen them on the streets in the day-time.

Q. How often from the 25th of August to the 15th of October did you see them upon the streets in the day-time?—A. That I do not know.

Q. About how often?—A. That I do not know.

Q. Well, do you suppose you saw them a dozen different times in the day-time on the streets during these dates that I have mentioned?

The WITNESS. You mean the cavalrymen?

The CHAIRMAN, (Mr. COCHRANE.) I mean the rifle clubs of which you have spoken.

The WITNESS. I do not remember how many times; I do not think it was a great many.

Q. Well, did they remain upon the streets all day?—A. O, no.

Q. What would occasion their presence upon the street?—A. I do not really think there was any occasion for them to come upon the streets at all.

Q. What I mean by that is, would there be a political meeting or something of the kind which would call them out?—A. Sometimes whenever they had a political meeting they would go there as armed organizations. I remember one meeting at ward 8. They apprehended some danger, and when I went up there I met a very large body of armed men—the Butler Guards who were named in honor of General Butler of Edgefield—and as I looked at them I thought, as mayor of the city, it was not a very pleasant sight.

Q. Did they insult you at all?—A. Well, they were insulting.

Q. What did they say?—A. Well, they would say that I was a damn radical son of a bitch.

Q. Do you say that at the date to which you refer that any member of that armed rifle club called you a radical son of a bitch?—A. I cannot name the man that did it.

Q. Do you know the man that did it?—A. Well, I do not know that I do.

Q. Do you know that any one called you that that night?—A. I heard it as I was driving past in a buggy.

Q. You heard them call you a damn radical son of a bitch?—A. They called the mayor a damn radical son of a bitch.

Q. They did not see you?—A. Well, yes, they saw me.

Q. Did more than one man say it?—A. I did not hear it but one time.

Q. Did ever any other member of any other rifle club on any other occasion call you that?

The WITNESS. When they were in line?

The CHAIRMAN, (Mr. COCHRANE.) Yes; when they were patrolling?—A. I do not know that I was ever close enough to hear, except that night.

Q. Then that night was the only time when you were ever insulted?—A. Yes, sir; I paid no attention to it then.

Q. Well, now, would they stay out on the streets all night?—A. Well, they would stay out until after 12 o'clock, and I think a portion of them would stay out all night.

Q. I want to ask you this: whether from the 25th of August to the 15th of October there was a regular organization of these clubs which patrolled the city at night and all night, or whether these rifle clubs merely went to political meetings, or went to other places during the campaign?—A. They rode all over the city.

Q. Where did they ride, or did they just ride aimlessly?—A. They rode through the back streets and all over the streets. They had their regular patrol-duty to perform.

Q. Well, how long would that patrol last?—A. On a great many occasions they would ride past my house during the night. On two occasions they woke me up at night.

Q. Of your own knowledge how many nights do you know of them being out?—A. Well, sir, I would say regularly from the 6th of September to the time of the proclamation of the governor.

Q. Were not political meetings very frequent during that time?—A. Yes, sir; frequent.

Q. A good many democratic meetings?—A. Yes, sir; a good many.

Q. At night?—A. Yes, sir.

Q. These organizations would attend those meetings?—A. Not altogether.

Q. Would they sometimes attend the democratic meetings?—A. Sometimes; yes, sir.

Q. Do you know of your own knowledge of any act of violence having been committed by any of these rifle clubs from the 25th of August to the 15th of October?—A. Well, I did not see it.

Q. Was a single member of these rifle clubs ever arrested and brought before you charged with an act of violence against any citizen here from the 25th of August until the 15th of October?—A. Well, I have had a great many of the members of the rifle clubs before me and fined them, and punished them, but not as an organization. I have taken their pistols from them, and things of that kind.

Q. How many of these members of rifle clubs were brought before you between those dates?—A. In the police-court every morning we have a good many cases. Sometimes we have some members of the rifle clubs there.

Q. Can you give us an estimate of the number?—A. That would be very hard to do.

Q. Do you know that any of them was a member of a rifle club?—A. Well, I would have to refer to the books to see.

Q. With what were they charged?—A. With firing pistols on the streets; sometimes for that and sometimes for being drunk.

By Mr. JONES :

Q. As a member of the rifle club?—A. He was brought in as an individual.

By the CHAIRMAN, (Mr. COCHRANE) :

Q. Was there ever a member of any of these rifle clubs arrested and brought before you to answer a charge of assault and battery upon a citizen?—A. I cannot state that I knew the charge they were brought there on.

Q. Do you recollect the fact that any of these men were brought before you upon a charge of assault and battery?—A. I do not remember that.

Q. Do you remember that any of them were ever brought before you for shooting a citizen?—A. No, sir.

Q. Do you remember of any of them ever having been brought before you for cutting or stabbing a citizen?—A. Not that I remember of.

Q. Do you remember that any of these men whom you saw were brought before you to answer having been charged with shooting guns or committing breaches of the peace while members of any rifle-club organization?—A. Well, yes; they were brought in for shooting pistols. There have been cases of that kind.

Q. As members of a rifle-club organization?—A. They were not brought in because they were members of the rifle club, but they were brought in as individuals.

Q. Did not some of the best citizens of Charleston belong to these rifle clubs?—A. Most of the white people belonged to the rifle club.

Q. Do not most of the best citizens?—A. I do not know what you call the best citizens.

Q. I mean your most prominent white men here are all members?—A. Some of them belong and some do not.

Q. Do not the great majority of them belong?—A. The great majority of the young men do.

Q. As I understand you there was no disturbance; the city was peaceable and quiet until the riot of the 6th of September?—A. Yes, sir.

Q. Now, sir, I want to ask you this question: how many negroes had you on your police-force?—A. That I do not know.

Q. Give us an estimate of the number.—A. The police-force consisted of about equal proportions of whites and blacks. The officers are whites and blacks equally. I aim to keep them about that. Just a few months before the election we had a great many policemen on, and as a man would drop off we would not fill the vacancy, as the appropriation was insufficient. A good many white men would quit the police-force and the vacancy was never filled, and I suppose in that way there were a few more blacks than whites.

Q. Were there not, during all this election-cavass that you had here, a great preponderance of blacks on the police-force?—A. There were more colored and blacks than whites.

Q. Were not the whites on the force comparatively few?—A. O, no; I do not think so.

Q. Well, give us an estimate of the proportion, as near as you can judge.—A. Some that you would call black men are as white as I am. During the recent campaign I do not know how many.

Q. How many did you have during the campaign altogether?—A. We had not ninety men.

Q. Did you have fifty?—A. O, yes, we had more than that; somewhere between eighty and ninety men.

Q. Are you sure that you had more than sixty police-officers during the canvass?—A. O, yes.

Q. If you are sure of that fact tell me how many were colored men.—A. I could tell you that to-morrow.

Q. Well, did you have twenty white men on the force?—A. More than that.

Q. Twenty-five?—A. More than that.

Q. Thirty?—A. Well, yes, we had more than thirty.

Q. Do you think you had as many as forty?—A. To the best of my knowledge there were on the police-force ten or twelve more colored men than white. That may be wrong. It is a mere opinion.

The CHAIRMAN, (Mr. COCHRANE.) Can you produce before the committee to-morrow a correct statement of the number of officers that you had?

The WITNESS. O, yes sir.

The CHAIRMAN, (Mr. COCHRANE.) I will be obliged to you if you will do so.

Q. Did you have men on the police-force that voted the democratic ticket?—A. Yes, sir, we had some.

Q. Give me the name of a man.—A. A man by the name of Cook. I cannot give you his first name.

Q. Do you know of any other man?—A. I do not know that I can give you the names now, but I can do so to-morrow. I have understood that they have it, but I know that Cook did, because he told me so.

Q. Then Cook is the only man on the force that you know of your own knowledge that voted the democratic ticket?—A. Yes, sir.

Q. Have you any democrats on the police-force now?—A. Yes, sir, some. I said to some of the citizens, "Gentlemen, if you are dissatisfied with the police-force, name a number of men, and I will appoint them."

Q. Whom did you say that to?—A. William A. Courtney.

Q. Whom else did you say that to?—A. I do not know the members of the committee now, but I said, "If you are afraid of the police-force, if you have not got confidence in the force, I will discharge a number of the men and you can pick out men who vote your own ticket and I will appoint them."

Q. Did they complain to you that they were dissatisfied with the organization of the police?—A. Not before the election. The only complaint that I ever heard was after the election.

Q. Was this offer of yours to appoint other policemen made after the election?—A. Yes; there was never anything said about it before.

Q. Well, now, Mr. Mayor, do you say that Mr. Connor told you that the sooner a collision was brought on the better?—A. I do.

Q. What else did he say in that connection?—A. General Connor did not appear to be in a very good humor, and that was all he said.

Q. Was he not angry at you?—A. That I do not know; he might have been.

Q. Did you not know that he was complaining to you of the manner in which you were conducting yourself as mayor of the city?—A. Not to my recollection.

Q. Well, what was he angry at?—A. O, he appeared to be a little cross.

Q. What was he cross at?—A. Nothing, except that he thought things were not going right.

Q. Do you not know that he complained to you that your police-officers were not keeping the peace; that they were affiliating with the negroes in this town, and did he not in that connection say to you that unless that thing was stopped there would be a collision?—A. I do not think so.

Q. Will you say that he did not say that to you?—A. I will say that he did not say that before the election.

Q. Will you say that he did not say that to you on the day of that conversation to which you have referred?—A. I have talked with General Connor a great many times since the 25th of last August.

Q. Then you are not prepared to say just when he told you that?—A. No; because I think he told me that more than once. I am certain he told me that in the station-house one night.

Q. And you do not recollect the exact date of that conversation; whether before the election or not?—A. No, sir. I do not.

Q. You say there was no danger of an outbreak from the colored men?—A. I do not think so.

Q. You had them in perfect control?—A. Yes, sir.

Q. Let me read to you, Mr. Mayor, a portion of what Thomas Lewis, a colored republican, testified to to-day before the committee: "Rivers was guarded home by a thousand white men, else he would have been killed that night. I had a pistol myself and stood at the door to kill him. I would have blown his brains out but for a colored policeman that stopped me. A policeman was afterward shot. I went with a crowd of fifteen of us trying to get at Rivers; but we could not do it, the crowd was too great. Fifteen in our crowd went up the street after the crowd to kill Rivers for his argument. We all agreed together that we would kill him, if we could. All had pistols and intended to use them. If the white men had not protected him, Rivers would certainly have been killed that night." Were you aware of that state of facts existing?—A. Well, no; and I am not aware of it yet. I do not know anything of that kind.

Q. If you had known that that state of facts existed, you would have taken a different view from what you have expressed?—A. Well, no, sir; I do not think that there was any danger of anything of that kind.

Q. You do not believe that at all?—A. No, sir; I do not believe that at all.

Q. Even though a republican negro appears before the committee and swears that that was the case?—A. No, sir; I do not believe that at all.

Q. You stated, I believe, in answer to a question by Mr. Jones, that you had never made any effort to ascertain the number of men in these rifle clubs?—A. No, sir.

Q. You never made any effort to discover their plans?—A. No, sir.

Q. Never made any effort to ascertain what was being done in their meetings?—A. No, sir.

Q. After the proclamation of the President do you know of any rifle clubs having appeared upon the streets?—A. No, sir, except on the 8th.

Q. That was the day of the riot?—A. Yes, sir.

Q. I will just ask you, was it not necessary before the riot could be stopped and before the peace of your city could be secured, that United States troops should be ordered to keep the peace?—A. When the United States troops arrived at the station-house the riot was all over. There was no riot then at all.

Q. Did you know that United States troops were called upon?—A. They were.

Q. And that they did undertake to and did keep the peace in this city?—A. What we wanted them to do was to keep the rifle clubs down, whether they were white or black.

Q. You felt it necessary to call upon the military to keep the peace of the city?—A. I did not do it that day.

Q. Did you not deem it necessary, and were you not very glad that they were called out, and did you not so state to General Hunt?—A. O, certainly I did.

Q. That you were wholly unable to keep the peace in your city?—A. No, sir; I did not say that. The only thing that prevented me from keeping the peace in the city was the rifle clubs, and nothing else did it but that.

Q. Was there any act of violence in that riot of the 8th of October by the rifle clubs?—A. No; I do not know that there was.

Q. Was not the riot a riot which originated and was carried on among colored people and whites?—A. Well, yes.

Q. Were not the colored people with their clubs and with their guns out upon the public streets here marching in bands?—A. After the riot commenced.

Q. And did you not say to General Hunt in an interview which you had with him that you were utterly unable to keep the peace in the city, and that you were glad the military were here?—A. I said this to General Hunt: "You keep the military organizations off the street and I can keep order." General Hunt came to me and wanted to know what I wanted him to do. I said "I want you to keep these military organizations off the street; if you will do that I will keep peace in the city."

Q. Did you not say that, unless the military aided you, you could not keep the peace of the city?—A. No, sir; not in that connection.

Q. Could you have kept peace in the city at that time and under all the circumstances if the military had not aided you?—A. Yes; I could keep the peace.

Q. Why, then, did you have the military called upon?—A. To put down the rifle clubs in case there would be any difficulty.

Q. Colored and white?—A. The rifle clubs came out first, and after that the militia came out.

Q. You called upon the soldiers to put down both the white and black rifle clubs?—A. When they all arrived there, there were a great many colored people under arms as militia and otherwise, and I went up King street and had them all go home.

Q. Do you say that after the President's proclamation the clubs assembled in their armories with arms?—A. I saw them there myself.

Q. When?—A. I cannot give you the date.

Q. How many times?—A. I went to the post-office every evening and I saw them there for weeks.

Q. Men with guns in their hands?—A. They had guns.

Q. You saw the guns?—A. Yes, sir.

Q. Drilling in the armories?—A. Drilling in the armory.

Q. How many times did you see them?—A. The armories were always lit up, and I suppose they were always there after dark.

Q. Mr. Bowen testified this evening that they took their arms to their houses after the President's proclamation. Is he correct in that, or are you correct in saying that the guns were retained by them in the places where they drilled?—A. I saw them at the corner of Broad and the bay.

Q. How was that; it continued for weeks?—A. I do not know how long it continued, but for some time.

Q. How many men did you see there?—A. It would be hard for me to say the number of men; there was quite a lot up there. There was not a whole company; I cannot say how many.

Q. There was great terror throughout the city after the riot of the 6th of September, and business was practically suspended?—A. Yes, sir; business was at a standstill.

Q. Bodies of armed negroes were on the streets?—A. Well, I have seen some men on the streets.

Q. Armed negroes?—A. Yes, sir.

Q. A great many negroes in crowds with clubs in their hands, and so on?—A. Well, I did not see a great many; I saw some; I saw men going along the streets with walking-sticks.

Q. Did you see any negroes going along the streets with guns?—A. Well, yes. After my proclamation there were no negroes on the streets only on the night of the 8th; up to that time there were no negroes on the streets with guns. After my proclamation there were no guns on the streets.

By Mr. JONES:

Q. When were these rifle clubs first established or instituted?—A. That I do not know.

Q. Do you not know that it was a long time prior to the last election?—A. I do not know that.

Q. When was the first time that your attention was called to the existence of these rifle clubs; has it not been several years?—Well, I have not been mixed up with them. Before the war they had companies here.

Q. I allude to these rifle clubs of which we have been speaking; have they not been in existence several years?—A. Well, that I cannot say; I really do not know how long they have been in existence; some have been in existence for some time.

Q. Well you do not know but what they have been in existence for several years?—A. No, sir; I do not.

Q. They could not have been formed then for carrying the last election by fraud?—A. Well, I do not say that as to all. There was the Butler Guards.

Q. If they had been insurrectionary or rebellious institutions, would it not have been in your power as mayor of the city to suppress them?—A. No, sir.

Q. If you believed them disorderly or rebellious, why did you not issue your proclamation for their disbanding or suppression?—A. I did, and they laughed at me.

Q. Because, I suppose, they knew that they were legal bodies by charter and you had no power?—A. I suppose so, sir.

Q. In regard to these Butler Guards, do you not know that that was an old company formed many years ago and named after General Butler who lost his life in Mexico?—A. My understanding was that it was got up a few months ago in honor of General Butler of Edgemoor.

Q. Do you not know that they have been in existence for more than a year?—A. I never heard of them until this campaign commenced.

Q. Well, these rifle clubs were not confined to white people; were there no black rifle clubs?—A. The colored people have some militia companies here. They are not called rifle clubs; they are called militia.

Q. Were there not some rifle clubs composed of colored people?—A. The militia companies.

Q. Well, they were upon the same principle as the rifle clubs?—A. I never understood that they were on the same principle, because my understanding was that the militiamen was a legal organization and that the rifle clubs was not legal organizations.

Q. Do you not know the fact that Governor Chamberlain was invited here to some rifle-club parades and was present at them?—A. He was here on the 28th of June.

Q. Well, did he not witness their parade?—A. Well, yes; some of them.

Q. He must have recognized them as an authorized body?—A. I do not know how he looked upon them.

Q. You remember that he was here?—A. Yea, sir; I remember that he was here and witnessed the parade of a portion of these companies.

Q. Do you not know the fact that the members of the rifle clubs and the citizens here who belonged to them assume and proclaim that they were kept up for the purpose of defending themselves if the occasion should arise—if their homes and their lives required it?—A. I know that they proclaimed that.

By Mr. BANKS:

Q. Do you know that men who were members of the rifle clubs have been brought before your court charged with offenses against the peace?—A. Only ordinary offenses; that is, probably for getting drunk, or firing a pistol, or something of that kind, but they were not arrested as members of that organization.

Q. Have men who were members of these rifle club organizations been brought before you charged with offenses against the peace?—A. Yes, sir.

Q. What is the class of men that you describe as roughs?—A. Well, men that drink whisky and are at any time willing to get into a row, cutting, and shooting, and knocking down.

Q. Disturbers of the peace and dangerous men when in an excited condition?—A. Yes, sir; as there are in all cities.

Q. And to some extent some of these rifle clubs are composed of that class of men?—A. The Butler Guards, a portion of them, are considered pretty rough men.

Q. As rough as any you have in the city?—A. Well, just; I believe so.

Q. Have you ever regarded it as a duty on your part, as mayor, to interfere with these organizations?—A. Well, I thought it was my duty, and tried to keep them off the streets, but it was utterly out of my power. I felt that it was my duty.

Q. Why did you not do that, sir?—A. I did not have the strength and power to do it.

Q. Had you any reason to believe that they would have resisted you if you had exerted your power?—A. I do not think there is any doubt of that.

Q. Was that the reason that you did not undertake to suppress them?—A. If they had got into a fight and if the rifle clubs were kept off the streets I could have put it down, but a thing of that kind would have brought on a collision into which a thousand men might have been brought in a very short time.

Q. In the absence of an armed force here would you, as mayor, have been able to keep the peace of the city?—A. Yes, sir; keep the rifle clubs away, and I would have kept the peace of the city.

Q. It was the possibility of danger from these rifle clubs that made the necessity for the presence of the United States troops?—A. That is what I thought.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Do you know of any case where these rifle clubs, or any of them, interfered with a policeman in the discharge of his duty?—A. No, sir.

Q. Do you know of any case where these clubs as organizations have made an attack upon persons, either white or black, with violence?—A. Well, no.

Q. Do you know of any case where these rifle clubs as organizations ever committed a breach of the public peace?—A. Nothing outside of their going on the streets in the manner I have spoken of. I do not know of any citizens that they ever knocked down or shot, or anything of that kind.

By Mr. BANKS:

Q. Have the police-officers of your city ever reported to you any threats from members of rifle clubs?—A. They have made threats to me.

Q. State what they are.—A. I have had several meetings with gentlemen; and a portion of them at the meetings would say that if the police attempted to make any arrest of members they would shoot them down; they would not put up with it at all. I met a party of gentlemen in the Hibernia Hall one night, and one of them told me that if the policemen were to attempt to arrest one of them they would shoot them down.

Q. Were they members of the rifle clubs, any of them?—A. There were a good many of the rifle clubs there. I do not know whether this man was a member of a rifle club or not.

Q. Do you know that he was not?—A. No, sir; I do not know that he was.

Q. Have the police-officers ever reported any threats to you as made by men who belonged to the rifle clubs against them?—A. Yes, sir; they have.

Q. Do you know or do you not know that the members of rifle clubs have driven the police from their duty at any time?—A. I know that at the corner of Cumming and George streets, a policeman was driven away from his place there by members of a rifle club.

Q. I will ask you again if the police-officers of the city made to you any report of interference with them in the performance of their duties or any threats made to them by the members of the rifle clubs?—A. None except this special case that I have just spoken of.

By Mr. JONES:

Q. How did that case come to your knowledge?—A. The case was reported by the policeman. He knew one or two of the men, and they were arrested, and we had an investigation, and we punished one or two of them for it.

Q. What were the facts?—A. The facts were that this policeman was on duty at the corner of Cumming and George streets, and these men went around there and run him off his post. He was a black policeman.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Did they have their rifles with them?—A. Well, they had pistols with them; I do not know about rifles.

By Mr. JONES:

Q. Well, were they acting under the orders of their captain or were they just mere strugglers?—A. There was a body of them located at the engine-house there, and these were some half dozen men that had gone to the corner of the street.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. At this time they were not acting as a club?—A. There were six men.

Q. They had not their guns with them, and they were not acting as an organized body at the time?—A. Well, no, I suppose not.

JOHN A. MITCHELL (colored) sworn and examined.

By Mr. BANKS:

Question. How old are you?—Answer. I was born in 1842, and am thirty-four, sir.

Q. Where do you live?—A. Twenty-seven East Bay street.

Q. What is your business?—A. My business was as constable. I is not constable now, though.

Q. What have you done since?—A. Nothing else since the war.

Q. Were you present at a meeting in Archer's Hall at the time the public disturbance, or row, or riot, occurred in King street?—A. Yes, sir.

Q. Will you state to the committee, in your own way, what time you went to the hall and what you saw and heard there?—A. I went to the hall about half past 7 o'clock. It was a democratic political meeting. The doors were open and it was free for every one to come in that wished to come. When I went in the speaking had just commenced; there was a young man speaking by the name of Rivers; they generally called him Hatch. The hall was pretty full. Rivers was going on with his rebuking the present Government from the top to the bottom of it.

Q. Did he speak strongly and severely?—A. He did, sir.

Q. Do you remember anything he said?—A. Not particular.

Q. Were you there when he finished?—A. I went out and came back again. When I came back again Jenkins was on the stand and had just commenced. Jenkins was abusing the present Government, and in the winding up of his speech he commenced upon the colored men of the city, saying that the colored radicals could afford to stand on the corners if their wives was in democrats' kitchens cooking and stealing their victuals and feeding them with at night when they came home. After he made those remarks the crowd of republicans commenced to get slack and went outside, and about 10 o'clock or half past 10 the meeting adjourned.

Q. What time did you go out?—A. We went out just after Jenkins finished his speech.

Q. Tell us what happened.—A. When we went out we stood out there on the corners waiting for them to come out. Rivers came out just then and Sawyer came out, and so when Jenkins came down he came down with several white gentlemen along with them, and two or three of the men said, "I would like to know whose wives those were Jenkins was alluding at." Jenkins then refused to give any answer, whilst the white gentlemen kept him back, and would not let us get to him, and would not let him give us any satisfaction at all; and then Jenkins said whatever he said he could prove. Then they said, "Whose wives are you talking about?" and Jenkins said, "The most of you." With that the crowd moved up King street on the left-hand side, and we followed them up, saying that we wanted Jenkins to give us an answer, whose wives he was meaning.

Q. How many were with you on your side?—A. Twenty or thirty blacks and three or four hundred whites. When we got near Calhoun street one white gentleman fired a pistol and said, "Go back; don't follow us no further." We said we wasn't after no fuss at all; we just wanted Jenkins to give us satisfaction, and we would have it. One gentleman took out a revolver and fired it twice.

Q. Did you see him?—A. Yes, sir; I saw him. —

Q. Did you know who it was?—A. I couldn't tell, because the crowd was too thick.

Q. Well, what happened then?—A. Well, then, when the revolver was fired the crowd gathered from all the meetings that night; there must have been five or six

meetings—republican and democratic. The crowd gathered and the shots continued, one shot after the other, till the crowd got up near Radcliffe street. There was rocks fired, and when the pistols commenced the colored people scattered off, and the policemen came in and drove them off; but the white people kept up said firing. When the police came, one said they would fire upon them. They would stand right around the corner, and just as the colored people came to the corner would fire away.

Q. What happened then?—A. When they commenced to fire the colored people made a sort of a stand; they could not get anywheres to run. The white people were firing from the windows; then the policemen came down and began to scatter away other people and we all left the streets.

Q. What became of the white people? Did they go any other way?—A. No, sir; we left them on the streets while the police was dispersing the crowds.

Q. Did you see any more after this time that the police told the colored people to go away?—A. No, sir; I didn't see any more.

Q. At the time you came out of the hall, and these colored people stood at the door and asked Jenkins, when he came out, whose wives he referred to, had the colored people arms?—A. No, sir.

Q. Of no kind?—A. Of no kind.

Q. Did they make any threats to kill Jenkins?—A. None at all; I never heard such threats used.

Q. Did you know any of them that were there?—A. I knew several of them that were there.

Q. Whom did you know?—A. I can name Mr. Furst; he was there, but he is very sick now.

Q. After they first came out what did they say to Jenkins?—A. They called him in a pious way; they called him "Jenkins." He never made no answer. They called him again; he said, "What do you want?" He then said, "If you want anything, come to me," and the white gentlemen said "Go back."

Q. Did any of the colored people there make any threat?—A. No, sir.

Q. Did they have any arms?—A. I didn't see any.

Q. Did any one of them fire a pistol?—A. Not as I know of.

Q. Would you have seen it or heard it if they had fired a pistol?—A. Yes, sir.

Q. Do you know that they made any move to kill Jenkins?—A. I didn't see it if they did.

Q. Did they make any move to fight him?—A. I didn't see it, sir.

Q. Did you yourself want to injure him?—A. I didn't, sir, for I knew Jenkins personally.

Q. Do you know a man by the name of Lewis?—A. I don't, sir.

Q. You would have known it if these people intended to do Jenkins any harm?—A. Yes, sir.

Q. And these fifteen or twenty men went away together?—A. Yes, sir, they went away together, the biggest part of the men at the hall, when Jenkins commenced; but about fifteen or twenty men staid there.

Q. They stated that they wanted to know whose wives he meant; they did nothing that was inconsistent with the action of orderly men?—A. Yes, sir; when I was returning home with a friend of mine we met, I suppose, a hundred and fifty men belonging to the rifle clubs going to the row at double-quick. By that time the row was over. When we seen them going we jumped into a building.

Q. Did you hear any shooting?—A. No, sir.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. You are a constable?—A. I was, sir. I am out of my situation about ten days now.

Q. Who were you a constable for?—A. I was first constable for Mr. William Mer-sham.

Q. You were constable for a trial-justice?—A. Yes, sir.

Q. Do you swear that you did not know Thomas Lewis, a colored man?—A. I do, sir.

Q. Do you not know that you were there with him that night at the door?—A. I don't know whether I was or not.

Q. You will not swear that you were not?—A. I don't swear it.

Q. Do you swear that you did not have a pistol in your pocket that night?—A. I do solemnly swear.

Q. Did you not tell Mr. Lewis that you would kill Jenkins if you got a chance?—A. I swear I did not.

Q. Are you a member of a negro club in Charleston?—A. I don't know, sir; I am a member of the State's militia.

Q. What State's?—A. The State of South Carolina.

Q. How long have you been a member of the militia?—A. About two years.

Q. Did you say you did not belong to any colored club in town here?—A. No, sir.

Q. Did you take an oath at any time during the campaign?—A. No, sir.



- Q. Are you sure about that?—A. I is, sir.
- Q. Who have you talked with about this thing?—A. No one, as I know of.
- Q. Have you talked with any person at all about what you were to swear to here?—A. No, sir.
- Q. You are positively sure of that?—A. Yes, sir.
- Q. You were pious that night?—A. Yes, sir; I always is.
- Q. You say you are thirty-four years of ago?—A. Yes, sir.
- Q. And since the war you have not done any work?—A. I have done work when it was to be attended to.
- Q. You were a constable that night?—A. No, sir.
- Q. Then you were not working before that?—A. I was working in the right cause, where all good citizens should be working.
- Q. You were one of the republican workers?—A. I don't know what you mean.
- Q. What did you mean by saying a moment ago that you were working in a good cause?—A. That is in the republican cause.
- Q. Then you did work in the republican cause?—A. When I work in a good cause I think my vote is work.
- Q. And you think voting is working?—A. Yes, sir.
- Q. But you have not done anything in that cause for how long?—A. I always did vote there.
- Q. How long since did you stop constabling?—A. About ten days.
- Q. Then you were a constable on the night of this riot?—A. I was a marshal then, the same thing as a constable.
- Q. What do you mean by a constable?—A. Employed by the county.
- Q. By whom were you appointed?—A. By the county-commissioners.
- Q. Did you make any arrests that night?—A. No, sir.
- Q. Did you as a constable carry any weapon?—A. No, sir.
- Q. Never carried a pistol?—A. I has carried them when I go out of the city; but when I went out I always had to borrow one then; I never carry them in the city.
- Q. Did you ever go out of the city?—A. I have, sir.
- Q. Frequently?—A. It has been some time since I have been out of the city.
- Q. When you were acting as constable did you not have to go out to make arrests?—A. Not often.
- Q. But when you did have to go out you would have to go and borrow a pistol?—A. Yes, sir.
- Q. From whom?—A. Jim Williams.
- Q. Where did you find him?—A. He is a fisherman.
- Q. Where does he live?—A. I don't know.
- Q. How often did you borrow his pistol?—A. Once or twice.
- Q. Did you borrow anybody else's pistol?—A. No, sir.
- Q. Then you never had a pistol but once or twice, when you went into the country?—A. That is all, sir.
- Q. You say that there were fifteen of you there at that time?—A. Fifteen or twenty.
- Q. All colored men were pious about there?—A. From all appearances, sir.
- Q. Are you a married man?—A. I is, sir.
- Q. How long have you been married?—A. Four years the 18th of this February.
- Q. All these fifteen or twenty negroes followed this man Jenkins up King street?—A. He says, "Come on and I will give you an answer;" we didn't follow; but a great many of them lived up King street.
- Q. Did you go up King street after him?—A. No, sir.
- Q. Did you not say in your examination-in-chief that you went on after him?—A. Yes, sir; kept on behind him. We followed him as far as Calhoun street, because there was a meeting in ward 4.
- Q. How far is Calhoun street?—A. One block.
- Q. Do you say none of these men had pistols?—A. Not as I seen, sir.
- Q. Do you know whether they had them or not?—A. They didn't use them if they did.
- Q. How many white men did you see firing pistols; were there a hundred?—A. Not so many, I suppose.
- Q. How many?—A. Fifty or sixty, I suppose.
- Q. And they kept firing right into the crowd?—A. Yes, sir; right along.
- Q. How long did it continue?—A. The row continued about twenty-five or thirty minutes.
- Q. These fifty or sixty white men kept shooting their pistols right into the crowd?—A. Yes, sir.
- Q. How many hundred negroes were killed?—A. They could not kill any, we ran off; there was nobody shot.
- Q. How many colored men were wounded?—A. Two or three.
- Q. And fifty or sixty white men fired pistols into the crowd for twenty-five minutes?—A. But the crowd was not standing right around there.

Q. Do you say that there was a negro killed?—A. One gentleman was killed.

Q. One white man?—A. That is what they say, sir.

Q. Who killed him?—A. That is pretty hard for me to say.

Q. Do you know?—A. No, sir.

Q. And you do not know the white man you saw shot?—A. No, sir.

Q. Did you ever see him before?—A. I seen him when they had him arrested.

Q. Then all you know about that is what you saw after he was arrested?—A. I seen him then.

Q. You mean that you saw a white man arrested by the police and they said he did the shooting?—A. I didn't say I saw him, but I mean that the white men was shooting.

Q. You do not say that you saw any one individual shooting?—A. I saw several of them.

Q. Then your statement that you made a few minutes ago that you saw the white man fire the first shot is not correct?—A. It is, sir.

Q. Then you did see an individual white man fire the first shot?—A. Yes, sir.

Q. What did you mean a few minutes ago by saying that you did not see any white men shoot and that the way you knew this white man shot was because the police arrested him and he said so?—A. You asked me did I know who he were; I told you I didn't know who he were; but I knew the one the police arrested, and they said he was the one that did the shooting.

Q. Was the man who was arrested the one whom you saw fire the first shot?—A. It is more than I dare say, sir.

Q. If you saw him you would know it?—A. It is pretty hard for me to tell in the night which is what.

Q. Just name the colored men that formed this company with you.—A. I could not name twenty men, although I am in company with them every day.

Q. Give me one name.—A. John Simmons.

Q. Who else?—Winnie Baptisté.

Q. Who else?—A. Sico Brown.

Q. How many more?—A. That is all I can remember now, except Robert Perry.

Q. Who were with you when you saw the rifle clubs coming in double-quick?—A. Edward Massieque.

Q. Was he with you down at the other hall?—A. No, sir.

Q. Did they shoot?—A. Not as I know of, sir.

Q. Did you know whether they did or not?—A. I don't know, sir.

Q. You know that the white men shot?—A. Yes, sir.

Q. And you know that they shot from windows?—A. I do, sir.

Q. But you do not know whether the colored men shot or not?—A. I don't, sir.

Q. And you were in the crowd all the time?—A. Yes, sir.

Q. What were you doing?—A. Doing like the rest, seeing the fun.

Q. You thought it was fun and you wanted to see the whole thing?—A. Yes, sir; to see how far the thing was going.

Q. You were not satisfied to leave until the thing was over?—A. No, sir; I couldn't trust to leave.

Bvt.-Col. C. L. BEST, United States Army, sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. What is your business?—Answer. I am a major in the First Artillery, United States Army.

Q. Are you in command of that portion of the Army at this point?—A. I am in temporary command of the troops at this post.

Q. During the late canvass who was in command here?—A. Col. H. J. Hunt, of the Fifth Artillery.

Q. Did Colonel Hunt make any official report in regard to the election and the Charleston riots?—A. He did, sir.

Q. Have you that report with you?—A. I have a copy.

By Mr. BANKS:

Q. What is it taken from?—A. Taken from the original.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. You have a copy of the report taken from the original?—A. Yes, sir; it is in the post letter-book.

Q. What is that book?—A. It is a book containing the record of all official letters sent by the commanding officer of the post—official letters and reports

By Mr. JONES:

Q. Sent to or from the post?—A. Sent from the post.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. To the head of the War Department?—A. Yes, sir; or to other persons.

Q. Before a report is sent to the War Department by the commander of the post a copy is made in that book, and that becomes a part of the record of your office here?—A. O, certainly.

Q. Have you that book with you?—A. I have. [Producing the book referred to.]

Q. Does it contain a correct copy of the report made by General Hunt to which I have referred?—A. I have no doubt it does; but I would like to look at it a moment.

Q. Well, look at it, please, and see.—A. [The witness referring to the record.] I have no doubt it is a correct copy; but I would state that Colonel Hunt being in Washington sent his original report here to be copied in the book. It is customary to leave a space at the bottom of each report where the commander of the post signs his name.

Q. Was it copied?—A. It was copied.

Q. By whom?—A. By one of the clerks in the office.

Q. Do you know his name?—A. I could not give you his name; we have two or three clerks.

Q. Did you see the original report?—A. I heard it read by the adjutant in my presence. I was going on to add that this report is without Colonel Hunt's signature, the original having gone to the department headquarters.

Q. His signature was to the paper, however, of which that was a copy?—A. I have no doubt it was; I could not say positively, because the adjutant read Colonel Hunt's report to me.

Q. Would anything have been copied in that book that was not signed by General Hunt?—A. O, no, sir; not all; these books are kept with great accuracy.

Mr. BANKS. I object to the introduction of this paper, for the reason that it is not the original paper and does not contain the sign-manual of Colonel Hunt.

Mr. JONES. It is a part of the official record of the post, and ought to be admitted; it is just as much a copy of the original paper as the statutes of any State in printed form, which are recognized in courts of justice.

The CHAIRMAN, (Mr. COCHRANE.) I would say that there is no doubt at all about the admissibility of this evidence. The witness has testified that he is in command of this post; that all official letters and reports emanating from the commanding officer of this post to the War Department, or elsewhere, are copied entire in the book which he has produced, before being transferred to the War Department; that this is the record of his office; that only such papers are copied in such record as bear the signatures of the commanding officers; that Colonel Hunt made a report and sent it to Charleston for the purpose of having it copied in this book, and it was so copied before having been transmitted to the department commander; that the copy of that report was made by one of the clerks in his office; that the name of General Hunt was not added, although it appeared upon the original as the witness verily believes; that it is customary for the commanding officer to sign the book himself; but that this book contains a true and correct copy of the report which was made by Colonel Hunt. It seems to me that this is very competent as a record. And, further, I will say that we will admit this record and follow it up by the testimony of the young gentleman who made the copy as to the correctness of the copy made by himself.

Mr. BANKS. I would state my objections more at length. I object to its being received as evidence because it is not a copy of the original. The signature of the officer making the report is neither there, as it ought to be by his own hand to be a part of this record, nor is it even there by the hand of the clerk making the copy. We do not know that the paper was ever signed. It may be that the general habit of the office is that the paper would not be copied unless it was signed; but we do not know that it was ever signed, and it is not a copy because the signature is not there. If the signature were copied there by the clerk, I should not object to it. It would be better to call the clerk to prove the correctness of the copy before we proceed to consider it.

The CHAIRMAN, (Mr. COCHRANE.) The Chair here states that he will call the clerk to prove the correctness of the copy and that the original was signed by General Hunt.

Lieut. E. R. HILLS, United States Army, sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. What is your rank in the United States Army?—Answer. I am first lieutenant in the Fifth Artillery.

Q. Will you state whether you received any report from General Hunt upon the late election in this State and the Charleston riots?—A. I did, sir.

Q. For what purpose did you receive it?—A. I received it for the purpose of having it entered in the post letter-book.

Q. That is the book which Colonel Best this morning brought before the committee?—A. Yes, sir.

Q. Was the report signed by General Hunt himself?—A. Yes, sir.

Q. Did you have it copied in the post letter-book?—A. Yes, sir.

Q. By whom?—A. By one of the clerks in my office named Bjorkland.

Q. Have you the original in your possession?—A. I have, sir.

Q. Please produce it.—A. [The witness producing the report and handing it to the chairman.] This is the report signed by General Hunt and which he sent to me for the purpose I have indicated. The marks upon the margin, "Rec'd," "1st," "Charleston, S. C., Dec. 17, 1876," were not there when I received the paper. I put those there by the general directions.

W. BJORKLAND sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. Are you a clerk in the post headquarters in Charleston?—Answer. Yes, sir. Q. [The report of General Hunt shown witness.] Did you make a copy of this report of General Hunt's in the post letter-book?—A. Yes, sir; I made a copy, sir.

Q. How did you make the copy?—A. Mr. Hofer, another clerk in the office, made a copy of the original, and I entered the report in the letter-book from his copy.

Q. Was the copy which you made in the letter-book a correct copy of the copy made by Mr. Hofer?—A. Yes, sir; it was compared afterwards and found to be correct.

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CHARLESTON, S. C., Friday, December 29, 1876.

ANDREAS HOFER sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. Are you a clerk in the post headquarters at Charleston?—Answer. Yes, sir.

Q. [The report of General Hunt handed witness.] Please look at that paper and say whether you made copy of it.—A. Yes, sir.

Q. Was the copy which you made a true and correct copy?—A. It was a true and correct copy; it was compared and found to be correct.

Q. To whom did you hand that copy that it might be copied in the post letter-book?—A. I handed my own copy to Mr. Bjorkland.

The CHAIRMAN, (Mr. COCHRANE:)

The original report of General Hunt signed by himself having been produced, the same is offered in evidence, and is as follows:

“WASHINGTON, D. C., November 27, 1876.

“ASSISTANT ADJUTANT-GENERAL DEPARTMENT OF THE SOUTH, Atlanta, Ga.

“COLONEL: I have the honor to report for the information of the colonel commanding the department the operations of my command from the time it left Summerville, S. C., to aid the United States marshal in his duties connected with the election of Tuesday, November 7.

“Under specific instructions, I sent Captain Randolph, Fifth Artillery, and twenty men to Beaufort; Lieutenant Baldwin, Fifth Artillery, and ten men to John's Island; Lieutenant Edgerton, Second Artillery, and eight men to Adams Run; Lieutenant Jefferson, Fifth Artillery, with eight men to Walterborough; Lieut. T. R. Adams, Fifth Artillery, with ten men to Strawberry Ferry, and Lieutenant Sherman, First Artillery, with ten men to James Island, to be guided by the provisions of General Order No. 96 from headquarters of the Army. All these detachments, and the two foot batteries of my command, consisting of Frank's Battery, First Artillery, and Kinzie's Fifth Artillery, were put in motion so as to reach their respective destinations on the 6th instant, the day before the election. These detachments, except Sherman's, were taken from Randolph's Battery C, Fifth Artillery. They all returned as directed, on the 9th, to Charleston. From the reports of their officers it appears that no actual violence occurred at the polls requiring their interposition, but their presence in the vicinity was doubtless of service.

“Captain Randolph states that he found neither marshal nor deputy at Beaufort, and that it was reported to him that the United States supervisor was stopped on his way to the polling-place, and upon showing his papers to the negroes, who stopped him, had them taken from him and destroyed and was obliged to fly for his life.

“Lieutenant Adams reports that at Strawberry Ferry a company of colored men, about forty in number, were marched to the polls with arms, under a leader, said to be John Lowery, (colored,) though no riot or disturbance occurred.

“Lieutenant Baldwin states that no disturbance connected with the elections occurred on John's Island; that leading citizens informed him, and he believed this was due to the presence of the troops.

"Lieutenant Edgerton reports that no disturbance occurred at Adams Run, and that he has every reason to believe that the presence of the troops prevented a serious one taking place at the polls.

"Lieutenant Jefferson, immediately on his arrival at Walterborough, on the evening of the 6th, in a conference with the United States marshal, Commissioner Glover, the intendant of the town, and the leaders of both political parties, learned that while they had no apprehension of disorder at Walterborough they believed there would be trouble at Blue-house polls. Acting on this, he marched early next morning to that place, and says he has no doubt that their arrival prevented serious trouble. In the last three cases these officers report that the danger arose from the disposition of the republican negroes to interfere with those of their own color who desired to vote the democratic ticket.

"Lieutenant Sherman found a feverish and excited state of feeling existing at James Island, but the presence of his command restored confidence, and no disturbance occurred.

"Frank's and Kinzie's batteries reached Charleston on the afternoon of the 6th, and were stationed at the citadel, under the immediate command of Captain Frank. In the morning of the 7th a detachment under Lieutenant Clark, First Artillery, was stationed at Carolina Hall, in the lower part of the town, and another under Lieutenant Adams at the arsenal, (Charleston barracks.)

"From these three points aid could be readily sent to the deputy marshals if required. Frequent calls were made because of threatened disturbances, but on the arrival of the troops quiet was found to prevail or was soon restored. The troops were not actually used, I believe, in any case. The election, on the whole, in the city was remarkably quiet. I visited the voting-places where trouble was most expected, and found good order to prevail until toward evening, when one or two noisy and riotous bands of colored men were gathered at the polls, and these proceeded to parade the streets in a disorderly manner; but as a whole the city was quiet, and during the night peaceful.

"On the morning of the 8th nothing material occurred. Everything appeared on the surface to be as usual in the town, and I gave directions for the troops to return by the 3.10 p. m. train to their camp at Summerville unless I should send different orders. About 1 p. m. I called on United States Marshal Wallace, who stated that everything was quiet, except a report from Mount Pleasant that apprehension existed there from the presence of a company of armed negroes who had arrived as a guard for the poll-boxes. This report the marshal considered exaggerated, stated that the duties of the troops with regard to the elections were over, and that I could safely go to Summerville; that if disturbances did occur he would so telegraph. I then proceeded to the mayor's rooms at the guard-house or main police-station. He was not there, but on inquiring of the officer in charge and others of the police I was told the city was perfectly quiet. Opposite the police-station is the court-house, corner of Broad and Meeting, on both fronts of which, and at the city-hall opposite to it on Meeting street, there were large numbers of negroes assembled, and there were gatherings of the same class along the north side of Broad street extending toward the post-office. They were quite numerous opposite the News and Courier office, where the bulletin-board was exposed. I crossed Broad street from the station-house to the court-house, walked among the crowd there, and although nothing was done or said to which I could attach any importance in itself, yet the excitement and appearance of these men were such that I apprehended that mischief was brewing. I therefore followed down the street toward the post-office, observing the crowd closely, and returning to the city-hall in the same way became so thoroughly convinced that there would be trouble, although there was nothing in the conduct or manner of the whites about the bulletin-board that I could perceive to provoke it, that I took a street-car to the citadel, in order to stop the departure of the troops. When I reached the citadel they had just started for Summerville depot. I joined them, and Colonel Frank and Major Kinzie told me that everything was quiet in the upper part of the town. On the arrival of the troops at the depot I halted them, made arrangements with the superintendent to take them up at 7.10 p. m. or on the next morning if required, and sent the companies back to the citadel, while I proceeded down King street to Broad. As I was leaving the depot I met the surgeon, Dr. De Witt, who told me he was glad I had stopped the movement of the troops; that the appearances on the lower part of King street were bad; that there were knots of negroes walking down King street in an excited manner, pushing persons who were in the way, even ladies, off the side-walks. I continued down the streets, stopping at almost every business house whose owners I knew, and asking as to the condition of affairs. The replies from all were that everything was quiet and peaceful. Turning into Broad street, as I approached the station-house I perceived a commotion near the court-house, and asking of a policeman what it meant, he informed me that there was a fight going on near the Charleston Hotel. I hurried up to that point and found that the affair was over and the police taking off one or two prisoners. After sending off a dispatch from the hotel, I was returning toward Broad street when I perceived a commotion there, and upon inquiring, learned from a man running up Meeting street that there was a

serious flight going on in Broad street, and that the negroes were firing into the News and Courier office. I sent for the troops to the citadel to hurry down, for I could now hear the firing and saw it was extending westwardly along Broad street. So soon as I reached the court-house, I found the firing was heavy near King street, and started toward it, when a policeman ran out of the station-house and asked me to come in there. Immediately three or four negroes on the north side came off the side-walk and told me to keep on if I desired, for that I "would be safe anywhere." I, however, at the request of the policeman, went to the station-house, where the officer in charge was getting out his men, and he appealed to me for assistance in such terms as led me to believe he felt himself too weak to control the riot. By this time a number of gentlemen, young and old, had arrived and offered their services to me. I informed the police officer that the troops were on their way, but if he desired the services of these citizens they were at his disposal. He said he would be glad to have them; they fell in with his force, and as I was giving some directions he interposed, saying in substance that the matter was in his hands. He then started off, when I almost immediately had complaints that the policemen were firing on and bayoneting quiet white people. The troops soon after arrived at the station-house, and additional armed white citizens also reported. Some one of the civil authorities, as I supposed, I do not remember who, then told me that it was essential that the latter should be sent back to their homes. I declined sending these armed men on the streets, but told him they would be placed where they would produce no bad effect, and directed them to take position behind the troops and to remain there, which direction they followed implicitly. In a few moments the expected notice was brought me by a policeman from the scene of conflict that the police force could not disperse the rioters, and asking me for aid. I then ordered Major Kinzie to take twenty men and clear the streets, using as little violence as possible, consistently with the execution of the order. This duty was promptly and well performed by Major Kinzie, who, after stopping the firing of the combatants, continued up King street as far as the citadel. A few blocks above Broad street he found parties of whites and negroes armed and on opposite sides of King street, whom he persuaded to disperse. There were no gatherings above the citadel, and he returned to the station-house. In one case he found a negro who attempted to shoot a white man, and therefore disarmed him, the man objecting to give up his musket, as it was State arms. The musket was brought to the citadel guard-house. It has been stated in a New York newspaper, on the alleged authority of a United States Senator, that the troops were preceded by the clubs. This was not so. Major Kinzie took only soldiers, and of his own battery, with him, the armed citizens, clubs or others, remaining quietly where they were placed by me. Threatening assemblages were reported to me as forming at several points below Broad street. This was confirmed by Judge Bryan, of the United States court, who passed through them on his way to the station-house. I sent parties of soldiers with policemen, by whom they were all dispersed.

"After the conflict had ceased, General James Connor proposed to the mayor that they should go through the streets together and direct all persons, white and black, to go to their homes. This proposition was accepted by the mayor, and proved effective. In the mean time information was received that at the commencement of the riot boats were started off to James Island for re-enforcements of negroes, and the mayor and General Connor took steps to prevent their landing.

"When all this had been done, I proposed sending patrols of soldiers through the streets at intervals during the night to prevent further assemblages and to insure the peace, to which the mayor objected decidedly, saying he wished no patrols of soldiers in the streets. I then ordered the troops back to the citadel, took a carriage, drove through the city and satisfied myself that all was quiet. There was no disturbance during the night.

"Early in the morning of the 9th, Major Berlin, of Charleston, who was acting as my aid, reported that on going to his office on the wharf, near the post-office, he found several hundred longshore-men assembled. They were being harangued by several persons, and appeared excited and "ugly." He therefore went to the station-house, reported the fact in my name, and asked that means should be taken to prevent evil consequences. He was answered that it was the usual hour for their assembling for work and that they could not be interfered with, upon which he reported the facts to me. We went together to the foot of Broad street. Although it was the hour at which the streets are usually full of drays and carts hauling cotton and stores from the depots, but one or two were to be seen, and the streets seemed deserted. On my arrival near the post-office, crowds of negroes, (longshore-men) were pouring into Broad street shouting 'No work to-day.' Several stevedores then reported to me that they could get no hands and that work at the wharves was stopped. I referred them to the mayor. It was reported to me at the same time that some of the negroes called out as they passed along the streets 'Now is the time to go for them, before they are out of bed,' and fears were expressed that more rioting was intended. From this time appearances grew worse, and the whites, seeing the condition of affairs, went for their arms. Fearing that another conflict was coming on, I sent for a detachment under an officer, which I

stationed at the police guard-house, ordered the troops at the citadel to be kept ready for immediate service, and directed that Randolph's battery on its return that day from detachment service at the elections should remain in Charleston, instead of proceeding as ordered to Summerville.

"At midday the streets were quiet, but appearances very threatening; the white people were at their business, mostly armed. The negroes had withdrawn into the court-house or other buildings near their usual resorts. Occasionally persons were seen going, as I supposed, to their business places with their guns, and the mayor asked me to come to his room for a conference. There were several persons in the room, none of whom I know personally, but in the course of conversation I recognized them as the well-known leaders of the colored people. The mayor, after stating that affairs looked very serious, to which I assented, informed me that the rifle clubs were assembled at their armories near by. I asked him if he were sure of this, and he answered 'Yes, there goes a man now with his rifle; you can see him from the window.' I went to the window, saw the man, and also that the doors and shutters of the court-house opposite were being closed, the house itself being full of negroes. I stated that something should be done to avert the conflict, which, now that the whites as well as negroes were armed, could not fail to be bloody, and asked if the colored people could not be prevailed upon to go home quietly. The mayor replied to this that 'a negro had as good a right to be on the street armed as a white man.' I told him I had not come to discuss abstract rights, but that a bloody encounter was imminent, that my troops would necessarily be involved, and I therefore thought it my business to take every measure in my power to prevent the evil; that these colored people could be sent home without difficulty by those present in the room; that they ought to be sent away at once, for any fool or knave might at any moment start a riot which it would be impossible to control. To this last proposition an emphatic assent was given by many in the room. The mayor then stated that the colored people were afraid to separate, they were afraid of the whites. I replied that I did not think there would be danger in that, but that if that was the fear I would take such measures that I would guarantee their being able to disperse in safety. He replied that he wanted the whites to disperse first; and asked why I could not guarantee them against molestation from the blacks if they would do so. I had never said I could not so guarantee them, but as the question was asked me and with the evident concurrence of the leaders present, I answered, 'Because I have no control over the colored people, nor could I appeal to their reason or intelligence under the circumstances while, their leaders there present could without trouble send them to their homes.' On his again intimating that I should be able to guarantee the whites against the colored people, if I could guarantee the colored people against the whites, I told him the cases were different; that for months these negroes had been taught and firmly believed that if General Hampton was elected governor they would at once be remanded to slavery; that the dispatches now hourly coming in announcing majorities for Hampton were to their apprehensions actual sentences into slavery; that their excited fears, however unfounded in truth, were beyond my control, and I would not give any guarantee that I did not feel able to fulfill, especially in so grave a matter as this in which life and the safety of the city were at stake. The mayor then turned to a person evidently waiting for the purpose, and directed him to telegraph to Governor Chamberlain that the clubs were assembled, the whites armed, and the peace of the city in peril. I then stated to the mayor that I had not supposed I had been invited to a conference in order to provide a basis for such a dispatch. He said, 'Your name will not be used.' That, I answered, was of no consequence, but that I could not see that any effort had been made by him to avert the danger; that if the clubs were in their armories, as he asserted, and of which I knew nothing, that he knew their leaders; that there had been formerly arrangements made between the parties, and that he had taken no steps whatever to ascertain what could be done to avert bloodshed. He then, after a moment's reflection, sent for General Connor and Colonel Simonton, chairman of the democratic committee, and I left the building for a time to note the condition of affairs. On my return I found a committee of the principal gentlemen of the place in conference with the mayor, who then invited General Connor, Colonel Simonton, and myself to join them. It was proposed that I should co-operate with the mayor in preserving the peace of the town. Being called upon, I expressed my willingness to do so in every way I could, as I had already done. This was not satisfactory to those present, and the question arose who was to direct and be responsible. The mayor considered that he was to be, and the troops to act on his call. I stated that the troops could only act under the orders and on the responsibility of their own officers. The mayor asserted his sole responsibility and right to control, to which a gentleman answered that such was the case under ordinary circumstances, but these were extraordinary. The conference was without results; it left matters just where they had been. On its breaking up the mayor informed me that I would soon receive instructions from General Ruger. He was evidently under the impression that those would place the military at his disposal. Soon after I received the following telegraphic dispatch from General Ruger at Columbia dated 2.30 p. m.:

“Rumors here of further trouble in Charleston. Has any occurred, and if so, what was the cause. Report condition of things.”

“To which I replied as follows:

“5 p. m.—Telegram received. The town is in a very feverish and dangerous condition, but no fighting to-day. I hoped after the riot last night peace would prevail, but parties are very suspicious; have no confidence in each other. I gave all assistance I could last night, and it was the troops that settled the affair. Both parties being now armed and fearful of each other, I have held troops in readiness from an early hour. Have ordered Randolph's battery on its return from Beaufort to-night to stop here. A conference of the mayor and leading citizens has had no satisfactory results. I will do all I can to suppress riots and save life and property, but I cannot be responsible for results unless I have entire control.”

“Soon after sending this dispatch I received the following from General Ruger:

“Information has been made by the mayor of Charleston to the governor that there is danger of riot. The governor applies to me. Do what is necessary to preserve the peace.”

“And soon after the following:

“I have ordered Lorain's battery from Blackville to report to you in Charleston. I will send more if you need.”

“With these instructions, I was on my way to the mayor's office when I met a messenger from him requesting my presence. I found him again in consultation with some of the gentlemen with whom he had had a conference during the day. After finishing his conversation with them he asked if I had yet received any orders from General Ruger, to which I replied in the affirmative, and read to him, in presence of the other gentlemen, the one stating that the governor had applied to General Ruger and directing me to do what was necessary to preserve the peace. Without waiting for a reply, I informed him I was now ordered to preserve the peace, was responsible for its preservation, and assumed the duty; that I did not propose to interfere with the functions of the municipal authorities in the discharge of their ordinary duties for the protection of person or property; that I would allow no assemblages on the sidewalks that would obstruct them, or that might cause disturbance, whether of whites or blacks; that I would send patrols of troops through the streets night and day, to see if these orders were obeyed; that if any such assemblages refused to obey the police, or were too large for them to control, to report the fact to the first patrol that came along, or to send word to the citadel, and they would be dispersed by the troops. I added that I would expect all needful information that the mayor could give me, and would communicate to him all such information as I should obtain and that would be useful to him. To all this the mayor immediately and readily agreed, and repeatedly and emphatically expressed his acquiescence in the measures I proposed to adopt. I then told him I wished him to send word to the negroes that they were under the protection of the troops, to disperse to their homes and remain quiet, that I would see they were not attacked or molested. This he did, and his instructions were acted upon by them at once. I then requested General Connor, who was present, to send the white people to their homes also, with the assurance that the peace of the city would be maintained by the troops, which he immediately undertook to do. In a very short time the people were on the streets going quietly home. In an hour the town was perfectly quiet. I ordered the troops at the station-house to return to the citadel, patrols to be sent out during the night, and on my way to the telegraph-office received additional instructions from General Ruger to take control for the time being, in order to preserve the peace, and to so inform the mayor, which was repeated in an order I received while writing my report to him as follows:

“Charleston, 7.45 p. m., 9th November. Telegrams received. I had already seen the mayor and assumed control of the peace of the city. The mayor and myself in perfect accord. The city is all quiet, the people of all classes dispersing to their homes. I feel confident of maintaining security and quiet, as my measures are approved by all parties. Your telegram 7.35 just received; it changes nothing of the above. Randolph's battery arrived. I expect Lorain in the morning; should I require more, will telegraph. I don't think I will require more; confidence alone was wanting.”

“From this time until I left Charleston the city remained perfectly quiet. On the morning of the 10th I received orders to proceed to Columbia immediately on the arrival of Colonel Best in Charleston, which order was countermanded the same afternoon. On the 11th, Saturday, I received a dispatch from General Hancock, informing me that I was considered as in temporary command of South Carolina during the absence of General Ruger, who had been ordered to Florida; directed me to stop the concentration of such troops at Columbia and Charleston as had not yet commenced the movement, in case their local commanders thought their presence necessary to insure the peace, and stated that the Secretary of War desired me as the commanding officer of the troops to confer with Governor Chamberlain as to their distribution, to inform Colonel Black, commanding officer at Columbia, of this, and communicate it to General Ruger. I took the necessary steps to carry out these instructions. On this



evening, Saturday 11, two hours after receiving General Hancock's dispatch, I was informed that reports were being actively circulated among the negroes that I was the real head of the white clubs and that General Connor was acting under my directions. To this I attached little importance except so far as it might lead them to distrust either my power or intention to protect them; and I believed the active patrolling of the streets by the troops and the impartial enforcement of my orders on all classes, which they could witness for themselves, would soon re-assure them. At the same time, about 7 p. m., I was further informed that a prominent Federal officer of Charleston, the collector of the port, had been heard to state to one or more leaders of the negroes that I would be sent away from Charleston within twenty-four hours, that this time it would be by the Secretary of War, and that I would be ordered West. As I had just received instructions from the Secretary through General Hancock to communicate, as commander of the troops in South Carolina, with the governor as to their distribution, I attached little importance to this. The same evening there appeared in a Charleston newspaper the following notice:

"The mayor requests us to state that the numerous reports to the effect that the city is under martial law are unfounded. In the consultation between himself and General Hunt it was simply agreed that in case the police-force were insufficient to quell a riot the troops should be called upon to assist."

"As the direct tendency of this notice was to impair the confidence of all classes in the assurance of protection that I had given, and as the paragraph was not in accordance with the facts or with the declared approval by the mayor of the measures I had taken based on orders from General Ruger, I prepared the following paragraph correcting what I supposed was a misunderstanding of the mayor's statement:

"The statement in the Republican of Saturday evening on the authority of the mayor is correct as to the fact that the city is not under martial law; but it is necessary that it should be clearly understood by all classes in the community that the preservation of good order and the peace of the city has been assumed by General Hunt. The ordinary municipal protection to property and person remains with the police, and is not interfered with. For the peace and quiet of the city, so far as protection is needed against riot or mob violence or any demonstration leading thereto, by any party or class, General Hunt is responsible, and will act at once with the troops on reliable information from any quarter or upon appearance of any unusual disorder. The municipal authorities have agreed to report promptly to him such appearances or violations of order, and are left undisturbed in the exercise of their ordinary duties."

"On my aid presenting this to the mayor, he denied any such understanding, stated that he had never seen or heard General Ruger's order, and even threatened if I took upon myself these duties he would disband his police. It now appeared to me evident that I could not rely on the pledged co-operation of the mayor, and that I would be compelled to publish the notice myself in order to maintain confidence in the city, when on the afternoon of Sunday, 12th, I received orders by telegraph from General Sherman to proceed at once to Washington and report to the Secretary of War. I therefore turned over the whole matter to Colonel Best at Charleston, notified Colonel Black, the next officer in rank in South Carolina, and left the same evening in obedience to my instructions.

"In the work of these few days I received the active, intelligent assistance of Major Carl Berlin, a citizen of Charleston, formerly on the staff of the artillery of the Army of the Potomac as my aid. His services in behalf of the peace and security of the city were very valuable.

"Respectfully submitted.

"HENRY J. HUNT.

"Colonel Fifth Artillery."

Adjourned to meet to-morrow, Saturday, December 30, 1876, at 10 o'clock a. m.

CHARLESTON, S. C., Saturday, December 30, 1876.

The Subcommittee met at 10 o'clock a. m., all the members present.

THOMAS SMITH sworn and examined.

By Mr. BANKS :

Question. Where do you live?—Answer. No. 12 State street, Charleston.

Q. What is your age?—A. Twenty-six the 17th of this month.

Q. What is your business?—A. I was driving a dray the week before the election. I was working for Mr. John Kinlock, at the corner of Queen and Meeting street.

Q. When were you employed there?—A. I was with him all the summer up to the election.

Q. How long a time was that?—A. I have been with him off and on three years, I suppose.

Q. Will you please tell the committee anything about your employment and about your quitting that is consistent with the facts?—A. Just about a week before the election he came to me and said, "I want you to vote our ticket this time." I told him I could not do it. He was not speaking to me particular, but he was speaking to a crowd of us, though he picked me out as to speak to me more personally than any of the rest of them. I told him I could not do it; that I was a republican; that I had served two years and eight months in the United States Army, and it was impossible for me to go back on the principle now; then he told me he would give me a certain time to consider over it before the election.

Q. What time; how much time?—A. Well, it was about a week before the election that he spoke and I worked with him up to the election. The day of the election there was no business done at all, and I went back there the next day and he told me he had no use for me, because he didn't want any one that didn't go the way he went.

Q. You went to work, did you?—A. Yes, sir.

Q. And he told you that he did not want you any more?—A. That he didn't want me any more, sir; he says because I was too much of a republican politician to be with him. He didn't want no one that didn't vote the way he wanted them to vote. He wanted them to vote and support his ticket.

Q. Were there other workmen employed there?—A. Yes, sir.

Q. How many?—A. There was eight of us at that time.

Q. Was this conversation between you and him in the presence of these people?—A. Yes, sir; we all was together.

Q. They heard the conversation?—A. Yes, sir.

Q. Were they discharged?—A. Yes, sir; but all of them wasn't discharged at the time I was. He discharged them one by one. Some of them worked after that, but they didn't work very long.

Q. Did they cease to work in a very little time?—A. Yes, sir.

Q. How long a time?—A. I suppose it was about six weeks.

Q. Was there any complaint made against you at any time as to the manner in which you did your work?—A. No, sir.

Q. Or as to your conduct?—A. No, sir; I was always counted to be one of the best drymen he had.

Q. And so far as Mr. Kinlock was concerned he had nothing to complain of you, and you were not discharged on account of any complaint?—A. No, sir.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Were those eight men all discharged?—A. Yes, sir; off and on after the election.

Q. None of them are working there now?—A. Well, I couldn't tell you that now, because I don't know whether they went back to him or not.

Q. How many of them were discharged after the election?—A. Well, all of them were discharged the week after I was discharged. He didn't discharge them all at one day.

Q. When were the next discharged?—A. I don't know exactly the time.

Q. You do not know when the next were discharged?—A. Not exactly. I couldn't tell you the amount of time they was discharged in; but they was discharged.

Q. Do you belong to one of the colored clubs, or did you, in the last campaign?—A. Yes, sir.

Q. What club?—A. I belongs to the club they called the Live-Oak, in ward 1.

Q. Were you an officer of the club?—A. No, sir.

By Mr. JONES:

Q. Was it a republican club?—A. Yes, sir; a republican club.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. How many members had you?—A. I don't know how many we had. I suppose we had about 275, as near as I can get at it.

Q. Did these other eight men he employed belong to the clubs?—A. Some of them did; but they are not in the same ward as I am.

Q. Who is the president of your club?—A. Lieutenant Williams; lieutenant on the police-force.

Q. A colored man?—A. Yes, sir.

Q. Did Lieutenant-Governor Gleaves ever visit you?—A. No, sir; not to my knowledge; he was never at my place.

Q. Did you ever attend a meeting where he was present?—A. No, sir. I never seen him. I don't know what kind of a looking man he is, sir.

Q. How many policemen belong to your club?—A. Well, I could not tell exactly how many there was.

Q. Was there a good many?—A. No, sir; some two or three of them belongs to it, though.

Q. Two or three besides the captain?—A. Yes, sir.

Q. Colored policemen?—A. Yes, sir.

Q. And Mr. Kinloch told you when you went back after the election that you were too much of a republican politician for him, and he did not want you?—A. Yes, sir; too much of a politician, and he didn't want me.

AARON ADAMS (colored) sworn and examined.

By Mr. BANKS:

Question. Where do you live?—Answer. I live at 28 Bophane street, between Market and Wentworth.

Q. What is your business?—A. I have no trade at all.

Q. Are you a laborer?—A. Yes, sir.

Q. How old are you?—A. I am in my twenty-third year, I think.

Q. How long have you lived in Charleston?—A. I have been back here about five years. I was sold away from here.

Q. Where were you born?—A. I was born in the city here.

Q. Where were you employed about the time of election, before or after?—A. At Lesseme & Wells's.

Q. How long had you been employed by them?—A. A little over two weeks; about two weeks and two days.

Q. What were you doing?—A. Carrying beam-scales to reweigh cotton.

Q. Will you state to the committee anything that occurred about your employment with them?—A. Well, sir; all I have to say is that Mr. Wells came in the office, and said he wanted me to vote with him.

Q. He said that to you?—A. Yes, sir; I said, no, sir; I could not vote with him.

Q. What was the reason you could not vote with him?—A. Well, sir, I didn't thought that was the way for me to vote.

Q. Did he tell you how to vote or how he wanted you to vote?—A. He told me he wanted me to vote for Mr. Hampton.

Q. And you said you thought that was not the way for you to vote.—A. Yes, sir.

Q. What else?—A. He said he didn't see why I couldn't vote for an honest government and why we voted for thieves. I told him then that they never stole anything from me; I had nothing for them to steal from me.

Q. What was the final result of it?—A. After he found he couldn't get me to vote for him he went off, and he came back twice and the third time he said he had no further use for me.

Q. Well, did you leave?—A. Yes, sir; I left.

Q. When did you leave?—A. I left on the day of election.

Q. Have you worked for him since?—A. No, sir.

Q. Has any complaint been made of your work at any time by anybody connected with it?—A. No, sir.

Q. Did they complain of your conduct?—A. No, sir.

Q. State to the committee whether they were satisfied or dissatisfied with you.—A. I never heard them say anything, sir; the weigher said he liked me very well, and he thought I was a nice young man.

Q. Who was the weigher?—A. Mr. Simmons.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. You are a republican?—A. Yes, sir; that's what I claim to be.

Q. Did you belong to one of the colored clubs in Charleston?—A. No club or society at all, sir.

Q. Was it Mr. Wells who had these talks with you?—A. Yes, sir; Mr. Wells.

Q. Was he one of the partners?—A. I think he is boss, sir; I think he is head of the firm.

Q. He did not discharge you, did he?—A. He told me he had no further use for me if I wouldn't vote for him.

Q. If you would not vote; but he did not tell you to leave?—A. He told me he had no further use for me.

Q. This was before the election?—A. This was on the day of election.

Q. He told you if you did not vote for his party he would not have any further use for you?—A. Yes, sir.

Q. Did you ever come back to offer your services to the firm?—A. No, sir.

Q. You did not work at all on election-day?—A. No, sir.

Q. Where did you see him?—A. In the sample-room.

Q. You never went back again to ask for work?—A. No, sir.

Q. And you do not know, if you never went back, that he would not have taken you back again?—A. No, sir.

Q. Whom have you worked for since?—A. I have not been working anywheres particular. I have worked with Mr. George W. Williams two days since that.

- Q. What were you doing there?—A. I was piling cotton.
- Q. Is Mr. Williams a democrat?—A. Yes, sir; I suppose so.
- Q. Whom else did you work for?—A. I worked for a new company from Savannah now.
- Q. Who has charge of that company?—A. I don't know who is the boss now.
- Q. Who was the boss when you went there?—A. It was the firm of Loop, Hanneman & Co.
- Q. Were they democrats?—A. I suppose so, sir.
- Q. Whom else did you work for?—A. Well, I haven't been doing anything since then.
- Q. Did you work for any person since the election except for Williams, two days and Loop, Hanneman & Co. one day?—A. No, sir.
- Q. Are you sure?—A. I am sure of it, sir.
- Q. Then you have worked only three days since the election?—A. That is all, sir.
- Q. Why did you not work right along for Mr. Williams?—A. He wanted me to bring him a paper, and I had no one to give me a paper.
- Q. Did you go to Mr. Wells and ask him for a recommendation?—A. I didn't ask him.
- Q. Whom had you worked for before you went to Mr Wells?—A. Well, I worked in the custom-house awhile.
- Q. Who was the boss over you there?—A. Mr. Herring.
- Q. Is he a republican?—A. I don't know what he is, sir.
- Q. A colored man?—A. A white man; he was the superintendent of the custom-house.
- Q. Well, did you get a letter of recommendation from him?—A. No, sir.
- Q. Did you apply to him for any?—A. No, sir.
- Q. Why were you discharged from Mr. Williams's?—A. The day I went there for work he said I must bring a paper; so I worked and he never said anything more about the paper—for about two days, and the next day I went and he said he had no use for me.
- Q. Well, how about the firm of Loop, Hanneman, & Co.; why did you leave there?—A. Well, sir, I worked there one day and they said they wasn't going to work, and I worked around the wharf, and the next day I saw the scales going out.

By Mr. BANKS:

- Q. What was the paper that Mr. Williams wanted you to get?—A. I suppose what I was in politics. He asked me how I voted.
- Q. What did he say about the paper that he wanted you to get?—A. He said he didn't intend to give any of them work unless they voted for him.

THOMAS CYRUS WASHINGTON sworn and examined.

By Mr. BANKS:

- Question. Where do you live?—Answer. No. 18 Chapel street.
- Q. How long have you lived in Charleston?—A. I was born and raised here.
- Q. What is your age?—A. Twenty-four, sir.
- Q. What is your occupation?—A. Drayman, sir.
- Q. Where did you work, if anywhere, about the time of the election, before or after?—A. Before the election I was working for a gentleman named Mr. Broderick.
- Q. What was his business?—A. Dray-business, sir; in fact, I was under his care; the teams was not his.
- Q. How long did you work with him?—A. I believe I was there some four or five months before the election.
- Q. How long did you work after the election?—A. I didn't work after the election.
- Q. When did you leave him?—A. I don't recollect on what day it was, but as regards the election, before.
- Q. How many days before?—A. About a week before.
- Q. Will you please tell the committee about your leaving his place. What was said to you by any one connected with Mr. Broderick, or by Mr. Broderick himself?—A. Just before the election I went down to the resin-yard with a load of resin, and there was a white gentleman down there by the name of Pregnon, and he was speaking to me concerning the late riot on King street, and him and me was talking some considerable time till he started to tell me, says he, "We expect to give you all hell in this coming campaign, and we are going to try to kill all the negroes out." So I told him, "Well, it didn't make no difference to me," that I was a man who calculates to stand by my manhood. I don't calculate to go against my principles to please no man.
- Q. What we want to know is what occurred about your discharge?—A. Yes, sir; I am coming to that. So I told him I calculated to sustain my manhood, and I didn't propose to do but just as I proposed; that if Mr. Broderick didn't like me I could go. So he told Mr. Broderick about the conversation he had with me.
- Q. Did Mr. Broderick tell you so?—A. Yes, sir; and I seen them myself in conversation. So he told me the next morning, when I went to work, that he had no further use for me unless I promised to support their party. Then I left, and that was all that transpired.

- Q. Was any complaint ever made of you?—A. None at all, sir.  
 Q. You were never charged with neglect?—A. O, no, sir.  
 Q. Nor dishonesty?—A. O, no, sir; I can prove my character in this city.  
 Q. Did he give you any recommendation?—A. I didn't ask for any.  
 Q. Were there any other persons, to your knowledge, discharged at that time?—A. There was two more discharged besides myself, two days afterward.  
 Q. When?—A. The day before the election.  
 Q. What for?—A. I don't know, of my own knowledge.

By the CHAIRMAN, (Mr. COCHRANE:)

- Q. You and this young man got into a discussion at the resin-yard about the riot?—  
 A. Yes sir; about the King-street riot.  
 Q. You got to arguing about it?—A. Yes, sir.  
 Q. You were discussing whom you thought were to blame?—A. Yes, sir.  
 Q. He would try to blame the negroes, and you tried to blame the whites?—A. Yes, sir.  
 Q. And you got a little excited and had quite a discussion about it?—A. Yes, sir.  
 Q. And both of you said things, I suppose, you would not have said if you had been quiet and cool?—A. I think I should have said it if I was cool, because I didn't say anything more than just exactly what was on my mind.  
 Q. But you said things in that conversation that you would not have exactly said if you had been cool?—A. Well, yes, sir.  
 Q. And he communicated this conversation to your employer?—A. Yes, sir.  
 Q. And your employer said he had not any further use for you?—A. Yes, sir.  
 Q. Have you been employed since this time?—A. I have worked some catch-jobs down on the Baltimore steamer.  
 Q. Have you been working at an occasional job through the city where you could get it sometimes?—A. Yes, sir.  
 Q. Who did you work for the last time?—A. I worked down here at the Baltimore steamer for Mr. De Buyos.  
 Q. What is he?—A. I suppose he is a democrat.  
 Q. He never talked to you at all on politics?—A. No, sir.  
 Q. Who did you work for after leaving there?—A. I have not worked anywhere.  
 Q. Who did you work for before you worked for him?—A. I have not worked anywhere.

Q. How many days did you work there?—A. Sometimes I would make two days when the steamer would come and she was well loaded. I would get a good job then.

By Mr. BANKS:

- Q. Have you tried for work elsewhere?—A. I have, sir.  
 Q. What was the reason you could not get it?—A. Well, a great many places they told me that unless I could bring tickets saying I had voted for the democratic ticket I could not get it.  
 Q. How many places?—A. The Champion press, the State press, and Adger's wharf.

By Mr. JONES:

- Q. Did they not simply require of you a recommendation that you were a good hand?—  
 A. No, sir; they required a recommendation to show that I have voted the democratic ticket and have supported the democratic party.  
 Q. How do you know?—A. They told me that.

By the CHAIRMAN, (Mr. COCHRANE:)

- Q. Those were all the places at which you applied for work?—A. These were all.  
 Q. Except at the Baltimore steamer then, you only made application at four places altogether?—A. Yes, sir.  
 Q. And you got work at one, and at the other three you did not?—A. That is all.  
 Q. Who were the bosses?—A. The State press was Mr. Hanker.  
 Q. Who was boss of the other press?—A. The foreman is hardly ever there. I forgot his name.  
 Q. Were you a member of any colored club here during the campaign?—A. Yes, sir; I was in the Hayes and Wheeler club.  
 Q. Hayes and Wheeler Unknown club?—A. I don't think it was called Unknown club.  
 Q. How many members were there?—A. Four or five hundred.  
 Q. What ward is it in?—A. Ward 5.  
 Q. Were there any colored police members in your club?—A. I don't know, sir.

By Mr. JONES:

- Q. Are you a prominent republican?—A. Yes, sir.  
 Q. And you express your opinions very freely?—A. I do, sir.  
 Q. Do you exhort or speak ever?—A. No, sir; I never done that.  
 Q. But you talk very freely?—A. Yes, sir; when they ask me my opinion, of course I makes it out.

CHARLESTON, S. C., December 30, 1876.

Hon. ROBERT SMALLS (colored) sworn and examined.

By Mr. BANKS:

Question. You are a member of Congress, Mr. Smalls?—Answer. I am, sir.

Q. From what district?—A. The fifth congressional district.

Q. Are you a member-elect?—A. I am, sir.

Q. Where do you reside?—A. In the town of Beaufort, sir.

Q. How long have you resided there?—A. I was born and have resided there all my life, with the exception of about eleven years' absence before the war in Charleston.

Q. What is your age?—A. Thirty-eight the 5th of next April.

Q. Do you know anything about the labor strikes on the rice-plantations in Colleton County?—A. Yes, sir, in both Colleton and Beaufort.

Q. Tell us what you know of the strike, if you please, in Colleton County?—A. I went to Colleton County, to Walterborough, to attend a meeting. While attending the meeting, a gentleman came up from what is called Bluesville, which is about twenty miles off. He got up there about 12 o'clock at night with a letter from Captain Elliott—the captain of one of the democratic clubs—asking me to come down to Bluesville at once, stating that they had been penned up in a house for over twelve hours and not allowed to come out to get even a drink of water. At 1 o'clock the same night myself and Colonel Schaffer, the county treasurer of Walterborough, started for Bluesville in a buggy. Colonel Schaffer was then acting as sheriff, the sheriff being sick. Driving very rapidly, we arrived in Bluesville at a quarter past 4 o'clock. When I got there, I found between two and three hundred folks all sitting upon the road right in front of Mr. Bissell's store door and gate.

By the CHAIRMAN, (Mr. COCHRANE):

Q. Colored men?—A. Colored men, boys, and women. As soon as I drove up the crowd, of course, left the gate and gathered around the buggy. I asked them "What's the matter here? What are you doing here?" They said they had struck for wages, and demanded a dollar and a half an acre for cutting rice; that they had been compelled to work; and they made threats of vengeance; they also stated that they wanted their pay in money and not in checks. I said "Let me see the checks that you are working for," and a large number of them pulled out a quantity of checks signed J. B. Bissell; "I promise to pay John Jones," or whoever the man was, "or bearer under contract — cents, payable on the 1st day of January, 1880." They said they wanted money and not that kind of a check, and that they could not spend it anywhere else except in Bissell's store. They also said they wanted Remley, that he had beaten one of the men and they intended to get satisfaction. I told them that they had no right to interfere with any man, and that if Mr. Remley had abused one of them their course was to go before a trial-justice and take out a warrant for his arrest; that they must not take the law into their own hands, and that if they did they would get themselves into a difficulty in which neither I nor any of their friends could assist them. I told them then to wait, that I would go and see Mr. Elliott, and that they must be perfectly peaceful until I returned to the yard. I then went into Mr. Bissell's yard and into the house, which was situated perhaps a hundred feet from the fence in the rear of the store. There I found Mr. Elliott, with between fifty and sixty white men all armed with sixteen or eighteen shooters; I think they were Winchesters.

By Mr. BANKS:

Q. You mean rifles that carried sixteen or eighteen cartridges?—A. Yes, sir; I told Mr. Elliott that I had received his letter and asked him what was the trouble. He said that the deputy sheriff was endeavoring to make an arrest of some parties for whipping their man in the field; that the deputy sheriff had called upon his club as a posse to assist in making the arrest, and that the people resisted the arrest and had driven them up into the store and had had them penned up there for the last twelve hours; that there were four men to be arrested; that they wanted to come out and could not come out, as the women were so violent they were afraid; that these women had sworn to take the life of Mr. Remley. I asked him then why they were more violent against Mr. Remley than any of the rest of the men. He said that the deputy could tell better than he could, and pointed me to the deputy, who was in their house, penned up with him, saying, "That is the man who has the warrant for their arrests." I then asked the sheriff what was the difficulty, and he said that he had a warrant for four colored men, and he had taken Mr. Remley along with him to assist in the arrest, and that the people were very violent against him, (Remley.) I asked him if Mr. Remley had struck any of the parties after they were arrested. He said that Mr. Remley and some of the prisoners did have some altercation. I asked him if he still had the warrant for these men's arrest, and he said he had. I told him then to come out with me and if these men were in the crowd I would assist him to make the arrest if he was afraid to do it himself. He said he was afraid of his life.

By Mr. JONES :

Q. Had he arrested these men previously, and had they broken away from him?—  
A. It seems that they had. He said to me that he could not come out unless the club should come out with their arms to protect him. I told him that there was not a particle of danger; that he could come out and arrest every man down there. Then we opened the door and came out, and the club followed out, and they all took a seat in the piazza next to the road. The sheriff and myself went right into the road and into the crowd, and by that time Colonel Schaffer, who was outside, came up, and he called the names of four colored men, and they came out of the crowd, and Schaffer got a cart that was there, put them into it, and he and his deputy sheriff started for Walterborough.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Who was the deputy?—A. I do not know, sir.

Q. It was not Remley?—A. No, sir. By that time there were two or three women there. One of them was the wife of the man who was said to have been beaten by Remley. She was very violent to Remley and I told her then she must stop with these threats; and I told the colored people if they had any complaint to make they must go to the trial-justice. Then I went back into the yard and told him he could come out into the road. He was afraid to come out, and I told him not to be afraid, that if any one interfered with him I would protect him, even if I had to call upon every man there who belonged to the State militia to do so. At this time the club were all in the yard ordering their horses and refreshing themselves generally. Then Mr. Remley and myself came right out into the road in the crowd. The crowd appeared to have grown to between five and six hundred. I then came out, and the same woman was rather violent in her language towards Mr. Remley. I spoke to the crowd and told them that Mr. Remley was a citizen and had all the rights that they had, and that they had no right to interfere with him; but that if he had outraged a citizen to go and get out a warrant for him; that I was called there for the protection of this crowd and I intended to give it.

By Mr. BANKS :

Q. Did they acquiesce in your appeal?—A. Yes, sir; and all the clubs, one by one and two by two, came out and rode off in different directions to their homes.

Q. Were they in carriages or mounted?—A. They were all on horseback.

Q. Did Remley leave?—A. No, sir; he staid there until after 12 o'clock. Very nearly all the men went before he did.

Q. Have you any knowledge or belief that a labor society was organized in this vicinity?—A. I have, sir; I have their constitution.

Q. Will you state what was done by this people?—A. I made it a point to attend one of their meetings on the Beaufort side of the Combahee River. The Combahee River is the dividing line, and the riot was just on that river, on one side or the other. They organized a society not to work for checks, nor to cut rice for less than a dollar and a half an acre, and further not to allow one of their race to work for checks or for less than a dollar and a half an acre.

By Mr. JONES :

Q. They went outside of the society, then, did they?—A. Yes, sir.

By Mr. BANKS :

Q. What occurred at this meeting?—A. I spoke to them against that clause in their constitution in regard to not allowing any one to work for checks or to cut rice for less than a dollar and a half an acre. I then told them they had no right to interfere with men who might work for any price, that they had a right to organize as many societies as they pleased and fix the price at whatever price they chose, but that if anybody chose to work for ten cents a day they had no right to take the law into their own hands or to interfere with them in any way. After giving them this advice, about a quarter of 12 o'clock that day they all formed in line and marched away. I told them that inasmuch as they claimed the right to work for high wages other men had the right to work for smaller wages or for nothing, if they pleased; that other men were as free as they were.

Q. Did you return to Beaufort then?—A. Then every body left the meeting and I took the train and came on to Charleston.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Do you know of some colored men being able to cut two acres of rice in a day?—  
A. I do not to my knowledge.

Q. Do you know of women being able to do it?—A. I only know what I have heard them say themselves. I have never worked on a rice-plantation, or had anything to do with one.

By Mr. JONES:

Q. Were these colored men at Bissell's Store a militia company?—A. No, sir; I did not see an arm in the hands of a single individual; they all had short clubs.

Q. You said a while ago in your examination-in-chief that if it was necessary to protect this man Remley you would summon the militia; was there a militia company on the ground?—A. I met men on the ground that belonged to the militia.

Q. Was there a militia company in that parish?—A. Yes, sir; that is the way I came to be sent for. When Captain Fuller's crowd was surrounded in a building about three weeks before, I went and released them in the same way.

Mr. BANKS. I ask, Mr. Chairman, that the facts stated by Mr. Smalls in the beginning of his testimony, and which the reporter was directed not to take down, that the people told him that on the previous day Mr. Bissell had had the rifle clubs called out to drive these people back into the field and compel them to work, be inserted.

The CHAIRMAN, (Mr. COCHRANE.) The witness having detailed his conversation with the white men within the building and having given what they said in reference to occurrences of the previous day, the Chair thinks it but fair that the statement of the colored people, although in his judgment hearsay, should be also admitted, and the same is admitted.

Mr. BANKS. I will not ask for this to be admitted as a charity, but claim it as a right, and I withdraw it on that ground.

The CHAIRMAN, (Mr. COCHRANE.) The testimony will be admitted if desired by General Banks; the question is not one of charity at all.

Mr. BANKS. Never mind; I will not press it.

Q. (To the witness.) State what you know about the strikes in Buford County.—A. I will state that I was on my way to attend a political meeting in Barnwell County. While I was at the depot at Buford, Mr. Davenport, the telegraph-operator, handed me a telegram from Governor Chamberlain, also one from Attorney-General Stone, ordering me to Gardner's Corner, in Buford County, to disperse the rioters at that place, and stating if I could not do it without the militia of the State to order them out and disperse the rioters.

By Mr. JONES:

Q. In what capacity were you acting then?—A. I am major-general commanding the militia troops in this section of the State. All the militia troops in Charleston, Colleton, and Buford are under my command, five regiments; two in Charleston, one in Colleton, and two in Buford. Myself and Lieutenant-Governor Gleaves, who was on the train, got out at Sheldon Station and proceeded to Gardner's Corner. At Sheldon Mill, which is at Gardner's Corners, we found sixty-three armed white men, headed by Captain Elliott, in Mr. Fuller's store, and about a hundred colored men and women outside the gate in the road. We went up and asked them about the same questions: "What are you doing here?" And they replied, "These rebels here are trying to drive us into the field." I went into the yard, and Captain Elliott was sitting on the steps with his rifle in his hand at the back door of the store.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Is this the same Captain Elliott?—A. The same one; but this affair took place before the affair at Colleton. I asked him what he was doing there, and he said he was summoned there as a posse to assist the sheriff in making arrests. I told him that I did not think it was necessary. I asked him if he was in charge of the men, and he said he was. I then handed him my telegram and said, "Read this; I have been ordered here by the governor to make all the arrests that are necessary, and to restore peace," and told him I could do so, and did not need the rifle clubs to assist me in doing it.

By Mr. BANKS:

Q. Did he read the telegram?—A. He read the telegram, sir. By that time Mr. Sams, the sheriff, came up, and I asked him if he had summoned these men as a posse, and he said no, that he did not; that he could not make arrests with them. Then Mr. Elliott said that he was there to protect Mr. Fuller's property, which was the mill and the store. Then myself and Mr. Sams went out, got a horse, and rode down the road about two miles from Gardner's Corner towards Cambahee Ferry, and there we found in the road from two to three hundred colored men and women. In this crowd were the seven men that Mr. Sams had warrants issued for by Mr. Henry Fuller, as trial-justice. These men were charged with the whipping of one Bobien, who was accused of working for cheeks. I went into the crowd, and they seemed to be very furious when we went among them first. I spoke to them and told Mr. Sams to read the names. I told these seven men to answer to their names and hold up their hands as their names were called, and they held up their hands; and I told them to come out of the crowd, and they came out and went to Mr. Sams. Mr. Sams then took them up to Mr. Fuller's office, which was in the same store. Mr. Fuller having gone to Yamasee and the nearest trial-justice being fourteen miles distant in Buford, they were taken there. Mr. Sams



told them to go right on there, and they went in by themselves. The next morning that they had a hearing, at which Bobien himself withdrew the charges against them, acknowledging that the whipping was the rule agreed upon in their society; and the trial-justice discharged them all. I have got a little ahead of my story. The whole crowd followed me up to Fuller's store, and I invited Mr. Calcock to speak to them and he refused to do so, but stood there and listened to both myself and Governor Gleaves addressing the crowd. When we got through the crowd disbanded and went home.

Q. Do you know whether or not these labor-societies were organized with reference to the laboring people alone?—A. All I know about it is what I have stated before and what they stated to me.

Q. You saw the constitution and read it?—A. Yes, sir.

Q. Was there anything in it about politics?—A. Nothing whatsoever, sir.

Q. Was there anything in it about the interests of the laborers?—A. It was altogether about the labor-subject. The constitution was written on a small piece of paper, and read this way: "We shall not cut rice for less than one dollar and a half an acre, nor we shall not work for a check."

Q. And it had no reference to political matters whatever?—A. Nothing that I know of. I never heard that it had before until I heard it in this committee-room to-day.

Q. Was there anything said about politics at the meeting at which you attended and spoke?—A. No, sir; it was completely upon the labor-question—the right to strike—and had no reference to interfering with any person as to his vote, or who would work for less than they did.

Q. And in your speech you did not refer to politics?—A. In no shape or form. The week after there was to be a political meeting at Eustace plantation, and I will say that I asked Mr. Fuller and Mr. Calcock if they would not come out and address the meeting. On that day the Charleston News and Courier sent a reporter from Charleston to report the meeting.

Q. Did you hear from Captain Elliott who it was that ordered him to come there and protect Mr. Fuller's property?—A. He said first that he was there on a posse to assist the sheriff; but when the sheriff said that he did not want them, he then said he was there to protect Mr. Fuller's property.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. He said that in the presence of the sheriff?—A. Yes, sir.

Q. What was the date of this telegram from Governor Chamberlain?—A. Well, now, I am somewhat foxed upon that date. I received it on Wednesday. I was to attend a meeting at midway on Thursday, and it was as I was starting out to go.

Q. Do you recollect about the time it was?—A. It was early in August.

Q. This was about the first riot that occurred, growing out of the labor-strikes?—A. Yes, sir. There was another one before at Colleton, but it was while I was in Congress, in July.

Q. Do you know of any other one?—A. No, sir.

Q. Did Governor Chamberlain telegraph to you or order you to go to Bluerville?—A. No, sir.

Q. Did you, at any time after this telegram which you have mentioned, receive any order from Governor Chamberlain directing you to go to any point and quell a riot?—A. Never, but that one time, sir.

Q. Do you remember Captain Elliott saying to you at Bluerville the time you went there that they had telegraphed Governor Chamberlain for aid?—A. No, sir; I do not recollect that he ever told me that. I have heard that outside though.

Q. There were quite a number of troubles arising out of this labor-organization?—A. A great many.

Q. And a good deal of violence upon the part of members of this organization as against others who worked in violation of the rules?—A. That I do not know.

Q. Did you at any time during the canvass call out the militia?—A. In no instance at all; but to the contrary have issued orders to all the captains not to turn out as militia under any circumstances during the campaign, and there has not been a parade of a single company in either Colleton or Buford since the campaign began.

Q. In August Governor Chamberlain was at a point when he was rather popular with the democrats, was he not?—A. Quite so, sir; he was so until General Hampton was nominated.

Q. What time was it that you went to Bluerville?—A. I cannot give you the date.

Q. What month was it in?—A. I think it was in August.

Q. Was it not September? Congress did not adjourn until August.—A. You are right, sir; it was in September.

Q. When you went to Gardner's Corners did not Captain Elliott say to you that they had come out as a posse to help the sheriff?—A. He stated, as I understood him, that he was there as a posse to assist the sheriff.

Q. Did he tell you that the sheriff had called upon him to come out?—A. Whether he said he was there as a posse or whether he said he was called out as a posse I could not say.

Q. Then you are not able to say that Captain Elliott said to you that the sheriff had called him out as a posse?—A. No, sir.

Q. But you do know that it was said in the presence of the sheriff, and that the sheriff said that he could not make any arrests with them, and thereupon Captain Elliott said he was there to protect the property of Mr. Fuller?—A. Yes, sir.

Q. Let me ask you this question: Did I correctly understand you that Mr. Fuller, whose mill and store Captain Elliott said the members of the rifle club were there to protect, was the trial-justice who had issued the warrant for the arrest of these seven men who had been accused of whipping their fellow-workmen?—A. I state that positively.

Q. Then the excitement against Fuller was because he as trial-justice had issued a warrant?—A. That I do not know. Mr. Fuller was not there; he was nine miles from there sending telegrams to Beaufort and Charleston.

By Mr. JONES:

Q. Do you know of any colored democrats belonging to these clubs of which you have spoken?—A. I do not, sir. I do not know of a single one.

By Mr. BANKS:

Q. Are there any colored democrats there?

The WITNESS. At Gardner's Corner?

Mr. BANKS. Yes.

A. Not to my knowledge, because every man that said he was a democrat has told me since that they were not democrats; that they were only fooling these men to get their money.

Q. According to the best of your recollection, did Captain Elliott say that he had been sent for to act as a posse to assist the sheriff?—A. To the best of my recollection, Captain Elliott said that he was there as a posse to assist the sheriff.

Q. You said to the chairman that you were in doubt as to whether he said he was called out by the sheriff; are you positive that he did not say that he was out at the order of the sheriff?—A. To the best of my recollection, he did not say that he was out by the order of the sheriff. He said he was there to assist, and the sheriff said he didn't want him.

Q. Has the sheriff said to you at any time that he did not order Mr. Elliott there?—A. The sheriff said to me at the very day of the meeting that he did not want them there, and that he did not order them there.

GEORGE RIVERS WALKER sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. What is your age?—A. Twenty-nine.

Q. What is your profession?—A. I am a lawyer.

Q. Do you practice in Charleston?—A. I am senior member of the firm of Walker & Bacot, practicing lawyers in Charleston.

Q. Are you a son of the English consul?—A. I am.

Q. How long have you practiced here?—A. I left Hartford in 1869, and have been practicing here since.

Q. Where were you born?—A. I was born in South Carolina. I was brought up in England and the North.

Q. Will you state, sir, whether you were at the meeting held at Cainho?—A. I was.

Q. Did you go up on the boat?—A. I did, sir.

Q. Will you just state what occurred in detail and in its regular order from the time you left the wharf here until after the riot?—A. At the wharf in Charleston I found a steamer engaged, as I understood, by the democratic party. It being a beautiful day, and on account of the free trip up the river, quite a number of boys (I lay stress on the word "boys," because the number of persons was large but the number of men was comparatively small) and young men were on board. The steamer waited at the wharf, and, in fact, put back, for Mr. Bowen, the leading republican of this county.

Q. How many were on board?—A. By my calculation, there were in all one hundred and fifty went up on that steamer, democrats and republicans.

Q. How many men were on board?—A. Judging from the number of men that staid up there to do picket duty, there could not have been more than sixty men at the most.

Q. And those were not, all told, more than one hundred and fifty?—A. I should think not. I would not like to be positive on this point, because my attention was not called to the matter, but that is my impression; and my impression is derived from the number that came down. Mr. Bowen came aboard and a large number of well-known negro bullies. My attention was called at the time to the bad character of bullies that were getting aboard with him. Everything, however, seemed to be perfectly peaceful. We went up the river, republicans and democrats, chatting together peaceably, without the slightest sign of any ill feeling. We arrived at Cain-

hoy, and still everything was very peaceable. We got into the ambulance and rode up three miles to the brick church. When we reached the brick church Mr. Bowen and his party had preceded us and were already there. The meeting was called to order and some speaking occurred.

Q. Who spoke?—A. Mr. Jervey, the democratic candidate for solicitor.

Q. Was there a colored man in your party named Delany?—A. There was; a democratic colored speaker. He had been a major in the United States Army.

Q. What do you know, if anything, about a report that he was to speak there?—A. Major Delany was to speak at the meeting.

Q. Do you know whether the negroes at that place expected him to speak, from what they said at the time?—A. From what negroes said to me afterwards, I know it.

Q. Well, were those negroes who thus spoke to you persons who were upon the ground there?—A. Yes, sir; I heard it constantly spoken of among the negroes not to allow Delany to speak; and I know, also, as a matter of fact that the negroes not only at that meeting, but at several other preceding meetings which I had attended, seemed to be very hostile to any negro democrat speaking; the cry was that any white man had a right to be a democrat, "but no damned black man had."

Q. Did Mr. Jervey conclude his speech?—A. Mr. Jervey concluded his speech, and a colored man by the name of McKinley then got up to speak; he was what I would call a conservative republican; as soon as he began speaking there was a commotion in the crowd. There seemed to be an objection to him; evidently he was taken for a democrat. I heard him say in effect, if not in actual words, "Listen to me; I's your friend." Before I go any farther permit me to show you from a diagram the situation of the crowd. [The witness here drew a diagram of the grounds and indicated the position of the different parties, the buildings on the ground, &c.]

I have just given you a small diagram here of the situation. The horses were hitched on either side of the church and somewhat to the front; the speaker's stand was almost opposite the church. The old house was to the left of the stand about forty or fifty feet as you faced the church, and the vestry to the right. A road ran by the vestry and in front of the old house. When the speaking began I retired over to the church and was standing directly in front of the church when the attack began which I am about to narrate. The crowd was all around the stand. I was entirely out of the crowd, perhaps 200 feet away from them. I could just barely hear the speaker, but heard McKinley, over the murmurs of the crowd, cry out, "Listen to me, I's your friend," or words directly to that effect. The commotion continued; in a few moments I heard a shot. This commotion was by the old house chiefly, between the house and the stand. A little of the commotion might have been at the other end of the house, but it seemed to me to be chiefly at the stand. Some one near me called out, "A horse has broken loose;" and I looked over intently to see at what spot it had occurred, when I heard this pistol-shot. I will call your attention to the fact that some distance back of the old house there were some pine trees, and directly behind the house, and more toward the road, there was a pool of water or small swamp. In a moment, in a shorter time than I can describe, standing at the church where I could distinctly see, I saw the whites withdraw towards the vestry in great disorder. The negroes, on the contrary, fell back a few feet and appeared more quickly than I have told it here, in perfect skirmish order, every man with a musket—not an arm appearing the moment before. They evidently had their guns placed in the bushes about four feet apart, and every man seemed to know his position the very moment the signal was given; I allude to the firing of the pistol.

Q. You say they appeared with their muskets. What did they do?—A. They fired volley after volley into the flying white men. I walked from the church to the vestry, calling on the white men to rally; but they being totally unarmed, with the exception of a trifling number of pistols, (there was scarcely a man on the ground with anything but the smallest kind of a pistol, and the most of them being boys were without even that,) which, opposed to muskets in the hands of negroes behind pine trees, were utterly useless. When I reached the vestry I found a small body of men, say fifteen or twenty, rallying behind it, and in some order, but no better armed. Just before reaching the vestry I saw Abram Smith, now a member of the State legislature of South Carolina, on the stand, firing upon unarmed men who were flying to their horses hitched to the right of the church. As they ran he fired three shots from a revolver. I drew my pistol, aimed it a thim, but it would not go off. I was about to fire on him when a democrat at my right knocked my arm down and said, "Nobody is shot; don't kill him." I then called out to Smith, "If you fire again I will shoot you;" and he held up his hands and ran into the swamp. At that time I had seen no one killed. I will here state that, standing at the church door, had the old negro Lachicotte, fallen where I afterward saw his body, to the right of the meeting, it would have been a miracle if I had not seen it.

I will state, before I proceed further in my narrative, that intelligence was brought to me by a party of young men immediately upon my arrival on the ground that there were a number of guns hidden in a chimney in the old house. They came to me,

accustomed to take my advice in other matters, for advice as to what they should do with regard to these guns. I instructed them to closely watch the guns, but not to touch them unless there was an attack or direct signs of treachery.

An ex-officer of an organization known as the Butler Guards was present with these young men and evidently had them under his command—when I say under his command I mean that they obeyed him—and the men on the ground informed me that he followed my advice rigidly and gave no order for the seizure of the guns, nor were they seized until the negroes were advancing upon the squad of white men on a bayonet charge. When I reached the vestry, coming from the church, I found Mr. Bowen among the men at the vestry. He seemed to be eager to go over to the republican negroes, and repeated two or three times "Will no one go with me and make peace?" After hearing him I at once volunteered. He accepted my offer, saying to me, "Stop the democrats firing." I turned around and called out in a very loud voice, "Gentlemen, cease firing, as Mr. Bowen and myself are going over to stop this row," or words to that effect. The democrats immediately ceased firing. I took Mr. Bowen's arm and we walked across the ground arm in arm. The negroes, seeing us, also stopped firing, and there was an absolute cessation of all hostilities.

When we had reached the negroes Mr. Bowen began speaking to them. Apparently he was endeavoring to stop the row. At this time Cyrus Guillard, a negro of a most incendiary character, rushed by, saying, "Mr. Bowen, we can't listen to you now," and urged the negroes to recommence firing on the whites; and I solemnly swear that, without a shot being fired by the whites, without the slightest cause for any hostility whatsoever, the negroes began refring on these unarmed men, volley after volley; and although I had gone among them as a messenger of peace, I heard suddenly behind me, "Shoot the son of a bitch." I jumped behind a pine tree, and three shots were immediately fired. I then, dodging from tree to tree, returned to the vestry, the whole party of negroes firing at me while doing so.

When I reached the vestry I said to the men there present "Men, all we can do now is to defend ourselves." At that moment I saw the present sergeant-at-arms to the other committee shot in the back and three or four others wounded. The negroes fired muskets loaded with buck-shot, duck-shot, nail-heads, and cut up pieces of lead-pipe, apparently. I was wounded in the leg.

It was impossible, however, we being in the cleared ground in front of the church, and for the most part so utterly unarmed, to resist the hail-storm which was poured into us; and we had to retire and leave our wounded to the mercies of the negroes. We went to Cainhoy, sent home most of the boys and some of the wounded, who had managed to get off the ground. I do not think there were more than twenty of us, there may have been thirty, who remained that night at Cainhoy to protect the village. I sent out two faithful colored men to bring in the wounded, providing a buggy for them. I performed both picket and hospital duty that night, and saw the mutilated dead and wounded brought in. Old Mr. Simmonds, a very old man, was lifted out of the buggy dead on one trip. His head was cut open with some instrument, such as an ax or hatchet; he was shot through the body, and every bone in his body apparently broken with the stocks of the muskets, for as they moved him the bones could be heard crushing against each other.

I am not certain about the names of all the others. King it was, however, who with other fatal wounds and cuts, had one which I distinctly remember. His arm seemed to have been cut into by an ax, one cut down in one slanting direction, and another in another direction, taking a slip out of the bone; the balance of the arm seemed to hang by the muscles alone, and this had evidently been twisted around, I suppose, for the purpose of giving pain. He died a few minutes after he was brought in. McNeil, or Daley, I forget which it was, had a number of cuts—five I think, I didn't count them—but I saw his head all cut open from an ax or hatchet. Daley was also cut up more or less. Both of these died within twenty-four hours. Most of them died that night; in fact, with the exception of Walter Graddock, I know of no wounded man who was left among them who escaped. Walter Graddock was a boy, a mere boy. He was most horribly backed up, and his eye was protruding most fearfully, as if it had been gouged out when we saw him next morning. I don't know whether he has lost his eye or not; I have not heard.

There was one other, I remember; his name was Pregnal. He was fearfully used, and, I understand, escaped because he was thought to be dead. He is here to-day, though, and can tell his own story. I saw him outside.

Q. When did the rifle clubs come from the city?—A. They went up the next morning.

Q. By whom was their presence requested?—A. By the poor fellows who were left there to do picket duty, and the women and children living in the village. We sent for them to come for God's sake, or the village would be destroyed and its inhabitants murdered. The next morning I went out into the country to the church again with the rifle clubs, and although, frankly, I and those of us who had witnessed these horrible sights the night before would gladly have attacked the negroes, the gentlemen con-

trolling the rifle clubs forbade us, and would not allow us to do so, to our intense dissatisfaction.

Q. Will you state whether any arms were taken up by that party that went up to the meeting on the boat?—A. Not one, sir. The Hell-hole men from Hell-hole swamp joined us with no other arms save the cattle-whips which they usually rode with. The few citizens of Cainhoy were, to my own knowledge, utterly unarmed, entirely so, some of them carrying their little children on to the ground.

Q. How many white men were killed at Cainhoy?—A. I think there were six. I remember four.

Q. How many were wounded?—A. I suppose at least fifty; but, on account of the small character of the shot used, not more than ten or fifteen very seriously.

Q. Will you state how many negroes were killed?—A. One.

Q. Do you know how many were wounded?—A. There were no signs of any wounded. The thing was just a volley of shots, and the white men were running away.

Q. How many negroes were present?—A. Those with me estimated them at about three hundred. I do not think there were a less number than of the whites, but they were all men. At every other meeting I ever attended the negro women were present. The women and children were kept out of the way at this meeting, for some unknown reason.

By Mr. BANKS:

Q. This was a republican meeting?—A. I think it was a joint discussion.

Q. But it was a meeting called by the republicans?—A. It might have been, but I was not one of the speakers; I simply went along, and I understood that it was for joint discussion. It probably was.

Q. What makes you think it was?—A. I think it was because my impression is that the democrats did not call their meetings to which the republicans were to be invited until afterward. I really ought not to say, because I do not know.

Q. Did the democrats call any meetings to which the republicans were invited?—A. I know in my own parish that the democratic meeting was to be held, and it was distinctly understood that Mr. Bowen was to be there, and my impression, therefore, is that the republicans were to be there.

Q. Did the democrats call any public meeting at which the republicans were invited to attend?—A. Yes, sir.

Q. Where was it?—A. There was a small meeting in Mount Pleasant at which the republicans were invited, and they came and stoned the democrats before they left. There was another meeting at Wapitaw church to which the republicans came, put up their leading speakers, and we put up a colored democrat to answer, and the republicans immediately called off all their republican negroes.

Q. When was that meeting?—A. Sometime before Cainhoy.

Q. But this meeting at Cainhoy was a republican meeting?—A. I am under the impression that it was, though I do not know.

Q. Would there have been any difficulty there if the democrats had not gone there?—A. That would be a mere matter of opinion.

Q. Could these persons have been killed if they had not gone there?—A. I suppose if a man had kept away he would not have been killed. I understand that the democrats went there by invitation.

Q. Who told you that?—A. Mr. Bowen was on the boat. He was in conference in my presence with Mr. O'Connor, and we waited for him to come down to the boat as a matter of courtesy.

A. Do you say that they went there by his invitation?—A. When I use the word invitation I mean to say that I do not know who first suggested it, but what I mean is that whoever called the meeting—although I believe it was called by the republicans—both parties were there with the free consent and agreement of one or the other.

Q. It was a republican meeting, you say, and you say the democrats were there by invitation. Now, I want to know who it was that invited them to go there.—A. I can only answer that question by stating that my source of knowledge was from the fact—

Q. Well, do you know who invited the democrats to attend that meeting?—A. I know that Mr. Bowen was in conference with the democrats before they reached the ground, and it was an understood thing between the two parties.

Q. Do you know that Mr. Bowen invited them there?—A. I do not know of my own knowledge that Mr. Bowen invited the democrats to attend that meeting, but I do know that Mr. Bowen and Mr. O'Connor and Mr. Jervey, who represented the democrats, were all in conference on the boat and in perfect amity in regard to the matter of both parties being at the meeting; so I naturally presume that Mr. Bowen invited them.

Q. Would there have been any trouble at this republican meeting if the democrats who were there had not gone there?—A. I really do not know.

Q. But what is your impression about it?—A. My impression is that it takes two parties to make a fight.

Q. If you and the other parties had not gone there you would not have had any trouble at that meeting?—A. I suppose if we had kept away we would not have been hurt.

Q. And the meeting would have been a peaceful one so far as the democracy was concerned?—A. I cannot say that.

Q. Is it probable there would have been any disturbance if the negroes had been left to themselves?—A. The negro is a peaceable character when he is sober and left alone; but he is a dangerous character when he has whisky in him.

Q. If the negroes' adversaries or opponents had not been there the elements of difficulty or trouble would not have been there?—A. The political excitement in their minds might not have been as great, but—

Q. They would not have organized instantaneously into lines of infantry, in skirmishing order, to shoot each other, every man being armed at the instant?—A. I do not know whether they would have lined themselves to shoot each other, but I know that all around my own village they lined themselves almost every night during the campaign, while we were disarmed.

Q. It is a material fact in this inquiry whether this trouble occurred because of the collision of these two parties, and whether it would have occurred if the party that did not naturally belong to the meeting had remained away. Now I ask you again, and certainly it is a very simple question, would there have been this fearful riot and slaughter in which six men were killed and fifty or more wounded, if the democrats had not been there?—A. If the democrats had not been present undoubtedly they would not have been hurt, but whether the republicans would have quarreled among themselves or not would depend entirely upon the amount of whisky they would drink.

Q. You swear to that?—A. I cannot swear to presumption.

Q. Is it a presumption that what they did would depend entirely upon the amount of whisky they drank?—A. I swear that that is my judgment.

Q. If they had not drank whisky—and you do not know that they did—would this trouble have occurred if the democrats had not been present?—A. They are a very peaceable race, and it is very probable they would not have quarreled among themselves.

Q. Now, how came the democrats to go there? Do you say that they were invited; and, if you say so, will you please to state here on your oath to these gentlemen who invited them?—A. If I said invited I meant merely that it was commonly known that there was to be a joint discussion; how brought about I know not of my own knowledge; but that such was the case was confirmed in my own mind from the fact of our waiting for Mr. Bowen, of his coming aboard as our guest, and his amicable conference and arrangements as to the meeting with the gentlemen I have named.

Q. That is all quite consistent with the idea that there may have been an understanding on the day of the meeting, or the day before, that there was to be a joint discussion; but you have already said that that was called as a republican meeting.—A. I said that I believed so.

Q. There was no declaration made to the public that it was to be a joint discussion between negro republicans and white democrats?—A. I do not know.

Q. Do you or do you not know that in the call for this republican meeting there was embraced an announcement to the public that it would be a joint discussion between colored republicans and white democrats?—A. My answer to that question is that I know nothing of the call for the meeting. The calls for the republican meetings were not generally made public so far as I am aware.

A. Now, I want to know if the democrats were invited there.—A. I certainly so understood it.

Q. How did you understand it and from whom did you understand it?—A. Simply from common rumor that there was to be a joint discussion. I do not know that they were invited any more than from what I have stated.

Q. Do you know that it was the desire of the republicans to have these white democrats attend their meetings; these rifle clubs, and the Butler Guards, and the most of the democratic party men who were so violently opposed to their principles as well as to their party?—A. At a meeting prior to this one Mr. Bowen, the republican leader, had consented, by agreement with me, to the democrats attending and speaking at his meeting in consideration of our allowing him and his party the same privilege at a meeting we proposed to hold at Wapitaw church. I presumed that this Cainhoy meeting was for joint discussion under some similar understanding.

Q. Is that all you know?—A. That is all I know.

Q. Where was this meeting of which you spoke, where Mr. Bowen agreed to do this?

A. At Christ church.

Q. He consented?—A. Yes, sir; he consented.

Q. Then there was a solicitation on your part?—A. In that instance there was a direct solicitation by me without authority at all. There were a few of us democrats present, and I asked Mr. Bowen if he would enter into such an agreement. He politely consented. His party were largely in the majority and he could easily have prevented it, but he freely consented; so I supposed he had no objection to such joint discussions.

Q. At this meeting at Cainhoj, did the republicans make any solicitation of the democrats that they should come there?—A. I know nothing of my own knowledge except from rumor and inference as to the arrangements of this meeting.

Q. You have said that the democrats were invited?—A. I so believed.

Q. You say you do not know anything except from rumor and inference that would lead you to suppose that the republicans solicited the democrats to go there?—A. No, sir.

Q. You do not know that the democrats solicited this meeting?—A. I do not know how the union was brought about.

Q. Then you retract what you said about the democrats being invited to go there?—A. No, sir, I do not retract.

Q. Now, sir, do you not know that the democratic leaders called upon Mr. Bowen and on those negro republicans and did ask the privilege?—A. I do not know it.

Q. Do you know that it was not done?—A. I do not, sir; I knew nothing whatsoever of the meeting except from rumor that there was to be a joint discussion, until I went aboard the steamer and saw Mr. Bowen waited for, and saw him in friendly conference with our democratic leaders, and I supposed that we were therefore their guests.

Q. Do you not know that the consent of these republican negroes to the attendance of the democrats was given upon the express condition that there were to be no armed men brought there?—A. By general rumor I understood that at these joint discussions—not at this one only—we were to go unarmed; consequently none of the white men with me carried any arms, beyond such pistols as in the South we always carry.

Q. Now, do you know that this was a condition of this particular meeting?—A. I know that the Hell-hole men stated that they carried no arms, because they understood that there were to be no arms carried, and would not even carry their pistols.

Q. You do not know anything about a stipulation of that kind?—A. I do not know.

Q. Do you know anything of the meeting at Strawberry Ferry?—A. Nothing except what I have seen in the papers.

Q. Did you hear that there had been any trouble there?—A. I heard that the whites had carried their arms up at Strawberry Ferry to a meeting, prior to this rumored agreement, and had left their guns in the steamer until they saw the negroes appearing on the banks with their guns.

Q. Well, now, did you not know of there having been a difficulty about the question of arms at Strawberry; that it was the condition of the attendance of the democrats at Cainhoj that they should not bring armed men?—A. I do not know of any such condition as to Cainhoj especially. I knew that there was a general understanding that neither side were to carry arms—not armed men—and by that was meant muskets.

Q. Now, I want to ask you again if you understood, or if you did not understand, that there was a condition in that meeting that where the democrats were to go certain organizations should not go; for example, the Butler Guards?—A. No, sir.

Q. What is the character of the Butler Guards; what is its organization?—A. I believe the Butler Guards was a purely local organization, for defense against the armed militia that Chamberlain and other republican leaders were surrounding us with, we being utterly unarmed.

Q. It was an armed military organization?—A. I do not know that you can call it an armed military organization. I believe that the Butler Guards was different from the Palmetto Guards or the Washington Light Infantry. The Butler Guards, it is my impression, were only formed for the election, and, as soon as the election was over, they were done away with. Chamberlain had surrounded us with his armed militia, and, as I understood it, there were different ward organizations for defense, and the Butler Guards were one of them.

Q. Were they one of the clubs called rifle clubs?—A. I do not know it.

Q. You spoke of their being armed against the State militia. Do you know that they were armed?—A. I do not know.

Q. Do you know that they were not armed?—A. I do not. I live in Christ Church, and these people live away up in the other end of the city, and I do not know anything about them.

Q. What is the State militia?—A. So far as I have seen it, the State militia is, as a rule, with the exception of a few companies here in the city, composed of the most ignorant negroes that can be found throughout South Carolina. They are most thoroughly armed, and in their ranks there is not to be found a single respectable white man, with very rare exceptions.

Q. Then it was an organization authorized by the laws of the State, was it not?—A. I believe it was. I have never examined the militia laws.

Q. Now, the Butler Guards was a part of that local force voluntarily organized for defense against the legal military organization of the State government?—A. My answer to that is this: I live in a little town in the country. That town has been threatened with being burned by the negroes over and over again in the last six months. The negro militia have assaulted white men over and over again. They have charged upon and attempted to kill me simply because I had a personal quarrel with one black man, and they have charged through the streets of Mount Pleasant with their bayonets fixed, charged upon unarmed white men and women simply because a white man had had a quarrel with a colored man. We had no means of defense. And down here even republican white men belong to these various military organizations, purely for purposes of defense.

Q. Now, I ask you again if this volunteer organization called the Butler Guards, that you have spoken of as being at Cainhoj as an organized body with a commander, was not part of that local force voluntarily organized for defense against the legally authorized militia force of the State government?—A. As I have stated, I know nothing positively of the organization of this particular corps, but I presume that it was, like others, for general defense, including massacre, if it should ever arise against the massacre of our wives and children by the armed legal negro militia. I do not mean to say that it was an organization against the militia, but I do not doubt that it would have been used against the militia had they attempted such massacres as were often threatened and always feared.

Q. I ask you again if this was an organization against anticipated massacres by the State militia?—A. I do not doubt that such a use of the organization—against such unlawful acts of this militia—was anticipated.

Q. Then it was an organization in preparation for resistance to the armed militia of the State in some anticipated movements that they might make?—A. I do not mean to say that we ever attempted or intended to be offensive to the militia in any way; unless we were compelled to defend our homes.

Q. Now I want to know if the republican meeting at Cainhoj was not composed principally, if not entirely, with very few exceptions, of colored republicans.—A. I believe there was but one white man in the republican party on the ground, Mr. C. C. Bowen. I believe the others were former negro soldiers from Cooper River, a very large number of whom, it is generally understood, were specially present; and there were a large number of a similar character from Daniel's Island, for the same purpose.

Q. Now, it is probable that the colored republicans would desire or consent to the attendance of such military organizations as the Butler Guards?—A. As the negro women constantly said, "Bowen is our Jesus; Bowen is our God," I doubt not they were perfectly willing to have any of Mr. Bowen's guests present.

Q. But do you believe that they desired the attendance of the Butler Guards?—A. Unquestionably, if Mr. Bowen consented to it.

Q. Do you not know that the organization known as the Butler Guards were excluded by express agreement?—A. I not only do not know it, but I do not believe it, because the Butler Guards have not been engaged in any hostilities of any character whatever, except what is alleged of this Cainhoj matter. I will state, also, that, so far as I can understand, there were no men from their corps in the city on the ground that day. The Butler Guards, as well as every other organization as military organizations at the time of the meeting at Cainhoj, had been disbanded, and their guns taken from their armories.

Q. By whom were they disbanded?—A. By General Grant's proclamation. He left us unarmed and the negroes armed.

Q. Do you remember the date of General Grant's proclamation?—A. I do not. I remember positively that such a proclamation had been issued, whether by Chamberlain or Grant, before that meeting.

Q. You say that those Butler Guards and organizations of that character were disbanded after the proclamation of Chamberlain?—A. They were disbanded as military organizations, as I understand, and were, for the most part, reformed as social bodies. The officers remained for the most part, I believe, the same; and naturally when a party of young men belonging to the original Butler Guards happened to be together in an emergency they would obey their officer, if the occasion should require.

Q. Do you know that a detachment of the Butler Guards were at Cainhoj under those circumstances?—A. Yes, sir; Lieutenant Duane told me that he himself, under the advice that I had given, commanded some of his former companions of the Butler Guards who were present to watch the guns and allow no one to touch them—none of the democratic party, I mean.

Q. Where were these guns?—A. In the chimney in the old house.

Q. Now, I understood you to say that there were at that meeting portions of nearly all of these organizations in the city, commonly called rifle clubs?—A. Not exactly that. There were men present, who had belonged to one or the other of these organi-



zations, from almost every company. That they actually belonged to a rifle corps *in esse* at the time of the Cainhoj affair, I am not prepared to state. I call myself a rifleman, but I have not been inside of a club-room for a year.

Q. Do you not know that on the night after the election—the night of the 8th of November—at the riot, within half or three-quarters of an hour after the first alarm was given, a thousand men appeared in the streets, perfectly armed and in line, and under the command of officers who had authority over them?—A. I have no knowledge of it.

Q. What knowledge have you, if you please, concerning that fact?—A. I have no doubt at all that the people of this section, with the knowledge that the negroes vastly outnumber them, are too intelligent to be unarmed in such a troubled season as the present, and I have no doubt that the information I have received through newspapers, (I was not present in Charleston myself,) that there was a general rush to arms upon the rumor of a negro insurrection, is unquestionably true.

Q. Was not that organization that appeared under these circumstances in such force proof that the organization of the rifle clubs still existed, if an emergency required them to appear with arms and with commanders, and with a knowledge of what was to be their duty upon an alarm?—A. It would be easier to answer your question by stating to you, perfectly frankly, that I have no doubt at all that while we have obeyed the law in its technicalities, so far as disbanding is concerned, that the social organizations which still exist would unquestionably be again used for defense, and again and again, (not against the American Government, because our people are so utterly loyal that I could not suspect anything of the kind, but against negro insurrection,) without a moment's hesitation.

Q. Then these organizations have an existence more or less perfect, which may be brought into life upon a sudden alarm?—A. I do not say that it does exist in such a manner as that every man would run to his gun in a moment if necessary.

Q. Is it not probable that these very same organizations were there at Cainhoj, and that they went there to take part in that meeting?—A. I do not believe, considering the disturbed state of the country, that any sane man would have sent out from Charleston a number of gentlemen to speak at a negro meeting without some kind of an escort, and I have no doubt at all that there were from these social organizations at least two detachments, sent for the purpose of acting simply as an escort—for purposes of protection if necessary.

Q. In what manner could this escort protect the gentlemen who were on board the steamer?—A. As it was understood that neither party was to go armed, these gentlemen going along would have acted as an escort in case of any suddenly riotous conduct; nothing like such a massacre by armed men being expected.

Q. But they were without any arms?—A. I believe, sir, that three-fourths of the men there were without any arms.

Q. I ask you now, with regard to these skeleton rifle clubs, or the members who were there, if they were there for purposes of protection?—A. Simply for moral protection.

Q. But you have said that no company of gentlemen would think of going to Cainhoj or any other place to a meeting such as they saw there unless they took with them such a detachment for protection?—A. I think my language was that I did not think that any gentleman could send out a speaker to a meeting like that without an escort; and I go further, and say that the leaders who did it were perfectly insane to send them without an armed escort. I do not know that any detachment was sent out.

Q. I want to know if these detachments that were sent there for protection, and without which it would have been insane to have gone to this meeting, were there without any arms at all?—A. I state that I presume that for a sort of moral protection two detachments were sent. I say moral, because I understand from general rumor that they were expressly forbidden to carry arms; and I say that it would be insane to send men to speak at such a meeting without such moral protection; and I add that it was equally insane to have sent them without arms at all.

Q. Well, now, will you please tell me if you think the people who had got up this meeting for their own purpose could have anticipated their attendance without any formal notice of these two detachments that were going there for the protection of the gentlemen that accompanied them?—A. Unquestionably they did, because I have understood that at every meeting there was some such detachment; and, moreover, as you ask me as to my belief, I have no shadow of doubt in my own mind that they not only anticipated but prepared for it, and that it was a prepared massacre for the purpose of intimidating the democrats in that country.

Q. How many democrats were there in that country?—A. At the beginning of the campaign I went out into Christ Church Parish and was listened to kindly by hundreds and hundreds of negroes, and had every reason to believe that the parish would give a large democratic vote. After Cainhoj, with the exception of two or three negroes in the village, there was scarcely a negro democrat to be found in the parish.

Q. Well, now I ask you again how you know there were democrats in the parish,

and how many democrats you know of your own knowledge to have been there—not what you suppose may have existed, but the democrats that you know did live in that parish, and how you know that they were democrats?—A. I have rarely if ever asked a negro how he intended to vote, and therefore I can only presume as to the number who would be likely to vote the democratic ticket. I remember a few years ago that no white man, no democrat, could speak in many of the country districts, and the favorable and kind reception that I and others met with in the last campaign prior to the Cainhoy massacre is the ground of my belief that there had been a great change in the political feelings of the negroes.

Q. Now, have you such faith in the veracity of the negroes, taken as a race, that when they intimated to you that they were going to vote the democratic ticket you can come here and swear that they are democrats or were democrats?—A. My experience with the average negro is that a congressional committee's *per diem* will so affect their veracity as to make their average testimony worthless.

Q. Then if they intimate to you that they are going to vote the democratic ticket you have no assurance that would enable you to come here and say they were democrats?—A. Not the slightest.

Q. You have said that you believe that this was a conspiracy deliberately planned to massacre the white democrats, with a view to intimidating and controlling the votes in that parish?—A. Not in that parish only, but in the surrounding country.

Q. Now, how many democrats were there in that parish that would lead these people to such atrocious acts as that?—A. My reply is that I do not know the exact number of democrats. I can only state that the feeling of the negroes to the democratic speaker, as exhibited, was so different from what it had been heretofore, that there was great cause for us to anticipate great success and for the republican leaders to fear equal disaster.

Q. Now, tell me if you think these negroes in this parish secretly planned a conspiracy by which they, with arms which they had provided, and having made a condition with the democrats to come without arms, had entrapped them there into this place of meeting with a view to massacre them?—A. I must say, sir, under oath that I cannot believe otherwise. I stood off away from the crowd, and I know not how the row began, but everything bore such an appearance of a determination to punish us that I cannot think otherwise.

Q. Now, I want to know if you are willing to say to this committee, under oath, that these men called a republican meeting; that they either invited or consented that the democrats of this city should attend, more or less of them, upon condition that they should not be armed, agreeing themselves to have no arms; that they had then attended in large numbers; that they had, as you say, excluded their women from attendance; that they had brought their men there in large numbers, and all of them fully armed, with their military arrangements preconceived, and when the democrats appeared there utterly unarmed, as you say, that they poured into their flying ranks such a volley of buck-shot and nails as to cut them to pieces—I want to know if you say that all that was deliberately prepared?—A. I wish to do the man justice. Mr. Bowen is generally believed in this section to have been the prime mover in that massacre. I have no cause whatsoever to believe that he had anything to do with it, and the fact is, when he went over with me among the negroes he tried to stop it. I have not intended to accuse him of having instigated it; I merely state that I know not who instigated it, although I believe there was a preconcerted massacre at Cainhoy, and I have so stated in my evidence at the inquest, and I cannot see how any man standing at a distance can say otherwise.

Q. Preconcerted by whom?—A. My belief is that there was a deep intention to stir up ill-will between the blacks and whites, so much as to prevent this tremendous rush to Hampton which appeared to be going on in the State. I was brought up out of this country; I studied my profession in Massachusetts. There I acquired a profession and a respect for republicans—*bona fide* republicanism. I have with one exception voted the republican ticket in every campaign, and that exception was in the Seymour and Blair campaign. I voted then for Seymour and Blair, and voted the democratic ticket at this last election. With the exception of those two I have voted the republican ticket at every election. I have always been regarded, I believe, as an exceedingly conservative man until this last election. When Hampton was nominated I was a strong Chamberlain man, and for long after Chamberlain was nominated. When this campaign began I would more readily have voted for Mr. Chamberlain than for Mr. Hampton, and it was only after the treatment that I found the whites were receiving here at the hands of the negroes and the negro leaders that I felt it my duty as an honest man to support Hampton, and that I entered so fervently into this campaign.

Q. Now, having described the character of this atrocious massacre, and having assigned to Mr. Bowen the position of a leader, I will ask you is it possible that Mr. Bowen could have known anything of this conspiracy?—A. You are asking me a question I do not like to answer.

Q. I would like to know if you think it possible that he could have been guilty of

such a conspiracy?—A. I would rather give him the benefit of the doubt, and think him not guilty.

Q. I am not asking about his guilt or innocence or his complicity; but do you believe and are you willing to state here, as you have stated your character as a sincere and conservative man, that Mr. Bowen, who, as you say, is the leader of these men, could have been ignorant of such an atrocious conspiracy and massacre of the whites as that at Cainho?—A. I sometimes think he is, and sometimes think he is not. I truly cannot say. I have reasons to believe that he was perfectly ignorant, and yet I cannot see how it is possible. My only reason for saying I doubt it is because he tried to stop them firing.

Q. Do you mean to say that he solicited or consented to the attendance of these democrats there; that he accompanied them on the boat; that he was cheerful in his conversation with them, all the time being ignorant of this affair; or being acquainted with a possibility of this affair?—A. I have stated that, as to Mr. Bowen, I think he must have been ignorant.

Q. Who was there in this republican organization at that time that could have contrived such a conspiracy as this and have carried it out with such accuracy and such terrible execution as you have described? Are the negroes capable of such machinations as that?—A. The probability is that if any man concocted it he took very good care not to be present. There is strong reason for believing Bowen innocent. The fact is that when other riots occurred the prominent republicans were all out of the city; the mere presence of Mr. Bowen was evidence in his favor.

Q. Tell me if you think the body of the republican negroes at this meeting could have themselves been aware that such a massacre was to be executed there?—A. I do not believe that they all knew, but I believe a large part of them knew.

Q. How long before this meeting could this arrangement have been made? Have you any means of knowing that?—A. Yes, sir.

Q. What is it?—A. Mr. William Venning testified to me as a notary public the night of the riot, that when Mr. Bowen arrived on the ground he found the negroes with their arms, and that by his direction they were all armed, and that they were all swearing that they would not allow Delancy to speak, and at Mr. Bowen's subsequent direction they hid their guns. Mr. William Venning is a gentleman well known, living at Cainho. You can get his testimony.

Q. Well, then, notwithstanding Mr. Bowen had made a condition that his friends should not be armed, he found them armed, and he directed the negroes to hide their arms? Did he inform the democrats of that fact?—A. Not at all, sir. I do not think there was a democrat, from present appearances, who suspected there was an arm within a mile.

Q. Will you please to tell me how long before the meeting at Cainho it was publicly known that the democrats were to be there and were to take part in the general discussion?—A. I know nothing of that meeting, except that I heard the rumor while coming over in the boat. I even came over without my pistol. When I arrived I found out that there was going to be a meeting, and I sent word to my wife to that effect, and borrowed a pistol on the wharf, because I did not like to be without one, and jumped on the steamer and went to the meeting.

Q. Do you not know that there was not public notice given of the attendance of the white democrats at that meeting until the notice was given in the papers?—A. I do not know that any notice was given at all. My impression is I heard it in the steamer coming over from Christ Church. I may have heard it in the village, but I have no recollection when I heard it. I was not in the city of Charleston every day.

Q. Would you not naturally have known if the democratic leaders had had a conference with anybody with regard to this meeting?—A. No, sir.

Q. I want to know if between the time when you knew and the time when the democrats had made up their minds to take a part in that discussion there was time then for the colored republicans to conceive, organize, and complete their arrangements for the massacre of the white democrats?—A. My knowing it has nothing to do with the question. I live out here in another part of the country, and the news might have reached Charleston three years before I should have found it out, and it would not have made any difference.

Q. Did not the republicans often come five, ten, or fifteen miles to meet, in a canvass like the late one?—A. It depends upon the man. A politician might go fifteen miles, and a farmer might object to going half a mile, sometimes.

Q. You have said when the signal was given. Now, what signal did you speak of?—A. By my own hearing, and by the universal testimony of all persons who saw the beginning of this row, there was, immediately after the beginning of the speech of McKinley, a pistol fired in the air. The flash was seen above the heads of the crowd. I did not see it myself, but I heard the report, and persons have told me that they saw the flash in the air. Who the man was that fired that pistol I could not say of my own knowledge.

Q. I do not doubt that the pistol was fired, and I do not care who the man was that

fired it; but will you please to tell us by what authority or right you state that this was a signal?—A. I stated from the facts I have already stated, and from the additional fact that it was fired into the air, and then from the further fact that it was immediately followed by a large body of negro men coming out of the swamp, armed. I did not state this in my direct testimony, because I did not see it and know it of my own knowledge; but as it is generally known, and as you ask me my reasons for believing it a signal, I state it. Just as soon as that pistol was fired, these young men of the Butler Guards saw coming out of the swamp a number of men with their guns presented. The instant that shot was fired they rushed for the guns, and that moment began a general firing. So from all I heard and from all I saw, I state that the firing of that pistol in the air was a signal.

Q. It is from the fact that a large body of armed men rushed out of the swamp when this pistol shot was fired that you state that it was the signal for these armed men to appear?—A. From that, and from the other facts connected with it.

Q. What other facts?—A. From the manner in which they appeared to act throughout, and all the occurrences which followed.

Q. The occurrences of this day led you to believe that the discharge of the pistol became of momentous importance, because it was the signal for the movement of these men who had arranged this conspiracy and massacre?—A. I think so; that is the ground upon which I base it. A further reason for my believing it to be a conspiracy is that I made the deliberate charge against Cyrus Guillard of murdering Mr. Simmonds, and presented the charge before a trial-justice, who told me it was useless to attempt to arrest Cyrus Guillard, because in the first place the sheriff had already refused to execute warrants for him, and because, also, if arrested, the republican leaders (this was an appointee of Governor Chamberlain who told me this) would not permit the trial to be other than an abortion. Cyrus Guillard was carried around by Mr. Bowen to every political meeting that I ever attended. Mr. Bowen would always get up and make a very conciliatory speech and Guillard would always follow him with a very incendiary one; he would do all he could to stir up the negroes.

Q. [Referring to diagram.] This was the platform where the speakers were? This was the house, and this was the portion occupied by the republican negroes? This pistol was fired in the front here, [indicating a place on the diagram?]?—A. I could not swear as to the exact spot where it was fired.

Q. How far were you from the crowd, two hundred yards or two hundred feet?—A. I have a very bad eye for distances.

Q. Well, what should you think?—A. I will say about two hundred feet from the meeting. I was in front of the church.

Q. What occasion had you to go to that point and stay there?—A. Because I was terribly bored by political speeches and did not want to be bothered with them.

Q. Well, now, the republican negroes, when this shot was fired, began immediately to fall back here [indicating a spot on diagram] into line, assuming a skirmish line, and in an instant were armed?—A. They fell back within about four feet of each other, with their arms, generally convenient to a tree—the trees grow about that distance from each other—and they formed as perfectly straight a line as the trees would render it convenient with their arms.

Q. What number were armed in that way, should you suppose?—A. I was in front of them and under fire, and the number may have looked larger to me than they were, but they looked like a pretty big crowd.

Q. What were the democrats doing at that time?—A. Getting out of the way at the time, with the exception of a few like myself who were fools enough to stand up and get shot.

Q. You say Mr. Bowen said, "Will somebody make peace?" and you called upon the democrats to stop firing?—A. The few democrats that had pistols were endeavoring to reply to the other side who had guns, and I called to them to stop firing.

Q. What was the peril of Mr. Bowen here [indicating a spot on the diagram] from these smallest kind of pocket-pistols, as you call them, which the democratic men or boys were firing?—A. A very small ball ten feet from this point [indicating a spot on the diagram] would have dropped one of us. I walked from the church very deliberately across here [indicating the spot on the diagram] in front of the vestry. A small body of white men had rallied behind this vestry, and I walked in front of the vestry and had this confab with Smith. I came around the vestry, and as I came around I saw Mr. Bowen standing in the crowd with the democrats. He was in great danger, because the democrats had a most despicable opinion of him; but whether it was a mere ruse to get over to the negroes or not, I cannot say. When I went with Mr. Bowen from the democratic ranks to the republican ranks, the negroes were over among the pine-trees, three hundred yards, I should calculate, from the democrats, and they were firing at long range, entirely out of our reach.

Q. Who were these men from Hell-hole Swamp that you spoke of?—A. Farmers, planters. They raised a great deal of stock there.

Q. Colored people?—A. White men, sir.

Q. Were they democrats?—A. I suppose so.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Why is that called Hell-hole Swamp?—A. It has been called so as long as South Carolina has been in existence, I believe.

By Mr. BANKS:

Q. How far did you go when you heard some one say "Shoot the son of a bitch?"—A. I suppose I had to run about three hundred yards, dodging from tree to tree.

Q. How was it you said that Mr. Simmonds got killed?—A. He was shot through the body, as I have reason to believe, when lying on the ground, and was cut in the head with an ax, and his bones broken.

Q. And you sent a buggy to have him brought down?—A. Not particularly him, but others.

Q. In what part of the ground was he at that time?—A. Well, sir, he lay with his head in the vestry-door, his body lying out of the vestry on the road. I saw the location the next morning, and we saw the holes in the ground where he must have been shot after he was lying on the ground. I did not see his dead body until it was brought to the village.

Q. Were you fired upon while you were with these colored republicans?—A. I was, sir. I was fired upon when I was among them.

Q. And you were wounded in the leg?—A. I was chased by bullets while I was running back to my democratic friends.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Was that the time when you were wounded?—A. I was so excited I could not tell you when I was wounded. It was not a very severe wound.

Q. At what time and under what circumstances did the firing commence?—A. There was a perfect lull from the time I left the vestry with Mr. Bowen until perhaps two minutes after Mr. Bowen and myself had been among the negroes. He seemed to be trying to appease them, and was apparently successful, but Cyrus Guilliard with a party of negroes ran past and urged the others to commence firing again. I remained in the republican ranks for a few seconds while a volley was fired. My intention was to remain with Mr. Bowen, under his safeguard, but when I heard "Shoot the white son of a bitch," I thought it was time to move.

Q. When the rifle clubs came there the next morning what occurred?—A. When the rifle clubs came the next morning they acted as a guard to protect the village. A body of them also went out to the church, and I went with them. They marched to the church, and they marched back again without troubling anybody.

Q. Were the colored people on the ground?—A. There were none on the ground, but we received intelligence of a large body being under arms on a neighboring plantation, and although myself very anxious to attack them, the gentlemen in charge of the rifle clubs would not permit any act of violence whatsoever unless we were first attacked by the negroes. Here let me say when I use the words rifle clubs that I believe these men belonged to the original rifle clubs, who had been recalled together for the occasion.

Q. They could be re-united whenever there was occasion?—A. I do not doubt it.

Q. In regard to these arms that were under the eye of the Butler Guards, I will ask you where were they?—A. Concealed in the chimney of the old house.

Q. Who had concealed them there?—A. My belief is that the negroes had concealed them there as decoys.

Q. And who gained possession of them when the firing began?—A. I believe that both parties made a rush for them. Some were seized by our own men—perhaps all of them—but the same sources from which I get my information lead me also to believe that they were found unfit for immediate use.

Q. They were not in condition to be used effectively?—A. So I am told. I never saw any of these guns, and I am telling only what I heard.

Q. And is that the reason that you spoke of them as being placed there as decoys?—A. That is chiefly the reason.

Q. Then putting these guns in the reach of the democrats at the moment they were assaulted was a part of the conspiracy contrived by the negroes to make more and more effective this atrocious massacre?—A. I think that the object was to get some foolish white democrat to seize these guns and thereby give an excuse to the negroes for attacking them. That is my belief, sir.

Q. Whose house was it in which the chimney was which contained the arms?—A. I believe it was an old refreshment-house commonly to be found near country churches where people come from long distances.

Q. Was anybody in possession at the moment when this signal was given of which you have spoken?—A. O, nobody especially.

Q. Were not the white men in it?—A. White men and negroes, I suppose; I do not know; I was off at a distance; I cannot tell you.

Q. Inasmuch as Mr. Bowen was ignorant of it, you cannot conceive who it was that

conceived this conspiracy?—A. From the incendiary character of the speeches of Cyrus Guilliard and Abram Smith and other negro leaders, I have more than reason to believe that there was a determination, as soon as it was found out how popular Hampton was, to stir up strife, in order to create a race-feeling between black and white.

Q. How long has your father been the British consul?—A. He was vice-consul first, and has been consul for this port since 1858.

Q. When did you commence your residence here?—A. I commenced my permanent residence here when I was just twenty-one; exactly nine years ago. It was in 1867.

Q. How long has your father been here?—A. O, my father has been here thirty-five years.

By Mr. JONES:

Q. Were you aware previous to the Cainhoy meeting that there had been several joint discussions between the democrats and the republicans, headed by Mr. Bowen?—A. There had, sir. I was aware of that.

Q. Were you aware that immediately before this meeting, or a short time before, that an understanding or agreement had taken place between democrats and Mr. Bowen that thereafter no arms should be carried to the meetings on either side?—A. There was a general understand to that effect.

Q. You went to Cainhoy on a boat?—A. We did, sir.

Q. Who engaged that boat?—A. The democratic party, it was generally supposed.

Q. You met Mr. Bowen and a few friends of his—you said "negro bullies"—on that boat?—A. Yes, sir. I would add that Mr. Bowen was at his hotel and sent down word for them to wait for him.

Q. You therefore understood from the facts before you that Mr. Bowen was consenting to the joint meeting at Cainhoy?—A. I cannot believe and do not believe that there is any doubt as to the fact.

Q. You saw no arms on that boat in the hands of democrats, and I mean to say arms otherwise than pocket-weapons?—A. I saw no arms whatsoever, and I am prepared to state that there could not have been arms on board without my seeing them.

Q. You saw no organizations on that boat as such?—A. None as such.

Q. No men in uniform or banded together by any apparent tie or title as an organization?—A. None, whatsoever, as an organization.

Q. At Cainhoy you saw arms?—A. Not until the firing began.

Q. At Cainhoy the arms were in the hands of the negroes?—A. Every negro seemed to spring from the bushes, fully armed.

Q. And among the democrats you saw nothing but pistols of a very inferior quality and character?—A. I believe, sir, that I was the last man to leave that ground, with the exception of Delaney, poor old man Simmonds, and Mr. Venning, and I did not even know they were there when I left; and had any man had arms I would have seen them. With the exception of the few arms which may have been in that chimney, where the men, as it was said, found and seized them, and probably ran around the church, the democrats had no guns. I was with the men that stood fire.

Q. But there were no arms taken there by democrats to that spot?—A. No arms were taken there by democrats. I saw them leave the steamboat, and I saw them in the wagons, and there was not a single gun brought out. We marched three miles without a gun.

Q. Neither did you see there the Butler Guards as Butler Guards?—A. I did not, sir.

Q. Or any portion of them acting as a detachment or as a squad of Butler Guards as such?—A. I only know as to their acting as a squad that Duane, an ex-officer of the Butler Guards, told me that they obeyed him.

Q. That is, that they had been members of the Butler Guards?—A. Yes, sir.

Q. And that they had disbanded?—A. Yes, sir.

Q. How many members did they have there?—A. I do not know, sir.

Q. Do you know when the Butler Guards were created as an organization?—A. From what I saw in the paper I believed there was an upper ward's organization for defense known as the Butler Guards.

Q. Have you not heard of an old organization of that name here?—A. O, no, sir. The Butler Guards was not one of the rifle clubs.

Q. Was not its organization anterior to the rifle clubs?—A. No, sir; there was an organization of defense in every ward when these riots began.

By Mr. BANKS:

Q. I want to know if you saw upon the boat any arms belonging to the white men on the day of the riot.—A. I not only did not see them, but I went down to the steamboat when we were left there, to do picket and hospital duty, and begged the white men for God's sake if they had any arms to give them to us, and we got only two or three pistols.

GEORGE W. CLARK sworn and examined.

By Mr. BANKS:

Question. Do you reside in Charleston?—Answer. Yes, sir.

Q. How long have you been here?—A. I have been here since 1865.

Q. What is your profession?—A. I was a wholesale grocer. Since 1865 I have held positions as mayor and collector of the port.

Q. What is your age?—A. My age is forty-four.

Q. Were you employed or appointed by the governor of the State to superintend the census?—A. I was appointed by the governor to superintend the census of this county.

Q. In what year was that?—A. It was last year, 1875.

Q. [Handing witness a copy of the census of 1875.] Will you please to look at that paper and see if it is the copy printed by the authority of the State?—A. [Examining pamphlet.] I observe that as respects Charleston County, the census which I took, it is correct.

Q. Have you the official return for Charleston City and County?—A. Yes, sir. [Producing original and comparing same with pamphlet.] I notice that the figures are the same.

Q. Will you please state if in the enumeration of the people of the State care has been taken to have a proper enumeration?—A. I can only judge from the state of this county as data. If in the rest of the State it was as carefully conducted as in this county the census was carefully taken.

Q. Will you state briefly in what manner it was taken?—A. Well, I employed the most reliable parties possible, and I saw that they took it correctly. In one instance, where I had reason to believe it was incorrectly taken, I obtained another party and had it retaken.

Q. Have you any means of judging as to the correctness of the enumeration under this census of 1875 as compared with that of the United States on the same territory over which you yourself have gone?—A. My judgment is that when it was taken for the United States it was not taken as correctly as when taken this last time. The inducements regarding enumeration came in such a way as would cause a different taking.

Q. In what respect do you make that distinction?—A. Well, when taken by the United States officers—I think it was taken by the marshal—he would sit in his office and send out circulars to be filled out, and in the nature of such matters there would not be a sufficient number sent out to get the correct census.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. I will just ask you how many men you employed to take this census in the county here?—A. I do not remember the exact number; I think about eight.

Q. To what political party did these eight men belong?—A. I made no distinction. I think they were republicans.

Q. Were they white or colored?—A. Part of each.

Q. You only say that this is correct from the fact that you appointed men whom you believed to be reliable, and you base your statement upon the reports which they made to you?—A. Yes, sir.

Q. I suppose these eight men had different districts to go over in the county?—A. Yes, sir.

Q. And they would make reports to you of the number of men, women, and children whom they found?—A. Yes, sir.

Q. And upon those returns you made up the census?—A. Yes, sir.

Q. You have no knowledge as to how the census was made up in any other county than Charleston?—A. I so stated.

By Mr. BANKS:

Q. I will ask you, Mr. Clark, if there is any peculiarity incidental to the situation of the State or the people that distinguishes it from the population of any of the Eastern States, or our Middle States, which would affect the general total of the population or affect one class of the people; for instance, the voting population, as compared with the total population? Any general considerations upon that matter, if you can state them, I should like to know.—A. Well, yes; there is one material point in which, for instance, in the population of the New England States there would be a difference from the population; that is, as to their voting population. In New England young gentlemen, when arriving at maturity, emigrate from that section of the country—"go West," as Greeley advised—whereas here the whole voting population remains, you may say, through life. In New England young men leave. The voting population here, consequently, would be larger in proportion to the whole population than up in New England.

Q. How is it as regards what may be termed the country parishes of the State as compared with the city?—A. That same characteristic which pervades New Hampshire

and New England generally as respects the South would prevail in the country portion of Charleston County as respects the city. The young men in the county will come to the city, leaving the county with a less number of young men than in the city. Those who are born in the city remain here; the men who are born in the county are drawn here.

Q. Are there any considerable number of the young men of the white population that go into other Southern States?—A. I do not know. If they go at all they go as families, and thus keep the proportion the same.

Q. Have you at any time compared the census of this State, or the census of the city and county of Charleston, with that of the United States, taken in 1870, as to its fullness and correctness?—A. Well, yes, I have, passingly.

Q. Was the last census more full and complete?—A. Yes, sir.

By the CHAIRMAN, (Mr. COCHRANE:)

Q. Has the mortality of the negroes not been much greater since they were emancipated than when they were slaves?—A. I have heard so. Want of attention to the laws of health has caused much greater mortality among them than before the war. I have reason to believe that they do not increase so much since the war as before.

Q. You are not a native of this State?—A. No, sir; I came from New Hampshire.

Q. Did you come in 1865?—A. I came in 1863, from Georgia.

Mr. BANKS. I present a copy of the News and Courier of issue September 23, 1876, containing resolutions of the Workingmen's Democratic Association of Charleston, on the subject of the employment of labor, which I offer in evidence. They are as follows:

“PREFERENCE, NOT PROSCRIPTION.

“The mechanics and workingmen of Charleston are true as steel, and will follow the standard of Hampton wherever it shall lead them. They have an organization of their own, known as the Workingmen's Democratic Association, and are, with the ward clubs, doing good service in the canvass. At the meeting of the association held on Thursday night the following resolutions were unanimously adopted:

“Resolved, That we, members of the Workingmen's Democratic Association, do hereby indorse the resolutions adopted at the last meeting of the sixth ward; and, further, that we insist that democrats should no longer patronize republicans in trade or retain them in employment.

“Resolved, That we make it known to the public that we have in the Workingmen's Democratic Association good, true, capable, able-bodied, and willing-hearted men who are ready to answer to the calls of the executive committee to fill places of labor or trust.

“Resolved, That many of these men have been compelled for months to remain unemployed, and are ready and anxious to earn honestly the necessaries of life, and can and will, if the chance is offered, fill positions such as teamsters, truckmen, warehouse men, porters, shipping-clerks, cotton-samplers, railroad-yard men, wharf and vessel men, laborers in factories, &c., and, in fact, any position requiring muscle and brain.

“Resolved, That we believe that these men amongst us, with a fair education, are better capacitated to fill these situations than most of the republicans now thus occupied.”

Also the News and Courier of issue October 4, 1876, containing a copy of the resolutions on the preference policy passed by the Summerville democracy, which I also offer in evidence. They are as follows:

THE PREFERENCE POLICY—STRAIGHT-OUT RESOLUTIONS OF THE SUMMERVILLE DEMOCRACY.

[Correspondence of the News and Courier.]

“SUMMERVILLE, S. C., October 2.

“At a meeting of the Dorchester democratic club, held at town hall on Saturday the 30th ultimo, Major George Tupper presiding, the following resolutions were unanimously adopted:

“By Hon. J. I. Middleton:

“Resolved, That the members of the club bind themselves in honor to purchase from or deal in future with no one whomsoever in this place who intends to or shall vote against the candidates nominated by the democratic conventions to fill the Federal, State, and county offices in the next election, except in cases where this cannot be done in consequence of prior contracts.

“Resolved, That this agreement among ourselves is meant to extend to all purchases of goods, wares, merchandise, and provisions whatever, and all future contracts for service or employment, either out-door or menial.

“Resolved, That this engagement shall be deemed to be of force until our country is released from the so-called republican domination that threatens to overwhelm all the bulwarks of our social and political life.



"By Dr. Benj. Rhett:

"Resolved, That the secretary do issue, upon application, to the colored members of this democratic club certificates of membership, (countersigned by the president,) in order that they be recognized and receive the support and patronage of employers.

"By Capt. John C. Minott:

"Resolved, That a committee of three be appointed by the Chair to make such arrangements as may be necessary to secure order and obtain speakers at the meeting to be held at Slan's Bridge, on Thursday next, and confer with a like committee, to be appointed by the republican party for same purposes on that occasion.

LOUIS DETREVILLE, *Secretary.*

THOMAS S. GRIMKE sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. What is your profession?—Answer. I am a physician.

Q. Practicing in Charleston?—A. Yes, sir.

Q. For what length of time have you been practicing?—A. I have been practicing, sir, for sixteen years.

Q. Are you a native of this State?—A. Yes, sir; and of this place.

Q. What is your age?—A. I am forty-two, sir.

Q. You are a democrat?—A. I am, sir. I should hardly say that I ought to be either; but I profess those principles that I believe to be nearest to what the country requires.

Q. Will you state whether you were at Cainhoj on the day of the riot there?—A. Yes, sir.

Q. Did you go up on the boat?—A. I did, sir.

Q. Please to give us in your own language what occurred from the time you left the wharf on the boat until the time the riot was over?—A. Well, sir, on the morning of the 16th of October I left the city of Charleston on the steamer Pocosin; nothing occurred of moment until just before leaving the wharf, when a number of negroes attempted to get upon the boat, and we prevented them from doing so, telling them that the boat was chartered by the democrats, and that unless Mr. Bowen said they could get aboard we could not permit it. Mr. Bowen soon came down and he took four or five of those negro roughs on the boat, and we proceeded to Cainhoj. Everything went on pleasantly enough until Mr. McKinly got up to speak. He got up and made the remark that he came there for the benefit of these people. Just at that moment some little disturbance was occasioned, and directly after there was a pistol fired at the left of the stand; the stand was facing east. Immediately upon the firing of the pistol-shot it was answered by a gun in the woods.

Q. Did you see the man that fired the pistol?—A. I did not see the man, but I heard it. I could not see the man on account of the crowd between me and him.

Q. Locate the place that that shot came from.—A. It came from the left of the stand.

Q. Did it come from the old house?—A. No, sir; but the first shot fired was a pistol-shot. I understood from several persons there that it was in the hands of a mulatto. No sooner had this occurred than there was a rush, and upon looking through the windows of this old house I saw a number of white men in there with guns. This surprised me, because I knew we had gone up there entirely unarmed, which was according to the agreement of our executive committee with the radicals. These men ran right out of the house, and it was not over three minutes after this occurrence that every negro in front of the stand had swept right through the road and gone back of the large building and immediately began firing from that location. After this had been going on six or seven minutes an old negro was killed, who fell against me, the blood spurting from his body on me.

Q. Was it the first shot fired that killed that negro?—A. No; I suppose there were twenty shots before that negro was killed.

Q. He was standing near you?—A. He was, but I did not see him. At the time he was shot we were on a line this way, [illustrating.] The negroes were all over here shooting, [illustrating again.] The first intimation I had that he had been hurt, I saw this old man stagger and I put my hand out to steady him, and as I did this he fell right over against me, and a stream of blood spouted from his chest into the white sand.

Q. That was the only negro killed that day?—A. That was the only negro that I knew of. Before that occurred there was a contest going on between a young man and a negro having a gun. I saw the negro stoop down and try to pick up a brick to strike him with, and I saw the young man try to draw his pistol; but I don't know whether he drew it or not.

Q. Was it near the church that this negro you spoke of was shot?—A. O, no; it was some distance off. He fell on the road a hundred feet from the stand.

By Mr. JONES:

Q. Was that between the stand where the speakers were and where the shots came

from?—A. Yes, sir; he was between the firing and might have been shot from the woods. As soon as this negro was killed, we fell back to the vestry-room. There we made a stand for a short time, gathered together all of our men, and then moved down the road to Cainhoy. After reaching Cainhoy we concluded to remain there; we found that these men were missing and we sent back and brought them in. There were four or five of them horribly mutilated. One man named Whittaker that was brought in was not only shot, but he was beat all over his head. They had apparently fired their guns into him and taken an ax and chopped his arm. All the men were horribly mutilated and beaten.

Q. Was old Mr. Semarons your father-in-law?—A. Yes, sir.

Q. Was he killed there?—A. Yes, sir; he was killed there. After all of us had come away he had gone into this vestry-room. I thought he had gone away. I saw him and spoke to him there and would have taken care of him in the road, but in the excitement he went into this place out of mistake. I supposed that he had gone on. We went back immediately for him and found him dead. There was a ball in his temple and a load of buckshot in his arm and his leg was horribly mutilated with a stick or something of that kind; and he had cuts all over his head.

Q. What age was he?—A. Nearly sixty-seven.

Q. How many white men were killed?—A. There were five or six.

Q. How many were wounded?—A. Well, I do not know; I think about fifteen or twenty. Those who were wounded at all and could have got off were beaten in such a way by the negroes that they died from the effects of it.

Q. Were you standing near the old building when the first shot was fired?—A. Yes, sir.

Q. You say it came from the left of the stand?—A. Yes, sir.

Q. Did you see these young men getting any guns in the old building?—A. The first thing that drew my attention was a rushing sound, and, upon looking through the windows, I saw these young men in there with guns in their hands. They went in this building and got these guns, which were concealed there in direct violation of the contract which the radicals made with us.

Q. Was this before or after the shooting?—A. This was after the pistol-shot and after the single shot from the woods.

Q. Immediately after this did you observe these negroes appearing from the bushes armed?—A. I did not see the negroes that were appearing from the bushes at all, because the old house and the stand were between me and that place, but they were shooting. Several shots were fired from the other side through the windows. They were evidently lying behind the building itself. I believe some one did have a gun there, but I don't know who. None of us who went from here had a gun. There was not a gun on the boat.

Q. Did you see any white man with a gun there that day except these young men you spoke of?—A. I saw none at all.

Q. Were you wounded?—A. No, sir; I was not.

By Mr. JONES:

Q. You spoke of an agreement; was that agreement about arms?—A. The agreement was that neither of the parties should carry arms to this meeting at all, so as to insure a quiet and peaceful time.

Q. You went up on the boat and you saw no guns on the boat?—A. There were no guns there at all, sir.

Q. No organization or any part of an organization, or military company, or rifle company, or anything of that sort, on the boat?—A. All of them belonged individually to organizations, but none went up there as an organized band at all.

Q. How many guns do you suppose were shot during the riot?—A. I presume there were fifteen or sixteen that were taken in this old house. You could not see the negroes at all; they were hid in the woods.

Q. Did you see guns in the hands of the negroes during the riot at all?—A. No, sir; they were in regular ambush.

Q. But you saw the guns that were taken from the old house?—A. Yes, sir; they were these Enfield muskets, probably belonging to the State.

By Mr. BANKS:

Q. This was a republican meeting at Cainhoy?—A. Well, sir, we have not any republican party here at all; it was a radical meeting. You have a republican party at the North, but we have not got it here.

Q. It was called that by the executive committee of that organization, whatever you call it?—A. Yes, sir.

Q. What occasion was there, for the democratic party to go there?—A. Why, there was this occasion: They were circulating the most infamous lies throughout the country among the negroes and it was necessary for us to go there to disprove them.

Q. Did not the republicans, or the radicals as you call them, have a right to meet of their own accord for the discussion of their own principles?—A. Certainly, sir.

Q. Were you at the Strawberry meeting?—A. No, sir; I never was at any other joint meeting but that.

Q. Do you know anything about the Strawberry meeting?—A. I know nothing at all about it.

Q. Was there an agreement that there should be no arms carried to Cainhoy?—A. There was, sir.

Q. Who made that agreement with you?—A. The executive committee of the democratic party made that agreement with the opposite party.

Q. Were there any conditions specified or any agreement made that certain organizations or the members of a certain organization should not go; say for example the Butler club?—A. No such agreement was ever made to my knowledge.

Q. Do you know that it was not made?—A. I do not know, sir; but I believe that it was not.

Q. Do you know that the democrats were told that the elements which they were taking to that meeting that day would make trouble?—A. No, sir; I was told distinctly to the contrary.

Q. By the leaders of the radical party or the executive committee of the radical party? Was there any such suggestion or intimation given?—A. No, sir; Mr. Bowen went with us.

Q. It was not suggested by him that the elements transported to that meeting would result in trouble?—A. Not to my knowledge, sir.

Q. Are you positive that these democrats that went up in the boat upon which Mr. Bowen was were not armed?—A. Not with guns.

Q. What do you call arms?—A. They had pistols some of them; the agreement was that we should not carry guns.

Q. You stated that the agreement was that neither party should carry arms?—A. I meant guns.

Q. How large a party of democrats was it?—A. I suppose there was a hundred and fifty.

Q. How many of them were armed with pistols?—A. I do not suppose there were over twenty-five or thirty that I knew anything about.

Q. That you knew about; but do you know that others were not armed?—A. I cannot say, sir.

Q. You do not know then how many were armed?—A. No, sir; I do not know how many were armed.

Q. What sort of pistols had they?—A. These little pocket-pistols.

Q. Revolvers?—A. Yes, sir.

Q. And nothing else?—A. Nothing else at all.

Q. There were no members of what was called the rifle clubs in sufficient numbers to be considered representatives of these organizations, or detachments of them?—A. O, yes; I suppose so. A number of men were there and all of them belonged to the companies; none of them went up as an organization.

Q. But were they not there in such numbers—from the Butler Guards, for instance—as to be considered a detachment?—A. Well, you may say a detachment from all companies.

Q. Did they go as a protection for all parties?—A. Nothing more than that all went up together as a protection for each other.

Q. Did Mr. Simmons, of whom you have spoken as being killed, come up on the boat?—A. Yes, sir.

Q. It was not expected that he could protect the company?—A. No, sir; we had no idea of trouble at all.

Q. Have you been acquainted with these meetings in this city and county?—A. I have been to no meetings outside of the city except to Cainhoy.

Q. Do you not know that these rifle clubs in different parts of the State have felt it a privilege to interrupt and interfere with the republican meetings, or the meetings of the radical party, whenever they choose; that bands of armed men have patrolled the county and the neighborhood of these meetings with the view to disturb them?—A. Not to my knowledge.

Q. Who was the first man that was killed in this affair at Cainhoy?—A. The first man that was killed was this negro Lachicotte.

Q. Where did he stand?—A. Right in front of me.

Q. At what place did he stand with reference to the stand upon which the speakers stood?—A. Upon the right of the platform, about a hundred feet or so off.

Q. Where was the old building?—A. The old building was immediately to the right, within a few feet of the platform.

By Mr. JONES:

Q. Do you mean the negro was standing on the right of the platform looking toward the platform, or on the right of the speakers as they faced the crowd?—A. There were no speakers; this was after the riot commenced.

Q. He was standing on the right looking from the platform?—A. No, sir; to the left, [illustrating the position of the crowd and the location of the colored men.]

Q. The statement that you made that this man, who was the first one killed, stood on the right of the platform is not correct; it should have been that he stood on the left?—A. Yes, sir.

Q. What distance from the house?—A. Pretty much the same as from the platform.

Q. What direction did the shot come from?—A. I don't know; I did not see him shot.

Q. You do not know whence it came?—A. I do not.

Q. You do not know what party may have discharged it?—A. No, sir.

Q. Did you hear any outcry or exclamations before that gun was fired?—A. Why, yes; a good deal of firing had gone on before the man was shot.

Q. How long a time had gone by?—A. I suppose five or six minutes.

Q. How many shots could you say were fired?—A. I do not know how many.

Q. Nobody but the negroes were firing out from the woods?—A. No, sir, not at that time. The white men had no guns except what they took from the negroes; and those had been concealed there.

Q. Where were they concealed?—A. I did not see the guns, but I understood that they were taken from the chimney of the old house.

Q. Who could have had an object in concealing them?—A. Nobody, but the negroes at the suggestion of those who controlled them.

By Mr. BANKS:

Q. Did the negroes occupy the house?—A. This was what was called the water-house; it was made for occupation in case of bad weather. When I saw them the white men were in it.

Q. How happened it that these guns were concealed there, when the white men were sure to be the first party to see them?—A. You see this house had a door at each end of it, and it was in looking through this that I saw these white men with the guns in their hands.

Q. How happened it that the negroes, who you say concealed them there, should have placed them in a position where they themselves would not naturally be?—A. They were there quite near on the outside of the house where they could easily run in and take up the guns.

Q. Where were the colored people in reference to the platform?—A. They were all around it.

Q. You say the negroes were in front, on the left and the right, and all around it?—A. Yes, sir.

Q. When the firing began by the negroes you say it was on the left of the platform and in the rear; I mean this five minutes' firing?—A. They were in the woods to the rear.

Q. Where was the house?—A. On the left of the platform, near it.

Q. In an exact line with the platform, or on the left in front?—A. On the left in front.

Q. How much in front of the platform, if you please?—A. One end of it was on a line with the platform.

Q. Where was the boat that brought this party up?—A. At Cainboy village.

Q. But in which direction from the platform?—A. To the right.

Q. This house was occupied by white men, you have said?—A. I saw white men in it. The guns were there, and the negroes were in the rear and they had begun firing from the rear and the young white men went to the guns and took them.

Q. Now, if the negroes concealed their guns there, why did they conceal them in that place when it would be the most natural thing that the white men should occupy that house as they did?—A. But it was not the most natural thing; the negroes were just as near as the white men to the house.

Q. But why should they not have gone in for them if they knew that the guns were there?—A. I cannot tell you why.

Q. How did it happen that the white men, who did not know that the guns were there, happened to be on the spot at the very moment they were needed, and that the colored men, or radicals as you call them, who knew that they would be used against them if they were found, were not on the spot to get them?—A. Simply because the white men were quicker than the negroes.

Q. Would not the negroes naturally have taken possession of the house at the start?—A. No; they had not sense enough for that. They were told to put these guns there by the people who controlled them, probably.

Q. Are the people who controlled them men of sense?—A. O, yes.

Q. Well, would they make such an arrangement as that to cause the negroes to conceal their arms in a place where the white men would be sure to take possession of them, and leave the negroes in another part of the field where they could not get them—why should they leave this house under those circumstances?—A. But they didn't leave it at all; there were some negroes in the house where these guns were at

the time. I could only tell you what I saw, and that is the reason why I have not stated that before.

Q. There were negro women there that day?—A. O, yes.

Q. Large numbers of them?—A. I could not tell you that.

Q. How many of them?—A. I could not tell you. I was told that they were in the house.

Q. Were the white people invited there by the radicals?—A. Well, it was a regular agreement. I do not know but you might call it an invitation. The republicans were going to have a meeting, and they agreed that they should come there with them.

Q. You wanted to go because they were telling scandalous falsehoods, and you wanted to correct them; did they want you to come for that purpose?—A. They had often said so.

Q. Were these people, whom you talked with and who were so glad that you came there, among the people that shot you?—A. O, no, sir; I think not.

Q. Were those people that were so much pleased that you came there the ones that concealed the arms?—A. I think not. I make this distinction between the two sets of people: There are some hard-working, honest people; and then there is a class of young men who have been collected together and formed into militia companies, and put in possession of the State arms and ammunition, and these are the ones who were carried there for the purpose of breaking up this meeting in order to stop the negroes from coming over to us.

Q. Did the votes show that these negroes came over to you?—A. I could not state what the votes showed.

Q. Have you such confidence in the veracity of the negroes as to believe them when they told you that they were delighted to see you, and that they would vote the ticket that you have nominated?—A. O, yes; some of them.

Q. Have you been a candidate for office?—A. I have not.

Q. Have you had any experience in politics?—A. None at all.

Q. If you should be nominated for an office and should go through this city of Charleston meeting your own patients, and talk with them about your chances for an election and they should signify that you were going to get a very large number of votes, do you believe that you would be perfectly sure of the votes that you would get?—A. Well, I do not know that I should.

Q. What reasonable excuse, or justification, is it possible, could have been derived by the republican negroes from such a massacre of unarmed men, who had been cajoled into attending that meeting in the expectation that they were going to convert them?—A. What they were after was to stop this meeting. These white men who were running for office on the radical side wanted to stop these joint discussions.

Q. Well, but could they not have stopped it by saying no?—A. But we didn't hear them say no.

Q. That is what I ask you; why did they not say no; what possible excuse or advantage would they have by equivocating?—A. They wanted to keep their votes. There is no responsibility attached to it at all.

Q. Is there no responsibility attaching to a cold-blooded, treacherous murder?—A. I do not believe there is, not if it is of a respectable person.

Q. Does an act like this, proceeding from motives such as you have described, correctly characterize the colored population of this State, or of this city and county?—A. Yes, sir.

Q. Is it to be supposed by the country that they are ready for such atrocious acts as this without any cause, or without any notice, upon people that they have invited there?—A. In the first place, they did not invite us there—I mean these colored people—but I say they are ready to do just this very thing whenever their leaders put them on to it, as they have done in this very city. What redress has ever been had for the riots that have taken place in this city? None at all, sir.

Q. I am now speaking of the character of the colored population of this city; whether with their leaders or without them, are they a people that will deliberately plan an atrocious massacre like this upon unoffending and innocent and unarmed persons, are they of that character?—A. I will not allow you to use the word "they;" I will say a portion of them.

Q. How large a portion?—A. I suppose some five or six hundred.

Q. What is the character of the other portion?—A. They are very conservative.

Q. Are they willing to attend and to be made a party to such acts without any care as to the responsibility of them?—A. They did not attend these meetings generally.

Mr. JONES. I object to so much of the witness's testimony as is mere matter of opinion and a question of morals.

The CHAIRMAN, (Mr. COCHRANE.) I think the objection is well taken, in so far as the witness's opinion is concerned as to what actuated these parties.

By Mr. BANKS:

Q. Is it a fact that the respectable portion of the radicals or republicans do not attend these meetings?—A. There are no respectable radicals about here; that is my opinion.

Q. What is your standard of respectability?—A. The good opinion of all who are held as respectable in this city; that is what makes a man respectable here.

Q. You mean the good opinion of all respectable people?—A. Yes, sir.

Q. Please state to the committee whose opinion is respectable and whose good opinion it is that makes another man respectable?—A. I mean to say that a man must make himself respectable; no man's good opinion can make him respectable.

Q. What class of people do you refer to?—A. Well, such class as is found in all places, in New York City, or in other places; I mean to say that such people as you respect at your home we respect here.

Q. You have stated as a fact that the respectable portion of the republican party does not attend these meetings; that there are no respectable people that belong to the radical party; that that portion of the people whose respect gives character or social standing does not confer respectability upon the meeting; now I want to know what class of people it is that has this standing; is that the test of respectability?—A. No, sir; it is the opinion of all men who are striving for decency and honesty, no matter to what party they belong, but the people who are making such a struggle here do not happen to belong to the republican party here.

Q. And is it upon such considerations of respectability that you make large parties of men responsible for such massacres as you have described? Has it anything to do with respectability or want of respectability in society?—A. Well, I should say that education, training, and everything else should be connected with it. In reply to your question I would say that no person who had respect for himself or respect for the community would be a party to such a thing as that; that is all I mean to say.

Q. Do you know, or do you not know, that such killing of people at political meetings is a common thing in this State?—A. Only by the republicans, or radicals; they have killed the democrats.

Q. You have no means of knowing, or you do not know that the democrats kill the republicans?—A. No, sir.

Q. Have you given attention to it so far as to form a conclusion in your own mind that democrats do not do these things?—A. I have, sir.

Q. And have you determined in your own mind, upon the best knowledge and consideration of the subject, that radicals do kill their opponents?—A. I know they do, sir.

Q. And for political reasons?—A. Nothing else actuates them. These people know nothing about politics or anything else; they do it simply from the hatred that is engendered by these people that stir them up. They are made to believe that they would be placed in slavery if the democrats should succeed here.

Q. As it is a question of great import to the people of the United States, and to solve which by the direction of one of the Houses of Congress we are sent here to make inquiry from what source these crimes proceed which threaten the destruction of the Government, will you state what a radical is; what is the condition of mind which makes a radical, where a massacre of this kind can be an affair of ordinary experience?—A. It is simply this: that they are willing to sacrifice everything both in the State and in the country to accomplish their ends, which is nothing less than holding office and getting money. That is my definition of a radical.

Q. Is seeking office a necessary part?—A. Well, they seem to do it all the time; they all do it.

Q. What proportion of the people of the city of Charleston and South Carolina entertain this opinion that you entertain with regard to the radicals?—A. That is the general opinion in this community and in all communities.

R. J. MAGILL sworn and examined.

By the CHAIRMAN, (Mr. COCHRANE:)

Question. What is your business?—Answer. Book-keeper.

Q. Do you reside in Charleston?—A. Yes, sir.

Q. How long?—A. Since boyhood; since 1858.

Q. What is your age?—A. Thirty-three.

Q. Will you state, sir, whether you were at Cainhoj on the day of this riot?—A. Yes, sir.

Q. How did you go up?—A. I went up in the steamer Poosin.

Q. Was Mr. Bowen in your party?—A. No, sir.

Q. Was Mr. Bowen on the boat?—A. He was, sir.

Q. Just state in their order the events that occurred from the time you left the wharf here until after this trouble at Cainhoj was over.—A. We left the city on the steamer with a very large crowd.

Q. About how many?—A. There must have been two or three hundred. We were crowded at the wharf by republicans who wanted to go. We decided to stop it. We extended the courtesy to Mr. Bowen, and we gave him and his party free passes. We

went up to Cainroy. Everything was pleasant on the way, and we landed at the village, and most of us rode out to the meeting in wagons.

Q. Who was the first speaker?—A. Mr. Jervey.

Q. A white man and a democrat?—A. Yes, sir.

Q. Did he complete his speech?—A. Yes, sir.

Q. Who next spoke?—A. McKinley.

Q. Was McKinley a white or a colored man?—A. A colored man.

Q. Democrat or republican?—A. Republican.

Q. Was there a negro went up on the boat by the name of Delaney?—A. Yes, sir.

Q. What was he?—A. I cannot personally say what his politics were; he has always been classed as a republican.

Q. Had he been speaking for the democratic party in the last campaign?—A. He had.

Q. How many negroes were there at the time McKinley got up?—A. I cannot say positively, but I should judge three or four hundred.

Q. How many white democrats?—A. I should say between a hundred and a hundred and fifty.

Q. What occurred when McKinley got up?—A. He had spoken only a moment or two when I heard a rushing noise, as if a horse had broken loose, and I looked over in the direction of the old building and saw a commotion, and a minute afterward I saw the puff and heard the report of a pistol.

Q. Where was it fired?—A. Between the stand and the old wooden building.

Q. How far was the old building from the stand?—A. I should judge about thirty or forty feet.

Q. Was it directly back of the stand?—A. No, sir; it was almost on a parallel line.

Q. Was it to the right or left of the stand?—A. As the speakers faced, it was to the left of the stand.

Q. Well, sir, were the colored people to the right or left of the stand?—A. They were generally mixed up, white and colored promiscuously, as all assemblies of that character are.

Q. You saw the puff of smoke and heard the report of the pistol?—A. Yes, sir; between the speaker's stand and the old wooden building.

Q. Where were you standing?—A. I was standing to the right front of the speaker's stand. The house would have been to my right front, and the speaker's stand of course would have been also to my right front, because they were on parallel lines.

Q. Where was the old church?—A. The church was in my rear.

Q. And the vestry?—A. To the left and to the front.

Q. How far was the old church?—A. The church was, I suppose, forty or fifty yards.

Q. And the vestry?—A. The vestry was twenty yards to the left. Immediately after the report of the pistol I heard a gun fired, which was followed immediately afterward by others, and a general breaking of the crowd, the whites naturally assembling together and the negroes breaking off entirely from the stand and going to the rear of the building and to the woods. The first firing was immediately around the building—the old wooden building—and the firing being there, I myself endeavored, and so did a number of others, to keep our men from firing; and we moved from the position we were in, by an involuntary movement as all men will in such times, and we moved up to the right sufficiently to get on the right of this building that we were facing. There it was that the old negro man fell, and I saw the man who shot him. They were firing from the bushes, and firing through the windows of this old house upon us. I myself was fired at and struck by a shot.

Q. Will you state, if you please, whether the negroes were in skirmish-lines?—A. At first it was irregular, but when they were in the woods they were strung out in a line. You could see them advancing, some behind trees and some behind bushes, and some out in the open place.

Q. Was it a line?—A. It was a line.

Q. What were they shooting with?—A. Muskets.

Q. Did any white men have guns?—A. There was not a gun carried upon the ground. I saw two or three white men with guns after the fight which they said they had captured. Those were the only arms I saw on the side of the white men except pistols.

Q. How many of these white men were armed with pistols?—A. That I cannot tell you. I can say this: After I returned to Cainroy, I myself appealed to those who were there to come out and "let's protect the women and children of Cainroy," and the majority of them gave as an excuse that they had no pistols to stay with.

Q. Now state what occurred after the firing in the woods.—A. The firing continued. I soon found that the whites were stampeding. We made a rally. I felt that it was cowardly to run off the ground, and we did endeavor to make a stand although I never shot off my pistol; but at last the firing became too severe, and the majority of the men retired to the vestry. The firing when I left was heavier than it had been at first. There is no doubt that these men were organized, for I saw them myself run to the bushes, pick up the guns, and fire upon the whites. In one instance, a man stood at the chimney and fired at me, and upon my leveling my pistol at him he ran. It was

apparently an organized thing, so far as I could judge. They seemed to be under some command, because they took a position behind this pine-land bay.

Q. How about the women?—A. The only negro women whom I saw were three whom I passed on the road while I was riding in the wagon.

Q. Was that anything unusual?—A. On John's Island, where I attended the previous Thursday, they were in crowds.

Q. Now I wish you would state, if you please to leave the Cainhoy matter, what occurred, if anything, at the John's Island meeting.—A. Well, sir, there were about twenty or twenty-five of us who went there. It was a joint discussion, and Mr. Bowen went with us. We had a five-mile tramp to the speaking-place. We had been informed by Colonel Simonton that we must carry no rifles, because he had made an agreement to that effect. When we reached the place we found that the republican speakers had gone on with the meeting, and to our surprise we found two companies of militia drawn up in line with their muskets, and at least thirty per cent. armed with old swords and every conceivable weapon. Bowen ordered them to leave, and they marched down to a house twenty or thirty yards away, and there they stood during the whole meeting. The whole time Colonel Young was making his speech a negro sitting in front of him in a cart covered him with his musket.

Q. Who is Colonel Young?—A. He is a democratic speaker. For instance, the Colonel made a remark like this: "Haunton is bound to be elected," and they hushed him up right at once; they would not permit that. We had to use the most extreme patience and forbearance with them, and when we were leaving we left in carts which we hired from them. They marched behind us, firing pistols in the air, and so on, which none of us returned. When we came back I told Colonel Simonton that I did not intend to go to meetings if that sort of thing was to be continued.

Q. Do you know a man named Cyrus Guilliard?—A. No, sir. I have seen Cyrus Guilliard on one or two occasions; one was going to John's Island, and the other going to Cainhoy; he was pointed out to me. I cannot say that I would know him if I should see him; I have confounded him with Johnson here in the city of Charleston.

Q. Did he speak at John's Island?—A. Yes, sir. I did not hear it, because he spoke before I got there. Either he or Johnson got up and said: "My colored friends, let me beg you not to make me blush for my own race. Let us hear what they have to say."

Q. Was Delaney there?—A. No, sir; he was at Cainhoy.

By Mr. JONES:

Q. I do not remember that you stated at what point this pistol-shot occurred.—A. It occurred between the speaker's stand and the old wooden building—as I was standing—to my right front.

Q. Did you see the shot fired?—A. I only saw the puff of smoke; it was fired, as I suppose, in the air.

Q. You did not see in whose hands it was?—A. No, sir; because there was a large crowd between myself and the party who fired.

Q. The party was composed of whites and blacks?—A. We were all mixed up together.

Q. Where did the first musket reports proceed from?—A. From behind the wooden building, apparently towards the right of it from where we were standing.

Q. Did you see the parties shooting?—A. No, sir; but I saw the shooting a moment or so afterwards. I saw this old man fall, but I did not see who shot him. I saw him stagger and the blood gush from him, and saw him fall. Then the firing was very heavy back of the house.

Q. You understood that there were to be no arms at that meeting?—A. Colonel Simonton's words to me were these: "Bowen pledged me his word these men would carry no rifles, and pledged his word that not a hair of your heads should be touched." That was after the John's Island meeting.

Q. You saw no guns on the way or at the grounds in the hands of the whites?—A. No, sir; except, as I have stated, the guns that they found there.

By Mr. BANKS:

Q. You spoke of there being something like three hundred persons on the boat, of whom a hundred and fifty were whites.—A. There were from a hundred to a hundred and fifty whites.

Q. Do you mean that there were two hundred to two hundred and fifty republicans?—A. Yes, sir; the boat was crowded. I will say that the boat was being crowded so rapidly that we decided as a matter of safety and as a matter of right that we would allow none others to go on board unless Mr. Bowen expressed a desire that they should go. I was stationed at one of the gang-planks, and Mr. Bowen came down my gang-way and I said to him, "Mr. Bowen, please point out the men you want to go;" and he pointed out five or six, and declined to let several others on that rushed up to go, the boat was so crowded.

Q. Did he not say to the republicans that the meeting was not intended for them, and therefore they ought not to go?—A. I never heard him make any such remark.

Q. And you are certain that there were as large a number of colored men as you have stated?—A. I do not think that any man can be certain as to numbers unless he counts.



Q. Well, I do not mean for you to be certain under those circumstances; but were there a hundred colored men on board?—A. I should certainly say there were that number there. There was a large crowd; the decks both above and below were filled with men.

Q. Did you see, or do you know by any other means, the direction from which the shot came which killed the first man?—A. No, sir. I saw but one man killed; that man was the negro. He was between the fire of the two parties; and I do say this, that at that time the white men around me had not begun firing.

Q. At what time did this crowd, composed of white men and colored men, separate?—A. Immediately after the pistol-shot.

Q. Was the first shot that was fired into the crowd composed promiscuously of white men and colored men, democrats and republicans, standing together?—A. I cannot testify to that.

Q. Do you know at what time in this affair the democrats separated from the republicans, or the white men from the colored men so as to be distinct bodies of men?—A. Immediately upon the firing of the pistol it created this commotion and stir which was followed by shot from the woods, and then the crowd separated, and the scene unfolded itself.

Q. Then when the first shot was fired it was a pistol-shot?—A. Yes, sir.

Q. Which way did the colored men go?—A. Some of the colored men fell back behind this building and others fell back to the bushes and the firing began from the bushes immediately.

Q. Do you not know that there was a shot from the building itself, or from some point immediately surrounding the building, that killed this man?—A. The first man that I saw killed was a negro. Who killed him or when the shot that killed him was fired, I do not know; you cannot see a bullet when it is fired.

Q. But you can see a puff of smoke?—A. But where there are a number of puffs, you cannot discriminate. I cannot testify in any regard to his killing, except that I saw him fall.

Q. Do you know anything about the Strawberry meeting?—A. No, sir; I was not there.

Q. Do you know anything about any of these meetings?—A. The only two meetings outside of the city that I attended were John's Island and Calnhoy.

Q. Was there any disturbance at John's Island?—A. None except what I have stated. There would have been a disturbance if we had resented the insults put upon us.

Q. In this condition in regard to joint discussions, was the condition limited to rifles?—A. So Colonel Simonton informed us.

Q. You do not know yourself?—A. We consider ourselves in all political campaigns to be guided by our leaders. They said to us, "Gentlemen, we have promised certain things; you must keep our word."

Q. Did Colonel Simonton go?—A. He did not go, sir.

Q. Were there any leading men there?—A. Colonel Young was there, and Hon. N. P. O'Conner was there; he was a candidate for Congress.

Q. Is he one of the leaders of the party?—A. I cannot say that O'Conner is a leader of the party, but he is a very estimable citizen here.

Mr. MILES. He is a member of the executive committee.

By Mr. BANKS:

Q. Are you certain that there was not a condition that no arms should be carried at all?—A. It was understood that we should not carry rifles.

Q. Was there any condition as to who should go with the democratic party?—A. No, sir. Bowen appealed to these men at John's Island in this manner: "I have always been your friend. Behave yourselves. You are not bound to do what they tell you to do; but they have come here by invitation; listen to them politely."

Q. Do you know that Mr. Bowen made an agreement with the committee that certain classes of persons should not be with that company?—A. Colonel Simonton stated nothing of the kind; therefore I knew nothing of the kind.

Q. Did the white people on board represent what was formerly called or known as rifle clubs?—A. I do not believe there is a young man in the city of Charleston that does not belong to a rifle club. We never had any particular purpose to serve. Our pleasures have always been of a social nature. Ex-Governor Chamberlain came down and had a spree with us.

Q. What rifle club do you belong to?—A. The Palmetto Guard.

Q. Do you know whether the members of the Butler Guard were on board this boat?—A. I believe that almost every rifle club in Charleston was represented. If you were to get up a public meeting here to-day, the majority of the persons present would be members of rifle clubs, just as if you were to get up a festival in one of your northern cities your young men would turn out in parades. We have never been disturbers. We try to pursue our avocations, but of course, as a matter of self-preservation, we try to take care of ourselves. I have not fired a pistol in the whole campaign.

C. C. WHITE sworn and examined.

By the CHAIRMAN :

Question. Do you reside in Charleston ?—Answer. I do.

Q. How long have you lived here ?—A. With the exception of about eight years, all my life. I am fifty-one years old next July.

Q. Were you at Cainhoy on the day of this riot ?—A. I was.

Q. Did you go up on the boat ?—A. I did.

Q. How many democrats were there on the boat ?—A. Well, I should suppose there were about one hundred and twenty-five.

Q. How many republicans ?—A. Those that I took to be republicans, that went on board with Mr. Bowen, were somewhere in the neighborhood of fifteen or twenty, perhaps thirty.

Q. Just state what occurred from the time you left the wharf until the riot took place.—A. We left the dock (I think it was on the 16th of October) about ten o'clock in the morning, and we arrived at Cainhoy, as near as I can remember, about one o'clock, perhaps. We were going up pretty slow. There was a strong ebb-tide. I do not remember, but I am under the impression that we got there about one o'clock. There were means of conveyance to a certain extent, it appears, prepared for us upon our arrival to carry us out. As I understood it, the conveyance was intended for the democratic party, and Mr. Bowen was invited to go, with his friends. I found, upon getting up to the landing at Cainhoy, that Mr. Bowen had gone on before us with some of his associates. As far as I could learn, he had got perhaps half an hour's start of us. We followed in all sorts of ways—in wagons, buggies, and some on foot. We had a band of music along with us, and they happened to be put in a vehicle with a very light pair of mules, and the road was in some places hilly, and they retarded the progress of our party a great deal. When we got there we found a crowd of colored people at the church.

Q. About how many ?—A. I should suppose at least two hundred. Mr. Bowen mounted the stand and addressed the crowd. I think his remarks were addressed more particularly to the colored people that were assembled there, and he pressed upon them, I think, fairly and squarely the necessity of keeping order and quiet; and begged them not to make any noise or disturbance while the speaking was going on, as an agreement had been made between the two parties to have a friendly discussion, and that neither party should be interrupted through their speaking. After these few remarks Mr. Jervy took the stand.

Q. Who was he ?—A. A democratic speaker; a white man. He spoke about thirty minutes. That was the time allotted by agreement. I think he was called to time by the watch. He withdrew, and a colored man by the name of McKinley followed.

Q. Who was he ?—A. A colored man that belongs to Charleston. He is in the conveyance office in this city.

Q. He was a republican ?—A. Yes, sir; he hardly spoke more than two or three sentences. I was standing with my hand on the table he was speaking from, and in a line beyond him, with the stand to the left. The crowd was divided, the republicans on the left of the stand and the democrats were on the right.

Q. Then the republicans were toward this old building ?—A. Yes, sir.

Q. The democrats were on the opposite side ?—A. Yes, sir.

Q. How far away was the old building from the stand ?—A. Well, I should judge it was about forty feet, perhaps. The rear of the republicans was almost on a line with the building, and they were almost in front of it, so that I could see behind the republicans. I could see through the opening of the building, the space under the roof. After McKinley had spoken a sentence or two, in fact as he began to speak, I saw a decided commotion among the colored people. I went up closely, to pay marked attention to the effect the speaking would have upon the colored people, and as soon as he got on the stand I saw a decided commotion, like a dissatisfaction, among them; and about the time he had made two or three remarks this commotion began. I think his first remark was, "My colored friends, I have arrived to speak in your interest." That was all the further he got. At that time I saw some of the men that went up on the boat with us; and it appears they discovered some rifles, and they picked them up, and as they held them in their hands I saw a colored man discharge a pistol.

Q. Where was he ?—A. He was near the corner of the old building. I could not tell you exactly whether he was just beyond it or nearer to me, but I saw him distinctly.

Q. In the air ?—A. It was apparently elevated at an angle, say of about thirty-five or forty degrees, and as he fired the pistol he sang out, "Look out, look out!" and in an instant, almost, the rush of the colored people was made to the swamp in the rear, and in a very short time I saw quite a number—I should think forty or fifty people—rushing in that direction, and a great many of them, if not all, armed with guns, which they commenced to fire with. While this rush was being made, these men that had these guns in their hands, as the party attempted to rush to the house, held the posi-

tion of "ready," and cried, "Stand back, stand back!" almost simultaneous with the firing of the pistol. At the very minute that pistol was fired there was a mutual separation of the political parties, and they separated, as near as I can remember, about a hundred yards or more. I saw at once the disadvantage that we were laboring under, for going up the little boys were firing at chips in the water, and I went around among them requesting them not to do it; and knowing there were no other arms among us except pistols, I thought it was folly to attempt to keep up firing with pop-guns, and I walked between the two parties and held up my arms and pleaded with all the boys for peace and quietness. While in that position, I saw six or eight men rapidly advancing toward me with their guns. In the direction of them, a little to my right, was a cluster of trees. They were in a comparative thicket, and the open ground was behind us. The cluster of trees was a little to the right, between me and them, and I found I would have to retreat, and I made a quick step to these trees, calculating to wheel and run, and as I had about got the trees in line, I wheeled and made a run, and as I did the volley fired, and I was struck by three balls.

Q. Where?—A. One through the back of my coat, the other in the heel of my boot, and the other in my shoulder-blade, and still remains there. The balls were heavy ones. I have been struck four or five times during the war, and I was satisfied within myself, from the direction which it came, that it had come rather obliquely from my left. I did walk down to the landing which was three miles from the place of speaking. On the way up from the river there walked alongside the buggy several colored people, who all had clubs in their hands, and there was one of them whom I heard say whilst they were talking amongst themselves there, that there was a colored man, or nigger, as they called him, going to speak that day by the name of Delaney.

Q. Did Delaney come with you?—A. Yes, sir. And they said if that man spoke there was going to be trouble, and it struck me afterwards that the negroes had got the name of McKinley and Delaney somewhat mingled together, and that that was what caused the commotion at the time McKinley got up on the table.

Q. Did you see that old negro man killed?—A. No, sir; I did not. I saw the flash of a gun, and heard somebody say that there was a black man dead right there. I saw somebody laying on the ground, but I could not say whether it was white or black.

Q. When was that?—A. Almost immediately.

Q. How many shots had been fired?—A. Well, the first volley was six, or eight, or a dozen. The first volley came right from the direction of that house. These shots were more like a bunch of fire-crackers than a volley.

Q. The negroes fired that volley?—A. Yes, sir.

Q. Well, it was after that shot that this negro was killed?—A. Yes, sir.

Q. Did you see any negro women about there?—A. Yes, sir.

Q. How many?—A. I did not notice any at all except those that ran out of the house just about the time the alarm was given, five, or six, or eight. They ran out, and ran immediately towards where the men went to get their guns—towards the low bottom.

Q. Just as the rush occurred?—A. Yes, sir; just in an instant. At the very flashing of this pistol, and the cry of "Look out, look out," they fled in the direction in which these men went for the guns.

Q. Did you come back that night?—A. I came to the city that night on the boat.

Q. And had your wounds attended to?—A. I did. While on the way back, I asked this Major Delaney, whom I had known a good while, and I knew he had some knowledge of medicine, to come in and look at my wounds, and he went in and looked at them, and told me that the wound in the shoulder was packed with my clothing; that the hole was comparatively plugged up with it. It did not bleed a great deal, probably not more than a tumbler full. Some one advised washing it, and he advised not, as it might start bleeding again. I went down to the boat, got aboard, and when the boat landed in Charleston, walked home.

Q. Were you laid up for some time?—A. I was laid up for six weeks.

By Mr. BANKS:

Q. Had you attended any other meeting before?—A. Not in the country.

Q. You say that Mr. Bowen brought as his friends on the boat that went up some fifteen or twenty persons?—A. Yes, sir; the boat was detained over an hour waiting for him. That is what they told me. I got there just as the boat started, at 9 o'clock. I only made up my mind to go about half past eight. My friends urged me to go. I happened to be a candidate, and I went. I was a candidate for the legislature. When I got there some one said, "Mr. Bowen has not come;" and then we waited probably an hour, or a half an hour, and he came on with these men.

Q. How many colored men besides these were his friends?—A. I could not tell you.

Q. Were there as many as a hundred or a hundred and fifty of his men and other colored men?—A. I should not think so; I should not think there were more than one hundred and fifty altogether on the boat, and I have some experience in judging of numbers. Fifteen or twenty were there before he came.

Q. You saw the first shot that was fired?—A. Yes, sir; it was by a dark-brown man, hardly a black man.

Q. Suppose you were standing on the stand, and looking this way, [directly facing the crowd,] where did he stand?—A. As the speaker addressed the crowd it was to his left.

Q. Where did you stand?—A. On the right of the platform.

Q. So that you could look across and see him above the chest?—A. Yes, sir; I happened to be on the high hill-side, and I had the advantage of seeing over that way. That shot appeared to me to be a signal.

Q. Well, how long after that was this volley?—A. It could not have been more than half a minute.

Q. From what quarter did that come?—A. It came from the bottom.

Q. When was it that the crowd separated, the whites in one direction and the blacks in another, in relation to these shots; was it before or after the first shot was fired?—A. It was after the first shot. It seemed to be intuitive; both parties apparently withdrew.

Q. The volley of which you spoke was fired into the crowd?—A. It was fired toward the whites.

Q. Were not the whites and blacks, then, so near together that it would be impossible for either party to escape altogether?—A. No; these men approached from behind, as it were, from the rear of the crowd. [The witness here explained the situation of the crowd and the speaker's stand, and the direction from which the firing came.]

Q. Now, sir, after the first shot, what you call the signal, how long was it before this volley?—A. It was so short a time that I could hardly tell it. It was almost immediately.

Q. This crowd separated at the instant that the signal or first shot was fired?—A. As quick as the alarm was given.

Q. Now, sir, would not that volley have been fired as directly into the blacks as into the whites? In that brief interval of time, which you say was hardly long enough to make a distinction between one and the other, is it possible that they could have made up their minds, and could have operated to such an extent as to give the shots to the whites and not to the blacks?—A. Well, the shot was fired in the direction of the whites—our side.

Q. Before the first or signal shot was fired, were these white and black men mixed together promiscuously?—A. No, sir; they were separated.

Q. By what sort of a line?—A. Nearly in the center. If anything the colored people were rather to the right of the stage, more in front; and as the shot was fired, the whites fell off in one direction and the blacks in another.

Q. Was it possible that in this short time they could have separated in this way?—A. Yes, sir; Mr. Bowen fell back with us.

Q. Did you see the people from whom the volley came—the several shots which constituted, as you say, an explosion like fire-crackers?—A. I did.

Q. Were they colored men?—A. Yes, sir; the only one of the republicans that I saw on our side was Mr. Bowen, and he afterward went over among them.

By the CHAIRMAN, (Mr. Cochrane:)

Q. With whom did he go?—A. With Mr. Walker. I started to go with him, but Mr. Walker got to him first. Mr. Bowen was with us perhaps two or three minutes, or perhaps longer.

Q. When did the first man fall?—A. The first one I saw was this black man.

Q. At what time did that occur?—A. At almost the first fire. There was not a regular continued musketry, but there would come little spurts.

Q. Were there any men on the platform at that time?—A. There was one man got upon the platform and fired his pistol three times.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Who was that?—A. A man by the name of Smith. I asked afterward, and was told that his name was Smith.

By Mr. BANKS:

Q. How long did the firing continue after the first pistol-shots?—A. I don't think it was over eight or ten minutes. Time like that is pretty hard to measure.

Q. At what time was it that the first white man was shot?—A. Well, I was the first one that I knew of being struck.

Q. Were you shot by the early guns that were discharged?—A. No, sir; there had some little firing gone on.

Q. At what place did these white people who had been shot receive their wounds?—A. After they had been separated some little time I saw one of them, a young man that was here to-night. I was somewhat surprised afterward that he had got hurt.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Do you know whether Mr. O'Connor is a member of the democratic executive committee?—A. I presume he is; I could not assert it, sir.

By Mr. JONES:

Q. Do you know that these rifle-clubs were formed for the purpose of protection to life and property if occasion required it?—A. They have been formed some time, as far as I am able to tell you, before we had any idea of any rumpus of this kind.

Q. Do you know of the Washington Light Infantry?—A. Yes, sir.

Q. Was that an old rifle-club?—A. The Washington Light Infantry was one of the old military companies that we have had here for a good many years.

Q. Have they turned out with arms?—A. All the rifle-clubs turned out with arms. They turned out on the 23th of June. The Washington Light Infantry is one of the oldest companies in the city.

Q. That company was disbanded, so far as an armed organization is concerned, under the proclamation of the President?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. What was generally the case; did these rifle-clubs disband generally?—A. That was my impression, sir.

By Mr. BANKS:

Q. Did they come out on the 8th of November, in the disturbance that occurred the night after the election?—A. I could not tell you of my own knowledge. I was in bed; or, rather, I had not got out of the house.

Q. Do you think if there should be an occasion, in the judgment of the members of these rifle companies, for their appearance in the streets in military order, that they are in a condition to immediately appear?—A. Well, they could appear as quickly as could be expected from citizen-soldiers.

Q. Would they find their commanders?—A. I think they would. They would be as ready as any citizen-soldiers would be. Their armories were broken up, and they took their guns home; but of course they could be got together if there was an alarm.

Q. Do you think that men who have not been organized in that way, not armed for that purpose, and without any officers, could come out, or would come out, at such a moment, and take their places in line?—A. I hardly think so.

Q. Then, as I understand you, their operations are suspended, but they are not disbanded; their organization is maintained.—A. They are disbanded so far as their officers are concerned; have no armories, and no regular attendance at the meetings as rifle-clubs.

By Mr. JONES:

Q. Do you understand that they have obeyed the proclamation of the President?—A. I think they did as much as any citizens should do.

By Mr. BANKS:

Q. But they are ready to come out if there should be a call for them?—A. I think if there were a call for them they could be found.

Q. Then their breaking up did not consist in the disbandment of their organization?—A. Well, the officers never had any control.

Q. Are rifle-clubs recognized by the laws of the State?—A. Not to my knowledge, sir.

By the CHAIRMAN:

Q. If I understand you, if there should be a riot among the negroes in this city of Charleston, and a thousand or so of them commenced burning houses and killing people on the street, you think these gentlemen who formerly belonged to the rifle-clubs would very speedily turn out for the purpose of putting down that riot if the police force were insufficient to do so?—A. I could answer for myself. If such a case should happen, I should take a rifle and go to the old club-hall, and I should expect to find a good many there.

By Mr. BANKS:

Q. In speaking of an insurrection, do you still consider that these people are in a condition of slavery—any of them?—A. I do not know why that should follow. I take the word insurrection in the light of a riot.

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CHARLESTON, S. C., Saturday, December 30, 1876.

GEORGE I. CUNNINGHAM recalled.

The WITNESS. I wish to state, in reference to a question asked me by the chairman last evening, in regard to the police force employed in this city last election-day, that the total force was composed of fifty-four blacks and forty-seven whites.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Do you know whether there were that many during the canvass?—A. About that number. They did not vary more than two or three. That included officers and men.

Adjourned to meet on Monday, January 1, 1877, at 10 o'clock a. m.

CHARLESTON, S. C., *Monday, January 1, 1877.*

The subcommittee met at 10 o'clock a. m. All the members present.

GEORGE GARRETT (colored) sworn and examined.

By Mr. BANKS:

Question. Where do you live?—Answer. I live at number 14 Henrietta street.

Q. How old are you?—A. I suppose about sixty-five; I don't know exactly.

Q. How long have you lived in this city?—A. I was born here, sir, and have always lived here.

Q. Where was the last place that you worked?—A. With Messrs. Carrington and Thomas.

Q. How long did you work there?—A. Eleven years. I've been there ever since the fall of the city.

Q. Do you work there now?—A. No, sir.

Q. Will you please to say to the committee how it happened that you left there?—

A. The Saturday night previous to the election Mr. Thomas came to me in the back part of the store and told me he wanted me to help him out. I asked him how, and he told me he wanted me to vote with them. He wanted to get the governor; he didn't mind so much about the President. I told him I couldn't vote that way. He says, "I'm very sorry to see an old man like you so prejudiced." I told him it wasn't prejudice; that my mind was for one thing, and his was for another; and he told me, "Well, I'll get some one that favors me." After we shut up I came away from the store, and on Monday morning, to be certain, I went back, and I met the clerk opening the store, and I asked him, "What's the news this morning?" He says, "Mr. Thomas told me to open and clean up, and to tend to your part of the business;" that they had no use for me; so I came away, certain that I was discharged.

Q. What was the business of Mr. Thomas?—A. He was keeping a jewelry store; and my business was to clean out and make the fires, and so on.

Q. Had any complaint ever been made against you at any time?—A. No, sir; none at all. I was pleased with them and they was pleased with me, I believe, until that time.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Have you worked any place since then?—A. No, sir. I had several other places to work at the same time; I didn't stay at Mr. Thomas's all day. But I suppose they must have been of the same opinion, as I was discharged from all the other places.

Q. And you have not had any jobs of work since you were discharged?—A. No, sir.

Q. Mr. Thomas did not threaten you at all?—A. O, no, sir.

Q. He did not try to compel you to do anything that you did not want to do?—A. No, sir.

Q. He told you about the bad men in office, how they had stolen all the public money, and destroyed all the business interests of the State?—A. Something similar to that kind.

Q. He told you that it was as much to your interest as to his, and that if the white men and the black men did not stand together they could not live at all?—A. Yes, sir; he told me several instances of a failure.

Q. He left it free to your own option which way you would vote?—A. Yes, sir.

Q. He was very kind to you?—A. O, yes, sir. They were very nice people; I liked them very well.

Q. Did you ever go back to see Mr. Thomas?—A. No, sir; it was no use.

Q. The clerk told you that he was told by Mr. Thomas to open the store and sweep it out in the morning?—A. Yes, sir.

By Mr. JONES:

Q. Mr. Thomas did not discharge you at all himself?—A. Not himself.

Q. You say you went back there and found another man in your place?—A. No, no; I say I found the clerk there cleaning up.

Q. But Mr. Thomas did not tell you, himself, that you were to go away?—A. No, no; he didn't tell me himself. He talked with me about what he wanted me to do.

Q. He just reasoned with you?—A. Yes, sir; that was all.

Q. You only worked there part of the day?—A. Yes, sir.

Q. What did he give you?—A. I got a dollar and seventy-five cents a week. I got two dollars and seventy-five cents, altogether, every week, because I was doing something for the clerk and he paid me part and the store paid me the other part.

Q. You parted on good terms?—A. Yes, sir.

By Mr. BANKS:

Q. You did not see Mr. Thomas when you went back there on Monday morning?—A. No, sir.

Q. But you say that the clerk told you that Mr. Thomas told him to do your work, and that you were not wanted any more?—A. Yes, sir.

ALBERT E. PHILIPPY sworn and examined.

By Mr. BANKS :

Question. Where do you reside ?—Answer. Charleston.

Q. How long have you been here ?—A. Since 1865.

Q. What is your age ?—A. Thirty-eight years.

Q. What is your business ?—A. Deputy coroner, and clerk in the coroner's office.

Q. Do you know if any inquest was held upon the body of any person killed at the riot at Cainhoy ?—A. Yes, sir ; I believe five or six.

Q. On whose dead bodies was it held ?—A. J. Hall King, Mr. Simmonds, Mr. Daley, and others.

Q. Have you the record of this testimony ?—A. Yes, sir. [Producing record.]

Q. Is the coroner required, by law, to keep the testimony ?—A. Yes, sir.

Q. And that is the original record ?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane) :

Q. Is the coroner a colored man ?—A. No, sir ; a white man, at present ; but the coroner was a colored man at the time this testimony was taken.

Q. Who appeared as prosecutor for the Government before the coroner ?—A. Solicitor Butts.

Q. Is it a common thing for the Government to be represented before a coroner ?—A. Yes, sir ; in this State.

Q. Did you ever know of a prosecutor appearing before a coroner before ?—A. I have seen them in this city in different cases.

Q. In what case did you ever see a prosecutor appear ?—A. If you will allow me to refer to my book—

Q. Do you recollect, of your own knowledge, of any case where a solicitor of the State appeared as a prosecutor before the coroner ?—A. I think the law allows the coroner to call upon the solicitor for advice.

Q. Are you sure of that ?—A. I would swear to it.

Q. Can you name any case ?—A. I have seen them in the case of Mr. Backner.

By Mr. BANKS :

Q. On whose application was the inquest held ?—A. An inquest is held as soon as notice is given.

Mr. BANKS. I offer the record of the coroner in evidence.

The CHAIRMAN, (Mr. Cochrane.) The majority of the committee exclude the record as incompetent, there being no allegation or proof that the witness, whose evidence appears in the book, cannot be produced before the committee.

CHARLESTON, S. C., Monday, January 1, 1877.

WILLIAM J. MCKINLEY (colored) sworn and examined.

By Mr. BANKS :

Question. Where do you reside ?—Answer. In Charleston ; I have resided there forty-two years ; I am forty-two years old.

Q. What is your business ?—A. Recorder of deeds for Charleston County.

Q. Were you at the republican meeting held at Cainhoy last autumn, during the canvass ?—A. I was.

Q. Do you remember the date of the meeting ?—A. The 16th of October, sir.

Q. What time did you get there ?—A. The boat landed at about half past eleven, I would say, and we arrived at the ground about twelve o'clock.

Q. How did you go up ?—A. By steamboat.

Q. Was it the boat upon which Mr. Bowen and his friends, and the democrats, went to this meeting ?—A. Yes, sir.

Q. Were you with Mr. Bowen's friends ?—A. I was.

Q. How many republicans or personal friends did Mr. Bowen take on board with him ?—A. I do not think there were more than twenty or twenty-five ; I was not careful to note the number.

Q. Were they all republicans, and colored people ?—A. Yes, sir ; there were other colored men on board the boat in the interest of the democratic party.

Q. How many, should you say ?—A. Not over five ; they were friends of mine. I knew them from the fact that they were interested in the democratic party. It was just at the time of the year when there was very little doing, and a great many persons went aboard the boat just for a pleasuring party, and some were in the interest of the democratic party ; but whether they went there under invitation from the democratic party is more than I can say.

Q. How many colored men were there altogether on the boat, including those friends of Mr. Bowen?—A. I do not think there were over thirty or thirty-five altogether.

By the CHAIRMAN, (Mr. Cochrane :)

Q. Was Delaney, the colored democratic speaker, one of the five you have spoken of?—A. Yes, sir.

By Mr. BANKS :

Q. Was Delaney a democrat, or acting with the democrats?—A. He was, sir; that is, he was in the interest of General Hampton.

Q. Do you know whether or not anything was said by Mr. Bowen or his friends as to the democrats who were to go or who should not go?—A. When I arrived at the boat Mr. Bowen was not there. There were several colored men who were anxious to get aboard, and Mr. George L. Buist asked me to see that the men did not get aboard, stating that there were just as many aboard as the boat could conveniently hold. In the mean time Mr. Bowen arrived.

Q. Well, sir, what occurred then?—A. The same request was made by Mr. Buist to him, I think.

Q. Was there anything occurred on the way up to the steamboat-landing?—A. Nothing unusual. We were all pleasantly engaged.

Q. Was anybody armed on board the boat?—A. They were.

Q. Who were they, and what sort of arms did they have?—A. They had pocket-pistols, and I saw men firing in the water, amusing themselves as they went along.

Q. Who were they; white or colored?—A. White and colored both, sir.

Q. What sort of pistols did they have?—A. I am not a judge of pistols, but they were pocket-pistols.

Q. What was the length of them, if you saw them?—A. I saw some of them; they were of a pretty good size.

Q. Were they a foot long?—A. Not a foot; I would say about eight inches, probably; some had larger and some smaller ones.

Q. How large was the largest of them?—A. To the best of my knowledge and belief about eight inches.

Q. You arrived at the landing about half past eleven?—A. Yes, sir; it was about that time.

Q. How far was it from the boat-landing to the meeting-place?—A. About three miles, I should say.

Q. What did you see when you got there?—A. I saw a concourse of men.

Q. How many, should you think?—A. About four hundred, colored and white; about equally divided. I am speaking of the time I arrived.

Q. What happened when you got there?—A. The meeting was called to order by Mr. Bowen, the county chairman of the republican party. He stated that we met for the purpose of a joint discussion, and requested that particular attention should be paid to the speakers, so that, after hearing the argument on both sides, they could decide for themselves. Mr. Sanders was chosen to represent the democrats as their chairman. They had a chairman on the republican side, but I do not know the name of the man. The meeting was then organized, and Mr. W. Saint Julian Jervy was the first democratic speaker. He spoke thirty minutes, which was the time allotted him. After he concluded the band commenced playing, and I was announced as the speaker on the republican side to reply. I mounted the platform.

Q. Did you see this rough sketch I have of the ground this morning? [Pointing to a diagram of the ground where the Cainhoj meeting was held.]—A. Yes, sir.

Q. It was made at your suggestion?—A. Yes, sir.

Q. Where did you stand on the platform?—A. I stood about the center of the platform in front. [Indicating upon diagram.]

Q. Where were the people at that time?—A. Mr. Sanders, the chairman for the democrats, was on my right, and the republican chairman was about the center.

Q. How many people were there at the time you arose to speak?—A. I should say about four hundred and fifty.

Q. What number of whites and blacks?—A. The proportion was about equal.

Q. Were they all men, or were there any women?—A. They were all men, but there might have been a few women among them.

Q. Where did the democrats stand?—A. The democrats stood to my right.

Q. Were they generally by themselves, or scattered promiscuously through the crowd?—A. Generally by themselves.

Q. And the republicans were generally to the left?—A. To the left, and by themselves.

Q. Were all these people mainly in front of the building?—A. Yes, sir; on my left, as I stood facing the people, there was an old house called the weather-house.

Q. Were there doors at each end of this house?—A. They were not doors, but just openings large enough for a carriage to pass through, I should say.



Q. How far from the platform, where you stood, do you think it was?—A. About thirty feet. But I am a very poor judge of distances.

Q. Will you state to the committee what occurred after you got upon the platform and stood in this place that you have pointed out?—A. After I mounted the platform and proceeded to speak, I had spoken but one or two minutes, when I heard a commotion to my left. I requested the men then to be silent—those to the left—the colored people—saying, at the same time, that I was there in their interest. I said that because they had given the previous speaker their undivided attention, and I thought they should accord the same to me. I then heard some one exclaim, "Look out, McKinley, they are going to shoot." I turned to the left, in the direction of the voice, and I saw several young white men, with guns in their hands, directly turned towards the stand.

Q. Where were they, if you please?—A. They were in this old weather-house, on the left of the platform.

Q. Whereabouts did they stand?—A. They stood in the doorway nearest to the platform.

Q. How many were there, or about how many?—A. I should say about ten or twelve. I jumped off the stand, and drew the attention of either Mr. Jervey, J. F. Fickin, Hon. M. P. O'Connor, or Mr. W. Saint Julian Jervey, or all of them, to the excitement that was going on.

Q. In what way did you draw their attention?—A. By asking them to look, saying, "Look, these are your men with guns in their hands, and it will be heralded throughout the country (I think I used the word to-morrow) that we," meaning the republicans "started this row."

By the CHAIRMAN, (Mr. Cochrane:)

Q. Were these men off the stand at the time?—A. They were off the stand at the right rear corner, on the ground.

By Mr. BANKS:

Q. State how many men were on the platform.—A. All that were on the platform, that I can recollect, were Mr. Sanders, the democratic chairman, the republican chairman, and myself.

By Mr. COCHRANE:

Q. At what point of time was this?—A. Just after Mr. Jervey had got through speaking, and I had commenced. I jumped on the platform again and asked the men to hear me.

By Mr. BANKS:

Q. Not particularly one side?—A. No, sir. At that time I heard a discharge from some fire-arm, and shortly afterward the firing became general.

Q. From whence did this first shot that you had heard from some fire-arm come?—A. It came from the left; from the direction of this old weather-house, but whether it was in the building or outside, I could not say.

Q. Did you see the persons from whom it came?—A. I did not, sir; I do not know who they were.

Q. What happened afterward, so far as you saw and know; did you take any further part?—A. I endeavored to quell the row as much as I possibly could.

Q. Did you see any person killed?—A. I did not, sir.

Q. When did you leave the ground?—A. I left the ground about ten minutes after I heard these shots.

Q. Do you know anything further to state to the committee in regard to the row itself?—A. Nothing further, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Who was the first speaker at the meeting?—A. Mr. W. Saint Julian Jervey.

Q. Mr. Jervey is a white man, I believe?—A. Yes, sir.

Q. And a respectable member of the bar?—A. Yes, sir; a gentleman, and very respectable.

Q. Is he in the city now?—A. I do not know, but rather expect he is.

Q. Mr. O'Connor was a very reputable gentleman?—A. Yes, sir; he was a member of the bar, and a candidate for a member of Congress, and also a member of the democratic executive committee of the county.

Q. On the way up in the boat you came to observe the fact that there were pistols there from seeing the colored and white men shooting in sport?—A. When I said white and colored men, I mean to say I did not see but one colored man fire his pistol.

Q. They were firing at things in the river?—A. Yes, sir.

Q. There was no bad blood or ill feeling?—A. None whatever, sir. As I said before, they were firing, going along, at marks in the water.

Q. Did you go up with the democrats to the meeting?—A. Yes, sir; I walked part of the way, and rode part of the way.

Q. Did you see any guns in the hands of any white men?—A. I did not, sir.

Q. And when you got to the ground you saw no guns in the hands of either white or colored?—A. I saw no guns in the hands of either party.

Q. No guns were taken up on the boat?—A. None to my knowledge; in fact I could say there were none taken up on the boat.

Q. After Mr. Jervey had concluded the band commenced playing and you were announced by the chairman?—A. I was, sir.

Q. Did the chairman say anything special, or did he just announce you as Mr. McKinley, who would now address the meeting?—A. Yes, sir; he just announced me in the usual manner, and I stepped forward and commenced to speak.

Q. You had spoken but a few sentences, when you observed a commotion in the crowd, to the left, among the colored men?—A. Yes, sir.

Q. And felt somewhat annoyed at it from the fact that great quiet had been observed during the previous speeches, and you thought they might pay you the same compliment?—A. Yes, sir.

Q. And you remonstrated with them and told them that you were friendly to them?—A. Yes, sir; that I was there in their interests, and as their friend.

Q. When you say that you saw ten or twelve men with guns pointed, do you wish to be understood as swearing positively as to the number?—A. I do not, sir. I have given that as the best of my knowledge and belief as to the number.

Q. But you do not give it with that degree of certainty which would enable you to swear to it?—A. No, sir.

Q. When you heard the voice saying, "look out," it came from the left of the stand among the colored people?—A. Yes, sir.

Q. How far was the old building from the rear of the colored people who had assembled on the left?

The WITNESS. The old weather-house?

The CHAIRMAN. Yes.—A. Why, they were all around it.

Q. That is, the crowd of people on the left extended from the old house pretty close to the stand?—A. Just here I want to be distinctly understood. They were facing the house in front, all around, but not surrounding the house. There was no one to the rear of the house from what I saw.

Q. And the crowd of colored people to the left of the stand extended from the speakers' stand over toward the old house?—A. Yes, sir.

Q. When you say that there were no colored men behind the house, you simply wish to be understood as saying that you saw no colored men behind the house.—A. Precisely, sir; I only say what I saw.

Q. You saw these men standing in the house with their guns. What kind of guns?—A. Well, they were smooth-bored guns—single-barrel guns—old-time muskets.

Q. You jumped off the stand. Now, at the time you jumped off the stand, if I understand you, Mr. O'Connor and Mr. Jervey had gotten off, and they were with the white men, to the right?—A. Yes, sir, and near to the end of the platform.

Q. And at that time there had been a withdrawal of the races—these negroes to the left of the stand had drawn back, and the white men to the right of the stand had drawn together?—A. Yes, sir; they kept their positions, just by common consent.

Q. At the time you came down they were all separated?—A. I think so, sir.

Q. When you heard the expression, "look out," was there not a sort of swaying of the masses?—A. Not as I could see.

Q. You were not paying very particular attention to see whether there was a swaying or not?—A. No, sir.

Q. And your attention was particularly directed to the house at that time?—A. Yes, sir; I heard the cry, and I looked there, and I had a talk with these men of whom I have spoken.

Q. Well, now, how long after you jumped up on the stand was it that this shot was fired of which you have spoken?—A. It was instantaneous.

Q. A single shot?—A. Yes, sir; at that time.

Q. And almost immediately thereafter you heard a general firing?—A. Yes, sir; shortly afterward.

Q. You saw no man killed?—A. I saw no one killed, sir; I knew nothing at all about the extent of the casualty until the next morning, and I was perfectly amazed.

Q. When you commenced speaking there were just three persons on the stand?—A. As well as I recollect.

Q. When you got down were you the only one on the stand to talk to these gentlemen?—A. My best recollection is that there was no one on the stand.

Q. Was there any one on the stand when you got up there again?—A. No, sir.

Q. Well, now, where did you go after the firing became general?—A. I got out off between the two. It appeared as if the republicans had gone in the direction of the swamp, and the democrats toward the old church.

Q. How many negroes did you see with guns?—A. I do not want to avoid any ques-

tion, and I do not want to state what I do not know. I saw a good many with guns but I could not approximate the number; there was such a confusion, and all that.

Q. Did you see them in the edge of the woods with their guns?—A. I did not.

Q. Or by the swamp?—A. I did not. As I was going over toward them they were advancing, and the whites were retreating in the direction of the church.

Q. During this whole time was the firing continued?—A. Every now and then shots would go off; it was continuous.

Q. Well, when you got to where the republicans were, did the men whom you approached have arms in their hands?—A. Not all of them; some few of them had.

Q. And what were they doing with them—firing?—A. They were not firing at that time.

Q. Well, where did you go—further?—A. I went away from the place altogether, and did not stop to follow it up or take any part in it.

Q. You saw that there was going to be trouble, and did not attempt to have anything more to do with it?—A. I saw that there was going to be trouble, and thought it would become more serious; I left the ground.

Q. You were not present at the interview between Walker and the colored people?—A. No, sir; but I saw Mr. Bowen and Mr. Walker go over.

Q. And then you left the ground?—A. Yes, sir.

Q. And you were not aware of the extent of the killing and wounding until the next day, when you were shocked to find it out in the newspapers?—A. Yes, sir.

Q. This commotion and the shot that was fired and the general firing were very rapid, were they not?—A. O, yes; when it first commenced I suppose everybody that had anything to shoot just fired it off.

Q. The events transpired very rapidly?—A. Yes, sir; certainly they did.

Q. You heard the commotion, then the cry, then the shot, then the volley, and then you started off to try to get away as speedily as possible; is that correct?—A. It is, in the main, correct.

By Mr. JONES:

Q. You say you arrived at the boat, previous to leaving the wharf at Charleston before Mr. Bowen?—A. Yes, sir.

Q. Did the boat wait for Mr. Bowen?—A. I understood it waited a while for him.

Q. Did you understand that democrats and republicans were to attend the meeting at Cainhoj for a joint discussion, before you left?—A. Yes, sir; I understood that was the purpose.

Q. That was by the consent of, or arrangement with, Mr. Bowen?—A. Yes, sir; an arrangement had been made between the chairman of the democratic committee and that of the republican committee.

Q. When you arrived on the ground where the meeting was held, you said you found about four hundred whites there; did you arrive at the place of meeting before the main body who went on the boat?—A. I did not, sir.

Q. Did you go up in company with Mr. Bowen?—A. No, sir; he preceded me. I was about the last of the party that got there.

Q. Well, did you see any guns before you saw those in the hands of the ten or twelve men in the old house that day?—A. I did not, sir.

Q. Were those the first guns you saw on that day?—A. The first guns that I saw—the first intimation I had that there were any guns on the ground.

Q. What was the character of Mr. Jervej's speech?—A. It was very pleasant; pacific, as it was generally supposed it would be.

Q. There was nothing in it to excite any bad feeling or commotion?—A. Nothing of the kind, sir.

Q. The first shot you heard that day was this one which you could not tell whence it came or from what kind of an arm?—A. I will not say that was the first shot I heard that day, because, you understand, I heard some firing on the boat.

Q. But I mean the first shot you heard on the ground where the meeting was held?—A. Yes, sir.

Q. Well, did you see any shots fired at all by these men whom you saw with the guns in the first place?—A. I did not.

Q. You said that you saw several guns after that on the ground?—A. Yes, sir. The firing then became general, and I got cut off and was not in a position to see. They had retreated through to the rear of the buildings with the guns.

By Mr. BANKS:

Q. The colored people had retreated?—A. No, sir; the young lads that had the guns. They had got around to the other side, and I could not see them. They had gone through this open building and got to the rear.

By Mr. JONES:

Q. The republicans were at your left and the democrats were on your right?—A. Yes, sir; but how these men got into this building I could not say.

By the CHAIRMAN, (Mr. Cochrane):

Q. But they could not be seen from the stand?—A. No, sir; not at the rear, because the building was between.

By Mr. JONES:

Q. Where were the guns you afterward saw; who had them?—A. I saw several, and I said that they were in the hands of the colored men—those guns that I saw in the rear of the platform.

Q. Were they fired?—A. Some were. I saw one man firing off, and I heard guns firing, but I only say what I saw.

Q. Do you know where they got these guns?—A. I do not.

Q. They were close to the swamp—were emerging from the swamp?—A: I could not say that they were emerging from the swamp.

Q. They were at the edge of the swamp?—A. I could not say that, either. I saw them between the platform and the swamp.

Q. Was Mr. Bowen on the stand?—A. Not at that time; he was on the stand when the meeting was first called to order.

Q. Was he on the stand when the firing began?—A. I think not, sir.

Q. Was he on the stand when you looked to the left and saw the ten or twelve men?—A. I think not.

Q. When you jumped from the stand and appealed to Mr. Jervey, Mr. O'Connor, and Mr. Fickin, how did they reply?—A. I think some one made a reply, but in the midst of the confusion just at that time I could not tell just exactly what it was.

Q. What was the nature of the reply; was it derrecating the disturbance?—A. I would rather think it would be; all good and sensible men would deprecate anything like that.

Q. There was no bad feeling manifested toward you by those gentlemen?—A. None at all, sir.

Q. Did you see the ten or twelve men afterward during the day?—A. I could not recognize any one at the distance and in the excitement of the moment.

Q. Well, you do not know if you saw them?—A. No, sir; I do not know.

Q. You do not know that they fired a single shot?—A. I do not know that they fired a single shot, because the first shot that was fired was in the rear of this building and I could not see.

Q. The first report that you heard?—A. Yes, sir; the first report that I heard.

Q. Let me understand you. You say it was directly from that quarter where the old house was?—A. Yes, sir.

Q. And the republicans were in that direction?—A. Yes, sir; in that direction, between me and the old house; but still there were men with guns in their hands in this old house.

Q. But the crowd was divided in that way?—A. Yes, sir.

Q. The first shot proceeded from the republican side?—A. Yes, sir; in connection with this I say that I saw, these white men with guns in their hands on the republican side.

Q. You did not return to Charleston?—A. I did.

Q. That night?—A. Yes, sir.

Q. Did you return to the village of Cainhoy from the meeting?—A. I did not.

Q. Well, was the fight still going on when you left the ground?—A. Well, no, sir; I would say that there was no fighting going on there, except a state of confusion. Everybody was trying to get out of the way.

By the CHAIRMAN, (Mr. Cochrane):

Q. I want to ask you this question: Do I understand you to say under oath that the shot came from the rear of the old building?—A. I said that the first shot that I heard came from that direction.

Q. But you do not undertake to say under oath that it was in front of the building, or in the building, or behind the building?—A. No, sir; it simply came from that direction.

Q. And, if I correctly understand you, these men whom you saw at the door]who had the arms backed out at the rear of the old building?—A. Yes, sir.

Q. So that it was impossible for any one who stood upon the platform to have seen these men when they were outside of the building?—A. Yes, sir.

Q. And they were entirely excluded from the view of a person on the stand at the time that you heard the first shot fired?—A. Well, I would not like to say that. I will say that I did not see them.

Q. I ask you whether they were excluded from the view of a person on the stand?—A. I could not say that, sir.

Q. Well, did you not look from the stand?—A. I did.

Q. Then you could not see them?—A. No, sir; I did not see them. But as long as

they remained behind this portion of it, (indicating a spot on the diagram,) either side of this opening, the height of the building would not prevent anybody from seeing.

Q. Well, were they behind and hidden there so that you could not see them?—A. I could not say.

Q. If they had been visible from the stand at the time the first shot was fired would you not have seen them?—A. If I had looked in that direction.

Q. Did you not look in that direction?—A. I did not look any farther than the door where the men were standing with the guns in their hands. I did not look around, because I did not expect anything of the kind.

Q. Did you immediately upon hearing the shot look in that direction?—A. No, sir; I do not think I did. I looked in the direction when I heard the alarm, "Look out, McKinley, they are going to shoot."

Q. Well, did you, when you heard the shot, look in that direction?—A. I could not say that I did; I could not say that I did not.

Q. When you got on the stand the second time did you look in that direction?—A. I could not say positively whether I did or not.

Q. Did you hear Mr. Bowen saying anything there at all from the time you heard the cry, "Look out?"—A. No, sir; I think not. I think I heard him say, "For God's sake, can't we stop this fight?" or words to that effect.

Q. Where was he at that time?—A. There was an awful state of confusion at that time, and I could not place anything.

By Mr. JONES:

Q. Was Bowen on the stand at the time the cry of "Look out!" was called?—A. No, sir; not to the best of my knowledge.

By Mr. BANKS:

Q. Do you say that you did not look particularly to see them, or did you make any effort to find out where these men were at the time you heard this shot?—A. I was not looking particularly as to who fired the shot, because it came so very quick that I did not have time to expect any fight.

Q. You have said that this was a sudden outbreak; had you arms yourself?—A. No, sir.

Q. If it had been a premeditated affair on the part of the colored people, would it have been within your knowledge?—A. If there was anything like a premeditated—  
The CHAIRMAN, (Mr. Cochrane.) I object. We do not want any expression of opinion.

By Mr. BANKS:

Q. Had you a knife, a pistol, or a weapon of any kind?—A. No, sir; nothing at all.

Q. When you spoke to Mr. O'Connor and Mr. Jervy at the time you saw the white men with these guns in the building, did any other person speak to them upon the subject?—A. Not as I am aware of.

Q. Did you see the inside of this weather building at any time?—A. Yes, sir; I was inside at one time. I was to reply to Mr. Jervy, and I was anxious to hear what he had to say, and I was inside a portion of the time when he was speaking.

Q. Do you remember whether or not there was a chimney in the building anywhere?—A. It is my impression there was a chimney there.

Q. In what part of the building do you think it was?—A. Over on the back part.

Q. Was it open?—A. Yes, sir; it was an open chimney.

Q. How large?—A. I did not pay particular attention to the localities, but whatever it was it was open.

By the CHAIRMAN, (Mr. Cochrane:)

Q. You did not pay any special attention to this chimney, to ascertain if there were arms in it?—A. No, sir; I did not see any.

By Mr. BANKS:

Q. It was open?—A. Yes, sir.

Q. You saw no guns or muskets there?—A. I saw none, sir.

By Mr. JONES:

Q. Did you see the boat-crowd arrive on the ground?—A. O, yes, sir.

Q. Did you go in company with them?—A. I went partly with them.

Q. Did you see any guns in their hands going up?—A. I did not, sir.

CHARLESTON, S. C., Monday, January 1, 1877.

ROBERT M. WALLACE sworn and examined.

By Mr. BANKS :

Question. You are a United States marshal for the district of South Carolina ?—

Answer. I am, sir.

Q. Where do you reside ?—A. I reside in Charleston.

Q. How long have you resided in Charleston ?—A. Four years and a half.

Q. How long have you lived in the State ?—A. All my life, sir ; I was born here.

Q. Have you lived out of the State at any time ?—A. No, sir ; I have not.

Q. What part of the State did you live in chiefly ?—A. I used to reside in the northern part of the State.

Q. What is your age ?—A. Thirty-nine years.

Q. What is your profession apart from your office ?—A. I am a lawyer by profession and practice, in the northern part of the State.

Q. Were you requested to take any action in regard to the Cainhoy affair ; and, if so, what was it, and by whom was the request made ?—A. I was. I was called upon by the deputy sheriff of the county immediately after the news of the riot reached the city. He requested that I would take some immediate action, by the use of United States troops, to prevent further fighting at Cainhoy, where this riot had occurred.

Q. What did you do, if anything, in regard to that request ; was it a request, or did he make an official call upon you that required you to do it ?—A. I regarded it as a semi-official call to aid in preserving the peace of the county, which the sheriff was unable to do.

Q. And you felt under obligation to do that ?—A. I felt it a part of my duty to do so.

Q. Will you state to the committee what you did, if anything ?—A. I at once telegraphed to the officer commanding troops at Summerville for a company to go to Cainhoy.

Q. How far is Summerville from here ?—A. About twenty-five miles.

Q. And from Cainhoy what distance ?—A. It is about fifteen miles to Cainhoy.

Q. Well, what then ?—A. That was at night. The next morning the commanding officer at Summerville replied that he had but one company of light artillery, which had no small-arms, and he could not fill my requisition for troops.

Q. Your telegram to him was the night of the riot ?—A. Yes, sir.

Q. And the reply from him came the morning after ?—A. Yes, sir.

Q. Well, what occurred then ; what did you do in the matter ?—A. I made further inquiries in relation to the riot.

Q. I will ask you to state what you did further in relation to this matter, after you received the telegram from the officer.—A. I telegraphed to the governor at Columbia, asking where I could get a company of United States troops. He referred me to General Ruger at Atlanta.

Q. He telegraphed you ?—A. Yes. General Ruger telegraphed me that he had ordered a company of troops from Columbia to proceed at once to Cainhoy, telling me when they would be here. The troops arrived here on the morning of Thursday. The riot occurred on Monday. I proceeded with the company of troops to Cainhoy.

Q. Did you post them or place them or instruct them what it was their duty to do ?—A. I did, sir.

Q. What were your instructions ?—A. To preserve the peace, and prevent any armed parties from passing through the country or making any attack on anybody. At Cainhoy we found some fifty men under arms, citizens of the city.

Q. White men ?—A. Yes, sir. They were detachments from several different clubs of the city, who were there on duty.

Q. Were they all from the city of Charleston, so far as you know ?—A. All of them, I believe, sir.

Q. Will you please to say if you did anything further after posting the troops there ?—A. I required the men who were on duty to withdraw.

Q. Did they do so ?—A. They came back to the city on the boat with me.

By Mr. JONES :

Q. Did the United States troops come back with you ?—A. They remained there until after the election.

By Mr. BANKS :

Q. I will ask you if you made any official report of your doings to anybody ; and, if so, to whom ?—A. I made a report to the Attorney-General at Washington.

Q. Have you a copy of your report ?—A. I have, sir.

By the CHAIRMAN, (Mr. Cochrane :) )

Q. Were you requested by the Attorney-General, or by any other officer of the United

States Government at Washington, or elsewhere, to have those troops sent to Cainhoy?—A. I had no particular request in this particular case.

Q. Did you have any communication from Washington on the subject of Cainhoy prior to your action in the premises?—A. I did not.

Q. Is the report of which you have spoken confined only to the official actions which you have stated in evidence, or does it contain an account of the previous riot?—A. My report contains an account of the riot.

Q. Did you have any personal knowledge of the facts set forth in that report, so far as the riot was concerned?—A. I was not present, but my information was derived from parties who were on the ground.

Q. Was your information derived from any Government officer, detailed by you, who was upon the ground?—A. It was not.

Q. Then you made up your report, of which you have spoken, solely upon inquiries which you made of private individuals who were at Cainhoy during the trouble?—A. It was made up from inquiries of private individuals, and of State officials who were there.

Q. What State officials who were there?—A. The sheriff of the county, Mr. Bowen, was there, and some other State officials.

Q. Who?—A. Mr. McKinley.

Q. What is his position?—A. He is register of mesne conveyances.

Q. Any other State officials?—A. I do not recollect it.

Q. If I correctly understand you, without having any personal knowledge as to this riot; without having been requested by any authority at Washington to forward any statement on the subject, you forwarded a report in regard to this riot, which report was founded upon the facts which you learned from Mr. Bowen, the sheriff; Mr. McKinley, the recorder of deeds; and other private persons who were there at the scene of the riot, is that correct?—A. It is, partially only.

Q. In what respect is it incorrect?—A. If I give you a direct answer to that question, I will not state the fact fully as it should be stated.

Q. Here is the point that I want: I simply want to know whether you had any other knowledge in reference to the facts contained in your report about the Cainhoy riot than such knowledge as you obtained from Mr. Bowen, from the recorder of deeds, and other parties who might have been present at the scene of the riot?—A. My information, as I said, was obtained entirely from conferences with Mr. Bowen, with Mr. McKinley, and with a dozen or twenty others who were private parties.

Q. Had you any power to administer oaths?—A. I had not.

Q. Did you administer oaths to any of those voters who made their statements to you?—A. I did not.

By Mr. JONES:

Q. Were they not all republicans?—A. They were not; the majority of them were democrats.

Q. You have not named one, have you?—A. No, sir; I have not.

By Mr. BANKS:

Q. Is it a part of your duty as marshal of the United States to keep the peace in this district?—A. It is my duty.

Q. In case of public disturbances, would you think it necessary to wait for orders from Washington to take any action?—A. I have not waited at any time under such circumstances for orders.

Q. Did you think it your duty upon the call of the deputy sheriff of this county to take the action he required?—A. I regarded it as for the public peace. The condition of the city was such that the authorities of the State were not able for some time to protect the peace of the State, and troops had to be scattered over the State to keep the peace.

Q. Your report sets forth the ground upon which you moved?—A. Yes, sir; my report sets out with the cause which is regarded as leading to the riot, and the facts of the riot, and the result of it.

Q. Did you endeavor to get the exact truth without any regard to its political relations?—A. I did.

Q. And you consulted anybody that you met in regard to it without regard to personal or political feelings?—A. I will state that I got all the information I could get from the democrats, and then from the republicans. Statements were published in the papers by editorials, and reporters, and also by affidavits of men who were present on the occasion. I gathered a very considerable portion of my information from the affidavits of the men who were present.

Q. What you regarded as more important you gathered from democrats?—A. Yes, sir.

Q. And you made a general report of what you had done to the Attorney-General?—A. Yes, sir.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Your duties are prescribed by law?—A. Yes, sir.

Q. They are those of United States marshal?—A. They are.

Q. And there are no other powers conferred upon you than such as are conferred upon all other United States marshals under the law?—A. No other.

Q. If I understood you correctly, you say that you talked with democrats and republicans alike about this Cainhoy affair?—A. I did.

Q. You did not swear any of them?—A. I did not.

Q. You simply had conversations with them?—A. That is all.

Q. You did not take down in writing any part of nor all of what they said?—A. Yes, sir.

Q. But after having talked over the affairs and drawn your inferences from it?—A. Yes, sir.

Mr. BANKS. I offer that report as a part of the history of this matter, to be embodied in the testimony. A report has been received here from a military officer in connection with the political affairs of this city and county, and I offer this testimony as upon the same principle.

The CHAIRMAN, (Mr. Cochrane.) The evidence is excluded as incompetent, nor could it possibly be admitted upon the same principle as that which justified the admission of the report of General Hunt, who was a military officer, specially charged by the War Department with the conduct of the troops in this section of the State during the election, and was required to make the report which he subsequently made under the rules and regulations of the War Department, and which report was made up from facts within his own knowledge and from the reports of Army officers under his command, intrusted with an official duty, and having official knowledge of the facts which were reported to him in a regular way, he being their commanding officer. The witness has already stated what he did as United States marshal. He has given all the facts within his knowledge; we have taken the testimony of both Mr. Bowen and Mr. McKinley; the witness does not pretend to have any personal knowledge of the facts of the Cainhoy riot, nor were those facts communicated to him by any officer whose duty required him to so act.

Mr. BANKS. I offer this report now, without any reference to the report of General Hunt or the military officer in command here, as a report made up by the marshal of the United States for the district of South Carolina, in the line of his duty, upon the call of the public officers of this city and county, and in obedience to the general instructions of the Government at Washington and of the laws under which he is appointed, and I desire to say that whether or not this might be competent testimony, if a man was on trial to be punished for any crime committed there, it is certainly part of the official history of this affair, as having been made by an officer of the Government of the United States, acting in the line of his duty upon the demand of the public authorities of this city and county, with reference to the disturbance of the public peace, where several persons had been killed, and in which he was assisted by detachments of the United States troops, and of which he was required by his instructions from the General Government, as well as by the laws under which he was appointed, to make report to the proper officers of the Government.

The CHAIRMAN, (Mr. Cochrane.) The majority of the committees do not agree with you in your statement of the facts proven. The evidence of the witness will speak for itself, and no discussion upon that question is now necessary. The report offered in evidence is excluded as incompetent. The witness has already stated all facts within his own knowledge to which there was no objection made by the majority. What he may have learned from inquiries from other parties under the circumstances detailed by himself cannot be admitted here.

CHARLESTON, S. C., Monday, January 1, 1877.

ABRAM SMITH (colored) sworn and examined.

By Mr. BANKS:

Question. Where do you reside?—Answer. At Mount Pleasant, Charleston County.

Q. What is your business?—A. I am a trial-justice, sir.

Q. What is your age?—A. Forty-three.

Q. Do you know anything of the affair that happened at Cainhoy at a republican meeting there about the middle of October?—A. I was there, sir.

Q. What time did you get there?—A. I went there on the steamer Pocosin. I arrived at the village of Cainhoy between one and half past one o'clock.

Q. What time did you get to the meeting?—A. We got to the meeting about two o'clock.

Q. Will you please state to the committee what you saw and what you know of



your own knowledge as having transpired there?—A. Mr. Bowen and myself drove up in a buggy and got there about ten or fifteen minutes before the rest of the party.

Q. What did you see when you got there?—A. When I got there I met a good deal of colored mens and white mens there on the ground.

Q. Which had the most?—A. More colored mens was there.

Q. About how many altogether?—A. Well, I suppose about two hundred.

Q. Well, sir, what happened?—A. I told the people that we were gwine to have a jint discussion and they must have peace, and not to ask any questions. After that the meeting was called to order by James Stewart, on the republican side.

By the CHAIRMAN, (Mr. Cochrane:)

Q. This you told the colored people before the people came up from the boat?—A. Yes, sir.

By Mr. BANKS:

Q. Was the meeting called to order before the whites came?—A. No, sir. Mr. Stewart was chairman on the republican side and Mr. Saunders on the democrat side. Then Mr. St. Julian Jervey was introduced as the first speaker on the democrat side; he spoke his time out.

Q. What was his time?—A. Half an hour. It was to be half an hour to each. As soon as Mr. Jervey got through the band struck up the music. The band stopped and Mr. William McKinley was introduced on the republican side. Mr. McKinley spoke about four or five words. There was three women in an old building to the left that appeared like it was a place some time back to drive carriages in.

Q. Where was the building with reference to the platform?—A. To the left. The women ran out and says, "The democrats has those republicans' guns." I hear, "Look out!" I hear bang, bang from a gun; then I saw a old man fall right in the road, just about ten or fifteen feet from the back part of the building, and looking toward the place from where I hear the firing there was fifteen democrats, each man having a musket in his hand.

Q. Well, sir, what did they do?—A. They were standing with the guns in their hands like to the platform. Mr. Bowen said to Mr. O'Connor, "Those mens with guns in their hands is your mens." Mr. O'Connor says, "Where did you get those guns?" The answer was, "We captured them." Some one say, "Hold on to them." I don't know whether it was Mr. O'Connor who said it. Then the crowd of colored men rushed to this old building to make up to those men and appear like each man lay hold to a man and they commenced tussling with the guns, and some of the white men dropped the guns and run.

Q. Were the men they laid hold of white men?—A. Yes, sir; and while they were tussling with the guns, the guns fired off, but no one didn't get shot at the time. Then I saw colored men coming from different parts of the bushes with guns, and after they came out of the bushes, I think there was ten or fifteen men was coming up with guns toward where the democrats were standing in a crowd together. Some of the democrats said, "Mr. Bowen, for God's sake, protect us." Mr. Bowen then was standing with the democrats. Mr. Bowen says, "I am not going to face those muskets and leave my back in the rear. If some of you democrats will go along with me, I will go and speak to stop those mens." Mr. George Walker stepped from the crowd of democrats right behind Mr. Bowen, and Mr. Bowen and Mr. Walker went and spoke to them, the colored mens with guns in their hands, and the mens with the guns in their hands dispersed, and by the time Mr. Walker returned back to the democrat crowd, the democrat crowd began to run back toward Caluhoy village, and I heard firing of guns. And I heard firing of guns after the crowd leaved the church, but I don't know what was done after that. I staid there until the last.

Q. You only heard?—A. Yes, sir, I only heard; I didn't see them.

Q. Well, sir, how were the people divided there during the speaking, when Jervey was speaking, and when McKinley began to speak?—A. They were all mixed together.

By the CHAIRMAN, (Mr. Cochrane:)

Q. About the stand?—A. Yes, sir; about the stand.

By Mr. BANKS:

Q. Whereabouts?—A. Just surrounding it.

Q. Where were you standing when this colored man who fell was shot?—A. I was standing on the left of the stand, and I could see right through the building.

Q. Where was the colored man standing who fell?—A. The colored man was about ten or fifteen feet the other side of the building.

Q. To the rear or beyond it?—A. Beyond it.

Q. Did you see where that shot came from; if so, tell the committee where it came from?—A. The shot came from just about a little to the right of the rear of the building. This man Cyrus Guillard had been speaking to the man and had just left him standing leaning on his stick.

Q. Did you see the man who shot the gun?—A. Yes; it was a white man.

Q. Where did he stand?—A. At and beyond the building, and fired at the man who stood in the rear of the building.

Q. Did you see anybody else who was shot?—A. No, sir; I didn't know anything about it till the next morning I read it in the paper.

Q. Do you know whether or not there was any expectation or preparation on the part of the colored men in this affair?—A. Not to my knowing. I have been all through the last campaign, but I never knew a quieter meeting. There was no disturbance whatever until it began. There was no arguing of questions at all.

By the CHAIRMAN, (Mr. Cochrane:)

Q. You are, I believe, a member of the legislature?—A. Yes, sir.

Q. Were you elected at the last election?—A. Yes, sir.

Q. And you were a trial-justice before you were elected to the legislature?—A. Yes, sir.

Q. How long have you been a trial-justice?—A. Nearly two years.

Q. What parish do you live in?—A. Christ Church Parish.

Q. How far did you live away from the Cainhoy meeting?—A. I live one way about fifteen miles.

Q. You served in the legislature this last session at Columbia—that is, in the Mackey legislature?—A. Yes, sir.

Q. Who sent word to you to come down and appear before this committee?—A. Mr. Bowen.

Q. When did you come down?—A. I came down this morning on the 12 o'clock boat from Mount Pleasant.

Q. Have you seen Mr. Bowen since you came to town?—A. Yes, sir; I saw him.

Q. Did you go to see him when you came in on the boat?—A. No, sir; I met him on the street.

Q. You told him you had come down to appear before the committee?—A. No, sir.

Q. You did not tell him that you had word from him?—A. No, sir. I received a message yesterday that he wanted to see me.

Q. He did not tell you what he wanted to see you for—just told you that he wanted to see you?—A. Yes, sir; that was the message.

Q. And you came down and saw Mr. Bowen in obedience to that message?—A. Yes, sir.

Q. Well, you did see him about it?—A. Yes, sir.

Q. What did he say to you?—A. He says, "The investigation committee is here in session about this riot in Cainhoy," and that I had better go and give in my evidence.

Q. What did you say to him?—A. I told him, "I will do so."

Q. What else did he say to you?—A. Nothing more, sir.

Q. How long did you talk together?—A. I got over here about 1 o'clock, I believe. I didn't talk with him not more than about two minutes.

Q. You say that you drove with Mr. Bowen up from Cainhoy to the place of meeting?—A. Yes, sir.

Q. And you at once sent to the colored people that were gathered there and told them that there was going to be a joint discussion?—A. I did, sir.

Q. And that you wanted them to be quiet, preserve peace and order, and not have any trouble or fight, or anything of that kind?—A. Yes, sir; and not to ask any questions.

Q. How many colored people were there at that time?

The WITNESS. Do you mean when I got there?

The CHAIRMAN, (Mr. Cochrane.) Yes.

A. I think there were about two hundred head.

Q. How many were in the crowd when the meeting commenced?—A. I don't think there were any more than three hundred.

Q. How many white men do you think were there?—A. I think about two hundred and fifty.

Q. Did you count the colored people?—A. No; I didn't count them, no more than to make a guess of it.

Q. There was no arrangement of the whites from the blacks at all?—A. They were mixed up all together at the time.

Q. As you looked to the right, to the left, and in front of the stand, they were just all standing together?—A. Yes, sir; only except when I saw the mens with the fifteen guns.

Q. Were you on the platform at any time?—A. No, sir.

Q. Where were you standing when the meeting commenced?—A. I was standing as I afore said, to the left of the platform.

Q. Right close up?—A. Almost close up.

Q. During the speaking, up till the time when the cry was heard that you spoke of,

you are positive that there was great order observed by the colored people?—A. Yes, sir; as I afore said I never seed a better-behaved meeting than that.

Q. You have had some experience in this campaign?—A. O, yes, I always went around, and spoke some myself.

Q. And you were struck with the singular good order that was preserved?—A. Yes, sir; I was listening to the speaking myself.

Q. You did not hear any singing, or whistling, or hollowing?—A. Not even talking among themselves—just listening to the speaker.

Q. There seemed to be a perfect silence?—A. A perfect silence. You could a'most hear a pin drop on the floor.

Q. You were struck with that at the time?—A. Yes, sir.

Q. Well, what was the first thing that you heard after McKinley got up?—A. After McKinley got up on the stand, and spoke about four or five words—

Q. Then you heard the first thing?—A. The first thing I heard was these three women came out of the building and said, "The democrats have those men's guns."

Q. The republicans' guns?—A. Yes, sir; the republicans' guns.

Q. They ran out, if I correctly understand, and said, "The democrats have the republicans' guns." Then you heard some one say, "Look out!" Then you heard the report of a gun, and then saw an old black man, ten or fifteen feet away from the building, fall?—A. Yes, sir.

Q. Just as quick as you heard the women run out and tell about these guns, and heard some voice cry, "look out," you saw the shot and saw the old man fall?—A. I didn't say "saw the shot;" I say heard the report of the gun; then I looked.

Q. Then you looked to where you heard the report and you saw fifteen white men with muskets; each one had a gun; they were looking to the platform, and pointing their guns in that direction? That was the next step in the programme?—A. Yes, sir.

Q. And then you heard Mr. Bowen, who was on the platform—? A. I didn't say he was on the platform.

Q. Then he was not on the platform at the time?—A. No, sir.

Q. You heard him say, standing off the platform, to Mr. O'Connor, "Those men with guns in their hands are your men." O'Connor and Bowen were both off when this remark was made?—A. Yes, sir.

Q. And were they to the right or the left of the stand?—A. They were to the right of the stand.

Q. They were among the white men?—A. Yes, sir; all mixed up together.

Q. Mr. O'Connor said to the men, "Where did you get those guns?" did he?—A. Yes, sir.

Q. And they said, "We captured them?"—A. That was the answer.

Q. And all this time, while this conversation was going on, these men were standing with the guns pointed toward the speakers' stand. Is that correct?—A. Yes, sir.

Q. And somebody said, "Hold on to them!" and at that point a crowd of colored men rushed on to the white men and caught the guns, and they had a struggle for those guns with the white men?—A. Yes, sir.

Q. Some of the white men dropped the guns and ran?—A. Yes, sir.

Q. Some of the guns went off in the tussle that they had there?—A. Yes, sir.

Q. And the negroes captured some of these guns, did they?—A. Yes, sir; they did.

Q. Then you saw colored men, just at that point, coming from different parts of the bushes with guns?—A. Yes, sir.

Q. And some of these men coming toward the crowd where the democrats were standing together?—A. Yes, sir.

Q. And you heard some democrat say to Mr. Bowen, "For God's sake, protect us?"—A. Yes, sir.

Q. And Mr. Bowen and Mr. Walker went over to where this band of colored men was?—A. Yes, sir.

Q. Well, now, at that time where did the crowd of white men go?—A. They retreated toward the church.

Q. Where did you go at that time?—A. I staid there.

Q. Well, did you move at all from the stand?—A. O, yes; I moved out of the way of the guns. When I saw these men with the guns pointed toward the stand I fetched up a little more toward the white men.

Q. Well, did you retreat with the white men?—A. When Mr. Bowen and Mr. Walker moved I went to the broadside of them, toward the muskets.

Q. Well, then you went away, and you do not know what occurred after that?—A. No; because these democrats then retreated back from where the stand was. They appeared to be trying to escape toward Cainhoy village.

Q. And the colored men were advancing?—A. The colored men were in the woods.

Q. You saw this scattered line in the woods?—A. Yes, sir; I saw it become a general thing.

Q. You could see them along in the woods with their muskets?—A. Yes, sir.

Q. And then you went away. Well, now, Mr. Smith, I want to ask you this question: How many shots did you fire?—A. I never fired one.

Q. Mr. Walker swears that you fired a pistol three times.—A. That was something between Mr. Walker and myself before that.

Q. When did that occur?—A. It occurred two weeks before, at Mount Pleasant.

Q. Mr. Walker said that at Cainhoy you got upon the stand, and that you fired three shots, and that he presented his pistol at you, and would have killed you; that he snapped one cap, and that the pistol missed fire, and then he hallooed at you "If you fired another shot" he would kill you. Now, do you say that that is not true?—A. That is not true; and Mr. Walker never saw me with a pistol in my hand, and never said nothing to me. He said that from prejudice.

Q. Well, how about Mr. Jervay? Is he prejudiced in the same way; do you think?—A. I don't know about Mr. Jervay.

Q. Do you think he is prejudiced enough to swear to what is not true before the committee?—A. I don't know; the man can say as he pleases.

Q. Well, how about Mr. McKiuley? Do you think he would testify falsely before the committee?—A. I don't know.

Q. Well, if all these men say you had a pistol in your hand, they swear to a mistake?—A. Yes, sir.

Q. Did you have a pistol with you that day?—A. I did.

Q. What kind of a pistol?—A. About eight or ten inches long.

Q. You say you did not shoot it from the platform?—A. I didn't shoot it at all.

Q. Did you have it in your hand for the purpose of protection if you were assaulted by anybody?—A. I had it in my pocket.

Q. But I say during the fight did you have your pistol in your hand to protect yourself if anybody assaulted you?—A. I had it in my pocket, not in my hand. I didn't take it out at all.

Q. Then you say that, though this firing was going on and this excitement, although you had a pistol loaded in your pocket, you did not have it in your hand that day.—A. No, sir; I didn't take it in my hand that day. I didn't take it out to no one that day.

Q. Did you see the colored men killing anybody?—A. No, sir; I didn't see no other man killed but that old colored man; positively I didn't.

Q. And he was killed in the way you have detailed?—A. Yes, sir.

Q. You say you had a difficulty at Mount Pleasant with Mr. Walker, in which you had a pistol.—A. Yes, sir; some two weeks before that.

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CHARLESTON, S. C., *Monday, January 1, 1877.*

JAMES H. MONTMOLIN (colored) sworn and examined.

By Mr. BANKS:

Question. What is your business?—Answer. At present I am boating on the Santee River, about fifty-one miles from here.

Q. Where do you reside?—A. Well, I have been there for the last fifteen or eighteen days. I belonged to Savannah. Formerly I've lived in Charleston for four years, more or less.

Q. What is your age?—A. I was born the 23d of September, 1844; that makes me thirty-two years old.

Q. Were you at the meeting at Cainhoy in October?—A. I was, sir; on the 16th of October.

Q. What time did you get there?—A. I left the city about nine o'clock in the morning on the boat, and I got there, I suppose, about eleven o'clock.

Q. Do you refer to arriving at the landing?—A. Yes, sir; to the landing at Cainhoy village.

Q. What time did you get to the meeting?—A. I don't think we got there till about a few minutes of twelve.

Q. Well, sir, tell us what you saw or what you know of your own knowledge as to the transactions of that meeting.—A. There was a joint discussion between the republicans and the democrats at Cainhoy on the 16th of October. It was agreed upon here in the city to have a joint discussing. There is where they met. The meeting was called to order shortly after I got there and all parties had arrived by the republican chairman, C. C. Bowen. He then announced to the democratic party that he was ready to open the meeting. They sent forth their chairman to the stand and introduced to the audience Mr. Jervay; I don't know his other name. Mr. Jervay I suppose spoke about half an hour, not interrupted at all by neither party. He was notified by Mr. O'Connor that his time was up. They had limited each speaker to half an hour. When he was

notified that his time was up they brought forth a man by the name of McKinley as a republican speaker and introduced him the same, and he mounted the stand, and while he did that the band of music commenced to play. While McKinley was getting ready to speak some one of the colored people said, "Stop the music, and let's hear what our side has to say." The music stopped. McKinley had spoken about a half a minute when some one hollered out, "Look out, McKinley, you're goin' to be killed." I then turned my face toward an old weather-house, or carriage-house, as it is called, which was formerly used to keep horses and carriages out of the wet when they came to the church, and there I saw about fifteen or sixteen white men with old muskets in their hands. I could look right through the doors. There was two doors to it, and it opened right facing to the stand, and you could look right through it. Three of them was on the inside and the balance was in the rear of the door of the building. The three men that were inside looked as though they wanted to shoot some one; they had their pieces in position as if they were wanting to use them. The whole thing was inside of a half a minute. At that moment the crowd broke from the speakers' stand, running both toward the swamp and toward the church—I mean to say that the entire crowd around the speakers' stand. As the crowd broke there was a shot fired from the rear of the building, and it killed an old man about 10 feet from where Bowen stood. He was going toward the swamp. Then there was three or four more shots fired from the rear of the building, which was returned.

Q. Do you know from whence the first shot came?—A. I don't know, sir; I couldn't identify anybody.

Q. Did you see the man that fired?—A. No, sir; I didn't see the man that fired the shot; but I saw the men who had the guns in their hands; and as the crowd broke the old man was shot in my sight. I heard the report and saw the man when he fell, but didn't go to him to see where he was shot and by whom he was shot, because I was going up toward the church. On my way to the church I met Mr. Bowen and Mr. O'Connor about 10 feet from the speakers' stand. Mr. Bowen said to Mr. O'Connor, "Those are your men with those guns in their hands; go and stop them." But I didn't stay to hear the reply; I kept on, and I met Mr. Walker, who was standing right in front of the church, who cried out two or three times, "White men, hold the ground!" He had in his hands what looked to be an English navy revolver. He had it right across the barrel, in his right hand. In that time the firing became general. The firing then was from both sides; but I got away from it; I didn't stay to see any more of it.

Q. Did you see the man that fired that first shot?—A. No, sir; I don't know who it was. I only know where the shot came from, because I was at one end of the buildin' myself.

Q. Was there any disturbance in the meeting before this cry was made that they were going to shoot?—A. No, sir; they were just as quiet as they could be.

Q. Are you a republican yourself?—A. Yes, sir.

Q. Do you know whether the colored men expected any trouble that day?—A. No, sir; I don't think so, sir, because heretofore at meetings there had been men coming from ten, fifteen, or twenty miles, bringing their arms, and they stacked them right at the stand; but on this occasion they had been advised not to bring arms. On this occasion there was no arms seen by me at all.

Q. Had you any arms yourself—pistol, knife, club, or anything of that sort?—A. No, sir; nothing of the kind.

By the CHAIRMAN, (Mr. Cochrane:)

Q. Where do you say you live?—A. I am up in the country; I am cutting wood.

Q. Where?—A. Up at Saint Stephen's, on the Santee River.

Q. How far from Charleston is that?—A. About fifty-one miles.

Q. When did you come to Charleston?—A. Saturday evening.

Q. At whose request?—A. At no one's request.

Q. How did you come to be a witness here?—A. Because I was notified yesterday afternoon.

Q. By whom?—A. A man by the name of Howard.

Q. Who did Howard come from?—A. I don't know.

Q. What did he tell you?—A. He asked me did I make a statement before the coroner's jury in reference to the fight at Cainhoj. I told him I did; and he told me that the committee was down here, and that I would be required here to-day.

Q. Who is Howard?—A. Howard is a man that works across the city here.

Q. What does he do?—A. He is a jailor; assistant jailor.

Q. He keeps the jail. When did you form his acquaintance?—A. Two or three years ago.

Q. Were you in prison?—A. No, sir.

Q. Did he tell you that Mr. Bowen told him to tell you that?—A. Yes, sir.

Q. Did he tell you about Mr. Walker having been examined?—A. No, sir.

Q. Are you sure about that?—A. No, sir.

Q. Did anybody tell you that Mr. Walker had been examined?—A. I heard this morning that Mr. Walker had been examined.

Q. Who told you?—A. I heard it from one or two men.

Q. Did Mr. Stone tell you?—A. No, sir; Mr. Stone didn't tell me. I heard it from one or two of the colored men out in the hall. I don't know the names.

Q. Did you have any conversation with Mr. Stone?—A. Yes, sir; I had a conversation with him.

Q. Well, how did the two colored men out in the hall come to tell you that Mr. Walker had testified here?—A. I asked them who all was before the committee and they told me that Mr. Bowen had been before the committee, and that Mr. Walker and Captain White had been before the committee. Those men were all in that fight.

Q. But you asked them who had been before the committee, and they told you. Well, now, you say that you had a conversation with Mr. Stone. When did you have that conversation?—A. This morning.

Q. What was the conversation?—A. He said nothing in the world about this matter.

Q. And you said nothing to him about testifying in this case?—A. O, yes, sir; we were speaking about a gentleman who had testified in this case who didn't go before the coroner's jury. He made a statement which was published in the News and Courier of this town.

Q. Who was that man?—A. Mr. Fickin.

Q. You and Mr. Stone were talking about this Mr. Fickin's testimony?—A. McKinley and Stone were talking, and he called me into it to ask a question about the firing, and then we sent off to get the paper to see how it was, but I don't think they found it.

Q. They sent off to get the newspaper to find out who had appeared as witnesses before the committee?—A. They sent off to find about a gentleman.

Q. They sent off to get a copy of a newspaper to see if an individual named Fickin had made a statement?—A. Yes, sir.

Q. They sent from the hall outside this room where witnesses were standing awaiting their turn to be called in?—A. I don't know anything about that.

Q. You saw them sending out for the newspaper?—A. We three were together. We didn't have nothing to do at that time with witnesses.

Q. Yes, I know; but you saw them sending out; you saw Mr. McKinley sending for it?—A. Mr. McKinley asked for it, and somebody went and got it.

Q. The paper came and you looked over it to ascertain whether Mr. Fickin had made a statement in reference to this Cainhoy matter?—A. We did.

Q. Was not Mr. Fickin waiting outside at that time?—A. I didn't see him.

Q. Did you not know he was outside waiting?—A. Afterwards; but he wasn't there at that time.

Q. You saw Mr. Jervey about, too?—A. I don't know him.

Q. Well, did you see the deputy coroner who was in here this morning?—A. Yes, sir. That was the way the whole matter came up, the deputy coroner being there with our statements copied on the book. That was the way it came up.

Q. Did you refer to the book of the deputy coroner?—A. Not as I know of.

Q. Did you not see it?—A. I asked him what it was, and he said it was statements, and I asked him if he had mine, and he said he had.

Q. Did you refer to it?—A. I did.

Q. You referred to the book containing the statement which you had made before the coroner? Now, I wish you would state, sir, if you please, whether, when Mr. Bowen made this remark, "Those are your men, and you ought to go and stop them," you saw at that time Mr. Bowen and Mr. O'Connor standing about ten feet from the platform?—A. At that time, yes, sir.

Q. Are you sure of that?—A. Pretty certain.

Q. Are you as certain of that as of any other fact that you have testified to?—A. Yes, sir.

Q. Well, if Mr. Bowen, in his testimony, stated that he made that remark to Mr. O'Connor on the platform, he is incorrect in his statement?—A. He may have made the remark the second time; they might have gone back.

Q. Did they go back on the stand?—A. I didn't stay to see them go back.

Q. At the time you heard this remark there had been considerable firing?—A. There wasn't more than five or six guns shot.

Q. Are you sure of that?—A. I am, because I was right there; but I was unarmed, and I wanted to get away, and I could distinctly hear them.

Q. Are you certain that shots had been fired before you heard this remark made by Bowen?—A. I am.

Q. As sure of that as of any other fact that you have stated here?—A. I am.

Q. Then, if Mr. Bowen testified that he was on the platform with O'Connor, that he walked over from the position where he stood to where O'Connor was sitting, and

made a remark of that kind which you have just detailed, Mr. Bowen is mistaken?—  
A. He might have been mistaken.

Q. You say these colored people were very quiet before this meeting?—A. Both white and colored were very quiet.

Q. You observed that they were very quiet; that they made no disturbance or interruptions of any kind?—A. The colored people were very silent and peaceable.

Q. Did you ever see any party of negroes rushing onto these men that had the guns, and tussle with them?—A. No, sir.

Q. Did any man do that?—A. Not as I saw, they didn't do it.

Q. Positively?—A. I tell you positively that they didn't do it.

Q. Do you know Mr. Abram Smith, a member of the legislature?—A. Yes, sir.

Q. You saw him there that day?—A. I did.

Q. Mr. Smith says the crowd of colored people rushed up to the building and caught hold of the guns in the hands of the white men and commenced tussling, and while they were tussling the guns went off. Some of the white men threw the guns down and ran?—A. I didn't see that.

Q. You say that no such thing as that occurred?—A. I didn't see it.

Q. You have stated that you had your eye on these men all the time; now, how could this have happened without your seeing it?—A. No such thing could have occurred while I was on the ground.

Q. You did not see any colored men kill any white men?—A. I didn't, sir.

Q. You were not present when the colored men were chopping up the wounded with axes?—A. No, sir; and I don't believe it was done.

Q. You were not present when old Mr. Simmonds, the old white man, sixty-five years of age, was murdered?—A. I was not, sir.

Q. You did not see them shoot him through the body, and see him lying there with his head inside the vestry-door and his body outside?—A. I didn't.

Q. You did not see them take an ax and cut the muscle part of the arm, taking part of the bone with it?—A. No, sir.

Q. Did you see any of the dead bodies of the white men, at all?—A. I saw only one; he wasn't dead; he died afterwards.

Q. Did you see him on the field?—A. Yes, sir.

Q. Did you do anything to him?—A. I did not.

Q. Did you speak to him?—A. I didn't. I saw him leaning up against a tree.

Q. You passed him by?—A. I did; I went right straight forward. I wasn't armed; I didn't even have a pocket-knife upon my person.

Q. If I have correctly understood you, one of the grounds which leads you to believe that this was not a premeditated massacre is that the colored people did not bring their guns and stack them by the stand—that no guns were visible; am I correct in that?—  
A. You are; I saw no guns. Everything was perfectly peaceable and quiet.

By Mr. JONES :

Q. You went up on the boat?—A. I did, sir.

Q. Did you see any guns on the boat?—A. I did not.

Q. Did you see any guns before you got to the place of meeting?—A. I didn't, sir.

Q. You said something about the habit of the people coming to these meetings and stacking their guns at the stand?—A. Persons at various other places had been in the habit of coming to attend these meetings from some five or eight or ten miles off, and would always bring their guns.

Q. Did you see any arms at this Cainhoj meeting at all?—A. I saw no arms except what I saw in the hands of these men in the excitement.

Q. Is Cainhoj a pretty thickly settled place?—A. Yes, sir.

Q. What is the number of colored men around there?—A. I suppose there's some five or six hundred voters.

CHARLESTON, S. C., Monday, January 1, 1877.

W. ST. JULIAN JERVEY sworn and examined.

By the CHAIRMAN, (Mr. Cochrane):

Question. You are a member of the bar in the city of Charleston and a democrat?—  
Answer. I am, sir.

Q. You are the gentleman who made the first speech at the Cainhoj meeting?—A. Yes, sir; and the only speech there.

Q. I want to ask you, sir, whether you saw Mr. Abram Smith, the republican member of the present so-called legislature, with any weapon in his hand during the disturbance which occurred there.—A. I did, sir; I saw him with a pistol.

Q. Where was he?—A. He was standing on the platform from which we had spoken.

Q. Just state what he did.—A. I saw him fire three shots towards a party of white

men, about as far as from here to the corner of the room away from him, [about fifteen feet.] By the time he had fired the third shot, I myself placed my hand on my pistol and said to him, "Don't fire again or I will shoot you."

Q. Did you see Mr. Walker in that neighborhood at that time?—A. Yes, sir; he was standing near me, and I heard him make the same threat.

By Mr. BANKS:

Q. What is Mr. Smith's name?—A. Abram Smith.

Q. What colored man is he?—A. Pretty black—coal-black; he wears a mustache that runs down to a point. He is the same man who is in the Bennett House.

The subcommittee adjourned *sine die*.



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RECENT ELECTION IN SOUTH CAROLINA.

TESTIMONY

TAKEN BY THE

SELECT COMMITTEE ON THE RECENT ELECTION IN SOUTH CAROLINA.

JANUARY 12, 1877.—Ordered to be printed.

CHARLESTON, S. C., December 20, 1876.

WILLIAM H. HARD sworn and examined.

By the CHAIRMAN, (Mr. Phillips :)

Question. Where do you reside?—Answer. At Sineth's Station, Saint James Goose Creek Parish.

Q. In this county and State?—A. Yes, sir; Charleston County, this State.

Q. What is your age?—A. I am 25 years of age.

Q. Where did you vote at the late election?—A. At Whaley's Church precinct.

Q. Were you at that election in any official capacity? and, if so, state what it was.—A. I was one of the managers of the election, sir.

Q. Who were the other managers at that precinct?—A. The other two were colored men, named Middleton and Grant; it is either Grant or Gant, but I think it is Grant.

Q. Do you remember the vote at that precinct?—A. I do, sir; the whole vote was 600.

Q. What proportion of whites and blacks voted at that precinct?—A. I think between ten and twelve whites voted there. I could count them and tell you every one of them.

Q. And the balance were blacks?—A. Yes, sir.

Q. Do you remember how many democratic votes were polled at that precinct?—A. Eighteen, sir.

Q. State whether there were any organized companies at that precinct that day; and, if so, state all you know about it.—A. I cannot say that I knew of any organized companies, only as clubs.

Q. Were there organized clubs there; and, if so, of which party?—A. By the republican party, sir; they came to the polls in clubs.

Q. State whether those clubs, or any of them, were armed or not that day?—A. They had their clubs, sir; and I saw guns also.

Q. What sort of clubs did they have?—A. Hickory or oak sticks, sir. They were made square, with six or eight edges—round sticks, made with edges.

Q. Were they old sticks, or did they have the appearance of having been recently made?—A. Some were old, and some of them had just a small-sized bush cut down, or small-sized trees cut down with a knife—just recently made.

Q. How many guns did you see there that day?—A. Well, sir, when they came up to the polls with their guns—I mean in a quantity, when they marched around—I suppose there was thirty-five or forty men, perhaps more, but in that neighborhood, with rifles and double-barreled guns.

Q. Describe what they did when they came there.—A. They marched around the house, singing "Hold the fort for Hayes and Wheeler and Chamberlain," and fired off a salute, and orders were given to them to reload as quickly as possible.

Q. What time of day did that occur?—A. I suppose it was half past four or five o'clock in the afternoon when they fired this salute.

Q. What time did they get there in the morning with those guns?—A. Well, sir, I can't state the time. I saw guns about twelve o'clock, I suppose; perhaps between

two and three o'clock. When I saw the bulk of the guns was when they marched about the polls, between four and five o'clock.

Q. Did they have those guns in their hands through the day about the polls?—A. No, sir; not all of them. They were off, I suppose, about seventy-five to one hundred yards, stacked in the bushes. In other words, they were in a group together, where they had them stacked.

Q. State whether you saw or heard any evidences of threats made toward voters there that day; and, if so, what it was, by whom the threats were made, and what acts, if any, you saw.—A. Of course I wasn't outside. From the window, where I could see out, there were men who took every ticket before it was voted and examined it. They had what they called "rallying committees," and when a man came to vote, one of the committee would examine the ticket before he voted it. Every colored man who voted, his ticket was examined before he put it in the box. When he voted his ticket he was made to hold it up in his right hand so they could see what ticket it was.

Q. How could they tell which party his ticket represented?—A. Simply because it was a red and black ticket.

Q. Which party did the red ticket represent?—A. The republican party—the Chamberlain ticket.

Q. The other was the democratic ticket?—A. Yes, sir. There was another black ticket that had Hayes and Wheeler on it, and Hampton and C. C. Bowen.

Q. What office was C. C. Bowen running for?—A. Sheriff, sir. I don't know whether his name was on the dark ticket as elector at large, but I know it was on as sheriff.

Q. How near to the ballot-box was this rallying committee, as you call it?—A. About 15 feet, I suppose; from five to fifteen steps; sometimes farther.

Q. Did they require every colored voter who came up to exhibit his ticket?

(Mr. Lapham objects to the question as leading, and as a fact already stated.)

The Witness. I stated this, that every one that voted showed his ticket, as a general rule. They would go up to the voter and make him show his ticket.

Q. Which party did that rallying committee represent?—A. The republican party.

Q. Did any colored men vote the democratic ticket there that day?—A. Yes, sir; some few.

Q. About how many?—A. I suppose about seven or eight, somewhere in that neighborhood.

Q. Did you see any interference with any one of those men while voting that ticket?—A. I saw one, sir. He voted his ticket, and as he walked off I saw the crowd rush after him with their sticks.

Q. Which party did those persons that rushed after him represent?—A. The republican party, sir.

Q. Were there any white men in that party?—A. There was not. They pursued this man, and through the influence of Mr. Smith, who was a democrat, and A. P. Ford, a republican, he was released from the mob.

Q. Did you hear him say anything when they were pursuing him? and if so, state what it was.—A. No, sir. I heard them call him "a son of a bitch," or, "kill him;" something like that.

Q. About what time in the afternoon was it when they fired off these guns that you speak of?—A. Between half past four and five o'clock.

Q. How far was that from the voting-place?—A. It wasn't five steps from the house, sir.

Q. Did they reload after awhile?—A. Yes, sir; they did; at least I saw them going through the action.

Q. Did either one of those managers of the election try to exercise any influence over voters? and, if so, state what they did.—A. All I can state in regard to the managers was that one of them, this man named Grant or Gant—I think it was Grant—you might call it electioneering from the window—he was calling out to them from the window to come up and vote. He was out of the house very often, and I had to speak to Middleton, the other republican manager, to call Grant in; that he was staying out too long. He would stay in a while and go out again.

Q. Did you see or know of any voters at that precinct voting more than once? and, if so, state what you know about it.—A. I do, sir. I saw some of them, and challenged their votes. I said that these men had voted before; and they said, Mr. Hard, you must prove this. This man, I said, had voted, by the shirt he had on—a large blue-plaid shirt by which I recognized him—and his answer was that more than one man could have the same shirt; and they overruled me.

Q. Was that a colored man or a white man?—A. A colored man, sir. Another man attempted to vote the second time, but I stopped him.

Q. Did you see these clubs that you speak of attend any political meetings before the election?—A. I saw none.

Q. Were they armed?—A. They were armed with guns, sir; old muskets, double-barreled guns, and rifles, and their clubs. I suppose you would call them armed.

Q. Where was that?—A. Right at Whaley's Church, on the State road, at a public meeting.

Q. When was that?—A. It was in October or September, I think, sir. I don't remember the day of the month or the month exactly, but it was when they held a meeting to send delegates to the county convention.

Q. State whether you have any knowledge or information that any intimidation was exercised toward negroes to prevent them from voting the democratic ticket; and, if so, state what you know about it?—A. The only thing I know in regard to that is there were two men living on my place who of their own free will and accord told me they were going to vote the democratic ticket.

(Mr. Lapham objects to the witness stating what he heard.)

Q. State whether these men you speak of expressed a desire to you before the election to vote the democratic ticket, and whether they did vote the democratic ticket afterward or not.—A. They did express a desire, and the night before came and said it was their wish to vote the democratic ticket, but that they had been threatened if they did vote the democratic ticket their lives would be taken.

Q. Do you know whether they voted the democratic ticket or not?—A. They did not.

Q. Give us the names of those men.—A. Ephraim Chisholm and Joseph Jenkins.

Q. Did you yourself ever hear any colored men make any threats against other colored men, if they should vote the democratic ticket?—A. I have heard them say, in talking, that any man that did ought to be killed. I have heard them say that.

Q. When and where?—A. At my place of business, in my store.

Q. How many parties were about when they made these statements?—A. I suppose about a dozen or so—twelve or fifteen.

Q. Were there any colored persons present at any of these times, when you heard these remarks made?—A. Yes, sir.

Mr. LAPHAM. I object to this item of testimony specifically, as being incompetent.

Q. Was this preceding the election?—A. O, yes; men talked that way; it had nothing to do with the election at all. I don't think it had any bearing upon the election at all.

Q. How long did this sort of talk continue; up to the time of the election?—A. As I told you, I heard it in my store once.

Q. Did you hear it anywhere else?—A. I did not, sir.

By Mr. LAPHAM:

Q. How long have you lived in this precinct?—A. Next May will be three years, sir, that I have been living there permanently.

Q. How long have you been a voter there?—A. The last two years before this.

Q. Were you a voter there in 1874?—A. Yes, sir.

Q. What is your business?—A. I carry on the mercantile department for the Charleston Mining and Manufacturing Company. The store is at their works.

Q. You occupy their store?—A. Yes, sir; I have charge of it.

Q. Are their employes colored people mainly?—A. Yes, sir; except the foremen.

Q. How many colored employes in all are employed there?—A. Well, sir, I suppose from three hundred to five hundred men, as the case requires.

Q. Are all of them electors?—A. Yes, sir; except a very few; perhaps five or six—something like that.

Q. Nearly all republicans?—A. Nearly all. Some of them voted the democratic ticket. The majority of them are republicans.

Q. Are the proprietors of this company republicans or democrats?—A. I think they are republicans. It is a Philadelphia company. My judgment is that they are republicans.

Q. I mean the resident managers here.—A. I think all the stockholders live North. Our superintendent is a democrat, and I think the assistant is a republican.

Q. You have not stated how you voted?—A. I voted the democratic ticket.

Q. Do you remember what the democratic vote at that precinct was in 1874?—A. I do not. I was a manager, too, but I have forgotten.

Q. Think a moment.—A. I do not remember.

Q. Was it more or less than the vote polled this year?—A. It was less. It wasn't exactly a democratic vote; it went as an independent republican ticket—the independent republicans and democrats mixed. Both were republicans; one was independent and the other the regular republican ticket.

Q. There was no democratic ticket as such?—A. No, sir.

Q. Where are these two men, Jenkins and Chisholm, now?—A. They reside within twelve miles of the city, sir. One is on my place; the other one is about two or three miles from me.

Q. Are they in your employ yet?—A. One of them is, sir.

Q. When was the other released from your employment?—A. I can't exactly remember the day of the month. He belonged to us. He lived there ever since the war. He stays awhile and goes off awhile and comes back after a while. Its like an old home to him.

Q. But one is yet in your employ?—A. Yes, sir.

Q. Do you employ them, or does the superintendent?—A. That is on my plantation I am now speaking.

Q. These are men who worked on your plantation?—A. Yes, sir; on my plantation.

Q. Do you know anything of a rifle-club in your vicinity?—A. I cannot call it a rifle-club. They are what are called clubs. There are none in my vicinity by that name.

Q. Do you know of any white men there that bear arms?—A. I do not, sir.

Q. How many white voters did you say there were in your precinct?—A. I think from eight to twelve, sir.

Q. Do they all vote the democratic ticket?—A. They all do; yes, sir.

Q. There is not a white republican in your precinct?—A. I don't think there is, sir.

Q. I thought you said one of the superintendents was a republican?—A. That is at the precinct, sir.

Q. You voted where your plantation is?—A. Yes, sir. If you will allow me to make one remark: The republican I spoke of—our assistant superintendent—voted the democratic ticket.

Q. Do you know of any one being injured on election-day by a gun or club?—A. I do not, sir.

Q. Can you of your own knowledge name any person who was prevented by force from voting as he wanted to?—A. I cannot, sir.

Q. Can you of your own knowledge name any person who was prevented from exercising his right of suffrage?—A. Only what was told me.

Q. You do not know of any of your own knowledge?—A. No, sir. I only know what parties told me.

Q. Can you say how many votes were cast after five o'clock at your poll?—A. I cannot, sir.

Q. Hadn't the bulk of the vote been cast before that?—A. I think it had, sir.

Q. At what time did the poll close?—A. At six o'clock, sir.

Q. This remark that you heard a person make in your store, I understand you to say you did not regard it as a threat at the time?—A. No, sir; it was merely his opinion.

Q. A mere expression of his opposition to colored men voting the democratic ticket?—A. Exactly.

Q. A mere hyperbolical expression?—A. I didn't regard it as a threat at the time it was made. He said any man that didn't vote the republican ticket ought to be killed.

Q. You did not regard it as a threat of violence?—A. I didn't consider it to be a threat against any one particularly.

Q. Who was the person that said it?—A. His name was Rush Perry, sir. He is one of our men, one of our miners, merely a common laborer.

Q. Who does he work for?—A. For the Charleston Mining and Manufacturing Company, sir.

Q. Did the excitement run pretty high towards the close of the day at your poll?—A. Yes, sir; there was a good deal of excitement.

Q. There was a good deal of interest in the election, wasn't there?—A. Yes, sir; a good deal of interest on the republican side. As I told you, they had a rallying committee outside, and they were vigilant all day long.

Q. There was more opposition to the mixed ticket, more said about that, than either of the others, wasn't there?—A. There wasn't anything said about either ticket. They were made to change their tickets before putting them in the box.

Q. Don't you know the fact that the opposition ticket provoked more?—A. I do not, sir.

Q. Do you know where the chairman, this gentleman here, got the memorandum upon which he has examined you?—A. I saw the colonel this morning, I think, sir.

Q. And you made a statement to him?—A. Yes, sir.

Q. Where?—A. At the Charleston Hotel.

Q. Who was present?—A. Well, sir, I don't know all the gentlemen. There were several gentlemen present, but I don't know who they all were.

Q. State those whom you knew.—A. Mr. Chors was there, sir.

Q. Who is Chors?—A. He wasn't in at the time.

Q. I ask you who was there?—A. He was there a part of the time.

Q. Who is Chors? Give his full name.—A. I think his full name is Charles Chors.

Q. Any one else that you remember?—A. There were other gentlemen there, but I don't know who they were.

Q. Chors was the only gentleman you knew?—A. At the time; yes, sir.

Q. Where does Chors live?—A. He lives on Cooper River.

Q. Is he a democrat?—A. I think he is, sir.

Q. Did you go there at his request?—A. I did not, sir.

Q. How came you to go there?—A. I went there through the request of Mr. Miles—C. R. Miles.

Q. Where does he live?—A. He lives in Charleston. I can't say I went there at his

request. I was summoned yesterday, at least notified, to be down here, and I was down to his office yesterday, and was asked to remain over till to-day.

Q. Who is Miles?—A. He is a lawyer here in the city, and I was looking for him to find out where I could meet the committee; and Mr. Miles said to me, "You will meet some of the gentlemen at the Charleston Hotel."

Q. Is he a democrat?—A. I think he is, sir.

Q. Is he an active politician?—A. I don't think so, sir.

Q. Had you ever talked with him about this?—A. I hadn't opened my mouth to him about it. Mr. Miles knew I was a manager.

Q. Did you file any protest with your returns as to the conduct of the election where you were a manager?—A. I did not—no, sir.

Q. Did you sign the election returns?—A. I did, sir. At least, I signed a book.

Q. You signed with the other managers, whatever it was?—A. Yes, sir. I counted the votes, and after I got through the count I asked our clerk, who was a colored man, and worked very slowly—I told him to let me have a pen and I would help him make the return out.

Q. I do not care for all these details. I simply want to know whether you united with the other managers in signing whatever return of that election was made?—A. I signed the return; yes, sir.

By the CHAIRMAN:

Q. Mr. Lapham has asked you what transpired between you and myself in regard to this matter. I asked you what you knew about this matter, did I not?—A. Yes, sir.

Q. And you made a statement?—A. Yes, sir.

Q. And I made a memorandum of your statement?—A. Yes, sir.

Q. With regard to this threat that you heard made at your store, can you tell anything about what effect it had upon the colored men there who heard it?

Mr. LAPHAM. I object to the question on the ground that it asks for a mere inference of opinion and not for a fact.

Q. Can you state what effect that threat had upon other parties in that store; or can you only speak for yourself?—A. I can only speak for myself.

Q. You do not know whether it had any effect upon other parties there or not, do you?—A. No, sir; I do not know whether it had any effect or not.

Q. This conversation that you heard was not against any white person voting the democratic ticket?—A. No, sir; he said any colored man that didn't vote the republican ticket ought to be killed.

Q. This man you heard make this remark, you say, was a common laborer?—A. Yes, sir.

Q. Is not that the great majority of the class of men in that community?—A. Yes, sir; they are all common laborers.

By Mr. LAPHAM:

Q. Can you name anybody else who was present when that remark was made?—A. Well, my clerk was present, sir.

Q. Any other colored persons?—A. Well, sir, I remember some of them. One was Caesar Bowen, and I think he made the same remark. These men, Caesar Bowen and Rush Perry, go together a great deal. They are chums and friends, both of the same character.

Q. Do you remember any others who were there?—A. I do not. I only heard this remark; that was about all.

Q. Was it a pleasant or an angry conversation?—A. They were disputing about politics and the election. This man was very angry. He said any man that voted the democratic ticket ought to be killed.

PETER C. PORCHER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Saint John, on Cooper River, Berkeley Parish, Charleston County.

Q. How long have you resided there?—A. Three years, this next January.

Q. Where did you reside previous to that?—A. I resided in the same parish, about eighteen miles higher up.

Q. Where did you vote on the day of the late election?—A. At Biggins church.

Q. How far is that from Strawberry precinct?—A. I don't know exactly, but I think it is about eight miles, sir.

Q. Is Strawberry the nearest precinct?—A. Mount Holly is about the same distance that Biggins is.

Q. State whether you saw any person or persons armed at the polls on that day at Biggins?—A. Yes, sir; I voted at Biggins church, and was there all day, till they finished counting the votes, at ten o'clock.

Q. Of course, you were not at any other precinct on that day?—O, no, sir.

Q. Did you hold any official position at that place?—A. None at all, sir.

By Mr. LAPHAM:

Q. You did not assist in the count; you merely staid to watch it?—A. Yes, sir; I staid to see the votes counted. I had no official position whatever.

By the CHAIRMAN:

Q. State whether you saw any person or persons there armed that day; and, if so, state how many and who they were.—A. I saw a great many, sir. There was a company that drilled right in front of the polls—a company of thirty-six men. I don't know their names; that is not in my neighborhood.

Q. Were those men you saw armed white or colored?—A. Those were colored men. There was some white men there, too, but they didn't parade.

Q. State how many of these colored men were armed on that day, and the manner in which they were armed.—A. I couldn't toll you how many were armed. Nearly all were armed at the polls, but a company of thirty-six men drilled in front of the polls. Nearly all the negroes there at the polls were armed.

Q. How were they armed?—A. Armed with muskets most of them; some with double-barreled guns. Those that had no guns had sticks.

Q. What sort of sticks?—A. Just common walking-sticks, heavy walking-sticks which they always carry.

By Mr. LAPHAM:

Q. Which the colored people always carry?—A. Yes, sir; they nearly always walk with heavy sticks.

By the CHAIRMAN:

Q. Had any of these sticks that you saw that day the appearance of having been recently cut or made?—A. I didn't notice any of them particularly, sir. It is so common to see negroes with sticks, I never noticed that at all.

Q. How near to the voting-place did this drilling take place?—A. Well, I don't think more than thirty yards. The poll was in an old church, and the public road runs in front of the church. I don't think it was over thirty yards.

Q. How long did they drill there?—A. They drilled backward and forward there several times, and one time they drilled about half an hour, I suppose.

Q. They had guns all this time?—A. O, yes; they drilled with guns all the time.

Q. Had they these guns there all day?—A. All day, sir.

Q. Carrying them around in their hands?—A. They didn't carry them up to the box in their hands. When they went up to the box they left their guns with the other negroes.

Q. State how they went up to vote.—A. They voted singly. When they went up to vote they left their guns with some other parties. They were drilling pretty nearly all day, but not in front of the polls all day; farther down; a good distance from the polls.

By Mr. LAPHAM:

Q. How far down?—A. I suppose 150 or 200 yards, sir; right in sight, though.

By the CHAIRMAN:

Q. How near were they to the polls through the day with these guns?—A. At any time, do you mean?

Q. Yes.—A. Well, they were right up to the building. The polling-place was in the house.

Q. At different times?—A. Yes, sir; at different times.

Q. Did they come there in a body?—A. I didn't see them come in a body. They formed, and all, after they got there. They come separately and singly.

Q. You spoke of having seen some white men with guns; how many white men did you see there with guns?—A. Most of the white men there had guns. There wasn't many white men there; I don't think there was over twenty-five white men.

Q. Where were those guns kept?—A. A part of the time they were in the back of the house, and other times the men had them in their hands out of doors.

Q. In the hack of the house where the voting was?—A. Yes, sir; it was a little church, and the voting was in front and the guns in the back of the building.

Q. How many negroes were there with guns?—A. Well, there was 360 odd republican votes cast; they were all negro votes; and besides that there was a good many negroes that voted the democratic ticket. I suppose there was over 400 negroes there altogether.

Q. How many republican votes were cast?—A. Three hundred and sixty-odd; I am not certain, though; I was not a manager.

Q. You heard the vote announced, I suppose?—A. Yes, sir; it was about that.



Q. State whether you heard any threats made by any of these parties there that day against voters; and, if so, who made them, the character of them, and all that was said and done.—A. I didn't hear any of those negroes make threats that day.

Q. State how they voted when they came up to deposit their tickets in the box.—A. They voted singly. They were obliged to vote singly.

Q. Who obliged them?—A. The managers of the poll.

Q. Any requirement as to how they should hold their ballot when they came up to the poll?—A. None at all.

Q. Did you hear any threats made by any parties previous to the election against persons if they voted a certain ticket; if so, state who and how often and what was said.—A. I never heard any threats made directly, but I have been told of threats.

Mr. LAPHAM. I renew my objection to hearsay testimony.

Q. Did you ever hear any threats made yourself?—A. No, sir.

Q. Did you ever see these negroes, men and women, attend any political meetings there?—A. I never attended a political meeting at Biggins. All the political meetings I attended was at Strawberry, just below Biggins.

Q. State whether you attended any political meetings there during the canvass.—A. I attended a great many there; I suppose five or six.

Q. Did you see any parties there armed? And if so, state whom you saw.

Mr. LAPHAM. Just before the election?

The CHAIRMAN. Yes.

Mr. LAPHAM. I object to what occurred during the canvass on the ground that it is immaterial.

A. Yes, sir; I attended political meetings there.

Q. At what times were these meetings at Strawberry held?—A. They had them at various times during the campaign. We had one, I think, ten days before the election. That meeting had a very small attendance. The negroes didn't attend.

Q. Had you seen them previous to that, and, if so, how long before?—A. The first meeting we had there was called by the democrats, and they went there armed.

Q. When was that?—A. After the campaign opened. I don't know exactly when.

Q. Did the negroes attend these meetings?—A. They attended very well, the first meeting.

Q. Were they armed?—A. Yes, sir; but not all of them.

By Mr. LAPHAM:

Q. You used the expression, "the first meeting we had there was called by the democrats, and they went there armed." Do you mean the democrats went there armed?—A. No, sir; the negroes. The democrats may have had arms, but they didn't show them. I guess they had pistols; the negroes had guns.

By the CHAIRMAN:

Q. Did you see any pistols?—A. No, sir.

Q. How were the negroes armed?—A. With muskets, I didn't see any pistols, but I knew of pistols being there.

Q. How do you know there were pistols there, if you didn't see them?—A. I could have been told by parties if I didn't see them myself.

Q. You saw no arms exhibited there by the white men, did you?—A. There was no arms exhibited by white men at all; no, sir.

Q. Did you see any negro women at those political meetings?—A. The negro women were at all the meetings—every one of them.

Q. Were any of them armed, and if so, how?—A. They had sticks. I didn't see them with rice-hooks, but I was told they carried rice-hooks.

Q. How large were these rice-hooks?—A. Bigger than any walking stick.

Q. Is it usual for the negro women to go around with sticks except to political meetings?—A. No, sir; not at all usual. They never carry sticks. They were carried there for a purpose.

Q. State whether these negro women made any demonstrations or declarations there of a threatening character; and, if so, what it was.—A. I don't know that they did. They never intimidated any one personally, but they talked a great deal generally.

Q. Did you hear them talk there on that day?—A. Yes, sir; I did, on that day.

Q. State what was the character of the talk that you heard.—A. Abusing the men for taking the democratic side, and jeering them for becoming democrats, and carrying on generally in that way.

Q. Were they colored men whom they thus abused?—A. Yes, sir; colored men.

Q. Did they use any threat toward them? And, if so, state what it was.—A. They didn't use any threats except to jeer them and abuse them.

Q. Did you hear any negro men at the Strawberry meetings make any threats? And, if so, state what you saw and heard.—A. Well, I don't think what I heard was exactly a threat. There was a republican negro there that we allowed to speak in his turn, and he said if the democrats succeeded he would be willing to wade knee-deep

in blood before he would succumb to the democratic rule. He told the negroes they could live in the woods, off of roots; and as to the democrats, the negroes could take off the trunk-doors and flood the rice-fields for them.

Q. What are trunk-doors?—A. A flood-gate, to flow the fields by the ebb and flow of the tide.

Q. Did he have any negroes there with him, armed; and, if so, did they make any demonstration?—A. All the negroes there were under him. He was their leader.

Q. Did they form there?—A. After he spoke, a democratic negro got on the stand and accused him of lying, and he got very much provoked at it, and several of the negroes threatened this democratic negro on the stand for accusing this other fellow of lying, and they drew off their body in the road in a regular line.

Q. Did they have guns?—A. Part of them had guns and the others had sticks.

Q. What proportion of white people were there to the negroes?—A. I suppose there was about five negroes to one white man at that time—not counting the black women.

Q. What part did the black women take at that time?—A. They took the part of the men, sir.

Q. What became of the black man who made this democratic speech?—A. The democrats withdrew him from the stand to pacify the negroes.

By Mr. LAPHAM:

Q. The one who gave the lie, you mean?—A. Yes, sir.

By the CHAIRMAN:

Q. Was that in response to statements that this colored republican orator had made in his speech?—A. Well, I suppose it was.

Q. You heard it, did you not?—A. I heard him tell him he was a liar. I suppose what he said was a lie. He said that in his speech on the stand when he got up.

Q. Are the negroes in that locality in the large majority? And, if so, state in what proportion to the whites.—A. Well, sir, they are in a very large majority. The river is divided up into plantations. One planter sometimes has from fifty to sixty negroes under him. I do not know exactly what the proportion in the community is, but just on the river it is tremendous; I suppose forty to one.

By Mr. LAPHAM:

Q. Where do you live?—A. I reside on Cooper River, Saint John's, Berkeley Parish.

Q. You live, then, in the precinct where you voted?—A. Strawberry is the precinct I live in, but I voted at Biggins.

Q. Where have you voted heretofore?—A. I never voted before. I never was qualified to vote before.

Q. How came you to go to Biggins to vote?—A. Because it was expected the negroes would intimidate democratic negroes, and they wanted as many whites as possible.

Q. At whose request did you go to Biggins?—A. At the request of influential men of the parish.

Q. Name the persons.—A. The gentleman who asked me to go was Calhoun Cain.

Q. Does he live in Strawberry?—A. No, sir; he lives at what is called Pineopolis.

Q. He doesn't live in Biggins?—A. No, sir; he voted there, though.

Q. Was he with you?—A. Yes; he was at the polls. We didn't go there together, though.

Q. He met you there?—A. Yes, sir.

Q. He was there all day, was he?—A. All day, sir.

Q. Were there any other persons there from these precincts, except you two?—A. Mr. Francis Hayward was there.

Q. Where was he from?—A. From Strawberry precinct, where I live. We live together.

Q. Any other persons other than those living in Biggins precinct?—A. I don't know exactly how far the precinct extends.

Q. Give me your best recollection about it.—A. I don't think there were more than five or six white people there.

Q. Were there any colored people there from other precincts?—A. There are a class of people living in the pines who don't rank with the white people or negroes—mulattoes. There was some 15 or 20 of them.

Q. From what precinct?—A. From Pineopolis precinct, I suppose they call it.

Q. Did they all vote at Biggins?—A. Yes, sir.

Q. Were any of these persons armed?—A. Yes, sir.

Q. How many of them were armed?—A. Most of them had arms.

Q. The white people had arms, too, hadn't they?—A. Some of them had, sir.

Q. Were you armed?—A. Yes, sir.

Q. What arms did you bear?—A. I had a rifle and a pistol.

Q. How was it with Hayward?—A. He was armed in the same way, sir.

Q. How was it with Cain?—A. Cain didn't have any gun, sir.

Q. Did he have any arms?—A. He had a pistol; I happened to see it.

- Q. What arms did these mulattoes have?—A. Some of them had guns. I don't think they were all armed, sir.
- Q. What kind of a pistol did Cain have?—A. I didn't examine it, sir. I didn't happen to see it so I could tell. I knew he had one, that is all.
- Q. How many white people were there at this precinct on that day?—A. I don't think there were more than 25 white men there.
- Q. Don't you know that others had arms besides those whom you have named?—A. I told you some had arms. I didn't mention any in particular.
- Q. Without mentioning names, do you not know that was the fact?—A. Yes, sir.
- Q. What kind of arms had they?—A. They had guns.
- Q. What kind of guns?—A. Double-barreled guns, sir.
- Q. Do you know of any rifle-clubs in that vicinity?—A. There was one before Chamberlain's proclamation, but it was broken up.
- Q. How many members was it composed of?—A. I don't know; I didn't belong to it.
- Q. Do you know of it as to the number?—A. I don't think there was many. It was about formed when they were obliged to disband.
- Q. Do you know of any persons who were prevented from voting at Biggins on the day of the election?—A. No, sir.
- Q. Who were the managers?—A. I know the name of the white man, but I don't know the names of the negroes. William White was the name of the democratic white manager.
- Q. There was a democratic and a republican supervisor, wasn't there?—A. I suppose so. There was a democrat, I know. His name was Weeks. I think his first name was George, but I am not certain.
- Q. He was there all day, was he?—A. O, yes, sir, he was there all day.
- Q. Did you see any violence committed upon any person there?—A. No, sir.
- Q. And heard no threats that day?—A. One man that was going to vote the democratic ticket, I heard some negroes talking at him, but they didn't threaten him.
- Q. My question is, did you hear any threats that day?—A. No, sir; they didn't threaten him.
- Q. You remained until the canvass was completed, did you?—A. Yes, sir.
- Q. Did the managers all unite in signing the returns?—A. I cannot tell; I wasn't in the office.
- Q. Did you hear of any protest against the fairness of the election?—A. I did not hear of any.

By the CHAIRMAN :

Q. You said, in answer to a question by Judge Lapham, that you were requested to go to this poll on the day of the election. State by whom you were requested to go there.

Mr. LAPHAM objects to the witness stating what was told him by a third party.

Mr. EDEN. I hold that, a portion of the conversation having been called out upon the cross-examination, it is competent to pursue the inquiry.

A. I was requested to go there because they thought the radicals were going to intimidate the democratic negroes.

Q. State all the facts; all that was said to you.—A. Mr. Cain asked me to go there. That is all he said to me.

Q. For what reason did he request you to go there?—A. Because he thought the democrats would be intimidated.

Q. You were asked if you saw any parading there on that day?—A. I said no.

Q. You say you saw some negroes talking to another negro who wanted to vote the democratic ticket?—A. Yes, sir.

Q. State how many were around him at the time?—A. There were a great many. I didn't count them; I suppose there was twenty-five or thirty just in a body talking to him.

Q. Did they all seem to be talking to him about his voting that intended ticket?—A. That seemed to be the idea. They didn't offer any violence. They were talking at him, and some negro said, "Let him alone; let him vote as he chooses."

PETER NELSON sworn and examined.

By the CHAIRMAN :

Question. Where do you reside?—Answer. Three miles from Oakley Station, on Cooper River, this county.

Q. How long have you resided there?—A. This month will be ten years.

Q. What is your age?—A. My age is 37, sir.

Q. Where did you reside before you went there?—A. Indianapolis, in the State of Indiana.

Q. What business are you engaged in where you now live?—A. Planting, sir.

Q. What number of men have you in your employ?—A. It differs; from 50 up to 400.

Q. Colored men?—A. Yes, sir; excepting about four white men.

Q. State whether there is any organization among the negroes in that community, and, if so, what sort of organization it is—whether they are organized into companies, and whether they are armed?—A. Yes, sir; they organized a company on my place and drilled there.

Q. When did that occur?—A. The last part of August, I think, it started. They had it some two or three years ago, but it had pretty well died away.

Q. Did that organization continue up to the time of the election?—A. Yes, sir.

Q. Were they armed? and, if so, state how they were armed.—A. Yes, sir; they were armed with their own muskets. They had no State arms, I don't believe.

Q. Where did you vote on the day of the election?—At Biggin's church, sir.

Q. Did you see any armed men there that day? if so, state who and how many.—A. Yes, sir; how many I couldn't tell; but all the colored people there were armed—every one of them.

Q. About how many colored people were there on that day?—A. I think in the neighborhood of 300.

Q. How many white people were there?—A. Of clear white people I can't tell you how many. I don't think there was over twenty. There was some thirty odd mulattoes—about that, between twenty-five and thirty.

Q. Twenty-five or thirty mulattoes aside from the white men?—A. Yes, sir.

Q. Were these negroes that were there at the poll on that day organized into companies?—A. Yes, sir. They came in clubs of about twenty; sometimes a little less and sometimes a little more.

Q. How were they armed?—A. They were armed with muskets, and some of them had double-barreled guns, &c.

Q. Did any of them have sticks?—A. They mostly had sticks, besides a kind of club about two feet long, I suppose. I call them clubs. Some of them had nails driven in the ends of them—in the big end of the club.

Q. Did that nail in the end of the club extend through and beyond it?—A. Yes, sir; between a sixpenny and a tenpenny nail. The nail just extended through the end of the stick.

Q. How far beyond the stick?—A. They would generally level it off even with the wood.

Q. Did any of those sticks present the appearance of having been recently out?—A. Yes, sir.

Q. Were those negroes around the polls with guns? and, if so, state how near.—A. Yes, sir; they never were far out of the way; about thirty yards was the farthest they were away.

Q. What was the nearest they were to the polls at any time?—A. After 12 o'clock they organized into one company, and they were drilling in the neighborhood of about 10 yards from the polls, and they drilled up to between 2 and 3.

Q. Did you ever see these negroes in that neighborhood at political meetings during the late canvass?—A. Yes, sir; I saw them at political meetings.

Q. Were they armed there?—A. Always armed when they go to political meetings.

Q. Were they there in companies?—A. They wouldn't all go together; four or five would go from a plantation to a political meeting.

Q. Did you ever hear them make any threats against any parties if they voted either ticket?—A. Yes, sir; I heard them make threats against their own color. I heard them often say that a colored man who would vote the democratic ticket ought to be shot. Many a time I would hear that.

Q. Did you ever hear them talking to other colored men in that way?—A. Yes, sir; they often talked in that way. They said to vote the democratic ticket would put them back in slavery again.

Q. Did you hear them make any other threats? and if so, state what they were.—A. They said that the colored man was a republican and ought never to be anything else; that the efforts of the democrats was always to make them slaves. They said that was what the white democrats were after. They said they would make such a law as to get tickets to go from one place to another, and they wouldn't have to ask the whites to go to stores or anywhere to trade. And then they said the white democrats were going to put up whipping-posts all over the country, and were going to whip them once or twice a week.

Q. Did you ever hear them say anything about shooting any negro who voted the democratic ticket?—A. Yes; I heard that on my place several times. I generally had a sort of provision-place where I keep the provisions for them, where I give them out to them, and they were often there in the evening discussing matters in that way; that they would shoot any colored man who voted the democratic ticket. They thought always that the white man had a right to vote the democratic ticket, but the colored men hadn't.

Q. These negroes that you saw come to the polls on that day with guns, did they

have any knapsacks?—A. Yes, sir; with a strap on their left shoulder hanging down on the right, with ammunition in them; generally buckshot.

Q. What was their conduct at the polls on that day?—A. Well, they behaved pretty fairly at the polls. There was so few democrats, so few white people, of course they had their own way.

Q. Do you know of any colored men who were prevented from voting the democratic ticket on account of these armed negroes?—A. There was one, and he told them distinctly that he came there to vote the democratic ticket, and he meant to do it. And the colored man who was sent to Speaker Mackey's house, in Columbia, he was there electioneering.

Q. What effort did they make to try to prevent him from voting?—A. He came up there with the man he was working for, and the man he was working for said when he left home that he had told him he was going to vote the democratic ticket, and he expected him to stick to his word, and he said he would, and they said he had no business to come there if he was going to vote the democratic ticket.

Q. What did they who were trying to get him not to vote the democratic ticket say to him?—A. They said he had no business to come there if he didn't intend to vote the republican ticket.

Q. How many were around him at that time?—A. Well, there was about fifty or more.

Q. Were they excited or not?—A. They were a little excited, but they soon cooled down again. Of course they had their own way. He said he was not going to vote the republican ticket, but would vote the democratic ticket. Richard Boyu, he was there, electioneering for himself. He told them to let the man have his free will.

Q. Do you know of any repeating there that day by any negroes?—A. No, sir; I didn't see any one that repeated. I heard there was a few repeated.

Mr. LAPHAM. I object to all hearsay evidence going upon the record.

Q. Did you see negroes come there from any other poll on that day?—A. No, sir.

Q. Do you know where all these negroes lived that were there?—A. I knew a few of them that lived right around the place they call Monk's Corner.

Q. How far is that from the voting-precinct?—A. About two miles from Biggin's church, where the voting was. The settlement of the negroes is mostly around Monk's Corner.

Q. Had you been at this place, Biggin's church, at the previous election two years ago?—A. No, sir.

Q. Do you know what the usual vote polled at this place is?—A. I do not; no, sir.

Q. Do you know what it was at the recent election?—A. I think it was four hundred and sixty odd altogether. There was about one hundred and eight democrats, I think the managers say.

Q. And how many republican votes?—A. Three hundred and fifty-five or three hundred and fifty-seven; I don't remember distinctly.

Q. Was there a colored man there that day by the name of Tony Scott?—A. Yes, sir.

Q. Do you know whether there was any effort made to prevent him voting the democratic ticket or not?—A. Not that day. Previous to that there had been, while he was living on my place.

Q. What effort was there made to prevent him voting the democratic ticket?

Mr. LAPHAM. If this colored man voted the democratic ticket at the last election, I submit that what was said to him before is wholly immaterial.

Q. Do you know whether it affected him or not?—A. He would not have gone up there that day if he hadn't gone with me, or with some other white man.

Q. He was on your place with all your other negroes at this time?—A. Yes, sir.

Q. Was it known among the other negroes that he was going to vote the democratic ticket, and was this effort that was made against him because he proposed to vote the democratic ticket?—A. Yes, sir; it was made because he said he was going to vote the democratic ticket.

Q. Tony Scott is living yet, is he not?—A. Yes, sir.

By Mr. LAPHAM:

Q. He did vote the democratic ticket, did he not?—A. Yes, sir.

Q. And you voted the democratic ticket?—A. Yes, sir.

Q. Did you try to induce the men laboring for you to vote the democratic ticket?—A. No, sir; I did not.

Q. Never talked with one of them about it?—A. I asked him a few days before the election come off—

Q. Asked who?—A. The man who was working for me.

Q. Did you not ask the whole of them?—A. The whole of them; yes, sir.

Q. You addressed them all at once, did you not?—A. Well, not particularly all at once, because they didn't happen together.

Q. You talked with your men at different times to induce them to vote the democratic ticket?—A. I didn't induce them; no, sir.

Q. Did you not talk with them requesting them to do so?—A. No, sir; I didn't request them either.

Q. Did you not advise them to vote the democratic ticket?—A. No, sir.

Q. Did you talk to them about how they should vote?—A. Yes, sir.

Q. What did you say?—A. I asked them, "Boys, which way are you going to vote?" Some of them said, "Well, of course we are working for you and we are going to vote with you." That I said was all right. I said, "I am very glad to see that you got along with me so well that you can vote with me." Two days before the election they come back and said, "They couldn't vote with me." They said, "If we do, they are going to shoot us, or do some harm to us." I said, "Well, you are a free people; you can do as you like about it; I can't make you do either one way or the other. I would like, of course, to have you vote the same way that I do; but if you can't, do as you like about it." That is all I said to them about it.

Q. Where did you vote before this year?—A. Well, sir, I never voted but once, and that was in Indianapolis.

Q. What precinct do you live in?—A. Either Strawberry or Biggin's church, I don't know which; I am the same distance from either poll; I live on this side of the Cooper River.

Q. My question is, within the bounds of which precinct do you live?—A. I understand your question; I say, I don't know.

Q. You have never taken any part in politics until this year?—A. No, sir.

Q. Were you considerably interested in politics this year?—A. No, sir; I was not much interested.

Q. Did you see any white men armed at Biggin's on the day of election?—A. No, sir; I didn't see them armed; some of them had pistols.

Q. Did you not see some have guns?—A. I saw two guns; but I didn't see any white men carry them.

Q. Do you not know that white men had them there?—A. I suppose they had.

Q. Did you have any arms?—A. I had a pistol, sir.

Q. What for?—A. Well; because all the negroes went there with their guns. They had said so before that they were going to carry their guns there, and I thought to myself I would be a fool if I didn't carry something.

Q. Did you ever carry an arm before?—A. I have occasionally carried it; I don't carry it every day.

Q. How long have you been in the habit of carrying a weapon?—A. Well, I cannot say; whenever I feel like it.

Q. How long have you had one?—A. I have had one for the last ten years; I suppose I carry it about ten or fifteen times in the year.

Q. When you go from home or about your plantation?—A. When I go from home.

Q. You generally carry your pistol when you go from home?—A. Occasionally I do; not always.

Q. Don't you generally carry your pistol when you go any distance from home?—A. No, sir; I don't always.

Q. Was your pistol loaded when you were at the polls on the day of the election?—A. Yes, sir.

Q. What kind of a pistol was it?—A. It was one of Colt's army pistols.

Q. How many balls did it shoot?—A. Six.

Q. Where did you carry it on that day?—A. Here, on my side.

Q. Was it concealed?—A. No, sir; everybody could see it.

Q. How was it fastened?—A. It was fastened to a belt here at my side.

Q. Did the other white people carry their pistols in that way?—A. Well, the ones I saw carried them in that way.

Q. Did the mulattoes have arms?—A. Yes, sir; they had arms.

Q. What kind of arms?—A. Generally muskets.

Q. Have you ever known of a rifle-club in your neighborhood?—A. No, sir; no rifle-club there.

Q. Never?—A. No, sir.

Q. At least you never belonged to any. Did you not know of their drilling?—A. I knew of the negroes drilling.

Q. No white men?—A. No, sir.

Q. You never heard of a rifle-club in your vicinity?—A. No, sir.

Q. Did you know of any?—A. I did here in the city.

Q. How far is that from where you live?—A. Twenty-five miles.

Q. Do you know of anybody who was prevented from voting at Biggin's on the day of the election?—A. No, sir; there was nobody prevented from voting there except a little boy. He was not a voter. He attempted to vote.

Q. I mean any lawful voter?—A. No, sir.

Q. Nor do you know of anybody who was prevented from voting the ticket he wanted to vote?—A. I have heard of threats being made.

Q. You don't know of any yourself?—A. I did not see any that day at the polls.

Q. Did you stay there till the votes were canvassed?—A. Yes, sir.

Q. Can you give the names of the managers?—A. I can give the names of two of the managers. William White was the democratic manager and Thomas Wallace was the republican manager. The other was a republican; I don't know his name. He was a colored man.

Q. Who was the supervisor?—A. The supervisor was a man by the name of Weeks.

Q. Was he a democrat?—A. Yes, sir.

Q. Did the managers unite in signing the election-returns?—A. I didn't go in the room when they made their return. I was outside.

Q. Did you hear any complaint or objection to the fairness of the election; any protest about it?—A. No, sir; nothing.

Q. No complaint of any kind?—A. No, sir; I didn't hear of any there.

Q. Who subpoenaed you to come here as a witness?—A. My friend over here on Broad street, Colonel Sammington.

Q. He asked you to come here to-day?—A. He asked me to come to town to-day.

Q. You were not subpoenaed to come, then?—A. No, sir.

Q. Is Colonel Sammington a democrat?—A. Yes, sir.

By the CHAIRMAN:

Q. You stated in your cross-examination that the colored men who were working on your plantation told you before the election that they would vote the democratic ticket. About how many said so?—A. I have, to my remembrance, one day, twenty-four.

Q. What did they state to you was the reason they could not vote it just before the election?—A. They stated as the reason that the other people on the plantation had made such threats to them that they couldn't vote the democratic ticket.

Q. How long was that before the election?—A. That was about a week before the election.

Q. You were asked if you knew of any voter who was prevented from voting the democratic ticket on the day of the election. Was not Moses Brown prevented from voting?—A. I asked him on Sunday—the election was on Tuesday—

Mr. LAPHAM. I object to a conversation with a particular elector three days before the election.

Q. Where is Moses Brown now; do you know?—A. He is in town.

The committee adjourned to meet to-morrow (Thursday, December 21, 1876) at 10 o'clock a. m.

CHARLESTON, S. C., December 21, 1876.

The committee met pursuant to adjournment.

THOMAS E. LEADBETTER sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. I am an old man, sir. I am seventy-seven years of age.

Q. Where do you reside?—A. I reside in Charleston County, sir; by railroad, about twelve miles from the city, but by the private way it is perhaps thirteen or fourteen miles.

Q. How long have you resided in this county?—A. I have resided in this county for the last twenty-five years or upwards.

Q. What is your occupation?—A. Well, a poor minister, and a sort of a farmer.

Q. How long have you been preaching?—A. My dear sir, perhaps before you were born. I do not know that I can definitely tell; since the year 1824.

Q. Have you ever preached to the colored people at any time in your community?—A. O, yes; I have been preaching to them for the last twenty-five years.

Q. What precinct did you attend at the late election?—A. Well, it was called Whalay's Church, sir, in St. James Goose Creek.

Q. Were you at any other precinct on that day?—A. No, sir.

Q. What time in the day did you go to that precinct?—A. I suppose, sir, it was about nine or ten o'clock, somewhere thereabout.

Q. How long did you remain?—A. I remained, sir, until four o'clock that day.

Q. About how many blacks were at that precinct that day?—A. Well, I should suppose there must have been in the neighborhood of four or five hundred. There was a very large assemblage of them.

Q. How many whites?—A. Well, sir, so as to be particular about it, I can count them.

Q. It is not necessary to count them.—A. I think there was about eight, or some-

where thereabout. I can recall all that were there. There were about eight there that day.

Q. Just state what you saw at that precinct that day in reference to the conduct of the election, whether there were any men there in arms; and, if so, who they were, and how many there were.—A. I can simply rehearse just what happened when I went to the ground; that is all. I went to the ground; and as soon as I got there I was met by a large number, I suppose ten or twelve, of the colored people. I was known pretty well among them, and they came up to me and manifested a good deal of pleasure in seeing me, and then begged if I would not go with them. "Well," I said, "yes, I will go with you, and vote as I think is right." And they handed me their ticket. I handed them another ticket, and I said, "Now, suppose you go and vote with me." They said, "Well, Mr. Loadbotter, we have listened to you and followed you a good while, but now you have got to go with us." "Well," I said, "I could not do that." I could not vote with them, and then stated to them, "The man for whom I wish to vote belonged to the State, the same as we do. We are all living here together, and I think we ought to support him." I simply said that the man for whom I wished them to vote belonged to us, but they said no, they would not vote for him; that he was a democrat. I told them that as far as the democrats or republicans were concerned, that made no difference; that was not the object. I then reasoned with them that that was not the object we were after; that we would have, if possible, a pure government, and that the man for whom I wished them to vote was their friend as well as mine and the State's. Well, they said that the republicans had freed them. We had a pretty smart talk. Says I, "They no doubt did help about it, but the democrats in this State had a convention, and in that convention they freed the whole of them. And," said I, "so far as slavery is concerned, it is now dead."

Finding that they were exceedingly anxious that I should vote with them, they surrounded me rather, but nothing rude, only by an imploring and putting their hands on me and standing between me and the box. Well, I talked as well as I could, and finally found that their feelings were becoming somewhat exalted. I rather tried to get away, but just at that time a black man was pushing his way to the box with a ticket. I saw him as he was going, and one of them that was speaking to me arrested him immediately, and said, "What ticket are you going to put in there?" The man made no reply, and I replied to the one that accosted the other one, "He is a free man; let him vote as he wishes." He immediately said, "Yes, you put that ticket in his hand, and he shall not vote it." And I knew nothing at all of the ticket he was going to vote, and immediately left the place, sir. I found that there was such a state of feeling that my talk would not overcome it, and I walked right off from the poll. Well, there was a colored man that I had owned and raised from boyhood, that was living with me, and another one, and they had both voluntarily come forward and said they intended to vote without being solicited on my part at all. They knew my views, and they said that they intended to vote that ticket for Hampton; told me that emphatically. Well, sir, on that day while I was there one of them, a young fellow, I saw a large bullying man that I know, a colored man, pursue him with a stick in his hand, running around the church pursuing this other one. They ran around the church out of my view.

Q. This man that was pursuing this other man around the church, did he have anything in his hand?—A. He had a stick, I say.

Q. What sort of a stick?—A. One of those sticks that you sling around, a small sort of a cudgel, a hickory stick, or something of that kind. It was held in his hand and fastened around his wrist.

Q. How was it fastened around his wrist?—A. You know they have a stick with a string which they fasten around their wrist by which they hold the stick. I do not know that I can speak particularly; it was one of those kind of sticks, bludgeon, or whichever you may please to call it. What transpired behind the church I know not, sir. He pursued him until he ran around the church, and my attention was called to it, for I knew the whole object of it. And after they had got around the church I did not think it was prudent for me to go around and see or interfere in any respect, for it would be dangerous, and therefore I knew nothing of what transpired there. All I did know about it is, that the boy put in a different ticket from what he told me he intended to.

Q. What ticket did he put in?—A. A ticket for Mr. Chamberlain. I did not influence him particularly. He said voluntarily he would put in a ticket for Mr. Hampton.

Q. What was that boy's name?—A. Ephraim Chisholm, and the other was Joseph Jenkins.

Q. What became of Joseph Jenkins?—A. He voted contrary to what he intended. He said he was afraid of his life. He had a step-father who was very bitter against Hampton, and had a great deal to do in influencing that boy, Joseph Jenkins, and he said so. Together with other voters at the polls he could not have voted as he wanted. What I was going to observe about this boy, Ephraim, after the election was over in speaking to my wife—



(Mr. Lapham objects to the witness relating a conversation after the election as incompetent.)

Q. Did you see any arms there that day?—A. I did, sir.

Q. Who had them?—A. A couple of black men.

Q. Where were those arms?—A. About, I suppose, sixty or seventy yards from where the poll was held.

Q. What did they have?—A. They were guns. I could not tell you whether they were muskets, rifles, or shot-guns.

Q. What were they doing with them?—A. They had them there in their hands, sitting down, about fifty yards from the poles.

Q. Did you see any other arms?—A. I saw no other arms. Of course I heard, but I did not see. I did not know there was one on the ground until I saw those two.

Q. Did you see any sticks or clubs there?—A. O, yes; nearly every other man had a club of the kind I told you, clubs with most of them tied around their wrists to hold them in their hands, with a ticket, Mr. Chamberlain's, a red ticket, very plainly fixed on the lappels of their coats.

Q. Did you see parties voting there?—A. O, they voted. I saw some vote there that I fully believe, sir, had voted at another precinct.

(Mr. Lapham objects to the witness stating his belief.)

Q. State why you believed that.—A. There is a colored man I am acquainted with, and have been for the last twenty years, Prince Staples. He belongs down here within five or six miles of Charleston. There is a precinct there, and I was perfectly astonished to see him up there fifteen or sixteen miles from town at this precinct.

Q. What time did you see him at this precinct?—A. I suppose it was about one or two o'clock, and I asked him, says I, "Prince, are you up here?" He says, "Yes, sir." I said, "I thought you would have voted down below." He said, "He thought he would come up here, too," but he didn't tell me he had voted; and he was not the only one.

Q. State how many you saw.—A. I saw a boy that I well knew by the name of George Barnwell that ought to have voted at Saint Andrew's Parish, that lived there—lived over there on the other side of Ashley River, and lives there now.

Q. How far off was that?—A. I suppose, taking the river into consideration, it would be seven or eight miles—no, hardly that. I don't suppose it would be more than six or seven miles.

Q. Was there another precinct near him?—A. Yes, sir; there was another precinct near him.

Q. How far?—A. There was a precinct there they called the Ten-Mile Hill precinct, sir, where I would have expected he would have voted, sir; would be about five or six miles from where I saw him.

Q. Did you see anything else that led you to believe that the parties voting there had voted elsewhere?—A. No, sir; I do not know that I saw anything.

Q. Did you see any parties repeating there?—A. The gentlemen that were there, one of the white men, Mr. Smith, I heard him come in and ask the manager, Mr. Hard. I heard him do that; saw him calling him by name, and the man had just voted. Said he, "Did you not vote before here?" The clerk turned to the list, and, in turning over, called his name where he had voted. That, I heard. I happened to be right present, inside of the church, at the time I heard that.

Q. Did you vote there?—A. I did.

Q. State the circumstances under which you voted.—A. Well, as I went on to remark, when I saw the crowds surrounding the polls and surrounding me, and the objection that they made to this colored man putting in his vote, I thought it prudent on my part not to push through to go to the box, and I waited until, perhaps—I don't know but what it was two or three hours, and when I saw a favorable opportunity by which I could go without being rather pressed—there was some around it—I went; but I saw very plainly that there was a good deal of objection to it, and as I went to the box, I pulled off my hat and held the ticket in my left hand, and the man who was to administer the oath, a black man, one of the managers, I do not know his name, commenced administering the oath, and this man, who was one of the managers—the black man—said, "Put that ticket in your right hand, sir." Well, I took it from my left hand and put it in my right hand. Well, the oath was administered to me, and he said, "Raise up your right hand, sir." The man that was administering the oath, the colored man, said he, "Let Mr. Loadbetter alone; don't talk to him that way." He said, "I will talk to him as any other man. He has got as good a right to do it as any." And Mr. Hard, the white manager, said, "You had better raise up your right hand." I felt, sir, just at that time, a little put out. I had complied with everything that I thought was correct; but I raised up my right hand.

Q. Did you hold your ballot in your right hand?—A. Yes, sir; I held the vote in my right hand. I was ordered to put the ticket in my right hand, and I held it there, and then held up my right hand with the ticket in it.

Q. How many of those men were immediately around the poll at that time?—A. Well,

I suppose there were some ten or fifteen, but, before that, at first there were thirty or forty in a solid ring about the polls. There was no getting to the polls without pushing your way through, showing your ticket, or giving them to understand how you were going to vote.

Q. Was there anything by which the different tickets representing the two political parties could be distinguished?—A. O, very plain, sir.

Q. What was it?—A. Mr. Chamberlain's had, if I mistake not, an eagle printed red, and very conspicuous. Mr. Hampton's ticket was a plain one, just printed, I believe. I did hear, sir, there was a third ticket.

Q. Tell all that you saw.—A. That was all that I saw.

Q. The republican ticket could be distinguished by its being printed red?—A. Very plainly, and worn on the lappel of the surrounding persons—the colored people.

Q. Was that generally done?—A. Pretty generally; particularly with those that were exceedingly conspicuous in governing the polis.

By Mr. LAPHAM:

Q. Who subpoenaed you to come here as a witness?—A. I was told that it was my duty to come here, sir.

Q. By whom?—A. I was told—well, there were two or three. Mr. Hard was one who told me.

Q. When?—A. I believe it was day before yesterday or yesterday, I really forget which. It was day before yesterday that I heard from two or three that it was my duty to come here.

Q. Give me the names of the persons who told you to come here. I do not ask what was said.—A. The names of the persons—Mr. Hard, and—well, really I have heard it from so many I can hardly tell. O—well, I cannot recall to mind. I have heard it from half a dozen people. I do not know as I can recall them to mind particularly.

Q. You were a slaveholder when slavery existed, were you not?—A. I was, sir.

Q. And a clergyman also?—A. And a clergyman.

Q. You believed in the right of the institution of slavery, did you not?—A. In principle I did not believe in it, sir.

Q. How long did you hold slaves?—A. I was born with them.

Q. How many years did you own slaves?—A. My father and mother owned slaves, and they grew up with me, and I have owned them.

Q. How long did you own them, is my question?—A. From the time that I was twenty-one years of age, my dear sir.

Q. Until slavery was abolished?—A. Until slavery was abolished. My dear sir, I can tell some things about them. I never separated a man and his wife; and I have married hundreds of them, and baptized their children, and raised them as far as that is concerned, and feel now a tender regard for them.

Q. Did you ever preach to the colored man against the wrong and iniquity of slavery while it existed?—A. I will say, sir, that on one occasion a planter himself—I did not preach against slavery—but a planter once called me to account, that I had gone too far on the subject.

Q. To what denomination do you belong?—A. I belong to the Southern Methodist Episcopal Church, sir.

Q. Did you see a certificate signed by the clergymen of this county before the election to the effect that there was no military clubs or rifle-clubs, or organizations for violence in this county?—A. I do not remember whether I saw it. I heard of it.

Q. Were you one of the signers?—A. No, sir; I was not.

Q. Were you not one of the clergymen who signed—whose names were printed?—A. No, sir. I heard there was—

Q. Which of the colored men you have named were once owned by you as your slaves?—A. That boy Ephraim Chisholm I raised from a boy.

Q. Any others?—A. That boy Joseph Jenkins that I spoke of, sir, his wife was raised by—

Q. I am speaking of him, not of his wife?—A. Well, he belonged to the woman I raised, and lived with me.

Q. I want to know which of the men you have named were once owned by you. Is Chisholm the only one who was a slave of yours at any time?—A. At this election, do you mean?

Q. Yes.—A. O, no.

Q. How many persons that voted at this election had been slaves of yours?—A. I suppose, sir, three or four.

Q. Can you give their names?—A. Yes. John Edwards was one of mine, but he did not come near me, and I cannot say how he voted. I am not prepared to answer that question.

Q. Do you know whether either of these persons you speak of—Prince Staples—do you know whether he voted at this precinct—Whaley's?—A. O, yes, sir; I know that.

Q. Do you know whether he voted anywhere else?—A. I do not know.

Q. Did you see him vote?—A. O, yes; I saw him vote; and he told me he voted there.

Q. George Barnwell, did he vote there?—A. Yes, sir.

Q. Do you know whether he voted anywhere else?—A. I do not, sir.

Q. Do you know of any person who voted at this precinct whom you knew had voted anywhere else?—A. No, sir.

Q. Do you know of any one who was prevented from voting at this precinct during that day?—A. I know positively there were some who didn't vote at all—who were afraid to vote.

Q. Give their names, if you please.—A. I do not remember their names particularly.

Q. Grant or Gant, which was it?—A. Gant, I believe. Really, I cannot say.

Q. Did he vote?—A. He did not vote; he was afraid to vote, and would not vote at all.

Q. You did not stay until the poll closed, did you?—A. No, sir. I staid until it was pretty late; it was three or four or five o'clock.

Q. How do you know but he voted when you went away?—A. He was gone.

Q. How do you know but that he may not have come back and voted?—A. That I cannot tell. He lived rather too far, though, I think, to come back.

Q. You did not follow him home, did you?—A. No; O, no.

Q. You tried to induce colored men to vote the democratic ticket, did you not?—A. Very little.

Q. But you tried to induce them some?—A. They all know how I was going to vote.

Q. I do not doubt that; but you tried to induce them to vote the democratic ticket?—A. Yes, sir.

Q. Tried to use your influence as their pastor to induce them to vote the democratic ticket?—A. Let me explain that.

Q. I prefer you to answer the question.—A. I was first accosted by them, and surrounded by them, and begged to vote their ticket.

Q. You have given all that. I want to know whether you made efforts by persuasion to induce colored men to vote the democratic ticket?—A. Immediately after I said, "Vote with me," with the whole of them around me, I felt it to be a conscientious principle not to be interfering with persons when their own minds were made up.

Q. You did not stay until the vote was canvassed?—A. No, sir.

Q. Do you know how many democratic votes were given at this poll?—A. No; I don't know, sir.

Q. You spoke of your candidate as belonging to the State?—A. I did, sir.

Q. What did you mean by that?—A. That he was one of us, and that he ought to govern us.

Q. Because he was a South Carolinian, because he was a native?—A. Well, I thought he was a pious, good man, and I thought he was a South Carolinian.

Q. And when you spoke of him as belonging to the State, you had reference to the fact that he was a South Carolinian?—A. Yes, sir; of course he belongs to the State.

Q. You did not know that he had recently gone through bankruptcy?—A. Hampton had?

Q. Yes.—A. I do not know him; not personally. I saw him when I was coming from the North, not long ago, at Columbia, but I have no acquaintance with him.

Q. You say you saw him once; was that before the election or since?—A. Before the election.

By the CHAIRMAN, (Mr. Philips:)

Q. Judge Lapham has asked you about your relation to and views touching the institution of slavery. Please state what your relation to the negroes in your community was before the war, and what you did for them.—A. Well, as I remarked to you, I have been laboring with them for the last twenty years; since the war I have not. All through my neighborhood I had regular appointments, and immediately after the war the Methodist church at the North sent on another Methodist minister, Mr. Lewis, at this place, Charleston, to take charge of the Methodist church here, in order that they should not go into a state of regular disorder, as they were. I moved to Charleston with my family, and took protection under the Federal Government. I was living in the country then, and I came to Charleston for protection under the Federal arms, and I was here with Mr. Lewis. We preached together in town. Immediately after things began to quiet down I went back and proposed to Mr. Lewis that I would try to gather the colored people in my neighborhood at the church where we used to worship and establish a Sabbath school, as we had had, and preach to them as we had always done; and he fully agreed.

Q. Did you organize and maintain a Sabbath school among those colored people before the war?—A. O, yes. I had a neighbor, Mr. Dana, who was also a Methodist local preacher. He lived in my neighborhood. He and myself mutually agreed that we would keep up the appointments, but to strengthen our hold upon the colored people. Mr. Lewis coming from the conference at the North, sent on as a missionary here,

I thought it would have the effect or tendency to strengthen their confidence in us, for they had become very much alienated against the South; and he went up to preach to them for me, and we had a pretty good congregation. He then urged on them to listen to Mr. Dana and myself, and try to keep up the cause. Well, Mr. Dana and myself had our appointment there, and we had Sabbath school there, and preached to them. But after awhile, somehow or other, their feelings became alienated. I think they were entirely influenced by unprincipled persons; began to object to our coming together, and finally built their own church. The church for the whites was for the whites only. We had seats for the colored people as well as the whites. They built their church, and they came to me and said, "Look here, Mr. Leadbetter, we want you to let us have those benches out of the church." "Well," said I, "I am only one of the trustees, and so far as I am concerned you are welcome to the benches; but I cannot take them, because I am only one of the trustees." With that they removed them and put them in that same Whaley's church, where they now are. Well, then, they had no more intercourse with me as their minister, nor with Mr. Dana; set up for themselves. They were members of the Methodist church, many of them. At the same time came a colored man, whom I knew, and preached here to the Methodists. During that time he came up and tried to organize churches as the African Methodist church. It continued, but I tell you there was a change came over them again.

Q. At the time of the election you were not acting as minister for the colored people?—A. No; not then; but I have been since. Since the election they asked me to come and be with them. Gentlemen, I have no object in view but what is pure and just. I rise above all party feeling. I have my views as to politics.

Q. You have resumed, then, your ministry among the colored people since the election?—A. They have invited me to come to their church and preach for them since.

Q. And you have gone?—A. I have.

Q. You started to make an explanation of what you meant by asking these people to vote for General Hampton as one of you. Just state what you meant by that.—A. Because, sir, I believe General Hampton to be a good man. I believed he did not seek the office of governor himself. I believed that the people of the State felt that it was absolutely necessary that there should be a change in the government of the State. I have been a strong advocate for Mr. Chamberlain during his administration, until some time before the election. I really was an advocate for him, and Mr. Dana advocated his cause to a great many persons; that he was trying to do right; that the influence of party was not carrying him away; that if he possessed moral courage to stand, that it was best for no opposition to be made against him as governor. That was my individual opinion, sir. When they were talking about a straight-out ticket here, I honestly opposed it, and incurred at the time the displeasure of my friends; but still, I said, "You may upset the whole thing." Governor Chamberlain had been trying to do good, and I knew it. I saw his course in the legislative body, and everything of the kind, and I thought he meant to do good. But they persisted, and had a straight-out ticket. Well, I said nothing more. General Hampton—I saw the views under which he received his nomination. He did not wish it. His character has been known in the State from his boyhood, and I always heard of him as a correct, upright man. Even when he went to school they praised him there. From his general character we thought he was a proper man to govern, and he belonged to South Carolina. He understood the negroes and the white people, and I believed him to be a suitable governor of the State; and it was under those feelings that I would induce them, if possible. If I could have influenced them, I certainly would have influenced them to vote for Mr. Hampton.

By Mr. LAPHAM:

Q. When did you cease to support Mr. Chamberlain and come out for Mr. Hampton?—A. I cannot say. I never came out very strong for General Hampton.

Q. When did you change your views?—A. I do not know as I can tell you, for it was a gradual thing coming on. I began to loosen my hold from some of the representations made about Mr. Chamberlain.

Q. When did you do it?—A. My dear sir, I could not tell you exactly.

Q. Was it a month before the election?—A. Well, I expect it was; probably it might have been more than a month. There were several little circumstances connected with it. I cannot give you a definite answer to that. I had reasons for it. I had reasons for sustaining him, too.

Q. Up to that time you had advised all these colored people to sustain Chamberlain, had you not?—A. I do not understand the question exactly.

Q. Up to that time you had advised all these colored people to support Chamberlain, had you not?—A. I had nothing to do with the election. It was not until General Hampton was a candidate.

Q. Did you ever vote before this year?—A. O, yes.

By the CHAIRMAN:

Q. State why you gave up Chamberlain; what was it that induced you to change?—

A. Well, there were two or three circumstances. I will tell you one of the strongest reasons. When he went into the convention—up to that time I was favorable to Mr. Chamberlain; but when he went into the convention, when they went to balloting for a candidate for governor, when he walked arm-in-arm with Elliott, and suffered himself to be nominated by men whom I had known him to speak so much against, who went there with him, and whose characters were bad, and he had said so; when he walked into that convention arm-in-arm with Elliott, who said he had things that he could put Mr. Chamberlain in the penitentiary for, and all that kind of thing; and Mr. Chamberlain never vindicated himself, and went in there, and suffered himself to be nominated, and advocated the nomination of Mr. Elliott; my dear sir, that loosened me.

C. H. CHORS sworn and examined.

By the CHAIRMAN :

Question. Where do you reside?—Answer. Palmetto plantation; about ten miles from Charleston, and within about five or six miles of Whaley's Church precinct, where this election was held.

Q. How long have you resided there?—A. Between ten and eleven years.

Q. Where did you reside before that?—A. In the city of Charleston; was born and raised here.

Q. What is your age?—A. Forty-four, sir. I am now pretty nearly forty-five.

Q. Where did you vote on the day of the recent election?—A. Whaley's Church.

Q. Did you hold any official position there on the day of the election? If so, state what it was.—A. Yes, sir; democratic United States supervisor.

Q. Who was the other United States supervisor?—A. A colored man by the name of Singleton. I have my appointment here in my hand now.

Q. Who makes the selection of United States supervisors?—A. The names were handed in by their democratic executive committee, and appointed by the judge of the district court. I was appointed by Judge Bryan.

Q. Who were the managers at that precinct?—A. I have forgotten the names of the colored men now; but Mr. Hard, a white man, was one of them.

Q. The other two were colored men?—A. Yes, sir. I do not recollect their names or know them. They came from the city here.

Q. State whether you saw any evidences of intimidation of voters at that precinct that day. State all you saw and heard.—A. Well, sir, the poll was open when we got there. I suppose about fifteen or twenty had voted; not more than that. It was just about daylight when I got there. There was at least four hundred colored people there that day, swarming around the whole place, and there was no chance to vote at all.

Q. How many white men were there?—A. Four or five; not more than that. There was no place where anybody could come up to the polls and vote except the way they wanted them, and you could hear all sorts of threats about democratic votes. That was early in the morning; and a man by the name of Ford, who was running for the legislature, and who was captain of the militia company there, was going among these negroes all the time and telling them to vote for liberty. He says, "It's the last chance you have got." The request was made once or twice for challenges; but no challenger could have stood outside.

Q. Who made the request for challenges?—A. Devoe did, and Mr. Smith; but there was such a tremendous crowd out there that no challenger could have stood outside; and they couldn't allow a challenger inside, the way the polling was going on. Up to ten o'clock, they could have repeated as they pleased, and nobody could have identified them. You couldn't tell the darkies in a crowd one from another. I know two or three men that repeated. Among others, there was at least ten—I should say between ten and twenty—boys that voted up there who were under age. Several of them I knew from being on my place. Two of them I challenged. I said, "These two you shall not take, for I know them to be under age." And during that time they arrested Devoe on some charge of bribery, which they had no right to do. Devoe was there for the purpose of spotting colored people who ought not to vote at that precinct, and he came up there to see if they voted or not—to keep them from voting at two places; and the United States supervisor arrested him, and he had him started on his way to town under a guard of two men with muskets. I went out and said to him he had no right to make this arrest.

Q. Did you see these two boys whom you say were under age vote?—A. I did not see these two boys vote; but Smith told me that these two boys I challenged voted. I tried to stop some of them, and these two I said they should not take.

Q. What was the name of the man who afterward saw them vote?—A. T. H. Smith. He can give you the names, for he knows the people up in that neighborhood. I forgot to state that there were no people with guns right around the point there. But early in the morning they had their guns all stacked within a hundred yards of the church.

There was two companies. Adam Ford was captain of one of them; he was running for the legislature. They did not come around the polls there with their muskets until the whole thing was pretty nearly over.

Q. The guns of these companies, where were they kept?—A. They were stacked in the State road, about a hundred yards from the polling-precinct. There were two or three men about there where the guns were all the time.

Q. Were these guns visible to the voters?—A. O, yes, sir; everybody could see them; and we all knew that, with the few white people there, we could give no protection.

(Mr. Lapham objects to the witness expressing his opinion.)

Q. State whether you saw any interference on the part of these colored men with other colored men who went up to vote.—A. I saw them take votes out of their hands and give them other votes instead. After this big crowd of voting was over, after these three or four hundred people had voted, then when two or three men would come up to the box to vote, four or five or six of these colored men would rush-up toward them with clubs in their hands and ask them if they had the right ticket, and take the ticket out of their hands and read it over. If it wasn't the right ticket they would give him another one, the one they wanted him to vote. It was as much as his life was worth to do it. I have been living in that country a long time, and there were several men that promised to vote my way, but when they got there they came to me soon after and said, we cannot do it.

Mr. Lapham renews his objection to the witness stating a conversation with a third party.

Q. Was this at the precinct that they came to you and said this?—A. Yes, sir; they came to me and said, "Mr. Chors, I can't vote with you; my life is something to me and my family, and I can't afford to be beaten up here for voting." I told them I could not expect them to do it, that I saw how the thing stood, and to do as they chose.

Q. These parties that went up to vote, how did they hold their ballots?—A. In the big crowd that was there they would swear them in three or four at a time, and when a man would attempt to hold his ticket down—the republican tickets were all printed so they could be seen plainly, which I think was against the law of the State; they were printed red, so anybody could see them very plainly—these managers would not allow them to vote unless they held their ticket up in their right hand.

Q. The hand that was held up to be sworn by?—A. Yes, sir; so the whole crowd could see how the man voted. And while they were doing this there were negroes outside telling all sorts of things, how they used to be whipped in slavery times, and how they used to beat them, and put ball and chain on them, to create an impression against the democratic ticket.

Q. Was there a negro there by the name of Abram Mitchell?—A. Yes, sir; he is here now.

Q. Did he vote there that day?—A. Yes, sir; he voted there that day.

Q. Did he have any trouble in putting his ballot in the box?—A. He was threatened with his life before he voted, and after he did vote he was threatened upon the ground.

Q. What was the character of this threat?—A. Like they all make, you know. If a man votes the democratic ticket, they threaten his life, and say he shall not go home.

Q. Did this colored man, Abram Mitchell, vote the democratic ticket?—A. Yes, sir; I didn't see him vote, but I know he voted there. I didn't see him beat myself, but I know he was beat. I saw the big crowd running toward where he was, where two or three had "gouged" him; and this same man Ford ran out to try to stop it.

Q. Go on and state all you saw and heard.—A. The man is here himself, and he can testify to that. He was sort of walking off the ground when the crowd rushed after him.

Q. How far did they pursue him?—A. I suppose about two hundred yards.

Q. Did you see them overtake him?—A. Yes; two or three of them did. They had nothing but clubs. Everybody knew they had weapons there, though.

Q. Were there many of those clubs there?—A. Nearly every one of them had these clubs.

Q. What sort of clubs were they?—A. Some of one sort and some of another; some gum, and some hickory, and some oak; but all bad enough to break a man's skull if hit hard enough.

Q. How large were these clubs?—A. About an inch to an inch and a half in diameter.

Q. How long did those guns that were stacked near the polls remain there?—A. I think they moved those guns about half past nine or ten o'clock. I didn't notice the time particularly. When they saw that there wasn't going to be any especial occasion to use the guns, I think they got a little scared about what might be done about it; and I suppose any man going along there about twelve o'clock could not have seen the guns.

Q. Did you see them any more after that on that day?—A. Yes, sir; about half an hour before the polls were closed they commenced calling the different clubs to fall in.

They fell in in two thicknesses, with their guns in their hands, and marched around the church. At that time there was only two white men there, myself and Mr. Hard, the manager. They marched around the church two or three times with these guns; and then this same man Ford got them together, and they sung "Hold the fort for Hayes and Wheeler;" then they fired off their guns, about a hundred of them, and then you could hear a fellow giving orders to reload with sixteen buckshot each.

Q. Did you attend any political meetings in that neighborhood before the election?—

A. No, sir; I talked politics a great deal among the black people I knew. I did attend one political meeting. There was one held on Mr. Lamb's place. We had 150 or 200 colored people at it, and just made speeches to them.

Q. Did you see any arms there?—A. No, sir; that was a meeting called by the democrats.

By Mr. EDEN :

Q. Have you stated everything that occurred there at the election that day?—A. O, you could hear these negroes saying outside that no man should vote the democratic ticket; and they were talking about how they used to be whipped in slavery times, and all that sort of stuff. It was a notorious fact that it would have been dangerous for any colored man to have voted the democratic ticket. They didn't care anything about how the white people voted.

Q. But a negro, they said, had no right to be a democrat?—A. O, a negro couldn't vote the democratic ticket.

By Mr. LAPHAM :

Q. In what voting-precinct do you live?—A. Whaley's Church is my precinct; but you know you can vote anywhere in the county.

Q. You live in that precinct?—A. Yes, sir; but I could have gone and voted at any other.

Q. How long have you lived there?—A. About ten or eleven years. You know I cannot stay there all through the summer, because it gets sickly and unhealthy through July, and I come down here.

Q. What is your business?—A. Farming and digging phosphate rock.

Q. Where did you reside up to the time of the war?—A. In Charleston; here, sir. I was in the dry-goods business.

Q. Were you a slave-owner?—A. Yes, sir.

Q. How many did you ever own?—A. Before the war I had about sixty, sir; I didn't have that many at the commencement of the war. When they were made free I had about sixty or sixty-five.

Q. Did any of the persons who were formerly your slaves vote at this precinct on that day?—A. Well, I don't think there was, sir. I can't recollect now. The most of them that lived with me voted at Four-mile House, close by. Yes, there was two or three that voted at Whaley's. One man that used to belong to me I know voted there.

Q. Which way did he vote?—A. He voted the republican ticket, I think. He promised me he would vote the democratic ticket. I don't know which way he did vote.

Mr. Lapham objects to so much of the last answer as is not responsive to the question.

Q. Do you know of any elector who came there who did not vote in fact?—A. No, sir; I do not.

Q. Did you stay to see the votes canvassed?—A. Yes, sir; that was my duty. I was one of the supervisors.

Q. Did you assist in the canvass?—A. No, sir; except to see that everything was carried on correctly.

Q. Did all the managers sign the returns?—A. Yes, sir.

Q. Did you make any report?—A. Yes, sir.

Q. Have you got a copy of it here?—A. No, sir; I made a return to Mr. Poigneer, here in Charleston. He is the general supervisor of the State.

Q. Was there any protest by either of the managers against the fairness of the canvass?—A. At that time?

Q. Yes.—A. No, sir.

Q. Your return is in writing, is it not?—Yes, sir; part printed and part written. We both signed the same thing.

Q. You and the republican supervisor?—A. Yes, sir.

Q. Have you no copy of it?—A. No, sir; he had one copy and I had one. I gave mine to Mr. Poigneer.

Q. You signed two returns?—A. Yes, sir.

Q. You both concurred in signing these returns?—A. Yes, sir.

Q. Who was the republican supervisor?—A. I do not know his first name. Singleton his name was.

Q. A colored man, was he?—A. Yes, sir.

Q. Did you and he make any complaint of the canvass?—A. Nothing, except that we stated they had this Devoe arrested.

Q. That was the only fact you reported?—A. Do you mean to Mr. Poignier?

Q. Yes; in your written report.—A. There was no occasion to do it. I told Mr. Poignier all these facts I am speaking here about. It was all a printed form, with the number of votes cast written in.

Q. Did you and Singleton, in your report, make any complaint of the fairness at this election?—A. I did not make any written report.

By the CHAIRMAN:

Q. With regard to this report, you say it was given to you in printed form?—A. Yes, sir; printed form, with the number of votes cast for such an elector and the congressional vote written in. There was no place for any remarks.

Q. When you delivered it to Mr. Poignier you complained to him of all these matters you have testified about?—A. Yes, sir; he laughed about it. I told him I would make a written report if he wanted it, and he said it was not worth while, or something to that effect.

By Mr. LAPHAM:

Q. Was this man who was arrested for bribery a colored or a white man?—A. A white man. He was charged with an attempt to bribe.

Q. How many democratic votes were cast at this poll?—A. As well as I can recollect 17 or 18 out of 600.

Q. How many democratic votes were polled in 1874?—A. I wasn't there in that place in 1874. They changed the precincts. I was in another precinct.

Q. Where did you vote in 1874?—A. I voted at Ten-mile Hill, as they called it. They changed the precinct to Whaley's Church.

Q. Who was the colored clergyman at Whaley's church?—A. A. P. Ford, I think. I don't know for certain. I know he preaches there sometimes.

Q. Any other colored clergyman that you know of?—A. I do not, sir. I know Ford preaches there sometimes.

Q. Did you ever hear him preach?—A. No, sir; I never heard him preach.

Q. Then how do you know he preaches there?—A. Just from the common report of these darkies.

Q. You are a democrat, are you not?—A. Yes, sir.

Q. And an active politician?—A. No, sir; except talking to these darkies about it. I never ran for any office, or had anything to do with politics in that way.

Q. Your name for supervisor was selected by whom?—A. I think by the executive committee of the democratic party.

Q. Where?—A. Here in Charleston, for the county. They couldn't find many white people up in that country.

Mr. LAPHAM objects to the latter part of the last answer as not being responsive to the question.

Q. How many colored men have you employed in the business you are engaged in?—A. I have not many now; but I have had a good many.

Q. How many have you had at any one time?—A. I suppose from seventy-five to a hundred. I have not had many the last year.

Q. Do you remember the two marshals that were up there?—A. They said there were two up there. There were men there with badges on them.

Q. Can you give their names?—A. No, sir; I cannot.

Q. There was a marshal there, but you cannot state his name?—A. I think there were United States men there who said they were marshals.

By the CHAIRMAN:

Q. Who was this party that arrested this man on the charge of attempted bribery?—A. Singleton, the republican supervisor. He attempted to arrest this man on a charge of bribery, and had him under arrest, carrying him down to Charleston, when I went out among the gang of darkies and told them they had no right to arrest him.

Q. Did this supervisor have any warrant for his arrest?—A. No, sir.

Q. Was he afterwards prosecuted on that charge of attempted bribery?—A. No, sir. I showed to this supervisor that he had no right to make the arrest. There never was any prosecution about it.

Q. Was there any prosecution of this supervisor for interfering with this man?—A. No, sir. We were talking about doing it, of prosecuting him for assault and battery, but we never did it.

Q. After the election the supervisor never pursued this man?—A. O, no. In one of these rows they had they were going to shoot at him, and I told them not to do it.

T. H. SMITH sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. Thirty-four years of age, sir.

Q. Where do you reside?—A. Saint James Goose Creek.



Q. What precinct do you live in?—A. Whaley's Church, sir.

Q. Were you there on the day of the election?—A. I was, sir.

Q. What time in the morning did you get to that precinct, and how long did you remain?—A. I got there at the opening of the poll, and I remained there till half past four.

Q. Did you hold any office at that poll?—A. No, sir; none. That was the reason I left.

Q. Did you see any armed men there that day? and, if so, state how many, and who they were.—A. There was one company there known as the Ford riflemen. It was commonly known as the Ford company.

Q. What Ford was that?—A. A. P. Ford, present member of the legislature.

Q. Was he a candidate for the legislature at that election?—A. Yes, sir.

Q. On what ticket?—A. On the Bowen ticket.

Q. Was that the republican ticket?—A. Yes, sir.

Q. Was this company you speak of armed there that day?—A. Yes, sir; they were armed there. Had them stacked in the road when I arrived.

Q. How far from the polls?—A. I suppose about a hundred yards from the polls—right in the public State road, sir.

Q. Was this the road that passed by the polls from which the voters came?—A. Yes, sir.

Q. Was that the only company that was armed there?—A. No, sir. I suppose there was two hundred stand of arms stacked in the State road. When I say stand of arms, I mean shot-guns and old rifles, breech-loaders. They belonged to the militia of the State.

Q. These arms belonged to the Ford company?—A. Yes, sir.

Q. Is this Ford white or black?—A. Colored man.

Q. Were these other arms you saw there private arms?—A. Private arms; all private.

Q. How many white men were at that poll during the day?—A. I think there was nine white men there, sir.

Q. How many white men were there at any one time?—A. I don't think more than five or six at the outside at any one time.

Q. How many colored men were there?—A. I suppose there was upward ———; early in the morning there was about 300; 300 or 400 when we first arrived.

Q. Did they increase through the day?—A. No, sir; that was about the largest force they had when I was present in the morning.

Q. Did they have these arms about the polls at any time through the day?—A. No.

Q. What time did you leave?—A. I left at half past four.

Q. Did they have any clubs or sticks?—A. O, yes, sir; every fellow was armed with clubs and sticks.

Q. What sort of clubs?—A. Gotten up for the occasion. They were called eight-square sticks, about 3 feet long. I suppose they would measure around about 2½ to 3 inches.

Q. Did any of them have the appearance of having been recently prepared?—A. O, yes, sir; made up specially for that occasion.

Q. Did you see any persons repeating there during the day, or see any minors vote?—A. I did, sir; challenged one.

Q. State what occurred that you saw.—A. After my challenging that one vote, they got so obstreperous—it was repeated among them what I had done—and they went around and said, "Smith had better leave this place before dark or he will be made an example of."

Q. What was understood by that expression?—A. That I ought to be killed; that I would be killed if I remained.

Q. What was the language they used?—A. Well, sir, I didn't hear it. I was told by one of my men; and the only thing I heard in connection with that he came up to me and told me, "Mr. Smith, you had better leave here before dark."

Mr. LAPHAM objects to the witness stating what he heard.

Q. Go on and state what you heard.—A. I was told to leave before dark, or I would be killed after dark.

Q. Did you see any demonstration or hear any language of a threatening character on the part of these colored people there that day? and, if so, state what it was you saw and heard.—A. As I stated before, one of my hands came up and advised me to leave.

Q. Was this party that came up and advised you of this a colored man?—A. Yes, sir; he was a republican; he voted the republican ticket; he lived on my place.

Q. In connection with that, did you observe any threatening demonstrations? and, if so, state what you saw.—A. O, yes, sir; I saw it very plainly. This man, John Jackson, the man I challenged for voting twice, he came up to me and says, "You have got that to prove, and I will make an example of you if you don't leave before dark." That was after this conversation that came to me by this republican. He came afterward.

Q. Did you leave after that?—A. I left at half past four, sir.

Q. Did you see any minors vote there that day?—A. Yes, sir; I saw seven. Four used to belong to me and three lived with me.

Q. And you knew they were minors?—A. Yes, sir; I know they were minors, and can prove it.

Q. Did you challenge them?—A. They wouldn't allow me that chance; they wouldn't allow me to get up to the polls and challenge them, the crowd was so dense.

Q. Did you challenge them?—A. No, sir; I did not.

Q. Why did you not challenge them?—A. I couldn't do it.

Q. Why?—A. From fear, sir. I couldn't get up to the polls.

Q. Why could you not get up to the polls?—A. The crowd was so dense I couldn't get through.

Q. Were these colored republicans thick around the polls; and, if so, state how they were around the polls—in what manner.—A. They were around so close you couldn't get within ten feet of the polls.

Q. Did they have these sticks in their hands at the time?—A. Yes, sir.

Q. Did you hear or know of C. H. Chors challenging two colored boys there?—A. That was done, sir, during my absence.

Mr. LAPHAM objects to the last answer as an affirmative statement of a fact.

Q. Do you know whether any of the negroes you saw vote there once lived with Mr. Chors?—A. I do not, sir.

Q. Did you see anything else of a threatening character on the part of the colored men there that day in connection with the management and conduct of the election? and, if so, state what you saw.—A. I had charge of these tickets—the fusion tickets. Mr. Chors got them up for the occasion. A great many men in the neighborhood were anxious to vote the democratic ticket, with the exception of the republican electors and Bowen for sheriff. These tickets I gave to a good many who were desirous of voting them. They watched me and saw me give them to these parties, and they were followed up by several. A. P. Ford was watching me. He went up and demanded them to give him the tickets I had given them. He said they had no right to vote that ticket, and from fear they surrendered them and he gave them republican tickets and told them to vote that, and they did according to his orders. After they got through they came back and said, "Mr. Smith, I am afraid to vote this ticket after Mr. Ford seen we with it. It's more than my life is worth to put it in the box; I had to surrender it."

Mr. LAPHAM. I object to private conversations with the witness by electors after they had cast their votes.

(Objection overruled on the ground that the conversation at the time and under the circumstances is a part of the *res gesta*.)

Q. This man Ford, that you spoke of, is known as a member of the Chamberlain legislature?—A. Yes, sir.

Q. State whether you witnessed the manner in which electors cast their ballots; and if so, what it was.—A. They compelled every man to be sworn, and compelled him to hold the ticket up in his right hand, showing the outside of it; and if one raised up his right hand without the ticket, they told him, "Take the ticket in your right hand." And I objected to it. I said, "Gentlemen, this is not legal."

Q. Was there anything about the respective tickets by which their political character could be ascertained or known by parties when thus held up?—A. Yes, sir; one showed the red very plainly, and the other was perfectly white. The republican ticket showed the red very plainly. You could see through it. The other was perfectly white.

Q. Do you know anything about the interference with the colored voter Mitchell?—A. Yes, sir; I saw it. He was attacked by the crowd.

Q. State what led to the interference with him.—A. He was accused of voting the democratic ticket.

Q. Who accused him?—A. A fellow by the name of Watson; I think that is his name; William Watson, a colored man. He says, "If we can prove that you voted that democratic ticket you will not go one foot further." That was in the presence of the crowd; and Sandy Prailor, he went forward and told the crowd, "That is something you have got to prove. If he did vote the democratic ticket, you don't know it. If he did vote the democratic ticket I wouldn't interfere with him. You could kill him." That is, alluding to this crowd that William Watson represented. After Prailor stated that, he was allowed to pass on with friends. I didn't hear the threats. That is all that I saw.

Q. You did not see Watson pursue him?—A. No, sir; I didn't see him pursue him.

Q. About what time of day was that, forenoon or afternoon?—A. It was afternoon, sir.

By Mr. LAPHAM:

Q. How many votes were polled at that precinct that day?—A. There were six hundred polled.

Q. How many of that number were democratic?—A. Well, I don't remember that exactly. I didn't see the poll-list afterward. I can give you the paper statement.

Q. What is the voting population of the precinct over 21 years of age?—A. About four hundred.

Q. Do you know by the census what the voting population of that precinct is?—A. The census is not correct.

Q. Do you know what it is by the census?—A. No, sir, I don't, by the census. The last census is not correct.

Q. Then how do you know it is incorrect?—A. From the census-taker who took the census.

Q. You are a democrat, are you not?—A. O yes, sir; have always been, sir, and expect to be.

Q. Did you have any arms on the day of the election?—A. Yes, sir;—I had arms.

Q. What kind of arms?—A. I had a pistol, sir.

Q. What kind of a pistol?—A. It's a five-shooter, sir. It's a Colt's Navy.

Q. Was it loaded?—A. Yes, sir; loaded.

Q. Do you know of any other white people who had them there?—A. No, sir; I don't know whether they had or not.

Q. Did you see them have them?—A. No, sir; I didn't see any have them.

Q. Did you see any white people have guns?—A. No, sir.

Q. Did you take your pistol with you when you went there in the morning?—A. Yes, sir; I carried it.

Q. Loaded with a cartridge, or with powder and ball?—A. With a cartridge, sir.

Q. What sized ball?—A. It's a Colt's Navy, sir. It's a five-inch Colt's.

Q. How many balls to the pound?—A. I have no idea, sir. I have never seen them weighed.

Q. Large or small?—A. Small, sir; very small.

Q. Throw a ball through a 2-inch plank, wouldn't it?—A. No, sir.

Q. Through an inch-board?—A. No, sir.

Q. Where did you get it?—A. I bought it, sir.

Q. When?—A. I have had it ever since and during the war.

Q. Were you in the war?—A. Yes, sir.

Q. Where?—A. In Lee's army, sir; Hampton's cavalry; Butler's regiment.

Q. General M. C. Butler?—A. Yes, sir.

Q. An officer or a private?—A. A private, sir.

Q. Have you a rifle?—A. Yes, sir; one that I brought from the army with me.

Q. Have you ever belonged to a rifle-club since the war?—A. No, sir; there is no rifle-club in my neighborhood.

Q. This mixed ticket you speak of having tried to get in had the Hayes and Wheeler electors on it, had it?—A. Yes, sir.

Q. The republican ticket was for Hayes and Wheeler also, was it not?—A. Yes, sir.

Q. This mixed ticket did not change the result as to electors, then?—A. No, sir; I don't think there was any put in at all, to my knowledge. Here is one; it had the Hayes and Wheeler electors on it.

Q. So the men to whom you gave that ticket, or who voted the republican ticket, voted for the Hayes and Wheeler electors?—A. Yes, sir.

Q. Do you know of any person who went to Whaley's church to vote that day who did not in fact vote?—A. Driven off by intimidation, do you mean?

Q. Do you know of any person who went there for the purpose of voting who did not in fact vote?—A. No, sir; I did not see one.

Q. You live in that precinct?—A. Yes, sir.

Q. What is your business?—A. Farmer, sir.

Q. Employ colored men?—A. Yes, sir.

Q. How many?—A. Do you mean men or hands?

Q. I mean voters?—A. There are twelve on my place.

Q. Did they all vote at this precinct?—A. Yes, sir.

Q. How far from the polls were you when these minors that you allude to voted?—A. I saw them vote.

Q. How far away from the polls were you?—A. I was about five feet away.

Q. You stated that you could not challenge them?—A. These seven that I referred to, I was close enough to challenge them, but couldn't do it from fear.

Q. You didn't challenge any one of them?—A. No, sir.

Q. Did you see any personal violence committed upon any person that day?—A. None, with the exception of Mitchell, sir; I saw violence with Mitchell.

Q. What did you see done by way of violence to Mitchell?—A. I saw clubs drawn over him; no licks passed, though.

Q. He was not struck?—A. No, sir; I didn't see any.

Q. Did you see any personal violence to any individual during the whole of that day?—A. Up to half past four, sir, when I left, do you mean?

Q. Up to the time you left?—A. No, sir; it was all one-sided.

By the CHAIRMAN :

Q. What was your answer to a question by Mr. Lapham as to the voting strength of that precinct?—A. About 400, sir.

Q. On this mixed ticket that you spoke of in your examination-in-chief, you say appeared the names of the Hayes and Wheeler electors?—A. Yes, sir.

Q. There were tickets there, were there not, with the democratic electors on them?—A. Yes, sir.

Q. Why were they not offered to these colored voters?—A. They were offered, sir.

Q. They were not even permitted to vote the mixed ticket?—A. They wouldn't allow them to vote the mixed ticket.

Q. This pistol you speak of having on you that day, were you in the habit of carrying?—A. Yes, sir.

Q. You did not carry it specially on that day, did you?—A. No, sir.

Q. You did not exhibit it to anybody?—A. No, sir.

Q. It was not shown there at the polls to intimidate anybody?—A. No, sir; it was not shown at all, sir.

Q. You said something about the census-return of that precinct; to the census of what year do you refer?—A. To the last census taken, sir.

Q. Of 1875?—A. Yes, sir.

Q. Who was the census of that year taken by?—A. By a man by the name of Gant.

Q. Where does he live?—A. On the State road, not far from my place.

Q. Is he a white man?—A. No, sir; a colored man.

Q. Is he a man of intelligence and competency?—A. No, sir; nothing more than ordinary.

Q. What do you know about the accuracy or inaccuracy of the census, taken by this man Gant, of that precinct?—A. I asked him, "You haven't been in my neighborhood to get the census of this vicinity"——

Mr. LAPHAM objects to the witness stating a conversation he had with a third party as incompetent.

Q. Did he in fact come to your place to get the census?—A. No, sir.

Mr. LAPHAM. If by his place he means his residence, I do not object.

Q. Did he come to your plantation to take the census?—A. No, sir; he did not. There were three other places in my neighborhood he didn't visit.

Q. How many persons were on your plantation at that time, in 1875, when he took this census?—A. Do you mean including men, women, and children?

Q. Including all the persons on your place.—A. I can give you an estimate; about thirty, women, children, and all.

Q. You say that he didn't go to three other places in that neighborhood?—A. Yes, sir.

Q. What information have you about that from the owners?

Mr. LAPHAM renews his objection.

Q. Did you learn anything from the census-taker himself?—A. I did have a conversation with him.

Q. At what time?—A. Immediately after I saw the report.

Q. In 1875?—A. Yes, sir.

Q. State whether or not he made any admission to you that he had gone into those neighborhoods to take the census.

Mr. LAPHAM. I object, on the ground that the statement of the census-taker to the witness on the question whether his report was accurate or otherwise, is not competent.

Question withdrawn for the present.

By Mr. LAPHAM :

Q. How long had the census-taker by law to complete his enumeration?—A. I do not know the required term, sir.

Q. About how long?—A. I am not posted at all in that.

Q. You do not know whether he had three months or six months to complete it?—A. No, sir; I do not.

Q. What season of the year was the census taken?—A. That I don't recollect. I don't remember now.

A. Do you remember whether you were at home every day during the period he was taking the census?—A. I live there, sir; I can't say, sir. I can't say I was there; but he could not have been there without my knowing.

Q. Do you know whether you were at home every day during the time he was taking the census, was my question?—A. No, sir; I can't recollect that.

Q. Are you not frequently from home?—A. Not very often; no, sir.

Q. Occasionally?—A. Occasionally I am absent, sir.

Q. To what places do you go?—A. To Charleston, sir.

Q. When at Charleston how long are you generally away?—A. A day, sir.

Q. Is Charleston your trading-place?—A. Yes, sir.

Q. What is the name of the census-taker?—A. Gant. I don't know his initials. He is simply for that parish.

Q. Who is the colored preacher at Whaley's church?—A. Robertson, I think.

Q. How long has he been there?—A. About two years, sir. He has been preaching about two years, I believe. I am not well posted on the religious entertainment there.

Q. You know that he is the preacher there, do you not?—A. I think that is his name.

By the CHAIRMAN :

Q. Do you know that he has been preaching there?—A. No, sir; I do not. I think that is his name—Robertson. I don't know him personally at all.

By Mr. LAPHAM :

Q. But you know there is a colored preacher there?—A. O, yes, sir; I know that. The church that my colored people generally attend, or those living on my place, is what they call Saint Peter's. A. P. Ford is the pastor of one church and Ishmael Grant of the other.

Q. Ford is pastor of which church?—A. The Baptist church.

By the CHAIRMAN :

Q. During any of your absences during that year of the census-taking did you learn from any member of your family, when you returned home, whether the census-taker had been there?—A. No, sir; I never did. He confessed himself he never went there.

Mr. LAPHAM objects to the last question and answer as not being competent testimony.

Q. In regard to this preacher at Whaley's church, you were never at that church, were you?—A. No, sir.

By Mr. LAPHAM :

Q. You do not know of your own personal knowledge who does preach there, do you?—A. No, sir.

Q. You only know from hearsay?—A. I know Ford preaches there, sir.

Q. Did you ever hear him preach?—A. No, sir; I never have. I have passed the road when he was preaching.

Q. You passed there when you understood he was preaching?—A. I know this man Ford, personally. I know him.

Q. Did you see him?—A. No, sir; I did not see him; but I heard him. The church is not more than twenty feet from the road.

JOHN RAVENELS sworn and examined.

By the CHAIRMAN :

Question. Where do you reside?—Answer. I stay in the country in the summer and here in Charleston in the winter.

Q. What is your voting-precinct?—A. Whaley's church.

Q. Did you attend that precinct on the day of the last election?—A. Yes, sir.

Q. Were you there in any official capacity?—A. No, sir.

Q. Did you see any interference there that day with electors? And if so, state what it was and all you know about it.—A. I suppose I might as well tell what I saw when I first went up there. When I first rode up to the crowd I saw a great many colored men there, and no white men at all.

Q. What time of day was this?—A. I suppose about six o'clock; and after having been there for about a quarter of an hour, I saw marching up the State road a company of colored men armed with rifles. They were met near the polls on the road—the polls were a little ways from the road, about a hundred yards—by a party of men who rushed from the polls with some of their leaders, and stopped, and then returning a little further, till they got exactly in front of the polls, and then they stacked their rifles up.

Q. How far from the polls was it that they stacked their rifles?—A. About 150 yards; a good gunshot.

Q. Did they leave their guns stacked there?—A. They left them stacked there, and half of the men would come up to the polls and vote, carrying their clubs with them, and they left the other half with the guns; the guns staying there till about twelve o'clock, when they were carried off, I don't know where.

Q. Did you see any interference there with any voter when he went up to vote? And if so, state what you saw.—A. As a man came up to the polls from the road he was always stopped by one leader and several radical colored men, and his ticket was demanded; not asked for, but demanded. He had to show it whether he would or no, and if he had a democratic ticket it was at once taken away from him and a radical ticket put in its place. And a gentleman of the democratic party, Mr. Devoe, was ar-

rested by one of the supervisors for what he supposed was bribery—upon a charge of bribery; and the deputy marshal, I believe he was, had him released; but threats were so evident that he was carried off by Bowen. He carried him down in his buggy, because he didn't think it was safe for him to stay any longer around the polls. And at three o'clock, when Mr. Smith and myself were leaving, a colored man named Mitchell said he would like to come along with us.

Q. Who was Mitchell?—A. He was a democratic voter. He went to the State road, and Smith and myself went to our horses, and when he got to the State road he was met by some radical voters, and others followed him from the polls and surrounded him, with clubs, and threatened to beat him, holding up their clubs over him, and crowding him and menacing him in several ways; but Sandy Prailor hindered him from being beaten till he called them off.

Q. Did you observe when these electors voted whether they were required to hold up their tickets in any way? And if so, state in what manner.—A. The tickets were folded up, and they held them in their hands.

Q. Which hand did they hold them in?—A. They held up their right hand. I am not perfectly certain about their holding the ticket up in their hand, but I think they did. The ticket was folded up—

Q. Was there any one around the polls to examine their tickets—to see what ticket they voted?—A. At one time I saw Ford, the radical legislator from this county—

Q. Was he a candidate for the legislature on the republican ticket?—A. Yes, sir. I saw him ask for several tickets, and I saw him take tickets out of a democratic fellow's hand and give him a radical ticket; told him he didn't have the right ticket.

Q. Ford was the captain of this company that was there?—A. So I am told.

Q. You saw him come up, did you?—A. He was there before the company arrived; he went out towards the company, stopping them from coming to the polls, which they were evidently doing.

Q. How many white men were there at that poll?—A. Early in the morning, at the opening of the poll, there was Mr. Hood, the manager of election, and Mr. Chors, supervisor, and Mr. Smith, and myself; four of us.

Q. How many white men were there at any one time during the day that you saw?—A. Later in the day four white men came, and then Mr. Boogs came later than that.

Q. These white men that came there, would they vote and go home, and others come?—A. No, sir. The first four—I should have said five, because I forgot that Mr. Devoe was there—he came up with Mr. Smith and myself. We staid there till three o'clock. The other gentlemen they came about twelve, and staid about an hour and a half, I think, and then they left. Several men came up to me and told me they would like to vote the democratic ticket.

Q. Were those colored men?—A. Yes, sir. I told them I didn't think it was safe to do so, and they said, "O, they couldn't scare them; they would go and vote it anyhow." But they took a walk around, and seeing how things stood, and having their tickets taken away from them, they came back and said they couldn't vote them; that "those niggers would kill them." That was their expression, and afterwards I think they voted the radical ticket.

Q. Did you see them vote?—A. I didn't see them vote; no, sir.

By Mr. LAPHAM:

Q. Who do you mean by the radical ticket?—A. I mean the Chamberlain ticket.

Q. I am speaking of the electoral ticket, not the State ticket.—A. Well, I mean the republican ticket for Hayes and Wheeler.

Q. That is what you call the radical ticket?—A. I call one the republican and the other a radical ticket.

Q. Which do you call the republican ticket?—A. We call the United States the republican ticket.

Q. Do you mean they were separate tickets?—A. No, sir; they were tickets together; but then we always talk of two parties. We had a fusion ticket up there, I believe—a fusion ticket and a State democratic ticket; the fusion ticket was republican.

Q. The effort was to get the colored people to vote the fusion ticket, was it not?—A. Well, sir, we offered them—just as they pleased.

Q. Was there not a special effort made to get the colored men to vote the fusion ticket? Did you not peddle those tickets?—A. No, sir.

Q. What did you peddle?—A. Nothing.

Q. Which ticket did you vote?—A. I didn't vote at all, sir.

Q. Are you not a voter?—A. No, sir; I was not a voter at the time.

Q. For what reason?—A. I wasn't of age.

Q. You were there out of curiosity, then?—A. Out of curiosity.

Q. You don't know of any one who was prevented from voting there, do you?—A. I can't name them, but it was as I stated before—

Q. I mean you don't know of any one who went away without exercising the right of suffrage—without voting, in fact?—A. I don't know of any that didn't vote, but I know of many who were threatened.

- Q. But still they voted?—A. One or two of them voted.
- Q. Did you see personal violence committed upon any person that day?—A. No, sir; I didn't see any one struck.
- Q. Where do you live; in what precinct?—A. I always go to Whaley's church; in the country places up there.
- Q. Where were you living on election-day?—A. On election-day—it was in summer. I was living here in town, and going up to my place every day. My business was in Whaley's precinct.
- Q. What is your business?—A. Planting, sir.
- Q. How many men had you in your employ?—A. I have three men living on my place. I have employed more.
- Q. How many had you in your employment at election time?—A. I had one at election-time.
- Q. Who is the colored preacher at Whaley's church?—A. I don't know who preaches there, sir.
- Q. You never attended their meetings?—A. No, sir.
- Q. And never attended that church?—A. No, sir.
- Q. Who subpoenaed you to come here as a witness?—A. Mr. Chors told me that probably they would want me to testify.
- Q. Did you come at the request of Mr. Chors?—A. Yes, sir.
- Q. When?—A. He told me yesterday that I had better come down; that they might want me.
- Q. You were not subpoenaed, then?—A. I was, this morning.
- Q. I mean before you came here?—A. Mr. Chors told me that I was.
- Q. But you were not subpoenaed, were you?—A. I didn't receive one. I was out in the country.

DANIEL MOULTRE (colored) sworn and examined.

By Mr. EDEN :

- Question. What is your age?—Answer. I am about twenty-five years old now.
- Q. What precinct do you vote in?—A. Whaley's church.
- Q. Were you at that precinct at the last election?—A. Yes, sir; I was there, sir.
- Q. About how many persons were there there?—A. About two hundred and fifty, sir.
- Q. At what time did you go to the polls?—A. I went there about 6 o'clock, sir.
- Q. And what time did you leave?—A. About three, sir.
- Q. Did you attend any political meetings before the election?—A. O yes, sir.
- Q. At what places?—A. Three places. One at Mr. Rhett's place, and one across to Dorchester, and Eight-mile Pump.
- Q. Which one of the political parties was it that held these meetings that you attended?—A. The republican party, sir.
- Q. Who were the speakers?—A. Ishmael Grant, Sancho Gantt, and myself.
- Q. How long was it before the election that you attended those meetings?—A. Two months, sir.
- Q. If you heard any threats made before the election against persons about voting the democratic ticket, state what they were.—A. Several of them, sir; not at the same club we was tending, but the other club, the club they called the Ford club; the Ford club was at Ten-mile Hill, sir, on the northwestern railroad; the Ford meeting we did not tend there, because they did not allow us. They said any man who vote the democrat ticket at that day, if they find it out, they would kill him.
- Q. Who was it that said that?—A. Every one in the party, sir.
- Q. Was there any leader among them?—A. Yes, sir; Ford was the leader, and Braughton, and the others I cannot recollect now.
- Q. How many were there there at that meeting?—A. I could not tell now how much, but there be a good many of them. We had two hundred in our club, and they had more in theirs.
- Q. State what arms, if any, this Ford club had?—A. They was made up in clubs. They was made up first into a militia company, and then afterward they turned it into a club, and the militia company was called the Ford company, and it was made in behalf of Ford, and then they all turned into a club. They never had any arms at the club where they met.
- Q. What sort of arms, if any, did this company of Ford's have?—A. Muskets and rifles, sir.
- Q. Do you know how many there were in that company who had muskets and rifles?—A. No, sir. By judgment, I should judge there was two hundred.
- Q. State whether it was these militia men who had the guns, or other men that made the threats you speak of?—A. I cannot recollect whether it was the militia, but at the voting the Ford party came from all around with guns.
- Q. Come to the election with guns?—A. Yes, sir; but whether they had arms different from the rest I could not tell, sir.

Q. When these threats were made that you speak about, where was Ford?—A. Ford was right there, sir.

Q. What did he say, if anything?—A. He said any man who vote that ticket ought to be beat to death. He said they were a fool.

Q. Were there any white men at that meeting, or were they all colored?—A. All colored men, sir.

Q. When you went to the election what armed men, if any, did you see?—A. They had rifles, and muskets, and double-barreled shot-guns, and all sorts of guns.

Q. Who had them?—A. All the Ford party, sir; every one of them.

Q. Can you give an estimate as to how many guns there were there at one time and another?—A. I judge about two hundred guns, sir, because they had them stacked up like corn-stalks.

Q. State whether any other parties had guns there except the Ford party?—A. Nobody at all, sir.

Q. At the election what threats, if any, did you hear toward colored men about voting the democratic ticket?—A. They said they would beat them to death if they could find out. Some said they would kill them if they could find out. Some said they would beat them, and some again said they would kill them at once.

Q. Did you talk with any colored men at the election who expressed a desire to vote the democratic ticket?—A. Yes, sir; I did. There was one young man right there asked me which one I was going to vote. I says, "Which are you going to vote?" His name was William Mitchell. I told him I was going to vote the democratic ticket, and Mitchell said he would, too, but he was afraid he would get killed. I told him I was going to do it slyly, unbeknowns to the party. He said he would not trust; he was afraid he would be killed. All the cry was there, any man who vote the democrat ticket would be beaten to death.

Q. Did you talk to any other man besides Mitchell at the election?—A. I did not talk again, sir, because I could not trust none. When three or four hundred men be again a party, a man does not know what to say.

Q. Before going to the election did you talk to any colored men as to how they were going to vote?—A. Yes, sir; before going to the election.

Q. If you heard any of them express an opinion as to how any of them were going to vote, state what it was?

Mr. LAPHAM objects, on the ground that a conversation with an elector before the day of election as to how he was going to vote is incompetent.

Mr. EDEN. We propose to prove that fact, and then that these parties were afterward at the election.

Q. Did you see those parties to whom you were talking to before the election at the election afterward?—A. Yes, sir.

Q. What did they say, if anything, about voting the democratic ticket?—A. They said they would vote the democrat ticket.

Q. Did you see those same colored men at the election?—A. There was two precincts; half up to Whaley's, and the other down to my house.

Q. Did you see any of these same men that you talked with before the election, and who said they would vote the democratic ticket at Whaley's church on the day of the election?—A. Yes, sir; I saw them there, sir.

Q. Did you talk with any of them there?—A. None but Mitchell, because I could not trust.

Q. Did you see any of these men vote there that you had talked with before?—A. Yes, sir.

Q. How did you know the tickets; by their color?—A. Yes, sir; I know the tickets, sir.

Q. Do you know how these men voted?—A. Yes, sir; I know how they voted; they voted the republican ticket. When they all first went up there I do not know whether they had democrat tickets or no; but there was a party of men searched them all; but how it come they did not search me—

Q. Who searched them for tickets when they came up?—A. Four or five gathered around him and said, "Let us see what kind of tickets you have;" and some I could see had democratic tickets; and they took them away from them and tear them up, and made them vote the republican ticket.

Q. How many colored men did you see them search and take tickets away from in that manner?—A. Four. I stood up in the buggy and looked down in the crowd.

Q. Did you see those same four men vote?—A. Yes, sir.

Q. What ticket did they vote?—A. The red ticket; that was the republican ticket.

Q. What time did you first go up to the polls to vote?—A. I started to the polls about eight o'clock, and the crowd was so thick around there—I had promised to vote the democratic ticket; I had made up my mind to do it—I went to the polls about eight o'clock, and they crowded around me so thick I would not attempt, and about 10 o'clock they were lying around the grass, and I went up and voted.

Q. What ticket did you vote?—A. I voted the democrat ticket, sir.



Q. When you voted, what crowd, if any, was standing immediately where you voted?—A. Nobody at all, sir.

Q. Whose plantation did you live on at that time?—A. Mr. Charley Chors's, sir.

By Mr. LAPHAM:

Q. Where are you working now?—A. At Mr. Chors's, sir.

Q. How happened you to come here as a witness?—A. Mr. Chors asked me if I would not come and speak the truth—what was done up yonder.

Q. When did he speak to you about it?—A. Yesterday evening.

Q. You were not subpoenaed, then, to come here; there wasn't any officer come and served a subpoena on you?—A. No, sir.

Q. Do you know any one who did not vote at Whaley's that day?—A. No, sir; I did not know any one that did not vote.

Q. Do you know of any colored man who has been discharged from his work since the election?—A. No, sir; none.

Q. You do not?—A. No, sir.

Q. Did you not hear any threats about discharging men before the election?—A. No, sir.

Q. What were these three meetings you attended; what kind of meetings were they?—A. They were republican, sir.

Q. You were a republican?—A. Yes, sir.

Q. You made speeches at republican meetings?—A. Yes, sir.

Q. When was the last meeting you attended?—A. The last one we had was at Eight-mile Pump, sir.

Q. How long before the election?—A. About two weeks before the election, sir.

Q. How many persons were there?—A. There was a hundred there at the last meeting.

Q. Colored people?—A. Colored people, sir.

Q. Who made speeches?—A. Ishmael Grant, Sancho Gantt, and myself. We all three made speeches.

Q. Republican speeches?—A. Yes, sir.

Q. You advised the people to vote the republican ticket, did you not?—A. Yes, sir; we did.

Q. They seemed pleased with the speeches you made, did they not?—A. No, sir; not all of them.

Q. Did they not cheer you?—A. Yes, sir.

Q. This was about two weeks before the election?—Yes, sir.

Q. When did you change your mind; how long after that meeting?—A. A week, sir.

Q. You did not address a meeting after that, did you?—A. No, sir; I did not address none there, sir.

Q. After you changed your mind you did not make any democratic speech, did you?—A. No, sir.

Q. You were not armed on the day of the election?—No, sir.

Q. Did you see any white men have arms?—A. No, sir.

Q. Not pistols.—A. I cannot tell; I never had them in my hands.

Q. You didn't see any?—A. No, sir.

Q. You didn't have any pistol?—A. No, sir.

Q. You voted as you wanted to, did you not—voted the democratic ticket?—A. Yes, sir; I did.

Q. You did not stay till the election closed, you say?—A. No, sir.

Q. What time did you leave?—A. Three o'clock, sir.

Q. How long have you engaged to work for Mr. Chors?—A. Ten years.

Q. Ten years from this time?—A. Yes, sir.

Q. Has he agreed to keep you ten years?—A. O, no, sir.

Q. He has not agreed to keep you any length of time?—A. I can stay with him as long as I want.

Q. How long has he offered to keep you?—A. As long as I behave myself and keep from stealing. I have been working for him for ten years.

Q. Has he told you that you could stay with him as long as you wanted to?—A. Yes, sir; as long as I behave myself.

Q. And vote the democratic ticket?—A. There is some there who vote the republican ticket, and he don't object to them at all. They are treated as well as I am.

Q. When was it he told you that you could stay as long as you chose?—A. Since I was a small boy, sir.

Q. Has he not said it lately to you?—A. O, no; no, sir.

Q. How old were you when you began to live with him?—A. I was about fifteen years old, sir.

Q. Did you always have your own wages since you were fifteen, or did some one else have them?—A. O, my mother, sir.

Q. Where does she live?—A. My mother is right there too, sir.

Q. With Mr. Chors?—A. Yes, sir.

Q. She lives there yet?—A. Yes, sir.

By the CHAIRMAN:

Q. When did Mr. Chors make the statement to you that you could stay with him as long as you wanted to?—A. When I was a boy, sir.

Q. How did he come to make that statement to you?—A. There was some boys there of my size, and they stole from him. They was so rascally, and he turned them off, and he said as long as I behaved myself I could stay on his plantation.

Q. He made no such statement to you at this election to influence your vote?—A. O, no, sir; before I could vote at all.

Q. You say you changed your mind about supporting the republican ticket after you had made a speech, some two weeks before the election?—A. Yes, sir.

Q. What brought about the change in your mind?—A. Ford was running for a representative and Ishmael Grant for representative, and Ford always called the Ishmael Grant party a democrat. He wanted all that belonged to Ishmael Grant turned over to him; and we considered that Grant was as good a man as he was and better, for he staid on the plantation and Ford staid in the city, and we did not recognize him to come out and represent Goose Creek Parish; and when we come down to town, two weeks before the election, they turned us out of the convention, telling us to go home and dig mud and let the citizens run the convention.

Q. You determined then to vote the democratic ticket?—A. Yes, sir.

Q. It was through no persuasion or influence of Mr. Chors?—A. O, no, sir.

Q. Why did you leave the polls at three o'clock in the evening?—A. I was afraid of staying there any later hour for fear of being beat.

By Mr. LAPHAM:

Q. Nobody touched you that day—used any violence toward you?—A. No, sir; no one didn't touch me.

Q. Any one know how you voted?—A. No, sir; not till two weeks after the election.

Q. Nobody knew how you had voted that day?—A. No, sir; nobody knew how I was voting.

Q. You denied that you had voted?—A. Yes, sir; I said I did not vote.

Q. You were in earnest when you advocated the republican ticket at that last meeting?—A. Yes, sir; I was in earnest.

Q. You had always voted it?—A. I had always voted it.

Q. Who is the colored clergyman at Whaley's church?—A. I do not understand that.

Q. Who is the minister at Whaley's church?—A. Mr. Hazle.

Q. Have you heard him preach?—A. Yes, sir.

Q. Do you attend that church?—A. Yes, sir.

Q. He is a republican, isn't he?—A. I couldn't tell what he is, sir.

Q. Do you not know that he is a republican?—A. No, sir; I could not say so.

Q. Do you know Elder Leadbetter?—A. Yes, sir. I know him, sir.

Q. Did he ever talk to you how you should vote?—A. No, sir.

Q. Do you know how he voted?—A. Yes, sir; I know how he voted. He voted the democrat ticket.

Q. How did you find that out?—A. We all got around him, the boys that knew him, and was funning with him up at the poll, and he held it up so we could see what he voted.

By the CHAIRMAN:

Q. You were subpoenaed to come here this morning, were you not?—A. Yes, sir.

ABRAM MITCHELL (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. Saint James, Goose Creek, this county.

Q. What precinct do you vote at?—A. Whaley's precinct, sir.

Q. How long have you lived in that neighborhood?—A. Eight years this January coming.

Q. What's your age?—A. Last June gone I was thirty-one.

Q. Did you attend any political meetings before the election?—A. Yes, sir.

Q. Where at?—A. I attended one at the Eight-mile House, on the Dorchester road, and one to Whaley's, sir.

Q. Were those two all you attended before the election?—A. Yes; I didn't go out but twice.

Q. Which party held these meetings?—A. The first meeting I went to was appointed by Mr. Mackey.

Q. Which party did he belong to; was he a republican or a democrat?—A. He is a republican, I think, sir. I can't say anything else.

Q. Was the other meeting a republican or democratic meeting?—A. Both meetings was republican meetings, sir.

Q. Who spoke at the other meeting?—A. Adam Ford and Ishmael Grant, and somebody else spoke before I got there; but those two men spoke whilst I was there.

Q. How long was that last meeting before the election?—A. I was not up to the last meeting.

Q. The last meeting you attended; how long was that before the election?—A. If I don't make a mistake, it is about three weeks, I think, sir.

Q. Before the election?—A. We had one meeting since that, but I was not there.

Q. If you heard any threats made before the election against colored men for voting for one party or the other, state what you heard said upon that subject.—A. The republican party said no man has no right to vote no other ticket except the Chamberlain ticket, and if they do vote any other ticket they would whip them with switches and beat them with square sticks. That's what they carried at every meeting.

Q. Whom did you hear say that?—A. It was said among the party.

Q. Were you at the last election at Whalley's church?—A. The last election before this, do you mean?

Q. No; the very last one.—A. Yes, sir; this last election just past, you mean?

Q. Yes.—A. Yes, sir; I was there.

Q. About what time did you go there to the election?—A. I got there just about seven o'clock, as nigh as I can guess at it. I got there about the time the sun rised good, and I think that was about seven.

Q. Were there many persons there when you got there?—A. Yes, sir; the poll was crowded.

Q. Were they white or colored persons, mostly?—A. They were mostly colored.

Q. Were there any guns or other arms there that you saw?—A. Yes, sir; they had guns stacked off, stacked not exactly on the ground but off a piece; and they had arms up in the house, not a hundred yards from there, too, sir.

Q. About what number of arms did you see stacked?—A. They didn't have more than about seventy-five, sir. I would not say I didn't take particular notice to see how many they had, but they had a good lot of arms.

Q. Who was in charge of these arms that were stacked?—A. I did not go up with the party; but Dick Rodgers, he was captain of that company. I suppose he must have been in charge, sir.

Q. Were they colored men or white men?—A. No, sir; they were all colored men.

Q. Where was this house that the arms were in?—A. This house is a house not far from the ground—about a hundred yards.

Q. Who had charge of the arms in the house?—A. I don't know the man who lives in the house, but it is not far from the ground. He always was living there, but I never was up to the house before then, and I don't know the man that lived in it, sir.

Q. What time of day did you vote?—A. I voted about nine o'clock in the day, sir.

Q. About how many arms were there in that house?—A. I don't know exactly, sir, how many were in the house. I saw, but I didn't take any particular notice to know how many arms they had. They had about seventy-five arms on the ground, and they had some in that house, too, sir; but how many I won't say, because I don't know exactly, unless I was to speak from guess, and I don't like to do that.

Q. Were the arms in the house in charge of colored men or white men?—A. They must have been in charge of some colored man, because there was no white people lived in the house.

Q. Was there a colored man living in this house?—A. Yes, sir; there was a colored man who lives in the house.

Q. State what occurred when you went to vote.—A. When I first got on the ground Sandy Prailor he asked me who I was going to vote for. I told him I was going to vote the Hampton ticket, and he didn't say anything much. He says I didn't have any right to do it, and I told him I thought I had a right to vote as I felt disposed to vote, and so he said nothing more to me, and I went off, and after I was done voting, and when I started to go home, and after I got out into the road, they stopped me in the road, and came around me and asked me what did I mean by voting that ticket. I told them I thought I had a right to vote any way I felt like; and some one said they were going to cut some switches, and would whip me, and the rest of them said no, they would not do that; they would take the square stick and just beat me. But these men that said that was almost strangers to me. They came from up above. They did not live where I lived around there exactly. And they got around me with those sticks, and Mr. T. H. Smith and Sandy Prailor, and Mr. Ravenel, they came up and they stood for me, and they left me alone, and I came off and went on home, and none of them ever said anything to me since the election about it.

Q. Who was it that stopped you in the road; were they colored men or white men?—A. They was all colored men, sir.

Q. About how many of them were there in the crowd that stopped you?—A. About seventy-five head of them, sir; as nigh as I can guess at them, sir.

Q. How close did they come to you?—A. They came right up to me, sir; close up as they could get. I could not see my feet on the ground hardly.

Q. What, if anything, did they have in their hands?—A. They had square sticks, sir.

Q. About what sized sticks?—A. The size of the sticks was about—they were made just like those chair-rounds, and they have four squares at the end. They was not larger than those large rounds of the chair; the legs of the chair, not the rounds.

Q. About how long were the sticks?—A. Three feet long, sir. That's the way they makes them.

Q. In what position did they hold the sticks when they came up to you?—A. There was one or two of them had their sticks up over me, but, of course, all of them didn't do it, sir.

Q. Did any of these sticks have nails or anything driven into them?—A. Not that I noticed, sir; they didn't.

By Mr. LAPHAM:

Q. Where do you live now?—A. I live on Henry Smith's plantation, sir.

Q. Do you work for him?—A. Yes, sir; I works with him.

Q. How long have you worked there?—A. I have been working with him for the last six years; not regular; I have been away.

Q. How came you to come here as a witness?—A. Nobody didn't tell me to come, sir.

Q. Who spoke to you about coming?—A. Mr. Smith told me.

Q. Did anybody serve a subpoena on you?—A. I don't understand you, sir.

Q. Didn't any officer come and serve a subpoena on you?—A. No, sir.

Q. Did Mr. Smith tell you you would get pay for coming?—A. He didn't tell me whether I was going to get pay or not.

Q. You expected to get pay, didn't you?—A. I expected pay.

Q. Nobody touched you with their clubs, did they?—A. No, sir.

Q. You were not injured in any way?—A. No, sir; never was injured.

Q. And this was after you voted?—A. Yes, sir.

Q. Do you know of any colored men who have been discharged since the election?—A. No, sir; not around where I am, sir.

Q. You do not?—A. No, sir.

Q. Anywhere in the county?—A. No, sir; I don't. I don't know of any man. In what way do you mean? Discharged from working where he has been working before?

Q. Yes.—A. No, sir; I don't know as there is around about where I am that's discharged.

Q. There aren't many there, are they?—A. O, yes, sir.

Q. How many does Mr. Smith have?—A. Mr. Smith has got about eight men on his place.

Q. Did you vote the whole democratic ticket, or what is called the Hampton ticket?—

A. I vote the full ticket.

Q. You voted the full democratic ticket?—A. Yes, I vote the full democratic ticket.

Q. When you went to those republican meetings, you were a republican weren't you?—A. No, sir; I went to hear each party speak.

Q. When did you make up your mind to vote the democratic ticket?—A. I can't tell you what time exactly.

Q. Did you ever vote it before?—A. I voted it once before, sir.

Q. When?—A. I voted it at the time Judge Carpenter run.

Q. How long ago was that?—A. It has been about six years now, sir.

Q. You have voted at every election since, have you not?—A. Yes, sir.

Q. And voted the republican ticket?—A. Yes, sir.

Q. You are a republican, aren't you?—A. Yes, sir; always was, sir, till this election.

Q. Neither of Smith's men vote the democratic ticket; the men who work on the same place with you?—A. Yes, sir; this one man, I think. That's a pretty hard question. It's most unpossible for me to say.

Q. They don't like to tell always how they voted?—A. Yes, sir.

By the CHAIRMAN:

Q. You say you can't state how they voted?—A. No, sir; not exactly. Of course the time when I went up I went up pretty much by myself, and the rest of the crowd voted afterward. A good many of them says so, but I know they did do it. It is most unpossible to say, sir.

Q. You say you have voted the republican ticket heretofore for the last six years?—A. Yes, sir; till this election.

Q. Did you vote the democratic or the republican ticket six years ago?—A. Six years ago, sir, I voted the democratic ticket.

Q. Whom did you vote for six years ago?—A. I voted for Judge Carpenter, sir.

Q. This year you voted the democratic ticket?—A. Yes, sir.

Q. Why did you vote the democratic ticket this year?—A. The last six years from that time I vote the republican ticket up to this-year. I didn't do it this year. I

voted the regular democratic ticket this election, but I never done it for the last six years before this year.

Q. Did you vote the democratic ticket this year of your own free will and accord?—A. Yes, sir.

Q. That was your judgment, was it not? You voted without any undue influence on you as a freeman?—A. Yes, sir; I thought I had a right to vote.

Q. You expected to be paid for coming down here? Did you expect anything more than your witness fees?—A. No, sir; they didn't tell me I would be paid.

Q. What pay did you expect to get; anything more than the ordinary witness fees?—A. I did expect to get pay for the days I lose in coming.

Q. Just for your time?—A. Yes, sir.

By Mr. LAPHAM:

Q. Do you think Mr. Smith will deduct your time for coming here?—A. I works on my own footing, though I works on his place. He is not paying me by the month, neither by the week; he only pays me for what I does for him.

Q. How do you work for him?—A. I gives him contract days during the year. We have nine months to give him; gives him so many days' rent; and after that, of course, he don't have anything to do with me, any more than when he hires me the next year.

By the CHAIRMAN:

Q. You pay him a certain rent for the land?—A. Yes, sir.

Q. You have had a summons read to you here to-day, have you not, since coming here? Was there not a paper read to you to-day?—A. O, yes, sir.

TONY SCOTT (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. Twenty-three years of age, sir.

Q. Where do you live?—A. Saint John's, Berkeley Parish, Charleston County.

Q. How long have you live there?—A. I was born and raised here.

Q. What voting-precinct do you live in?—A. Biggins's church, sir.

Q. Did you attend any political meetings previous to the recent election?—A. Yes, sir; one.

Q. Where was that?—A. Saint Strawberry.

Q. When?—A. In August, I think; about August, sir.

Q. What sort of meeting was that, democratic or republican?—A. A democratic meeting, sir.

Q. Who made speeches there that day?—They had Lawyer Jervey, Stephen Brown, and George Sass, and myself. I can't remember all of them, sir. Some of them, I don't know their names.

Q. How many colored men spoke there that day, including yourself?—A. George Sass is a colored man, and Stephen Brown is a colored man, and Ben Singleton he is a speaker, too; but they called him so quick they wouldn't allow him to speak; they had to reject him. And there was some three or four other men spoke afterward;—but I don't know their names.

Q. Were there any republican speeches made there that day? and if so, state by whom they were made.—A. George Sass is a republican man, and there was three or four republican mens there, and we allowed them to speak there, and George Suss enrolled my name as a republican man to speak, and I didn't tell him what I was till I went up there, and then I let him kuow.

Q. Did he name the speakers who were to speak on behalf of the colored men?—A. George Sass named them; he wrote the names, all who was to speak, as republican men.

Q. And you made a speech?—A. Yes, sir, I did; he wrote my name.

Q. Was there any interference there that day with voters? If so, state what it was.—

A. Well, sir, about a week or two weeks before they had this democrat speech at Strawberry Ferry, they invited me and all the mens off the river to meet them at Dean Hall's sign, on the Strawberry road, and I goes, and when I gets there they say that the white gentlemens all make an agreement to pay all the colored people twenty-five cents to out rice, and so they all concluded not to work for that; and I tells them I were working for Mr. Nelson; he pay me seventy-five cents a day for my work, and I can live off that; but, says I, I never hear Mr. Nelson or no other gentlemens make such a proposition as that, and if it's so, I can't live off any less than I'm living off now, and I will have to make out, because I can't get any better, and I'll be compelled to work for that; but when they out me off to twenty-five cents a day I can't work for that; and George Sass say, that if any one come down to twenty-five, they would give them fifty lashes and run them out of the field, which I agreed to; and I say if they catched me working for that they could lick me; I went down to Straw-

berry Ferry the day of the speech and he heard me talk that way, and he thought I was one of his men to vote the republican ticket, or even to be a republican man; and when he put my name on the roll that I should be a speaker, I went up and I told them, says I, I am not bribed by no man to vote no ticket; neither has I no idea of voting any ticket as yet; but I say I do feel to myself that I should vote for a man who be bred and born in South Carolina; and if they be honest mens, I would vote for them; I say I would not vote for no foreigner; that they has promised so many things they doesn't do. Well, just as I said that, Simon McKelvy rushed at me; they came on me with such a rush and wanted to jerk me out of the wagon where I be speaking and beat me; right there Captain Ingrams, as they called him, he protect me; all the gentlemens protect me. They didn't try to fight no man, but he kept them off from crippling me. These colored people draw up that story themselves, when they say the colored people get but twenty-five cents a day.

Q. You say they attempted to take you out of a wagon. Were you standing in a wagon at the time?—A. Standing up in a wagon. They have a wagon there underneath the trees. Simon McKelvy, he be the most anxious to get to me to every one on the ground. Every one was making for me.

Q. This attempt by this crowd to take you from the wagon was made at the time you announced your determination to quit voting for these men who come here and made promises to you that they did not fulfill?—A. Yes, sir; that's so, sir.

Q. Did they get you from the wagon?—A. No, sir; because them gentlemens keep them off from me. They didn't have no fight; but they talk to them and they stop.

Q. State what occurred thereafter that.—A. From that they spotted me out in preference to everybody else; and they found out I was intended to vote the democratic ticket, and George Sass, he meet me on a Sunday morning about two mile from the plantation, and he told me plainly, right to my face, if he catch me at making any speech again, or even to Strawberry Ferry on the day of the vote, he would put out men to give me fifty lashes, and if I outrun them they have buckshot enough to run me down anyhow. And another man by the name of George Wering, he came up to the farm one day where I live, standing before the store-door, and he say, "Every democrat man who come to vote at Strawberry Ferry wouldn't get home." He spoke it in my hearing, so I would never go. And Henry Rivers, he sent me word—I meets him about three days afterward. He say, "I mnstn't come down on that side, for if I came down on that side he would put twenty-five buckshot in me anyhow."

Q. You did not go to Strawberry on the day of the election?—No, sir; I goes up to Biggins with Mr. Nelson.

Q. On the day of the speaking at Strawberry, after you had spoken, did any one interfere with you after that—follow you, or anything of that sort?—A. Yes, sir; followed me up. I couldn't go there right now. I can't go anyways too far from home, any more than go a little ways and come back again.

Q. Did you hear these colored men there about the plantation before the election make any threats against colored men if they voted the democratic ticket?—A. Yes, sir. George Wering, he was the first man who spoke before the store-door. He say, any man who come down to Strawberry Ferry and vote the democratic ticket wouldn't get home. They had a company; and they got up twenty men, and every one had guns.

Q. Did you see that company starting to Strawberry on the morning of the election?—A. Yes, sir.

Q. Who was the captain of it?—A. John Young and Albert Lawrence. They was the captain and lieutenant of the company.

Q. Did they all have guns?—A. Every one of them had their guns.

Q. Did they have them on the morning that they started to the election?—A. Yes, sir; them is the same men I am speaking about now.

Q. Were the guns loaded or not?—A. The captain told every man to see that the guns was well loaded. I stood near, and John Young went around and told every man to throw his ramrod in the gun to see if they was well loaded.

Q. What were they loaded with?—A. I couldn't say; but I know they was loaded, though.

Q. You say you saw them start for Strawberry?—A. Yes, sir.

Q. You did not go to Strawberry, but went to Biggins?—A. Yes, sir.

Q. How many colored people were in that immediate neighborhood where you live at this time, just before the election?—A. That's a hard lick, sir. There's a good gang. I couldn't tell you how many are there.

Q. A large number or a few?—A. A large number. Good God, I live right among the whole crowd!

Q. Did you hear any of them talking before the election about colored men who voted the democratic ticket?—A. Yes, sir; every republican man, little to big, the women and everything, say if any colored democrat man ever go to a poll, he never come back home if they see him. They are bound to kill him; they are sworn on that. There be very little difference in it right now. If I go out anywhere now I couldn't talk.

Q. Are any of them armed?—A. Every man in the country has got guns. Good God, every one has got their muskets! You can't find a man in the whole river who has not got muskets.

Q. How long did you stay at Biggins precinct on the day of the election?—A. I don't think I staid there anything over an hour, not much over.

Q. How many colored men were at that precinct that day?—A. I couldn't tell you how much.

Q. Were they armed?—A. Every one, sir, had their gun. Every colored man on the ground had their guns.

Q. Did they have them around the polls?—A. Yes, sir; right at the polls—only when they go in to vote and come right back and get their guns.

Q. About how many colored men were there that day?—A. I never counted them; but I tell you there was over three hundred head anyhow, I know.

Q. How many white men were there?—A. Well, sir, there wasn't much. There wasn't much white mens there when I was there, lest they come afterwards. There wasn't over about 75 or 80, hardly that. Yes, about 75 or 80 white mens.

Q. Why did you leave so soon after voting?—A. I will tell you exactly. I wasn't afraid they was going to hurt me, because I was in the club, but because there was so much about killing me; and they knowed I was going to vote the democratic ticket, and I thinks it best to make my escape home and be out of the way. That is the reason why I leave.

By Mr. LAPHAM :

Q. There were seventy-five or eighty white men at Biggins, you say?—A. I thinks about that.

Q. Did they have guns?—A. I couldn't tell you what they had. Some of them I know did have guns, not all of them.

Q. Where did they keep their guns?—A. I can tell you for a fact, sir, I seen fifteen guns there in all; them is all the guns I seen, and they was in a wagon.

Q. Did you see any in the church?—A. No, sir; no gun was in the church at all, sir.

Q. Are you sure of that?—A. I can swear to that, for the time I was there.

Q. What time did you leave?—A. I was there about an hour, sir; nothing more.

Q. What time did you leave?—A. I couldn't tell you, sir; I had no watch; but they got the poll open about six o'clock, and I think I leave there about half past 7. It might have been something after 6, but I think I leave there about half past 7; I am not certain; I had no watch to see what time of day it was.

Q. Did you have any gun or pistol that day?—A. No, sir; I had no gun.

Q. Or pistol?—A. No, sir; I had no pistol.

Q. Did you ever have one?—A. I never had a gun since I am born.

Q. You do not like to fight?—A. No, sir; I have never had a fight since I am born.

Q. You were announced as a republican to make this speech at Strawberry, were you not?—A. George Sass announced me as a republican speaker.

Q. And you consented to speak?—A. Yes, sir.

Q. Democrats and republicans both spoke, did they not?—A. Yes, sir; they allowed each man to talk.

Q. But each party selected their own speakers?—A. Yes, sir.

Q. And you were announced as one of the republican speakers?—A. Yes, sir.

Q. But you made a speech for the democrats?—A. Yes, sir.

Q. You did not let them know what your sentiments were until you commenced speaking, did you?—A. No, sir; I didn't tell them nothing.

Q. Nobody touched you, did they?—A. No, sir.

Q. Or hurt you?—A. No, sir; they didn't hurt me at all.

Q. They did not throw anything at you?—A. No, sir; they throwed nothing at me. Only one man run up to me with a knife in his hand—one of these butcher-knives they have—to cut me, and grabbed me on the shoulder, and tell me, "You d---d son of a bitch, if it were not for one thing, I would put this knife in you;" and I shook away from him and told him he could kill me if he wanted to, and went on. I forgot his name, but he stays on Ball's plantation.

Q. Did you go to any meeting after the Strawberry meeting?—A. No, sir; I couldn't trust. I didn't go to any meeting after that.

Q. Do not the white people there have arms?—A. No, sir; they didn't have guns, and I couldn't tell you if they had pistols; I never seen them with any.

Q. Do not the white people own guns?—A. They have double-barreled guns.

Q. And rifles, too?—A. No, sir; I don't think they have. They have guns to shoot birds with.

Q. But whether they have pistols or not you do not know?—A. No, sir; I couldn't tell you about that.

Q. Who do you work for?—A. I work for Peter Nelson.

Q. Hasn't he a pistol?—A. I never seen Mr. Nelson have a gun since I has been living with him.

Q. Has he not a pistol, I ask you?—A. No, sir; not to my knowledge.

- Q. He was here, was he not?—A. He is here now, sir.
- Q. Was he not here yesterday?—A. Yes, sir.
- Q. You never knew that he had a pistol?—A. No, sir; I couldn't tell you. I never seen him have one.
- Q. How long have you worked for him?—A. I has been working with him two years now, sir.
- Q. Who told you to come here as a witness?—A. Mr. Nelson told me that the committee is coming down from Columbia, and wanted that they should see me. That is all, sir.
- Q. When did he tell you that?—A. He told me that on Tuesday, I think, or Wednesday.
- Q. Did you come with him yesterday?—A. Yes, sir; I come with him yesterday morning.
- Q. How do you work for him—on what terms? How does he pay you?—A. He pays me by the week, sir.
- Q. How much a week?—A. According to what I can make. Sometimes I make nine dollars a week out of him—according to the kind of work he has got for me to do.
- Q. Does your time stop while you are here?—A. Yes, sir; it must stop.
- Q. How do you expect to get pay for coming here?—A. I couldn't tell you.
- Q. You expected pay for coming, did you not?—A. No, sir; nobody told me about pay.
- Q. Did you not expect pay for coming here?—A. No, sir; 'cause I never heard anything about it.
- Q. You don't expect any pay, then, for coming here as a witness?—A. Well, if you will give it to me, I will thank you very much.
- Q. But you did not expect any?—A. No, sir.
- Q. And still you say your time stopped with Mr. Nelson?—A. Yes, sir.
- Q. Have you been subpoenaed since you came here? Anybody serve a subpoena on you?—A. You is too deep for me there. I ain't no educated man. Do you mean anybody speak with me or ask me any question?
- Q. Yes. Has anybody talked to you since you came here?—A. No, sir; nobody talked with me any more than that gentleman there, [indicating the chairman.]
- Q. Where did you see him?—A. Right in here.
- Q. No one asked you anything until you were asked in here?—A. No, sir.
- Q. You were not in at the Charleston Hotel last night?—A. Yes, sir; I was up there last night. That gentleman there, too, I think, [indicating Mr. Eden.]
- Q. What did you deny it for?—A. I couldn't remember all at once.
- Q. You had forgotten that?—A. Yes, sir. In fact, he was not asking me any questions at all, sir. He was only talking with another man that come.
- Q. Did you ever vote the democratic ticket before?—A. No, sir; I never vote no ticket at all before this year.
- Q. You have voted the republican ticket, have you not?—A. No, sir.
- Q. This was the first vote you ever gave?—A. Yes, sir; the first vote I ever give.
- Q. Did you ever make speeches before?—A. No, sir.
- Q. Did you make any other speech than the one you made at Strawberry this year?—A. No, sir; I never make none.
- Q. Who selected you to speak?—A. George Sass.
- Q. Is he a republican?—A. He is a republican man, sir.
- Q. Who were the democrats that spoke there besides you?—A. Well, sir, Mr. Jervoy, for one.
- Q. He is a lawyer here, you say?—A. Yes, sir.
- Q. Who spoke first?—A. I don't know who spoke first. I met George Sass on the stand when I reached there. I don't know who was up before him. But when I got there he was.
- Q. Who spoke next?—A. I think Mr. Jervoy next to George Sass.
- Q. He spoke for the democrats?—A. Yes, sir; I thinks so. I am not certain of that, either.
- Q. Who spoke next?—A. There was a short man went up there to speak.
- Q. Who was he?—A. I don't know, sir.
- Q. Did he speak for the democrats or for the republicans?—A. He was a democrat man, I think.
- Q. Two democrats spoke together, then?—A. Yes, sir. Excuse me, sir. They didn't allow him, Ben Singleton, to speak; the people would not accept him; they all run off from the place and wouldn't listen to him; and another man went up there, a republican man, and he talked.
- Q. Then who spoke next after Singleton?—A. He is a foreman working for Mr. Ball. He is a pastor, I know. He is a democrat man. I couldn't tell you his name, but he's a preacher.
- Q. Who spoke after him?—A. I spoke after him.
- Q. He was a democrat, and then you were called as a republican?—A. Yes, sir.



Q. Did you ever let any one know you were a democrat until you spoke there?—A. No, sir; not a soul knowed what I was till that day.

By the CHAIRMAN:

Q. You say you did not make any more speeches after that Strawberry meeting?—A. No, sir.

Q. Why did you not attend other meetings and make speeches after that?—A. They threatened me so much if I go out, which I didn't care about to go and get beat up and crippled up for nothing. I thinks the best thing I could do was to stay at home till the day of the voting.

Q. Did I understand you to say that this man, Sass, was speaking when you got there?—A. Yes, sir; when I got there.

Q. Then you were not there when this arrangement was made about who should speak, and your name written on the paper?—A. I didn't know my name was on the roll, not before an hour and a half after I got there. I don't know whether it was put on that same day or before. I couldn't say, sir; but an hour or so after I got there he comes to me and tells me they will call on you directly, after that man finishes, and he has not got but 20 minutes more, and he said I would speak next.

Q. What did you tell Sass?—A. I told him yes; I would go up there and talk and make a speech.

Q. Did you tell Sass you were going to make a republican speech?—A. No, sir; but he knowed I had sense enough to make one, if I had a mind to; and he put me down for a republican speaker, because he knowed that I had sense enough to do it.

Q. Did you have anything to do with having your name put down as a republican speaker?—A. No, sir; I didn't have anything to do with it.

Q. You felt at liberty when you got on the stand to speak your honest sentiments, did you not?—A. Yes, sir.

Q. With regard to this question that Judge Lapham put to you, about whether you were subpoenaed to come here as a witness, has any paper been read to you since you came here to appear and testify?—A. No, sir; no paper was read to me out in the country.

Q. Have you been required by any officer since you came here to attend and testify before this committee, or any paper read to you?—A. No, sir; no one didn't ask me that, sir.

By Mr. LAPHAM:

Q. You knew that George Sass had selected you to make a republican speech?—A. Yes, sir.

Q. You knew that when you took the stand?—A. I knowed that.

Q. And you didn't mean to make it when you took the stand?—A. No, sir.

Q. And you did not tell Sass that you were not going to make it?—A. No, sir.

By the CHAIRMAN:

Q. You did not tell him what sort of a speech you were going to make?—A. No, sir; I didn't tell him what sort of a speech I was going to make.

MOSES BROWN (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. Farm plantation on Cooper River, sir.

Q. In this county?—A. Yes, sir; Goose Creek, sir.

Q. How long have you lived in this county?—A. I were raised and born in this county.

Q. How old are you now?—A. Twenty-six. I think that is my age, sir.

Q. What precinct were you at on the day of the election?—A. On the day of the election I were at Strawberry precinct, sir.

Q. Do you live in that precinct?—A. Yes, sir; I lives on the same district with Strawberry.

Q. What time in the morning did you go there to the voting-place?—A. I gets there, sir, at 11 o'clock that day, sir.

Q. What ticket did you intend to vote when you went there?—A. My aim was to vote the Hampton ticket.

Q. State what occurred after you got to the precinct. Did you attempt to vote immediately upon getting there?—A. I votes immediately after I gets there. I did not vote the Hampton ticket.

Q. How many people were there at the polls when you got there?—A. I could not remember them, sir. There was a great quantity. The whole place was covered with mens.

Q. Colored men, or white men?—A. Colored mens and white mens, sir.

Q. Were there many white men there?—A. Not as many as the colored mens, sir. There be a good deal less.

Q. Were there any parties there with arms or guns, or clubs?—A. Yes, sir; the party had guns.

Q. How many white men were there, do you think?—A. I could not exactly tell you how many white mens were there, sir; but there be a good many.

Q. Were there more colored men than white men?—A. Yes, sir; there be more colored mens, as far as I knowed.

Q. When you got there did any one say anything to you about your vote?—A. Not right there at the ferry, sir.

Q. Where was anything said to you about your vote?—A. Just before the vote, sir—some week or two before the vote.

Q. State all that was said to you about it.—A. About a week or two before the vote I had an idea to vote for Hampton, just by saying so. There be threats made if I did so and so.

Q. Who made threats?—A. At the first starting of it they had a meeting at Strawberry Forks. A colored man by the name of George Sass, he made the first pretend, that if any mans vote the democrat ticket what ought to be done with him. He say they must not leave home that day to go down and vote, because they had mens to horsewhip me, and to do a great many things with me, and they got me kind of so well scared that I did not vote at all. Just from the item of that, and what they would have done, they scared me out altogether. If it was not for that I would have voted the Hampton ticket. I could not remember the name of all. There was a meeting, and most every man had something to say about it, and they had me so scared about it; so I did not vote the democrat ticket at all.

Q. You voted the republican ticket?—A. Yes, sir.

Q. You would have voted the democratic ticket but for these threats that were made by these colored men.

(Mr. Lapham objects to the question, as asking for a conclusion which it is not competent for the witness to answer.)

A. That is the reason I didn't vote it, sir.

Q. How long did you stay at the polls that day?—A. Just as quick as I gets up there and casts a vote, and after I done casting the vote I leaves on the ferry.

Q. You were ferried across the river home?—A. Yes, sir; Strawberry Ferry.

Q. Were the colored men talking around the polls when you voted?—A. Yes, sir; just as thick as can be around the poll. But, at the same time, sir, they got mens not to come up exactly to the box as you come up; they allow one at the box at a time.

Q. They were in line?—A. Yes, sir; not in a rush. When two or three comes up to ote, they allows one to come in at a time.

Q. Who all were around the polls?—A. There is one man there I knows—Stephen Brown, a republican man, and this same man George Sass, and he was right at the poll there, but the rest of the gentlemen I am not acquainted with.

Q. What were they doing there at the polls?—A. They was standing there and handing the republican parties republican tickets, and showed you where to put them.

Q. Did any of these colored men there have clubs?—A. No, sir; not as I sees; no clubs at all there that day. As I first tells you, each party had arms with them.

Q. Speaking about each party having guns, did the white men have guns in their hands, or did you see them somewhere?—A. They did not have guns in their hands at all, sir.

Q. Where did you see them?—A. All the guns was in the buggies, sir; while the buggy was setting off aside, the gun was in the buggy.

Q. How many guns did you see these white men have?—A. I do not know, sir. They was always in the buggy; all I sees of the guns is in the buggy; only one buggy I sees at all with the guns in it.

Q. How many guns do you think were in that buggy?—A. From the distance I looked at it I think there be some twelve or a little over.

Q. How many guns did you see the colored men have?—A. Well, they had the most guns, as far as I see. There be a gate come right up to the poll, and as they come to the gate they lean the guns up against the gate and went up to the poll without the gun; but it was somewhere over twenty-five as was leaning up against there.

Q. After voting did they come back and get the guns?—A. Yes, sir; they comes back and takes up the guns.

By Mr. LAPHAM :

Q. Who do you work for?—A. Mr. Nelson, sir.

Q. When did you come here?—A. To-morrow is three days since I be in here.

Q. Who told you to come here as a witness?—A. Mr. Nelson, sir.

Q. When?—A. On Tuesday, sir; day before yesterday was Tuesday, wasn't it?

Q. Did you come with Mr. Nelson?—A. Yes, sir.

Q. Did he pay your fare?—A. Yes, sir.

Q. Did he pay Tony Scott's fare, too?—A. Yes, sir; he brought us both.

Q. Did you vote before this year?—A. Yes, sir.

Q. What ticket did you vote ?—A. The republican, sir.

Q. You intended to vote the republican ticket this year, except for Hampton, did you not ?—A. My idea this year be to vote the Hampton ticket.

Q. For Hayes and Wheeler and Hampton ?—A. Yes, sir.

Q. You voted what was called the Hampton ticket, not the democratic ticket ?—A. The same ticket as the ticket that is called the Hampton ticket.

Q. There was a ticket called the Hampton ticket ; were the electors on it for Hayes and Wheeler ?—A. The ticket I votes wa a democratic ticket ; that is the only ticket I votes.

Q. But you did vote the republican ticket as you always have ?—A. Yes, sir.

Q. Did Mr. Nelson state how you would get paid for coming here ?—A. Not as I knows about.

Q. Did he tell you you would be paid ?—A. Yes, sir ; he tells me I would be paid.

Q. He said you would be paid, but didn't state how ?—A. No, sir.

Q. Or how much ?—A. Three dollars a day, sir.

Q. He told you you would be paid \$3 a day ?—A. Yes, sir ; \$3 a day and 5 cents a mlie.

Q. How much does he pay you at home when you work for him ?—A. According to what I does.

Q. Generally what does he pay you ?—A. A dollar a day, and sometimes 75 cents, according to the work ; sometimes we does not work all day ; just according to the time.

By the CHAIRMAN :

Q. You did not come here to testify for the amount of pay you expected you should get ?

(Mr. Lapham renews his objection.)

A. Yes, sir.

Q. Is the evidence that you have given here controlled by the pay you expected to get, or did you come here to tell the truth about this matter ?—A. I come here to tell the truth about this matter.

Q. And this pay you expected to get was the witness's fee, was it not ?—A. Yes, sir. The committee adjourned to meet to-morrow (Friday, December 22) at 10 o'clock a. m.

CHARLESTON, S. C., December 22, 1876.

The committee met pursuant to adjournment.

JOHN C. PORCHER sworn and examined.

By the CHAIRMAN :

Question. What is your age ?—Answer. Twenty-nine.

Q. Where do you reside ?—A. Strawberry Ferry, Cooper River, Charleston County, S. C.

Q. How long have you resided there ?—A. Two years.

Q. How long have you resided in this county ?—A. Twenty-nine years.

Q. What precinct did you attend at the late election ?—A. Strawberry Ferry.

Q. Did you hold any official position ? and if so, state what it was.—A. I was one of the three managers.

Q. How many colored men were at that precinct on the day of the election, that you remember ?—A. I do not know as I can tell you the positive figures, but Mr. Chamberlain's majority was 360. They were all colored. There was about 135 colored votes cast for Mr. Hampton. He got 184 altogether.

Q. State how the election was conducted there that day.—A. Early in the morning everything went off very quietly, except that the rallyers tried to dictate to the managers what they should do ; and later in the day a company of armed men under the command of a captain—I don't remember his name ; I think his name is William Lawrence, but of that I am not certain—with a sword on, marched up to the polls. They halted and faced about.

Q. Were they mounted ?—A. No, sir ; afoot. They faced about, and with muskets in their hands, and voted with muskets in their hands. They were afterwards marched off again, some time later in the day.

Q. How far off did they go ?—A. That I cannot tell you. They came to the ferry, and crossed the river again.

Q. You were inside of the house, and did not see where they went ?—A. No, sir ; when they crossed the river, I could not see them after that.

Q. What time of day did they leave there ?—A. They left there about three o'clock. It was believed by us then that they went on to Mount Holly.

Q. State whether any parties were challenged there, and if so, what occurred.—A. I challenged several parties who I believed were voting under age, and proved afterward that they were voting under age; and a radical, a very noisome fellow, in the crowd said, "I will knock that fellow Porcher in the head with a club if he don't mind what he is doing."

Q. What was he; a colored man or a white man?—A. A colored man.

Q. How near was he to the poll when he made that statement?—A. About twenty feet.

Q. Did you cease to challenge after that?—A. No, sir; I went on challenging all those whom I believed to be voting under age.

Q. Did those parties you challenged vote, notwithstanding your challenge?—A. No, sir; my challenge was sustained by the other two managers; all sustained but two.

Q. Did you see a colored man there by the name of George Sass?—A. Yes, sir; he was there during the whole day.

Q. What was he doing?—A. He was what they called rallying round for the radical party. He was very noisy and intimidating toward the colored democrats. He was threatening all day a particular threat, which he said right behind me in my presence. It was that every colored man who voted the democratic ticket that day was a marked man. That they could go on voting the ticket, but he wanted every one to understand that they were all marked men.

Q. Was this declaration that all colored men who voted the democratic ticket were marked men made in a loud tone of voice, so that it could be heard around?—A. Every man on the ground could hear him.

Q. Did you attend any political meeting in that neighborhood preceding the election; and if so, where?—A. I did, at the same place, sir, several times.

Q. Did George Sass make a speech there?—A. Yes, sir.

Q. How many were at that meeting?—A. There were several meetings at different times. There were different numbers. There were, I suppose, 700, the highest number that attended there on one occasion.

Q. Did you hear him make any threatening speech; and if so, at what meeting was it?—A. The first meeting we had he made threats; told the negroes that if Hampton was elected they would be put back into slavery, and that every colored man who voted the democratic ticket ought to be killed. Those threats were common with him. He was making them all the time. He also told them that the power was in their hands; that they could raise the rice-trunks by which we flow our lands down there, and could ruin the country. That they had it in their power and could control us, and there was no use of our trying to carry the election at all, because if we did we would have to suffer for it.

Q. How many were at that meeting?—A. At that meeting I suppose there were 200.

Q. Of that number what proportion were colored men?—A. About 150. That was a meeting, also, in which a colored man by the name of Tony Scott got up to make a speech, and after speaking for some time they found that he was divulging— Just before that, I may state, they started a strike on the river, which lasted two days. George Sass was the originator, ringleader of the strike.

Q. A strike on the plantations?—A. Yes, sir; the strike was for cutting rice. He induced the negroes to believe that we would deduct their wages.

By Mr. LAPHAM:

Q. Are you stating what you yourself know or what you heard?—A. What I heard him say, or what I know positively to be so. I am telling you what I know to be so; that is, what the hands told us.

By the CHAIRMAN:

Q. Did Sass make this statement at the meeting?—A. No, sir; he denied it, but it was proved on him there that he did say so.

Q. Was that the subject of discussion at that meeting?—A. Yes, sir; it was political first, and then it got onto that. This man Tony Scott, in making his speech, divulged some of their secrets, and Sass attempted to jerk him out of the wagon where he was speaking. Scott said in his speech the plan Sass had had for carrying out this strike. Sass and several of his adherents attempted to drag him out of the wagon. That was prevented by telling him that would never do, and we were obliged, whilst Tony Scott was in the wagon, to protect him if they meant to hurt him. They then stopped at a signal of a horn, which was blown by one of Sass's followers; they ran off on the other side of the road and drew up in line, apparently as if they intended to fight. They were armed with clubs and muskets. They were quieted, though, by some of the most influential citizens going in among them and persuading them that we did not intend to have any disturbance, and that quieted them and the meeting broke up. Tony Scott was not allowed to speak again, and Sass told Tony Scott, after coming back and being quieted, that he had better take care of himself; that he was a marked man.

By Mr. LAPHAM :

Q. Did you hear that ?—A. Yes, sir.

By the CHAIRMAN :

Q. The meeting then broke up ?—A. The meeting then broke up ; that is, it was a joint meeting, and it broke up. The republicans went on speaking. We left.

By Mr. LAPHAM :

Q. The democrats left ?—A. Yes, sir ; and some of the republicans left. The majority of the meeting left.

Q. Were both parties armed at Strawberry on election-day ?—A. On election-day, as I said before, this company was armed, and nearly every colored man there was armed, on the republican side.

Q. That was not my question.—A. I was going on, sir, to finish it. The democrats were armed, but none of them carried arms. That is, not all of them were armed. About half of them were armed. The democratic arms, I did not see any. I was manager whilst holding the polls. I did not see a democrat with an arm in his hands. After the voting had slackened a little, I had occasion to walk off and get some lunch ; and a buggy, I suppose was fifty yards off from the polls, and there were several double-barreled guns in the buggy. Those were the only arms I saw there.

Q. Were you not armed ?—A. No, sir ; I was not. I had no pistol or gun.

Q. Were either of the managers ?—A. Not that I could see, sir.

Q. You staid until the canvass was completed ?—A. I staid until the canvass was completed, and brought the box to town.

Q. You were the messenger to bring it ?—A. No, sir ; I was not.

Q. But you did bring it ?—A. I did it.

Q. The managers all signed the return ?—A. The managers all signed the return.

Q. Any protest accompanying it ?—A. A protest accompanying it.

Q. In writing ?—A. In writing.

Q. Who signed it ?—A. By myself as manager, William F. Colcock, and others.

Q. The managers agreed as to the canvass of the votes ; there was no difference between you about that ?—A. Yes, sir ; they agreed as to the canvass. The protest was on other grounds.

Q. Was the protest made there ?—A. Yes, sir ; it was made there and read before the votes were counted.

Q. Do you remember the substance of the complaint ?—A. Of the protest, do you mean ?

Q. Yes.—A. I remember parts of it.

Q. What was the point of it ?—A. The first point was that the clerk in the morning was not sworn in. The next one was that several votes were put in the box and the parties sworn in afterward. Another point was that the polls were not opened at the usual hour ; that the democrats had been prevented from voting the democratic ticket, and had voted the republican ticket on account of the presence of an armed company.

Q. Any other grounds ?—A. I do not remember any other grounds now. I think there were one or two others.

Q. Who drew it ?—A. W. F. Colcock, president of the democratic club.

Q. President of the club at that precinct ?—A. Yes, sir.

Q. How many colored men do you say voted the democratic ticket there ?—A. I said I could not remember exactly, but Mr. Chamberlain's majority was 360. I think there was 135 who voted the democratic ticket. I would not be positive as to the figures.

Q. They were persons who had before voted the republican ticket, were they not ?—A. I do not think any one of them hardly had ever voted the democratic ticket before. It was a poll where the republican majority was generally six or seven hundred.

Q. Was there a mixed ticket, as it was called, voted there—the Hayes and Wheeler electors, and Hampton for governor ?—A. No, sir ; they were all straight tickets. I do not think there was one mixed in them ; there was not a cut ticket.

Q. Do you know of any elector who came there for the purpose of voting who did not vote, without reference to whether he voted one ticket or the other ; do you know of any who did not exercise the right of suffrage ?—A. Yes, sir ; I know of two or three who did not come to the polls at all.

Q. I ask you if you know of any one who came there for the purpose of voting who did not vote in fact ?—A. No, sir ; they all voted that came.

Q. And the managers united with you in excluding those who were challenged as minors, excepting two of them, I think you said ?—A. Yes, sir.

Q. What was claimed about these two ?—A. I challenged them because they were not of age.

Q. What did the other managers claim ?—A. They claimed they were of age.

Q. They swore they were of age ?—A. And voted ; yes, sir.

Q. Did you see any person injured there that day ?—A. No.

Q. At this meeting at Strawberry, how long before the election was that ?—A. That was, I think, sir, on the 31st of August. You mean the first meeting I spoke of ?

Q. The meeting at which this violence, of which you speak, occurred?—A. Yes, sir; the meeting on the 31st of August.

Q. Was that before the State ticket was nominated?—A. No, sir; afterward.

Q. Was that a republican meeting?—A. No, sir; that was a democratic meeting, to which we invited the republicans to participate.

Q. It was a joint meeting for discussion?—A. Yes, sir.

Q. Sass represented the republicans?—A. Yes, sir.

Q. Who represented the democrats?—A. W. F. Colcock, jr.

Q. Don't you know that Tony Scott was selected by Sass, as a republican, to speak?—A. I never saw Tony Scott before that. I do not know anything about him.

Q. Did you not know that he was put forward by Sass as a republican speaker?—A. No, sir; I did not.

Q. Did he not take the turn of a republican in the discussion?—A. No, sir; he came out as a democrat.

Q. Who spoke first?—A. W. F. Colcock, I think.

Q. He is a democrat?—A. He is a democrat.

Q. Who spoke next?—A. I think Sass was the next speaker.

Q. He spoke on the republican side?—A. I think so.

Q. Who spoke after Sass?—A. Well, sir, I am not able to tell you, sir. We had a good many canvassers there. Do you mean the order or the names? Every other speaker was a republican.

Q. A democrat spoke after Sass?—A. Yes, sir.

Q. But you don't remember his name?—A. I do not remember his name.

Q. Who followed him?—A. Another republican; I do not remember his name.

Q. Who spoke after that republican?—A. That I can't tell you, either.

Q. Was he a democrat?—A. Yes, sir.

Q. Who spoke after that democrat?—A. I think I may be mistaken. If you will allow me to correct my former statement —

Q. Who spoke after this democrat you have mentioned?—A. You asked me the question just now whether Tony Scott started out as a republican or not, and I told you I didn't know him before that day. I was not even near him when he started to speak. Now I do remember that some one told me he was a republican before.

Q. That is not the question I asked you. I asked you whether he did not take the stand there in his turn in the line of discussion as a republican speaker?—A. I cannot tell you that, at all, because I was not near the stand when he started to speak. I can only tell you what occurred when they attempted to pull him off the stand. I would not be willing to state it, because I was not near the stand when he started to speak. Whether he was before that day a republican or a democrat, I do not know.

Q. The result was, that from something Scott said the joint meeting broke up; the democrats retired, and the republicans continued the meeting?—A. The joint meeting was not broken up when Scott came down.

Q. But that was the result of the disturbance?—A. Yes, sir; but not the immediate disturbance.

Q. After that disturbance the democrats went away, and the republicans continued the meeting?—A. Yes, sir.

Q. You went away, I suppose?—A. I went away; yes, sir.

Q. Do you know how long they continued it?—A. I do not.

Q. Were not the democrats there armed that day?—A. No, sir.

Q. Are you sure of that?—A. I state it as a fact.

Q. None of them armed, you say?—A. None of them armed. I did not see a man there armed; not a democrat.

Q. You had no arms?—A. None, sir.

Q. How many muskets did you see?—A. As I have said before, I suppose there were 150 republicans. I think half of them were armed with muskets and the other half with clubs.

Q. Where had they these muskets?—A. In their hands.

Q. During the meeting?—A. Yes, sir.

Q. You joined in the meeting without any apprehension from their having their muskets with them?—A. We had no apprehensions at all until after that meeting.

Q. On election day, when Sass said if you challenged any more you would get hit, or something like that, you paid no attention to it?—A. I did not state that Sass did it. It was a man in the crowd. No, sir; I paid no attention to it; I kept on challenging.

JOHN JOHNSTON (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. Up at Dr. Holbeck's farm, this county.

Q. What poll did you attend on the day of the late election?—A. Four-Mile House, sir.

Q. Did you vote there on that day?—A. Yes, sir; I votes right there, sir, that day.

Q. What time of day did you vote?—A. About nine o'clock, sir.

Q. What ticket did you vote, the democratic or republican?—A. He gave me a democratic ticket, sir.

Q. Did you have any trouble in voting? and if so, state what, if anything, was said to you.—A. No, sir; I never had any trouble at all, but after I got over voting I had a heap of trouble.

Q. About how many colored men were there that day?—A. I do not know how much was there, sir. I know I was.

Q. I mean how many colored men were there at that poll that day; were there many colored men there?—A. Yes, sir; a hundred or so, but I never take notice who all was there.

Q. Were there as many colored men as white men there that day, or more?—A. They had more colored men than white men there, sir.

Q. Did any colored men say anything to you there that day about your voting?—A. No, sir; they never says nothing to me when I were voting. They never took notice to me, but after I gets through voting I goes up the road one night—

Q. When was it you went up the road?—A. One Saturday night. I could not remember the Saturday night now, sir; about two weeks ago.

Q. How long after the election?—A. About a month.

Q. Did the colored men find out how you had voted?—A. Yes, sir.

Q. When did they learn it?—A. I do not know how they got it, sir, but they learn I vote for the democrats and all says I ought not to do it.

Mr. LAPHAM objects to the witness stating transactions that occurred a month after the election, as incompetent and improper.

The CHAIRMAN. We propose to show by this witness that he was interfered with and beaten for voting the democratic ticket.

Q. Who said you ought not to do it?—A. A feller by the name of Albert Grannison.

Q. Who was this man Grannison?—A. He staid there mostly at Four-Mile House.

Q. Where did he live; in this precinct where you voted?—A. Yes, sir.

Q. Was he there on the day of the election?—A. Yes, sir.

Q. Proceed and state what occurred; what was done with you, if anything?—A. He beat me on the arm.

Q. Who was it that beat you?—A. A feller named Sampson.

Q. Who was with him?—A. This same Albert Grannison and a feller named Frederick Snyder.

Q. Where was it that they beat you?—A. Six-Mile House, sir. They say if they catch me they would beat me, and all three of them jumped on me.

Q. What did they beat you about?—A. Because I vote for a democrat, they says. All three jumped on me.

Q. Was it in the day-time or in the night?—A. Night, sir.

Q. What did they beat you with?—A. Sampson beat me with a club, and when I was going—when I tries to get away from Sampson the rest hold me back. Then Sampson hits me in the head with a club.

Q. Where did they strike you on the arm?—A. Here, sir. [Indicating the left wrist.] It is not well yet.

Q. Did they break your arm?—A. I don't know, sir; I cannot use it much now.

Q. Is there a knot there now?—A. Yes, sir; there is a knot here.

Q. Where did they hit you on the head?—A. See this knot up here. [Witness indicates the middle of his forehead.]

Q. Is that knot there yet?—A. Yes, sir.

Q. Did they knock you down?—A. No, sir; they never knocks me down. They knock me twice. The three licks they make, two licks hit me on the head and one lick on the arm, and when he raised up the stick again I catched the stick, and then two boys behind me pitched me back, and then Jacob Bogy came up and parted us.

Q. Did any doctor wait on you afterward?—A. No, sir; I never had no doctor at all.

Q. Did the doctor examine your wounds?—A. Yes, sir; Dr. Holbeck, I was working with, examined them, and say I may bathe them in cold water.

Q. Is that arm stiff yet?—A. Yes, sir; see the knot here.

Q. Were all three of those men who were engaged in beating you at this poll that day?—A. I could not tell, sir, then, because they never says nothing to me then till I went up the road; and this Sampson, he cursed me for a son of a bitch, and say he mean to beat me because I vote the democrat ticket; and I say I would do as I choose, and at the same time he hits me twice, and at the third time I grabbed the stick; and another feller came behind me—Frederick Snyder; he went and come and took hold of me, and Sampson and all together carried me off, and said I was a son of a bitch; and old man Jacob Bogy, he came out and parted us.

Q. Where did you go then?—A. I went home to Dr. Holbeck's farm then, sir.

Q. How far were you from home then?—A. About a mile.

Q. Did these men beat you in the road or overtake you, or how? Did you meet

them in the road or at some place?—A. They meet me at a place; they never caught me in the road.

Q. What meeting was it you were at when you met them?—A. I meets them at old Jacob Bogy's house.

Q. What did you go there for?—A. A whole crowd of people was there that night, and I goes too, and at the same time they meets me there.

Q. Was it a party?—A. No, sir.

Q. What was it?—A. A setting-up, as they calls it.

Q. What do you call a "setting-up"?—A. I do not know, sir. A whole crowd meets on Saturday night—the colored mens and womens, and all.

Q. The colored men and women met at this place Saturday night, and had what is called a "setting-up"?—A. Yes, sir.

Q. How late did they stay?—A. I was there about eleven o'clock.

By Mr. LAPHAM:

Q. When was this setting-up at Bogy's?—A. About three Saturdays ago; this same Saturday coming will make four.

Q. About three weeks last Saturday?—A. Yes, sir.

Q. Had you been in the house?—A. Yes, sir; I were in the house, and then comes outdoors.

Q. What did the people there that night do?—A. They had a setting-up.

Q. When they sit up do they have anything to eat or drink?—A. No, sir; they don't have nothing to eat or drink.

Q. Hungry and dry, were you?—A. Yes, sir; poor people, you know.

Q. Did you strike?—A. No, sir; I didn't strike at all; didn't have time.

Q. Who did you say struck you?—A. Sampson.

Q. How old a person is he?—A. I could not tell how old he is, sir; a good aged feller, sir.

Q. A colored man, is he?—A. Yes, sir.

Q. Were the other two colored men also?—A. Yes, sir.

Q. And Bogy was a colored man, too, was he?—A. Yes, sir.

Q. He came out and parted you?—A. I didn't know much about it, sir.

Q. You have stated that Bogy came out and parted you.—A. Jacob Bogy, he came out and parted me.

Q. Is he a republican?—A. I do not know what he is, sir; he must be a republican.

Q. Why?—A. Because he gets a republican paper that morning, and go off and vote it, sir.

Q. You think Mr. Bogy must be a republican, then?—A. Yes, sir.

Q. How is it with Sampson?—A. Yes, sir; Sampson is a republican, too.

Q. Did you ever vote before?—A. Yes, sir; I vote one year for Green.

Q. You used to vote the republican ticket, did you not?—A. No, sir; nary time. Never vote a republican ticket, nary time.

Q. You are a birthright democrat, are you?—A. Yes, sir.

Q. Is your father a democrat?—A. I really could not tell, sir.

Q. Were you a slave?—A. My father was a slave, but I never. I was too small then to do anything.

Q. Who do you work for?—A. Dr. Holbeck, I am working for now, sir.

Q. Who told you to come here as a witness?—A. Dr. Holbeck; he say I must come with him.

Q. Did he come with you?—A. Yes, sir; he has gone on home; say he will be back directly.

Q. Did he pay your fare here?—A. No, sir; he never paid my fare. I walk.

Q. Did he walk, too?—A. No, sir; he stay in the city here.

Q. When you came from home here, how did you come?—A. I comes this morning, dragging the cart.

Q. You drove here in a cart?—A. Yes, sir.

Q. How far?—A. He stay at the corner of Wentworth and Cumming.

Q. Did he tell you what you would be paid if you came?—A. No, sir; he never tells me.

Q. You expected pay, did you not?—A. Yes, sir.

Q. How much did you expect to get?—A. I really could not tell, sir.

JOHN PINCKNEY (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. Thirty-five, sir.

Q. Where do you live?—A. Saint John's, Berkley, Point Comfort, this county.

Q. Where did you vote on the day of the late election?—A. Strawberry Ferry, sir.

Q. How long have you lived at Strawberry precinct?—A. I have been living there now since I lived there. It was six years since I have been living there.



Q. Did you attend any meetings of the colored people just before the election?—A. No, sir; I did not. I did not attend but one meeting.

Q. Where was that?—A. That was at Strawberry precinct, sir.

Q. The last meeting at Strawberry precinct?—A. Yes, sir.

Q. When was that; how long before the election?—A. The meeting was on Saturday, sir, and the election was on Tuesday.

Q. Then it was on the Saturday before the election that you attended the meeting at Strawberry?—A. Yes, sir.

Q. State whether you heard any persons in that neighborhood make any threats against colored men if they voted the democratic ticket; and, if so, who made them, and where they were made.—A. A man right on the place there, by the name of Edward Drayton, he said what he would do, sir, but he didn't do it.

Q. What did he say they would do to any man who voted the democratic ticket?—A. Any man who vote the democrat ticket at that poll that day they would get killed if they vote it; but I know from my own feeling that could not be done, for a man is free and independent, and he ought to be what he think.

Q. How many colored men were around when this statement was made, that any colored man who voted the democratic ticket would be killed?—A. Why, there was a quantity of people, sir; we was all in a large crowd.

Q. Did you hear that sort of talk more than once?—A. More than a dozen of times, sir.

Q. Did they say anything to you at the polls at Strawberry, on the morning you voted?—A. No, sir; no more than two mens, republicans, catched at me and says, "Vote this ticket," and I says, "Keep your hands off of me; I intend to vote the democrat ticket for my own notion, and I am going through with it."

Q. What did they say to you when you said that to them?—A. They said it was a wrong thing you are going to do, but you will meet it after you have done it. And I says, "I want to meet it; I am man enough to tote my own hook."

Q. How many were around when that talk took place?—A. The box was covered, sir; it was more than I could tell you, sir. There was a rush.

Q. How long did you stay at the poll?—A. I think about fifteen minutes, sir. I got in my ticket and got back to my work. I stayed there at first because I could not get a chance to get up to the box.

Q. Do you know of any colored men that voted the republican ticket there that day who had intended to vote the democratic ticket?—A. Yes, sir.

Q. How many?—A. Daniel Johnston, where I stays, was intended to vote the democrat ticket by his own word, but he could not do it; he stood with the republican party because they had threatened him.

Q. How many did you hear say that—any one else besides Daniel Johnston?—A. I heard Daniel Johnston and Thomas Brown.

Q. Do you know whether they voted or not?—A. Yes, sir.

Q. Where did they vote?—A. At Strawberry; we all votes at one place. Those men you heard me talk about all vote at one place.

Q. Did you see them vote the republican ticket?—A. I did not saw them vote, but Daniel Johnston he said he make the republican party believe he vote the republican ticket, and get the ticket and show it; and they were drilling soldier-like, and he had to get his ticket to make them believe he is a republican.

Q. He had to get his ticket from these parties that were drilling with guns, who saw him put it in the box?—A. Yes, sir; but I was not there present; I leave then.

(Mr. Lapham objects to the witness stating what he heard.)

Q. Where did he tell you that?—A. He tells me that after he gets back home on that day.

Q. Why did he say he voted that republican ticket?—A. A great many more people would have voted the democrat ticket, but they were threatened.

Q. Do you know how many colored men were at the polls there that day?—A. No, sir; I do not know, sir.

Q. You voted about nine o'clock in the morning and left?—A. Yes, sir.

By Mr. LAPHAM:

Q. You do not know whether Johnston or Brown voted at all; you did not see them vote, did you?—A. No, sir; I did not stay to see them vote.

Q. You do not know what ticket they voted, either?—A. No, sir.

Q. Did you see them at the polls at all?—A. Yes, sir; I see them at the polls.

Q. Were they there when you went to vote?—A. Yes, sir; we went on together, sir.

Q. You left them there?—A. Yes, sir; I left them there.

Q. Did you not hear anything said about colored democrats who voted the republican ticket?—A. All I hear said, sir, when I come in—they all laughed at me and say, "That's a democrat."

Q. Did you hear anything said what ought to be done with colored men who voted the republican ticket?—A. No, sir.

Q. Colored men were not blamed, then, for voting the republican ticket?—A. O, no, sir.

Q. Did not the democratic colored men complain of them?—A. No, sir; they did not have anything to do with them. They was all peace.

Q. What they complained of was the colored men voting against the republican party; that is what they were scolding about, was it not?—A. No, sir; the colored men what vote the democrat ticket had nothing to do with the republican party.

MARCH BALL (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. I is about forty-two, sir.

Q. Where do you live?—A. St. John's Berkley.

Q. What is your polling-place; what church?—A. My pollug-place, where I always vote to, it was Biggins' poll, sir.

Q. Where did you vote on the day of the late election?—A. Well, I vote up at Pineopolis on the day of the election.

Q. Is that as near to you as Biggins'?—A. Pineopolis is a little nearer than Biggins'.

Q. How came you to go out of your precinct, to Pineopolis, to vote, instead of at Biggins'?—A. I went there on one occasion. I feel exposed to vote the democratic ticket, and it appeared to be so much threatening amongst the radical party against all those who vote the democrat ticket that day to injure them, I thought I was going to try to take care of myself not to be injured, and so I vote the way my mind lead me to vote, and I went to Pineopolis just to get rid of the crowd, not to be injured.

Q. What made you believe that you would be injured if you went to Biggins'?—A. Just from the entire threatening amongst the colored people around my neighborhood. I did not keep it as a hiding history. I tell them I feel exposed to vote the democrat ticket, and I was going to do it square out. And they says, "Well, I vote square against;" and I say, "My mind would not be so foolish." I feel that I am a free citizen of this country, and I have a right to support just what government I think will make me an honest government.

Q. What threats, if any, did they make against any colored man who voted the democratic ticket?—A. They made the threat that they would mob them and every man that voted the democrat ticket that day; they would mob him; and after I heard it, I was compelled to try to take care of myself.

Q. Where did you hear that, and how long was it before the election?—A. I heard that about up to the night ———, up until Monday night, up to the vote on Tuesday I heard it.

Q. Where did you hear that on Monday night?—A. I heard that at Oak Hill, where I staid, about half a mile off from where I stay, because some of the boys what were living near me say they feel exposed to support the democrat party; there was five of them. I knowed one of them in the crowd, and they comes up and called the boys out, and tells the boys they was fools to vote with me. I advised the boys to vote with me, and I says, "I am of age; I am forty-two years of age; I have a right to vote where I please, and I feel exposed to support the democrat party, and I don't feel any way like supporting the radical party at all."

Q. State what they said to you and to these boys if you voted the democratic ticket.—A. They told the boys if they vote the democrat ticket they would not recognize them again, and could not come amongst them, and if any place they meet them they would whip them. I said, "I am not going to go into a crowd and give them any chance to catch me to whip me." I told the boys that was foolishness, and that we would go up to Pineopolis, and we cast our votes the way our mind lead us; and so we went there and voted, and came back.

Q. Do you know a colored man named Gibby Simmons?—A. I know a colored man named Gibby Simone.

Q. Did you ever hear any threats against him?—A. Yes, sir; that I hear. I hear that he had a notion to support — (Mr. Lapham objects to witness stating what he heard.)

Q. Did you yourself hear this man Gibby Simmons say he wanted to vote the democratic ticket, or did somebody else tell you?—A. I heard it. I didn't hear it from Gibby Simmons himself.

Q. Do you know how he did vote on the day of election?—A. He went to the poll to vote the radical ticket. I know he went with the intention to vote the radical ticket, but I did not go to that poll at all.

Q. You did not see him vote?—A. I did not see him vote at all.

Q. Where is he now?—A. He is in the country.

Q. Whereabouts?—A. Right there near; pretty much on the line of Goose Creek and St. John's Berkley.

Q. What place is he at?—A. Near Monk's Corner.

Q. On whose plantation?—A. Mr. Sinclair White's.

Q. Is there a colored club in your neighborhood?—A. Yes, sir; a colored club right at Oak Hill.

Q. Were you at the meeting of the colored club the night before the election?—A. Yes, sir; I went up there myself the night before the election. They all meet to tell the club what to do on the day of election.

Q. How many were at that club-meeting?—A. Well, I think there was about twenty meet there in the club, sir.

Q. What occurred at that club-meeting; was anything said about the election at that meeting, or about voting?—A. They meet there and go on in making speeches amongst them, and tell them what side they thought best to vote for, and so on; and on Monday night, on the 26th of the month, they met there, and then they commenced to tell the club what to do. Well, they concluded whether they was to carry their arms up to the poll or not, and they says they was obliged to carry arms, because they heard that the democrat party was going to carry their arms. I told them no, the democrat party were not going to carry their arms. If they carry them at all, they will carry them along in the buggy, and so on;—because the law is not to carry no arms at all after the 7th of the month, and I told them not to carry arms, because they might make themselves liable to the law; but they concluded to carry the arms. They said they did not trust to go without the arms. They speak in that way.

Q. Did they say anything about colored men, if they voted the democratic ticket—what they would do with them?—A. They said, if any colored man they knew, if he vote the democrat ticket, they consider that he voted against them; but that club says that they would not make no arrangement among them to do no injury to no colored man that vote the democrat ticket; but they considered that they would not have no good feeling toward them. That is what I heard.

Q. That was at the meeting of the club on the 26th?—A. Yes, sir.

Q. Were you at the club-meeting the night before the election?—A. Yes, sir.

Q. What was said, if anything about the colored men who voted the democratic ticket?—Q. They says this then, "They would not have anything to do with none of the colored men who vote the democrat ticket." But they says they hear the Monk's Corner party say any man who vote the democrat ticket, they was going to show them what it is on the day of the election. After I heard that I always vote at Biggin's poll; but if that's the way I was not going there at all. I am going to the poll what I consider to be a peaceful poll, without any riot; and I tell them boys, I says, "I have heard them say that they want peace at the election; because some colored men feel exposed to vote the democrat ticket, and they say to the others to do it, and they says to their club they are going there to see that all are free citizens of this State; and we have a right to vote where our mind leads us to vote; and they was going to see if any one exposed to vote the democrat ticket, that if any one of the radical party disturbed them they was not going to be disturbed in it."

Q. You told them that?—Yes, sir, myself; I tells them to try to be peaceful, because the democrat party wanted everything to go off peaceful, and they didn't want any fuss at all.

Q. Do you know of any colored men there, in your neighborhood, who did not go to the poll at all that day?—A. One man, Sam Bush; he said he didn't vote at all.

Mr. Lapham objects to witness stating what he heard.

Q. Did he go to the election?—A. No, sir; he didn't went at all.

Q. How was he inclined to vote?—A. He says he had a idea to vote the democrat ticket, and he was afraid to go to Biggin's. He was afraid he would get injure l.

Q. And he didn't go at all?—A. So he didn't go at all. He says he didn't vote.

Mr. Lapham renews his objection.

Q. That was before the election that you had this talk?—A. Yes, sir; before the election.

Q. Did any colored men in that neighborhood belong to democratic clubs in connection with white men. Was there a club in your neighborhood?—A. Yes, sir.

Q. Composed of white men and colored men?—A. Yes, sir; they opened the doors and said, all that feel exposed to vote the democrat ticket. I was one that joined it, and another man joined it.

Q. How many colored men were in the club, if you know?—A. There was three colored men; one was a brown man; I call him a colored man. Three or four jined.

By Mr. LAPHAM:

Q. When was this meeting, when they thought they had better take their arms because the democrats would have their arms there?—A. That was on the 6th of the month. We was to vote on the 7th, and that was on the 6th, evening.

Q. It was the evening before the election?—Yes, sir.

Q. They were talking about whether to take their arms, and they said that the white men would have their arms there, and they thought they had better take theirs also?—A. Yes, sir.

Q. You heard that?—A. Yes, sir; I heard that.

Q. How came you to go to the republican club if you belonged to the other?—A. Our club didn't call on that evening. I didn't belong to that club. We generally gave an invitation that each club could visit each other.

Q. Could the white men visit that club?—A. Yes, sir.

Q. Were they armed at that time?—A. No, sir.

Q. Who said that the white men were to have arms?—A. That was the men that meet at the club.

Q. Who said that?—A. Toby Gadson. He said the white men would have arms.

Q. And for that reason he advised the colored men to take their arms along?—A. Yes, sir.

Q. Where did you say you voted?—A. I vote at Pineopolis polls.

Q. You didn't keep your voting a secret. Did it make any difference whether you voted there or at Biggin's?—A. Yes, sir; I would have voted the democrat ticket at Biggin's if I had not heard these threatenings, what they was going to do with the democrat party, so I went up to Pineopolis for quietness.

Q. How long did you stay there?—A. I did not stay there no more than just went up and cast my vote, and came back home and went to work.

Q. It is known that you voted the democratic ticket?—A. Yes, sir.

Q. You have never made any secret of it?—A. Never did make any secret of it.

Q. They knew you were going to vote that ticket?—A. Yes, sir.

Q. They knew you belonged to the democratic club?—A. Yes, sir.

Q. Who do you work for?—A. I works for myself.

Q. Do you hire land?—A. I rents land.

Q. Whose land do you rent?—A. Dr. Porcher—doctor in the hospital here in Charleston.

Q. Who told you to come here as a witness?—A. Mr. Porcher told me that what I know—I could come in and give it in.

Q. Dr. Porcher told you to come?—A. No, sir; John Porcher.

Q. When did he tell you?—A. He told me yesterday.

Q. When did you come?—A. I comes in yesterday.

Q. Did he tell you what pay you would get for coming?—A. Yes, sir; he tells me what I would get.

Q. What did he tell you you would get?—A. \$3.00 a day, and five cents a mile for travel.

Q. You were not subpoenaed to come here, were you?—A. No; I didn't summons down here.

Q. How have you voted heretofore?—A. I vote the independent republican ticket.

Q. You have voted a good many years, have you not?—A. Yes, sir; I votes since I was free up to now.

Q. Always voted that ticket?—A. No, sir; I never voted that ticket before.

Q. What ticket did you vote before?—A. I vote the radical ticket.

Q. You voted the independent republican ticket this year?—A. I vote that ticket year before last.

Q. Before that you voted the republican ticket?—A. Yes, sir.

By Mr. EDEN:

Q. Didn't the officer read the subpoena to you at any time?—A. Yes, sir; since I comes here.

By the Chairman.

Q. When that club spoke of taking their arms there, you told them that the democrats were not going to take arms there, did you not?—A. Yes, sir; I told them so.

By Mr. LAPHAM:

Q. You know that the democrats did take their arms, do you not?—A. I was not there at all.

Q. Did they have arms at the polls where you went?—A. No, sir; not at Pineopolis polls, sir.

Q. Neither party had arms there?—A. Neither party, sir, had arms there.

Q. There were not any republicans at Pineopolis?—A. One, sir.

Q. A colored man or a white man?—A. A colored man.

Q. How old a man was he?—A. I think about thirty-five years old, sir.

ANTHONY GATHERS (colored) sworn and examined.

By the CHAIRMAN:

Question. How old are you?—Answer. About twenty-nine.

Q. Where do you live?—A. I live at Strawberry station.

Q. How long have you lived there?—A. I have been living there a good while; I have been living there about twenty years.

Q. Where did you vote on the day of the late election?—A. I voted at Strawberry poll.

Q. Did you attend any political meeting at any place just before the election?—A. Yes, sir.

Q. Where?—A. At Strawberry poll.

Q. Did you have any trouble there? and, if so, state what it was.—A. I had a little difficulty a week before the election.

Q. Where was that?—A. That was at Strawberry.

Q. How did it come about? Tell all about it.—A. I had a difficulty between me and a man named George Sass. He asked me if I was going to vote the democratic ticket, and I told him yes. He said I must show him the reason, and I told him because it was my idea to vote the democratic ticket. He asked me if I did not think that was a bad ticket to vote. I told him if it was a bad ticket, I was going to vote it. The next day after that, when I came from Charleston from the parade, he made a speech on a Saturday, and asked me a question. He asked me the question, and I answered it; and he said, "Did the democrats promise to lock us up in the hall, and then, on the voting day, drive us out like a man driving cattle to the market to kill?" I said it was not so, and he got mad; and he jumped off the stand, and he told me to leave the crowd. I told him I would not, because it was a public ground, and he collared me; and when he collared me, the parties that was there, about 125—and if there had not been some good ones there, they would have mobbed me to death. And his son hit me in the temple with his hand, and another fellow lifted me up on a stick. A fellow named Friday Bellock lifted me up on the stick. The crowd was so big.

Q. How often did they strike you?—A. His son struck me about two weeks, and Robert Days and Billy Days they came up and make peace, and Bob Robinson.

Q. Did you leave then?—A. No, sir; I did not leave until the meeting resigned, and when they was done they asked me why I was going to vote the democratic ticket, and I told them I was going to vote for John T. Green, and I think I have a right to vote what I choose, and I would vote for Hampton; and I see him twice, and I will vote for Hampton if he never get elected, and I done so. I tell them after we try Mr. Chamberlain two years it was my idea to vote for Hampton and try him two years, and if he was not a good governor we could defeat him again.

Q. What did they say they would do to you if you voted the democratic ticket?—A. They told me if I voted—any one who vote the democrat ticket could not walk there; they would kill them, or something like that; and I said, "I know you can kill me. I have but one life. I will vote where I choose; and if you kill me, kill me."

Q. How many colored men were around when that statement was made?—A. About 125.

Q. This row that you had with Sass and his son, when was that?—A. That was a week before the election.

Q. Do you know what day in the week it was?—A. I cannot remember it now, sir; but I know it was a week before the election.

Q. Did you hear the colored men in your neighborhood say anything about colored men voting the democratic ticket; what they would do with them if they did?—A. No, sir. I know that Daniel Johnston and Johnny Brown and Tremmies Brown, they was to vote the democratic ticket. The way that Sass speak, that if any man vote the democratic ticket they would get damaged; they would not vote the democratic ticket at all.

Q. They heard Sass make that threat?—A. Yes, sir; and they would not vote at all. When the soldiers leave there and come back he be afraid they might take his life.

Q. Did you see him at the polls on the day of the election?—A. O, yes, sir; we all went down together.

Q. How did they vote when they got to the polls?—A. They voted the republican ticket straight through; and Sass he would walk up to them and tell them, "Where is your ticket?"

Q. They said they would vote the democratic ticket if they were not afraid they would kill them?—A. Yes, sir.

Q. Do you know of any other colored man who said that?—A. A colored man named Jacob—I do not know his other name—but he wouldn't go to the poll at all. He didn't vote at all.

(Mr. Lapham objected to witness stating what others told him.)

Q. Was there any one else besides Jacob?—A. That is my remembrance, sir.

Q. Do you know Jefferson Bennett?—A. Yes, sir; he didn't go to the poll at all. He say he would not go. He said rather than get into any furs he wouldn't go at all.

Q. What ticket did he intend to vote?—A. He had an idea to vote the democrat ticket. He wouldn't go at all; nor Jacob. They stay on the place that day. Daniel Johnson and they say, had they known that the poll had gone on as peaceful as it did they would have vote the democrat ticket, and I said it was too late now.

Q. Were the colored men in your neighborhood there generally armed before the election?—A. O, yes, sir; generally armed; generally carried their arms to the meeting they were going to.

By Mr. LAPHAM:

Q. Did the white men have arms too?—A. I did not see the white men with arms, but a few.

Q. I mean, did the white people have arms?—A. O, yes, sir; they had guns, but they didn't march up like the colored people to the polls with their guns.

Q. Do you keep any?—A. No, sir; I never had any.

Q. Don't own any?—A. No, sir; I don't tote no gun.

Q. You only voted once, did you?—A. O, yes, sir; only once I voted.

Q. On the election-day, I mean?—A. Yes, sir; only once.

Q. What ticket did you vote?—A. The democratic ticket.

Q. The full ticket?—A. Yes, sir; full out.

Q. Who gave it to you?—A. Johnny Harvey.

Q. Is he a white man?—A. Yes, sir; he is a white man.

Q. Where did he give it to you?—A. Right at the box.

Q. Colored people were there too, were they not?—A. O, yes, sir; it was crowded with people.

Q. They saw you take the ticket from him, didn't they?—A. O, yes; they see me take the ticket.

Q. Who told you to come here as a witness?—A. Mr. Hayward.

Q. Who is he?—A. Mr. Hayward has got a plantation on Cooper River.

Q. Do you work for him?—A. Yes, sir; when he has got work I work for him.

Q. Did he tell you you would get pay?—A. He told me to come down; they wanted me as a witness to know how this election go on, and I could make my statement, and get my board and passage free, and get paid for my day.

Q. How did you come?—A. I came on the car, sir.

Q. Who paid your fare?—A. Mr. Barker paid my fare down.

Q. Who is he?—A. I don't know who is him, but he stay up on Cooper River. We come down on the car, and he paid my way down.

Q. Is he a white man?—A. He is a white man.

Q. Where does he live?—A. He stays in town now. His father has a plantation up there—Dr. Barker's son.

Q. You do not work for Mr. Barker, do you?—A. No.

Q. Mr. Barker came along with you?—A. Yes, sir.

Q. When did you come?—A. To-day will make three days I was here, sir.

ADAM REED (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. I vote at Strawberry precinct.

Q. Where did you vote on the day of the late election?—A. Strawberry, sir.

Q. Did anybody go to the election with you on that day; and, if so, state who they were?—A. Yes, sir; myself, John Gilliard, Andrew Segare, Solomon Davis, and Thomas Benton; that was four.

Q. How did these men intend to vote?—A. John Gilliard he was going to vote the democrat ticket like myself.

Q. How were the others going to vote?—A. They intend to vote the democrat ticket the same as we vote, but after we went down we found they was afraid, and I said whatever I intend to do I mean it.

Q. After they got to the polls what was said to them?—A. They said if they vote that ticket they would shoot them, and they gets afraid and went and vote the republican ticket.

Q. How did you vote?—A. I vote the straight-out democrat ticket.

Q. George Sass, is he a colored man?—A. Yes, sir; George Sass he is a colored man.

Q. Who handed them tickets?—A. George Sass handed them.

Q. How long did you stay at the polls?—A. I was there till sunset. The sun was down when they went to count off the ticket, when I went home.

By Mr. LAPHAM:

Q. You were not afraid?—A. No, sir; and I mean that, sir.

Q. Who did you get your ticket from?—A. I get them from Mr. Colcock.

Q. A white man?—A. Yes, sir,

Q. Did Sass offer one to you?—A. No, sir; he didn't offer me none, because I would not took it.

Q. Did you see him give tickets to the others?—A. Yes, sir.

Q. They had always been republicans, had they not?—A. Yes, sir; always been republicans.

Q. Had you been a republican before this?—A. Yes, sir; I was a republican before this election.

Q. How long this year?—A. This will make twice.

Q. How many times you voted against the republicans?—A. Yes, sir; twice.

Q. Who do you work for?—A. For Cummings Ball.

- Q. Who told you to come here as a witness?—A. I saw Mr. John Porcher.  
 Q. When?—A. Yesterday, about, I believe, it was 10 o'clock.  
 Q. Did he tell you what you would be paid for coming?—A. Yes, sir.  
 Q. What?—A. He said I would get \$3 a day.  
 Q. What else?—A. Nothing more.  
 Q. Did he not say you would be paid your traveling fee?—A. Yes, sir; he tells me

80.  
 Q. How much a mile?—A. He didn't tell me how much they was going to give me.  
 Q. How did you come?—A. I come on the car.  
 Q. Who paid your fare?—A. I paid my own fare.

T. H. SMITH recalled.

By the CHAIRMAN :

- Q. You have stated in your examination heretofore that you voted at Whaley's Church?—A. Yes, sir.  
 Q. State whether you observed how the voters were sworn there that day.—A. They were sworn three at a time, sir.

R. W. HARMON (colored) sworn and examined.

By the CHAIRMAN :

- Question. What is your age?—Answer. Thirty-nine years old.  
 Q. Where do you live?—A. I live in Saint John's.  
 Q. What precinct?—A. Biggins.  
 Q. Where did you vote on the day of the late election?—A. Biggins, sir.  
 Q. Did you see any armed men that day at the polls?—A. Yes, sir.  
 Q. Did you meet or see any armed men on the road?—A. Yes, sir.  
 Q. How many?—A. More than I am able to say, sir; I didn't count them. I suppose I met a hundred. All were not armed, though; some had arms and some had none.  
 Q. What time did you leave the polls?—A. I left the polls about 8 o'clock in the morning.  
 Q. You voted then and went on home?—A. Yes, sir.  
 Q. Who went with you from the polls when you went home?—A. A man by the name of Lockler.  
 Q. Was he a colored man?—A. A white man. There was a colored man came along with us by the name of Edie.  
 Q. Did you meet any parties going to the polls?—A. Yes, sir.  
 Q. Who were they, and how many?—A. I don't know the name, or I don't know how many; I didn't count them.  
 Q. About how many?—A. I suppose I met about a hundred.  
 Q. Were they armed?—A. Some was, and some was not.  
 Q. Were they going in a body?—A. Well, sometimes there was fifteen or twenty, and sometimes five or six, and sometimes ten, and sometimes more than that.  
 Q. Were they colored men?—A. All colored men, sir.  
 Q. How were they armed?—A. Some had double-barreled guns and some had muskets.  
 Q. These men that you met, where were they going?—A. Going to Biggins poll, sir.  
 Q. Did you have any conversation with any of them when you met them?—A. One crowd we met said to this man Edie, they ask him how did he vote, and Edie said he voted the right way. And they says to him, "I suppose you voted the democratic ticket."

(Mr. Lapham objects to the witness stating what he heard.)

Mr. EDEN. I think that what occurred while on their way to the election is competent.

By the CHAIRMAN :

- Q. Edie said he voted the right way?—A. Yes, sir. They said, "You vote the democratic ticket—if we thought you did we would cut your throat," and they drew the back of a sword across Edie's throat.  
 Q. Did they pass on then toward the polls?—A. Yes, sir; they didn't stop, or we didn't stop. They went on their way and we went on our way.

By Mr. LAPHAM :

- Q. Where have you voted since you became old enough to vote?—A. Nowheres but Biggins and Pineapolis.  
 Q. How many years have you been in the habit of voting?—A. Eight years, sir.  
 Q. Did you see any white men at Biggins with arms?—A. Yes, sir.  
 Q. Did you ever see arms at the polls before this year?—A. Never did, sir.

Q. How many arms did the white men have there at Biggins?—A. Well, I could not tell how many, sir. I seen both white and colored men have them, sir.

Q. Did the colored democrats have arms?—A. Yes, sir.

Q. And the white democrats?—A. Yes, sir.

Q. You did not see anybody injured, did you?—A. No, sir.

Q. Who did you get your vote from; who gave you your ticket?—A. I forget the man's name now. He was a white man, sir.

Q. You voted the democratic ticket?—A. Yes, sir.

Q. Did you ever vote it before?—A. Always did, sir.

Q. They didn't accuse you of changing then?—A. No, sir.

Q. Did you go to any of the democratic meetings before the election?—A. Yes, sir.

Q. Did not people have arms there?—A. Yes, sir.

Q. It was customary for both parties to take arms to political meetings, was it not?—A. Yes, sir.

By the CHAIRMAN :

Q. How many white men did you see at this poll at Biggins that day?—A. I could not tell you, sir. I didn't count them.

Q. Were there few or many?—A. There was a good many, sir. I didn't stay all day; I didn't stay long.

Q. Did you see a dozen there?—A. There was more than that; I suppose in the neighborhood of 35 or 40 when I left.

Q. How many colored men were there?—A. I couldn't tell; I suppose there was over a hundred when I left.

Q. How many guns did you see the white men have there?—A. I could not tell how many. Every white man had a gun, I think.

Q. And all the colored men were armed?—A. Not all; some come without arms.

Q. How many guns did you see the colored men have—as many as a hundred?—A. I couldn't say. I do not think there was a hundred, because every colored man didn't have a gun. Some had and some didn't.

Q. You left at eight o'clock?—A. Yes, sir.

The committee adjourned to meet to-morrow (Saturday, December 23, 1876) at 10 o'clock a. m.

CHARLESTON, S. C., December 23, 1876.

Committee met pursuant to adjournment.

ISAAC GRANT (colored) sworn and examined.

By Mr. EDEN :

Question. What is your age?—Answer. I could not tell you rightly. I reckon I am between 25 and 26; along there. My master always kept our age, but he is dead and gone.

Q. Where do you live?—A. I live about at Ten-Mile Hill.

Q. What precinct did you vote at?—A. Whaley's Church.

Q. Did you vote there at the last election?—A. Yes, sir.

Q. Before you went to the election, did you tell anybody who you were going to vote for?—A. No, sir; I didn't. When I started from home the other folks had gone before, and I didn't catch up until 12.

Q. Some time before that had you told any of the boys who you were going to vote for?—A. Yes, sir; some boys told me up at their shop that they were going to vote for the democrat party, and I told them I was going to vote for them too, sir.

Q. Who were those boys?—A. Jim Barnwell and Sam Gilliard.

Q. When you started to go to the election, what ticket did you intend to vote?—A. When I started from home I was going to vote the democrat ticket.

Q. On your way to the election, did you meet anybody, or fall in company with anybody?—A. No, sir; I didn't fall in company with nobody; I meets a whole gang of people. They were coming back and I was going.

Q. Were they colored or white people?—A. All colored.

Q. What did they say to you?—A. They asked me what ticket I was going to vote. I never told them what ticket I was going to vote. So I went up there, and after I got there one man give me a ticket and I vote. I voted the republican ticket.

Q. What did these people you met say to you about voting?—A. I met two young men on the road; they tell me if anybody vote the democrat ticket, they said that I would not get back home safe. So I didn't want nobody to beat me or bruise me up, and so I vote the same as I always does vote.

Q. Were these colored boys or white boys?—A. No, sir; they were colored.



By Mr. LAPHAM :

- Q. Who gave you the ticket you voted for?—A. A man by the name of Sandy Prailor.  
 Q. Did you know him?—A. O, yes, sir.  
 Q. And you went up and voted it?—A. Yes, sir.

JESSE GADDIS (colored) sworn and examined.

By Mr. EDEN :

- Question. Where do you live?—Answer. I live in Whaley's Church precinct.  
 Q. What is your age?—A. About 25 to 27.  
 Q. Where did you vote at the last election?—A. At Whaley's Church, sir.  
 Q. When you went to the election, what ticket did you intend to vote for?—A. I was intended to vote the democrat ticket, sir.  
 Q. What ticket did you vote for?—A. When I went up there I vote the republican ticket.  
 Q. Why did you do that?—A. Because the boys up there said if any man vote the democrat ticket they would not get way from them, and before I would get myself injured, I went and vote the republican ticket.  
 Q. What boys were they that said this?—A. Sandy Prailor, Jim Barnwell, and several more of the boys.  
 Q. Were they colored men or white men?—A. Colored men, sir.  
 Q. How long did you remain there after you had voted?—A. About half an hour; I remained there about half an hour, sir.  
 Q. Who gave you your ticket?—A. A young fellow by the name of Hayward, sir.

By Mr. LAPHAM :

- Q. Who do you work for?—A. I work for the company, sir.  
 Q. What company?—A. I do not know the company, but Dr. Pankison says he is the head man of that company.  
 Q. He is the manager, is he?—A. Yes, sir.  
 Q. Does he employ you?—A. He is the head man, sir; but the man who carry on the work when I was there was Wharton; he was carrying on the work.  
 Q. Who hired you?—A. Mr. Wharton; he is the superintendent.  
 Q. Who told you to come here as a witness?—A. No man told me, sir; but when I was down here I heard they were contesting of the vote, and I know, sir, they were threatening me—  
 Q. I want to know who spoke to you about coming here as a witness?—A. When, sir?  
 Q. Any time before you came.—A. No man spoke to me about coming.  
 Q. You were not subpoenaed to come here, were you?—A. After I got here, sir.  
 Q. But before you came?—A. No, sir; after I gets here.  
 Q. When did you come?—A. I came this morning, sir.  
 Q. Did you see any one who had been here as a witness?—A. No, sir.  
 Q. Did you hear what compensation was being paid witnesses for coming?—A. No, sir.  
 Q. You expected pay, did you not?—A. No, sir; I expected my right.  
 Q. You didn't expect to get any pay?—A. No, sir; I come to see myself righted.  
 Q. Righted for what?—A. By the contesting of the voting.  
 Q. You don't expect any pay for coming then?—A. No, sir; only under my rights, sir.  
 Q. Did you ever vote before this time?—A. O, yes, sir.  
 Q. What ticket?—A. I always vote the republican ticket, sir.  
 Q. You are a republican still, are you not?—A. I have voted the republican ticket, but I was making up my mind to vote the democrat ticket at this election.  
 Q. But you are a republican still, are you not?—A. Yes, sir; a republican, still, now, sir.  
 Q. Are you at work there now?—A. The work is stopped now, sir.  
 Q. When did you cease to work?—A. Over two months ago, sir.  
 Q. Before the election?—A. Yes, sir.  
 Q. How long before the election did you leave there?—A. About a month, sir.  
 Q. A month before the election?—A. Yes, sir.  
 Q. You have not worked there since?—A. No, sir.  
 Q. Where are you at work now?—A. Well, sir, I am fixing to plant now, sir.  
 Q. You are not at work for any one now?—A. No, sir.  
 Q. And have not been since you left there?—A. No, sir.
- By the CHAIRMAN :
- Q. You say you are fixing to plant now?—A. Yes, sir; fixing to plant now, sir.

W. S. DRAYTON sworn and examined.

By the CHAIRMAN :

Question. What is your age ?—Answer. Nearly 32, sir.

Q. What is your occupation ?—A. Farmer, sir.

Q. Where do you reside ?—A. Hilton Head Island.

Q. How long have you resided there ?—A. I have been there for the last three years, sir. That is in Beaufort County.

Q. Where did you reside before that ?—A. I have always been in South Carolina until I left the State in 1868, and went first to Saint Louis, Mo. A few years I was absent from South Carolina, but came back, and have been here for the last three years. I am a native of South Carolina, born and raised in the State. After the close of the war I went to the Northwest. The last three years I have been back in the State.

Q. Where did you attend at the recent election ?—A. At Mitchellville precinct, sir.

Q. Beaufort County ?—A. Yes, sir.

Q. Did you occupy any official position at that precinct ?—A. I was one of the managers of the election.

Q. Who were the other two managers ?—A. Gabriel P. Gardner and Mr. Peoples—both colored.

Q. What was the vote at that precinct ?—A. Four hundred and seventy-six.

Q. How many white voters were there out of that number ?—A. Sixteen.

Q. How many republican votes were cast there ?—A. Four hundred and sixty-three. Well, there is one of those votes that was split, one voting for Hampton, and he voted for Hayes, too. There were only ten democrat votes—that is, full tickets; but one was split, voting for Hampton and the State, and for Governor Hayes, national ticket.

Q. State, in your own way, the manner in which that election was conducted there that day, and what was the conduct of the parties at the polls; as to whether there was any violence or any intimidation exercised toward voters; and, if so, the nature and character of it.—A. Well, sir, when I got over to the polls—it was half past six o'clock—they had already voted some twenty-odd voters, and when I got in the first thing I did I voted, and Mr. McFall was outside doing as the republicans did. They were distributing their tickets, and, of course, we were distributing ours, too. We were as anxious to vote as many democratic tickets as the other party was to vote republican tickets, and the election went on very smoothly. There were these little sly jokes, you know, such as, "We are going to beat you," and all that, until about half-past nine o'clock, when I heard a great commotion outside, and Mr. McFall came up and said to me, "Look here, Mr. Drayton, these tickets are getting pretty hot. These fellows are ordering me away from the polls and I am not going. I am going to distribute these tickets as long as I feel like doing it." I says, "Certainly you have a perfect right to distribute democratic tickets here and get all the voters you can. The law requires that we shall have a free and fair election, and you have as much right to distribute democratic tickets as they have to distribute republican tickets. This is a free country, and if they prohibit you I will report them." "Well," he says, "all right;" and he went off. I heard, then, a little more fuss, and about that time he came up and says, "Look here, I demand protection from you." He says, "These men threaten to drive me away again from the polls, and unless I have some assistance I will have to leave." He says, "I cannot resist the force." "Well," I said, "Mac, I will read them, then, the riot act;" and I got up and I read it. They listened to me very patiently.

Q. What did you read from ?—A. I read from the United States law. Let me tell Mr. Lapham why I read from the United States law. I was appointed by mistake as supervisor. When I had already qualified as a manager, the powers and rights of supervisor were sent to me by the chief supervisor here from Charleston; but of course, having qualified as State manager, I couldn't qualify as supervisor. I had the law, and of course I read it to them. Their remark was that it was "A damned democratic paper got up in Beaufort," and that I could "Go to hell."

Q. State from whom that remark came.—A. It came from the crowd right around the ballot-box. Of course I was inside. I cannot say that everybody said it; only those individually around me. Two of them was the chief men in it. I can mention names if you want me to.

Q. Those two parties you speak of as being the chief men in it, did they appear to be leaders ?—A. Yes, sir; they were the leaders.

Q. What did they say ?—A. I told them that was all very nice for them to talk, whether it was a democratic paper or not; if they did not allow the free expression of the ballot-box I would report them. They then told me—these gentlemen will excuse the language—that I was "a son of a bitch," and if I came out there they would break my head.

Q. Were you at the time of this conversation at your voting-table as manager ?—A. Yes, sir; and they told me what I have already mentioned; that if I came out they would break my head. I told them my position was not to fight, it was only to re-

port, and that I did not intend to come out there to be beaten. And the Rev. Mr. Peoples, the republican colored manager, he did show a disposition to try to do what was right. He got up and opened the door and went out. He told them, "Whether a man is white or black, if he wants to vote the democratic ticket he has a perfect right to do it here." And they said to him, "Look here, now, your place belongs around-in-dat box. If you come out here, you will get the debble-stick to you. You had better go back; we run dis ting." And old Peoples says, "I can't do anything with them, gentlemen." He says, "It is a shame; but I can do nothing with them;" and he came back and sat down. Just about that time, Mr. Henry C. Pollitzer and Mr. Clemm—I do not know his christened name—came up, and the crowd surrounded them.

Q. Were these two white men?—A. White men; yes, sir. The crowd surrounded them and declared that they should not vote; that that was republican ground, and no damned democrat should vote there. They told them that they were going to vote. By God, they were going to vote if they died; and they said they should not vote. Just about then, gentlemen, I thought, my God, my life was not worth three cents, and wished I was anywhere else but there. I have been in some tight positions, but I never want to be placed in another position like that. And Dr. F. E. Wilder, the republican county commissioner, rode up about that time. He is a resident of Hilton Head Island.

Q. White man or colored?—A. He is a white man. He is a republican, and as strong a republican as there is in South Carolina. I appealed to Mr. Wilder, and told him that we must have an honest expression of the ballot-box, and Mr. Wilder then sent to me for the laws and regulations of elections, and I sent them; and he read to the crowd, telling them that if they did not allow the democrats to vote at that poll that that box would be thrown out. They consented then to allow the white democrats to vote, but abused them in the most infamous terms. They cursed us for sons of bitches and everything else. I could not repeat to you the oaths myself. They said there were too many white people on that island, and that they intended to wipe them out.

Q. State whether this precinct of Mitchellville is on the island?—A. It is on the island, on Hilton Head Island, Beaufort County, South Carolina. At the same time they declared that if any colored man voted the democratic ticket then and there, they would cut him to pieces; and every colored man who came up to the polls to vote after this excitement, after half past nine o'clock, was subject to scrutiny. His ticket was opened and scrutinized before he could place it in the box. There was one thing I did see, and that was Mr. McFall as they carried home—forced home—driven away from the polls, and as many tickets as they could get away from him, taken away. They would have taken all away, but he had some secreted in his coat, and they did not take them all. They took some of them away from him, as many as they could get, and tore them up and drove him away.

Q. Did he return to the polls?—A. No, sir; he could not return; they would have killed him if he had returned; and the only thing that protected me there, gentlemen, was that my uncle who was a captain in the Federal Navy there during the war—the negroes all had the idea that because I was a manager behind the polls that I must be in the ring, and even after I came out, after the close of the election, two or three of them said to me, "All right; you read that democrat paper, and if you had come out there we would have fixed you; but," they said, "after all that we don't believe you vote the democrat ticket; we believe you vote the republican ticket anyhow." I says, "Why do you think so?" Well, they said, "Your uncle was in the Navy," and, they said, "He was too good a soldier in the northern Navy for you to vote the democrat ticket." "Well," I says, "you can believe what you please, but I did vote the democratic ticket."

Q. Did any of the colored men there at that precinct before the election express in your hearing a desire and purpose to vote the democratic ticket?—A. Yes, sir; there were plenty of them. If it is necessary for me to substantiate what I saw I can bring them here.

Q. Did you make up the returns and sign them there?—A. Yes, sir.

Q. Were they signed by all three of the managers?—A. Yes, sir.

Q. Could all those managers read and write?—A. Well, Mr. Gardner can read and write. Mr. Peoples did not sign his name. He begged me to sign and he made his mark. I do not know whether he can read or whether he can write. He didn't sign the report. He asked me to sign his name for him, and he crossed it in the presence of Wilder and Gardner, both republicans.

Q. Was there any United States marshal at this precinct?—A. No, sir; none at all.

Q. Did the negroes there have any clubs or weapons of any kind?—A. No, sir; not that I could see. Some of them had sticks in their hands.

Q. Were there any negro women there?—A. Plenty of them, sir.

Q. What were they doing there?—A. Well, they came to drive Mr. McFall away from the polls. They had barrel-staves and fence-pickets.

Q. Did they make any noise?—A. Well, considerable, sir.

Q. What sort of a noise? What did they say and do?—A. Well, as far as I could hear them, they were abusing him; asking him what he brought the poisoned ticket there for—the democratic ticket—and that he ought to be killed. That is as far as I could see. You know I could not hear everything; my scope for hearing was limited.

Q. Did those voters prowl around the poll much?—A. Yes, sir; until three o'clock there was a constant crowd right up at the polls. These voters coming up were subjected to having their tickets examined.

Q. But they voted?—A. O, yes, sir.

Q. Were those colored men on that island generally armed?—A. Yes, sir.

Q. Did you see any armed organization there on the island?—A. Not that I know of, sir. They all have guns and pistols—the majority of them; but there is no armed organization that I know of, sir.

By Mr. LAPHAM:

Q. The white people on the island have arms, haven't they?—A. O, yes, sir; we have arms—have pistols.

Q. Don't the white people have guns?—A. There is one man on the island who has a gun, and he is a republican. That is Mr. Ashsebrooke.

Q. Did you have arms that day?—A. Yes, sir; I had; I had my pistol.

Q. Was any person injured, to your knowledge that day; did you see any one injured?—A. I saw John McFall struck three or four times with a fence-picket. That is all I could see from my position.

Q. Who struck him?—A. A negro woman, sir.

Q. With that exception, did you see any one?—A. Yes, sir; I saw one white man. He was a sailor; a United States sailor. He came there and tried to vote, and I told him he could not vote; that it was not allowable by the statutes of South Carolina for him to vote. He said he was a democrat, and wanted to vote the democratic ticket. I told him he could not vote there if he was a democrat.

Q. I have asked you simply whether you saw anybody injured except Mr. McFall?—A. Yes, sir; I saw this sailor knocked about a good deal by colored men.

Q. How knocked about?—A. Took and struck him with their fists.

Q. For attempting to vote when he hadn't any right to vote?—A. Well, he came up to find out whether he had the privilege to vote or not.

Q. Well, he offered to vote; did he not?—A. To see if he had a right to vote, sir.

Q. Did he come there and attempt to vote?—A. He came there to ask the privilege of voting.

Q. Did he offer to vote?—A. No, sir; he did not offer to vote.

Q. Did he not have a ticket?—A. Yes, sir; he had a ticket.

Q. Did he not offer it to the managers?—A. No, sir; he didn't offer it.

Q. What was said and done to him growing out of that circumstance?—A. When I told him he could not vote they were very exultant, and knocked him about.

Q. The colored people were exultant, I suppose you mean?—A. Some call them negroes, and some colored people, just according as it suits them.

Q. How do you make the distinction?—A. Well, sir, I generally call them colored. I do not like to hurt anybody's feelings unnecessarily, sir. If they prefer to be called colored people, I call them colored people.

Q. Have you stated now all the violence you saw that day; all the injury you saw committed upon any person?—A. All the injury; yes, sir. Very few white men, you know, there, sir.

Q. Do you know of any person who was entitled to vote, and came there for that purpose, who did not vote in fact?—A. No, sir; I do not.

Q. Were you a manager ever before?—A. No, sir; I was supervisor at the last election, in 1874; not at Hilton Head, though.

Q. At this precinct?—A. No, sir; at the Bluffton precinct, in the same county.

Q. Do you know what the vote was at this precinct in 1874?—A. As near as I can recollect now—I won't give it to you on my oath—from what the managers told me—Gardner and Peoples—it was 365 or 370.

Q. Republicans?—A. Yes, sir; two democrats voted there, I think, sir.

Q. In 1874?—A. Yes, sir.

Q. What was it this year?—A. Four hundred and seventy-six votes cast—sum total; ten democrats and one split—one voting for Hampton and Hayes.

Q. How many republicans?—A. Well, sir, there were 400. On the national ticket, 464; and, I think, on the State ticket, 463.

Q. You joined in the return?—A. Yes, sir; I signed it, sir.

Q. Did you send any protest with your return?—A. No, sir; as manager I had no right to send a protest.

Q. No white persons there armed, except yourself?—A. No, sir; not that I know of, sir.

Q. Do you know whether they were or not?—A. I say, not that I know of.

Q How many white persons in all voted?—A. Sixteen, sir. Some of the whites there are republicans.

Q Did you hold any position in the party?—A. No, sir; never was in any position.

Q Member of a committee, or any position of that kind?—A. No, sir; no position at all, sir, except state manager.

Q Were any of these men your employés?—A. There, do you mean?

Q Yes.—A. Yes, sir.

Q How many persons that work for you?—A. There is a good many tenants, you know, on my place, if you take those.

Q Yes, I take those.—A. Some fifty or sixty, sir, tenants and laborers.

Q You were subpoenaed to come here, I suppose?—A. Yes, sir; I was telegraphed for.

Q From whom did you receive the telegram?—A. From Colonel Phillips, chairman of the committee, sir.

By the CHAIRMAN:

Q You were asked in regard to whether you did not make a protest. Did you not make an affidavit shortly after the election?—A. Yes, sir; just as soon as I could make it, I did.

Q What was done with it, if you know?—A. Mr. Elliott took it, and I think he forwarded it on to Columbia.

Q What position, if any, did he hold in the party there?—A. He was one of the executive committee.

Q In regard to this sailor, I understood you to say that when he came up, he stated he was a sailor, and asked if he had a right to vote?—A. Yes, sir; he had a ticket. I do not know whether it was a democratic ticket or what it was, but he had the ticket in his hand. Mr. Lapham asked me, and of course I said he had it in his hand. Whether it was a democratic ticket or a republican ticket, I do not know. He had it folded up. When he came there he said, "Have I a right to vote here?" He was on the light-ship, in the United States service. Of course, I said "No, you haven't any right to vote here."

Q Then he announced he wanted to vote the democratic ticket?—A. Yes, sir.

Q Then it was that these colored men set upon him?—A. Yes, sir.

JOHN MCFALL sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. I am fifty years old.

Q Where do you reside?—A. Port Royal, South Carolina, Beaufort County.

Q How long have you resided there?—A. Five years, sir.

Q At what precinct did you attend at the late election?—A. Hilton Head precinct, Mitchellville.

Q State what time you arrived at the polls that day, and all that transpired at the polls during your stay there, of which you have personal knowledge.—A. I arrived at the polls about twenty minutes after six o'clock in the morning; myself and Mr. Drayton. I think it was twenty minutes after six, by his watch. There had been fifty or sixty votes polled when we arrived there. He went into the poll, inside of the house. I was acquainted with a good many colored people on the island, having run a truck-farm there this year, and several of them asked me if I was going to vote that day. I told them I was. They said, "I suppose you vote the democratic ticket," and I said, yes. They told me if I wanted to vote the democratic ticket I had better vote pretty soon.

Q Who told you that?—A. William Read and three or four of my acquaintances. He lived at Mitchellville. There were only fifteen or twenty on the ground when I voted. I told them I didn't apprehend any danger. I said, "You all know me; I have treated you well, and have always been treated kindly by your color down here." "Well," says they, "when our crowd come here if you want to vote the democratic ticket you had better vote now." And I voted. It was not twenty minutes until the crowd commenced coming in. They asked me how I voted, and I told them I had voted the democratic ticket. "Well," says they, "you have no right to come here and vote that ticket." I told them I had a perfect right to come there and vote the democratic ticket; that I was farming there, a citizen of Beaufort County, and was born and raised in the State. And they commenced using very insulting language toward me—a good many of them.

Q State what they said to you.—A. There was a couple of men from Spanish Well. They told me they "didn't believe in no damned old rebel son of a bitch who owned colored people before the war to come to Hilton Head and vote the democratic ticket, and the time was coming when they would root out every white-skin on the island." I told them that chin-music was cheap, and I didn't apprehend any danger at all. They made a rush at me, and old Billy Read stepped up to and told them to be quiet and not to interrupt me; that he had known me for four or five years, and that I had al-

ways been the right sort of a man, and to let me alone. They came up and asked me for democratic tickets. I gave them democratic tickets and told them, "You won't vote them, but you can take them home and put them in your Bibles to refer to." I said, we are going to beat you in this race; that thievery and corruption was about played out in South Carolina, and that we were going to have honest men in office once more. They pushed me so that I went up to the manager and requested to be protected; to let me come in the house. Mr. Drayton, who was supervisor, and, as I thought, head manager, read the law of the United States to the crowd. They cursed him for all the sons of bitches the world ever saw, and dared him to come out and arrest or cause to be arrested anybody there, and they would out him up and stamp him in the sand—murder him. I requested him to be quiet, and I would try and take care of myself. I retreated from the poll-box, and caught hold of a man by the name of Riley for protection. He was one of the leaders of that island—

Q. Was he a colored man?—A. Yes, sir; there was only a few white men on the island—eight or ten. Mr. Drayton and I were the only white men there in the morning. Mr. McIntyre came up afterward. I caught Mr. Riley on a pile of lumber. He was the leading colored man on the island. I told him it was an outrage to be treated by people whom I had never harmed or wronged or defrauded, and that I ought to have the right of my opinion there, to distribute the tickets, or to do anything that was legitimate on that occasion. It was democrat and republican, and I thought that each man had a right to say his say on the election. Well, he spoke to the crowd, and he thought that I was justifiable in my course, and he didn't want me mobbed there. About that time some twenty or thirty negro women, backed by about one hundred and fifty to two hundred of these colored people, came up to me and commenced beating around me with hoe-handles, barrel-staves, and garden-pallings. I thought at first they were doing it to plague me. I knew a great many of the women; in fact, the leader of it used to be a washerwoman in my family four years ago. Her name was Harriet. I said, "Harriet, what do you mean?" She said, "We mean to run you off this island, or kill you." I had on an overcoat; it was a drizzly day, something like to-day, only rainy occasionally. They commenced jabbing me and punching me, and they got one palling through the lappel of my coat, and another came in my coat at my back and ran through it. I got up against a cart that was standing there and the horse started, and it was through the wheels of the cart that that palling came, and the noise against the spokes made the horse start off lively. I saw that my situation was very untenable. The horse was hitched in it loose; was not hitched to any post or anything. I saw that they really were going to kill me or injure me seriously, and I jumped in and caught hold of this Harriet around the arms and defended off the licks and jabs until I got up to Gardner's store, a colored man who had a very large store there, and as I got up to the steps and went to go in they told me I could not go in there. There was a shed by the side of the store, and there was four steps leading to the shed-room; and as I passed I slapped an old colored man on the shoulder, and said, "Sam, are you going to forsake me in this crisis?" and he said, "No, sir; I will not." And he got on the lower stop and held his hands up and protected me, and old man Noble's wife, a colored woman, did the same on the other side, or they would have killed me right there. Then we compromised that I was to leave.

Q. State what was said about your leaving?—A. They told me if I would leave the ground and not come back until after the poll was closed they would not kill me, and I agreed to leave; and this man, Samuel Black, and this colored woman agreed to see me off three-quarters of a mile. Before I started, however, I told them that that was a very rough compromise, but I hoped they would allow me after six o'clock to come and give three cheers for Tilden and Hampton, our next rulers. They came on and skinned this man Black's hands fearfully. I was behind Black, and he protected me.

Q. What became of those tickets you had?—A. They took them away from me. I had to deliver over all my tickets; and Black and this old man Noble's wife, a colored woman, carried me about two hundred yards, and I went over to Mr. Drayton's place.

Q. How far off was that from the poll?—A. Three-quarters of a mile. I went into his foreman's yard to tell him about how excited the people were at Mitchellville.

Q. You told who?—A. Summers Christopher, a colored man.

Q. You went to him and reported to him what had occurred?—A. Yes, sir; he had went over early in the morning.

Q. Did you report to him what had occurred?—A. I reported to him what had occurred, and in a few minutes, I suppose thirty minutes from the time I had left the polling-precinct, the time that I was in Christopher's yard, we heard a yell, and his wife remarked, "Summers, here comes a flag and a whole crowd." He ran out in the yard, and says, "Mac, I am afraid"—

(Mr. Lapham objects on the ground that the conversations between third persons away from the polls are immaterial.)

(Witness continuing.) They came from the polls after me. I was locked up in the lumber-house for an hour and a half.

Q. Who looked you up in the lumber-house?—A. This man Christopher's wife.

Q. What were you looked up in there for?—A. From these infuriated people, who were coming with axes, hoes, and clubs to murder me.

Q. Did they come on up there?—A. Mr. Black and Mr. Christopher, and two or three others of the Drayton colored people, kept them out of the yard. They did not know where I was, but I could hear all that was going on. They forbid them to put their foot past a certain line. I was in on Mr. Drayton's private property, and they defied any person to put their foot past the corner of the yard; and after about an hour's haranguing there, they finally dispersed, and went back to Mitchellville.

Q. You didn't go back to the polls any more that day?—A. No, sir; I didn't. They threatened to kill or murder me. There was only about eleven white men on the island. They threatened to kill the last one of them. Some one remarked that Dr. Wilder was a good republican, and they said, "Well, we do not know whether he is or not."

Q. Mr. McIntyre; does he live on the island?—A. Yes, sir; he has been feeding these poor people for the last ten years, whenever their crops would fail, and they shot him the other night through his window.

(Mr. Lapham objects.)

Q. This man McIntyre was at the polls that day when these threats were made?—A. Yes, sir.

Q. He was there, and has since been shot?—A. Yes, sir.

By Mr. LAPHAM:

Q. Was he killed?—A. No, sir; he was shot too far.

(Mr. Lapham objects to this line of examination as being incompetent.)

The WITNESS. They threatened to run every white man off the island and then run Mr. Drayton off, and me, and Mr. McIntyre; and we are the backbone of the whole island.

By the CHAIRMAN:

Q. Before these negro women set on you there, did any of these colored men interrupt you?—A. O, yes, sir; they shoved me about and knocked my hat off, and done everything to get me to resent it.

Q. Did you make any resistance?—A. No, sir; I called on this constable, William Reed, who shook his head, as much as to say he had nothing to do with it.

By Mr. LAPHAM:

Q. How long have you lived on the island?—A. I have been at Port Royal for five years; I farmed on Hilton Head six years.

Q. My question is, about how long have you lived on Hilton Head Island?—A. I suppose about six months.

Q. How long have you lived on any island?—A. I lived on Port Royal Island five years.

Q. Where did you live before that?—A. In this city, Charleston, a year and a half. I was born and raised in Anderson, in the upper part of the State.

Q. Did you ever own slaves?—A. Yes, sir.

Q. Down to what time?—A. I owned them up to the surrender.

Q. How many?—A. Sixty in fee-simple, and an interest in about five hundred.

Q. Were any of these persons living on the island ever slaves of yours?—A. No, sir; if there had been, there would not have been any fault found. I owned no slaves in the low country. My colored people are all in the up country.

Q. How did they know you had been a slaveholder?—A. I cannot tell you. I suppose they all knew it from hearing what others said.

Q. Had you never talked to them about it?—A. Yes, sir; I probably have told them I was slaveholder.

Q. Don't you know you have talked to these people on the island?—A. Some of them I had.

Q. Your residence is at Port Royal?—A. Yes, sir.

Q. That would have been your natural voting-place, would it not?—A. No, sir; I had a farm on Hilton Head this last year—last November a year ago.

Q. How large a farm is it?—A. Fifty acres.

Q. Were any of these persons laborers of yours?—A. No, sir.

Q. Did you ever have any difficulty with them before election-day?—A. No, sir; not a word.

Q. Have you had any difficulty since?—A. No, sir; never since; they had all treated me very kindly.

Q. Have you had any of the persons assaulting you arrested?—A. No, sir; there is no use to arrest them.

Q. Why have you not had them arrested?—A. Because we have not got any law in our county.

Q. Have you any law in the State?—A. Not in this part of the State.

Q. The Ku-Klux were convicted here and punished, were they not?—A. Well, I believe they were.

Q. Under the United States law?—A. Under the United States law, so called.

Q. What is the name of the man who protected you?—A. Samuel Black.

Q. How long have you known him?—A. Between four and five years.

Q. What was the name of the woman?—A. Mrs. Nobles. I do not know what her given name is. She is the wife of a colored man there by the name of Nobles.

Q. You made a compromise there?—A. Yes, sir.

Q. That was that you should leave, and not come back there during the election. In that event they agreed to let you alone?—A. Yes, sir; that they would not kill me.

Q. They agreed to cease their violence, did they not?—A. The agreement was just this: if I agreed to go within ten minutes, they would not kill me.

Q. And you agreed to do it?—A. I did, most assuredly.

Q. How far had you got before you made the other proposition?—A. Which other proposition do you mean?

Q. You stated that you said something after you had gotten out of their reach about coming back at six o'clock?—A. That was on the steps before I started.

Q. It was after the arrangement was made?—A. No, sir; when they proposed the arrangement.

Q. What was it you said?—A. I told them I would like them to give me the privilege of giving three cheers for Hampton and Tilden, our next rulers, after six o'clock.

Q. What was your object in saying that?—A. I done it to show them that I was a Hampton and Tilden man.

Q. Did you not mean to exasperate them a little by that kind of talk?—A. No, sir, I did not.

Q. You knew that would be the effect of it?—A. No, sir, I didn't think so.

Q. You said that your proposition to them was to come back there after six o'clock and give three cheers for Tilden and Hampton?—A. No, sir, I didn't say that.

Q. What did you say?—A. I said that after six o'clock I would give three cheers over at Drayton's. It was three-quarters of a mile from the polls.

Q. Who was the person leading this crowd?—A. Of the female department, do you mean?

Q. Who was leading the colored men?—A. My acquaintances were not in the crowd.

Q. You cannot name any one then?—A. I cannot name the colored people. They were all strangers to me.

Q. You cannot name any one who occupied the position of leader or commander?—A. No, sir; there was one named Riley, and one named Campbell; but if you were ever in a sea-island crowd of colored people when they were excited—

Q. Do they raise sea-island cotton on this island?—A. Yes, sir.

Q. It is a cotton-island, is it?—A. It is a cotton-island.

Q. Is that what you are growing there?—A. No, sir; I never growed cotton since the war. I grow vegetables—potatoes, cabbage, &c.

Q. You have not grown cotton since you parted with your slaves?—A. No, sir.

By the CHAIRMAN:

Q. At the time that you stated you asked permission of these people to give three cheers for Hampton and Tilden, it was after they had used this violence on you, and when you were talking about leaving in ten minutes?—A. Yes, sir.

Q. You were asked why you did not have these people arrested for this violence; did you regard it as safe to undertake to have them arrested afterward?—A. Not at all, sir. I would not have attempted to have one of them arrested.

Mr. LAPHAM. I asked the witness the proper question, why he did not have them arrested; and now he gives as his answer that the laws could not be executed. Now, you ask him a leading question.

The CHAIRMAN. It is a new matter brought out by you. I can examine about that new matter, undoubtedly.

The WITNESS. I have not removed my things from there yet; my potatoes, and everything, are there.

Q. After the election, did you leave?—A. I did.

Q. For what reasons?—A. Because I was afraid of my life.

Q. What had been your relations with the colored people in that neighborhood previous to the election?—A. The most friendly you ever saw, sir. Was treated kindly by them, and treated them kindly. Never had a word.

Q. Never had any trouble with them?—A. Not a bit in the world. There was a hundred passed my farm every day going to their work, and many of them would stop and give me half an hour to an hour's work.

Q. Never had any trouble until this election-day?—A. No, sir.

Q. And it was entirely political?—A. Political altogether.



By Mr. LAPHAM :

- Q. You are a pretty strong partisan, are you not ?—A. I have never been until late.
- Q. I mean this year ?—A. I was, because it was the first time since the war that I took an interest in the elections.
- Q. You voted at what hour ?—A. I voted at about 35 minutes after six, about 10 minutes after I got to the polls.
- Q. What time did you leave there ?—A. I left there a few minutes after ten.
- Q. How long after 10 o'clock ?—A. About 10 minutes.
- Q. How many people were there at the time you left ?—A. About four hundred.
- Q. Sixty had voted, I think you said, after you had gotten there ?—A. Yes, sir.
- Q. Had they gone away ?—A. About twenty had gone away.
- Q. About four hundred, including the women, were there when you went away ?—A. Yes, sir ; there were fifty or sixty women, I suppose, there. There was quite a little town there of colored women.
- Q. How large an island is this ?—A. About twenty miles long and about four miles wide.
- Q. What is the population ?—A. I suppose there are about four thousand colored, of all ages and sizes, and about twenty-eight whites.
- Q. How many voting-precincts ?—A. One—Mitchellville. DeFoskie Island, at the mouth of the Savannah River, they vote there, too.
- Q. What is the population of that island ?—A. I think there is about two hundred and fifty to three hundred on that island.

By the CHAIRMAN :

- Q. Was there not another voting-precinct on that island ?—A. No, sir.
- Q. What is the nearest voting-precinct to Mitchellville ?—A. Paris Island.
- Q. How far off is that ?—A. It is about eleven miles to the polling-precinct there.
- Q. How far is Mitchellville from Hilton Head ?—A. It is about a mile. Hilton Head, you know—there is just a little tide-creek between this Mitchellville and Hilton Head—Scroggins, as it was called there. During the war Hilton Head was a big place. The only town of any consequence is Mitchellville now.
- Q. What information have you with regard to the voting population there ; what do you know of your own personal knowledge ?—A. Nothing but what I have heard ; that there is about four thousand negroes.
- Q. You have never examined the census ?—A. No, sir ; I never have ; I know the white people, because I know all the white people on the island.
- Q. You say you do not know a great many of these colored people on the island ?—A. Only on the Drayton place.
- Q. You have no personal knowledge yourself of the extent of the population of the island ?—A. No, sir ; only what reports says that there is about four thousand colored people on De Foskie.
- Q. Judge Lapham has asked you the question if you were not quite partisan at the last election ; please state what part you took in politics, and to what extent at the last election, just before the election ?—A. Before the election—the day of election—I didn't think I spoke to half a dozen negroes on the island ; just those I met going from my place down to the post-office, that I was well acquainted with. I asked them how they proposed to vote in the coming election.
- Q. Did you have any discussions or controversies about politics before the election ?—A. No, sir ; I told them we expected to get some good speakers and come down there and let them hear our side of the question, and a great many of them said, "It won't do to bring them down there ; that they only wanted to hear one side ; that they would not allow them to come there." So I went over and saw Mr. McIntyre and Mr. Drayton, and we found it would not do. There never was a speaker went on the island.
- Q. No speeches were made there ?—A. No, sir ; it would not have been safe for them to go there.
- Q. Then, when you say you were partisan in the late election, what do you mean by it ?—A. I mean to say I felt an interest in the election and voted. I hardly ever voted since the war. I don't think I voted but twice.

H. B. VAN NESS sworn and examined.

By the CHAIRMAN :

- Question. What is your age ?—Answer. I am going on thirty-seven.
- Q. Where do you reside ?—A. In Beaufort, Beaufort County, South Carolina.
- Q. How long have you resided there ?—A. About six years, sir.
- Q. Where did you reside before you went there ?—A. At Coosaw.
- Q. How long have you resided at Coosaw ?—A. I think about five years, sir.
- Q. Where did you reside before you went there ?—A. In New York.
- Q. The State or city of New York ?—A. I resided in Brooklyn, State of New York.

Q. Did you serve in either army during the war?—A. I did, sir; Second New York Cavalry, under General Kilpatrick.

Q. Where did you attend at the late election?—A. At Gray's Hill precinct.

Q. Were you there in any official capacity on that day; and, if so, state what it was.—A. I was one of the managers of the election there, sir.

Q. Do you remember about how many votes were cast there that day?—A. There was four hundred and seventy-two republican and nine democratic votes, sir.

Q. How many colored men of that number were at that election on that day?—A. They were all colored except two, sir.

Q. Do you know whether all those voters who voted at that precinct that day resided in that precinct?—A. No, sir; I do not know.

Q. Any persons from Beaufort vote there that you know?—A. Persons working in Beaufort voted there, sir.

Q. How many?—A. Well, sir, there is one or two that I know, sir; although they lived in the country, their place of work was in Beaufort.

Q. How far did they live from Beaufort?—A. About nine miles, sir.

Q. How far from Gray's Hill?—A. About two miles, sir.

Q. Gray's Hill, then, was probably their precinct?—A. Yes, sir; they went home to vote, I believe, sir.

Q. State what time you reached the polls on that morning, what you witnessed there during the day, and any facts connected with the conduct of that election.—A. I went to the polls about six o'clock; I believe it was just six when we arrived there, and we opened the polls at six, and they commenced voting, or went on voting up until about half past eight, I should think. They commenced a row there, and were cursing and going on, and threatening about democrats voting there, and we moved the box; that was about half past eight. Everything went on quietly up until about then, sir, and one of the managers took the box away and put it back again; and they commenced cursing us, saying that if I would come out I should not leave the house again, and I did not know what was the cause of it until I seen Mr. Porteous—John F. Porteous, who was the United States supervisor. They had Porteous, handling him pretty roughly, and one of the republican managers called my attention to Porteous. I did not see him, there was such a crowd around him, and I looked and I saw there was no chance for me to go out; that they made the same threats to me if I went out; they had their clubs raised over him.

Q. What did they threaten if you went out there?—A. They threatened that they would mash my brains out—kill me; that if I went out there they would knock my damn brains out. They used most every language they could in the way of profane language, and threatened that I should not leave the house. So I said if this was the way things were going on I should not go any further with the election. So they commenced voting again. These other two men who were managers, they started on with the voting again, and it quieted down some in regard to the row. I got Mr. Porteous inside, and then locked the door—barred the door.

Q. Was Mr. Porteous a white man or colored man?—A. He is a white man. He was the only white man who was there besides myself, sir. The voting went on, and the threats continued for an hour or so afterward; and they swore that no democrat should vote there; that it was a republican poll, and that no negro should vote the democrat ticket; if he did, they would beat his brains out and bury him in the sand. In fact, they took hold of one old negro there who they claimed had democrat tickets with him, and handled him pretty severely, and they tossed him down and commenced to jump on him; and some of them took his part and told them he was too old a man to use in that manner, although he voted the republican ticket.

Q. He did, after that, vote the republican ticket?—A. Yes, sir. He says, "Now, to show you that I am not a democrat, here is my ticket for any one to see; it is a republican ticket." He made one scratch, and it was Judd. He says, "I promised Judd that I would vote for him as clerk of the court, and I will do so," and he voted for Judd, who ran for clerk on the democratic ticket.

Q. Did you leave the building, or remain?—A. No, sir; I did not leave it until after the election. In fact, I could not leave it at the time. I would have left before if I could.

Mr. LAPHAM. The statement of the witness as to what he would have done, I object to.

The WITNESS. I went and asked one of the men to go to Beaufort for troops.

Q. State whether you were afraid to leave the building.—A. Yes, sir; I was afraid to go outside of the building. I believe any man is afraid of death. I thought it was getting rather severe there, and I did not know what might—

Mr. LAPHAM renews his objection.

Q. Why did you desire to go to Beaufort?—A. Because I did not think I was safe where I was, sir. I saw it was not safe for me to go, and I asked a negro to take my horse and go to Beaufort and have troops sent out, or some one, to help us; that it was not safe for us; that the threats were getting too great.

Q. Do you know whether he went or not?—A. No, sir; he sent word by another man who was going to Beaufort.

Q. You say you told a colored man to send word to Beaufort?—A. I told him to take my horse, and to go, or to send, to Beaufort for troops.

Q. And he reported he had sent by another man?—A. He said he had sent by another man, and when I got into Beaufort that night I learned the message had got there.

Q. Did any troops come out?—A. No, sir; there was only twenty-two soldiers in Beaufort.

Q. Do you know of any parties who came there to the polls that day to vote the democratic ticket that were prevented from voting?—A. There was two men that came there. The republican manager said that Mr. Hammond, a man from the Port Royal Railroad, and a Mr. Marburg had come up there, and they were afraid to vote, and had gone back.

Q. Did you see either of them there?—A. No, sir; I did not see them. One of the republican managers told me at the time the voting was going on.

Q. Did those colored men there at the polls crowd around the polls during the day?—A. Yes, sir; they crowded very much. At one time they crowded even the room the box was held in—the voting was done out—and we had to put them out.

Q. Was that when you moved the box back?—A. The box was moved back then, sir.

Q. Did they have any arms or weapons that you saw—sticks or clubs?—A. There was quite a display of clubs there at the time they had hold of Mr. Porteous, and also when they had hold of this old negro. I suppose you might call them weapons—call them clubs; they walk with them.

Q. Were there many of those sticks there?—A. Yes, sir; there was a number of them, sir.

Q. Did the managers make up the returns of that precinct there that evening?—A. They did, sir.

Q. And sign them?—A. Yes, sir.

Q. Have any parties applied to you since the election about making up any other returns; and if so, state when.—A. They have; last week Dr. Wilder came to me.

(Mr. Lapham objects, on the ground of immateriality.)

The CHAIRMAN. I want to see whether any returns were boxed up there last week and sent to Columbia.

Q. Who is Dr. Wilder?—A. Treasurer of Beaufort County; appointed the day before Governor Chamberlain's time, sir; before he was inaugurated.

Q. He is a white man, is he?—A. He is a white man, sir.

Q. A republican or democrat?—A. Republican, sir.

Q. Is he prominent in politics there; a leader in the party?—A. He is one of the head republicans of Hilton Head.

Q. When was it he brought to you a return?—A. Last week he brought to me a return to sign. He said that the blank had not been filled out properly.

Q. Was it a return he brought to you already prepared?—A. Yes, sir; all written out; not a printed form, but written on a business sheet.

Q. Did he present it to you to sign?—A. Yes, sir.

Q. Did you sign it?—A. No, sir; I did not. He wanted me make an affidavit also.

Q. Do you know whether the other two managers signed it?—A. He took it to the other two. I do not know whether they signed it or not.

Q. You do not know whether they signed it or not?—A. No, sir.

Q. You did not sign it?—A. I did not sign it, sir.

Q. You did not sign the affidavit either, did you?—A. No, sir.

Q. You do not know what became of that affidavit?—A. No, sir.

By Mr. LAPHAM:

Q. What did the doctor say was the defect in the return made?—A. He said it was not filled out properly, sir.

Q. Did he specify in what respect?—A. No, sir; he claimed that one blank was filled up correctly, but the others were not. He said there was a mistake.

Q. Did he state on what officer?—A. No, sir.

Q. He asked you to sign a corrected return, and to make an affidavit?—A. Yes, sir; to make an affidavit.

Q. And you declined to do either?—A. I declined to do either, sir.

Q. Can't you remember sufficiently well to state what the omission was; what the omission in the original return was; what blank it was that was not filled up?—A. No, sir; because I thought they were all filled up properly. All I know he said was, that they were not filled out properly.

Q. Did he not specify what blank it was that was not properly filled out?—A. No, sir; he did not specify.

Q. Who drew the returns that you made?—A. I drew them up; they were in blank form, and I filled them out, sir, with the aid of the other two managers.

Q. Who wrote them?—A. I wrote some of them, and some was written by one of the other managers, sir.

Q. Were they compared with the tally-list after they had been written out?—A. Yes, sir; they were then compared with the tally-list.

Q. Did you call off from the tally-list and write the returns?—A. We compared it with the tickets; afterward compared it with the tally-list.

Q. Did the managers all sign the returns?—A. They all signed, sir.

Q. Did any protest accompany the returns that you managers made?—A. No, sir, not that I know of; not to my knowledge.

Q. You made the usual certificate of the election at that poll, according to the printed forms?—A. I did, sir; I filled up the printed forms in the usual way.

Q. If there was any defect in it, if it did not comply with the law, it would be a mistake, would it not?—A. I do not see where there is any mistake.

Q. But if there is any, it is a mistake, is it not?—A. If there is any I made it, but I do not believe there is any mistake; if one was made out right they were all made out right. They were all copied from one another.

Q. There was no split ticket there, was there?—A. Yes, sir.

Q. Not on the electors?—A. Not to my knowledge; I do not know, sir. There was a number of split tickets.

Q. Had you ever officiated at this poll before?—A. Never, sir.

Q. How long do you say you have been in this State?—A. I have been in this State nearly eleven years.

Q. Have you always voted the democratic ticket?—A. No, sir; I have always voted the republican ticket.

Q. Until when?—A. Until this last election, sir.

Q. They used to call you a carpet-bagger, did they not?—A. No, sir; I have never been charged with being a carpet-bagger.

Q. The democrats never called you as such?—A. No, sir; I have never been charged with being a carpet-bagger.

Q. They only make that against officers, I believe?—A. I presume that is the best right they have against those that come here for office.

Q. Did these people know you had always been a republican; the people who were at this poll that day?—A. No, sir; they never knew anything of the kind. I have never been much of a politician, either one way or the other.

Q. Where had you voted heretofore?—A. Different places—in Beaufort, Gray's Hill, and Chisolm's Landing.

Q. How far is Gray's Hill from Beaufort?—A. About seven miles.

Q. You went to act as manager, then, in a precinct where you did not vote; you lived in Beaufort?—A. I live in Beaufort; yes, sir.

Q. You were a stranger at this precinct then; did the voters there know that you had been a republican?—A. No, sir; they did not know that I had been a republican, nor they did not know that I was a democrat until this last election.

Q. You were a stranger to them up to that time?—A. In regard to politics I may have been, sir. I do not know whether I was or not.

Q. What is your occupation?—A. A carpenter, sir.

Q. Had you ever acted as a manager before?—A. Never, sir.

Q. Can you state why it was that you were selected as a manager to go up to this precinct when you lived in Beaufort?—A. Yes, sir; there is so few democrats in our county that they had to take them wherever they could get them that would serve from home.

Q. Were not there any democrats up in this precinct where you served?—A. At Gray's Hill, do you mean?

Q. Yes.—A. There is but nine voters there.

Q. Were there no democrats up at Gray's Hill to act as managers?—A. No, sir; not that I know of. There is only nine white men, and two of those were working in Beaufort. They went home to vote.

Q. Gray's Hill is a republican precinct. The voters there are republican?—A. I never voted there. I have never known the democratic ticket to be voted since I have been in this State; so I cannot tell you that. I have never known but one ticket ever since I have been here.

Q. Why were you selected to go up there from Beaufort to Gray's Hill as a democratic manager?—A. Well, as I told you before, there was so few men in Beaufort that would serve.

Q. Why did they not select some one from Gray's Hill?—A. There was no one that would serve there. They did appoint a man there, but he refused to serve. He said he could not leave his store, and I was sent up in his place.

Q. His business would not allow him to serve, you say?—A. He said he would not leave his store at all on election-day; he was afraid to leave his store.

Q. Did you hear him say it?—A. They told me this. That is my reason for being at Gray's Hill. He was appointed and he could not serve.

Q. How do you know he was appointed?—A. I only know it from the board of managers there.

Q. For some reason or other you were selected to go up there, were you not?—A. No, sir; I do not think there is any reason.

Q. You were selected without any reason?—A. I do not know that there was any reason, except to fill out the number of managers.

Q. Do you not know that Gray's Hill is a republican precinct; a place where the voters are all republicans?—A. I don't think anything about it. I know that the whole State has been republican ever since I have been here.

Q. I am now talking about Gray's Hill.—A. I do not know that Gray's Hill is any more republican than democratic, if they had a chance to vote the ticket.

By the CHAIRMAN:

Q. There was but one white man besides you and Mr. Porteous at that poll?—A. Yes, sir.

Q. You say it was stated to you, when you were requested to go up there, that some other party had been appointed to that place, and that he had declined for the reason you have given?—A. Yes, sir.

Q. And thereupon you were appointed to go there and take his place?—A. Yes, sir.

Q. And that is the reason you went up there?—A. Yes, sir. I was appointed to another precinct, and then was exchanged after this man could not serve. That was at Myrtle Bush.

By Mr. LAPHAM:

Q. Did you go armed?—A. No, sir. I did not go armed no more than I have always been in the habit of going when I went on that road.

Q. Did you go to that poll armed?—A. I went there with a revolver; but then, sir, I have never been on that road without a revolver in my pocket.

By the CHAIRMAN:

Q. Were you in the habit of carrying a pistol?—A. Always, sir.

Q. You did not take it that day especially, did you?—A. No, sir. I was attacked on that road once before, sir.

Q. You stated that you signed the managers' return without any protest. State whether you made any affidavit immediately after the election.—A. As quick as I came into Beaufort the next morning.

Q. Setting out the facts substantially as you have stated them here?—A. I did, sir. I went to the chairman of the democratic committee and told him how things had transpired, and made an affidavit to that effect before Mr. Lookwood, in Beaufort.

JOHN F. PORTEOUS sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. Fifty-one, sir.

Q. Where do you reside?—A. I reside in Beaufort.

Q. Where did you attend at the recent election?—A. At Gray's Hill precinct, where I was United States supervisor.

Q. What time in the day did you reach there?—A. About half past six in the morning.

Q. How long did you remain there?—A. Until between eleven and twelve at night.

Q. You remained until the votes were counted?—A. I remained until the votes were counted.

Q. How many white men were at that poll that day?—A. I and Mr. Van Ness were the only two.

Q. How many colored men were there that day?—A. Four hundred and seventy-six voted. There was a large crowd there.

Q. Do you know how many democratic votes were cast there that day?—A. There were nine democrat votes cast there; the balance were republican.

Q. Please state the manner in which that election was conducted; what occurred during the day on the part of the electors there, and all that you saw and heard.—A. Well, when we went out, sir, Mr. Van Ness, who was the democratic manager—I acted that day as neither a democrat nor republican. I acted that day simply as United States supervisor. Mr. Van Ness was the democrat manager; took out the tickets. I, without looking at the tickets, took the tickets and put them on the window, where the parties could see them, and said, "Here, men, are the tickets for you to vote." When they had commenced to vote for some time, I, not having anything to do, went out to the back door, and was speaking with some of them, when I was accosted very roughly by a negro, who asked me what I meant by bringing out the democratic votes. I said, "I have not brought out any votes here, but I have come out here with a man who did." They set upon me then, and when I got back in the house I saw they set upon a negro man, who was chairman of the precinct. I saw them hustling and maltreating him. They charged him with having done a dishonest thing.

He was a colored man, they said, who had deceived them in giving the democrats his support, because he was in favor of a man in Beaufort named Judd. They brandished sticks over him, and rolled him on the ground, and otherwise ill-treated him and hustled him very much. They then came into the room where the managers were, and filled the room where the box was kept. This was when the voting was done. The room was filled, and I was following out my instructions. They made such a noise, and were so violent in their denunciations of all democrats, that it was my necessity to call upon the head men to stop it. At the finishing of the counting of the votes, they all went out, and they staid there until between eleven and twelve o'clock at night, when we took the poll to Beaufort. That is a full account of that day's doing.

Q. Is that all you saw and heard that day?—A. I saw while I was out a Mr. Hammond, a white man, a section-master on the railroad there, who wanted to come up to the window. The window was surrounded by a crowd. I said, "If you wish to get up, I will try and go up with you." He said, "Mr. Porteous, I do not like the looks of those people, and I would not like to vote here."

Q. Did he vote?—A. He did not at that place.

Q. Did you see him after he left that day?—A. No, sir; not that day.

Q. Did he return to the polls afterward?—A. No, sir.

Q. What did they do to you before you went into this house?—A. They shoved against me, and one of them got hold of my leg, and attempted to throw me down, and, being a strong man, I prevented them. They tore out of my hands the instructions I attempted to read to them—my instructions of my duty as supervisor.

Q. You attempted to read it to them?—A. Yes, sir; and when I commenced a man seized it out my hands and ran away with it.

Q. Did you get it any more?—A. I did not; I did not see that man again.

Q. What did you do then?—A. I went up then to this chairman of the precinct and called upon him to prevent any maltreatment of a United States official of the place. I went up to him and told him I called upon him as a United States official to be protected in the discharge of my duty. I wished to get back into the house where I could carry them on. Some three or four old negroes there, who knew me well, managed to get me back to the house.

Q. When you got into the house did they leave the door open?—A. No, sir; the door was shut to immediately. In fact, I had to stand by the door some time before it was opened.

Q. Did you remain in there all day?—A. I staid in the house all day.

Q. Why did you remain in the house all day?—A. Because, sir, I knew it would be unsafe to go out.

Q. Did you hear that crowd that morning say anything after you got in the house? and, if so, state what you heard them say.—A. I went to the window and spoke to them again, and to assure them that I had done nothing that deserved anything like their suspicion. They then came to the window, and I had to shut it down, because they made such a noise, saying, "If you come out here, we will kill you."

Q. Did they crowd around the polls that day; and, if so, to what extent?—A. They crowded the window, where the poll was held, in such a way—well, as I told you, Mr. Hammond could not get up to it at the time he made the attempt.

Q. That is, this white man did not vote?—A. It was crowded so he could not get up. He was afraid to attempt it, and he went off without voting.

Q. Did you hear any threats there during the day against any colored men if they voted the democratic ticket?—A. I heard them say it was a republican poll, and that they would kill any negro men who wished to vote the democrat ticket. They did not say they would kill, but they said any negro man who voted the democrat ticket should be killed.

Q. Do you know of any colored men there who were prevented from voting the democratic ticket that day?—A. I knew of three men who told me they meant to vote the democratic ticket, who did not vote after they heard these expressions.

Q. Did you hear any threats, before the election, by colored voters, at Gray's Hill, against any colored persons if they should vote the democratic ticket?—A. The Saturday before the election I heard a man at Swamp Place—I am getting wood in the country, and going backward and forward—

(Mr. Lapham objects to the witness stating what was told him the Saturday before the election.)

Q. Was anybody present besides this person you were talking to?—A. Yes, sir; three boys and this man.

Q. Were they voters?—A. No, sir; the boys were not voters; the man was a voter, but the boys were too young to vote.

Q. Did you hear of any threats there at Beaufort before the election?—A. At Beaufort I heard a great many men say that they would break the head of any colored man who voted the democratic ticket.

(Mr. Lapham renews objection.)

Q. How long was that before the election?—A. We have had democratic meetings in Beaufort once a week all through the fall, and I heard on two or three occasions when we would come they said they would receive the colored men who joined the democratic party with jeers and threats, and I heard them then say that they would break the head of any colored man who dared to vote the democratic ticket.

Q. Those threats were made in a crowd?—A. Yes, sir.

Q. Were the colored men at the polls at Gray's Hill that day armed with guns, clubs, or sticks?—A. They were armed with clubs and sticks, but I saw no guns.

Q. Do you know whether the colored men in that neighborhood were generally armed or not?—A. All through that country the colored men are generally armed.

Q. When you had these club meetings did any colored men attend them?—A. There was some fifty or sixty members before the election—colored members

By Mr. LAPHAM :

Q. This is at Beaufort you are speaking of, is it?—A. Yes, sir.

By the CHAIRMAN :

Q. Were these threats you speak of by these colored men made as they would come from these meetings?—A. Yes, sir; on the outside, on the street, as they would come out.

Q. Were there any companies of armed colored men at Beaufort?—A. Yes, sir.

Q. How many?—A. I cannot tell you how many; I know that there was one. I cannot tell you how many; I know of one.

Q. Was that a military company?—A. It is a company of State militia.

Q. Did they continue their organization up to the election?—A. O, yes, sir; their organization is a regular thing; it is the national guard of the State.

Q. Did that company have parades there at Beaufort up to the time of the election?—A. I think they did; I did not see them parading.

Q. But you know there was a company?—A. I know that they are there. I have seen the notice for them to parade, but I have never seen them parading.

Q. Did you make any report after that Gray's Hill election of what transpired there?—A. Yes, sir; I made a report to Mr. Poyner, the chief supervisor of the State, of the facts that I have stated to you gentlemen.

By Mr. LAPHAM :

Q. Did you ever know of a rifle-club among the white men at Beaufort?—A. No, sir.

Q. There never has been one?—A. No, sir; never has been one.

Q. Do the white men have arms?—A. I suppose so, sir; I do not know how generally it is so.

Q. How do you know the colored men had arms?—A. Because I seen them.

Q. Have you not seen the white men have arms?—A. Here and there I have.

Q. Have you seen all the colored men have them?—A. No, sir; I know the colored men in the company; I know they have the guns which they are furnished with as soldiers.

Q. They are the militia; they do not all belong to the national guard, do they?—A. There are very few negroes in the town of Beaufort who are not members of some favorite association; and the white men generally have guns—have weapons; pistols or guns.

Q. Did you have one that day?—A. No, sir; I did not.

Q. Don't you own one?—A. I have a pistol and a gun both, but I had nothing but a stick with me that day.

Q. What kind of a gun have you?—A. A double-barreled sporting-gun.

Q. Beaufort is your voting-place, is it not?—A. Beaufort was my home, sir, before the war; I had a very good home there, sir.

Q. It is where you live now, is it not?—A. I am living there now. I have been spending the summer there.

Q. How far is Gray's Hill from Beaufort?—A. Some seven miles.

Q. Who appointed you a supervisor?—A. Judge Bryan, here in this town—United States district judge.

Q. Who selected you for the place?—A. I suppose our democratic club.

Q. What were your duties as supervisor?—A. My duties as supervisor was to see that the votes were properly counted; and to see that they were properly put into the box, and to make a return of them to the general supervisor; to place myself in some convenient position in regard to the box, so that I could see that everything was fairly done in the election.

Q. What was the first thing you did when you got there?—A. The first thing I did when I got there was to put the tickets upon the window, for the convenience of the men voting.

Q. Upon what window?—A. The window near the box in which the votes were put.

Q. What did you say as you did that?—A. I said, "Here are votes which you can choose."

- Q. Is that the language which you used?—A. That is the language I used.
- Q. Did you not state on your direct examination, "Here is the ticket you want to vote?"—A. I said, "Here are the tickets you can vote."
- Q. Did you not say, "Here are the tickets you want to vote?"—A. No; I did not say anything about "want to vote." If I said "want," I meant "can."
- Q. You placed the tickets there and said, "Here are the tickets you can vote?"—A. Yes, sir. I put the tickets there for their convenience.
- Q. How many?—A. I did not count them. There was a large bundle of them.
- Q. How many would you judge you put there?—A. I cannot judge at all; I suppose there was at least a hundred. There was a bundle of them.
- Q. There were not enough for all the electors, were there?—A. I presume not. I say there was about a hundred.
- Q. They were democratic votes?—A. I did not see whether they were democratic or not.
- Q. Do you mean to say you did not know that they were democratic votes?—A. Yes, sir; I mean to say I did not look at them to see what they were.
- Q. Did you not look to see if they were democratic votes?—A. No, sir; I did not. They were carried out by the democratic manager, and I therefore supposed, if I had supposed about it, that they were democratic votes; but I did not look at them, one way or the other.
- Q. From whom did you receive them?—A. From Mr. Van Ness, who was the democratic manager at that poll.
- Q. You and Van Ness were from Beaufort?—A. We were from Beaufort.
- Q. Do you know where he got the tickets?—A. No, sir; I do not.
- Q. Did you not do anything with those votes, except to lay them on the window there, and make the remark you have stated?—A. No, sir; I did not.
- Q. You did not retain any in your hand?—A. No, sir; I did not.
- Q. Did you talk with any of the men who were there about voting them?—A. No, sir; not one.
- Q. Did not endeavor to get any one to vote them?—A. Certainly not.
- Q. Were you not charged with a little deception in putting those votes there?—A. No, sir; I was not. I told you a man came up to me and charged me with having carried the votes out to deceive them.
- Q. That is what I say. That was the first thing they said to you?—A. I said that in my direct examination.
- Q. That was the first thing that was said to you, was it not?—A. No, sir.
- Q. Among the first?—A. No, sir.
- Q. It was before any violence was offered?—A. Yes, sir; before any violence was offered.
- Q. Do you know whether Hammond voted anywhere that day?—A. No, sir.
- Q. Where did he live?—A. He lives about five miles from that poll.
- Q. What was his voting-precinct?—A. That was his voting-precinct.
- Q. You knew there were only very few, if any, democratic voters at Gray's Hill, did you not?—A. I knew that there could not be many.
- Q. What time was it that Hammond was there?—A. Hammond was there, I think, about between ten and eleven o'clock in the morning.
- Q. How long did he stay?—A. I did not see him there for more than ten or fifteen minutes. How long he staid there I do not know.
- Q. I thought you said he went away?—A. I did not see him go away. I left him at the place. He told me he could not vote there.
- Q. You don't know how long he remained there?—A. I do not know how long he remained there; but I know he did not vote there.
- Q. You do not know but that he left at once?—A. I do not know whether he left at once or not; I left him standing there.
- Q. You did not see him afterward?—A. No, sir.
- Q. You did not see him try to vote?—A. No, sir.
- Q. It was only about ten o'clock you say?—A. Between ten and eleven.
- Q. And nearly all the voters of the district had arrived there at that time, had they not?—A. There was a large crowd at that time when he was there.
- Q. Three or four hundred?—A. About the window, sir, there was some thirty or forty.
- Q. The voting was going on rapidly?—A. Yes, sir; at that time.
- Q. There were three or four hundred persons present, were there not?—A. At least.
- Q. You were not hurt?—A. Not much. A few scratches on my hand were all that I received.
- Q. Did you vote there?—A. Yes, sir; I voted there.
- Q. At what time?—A. I voted there, I think, early in the morning.
- Q. Before you laid these ballots out, or after?—A. O, no; after I laid the ballots out I voted. I voted before the violence was done me.
- Q. You voted one of those tickets?—A. One of the tickets that I got from Van Ness, do you mean?



Q. One of the same hundred or so that you laid there on the window?—A. I told him I wanted a democratic ticket.

Q. And you took one of the same?—A. I do not know that it was the same. I took it from Mr. Van Ness.

Q. You took all of them from him, did you not?—A. I took the whole of them, and when I wanted to vote, I said, "Mr. Van Ness, give me a ticket, if you please."

Q. You took one additional from him?—A. I do not know whether I did or not.

Q. You cannot say whether you voted one of the same kind that Van Ness gave you to lay on the window or not?—A. No, sir. I know I voted the democratic ticket; that is all I know.

By the CHAIRMAN :

Q. You stated, in answer to a question that Judge Lapham put to you, that you did not see Hammond try to vote. That has reference to after you entered the house, has it not?—A. To be sure.

Q. Did you not state in your examination-in-chief that before you went into the house you saw Hammond attempt to vote?—A. Yes, sir; I did. I did not say I did not see him. I said, in answer to the question in my examination-in-chief, that I did not see him after I had gone to the house.

Q. Did you by that answer have reference to what occurred after you went into the house?—A. Yes, sir; of course.

Q. Did you, or did you not, see him attempt to vote before you went into the house?—A. I seen him there, and I offered to go up with him to the place of voting, and he said he was afraid to go.

Q. Were you not at that time trying to get up to the polls?—A. Yes, sir.

Q. I understood you to say that the crowd was so great you could not get up?—A. Yes, sir; the crowd was so violent.

Q. And after that you did not see him?—A. No, sir.

By Mr. LAPHAM :

Q. Did he make any effort to go up to the polls?—A. Do you mean when I was outside?

Q. At any time, did you see him make any effort to go up to the polls? I want a categorical answer to my question.—A. I said to him, "Mr. Hammond, if you wish to vote, there is the window;" and he said, "I won't vote; they are so violent, I am afraid to vote."

Q. Did you see him make any effort to go up to the polls?—A. No, sir, I did not.

By the CHAIRMAN :

Q. At the time he made that remark to you, did he move toward the polls?—A. He was standing, I think, about six feet from the window at the time. When I came around and saw him, I said, "Have you come to vote?" and he said, "I have come to vote, but I am afraid to vote; they are so violent."

By Mr. LAPHAM :

Q. At that precise point they were voting rapidly; thirty or forty voters around the window?—A. Yes, sir; they were going on voting.

The committee here adjourned to meet to-morrow, (Tuesday, December 26, 1876,) at 10 o'clock a. m.

CHARLESTON, S. C., December 26, 1876.

The committee met pursuant to adjournment.

LAZARUS LUDD (colored) sworn and examined.

By the CHAIRMAN :

Question. How old are you?—Answer. So far as I can judge, I think I is about twenty-seven—between twenty-seven and twenty-eight; along there somewhere.

Q. Where do you live?—A. On James's Island.

Q. In this county?—A. Yes, sir; right in Charleston County—right across here.

Q. How long have you lived there?—A. About eleven or twelve years.

Q. Where did you attend at the recent election?—A. At James's Island.

Q. At what voting place?—A. Dill's Bluff preeluct—right at the ferry there.

Q. That is the polling-place, is it?—A. Yes, sir.

Q. Did you vote there that day?—A. Yes, sir.

Q. What ticket did you vote?—A. The democratic ticket, sir.

Q. Do you know how many colored people were there at that poll that day?—A. I could not tell you how much was there at the time I was there.

Q. About how many were there while you were there?—A. About ten or twelve, as near as I could guess to it.

Q. How many white people were there when you were there?—A. Three, altogether, sir.

Q. What time did you vote in the morning?—A. Well, sir, I couldn't tell you to the exact hour, but I could guess. I think between ten and eleven o'clock, as near as I could guess.

Q. How long did you stay?—A. I didn't stay not longer than about five or six minutes, sir.

Q. Why did you go away so soon after voting?—A. Because I were afraid the people would try to injure me, sir.

Q. Who was it you were afraid would injure you?—A. The colored people, sir.

Q. Why were you afraid they would injure you?—A. Because they had threatened me once or twice already, sir.

Q. They had threatened you before that day?—A. Before the election, and at that very day, sir.

Q. What did they say?—A. They told me that if I votes the democrat ticket that I shau't enjoy myself nor the ticket any longer.

Q. Is that all they said? Did they say anything else?—A. They said more than that. They tell me that if I votes that ticket that they was going to beat me, sir.

Q. Where did they first make those threats?—A. The first they made those threats was about two miles from the place, sir.

Q. Were there any persons present when they made that statement?—A. Yes, sir.

Q. About how many colored people altogether when they made that threat?—A. About twenty-five, sir.

Q. Did they make any threats at the poll on the day of election? and if so, state what they said.—A. Yes, sir; just at the poll. As I went up they ask me what ticket I be going to vote. They brought the republican ticket before me, and I tell them that I didn't feel like voting that ticket; I was going to vote the democrats' ticket. They said if I votes that ticket they would beat me.

Q. How many were around when they said that?—A. About fifteen, sir. There was twelve at the poll, and I think I met two before I got to the poll, about two acres from the poll.

Q. Did you go up and vote the democratic ticket?—A. Yes, sir.

Q. What did they say?—A. After I done voting they say—there was some ahead of me who threatened to beat me, but I was on a horse and I galloped very fast past them. They ask me to stop awhile; that they want to speak to me; but I wouldn't stop. I was afraid they was going to make to injure me.

Q. Were any of them armed at that poll?—A. No, sir; I didn't see any with arms at all.

Q. Did you see any with sticks?—A. Yes, sir; one of them had a little stick—a little, dry, cotton stick—as if he was walking with it in his hand.

Q. Do you know of any colored men in your neighborhood who wanted to vote the democratic ticket who were prevented from voting it?—A. I didn't see myself.

Q. Did you see them examine or demand to look at the ballot of any voter before he went up to vote?—A. I seen them looking at the ballot-box very stroug, but it didn't make any impression.

Q. I mean the ticket. Did you see them take the ticket from anybody who went up to vote, to see what ticket they voted?—A. No, sir; I didn't see nobody.

Q. Do you know whether there was an armed company or club of colored men in that neighborhood?—A. Not at that time, sir.

By Mr. LAPHAM:

Q. How many white men live on the island?—A. As far as I can guess about twenty-five or thirty, I think, sir.

Q. Have they arms?—A. No, sir; not as I knows of.

Q. Neither guns nor pistols?—A. I never seen any, sir.

Q. Are they all democrats?—A. Yes, sir; all the white mens is democrats, sir.

Q. You saw no one have arms at the election?—A. No, sir; I did not see no one have arms at the election.

Q. How far is that island from here?—A. I suppose, sir, about two miles, across.

Q. What is the population of the island? How many people are there on it?—A. Well, I thinks it is about three miles.

Q. How many people live on it?—A. O, I could not tell that. It is a crowd; I haven't an idea; I could scarcely tell you; I thinks it is most over a thousand.

Q. Men, women, and children, you mean—all classes?—A. All classes I mean, sir.

Q. Do you know how many votes were cast at that poll?—A. No, sir; I couldn't tell you.

Q. Who did you first tell of this?—A. The first person I ever tell of this is Mr. Mitchell.

Q. When did you first tell him ?—A. I told him after election—I think two days after the election.

Q. Where does he live ?—A. He live on Edisto ; he keeps a law-office here in the city.

Q. How came you to come here as a witness ?—A. Mr. Mitchell tolled me about a gentlemen committee here, and ask me if I give witness about it—if I have anything serious to give it ; and I said yes, and I come.

Q. He requested you to come, did he ?—A. Yes, sir.

Q. When did he request you to come ?—A. It was Friday, sir.

Q. When did you come here ?—A. I come on Saturday, sir.

Q. Have you been in the city ever since ?—A. Yes, sir.

Q. Did he tell you what fee you would get ?—A. Yes, sir.

Q. What did he tell you ?—A. Three dollars, sir.

Q. Three dollars per day ?—A. Yes, sir.

Q. Have you been paid anything ?—A. No, sir.

Q. Where have you been stopping in the city ?—A. I have not stopped ; I goes at night and comes in the day.

Q. You go home every night ?—A. Yes, sir.

Q. Have you been back here every day ?—A. I come here Saturday, and I have been back here, but not to this house.

Q. No ; but you have been in the city ?—A. I have been back yesterday, sir, Monday.

By the CHAIRMAN :

Q. You reported here Saturday, did you ?—A. Yes, sir.

WM. ANDERSON (colored) sworn and examined.

By the CHAIRMAN :

Question. How old are you ?—Answer. Well, sir, I am now arrived at twenty-nine, as near as I can guess at it.

Q. Where do you live ?—A. I lives up Saint James Goose Creek, at the Eighteen-Mile house.

Q. Where did you vote on the day of the late election ?—A. I votes at Whaley's church.

Q. What ticket did you vote ?—A. I votes the republican ticket, sir.

Q. Did you vote the ticket of your own choice ?—A. No, sir.

Q. Why did you vote it then ?—A. Well, sir, the reason I didn't vote was because I didn't care to get hurt.

Q. Tell all the circumstances under which you gave that vote, why you gave it, what was said to you, and what led you to believe you would be hurt if you voted the other ticket.—A. Well, sir, I went there intending to vote the democrat ticket, according to my mind, and my feeling, and to my desires, on that day, and after going there to vote, and seeing that mens said that any man who vote any other ticket except the republican ticket that he would not go home alive, and I had some tickets in my pockets otherwise—

Q. What other tickets did you have in your pockets ?—A. Some of those tickets they call bogus democrat tickets. They had C. C. Bowen's name on it, and A. P. Ford, representative of this precinct, and they was not, of course, red like the republican tickets was ; and the mens that saw me with them in my hand they said, there is a man got some of the democrat tickets. One man points me out, and there was ten or fifteen threatened me, and I went off from the poll and burnt them up.

Q. What did they say to you about it ?—A. They said if I votes them I would not go home alive.

Q. And you went off and burned them ?—A. I walk off with another man. I knowed if I staid there I would get hurt, because I feel it from their actions. They followed me till they see I get out of reach of the poll, and in company with another man I walk off a distance from the poll and burnt the tickets, and after while I come back. I knowed they would take the tickets away from me and buru the tickets besides. So I went and vote the republican ticket and leave the polls.

Q. What was the conduct of these colored republicans at the polls there ; how did they behave themselves ?—A. Well, they behaves themselves very disagreeable to a man they thought was going to vote against their principles.

Q. What did they say and do ?—A. They said if any man vote the democrat ticket there that he would not go back home alive. And then again they said, any man that had tickets they would snatch them out of their hands and tear them up ; and so they just went around in a gang of 18, 20, and 30, and any one they found with democrat tickets they went right to him in crowds ; right to one man. I had no idea anybody would interfere with me voting just as I choosed to vote. I had always been voting the republican ticket up to the last two years.

Q. Who did you vote for two years ago?—A. I votes for Judge Green two years ago sir.

Q. And at the late election you intended to vote the democratic ticket?—A. Yes, sir.

Q. Did you hear any threats before the election against colored men who proposed to vote the democratic ticket?—A. I heard many a man threaten about any man they find voting the democrat ticket at the poll, what they intended to do.

Q. What did they say?—A. They said if they vote the democrat ticket they would not come home from the poll alive.

Q. Did they have any arms at that poll?—A. They didn't have them exactly right where I votes at, but they had arms off a piece from the poll, in the public road, about an acre from the church; the church sets back about an acre.

Q. How many guns did you see there?—A. I didn't exactly count to see how many was there; but I know there was over thirty-odd.

Q. Were they stacked up in the road?—A. Just setting off there; some have the men by them.

Q. Did they have any clubs or sticks?—A. Yes, sir; they had clubs in their hands—sticks in their hands.

Q. Do you know of any other colored men there that day who wanted to vote the democratic ticket and were interferred with or prevented from voting?—A. Yes, sir.

Q. How many?—A. I knowed about six or seven more that lived near me.

Q. Do you know how they did vote?—A. No, sir; I could not tell; two of them telled me—

Q. Did they tell you there on the ground or since?—A. They told me since that they voted the democrat ticket.

By Mr. LAPHAM:

Q. Who do you work for?—A. I have been working for the Charleston Mining Company.

Q. Do you work for them now?—A. I just stopped a little before the holidays, and according to the weather.

Q. How many men had that company at the time of the election?—A. Well, I couldn't tell; they works sometimes over one hundred and fifty men.

Q. How many about that time—election-time?—A. I could-not tell exactly how many was working on the fields; I was whitewashing for the mining company.

Q. Tell as near as you can.—A. I suppose there was some ninety-odd men working there, to the best of my judgment.

Q. Do you know of any of them being discharged soon after the election?—A. No, sir.

Q. Who did you get the bogus tickets from?—A. They was brought up by a young man by the name of Sancho Gant.

Q. Where does he live?—A. He lives on Saint James Goose Creek.

Q. He gave them to you, did he?—A. Yes, sir.

Q. Where?—A. He gave them to me near about Twelve-Mile polls.

Q. How far from the election?—A. About three miles.

Q. How many did he give you?—A. I had two hundred and fifty of them, sir.

Q. What do you call them bogus tickets for?—A. They didn't have any party name on them. They generally call them the bogus ticket, sir, because it was not the regular ticket.

Q. Did he call them bogus tickets?—A. Yes, sir.

Q. Why were they not regular tickets?—A. I couldn't tell exactly myself, sir.

Q. What did you get them for?—A. I get them to issue to all who vote the same ticket I was going to vote.

Q. That was the one you were going to vote?—A. Yes, sir.

Q. It had Bowen's name on it, you say?—A. Yes, sir.

Q. And the electors were Hayes and Wheeler?—A. Yes, sir; I believe it were.

Q. And Hampton for governor?—A. Yes, sir; that's right, sir.

Q. That was the ticket you were going to vote?—A. Yes, sir.

Q. The colored people knew that you brought those tickets there, did they not?—A. Yes, sir; they didn't know it till I showed it.

Q. That made them a little angry, didn't it, to see you there with those tickets?—A. Yes, sir.

Q. Did you distribute any of them?—A. I didn't issue any, sir.

Q. You could not get anybody to take them, could you?—A. No, sir; them that would took them was afraid, and I was afraid to hand them because when I pulled a roll out of my pocket I had to put it back and clean up from the poll.

Q. How long were you there before you went and burnt them?—A. I was not there ten minutes.

Q. They made short work of those bogus tickets, then?—A. Yes, sir.

Q. How long did you stay after you voted?—A. I staid there about two hours, sir.

Q. Did you peddle any of those regular ballots there that day—distribute any to other persons?—A. No, sir.

Q. What were you doing those two hours?—A. I was just there talking one to another, sir.

Q. Did the white men have arms there?—A. No, sir.

Q. You are sure of that?—A. Yes, sir; I didn't see any; there was not a great many of them there.

Q. You did not see any white men have arms?—A. No, sir.

Q. Were you in the church?—A. No, sir; I didn't go in the church, but I went to the door and could see into the church.

Q. Do you know whether they had pistols?—A. I couldn't tell whether they had them or not; if they had them I could not see them.

Q. Who was the white manager at that place?—A. I don't know exactly of the white managers. I know one was Charley Chors; Mr. Willie Hard, they was the only two I knowed there.

Q. How many white men were there?—A. I couldn't tell exactly, sir; I didn't take particular notice.

Q. Did you tell Chors or Hard how you wanted to vote?—A. No, sir; I didn't have any conversation with either one, sir.

Q. When did you come here to Charleston?—A. I came down this morning.

Q. Who told you to come?—A. Nobody didn't tell me to come, particular, sir. Some of the boys was telling me about it.

Q. What boys?—A. The young man who was down here told me about it last week.

Q. What young man?—A. His name is Daniel Moultrie.

Q. What did he tell you about coming here?—A. He tell me that the committees was down here taking the testimony of the election at Whaley's church, and he asked me if I didn't want to go down and give my testimony. I tell him I would go down if it was necessary.

Q. Did he state what pay you would get?—A. No, sir; he didn't say anything to me about any pay.

Q. Didn't anybody tell you before you came here?—A. No, sir.

Q. How did you come?—A. I came down on the train, sir.

Q. Who paid your fare?—A. I paid it myself.

Q. You have always been a republican?—A. Up to the last two years, sir.

Q. Were you ever a slave?—A. No, sir.

Q. Where did you live during the war?—A. I was bred and born in Morgan County, State of Georgia, sir.

Q. When did you come into this State?—A. I came down here about two years before the war ended, sir.

Q. Why did you come to this State?—A. Well, I was traveling about from one place to another, wherever I could get work to do, sir.

Q. And you came to this State for that purpose?—A. Yes, sir.

SAMUEL GREEN (colored) sworn and examined.

By the CHAIRMAN :

Question. What is your age?—Answer. I will be thirty-five years of age the first day of this June coming.

Q. Where do you live?—A. Up at the Eighteen-Mile House, sir.

Q. Where did you attend at the recent election?—A. At Mr. Whaley's, sir.

Q. At Whaley's church?—A. Yes, sir.

Q. Did you vote there that day?—A. Yes, sir.

Q. What ticket did you vote?—A. Well, I voted a republican ticket, sir.

Q. Was that the ticket of your choice; did you intend to vote it when you went there?—A. No, sir; that was not exactly my choice when I started from home.

Q. What ticket did you intend to vote when you started from home?—A. When I started from home, I started intentionally to vote the democratic ticket.

Q. Why did you not vote the democratic ticket when you got there?—A. The reason why I did not vote it was because I was afraid of the republicans after I got there.

Q. State what you heard in regard to the republican ticket after you got there.—A. Because I had the ticket in my hand and there was a man seen it, and I suppose he must have knowed it was a democrat ticket, and he asked me what I was going to do with it, and I told him I was going to vote it, and he went and spoke it among the mens there and so they got at me; so, consequently I had to get out of the way, and after I went off he took the ticket away from me, one man did, and when I come back and walked about there awhile, I seen Adam Ford who was walking around, and had some republican tickets in his hand, and he came up at the time and offered me a republican ticket, and I took it from him; it was a republican ticket. Well, I voted that.

Q. Who is Adam Ford?—A. He is a colored man, sir; he stays here in the city.

Q. Was he a candidate for any office?—A. Yes, sir.

Q. What was he running for?—A. He was running for representative, sir.

Q. These republicans that you say got at you, were they colored men?—A. Yes, sir; they was colored mens.

Q. What did they say to you about voting the democratic ticket?—A. Well, the man that first hailed me about the ticket, he went off and "spoke" it among the rest of the men, and I was standing there, and they said they wanted to know where was me, where was the man; and as soon as they made for me I made off; I did not let them get to me at all.

Q. Who took the ticket from you?—A. There was a man took the ticket from me, by the name of Jerry Aiken; he asked me to let him see the ticket, and I let him look at it, and he took it and tore it right up.

Q. What did he say?—A. He didn't say anything more after I gave him the ticket; he took it and tore it up, and he told me I had no business to vote any such ticket as that; I did not say anything; the party was so strong there, I would get abused or something of that kind.

Q. Did you hear them make any threat there against colored men if they voted the democratic ticket? And if so, state what you heard.—A. The republicans allowed that the democratic ticket should not pass there by no colored man.

Q. About how many colored men were there?—A. I never tell you rightly how many colored men was there, there was so many of them; I did not take particular notice how many.

Q. Did you see any arms?—A. O yes, sir; they had plenty of arms.

Q. What were they?—A. Guns, sir.

Q. Had they any clubs or sticks?—A. O, yes, sir; they had plenty of clubs and guns.

Q. Did you hear any threats against colored men who voted the democratic ticket before the election? If so, what did they say?—A. Well, I never heard them say particularly about what they would do before the election to any man who voted the democratic ticket; no more than what I heard them say that day, that no democratic ticket should pass there by a colored man.

Q. Do you know of any other colored men who were prevented from voting the democratic ticket, who was interfered with by these men?—A. No, sir; I do not know of any other colored man particularly, personally, excepting the colored name I called.

Q. Are the colored men in that neighborhood generally armed?—A. O, yes, sir; they have got guns.

Q. (By Mr. LAPHAM.) Were not the white men armed, too?—A. Yes, sir; all the white men that is about there; all that I see have got guns, sir.

Q. How long have you known of the white men having guns?—A. The white men have always guns, just common shot-guns, riding around, driving, &c.

Q. Ever since you knew them they have kept arms, have they?—A. Yes, sir.

Q. Have they a rifle-club there?—A. No, sir; not to my knowing.

Q. How long have the colored people had arms?—A. The colored people had arms ever since freedom up there; ever since I was about there.

Q. Have they been getting arms all the while, ever since you have been living there?—A. Yes, sir.

Q. That is, they have more than when you first went there?—A. Yes, sir.

Q. The colored men don't have pistols, do they?—A. No, sir; I did not see any of them have pistols.

Q. The white people have pistols, haven't they?—A. I never seen any of the white people have pistols. They might have them, but I never seen them.

Q. If the colored people carried pistols you would be likely to know it, would you not?—A. Well, sir, I do not know, because they is concealed arms.

Q. Who do you work for?—A. Well, I do not work for any one particularly, sir; I just gets a job anywhere I can get it.

Q. How came you to come here as a witness?—A. Well, I heard about this, sir, and I came down.

Q. Who did you hear it from?—A. I heard it from a gentleman who went from down here up there, Saturday.

Q. Who was he?—A. A man by the name of Isaac Grant.

By the CHAIRMAN:

Q. Is he a colored man?—A. Yes, sir; a colored man.

By Mr. LAPHAM:

Q. Did you hear what fees the witnesses were getting?—A. No, sir; he did not say anything about what they were getting.

Q. How did you come?—A. Well, I came on those terms, what he said. I considered I was a free man, and I would like to receive my rights as much so as anybody else.

Q. How did you come here—in what way?—A. I walked down, sir.

Q. When?—A. I came down here yesterday.

Q. How far did you come?—A. Well, it is eighteen miles. They call it Eighteen-Mile House. It must be eighteen miles, sir.

Q. Any one come with you?—A. No, sir; I comes by myself.

Q. You were not afraid to come out alone?—A. No, sir; I was not afraid.

Q. What ticket were you going to vote; I understood you to use this expression: That the republican ticket was not exactly your choice. You stated you voted the republican ticket; Mr. Phillips asked you if that was the ticket of your choice, and you said it was not exactly your choice.—A. No, sir; that was not exactly my intention; I was intended to vote the democratic ticket.

Q. You intended to vote a part of either ticket?—A. I was intended to vote the democratic ticket.

Q. Who did you get the ticket from that you showed to Aiken?—A. I got it from a young man by the name of Saicho Grant.

Q. Where does he live?—A. He lives up on Ten-Mile Hill.

Q. Is he a white or colored man?—A. A colored man.

Q. How far does he live from you?—A. I do not know exactly how far from me; but it is below me.

Q. When did you get it?—A. I got the ticket like I was going to vote to-morrow. I got it to-night.

Q. The day before the election?—A. Yes, sir.

Q. Who were you at work for at that time?—A. At that time I was working for Mr. Brinkle.

Q. What was his business?—A. He was digging up rocks out of the river—phosphate rock.

WILLIAM WRIGHT (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?—Answer. At Eighteen-Mile House.

Q. In this county?—A. Yes, sir.

Q. Where did you attend at the late election?—A. Whaley's, sir.

Q. How far did you live from Whaley's church?—A. Well, I suppose, about as near as I can judge—I think either four or five miles. I could not judge it any closer.

Q. Did you vote there that day?—A. Yes, sir; I vote there, sir.

Q. What ticket did you vote?—A. I vote the republican ticket, sir.

Q. Did you go there to vote the republican ticket?—A. I goes there to vote the democratic ticket on that day.

Q. Why did you not vote the democratic ticket?—A. Because I could not do it, sir, on that day.

Q. Why could you not do it?—A. The reason I could not do it on that day—after I got there, about eight o'clock in the morning, there was some two or three hundred men on the ground and the lot they had, and they said any man who vote the democrat ticket they would beat him, and I thought I would not like to get a beating on that day and I vote the republican ticket. That was my object in voting.

Q. Did the colored men have any arms there that day?—A. I did not see none of that, sir. The way I come I did not see any of them.

Q. You did not come that way?—A. No, sir.

Q. Did you see any clubs or sticks?—A. Every man had clubs.

By Mr. LAPHAM:

Q. The colored people are in the habit of carrying clubs or sticks when they walk, aren't they?—A. Some does, sir, and some don't.

Q. Don't they generally?—A. Some generally tote sticks.

Q. How is it with you; do you walk with one?—A. I do not walk with a stick no time, no matter where I goes.

Q. Who do you work for?—A. I work for the company, sir, this year.

Q. What company?—A. The Ravenel Company, sir.

Q. Who told you about coming here?—A. William Anderson.

Q. When?—A. He told me last week.

Q. Did he tell you what pay you would get?—A. No, sir; he did not tell me about that. He only told me that some committees in Charleston was a finding out about the election at Whaley's Church.

Q. Did you not learn from any one what fees witnesses got for coming here?—A. They never tell me anything. They first tell me about the committees.

Q. How did you come?—A. I come on the train this morning, sir.

Q. Who paid your fare?—A. I paid it myself coming down, sir.

Q. You do not expect any pay, do you?—A. No, sir.

Q. You are going to be disappointed.—A. Well, sir, I don't mind, sir, so I gets my rights, sir, so I can choose as I want hereafter. I do not want any fee. I am able to work for mine, sir.

Q. How old are you?—A. I am being, sir, in my twenty-eighth year.

Q. You have always voted the republican ticket?—A. Yes, sir; I voted the republican ticket on that day.

Q. Have you not always voted it?—A. I always voted with the republicans, sir.

Q. You did not feel very bad about voting it this time?—A. Well, sir, it did not come to my mind on that time to vote it. If a man goes against his mind he must feel bad.

Q. Did you really feel bad because you voted that day as you have said?—A. Of course I feel bad about voting the republican ticket.

Q. Who did you tell first?—A. William Anderson was one I told. I told Guss Johnson and I told several more of the boys that I was going to vote the democrat ticket.

Q. My question is, who did you tell about voting the republican ticket?—A. I did not tell nobody, because the whole party know I vote the republican ticket on that day.

Q. You have not talked about it, then, since the election?—A. I never had any more to say about it.

Q. What was the ticket you had? Who was it for, the first one?—A. I was going to vote that for Hampton.

Q. How was the rest of it? It was for Hampton, but was it for Bowen also?—A. Yes, sir; Bowen's name was on it, sir.

Q. It was what they called the "mixed ticket," was it not?—A. Yes, sir.

Q. That is, you were going to vote for the Hayes and Wheeler electors and for Hampton as governor. That is the ticket you were going to vote?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you know what electoral names were on the ticket, whether the Hayes and Wheeler or Tilden and Hendricks electors?—A. The ticket what I had, sir, had on Hayes and Wheeler, and Hampton for governor. We concluded we would try Mr. Hampton these two years for governor, sir, and we concluded to vote for him for governor.

Q. With respect to these clubs and sticks that you saw there that day, were you in the habit of seeing as many men carrying sticks on other occasions as you saw on the day of the election?—A. O, yes, sir; there was a lot more carrying sticks than they did carry before, because every man on the ground had a stick there that day.

The committee adjourned to meet to-morrow, (Wednesday, December 27, 1876,) at 10 o'clock a. m.

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CHARLESTON, S. C., December 27, 1876.

The committee met pursuant to adjournment.

MARION R. COOPER sworn and examined.

By the CHAIRMAN:—

Question. Where do you reside?—Answer. At Port Royal, Beaufort County, sir.

Q. How long have you resided there?—A. About five years, sir.

Q. What is your occupation?—A. My occupation at present, sir, is a lumber commission merchant, inspector of lumber. Besides that, I am clerk and treasurer of the town—clerk of council and treasurer.

Q. Where did you vote at the recent election?—A. Paris Island precinct, sir.

Q. What time did you reach that precinct, and how long did you remain?—A. I reached there in the morning a few moments before six—about ten minutes before six by my time. I was there all day, with the exception of about one hour.

Q. What time did those polls open and close?—A. The polls were opened about seven o'clock, sir; a few minutes after seven, and closed at four o'clock.

Q. How many votes were polled there that day?—A. One hundred and fifty-five, I believe it was, sir. I am not positive about that. I kept a tally of the vote, but I left it; I did not think to bring it.

Q. How many republican and how many democratic votes?—A. One hundred and forty-three republican and twelve democratic.

Q. How many colored and how many white voters were there that day?—A. All colored except six. There were six white votes.

Q. Please state how that poll was conducted there that day, and all that you saw and heard there in the matter of interfering with the rights of voters and the peace of the election.—A. When I arrived there in the morning there was no one present; nobody there except Capt. John J. Allen, who went with me as the United States supervisor of election. We arrived at the poll before any one else; and about twenty minutes after, one of the managers came with the ballot-box, and about half an hour later I suppose it was another came. That was about about half past six, and just before seven the other manager arrived with several other voters, and there was some discussion about where they should open the poll. Finally they decided to open it in a school-house, and it was opened in one corner of the school-house without any rail-



ing or anything around it. It was perfectly open to all, and the voting commenced. The democratic voters voted immediately after the opening of the poll, with the exception of myself and Captain Allen. The colored men voted right away. They said they wanted to vote before the crowd gathered. They were afraid of some difficulty; that is, those who wanted to vote the democratic ticket, as they had had frequent threats if they voted that ticket. They did not seem to object to a white man voting it, but there was considerable opposition to any colored man voting the democratic ticket. About ten o'clock the crowd began to get pretty loud and boisterous, and a few minutes after I left and went away from the polls; that was the only time I was absent. I was gone perhaps three-quarters of an hour. When I came back they told me that they had had a difficulty. The crowd was very much excited, and I saw a good many of them with clubs in their hands and flourishing them around, and they seemed to be very much excited, and I went to learn the cause. I learned that there had been a disturbance there. After that there was several colored men that came to the polls to vote the democratic ticket, and they had several of the leaders of the republican party with them, I suppose you might call them; they were men who took more interest in it than any others. They stood around the poll all the time, and examined every ticket. A colored man was brought up to see what kind of a ticket he was going to vote, and these colored voters that had democratic tickets had them taken from them. They were pulled off in the crowd and threats made against them that if they voted that ticket they would club them and beat them, and they had their clubs in their hands, and they were taken from them and torn up, and they were given republican tickets, and pulled back to the polls about in the same manner that they were taken away, and voted the republican ticket.

Q. Where was the United States supervisor all this time, and what effort, if any, did he make to prevent this interference?—A. He made some efforts early in the morning to quiet the crowd, but it seemed to have no effect. They did not seem to regard what he said as anything—paid no attention to him; in fact, became worse, if anything—more boisterous. He didn't do anything after that.

Q. What became of him?—A. He staid there. He was right by the ballot-box.

Q. Did he stay in the house?—A. Yes, sir; he staid in the house, took down every man's name that voted—kept a tally-list.

Q. Did any of the crowd through the house where the ballot was being taken?—A. Yes, sir. After 10 o'clock there was not less than 75 or 80 persons in the house. It was a room about 24 by 30.

Q. What were they doing and saying in there?—A. Well, sir, just jabbering around in the negro language, threatening and singing and hallooing and speaking and abusing the democratic candidates in every way—cursing and abusing certain men; taking a democratic ticket, and reading it over, finding Hagood's name, who was in the suppression of the Ellington riot; seeing his name affixed, and Butler's and Hampton's and others of the democratic candidates—using all kinds of language you could imagine and trying to prejudice the others against them, as I supposed.

Q. You speak of their threatening voters. Just state what threats you heard made there against colored men if they voted the democratic ticket.—A. They said that any colored man that voted the democratic ticket they would run him off the island; that he ought to be killed if he voted that ticket; stated that that was a republican poll; that no damn democrat had ever voted there before, and they had no business there now. That remark was frequently made.

Q. Did I understand you to state that they examined the tickets of voters as they came up, to see how they were going to vote?—A. Yes, sir. If they showed them peaceably, they examined them so; if not, they pulled their hands up and prised their fingers open and took the ticket out and looked at it, and if it was a democratic ticket they tore it up. There was at least a dozen, perhaps more, who were treated in the same way.

Q. Did you see them assault any person there that day?—A. No, sir; I did not.

Q. There was a disturbance during the time you were absent, but you did not see it?—A. No, sir; I did not see it. I did see two women pass a few blocks.

Q. Were there women there?—A. I suppose there was thirty.

Q. What were they doing?—A. They had a sort of a dinner. They were furnished a dinner by Congressman Smalls, and they had that up at the polls, and the women came out and had a sort of a jollification over it.

Q. You say Congressman Smalls furnished the dinner that day?—A. Yes, sir; I do not know it to be a fact, but I was told so by the man who cooked the provisions. The man was Grant who told me. I do not know his first name.

Q. State, in that connection, what the parties who were cooking and partaking of the dinner stated there at that time.

[Mr. Lapham objects to the declarations of third parties.]

A. They stated that that dinner was furnished for the republicans, and objected to any democrat eating any of it.

Q. What was the conduct of these negro women at the polls there that day; what

did they say and do?—A. They were abusing the democratic negroes. There was one woman there who claimed to be a democrat, and she had a quarrel with the other woman; she had this little fuss with one other woman. They joined in with the men whenever they made any opposition to a colored man voting the democratic ticket, in abusing him and threatening him.

Q. Were there any considerable number of these men armed with clubs there?—A. I saw about twenty with clubs, sir.

Q. Who were the managers of the election there?—A. A colored man by the name of Scott—Dick Scott and Benjamin J. Young, colored, both colored men, and a Mr. Snyder, a white democrat, who was rather a conservative man. He has always voted the republican ticket until this election, so he told me. He was appointed as a democratic manager there.

Q. Did you hear any threats preceding the election made by these colored people against any colored men if they voted the democratic ticket?—A. Not on the island; not around that precinct.

Q. Anywhere around there?—A. I heard them frequently over at Port Royal threatening democrats—threatening to kill them and run them off from the place.

By Mr. LAPHAM:

Q. How far is Port Royal from this precinct?—A. About six miles, sir.

Q. Is it in this precinct or some other precinct?—A. It is in another precinct.

Q. How came you to go there?—A. I went there in the interest of the democratic party.

Q. At whose request?—A. By no particular person's request—voluntarily. The United States supervisor of election asked me to go over, but I was going without his invitation.

Q. Did you stay until the canvass was completed?—A. You mean the canvass at that precinct?

Q. Yes.—A. Yes, sir.

Q. Did the managers all sign it?—A. All signed it, sir.

Q. Any protest made with it?—A. None that I know of, sir.

Q. Do you know the population of that island?—A. No, sir; I do not. I suppose about 450 to 500, perhaps more; I do not think it is less than 450, though. I have been told by one or two of the inhabitants that there is about 600 people there. I do not think that there are that many, because there are not many children on the island.

Q. They are mostly grown people?—A. Yes, sir.

Q. Do you know what the voting population, over 21 years of age, is on the island?—A. No, sir.

Q. The most of them are people over 21, aren't they?—A. Yes, sir.

Q. And most of them males?—A. No, sir; they are about equally divided. There are some children, but not very many; not as many as there are usually among that many people.

Q. Did you see the mixed ticket, as it is called?—A. I saw four or five different tickets.

Q. I ask you if you saw the mixed ticket; the Hayes and Wheeler electors, and the Hampton State ticket?—A. No, sir; I saw no such ticket there. There was none there to my knowledge.

Q. Please state the different kinds you did see.—A. There was no difference in the presidential electors at all; there was different county tickets mixed with county and State officers, and there was a straight republican ticket. I could not tell the whole ticket; it was a pretty long thing. The only difference was the probate judge, and there was also a democratic ticket; and there were two other county tickets with mixed names; all printed.

Q. Did you take any there?—A. Yes, sir.

Q. What?—A. The straight democratic ticket.

Q. How many?—A. I suppose about three hundred.

Q. Did you peddle out any?—A. I didn't give out any at all except to—I mean I did not peddle them out singly.

Q. What did you do with the tickets?—A. I gave them to four or five colored men.

Q. Give their names, please.—A. I gave some to John Bird; I gave some to Nelson Pixley and Morris Scott and Loudon Brian; those were all I gave any tickets to.

Q. Had they voted before you gave them these tickets?—A. They had not, sir; I gave them early in the morning.

Q. Did they vote among the first there in the morning?—A. They did, sir.

Q. You did not distribute any singly to electors?—A. No, sir.

Q. Where did you spend the time during the day?—A. Most of the time I spent near the ballot-boxes; sir; sitting down on one of the benches in the school-house.

Q. Did you keep any list?—A. No, sir; I did not keep any list.

Q. Did you see any ballot that was taken out of the hands of any colored man?—A. Yes, sir; I did;

Q. Give his name.—A. I do not know the name of the colored man who had this ballot taken out of his hand, this particular one; I know of several that were pulled away from the polls.

Q. I am inquiring in the case where you saw the ballot that was taken from the colored man.—A. I do not know the colored man's name that the ballot was taken from.

Q. Who took it from him?—A. One Sam Gilyard. He was one of the principals in taking it from him; there were several others.

Q. What time in the day was that?—A. That was about eleven o'clock.

Q. Where were you?—A. I was there, sir; in the house.

Q. Sitting down?—A. At the time I was standing up; I stood up in order to see what they were doing.

Q. Did you take the ballot in your hand?—A. I did not.

Q. What was done with it?—A. It was torn up and thrown on the floor.

Q. Did you pick up the fragments?—A. No, sir.

Q. You do not know the names that were on it?—A. No, sir.

Q. Did you see any other ballot that was taken from a colored man?—A. Yes, sir; I saw ballots taken from them frequently.

Q. That is not the question. Did you see a ballot taken from any other colored man?—A. Yes, sir; I saw some that were taken from them.

Q. Did you see the ballot taken from them?—A. After it was taken from them, do you mean?

Q. Yes.—A. Yes, sir.

Q. Name one.—A. I do not know who they were taken from. I do not remember the names just now, because I never expected to—

Q. Where did you see the ballot?—A. I saw one of the parties—Charles Grant—take it from a colored man, exhibit it and say, "Here is one of the damn democratic tickets."

Q. Did you take it in your hand?—A. Yes, sir; I asked him to let me see it, and he showed it to me.

Q. Who was the man you received it from?—A. Charles Grant.

Q. Do you testify that you saw him take it from a colored man?—A. I did not see him personally take it from him.

Q. You have mentioned one case where you saw a ballot as it was taken from a colored man, and have given the name of the individual. Now was there any other case where you saw a ballot taken away from a colored man?—A. No, sir; I did not examine it after it was taken from him.

Q. In no case?—A. No, sir.

Q. Were you armed?—A. Yes, sir; I had a pocket-pistol in my pocket.

Q. Did the gentleman who was with you have one?—A. No, sir.

Q. You know that he was not?—A. I know he was not—that is, the supervisor of the election—I know that he had no arm at all.

Q. Did you see any other white men with arms?—A. No, sir.

Q. Where did you take your pistol from?—A. I took it with me from Port Royal. I have had it for some time.

Q. Is there a rifle-club at Port Royal?—A. No, sir.

Q. Had you ever attended an election at this precinct before?—A. No, sir.

Q. You saw no injury committed upon any one there that day?—A. No, sir.

Q. What were the women quarreling about; was it at the dinner?—A. Yes, sir; just before dinner.

Q. Were they not objecting to that woman eating there?—A. What woman do you mean?

Q. You said there was a woman there who was a democrat?—A. Yes, sir; I said there was a democratic woman there, but I do not know that she applied to eat. They said that no damn democrat could eat, and she said she had plenty at home; and that is what led to the difficulty.

Q. Did they draw blood?—A. Not that I know of. I did not go near the difficulty. They tore their dresses up a little.

Q. Pull hair any?—A. They do not have any. I did not see any on their heads, and I do not think they had any.

Q. Their heads were not shaved, were they?—A. No, sir; they were tied up in handkerchiefs.

Q. How long have you lived at Port Royal?—A. About five years, sir.

Q. Where did you live before that?—A. In Barnwell County, sir.

Q. How long have you lived there?—A. About 21 or 22 years.

Q. How old are you?—A. I am about 27.

Q. You were born in Barnwell?—A. Yes, sir.

Q. Have you always been a democrat?—A. No, sir.

Q. When did you change?—A. Did not have much of a change to make, sir.

Q. You said that you had not always been a democrat?—A. I did, sir, and I do not claim to be a democrat now.

Q. You said you were.—A. No, sir; I did not; I never said that I was a democrat.

Q. Do you say that you are not?—A. No, sir; I do not say that I am not.

Q. What do you say; are you a democrat?—A. I voted the democratic ticket at the last election, sir—straight. I never done it before. I voted what we called the conservative ticket—republicans and democrats mixed. I voted at the last election before this for Gleaves and for Smalls, because I believed Smalls was the less of the two evils. I believe he claims to be a republican.

Q. Have you ever voted the republican ticket?—A. What republican ticket do you mean?

Q. Any republican ticket.—A. I have voted for the republicans; yes, sir.

Q. Have you ever voted the straight republican ticket?—A. No, sir; I have never voted the straight republican ticket. I never voted any ticket straight until this last one.

Q. When did you first vote?—A. It was in 1868 or 1870; 1870 I believe it was, sir.

Q. Who did you vote for?—A. I voted for Carpenter and Butler.

Q. Were they republicans or democrats?—A. Carpenter was a republican and Butler was a democrat.

Q. What were they running for?—A. Governor and lieutenant-governor of the State in 1870.

Q. Who was running against them?—A. Scott, I believe, sir, run against Carpenter for governor.

Q. Which was elected?—A. Scott, I believe, sir. They claim that he was elected. He served as governor.

Q. Where did you vote that year?—A. Graham precinct, Barnwell County, on the South Carolina Railroad.

Q. In what business is the population of this island engaged?—A. Well, sir, I think some of them are professional rogues, and some of them are fishermen. There are several along there that make it a business to steal old iron and traffic up to Savannah.

Q. Please give the names of those that you say steal.—A. I do not remember the names just now, sir.

Q. Name any one. You have sworn that a portion of them are professional rogues and steal.—A. I do not know the names of many of them. I know one, his name is Joshua Days. I committed him to jail twice for stealing.

Q. Name another.—A. That is about all I can give.

Q. You made the remark that some of them are professional stealers. Now, what is the business, so far as you know, of the people on that island?—A. I just commenced to answer that question. I told you that some of them were professional rogues. There are some that fish for a living, and some that pretend to farm for a living—that is, some of the women. The men never work much; they work sometimes over at Port Royal in discharging ships, to get a little money in that way. That is about all they do, sir—there is nothing else. I do not suppose they make fifty bushels of corn on the whole island.

Q. How many of them do you enumerate as being professional rogues?—A. I do not enumerate any particular number.

Q. You say some; that means more than one?—A. It does.

Q. How many do you say?—A. I do not know how many; I would not undertake to say. I can only express an opinion. I believe there is over half of them that steal for a living.

Q. Did you give the number of white people living there?—A. I do not remember whether I gave them or not.

Q. State how many white people live on the island?—A. I do not know sir. There are two white men that live there, three, I believe, that live there permanently; but as regards their families, I do not know how many they have in a family.

Q. Are there any mulattoes on the island?—A. I believe so, sir; I think there are a few mulattoes there; I am not positive about it.

Q. Do you know whether any of them were slaves in slavery times?—A. No, sir; none of them there that I know of.

Q. You do not know, then, whether they were or not?—A. Yes, sir; I know they were; they frequently told me so, as I now call to mind.

Q. Is there any one that you know who was a slave?—A. No, sir; never saw him while he was in slavery.

Q. You say you have lived five years at Port Royal?—A. Yes, sir; I have, sir.

Q. How often have you been on this island?—A. About six or eight times every year since I have been there, perhaps oftener, sir; I am not positive about that.

Q. You have never lived on it?—A. No, sir.

Q. Never transacted any business there?—A. Yes, sir.

Q. What?—A. Well, sir, I sold some wood and lumber, and went over there to collect my money from a white man by the name of Niver.

Q. Have you ever had any business with the colored population?—A. Some little, sir. I have sold them a little lumber.

Q. Have you had any difficulty with the laborers there on the island—any strike?—  
A. No, sir; they never have any labor on the island.

Q. Has there been any difficulty with the people on the island as to the question of labor?—A. No, sir; there is no labor there. There are no men there that employ labor.

Q. You say some of them are employed at Port Royal?—A. Yes, sir.

Q. Have they had no trouble there about labor?—A. They had a strike or two a year or two ago.

Q. I mean this year?—A. No, sir; not this year. You can get them at any price you want now.

Q. The poll was opened you say about seven o'clock in the morning?—A. Yes, sir; it was something after seven.

Q. And was closed at what time?—A. At four o'clock, sir, or about four.

Q. Any objection made to closing the polls?—A. None that I heard, sir.

Q. It was done by consent, so far as you know. The people had gotten through voting?—A. Yes, sir.

Q. There was nobody there waiting to vote?—A. No, sir; not that I know of.

By the CHAIRMAN:

Q. Do you know whether the supervisor of election there made a written affidavit with regard to the conduct of this election, or whether any one did?—A. I do, sir; I know that the supervisor made an affidavit and swore to it before me as notary public, and several others.

Q. With regard to the ballots that were taken from voters there, state whether you did not see ballots taken from parties going up to vote, and if so, what was said at the time?—A. I saw ballots frequently taken from voters, and at the time they were taken they were called "damn democratic tickets." They said that they should not vote any damn democratic ticket, that those parties who they took the ticket from should not vote any damn democratic ticket. The names of these parties I am not familiar with.

Q. Do you know whether there was any club organizations at Port Royal?—A. Not that I know of, sir. They have a longshoreman's union there. I do not think that is organized for political purposes, though.

Q. You say that you committed some person or persons there for stealing. Did you hold any office there?—A. Yes, sir.

Q. What was it?—A. At Port Royal I held the office of trial-justice.

Q. For what time?—A. I held it from 1873, I think it was, sir, I am not positive about the date; for about three years I held the office. I resigned about a year ago.

Q. State whether before you as trial-justice any of these parties were arraigned for theft, and if so, how many.—A. This man Joshua Days was arraigned before me for stealing a boat, and there were several others on the island. I cannot think of their names now.

Q. Is there any planting or agricultural pursuits carried on on this island?—A. Very little, sir.

Q. You say that is principally done by the women?—A. Yes, sir.

Q. What is the size of the island?—A. It is about three miles wide, and three and a half miles long.

Q. Since 1868 the trial-justices of this State have been appointed by the governor?—  
A. Yes, sir.

Q. Did you receive your appointment from the governor of the State?—A. Yes, sir.

By Mr. LAPHAM:

Q. How many persons are you willing to say you saw ballots taken from?—A. About twelve, sir.

Q. They all voted, didn't they?—A. Yes, sir.

By the CHAIRMAN:

Q. Did they vote the ballot then that these parties gave them?—A. With two exceptions; or rather they said they voted democratic tickets afterward. I do not know positive what ticket they voted.

Q. The others voted the tickets which were given them by these parties?—A. Yes, sir.

By Mr. LAPHAM:

Q. Do you know what ticket any one of them voted?—A. None but one. I saw one vote the democratic ticket afterward.

Q. And he is the only one you can tell that did vote?—A. Yes, sir.

By the CHAIRMAN:

Q. But you saw that these parties who took these ballots away from them handed them other ballots?—A. Yes, sir.

W. H. NIVER sworn and examined.

By the CHAIRMAN :

Question. Give your age, residence, and occupation.—Answer. I am twenty-nine years of age; planter by occupation; residence, Perry Island, Beaufort County, South Carolina.

Q. How long have you resided there?—A. About nine years, sir.

Q. Where did you attend at the late election?—A. Paris Island precinct.

Q. What time of day did you reach there, and how long did you remain?—A. I got there about half past six o'clock, I think, and staid there until about one or two o'clock—I could not say positively.

Q. What time were the polls opened there that morning?—A. About seven o'clock, to the best of my recollection.

Q. State what you saw and heard at the polls through the day, and whether there was any disturbance there or any interference with electors at the polls, and all that you saw and heard; what occurred from the time you got there until you left.—A. I got there about half past six o'clock. I went there and commenced talking with the managers of the board, and as fast as they came up—they told me before that they would vote the democratic ticket.

Q. Were they white or colored?—A. Colored. I approached them and spoke to them about voting, and in one particular instance I gave a ticket to a colored man, which was taken away from him and torn up. That was a democratic ticket.

Q. Who took it from him?—A. A young man by the name of Ned Bee.

Q. Was he a colored man?—A. Yes, sir; he was.

Q. Were there other colored voters around at the time; and if so, state what they were doing and saying?—A. They were standing around and making different expressions. I do not remember now what they did say, but it was that they should not vote the democratic ticket, and all those that did should be put out of doors. After they took this ticket away from this man I went and sat down, and then there was another man came in and he said, also, he was going to vote the democratic ticket, and I went to him and told him I would like to speak to him, and when he told me that, there was a mob gathered around me, took me and struck me on side of the head; then some colored friends I had there took a hold of me and said they would take care of me. They took me up and took me out of doors. I sat down, and I think in the course of five or ten minutes—I was sitting in the window then—this same colored man came up and struck me with a stick through the window. That was about eleven or twelve o'clock.

Q. Whereabouts did he strike you?—A. Around the head and shoulders.

Q. What sort of a stick was it?—A. Well, it was about three and a half feet long; it was about an inch and a half through, which gave me a headache all that day. I had not voted then yet.

Q. When he struck you what did he say?—A. I did not hear him say anything. There was such a row I could not hear what they did say, any of them. I had to wait some time before I could vote, and as soon as I did vote—between one and two o'clock—I went home.

Q. Why did you not vote sooner?—A. Because of the disturbance; I did not think it was safe; I did not feel in my mind that it was safe to vote.

Q. Did this crowd come in the house where the voting was?—A. Yes, sir; there is where they come for me. They grabbed me at the box first. I was about six feet from the box, sitting down, when I was first struck.

Q. How many were around you at the time you were first struck by this man?—A. I think there was 30 or 40.

Q. How many got hold of you?—A. That I could not tell; enough to take me by the body and throw me down if I had not jumped.

Q. Where did you jump?—A. I jumped up on the counter.

Q. What were they saying to you during that time?—A. They said that I was a democrat, and that the colored men should not be allowed to vote the democratic ticket; that they should not vote any ticket that I gave them, because I would not give them anything but a democratic ticket.

Q. Who was the supervisor of election there?—A. Allen, I think his name is.

Q. Where was he?—A. He was sitting down.

Q. Did he attempt in any way to intercede, to try to stop them?—A. No, sir; not that I saw.

Q. Did the managers of the election interfere or try to stop them?—A. Not that I saw.

Q. Was there any United States deputy marshal there?—A. Not that I know of; there was a colored man there, I do not know what he was. He seemed to be issuing out tickets. I think his name was John Proctor. He was issuing out republican tickets and telling them not to vote any other tickets but those that he gave them.

Q. Who is John Proctor?—A. I do not know him personally. I heard that his name

was John Proctor. He was from Beaufort, I think. He used to be in the News office at Beaufort. I understand that he is in a printing-office at Washington now.

Q. Did those colored men there have many clubs there that day? and if so, state how many.—A. Yes, sir; most of them had clubs. One or two guns, I think.

Q. Did you see them handling them or flourishing them around there that day?—A. Yes, sir.

Q. In what way were they doing it?—A. Shaking them around and threatening that if any one should disturb any of the republicans, that they would whip them. They went so far as to say that if the republicans gained the election we could not stay there, that we would have to leave.

Q. How many white men are there on that island?—A. There was four of us at that time.

Q. What is the principal occupation of the colored men on that island?—A. They all plant.

Q. Are not some of them engaged in fishing?—A. They do that too; they plant and fish both.

Q. Who carries on the planting principally, the men or the women?—A. They both work at it. The women, I think, do the most work, and then they fish a good deal.

Q. What is the proportion of the women to the men on that island?—A. I could not say.

Q. Are they about equally divided?—A. I think they are about equally divided; that is my judgment.

Q. What is the population of that island?—A. That I could not say exactly; I think about four hundred.

Q. Men, women, and children?—A. Yes, sir.

Q. Did you see these colored men there at the polls take tickets from parties; and, if so, state how it was done, and all about it.—A. They were jerked out of their hands, what I seen.

Q. What sort of tickets were they that were jerked out of their hands?—A. Democratic tickets.

Q. You have stated in your testimony that some of these colored men had mentioned to you before the election their purpose to vote the democratic ticket. How many did you hear before the election express a desire to vote the democratic ticket?

[Mr. LAPHAM objects to the question as being incompetent.]

A. I estimated before that that we should have about thirty.

By Mr. LAPHAM :

Q. How many did you get?—A. Twelve democratic votes—six colored.

Q. You had been making some effort to get the colored men to vote the democratic ticket?—A. Not in particular; no, sir.

Q. Before the election, I mean?—A. I mean before the election.

Q. Where did you get the tickets that you peddled on election-day?—A. I got those from Mr. Cooper, I think.

Q. How many?—A. I did not have but five or six myself.

Q. You did not have but five or six?—A. Yes, sir.

Q. Did you distribute all those?—A. No, sir.

Q. How many did you distribute?—A. I think it was four.

Q. Was the supervisor there also a democrat?—A. Yes, sir; I think he was.

Q. Was one of the managers a democrat?—A. One of them was; yes, sir.

Q. You say that when you were attacked there, grabbed, as you express it, some persons interfered to protect you; were they republicans?—A. Yes, sir.

Q. They did protect you, didn't they, at that time?—A. I did not think so when I got the knock over my head.

Q. That was afterward; but for the moment they protected you, did they not? Their interference prevented any further violence at that time, or were you struck at that time?—A. They had struck me then.

Q. The blow was at that time?—A. Yes, sir.

Q. It was all one occurrence, then?—A. No, sir; I was struck with their fists first.

Q. Which was the time when the republicans interfered to protect you?—A. After I was struck with the club.

Q. What time was that?—A. I should think about eleven o'clock—eleven or twelve o'clock.

Q. What led to the difficulty? Who did you have any words with?—A. I did not have any words with any one.

Q. Who first came in collision with you?—A. I went up to speak with this man—told him I wanted to speak with him.

Q. Who was he?—A. A man by the name of Moses Nelson, or Nelson Moses. I told him I wanted to speak with him.

Q. And then they gathered about you as you have stated?—A. They knocked me and grabbed me about the same time, and took me off my feet.

Q. Do you know who it was that struck you?—A. Yes, sir; a young man by the name of John Bull, as they called him. His name is John Burness.

Q. Have you made a complaint against him?—A. No, sir.

Q. Had him arrested?—A. No, sir.

Q. Never instituted any proceedings against him?—A. No, sir.

Q. Had you ever had any difficulty with him before?—A. No, sir.

Q. How long have you known him?—A. I have known him for about nine years.

Q. How near to you does he live?—A. About a mile and a half, I should think.

Q. Have you seen him since the election?—A. O, yes, sir.

Q. And talked with him?—A. Yes, sir.

Q. Pleasantly?—A. Yes, sir.

Q. How many times?—A. I forget now; once or twice.

Q. Talked with him about what occurred on election-day?—A. I do not recollect that I have.

Q. You didn't say anything about it?—A. Not to my recollection; no, sir.

Q. Did you have any arms that day?—A. Any fire-arms, do you mean?

Q. Yes.—A. I always keep them.

Q. I asked you if you had any on the day of the election?—A. No, sir; not with me.

Q. I thought you always kept them?—A. I do at my store. It is but a short distance from where the polls are to my store. I had them at the store.

Q. Are you certain that you did not carry any on that day?—A. I am certain I did not.

Q. How far is your store from the polls?—A. About one-eighth of a mile.

Q. What arms do you keep?—A. A double-barreled gun.

Q. Have not you a revolver?—A. There is one there, but it is not mine.

Q. But you have the custody of it?—A. Yes, sir.

Q. How long have you had a double-barreled gun and a revolver?—A. Ever since I came South.

Q. When did you come South?—A. About nine years ago.

Q. Where from?—A. New York, Columbia County.

Q. Did you see any of the ballots, that you say were taken from persons, after?—A. No more than the one they took that I give.

Q. Only in that one instance?—A. Yes, sir.

Q. All the persons voted, didn't they? You do not know of any one who did not, do you?—A. I do not know whether they all voted or not.

Q. You cannot name any one who did not vote, can you, who came there to vote?—A. No, sir.

Q. Do you know, of your own knowledge, what ticket any of them voted?—A. No more than myself; no.

By the CHAIRMAN:

Q. Do you know of any parties who did not go there to vote?—A. Yes, sir; I know one particularly.

Q. Do you know why he did not go to that poll?—A. I think it was on account of sickness. His wife was sick.

Q. These arms that you speak of having at your store, you kept them there as a guard, I suppose, to protect your store?—A. Yes, sir.

Q. You were asked if you had this man who struck you, or any of them, arrested? State why you did not have them arrested.—A. Because I would not have got no justice, I thought.

Q. Why didn't you think you would get justice?—A. I could not get justice in South Carolina; not down there.

Q. You did not have them arrested because you thought that under the existing state of affairs there there would be no justice done you?—A. Yes, sir. I never voted the democratic ticket before this season. I have always voted the straight republican ticket until this season. I could not stand it any longer.

[Mr. LAPHAM objects to the last answer of the witness as being voluntary and not called for by the question.]

Q. You have always, you say, voted the republican ticket heretofore until this year?—A. I have; yes, sir.

Q. You determined to change and vote the democratic ticket?—A. Yes, sir; under the present state of affairs.

Q. You were raised in New York?—A. I was born and raised in New York.

Q. You came from there here about nine years ago?—A. Yes, sir.

Q. What is your age?—A. I am twenty-nine years old.

Q. Did you see any women there at the polls on the day of the election; and, if so, state about how many.—A. I did. I think there was about fifteen or twenty.

Q. What were they doing there?—A. They were pulling and hallooing and throwing democrats out of the house.

Q. Was that the house where they voted?—A. Yes, sir.



BALAAAM BERNARD (colored) sworn and examined.

By Mr. LAPHAM :

Question. Where do you reside?—Answer. Right to Richmond, sir. It's about five miles from Strawberry poll.

Q. How long have you lived there?—A. It's two years now, sir, since I comed down from Combahee, Beaufort County. I have come down now two years ago.

Q. Where did you vote at the last election?—A. Strawberry, sir. I vote the republican ticket.

Q. Do you remember the first republican meeting held at Strawberry?—A. Yes, sir.

Q. About what time was it?—A. I couldn't remember the date now, sir, but it commenced at ten o'clock.

Q. Can you remember what month it was?—A. No, sir; I couldn't remember.

Q. It was the first republican meeting held this year?—A. Yes, sir.

Q. Who was there to speak as republicans?—A. Mr. Sass and Mr. Bowen, and another man—I forget the man's name, but one Mr. Elliott, I think.

Q. You say the meeting began at ten o'clock?—A. At ten o'clock, sir.

Q. Did the democrats come there any time during that meeting?—A. Yes, sir.

Q. About what time?—A. Some went there in the morning before we got there. There be a large party there before we got there.

Q. How did they come?—A. Ride horses, sir; come in soldier style.

Q. How many?—A. One hundred cavalry.

Q. Were they armed?—A. Yes, sir.

Q. What arms did they have?—A. Had these seven-shooters, loading in the breech.

Q. Breech-loading rifles?—A. Yes, sir; breech-loading rifles. Every one had that.

Q. What did they do when they came there; where did they place themselves?—A. They places themselves right in front of the stand what we had to stand on, and every one laid their arms across their horse.

Q. Did they keep on their horses?—A. Yes, sir; they keeps on; never come off at all.

Q. Who was there on behalf of the democrats?—A. I don't know the man. The captain that salute the company I don't know. He come from a place they call Hell Hole; the cavalry come from there.

Q. They placed themselves around the stand, as you have stated; where were the colored men?—A. On the right of the stand. All the republican party was on the right of the stand.

Q. How many of them were there?—A. We had about four hundred, I think, sir, republicans.

Q. Were there any democrats except the cavalry?—A. O, yes, sir, plenty. There was about two hundred of them, colored democrats.

Q. Were these cavalry all white men?—A. Every bit white mans, sir.

Q. What did the democrats claim—what did they say they were there for?—A. They said they wanted to run the nigger a race to vote at the poll. They said they had the poll they made the speech on.

Q. Did they take part in the meeting?—A. Yes, sir; they take a part of the meeting. We give them a part, and Mr. Jervoy, the first man, had something to say.

Q. Was he a democrat?—A. A democrat, sir.

Q. He spoke first for the democrats, did he?—A. Yes, sir.

Q. Who else spoke after him?—A. After Mr. Jervoy, Mr. Rhett.

Q. Any one else?—A. And after Mr. Rhett then Mr. Barker.

Q. Where was he from?—A. He spoke from Charleston here, sir.

Q. No one else spoke on the part of the democrats?—A. They was the only mens I saw.

Q. Who spoke on the part of the republicans?—A. Sass and Bowen and one man more, three of them; but I couldn't call the man's name now. He stays here in town.

Q. There were three republican speakers?—A. Yes, sir.

Q. How long did the meeting last?—A. The meeting last from ten o'clock till four o'clock in the evening, before they break up.

Q. Where did this cavalry stay during that time?—A. They stay there too, sir. They be there all the time.

Q. Having their guns there?—A. Yes, sir; all the time.

Q. Did you see any other arms except the breech-loading rifles you have mentioned?—A. No, sir.

Q. How was it with the republicans; had they arms?—A. The first time the republicans didn't carry no arms at all.

Q. They didn't carry any on that day?—A. No, sir.

Q. You spoke of some colored men who were democrats; did they have any arms, and, if so, what kind of arms?—A. Muskets, sir.

Q. Did you see any republicans have arms that day?—A. No, sir; none had no arms there at that time.

Q. I understand you that this was called as a republican meeting; notice was given for a republican meeting?—A. Yes, sir.

Q. And it was the first one held this year?—A. Yes, sir; the first one.

Q. Were you at the polls on election-day at Strawberry?—A. Yes, sir.

Q. What time did you go there?—A. At ten o'clock, sir.

Q. How long did you stay?—A. I staid till four o'clock in the evening, sir. I been there till night, till they done calling the vote by candle-light, till they done counting the vote in the house there before I gone home. I didn't get home that night; I sleep up at a neighbor's that night.

Q. You staid until they got through counting?—A. Yes, sir.

Q. Had you ever voted there before?—A. This was the first year, sir. This was the first vote at Strawberry.

Q. When you got there at ten o'clock in the morning, how many people were there?—

A. About two hundred, I 'speat, sir; white and colored.

Q. How many white and how many colored?—A. I 'speat about fifty white, as far as I could reach, sir.

Q. And the rest were colored?—A. Yes, sir.

Q. Did either of them have arms?—A. Yes, sir.

Q. State what there was about that; where the arms were, and how many each had.—A. The republican party was 200, and they had arms; but they never carry their arms up to the poll.

Q. Where had they their arms?—A. About 500 yards from the polls, and they left some mans there to take care of them until we went up and vote and come back.

Q. Where did they leave them?—A. At the corner of Strawberry road. There is a turn before you gets up to the poll.

Q. Where did the white men have their arms?—A. Right up to the poll, sir.

Q. Carrying them?—A. Yes, sir.

Q. What kind of arms were they?—A. Some had muskets, and some had double-barreled, and some had seven-shooters.

Q. Seven-shooting guns or pistols?—A. No, sir; guns—breech-loaders.

Q. Was there any kind of disturbance there that day?—A. No, sir; no fuss there at all, sir.

Q. Did you see anybody come there to vote that didn't vote?—A. O, no, sir. They said four boys was demanded to vote, but they said they didn't come of age, and they didn't let them vote.

Q. The arms the republicans had, where 'did they remain through the day?—A. Right in the same place; at the corner of the road the whole day, till we adjourned.

Q. Do you remember how many votes each party got there?—A. Well, no sir; I didn't remember it, sir.

Q. Don't you remember anything about it; and don't you remember how many democratic votes were given there?—A. I think they said the democrats had 130 or 140 of them, sir.

Q. And how many did the republicans have?—A. I think they said the republicans had 250, as far as I could come at it, sir.

Q. Do you remember the names of the managers?—A. No, sir; I couldn't remember the names. The only man I could know, Mr. Sass; he was the only man I could recollect, and none else.

Q. How old are you?—A. I couldn't tell exactly; but it is somewhere between 50 and 40. I thinks it about that, sir.

Q. Did you attend any other meeting except this one at Strawberry before this election?—A. I 'tend two meetings before the election.

Q. After the one you have mentioned?—A. Yes, sir. I 'tend two meetings before I vote.

Q. You have mentioned one; you were at another meeting, were you?—A. Yes, sir.

Q. How long after the first one?—A. It was not long before they call again. The democrats call that meeting, though.

Q. How long was it after the republican meeting?—A. About one month, sir.

Q. Where was that held?—A. Right at Strawberry, too, sir.

Q. That was a democratic meeting?—A. Yes, sir; the democrat people call that meeting.

Q. How many were there then?—A. A large quantity.

Q. How did they come?—A. Go in carts and ride horseback.

Q. About how many colored men in all were at that meeting?—A. I 's'pose about 300, I think, sir, altogether.

Q. How many white men?—A. Two hundred and some odd.

Q. How did they white men come?—A. The white men ride horseback and buggy, sir.

Q. Were there any republicans there except you?—A. O, yes, sir; a good deal of republicans; all mixed, no, sir.

Q. How was it about arms that day?—A. They didn't have no arms that time.

Q. Neither party?—A. No, sir; neither party. It ain't but twice they had arms at the polls—at the voting and at the first meeting.

Q. But at this democratic meeting there were no arms brought there?—A. The republicans didn't have none; no, sir.

Q. Was the democratic meeting interrupted in any way?—A. None at all, sir.

Q. Did any republicans speak?—A. Yes, sir; all speak.

Q. Who spoke that time?—A. Mr. Sass and these gentlemen. I can't call their names unless I had them on a piece of paper. I couldn't tell you.

Q. How many spoke on each side?—A. Three of them, sir.

Q. Do you remember who spoke for the democrats?—A. The same three men.

Q. The same three who spoke at the first meeting?—A. Yes, sir; the same three at the first meeting; the same three men speak again.

Q. Was there any disturbance there that day?—A. No, sir; not a bit.

Q. The day of this first meeting, the republican meeting, when the democratic cavalry came there, did you hear them make any threats?—A. No, sir; they didn't make no fuss.

Q. Did you hear them say anything about colored people?—A. No, sir; they didn't say anything at all.

By the CHAIRMAN :

Q. You say you came from Beaufort County?—A. Yes, sir.

Q. Whereabouts in Beaufort County did you come to Charleston County?—A. Down near the Cambahoe; the river county.

Q. How long have you lived in Beaufort County?—A. Bred and born there; raised there from a boy.

Q. How come you to come to Charleston County?—A. I come up here with a white man by the name of William Haskell. He be planting down on Cambahoe, and he fetched me up with him to live.

Q. Did you belong to any club in the last canvass?—A. No, sir.

Q. Was there not a club organization in your neighborhood; a club company?—A. O, yes, sir; there was a club there. I's always belonged to the same party.

Q. You belonged to it, did you not?—A. Yes, sir; I belonged to that same party.

Q. Where does that club hold its meetings?—A. Whitehall Station.

Q. Where did you meet?—A. We met there, too. I have forgot the name of the place.

Q. Did you have a room there to meet in?—A. Yes, sir.

Q. How often did you meet?—A. Meet there twice in every month.

Q. Meet at night?—A. Yes, sir; meet at night.

Q. Who was the head of that club?—A. Where we met at the—I have forgot that man's name; Major Sharp. He is in Walterborough now, sir.

Q. Is he a colored man or a white man?—A. A white man. He were been in the army with us.

Q. What time did you join the club?—A. In 1862, I think, sir. We had that meeting down at Cambahoe when we commenced, and we commenced at seven o'clock.

Q. When did you join this club up at Strawberry, where you live?—A. O, we started at seven o'clock, I believe, sir.

Q. Did you join it this last fall or summer?—A. Yes, sir; right this same summer gone.

Q. Who swore you in as a member of the club?—A. No one ever swore me in. I never be teach'd by no one.

Q. Was that the club of which Sharp was the head?—A. O, that wa the democratic party; that club.

Q. Did you belong to the democratic club?—A. O, no, sir.

Q. Did you yourself belong to a club up there at Strawberry?—A. No, sir; I didn't belong to them.

Q. Did you belong to any club up there?—A. No, sir; to no club at all.

Q. There is a club of colored men up there, isn't there?—A. Yes, sir; a large club.

Q. But you did not belong to any club?—A. No, sir; it was the democratic party that made the club and I didn't want to jine them because I would have to say something I would not desire to say, and I would not go there at all. Perhaps if I went there I would have to say something that would not profit me at all, and so I staid at home.

Q. You did not belong to any club at all, neither of the republican party or any other?—A. No, sir.

Q. What time was it when you got to that first Strawberry meeting?—A. About eleven o'clock, sir. I got four mans with me besides myself to protect me, when Mr. Rhett and Mr. Colcock they come up and tell me I have no right to come up and speak with a democrat party, and that I have no right to persuade no man to vote on their party.

Q. You say when you got there at eleven o'clock both parties were there?—A. Yes, sir.

Q. How many were there when you got to the ground at eleven o'clock ?—A. When I got there they were speaking.

Q. Who was speaking when you got there ?—A. When I got there Mr. Jervy was speaking.

Q. He was from Charleston ?—A. Yes, sir.

Q. Nobody came there after you got there ?—A. O, lots people come after I come. We got five mile to walk before we got there. The poll was going on while we get there.

Q. You did not hear the arrangement about speaking there, then ? They were already speaking when you got there ?—A. Yes, sir.

Q. What was it you were going to state about what was said when you came there ?—

A. Mr. Rhett and Mr. Colecock, sir, says we have no right. I tell him, "Mr. Rhett, you have no right to bribe a man to come in and vote with him because your skin and my skin are not one." I says, "These are white mens and these are colored mens, and leave every man vote together." I says, "You bribe my man." I says, "We are not all of one color; my skin is black and I consider I have earned my black skin." I tell them I was a true republican; I would fight for my right, and I think I ought to stand up in my manhood.

Q. Mr. Rhett was just talking to you, was he ?—A. He was trying to resist me.

Q. Trying to get you to vote the democratic ticket ?—Yes, sir.

Q. Did not Mr. Rhett make a speech there ?—A. Yes, sir.

Q. This talk of his was in his speech, was it ?—A. Yes, sir. He came down off the stand at the time I am telling now.

Q. He come down off the stand and talked with you ?—A. Yes, sir; and stand up at my breast and tell me what I speak.

Q. Does Rhett live in Charleston ?—A. I don't know whether he stays in town or stays away.

Q. What was it he said to you ?—A. I say to him, "Mr. Rhett, it's not allowable for you to go and bribe our colored, man to go and vote with you, because we are not all of one color—we are not one." Says he, "If you want what is fair, let him vote as he wants to." He turns around to me, and says, "What have you to do with it ?"

Q. You stated to Rhett that he ought not to bribe men to vote ?—A. Yes, sir.

Q. How came you to say to Mr. Rhett that he ought not to bribe men ?—A. I fetch up a body of men with me when I come up, and as soon as I got up there he gone back to the rear and begin to teach his man to come back. So he steals around and says, "Mens, all you have got to do is to keep up; if anything molest you I will see, but as soon as you stray off from me I can't protect you."

Q. You objected to Mr. Rhett taking these men off to talk with them ?—A. Yes, sir.

Q. And that brought on the conversation ?—A. Yes, sir—dat brought on the conversation. As a Union man we come to vote one ticket, and he tried to steal this man off from me.

Q. And then it was that you made this remark to him about bribing men ?—A. Yes,

Q. And this language he used to you was after that ?—A. After dat, sir.

Q. You said something about these men that came up there driving people away; when was that ?—A. That was the first same time, sir.

Q. What time ?—A. I couldn't remember it.

Q. Who was that said by ?—A. Mr. Rhett and Mr. Barnwell.

Q. When did they say that ?—A. At the same time we vote, sir; the morning on the vote. All this conversation came on the same time—at the same time of the vote.

Q. Was Mr. Rhett there at the time you voted ?—A. Yes, sir.

Q. At Strawberry ?—A. At Strawberry.

Q. What was his first name ?—A. I couldn't remember, sir.

Q. Was that the same party that spoke at Strawberry ?—A. Yes, sir; the same party, sir.

Q. Do you say that these men that came to Strawberry on the day of this first speaking staid on their horses all day ?—A. All day, sir.

Q. Never got off of them at all ?—A. No, sir; never got off them.

Q. They remained on their horses from 10 o'clock until 4 o'clock ?—A. Till four.

Q. Never got off ?—A. Never got off.

Q. You saw no disturbance there that day ?—A. No, sir; no disturbance at all on neither party.

Q. Both parties made speeches ?—A. Yes, sir.

Q. No interfering at all ?—A. No, sir; no interfering at all.

Q. They broke up quietly and went home ?—A. Yes, sir; and we went in and counted out the votes by fire-light.

Q. At Strawberry, where this first meeting was held, there was no disturbance ?—A. No disturbance; no, sir.

Q. After each had made speeches they all went home quietly ?—A. Quietly; yes, sir.

Q. You say these men were there on horseback, and that they came from Hell-Hole ?—A. Yes, sir.

Q. Where is that?—A. Fifteen miles from Strawberry.

Q. That is a place up there called Hell-Hole?—A. Yes, sir; a place called Hell-Hole.

Q. How many colored people were at Strawberry that day?—A. A'bout four hundred, if I didn't make a mistake, sir.

Q. And how many white men?—A. I think about two hundred and some odd, if I ain't made a mistake; I ain't had time to remember them all up to count.

Q. You say you were there that day as a body-guard for George Sass?—A. Yes, sir.

Q. How many of them were there as a body-guard for him?—A. About ten men.

Q. How came you to go there as a body-guard for George Sass? Did you go there to act as a body-guard for him?—A. We come down to vote, and seeing them running on him—

Q. I am speaking about this political meeting at Strawberry?—A. The first meeting, you mean?

Q. Yes.—A. Yes, sir.

Q. There was no voting there at all.—A. Only a private meeting.

Q. That was the day you were acting as a body-guard for George Sass?—A. Yes, sir.

Q. How many body-guards did he have?—A. Three or four men came across the river. He was in Saint John, and he was in—I forget the county name now, but he was on the other side of Strawberry River, next to the depot.

Q. Had George Sass spoken before you got there or afterward?—A. No, sir; not till we got there.

Q. Mr. Jervey was speaking when you got there?—A. Yes, sir.

Q. Who spoke next after him?—Mr. Jervey spoke first. I couldn't remember that man's name; he come from way back of the country.

Q. Who spoke after him?—A. After him, then this young man that stays in town here, a light-skin man.

Q. Mackey?—A. I think they so name him, if I make no mistake.

Q. Who spoke after him?—A. And after him, then George Sass.

Q. Then who spoke?—And after George Sass, then another colored man went up then. He stay up the road.

Q. Who spoke next?—A. Then Bowens gone up and wind up the meeting.

Q. He made the last speech?—A. Yes, sir; he made the last speech.

Q. Do you know the number of colored democrats that were at Strawberry that day?—A. Well, sir, I couldn't remember them precisely, because there was a large gang of them, and I didn't have time to count them.

Q. How do you know that all these colored men who had arms there were democrats?—A. Because they made a split from us, sir. The republicans and the democrats made a line.

Q. That is, the republicans stood on one side of the stand and the democrats on the other?—A. Yes, sir; all on the right you must call democrats, and all on the left you must call republicans.

Q. And you say there was about two hundred of those colored democrats there?—A. Yes, sir.

Q. Where did they live?—A. Right around Strawberry.

Q. You think there was about two hundred of them there?—A. Yes, sir; about two hundred, as far as I could remember.

Q. How many white men were at Strawberry precinct on the day of the election?—A. Well, there was not as many there as when they made the speech.

Q. Were there fifty at the election?—A. There was a little over, as far as I could see.

Q. A little over fifty at the Strawberry election?—A. Yes, sir.

Q. What time did you get there?—A. I gets there about ten o'clock that morning at voting. We organized precisely at ten o'clock that morning. Sass sent word around the meeting would open at ten o'clock.

Q. And you all went at ten?—A. Yes, sir.

Q. Did you take your gun with you?—A. Yes, sir; we all had a gun.

Q. Did he send word to you to bring a gun?—A. No, sir; the reason we bring a gun was the fuss at the Brick Church,

Q. George Sass sent word to you all to be there at ten o'clock, and you all took your guns with you?—A. Yes, sir; took our guns with us.

Q. Did all of you stay until the vote was counted?—A. No, sir; only fifty of them men staid there.

Q. What time did they get through counting?—A. They count by candle-light.

Q. About what time did they get through counting the votes?—A. About ten o'clock, I think I heard.

Q. When you got there how many colored men were there?—A. There was a large gang, sir.

Q. What did you do with your gun when you took it there?—A. We put it way

back about five hundred yards from the polls and left a man to guard them till we got through voting.

Q. Where you stacked these guns was right on the big road, was it not?—A. Yes, sir; right in the corner of the road.

Q. You could see them from the polls?—A. From the polls; yes, sir.

Q. You say Mr. Sass was the only man you knew there at the polls that day?—A. He is the only man I could call the name precisely, but there was more I knowed by face; but I am not so familiar with their names as with him.

Q. Who gave you your ticket that day?—A. Mr. Sass; he gave me my hands full of tickets to issue to the rest of the boys.

Q. Where was that done; where you had your guns stacked?—A. No, sir; right at the edge of the road, and I came right up to him to the edge of the road.

Q. How many men were following you?—A. About one hundred and twenty.

Q. Where did they come from?—A. They came from one quarter, sir; all came from the same way I come from.

Q. Did they all come with you to the polls?—A. Yes, sir.

Q. Who was the captain of that company?—A. The captain of that company? His name was Jeffery Bryan.

Q. George Sass handed these tickets to you, and you turned around and delivered them to these one hundred and some odd who were with you, and then you went up to the polls and voted?—A. Yes, sir.

By Mr. LAPHAM:

Q. Was it at the first meeting or on the day of the election that Mr. Rhett made this remark to you?—A. At the voting-day.

Q. Repeat what he said.—A. When I have my gang of men come up to vote he went back to the rear of the men and he says to these men, "Why didn't you come and vote with me." And I steal around and I says, "Mr. Rhett, I don't want you to bribe my man." And he come back and say, "What right have you to say anything to me, sir." I says, "I command these mens, and I think I have a right to say something when they comes up to vote."

Q. What further did he say?—A. He tells me if I didn't "Hush my mouth, sir, I will have you fiked off;" I say, "You can do it as soon as you please."

Q. Did he tell you what he would have done to you?—A. No, sir; he didn't repeat that to me. He only say that to me, and I walk off.

Q. So that was the only talk you had with him on the day of the election?—A. Yes, sir; that's the only talk I have with him.

Q. What time was that?—A. Soon after I gets there.

Q. While you were on your way to the polls?—A. Yes, sir.

By the CHAIRMAN:

Q. At that time you were marching up these one hundred and some odd men you had?—A. Yes, sir.

Q. And you said, "I command these men, and you have no right to interfere with them?"—A. Yes, sir.

By Mr. LAPHAM:

Q. You speak of a democratic club that was formed in the summer; was it before the first republican meeting or after?—A. That club commenced on the first meeting.

Q. Was the club formed before the first meeting was held or after?—A. It was formed before the first meeting was held.

Q. How long before?—A. Three days before the meeting commenced.

Q. Do you know how many persons attended it?—A. No, sir; I didn't know, because I didn't went there at all.

Q. It was a democratic club?—A. Yes, sir.

Q. And that's the reason you didn't join?—A. Yes, sir.

Q. And you do not belong to any club this year?—A. No, sir.

By the CHAIRMAN:

Q. How do you know that this club was formed three days before the election. Were you there?—A. The man that I works with, Mr. Haskell, he give it out.

Q. You do not know when the club was formed, except what you heard?—A. Yes, he tells me himself.

Q. You did not see it?—A. No, sir.

By Mr. LAPHAM:

Q. Is Mr. Haskell a white man?—A. Yes, sir.

Q. What is his business?—A. Farming on the plantation.

Q. And you work for him?—A. Yes, sir; I works for him.

Q. Is he a democrat?—A. Yes, sir; he is a democrat.

S. P. STONEY, sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. Near Mount Holly Station, on the North-eastern Road, in this county.

Q. What is your occupation ?—A. Planter, sir.

Q. How old are you ?—A. Twenty-six, sir.

Q. Where did you attend at the recent elections ?—A. Mount Holly precinct, sir.

Q. What time did you get there in the morning ?—A. About nine o'clock.

Q. How long did you remain ?—A. I remained until after three ; between three and four.

Q. About how many people voted there that day ?—A. Between 250 and 300.

Q. How many of them were colored voters ?—A. All, except about 25, sir.

Q. How many democratic votes were polled there ?—A. About 25 or 30. I forget the exact number now.

Q. Were the balance republican votes ?—A. Yes, sir.

Q. Were there any parties armed there that day ; and, if so, state how they were armed ?—A. Yes, sir ; most of the colored men were there with arms.

Q. What sort of arms had they ?—A. Muskets, double-barreled guns, and clubs.

Q. Was there not a company of organized men there armed ? and, if so, state who they were.—A. About twelve o'clock I heard a cheering up the road, and I looked and saw, I suppose, twenty-five or thirty armed men marching up.

Q. Afoot or on horseback ?—A. Afoot, sir.

Q. That was an organized club or a military company ?—A. I think it was just merely organized for the occasion ; organized for the occasion, I think, sir.

Q. About how many out of this body of colored men who were there at the polls were armed ?—A. I suppose two-thirds of them were armed with guns, sir, and the balance with clubs.

Q. Where did they have their arms stacked there ?—A. Not stacked, sir. Every man had his own gun all the time and walking around at the poll, firing off fifty or sixty yards from the poll.

Q. State whether you heard any threatening language used toward voters there that day, and, if so, what you heard, and who used this language, and to whom it was used.—A. Well, sir, most of the threats that were made were made before they got to the polls. They sent messengers all round to the different places ordering fellows out, and threatening, if they didn't come and vote the republican ticket, all sorts of things would happen to them. They would be killed, whipped, and mobbed generally.

Q. What threats, if any, did you hear at the polls on that day ?—A. The only threats that I heard at the polls was at the time I sent a fellow on my horse to get a little feed for my horse, and as he passed through—

Q. Was he a white man or a colored man ?—A. A colored man. As he passed through the women congregated with clubs on the road, and as he had to pass right through them, and as he passed through, the women grabbed at him and said, " You voted that democratic ticket." And the fellow denied it and they let him pass on.

Q. How many women were there there ?—A. I suppose there was fifteen or twenty, sir.

Q. Were those women around the polls all the time you were there ?—A. Yes, sir, all day ; I left them there.

Q. What were they doing ?—A. Just congregated and cheering. As soon as a fellow came up and they knew what plantation he came from, they accused him with having promised the gentlemen he worked for to vote the democratic ticket, and the strangers there would say, " Let us see him do it ;" and a republican would step up and give him a ticket and walk up with him and see that he cast that republican ticket and no other. One or two came to me and said they wished to vote the democratic ticket, and they didn't wish to vote any other, and if it was not safe to vote the democratic ticket they would not vote at all, and asked me for my advice right at the polls, and I told them by no means to do it ; what I saw, and hearing the women, the way they were going on, that if any colored man voted the democratic ticket they would be mobbed.

Q. Do you know whether they voted or not ?—A. They retired from the polls and didn't vote.

Q. How many retired from the polls without voting ?—A. There were two that retired from the polls and didn't vote.

Q. Did they examine the tickets of voters who went up to the polls to vote ?—A. Yes, sir ; if a fellow had a ticket they would say, " Let me see that ticket," and look at it and say, " Here is a ticket for you to vote," and walk right up and see that he threw it in. One fellow that had promised me to vote the democratic ticket, and I had given it to him, and he said he intended voting it, and I asked him afterward if he had voted it—

Q. Did he go to the polls ?—A. He went to the poll. Only two colored men voted the democratic ticket at that poll. I could not find out who they were.

Q. This conversation you are speaking of you had with this party since the election?—A. Yes, sir.

Q. What is his name?—A. Tony Allston.

Q. Where is he?—A. He is at Mount Holley.

Q. How many colored men, to your personal knowledge, in that neighborhood, who voted at that precinct, intended to vote the democratic ticket before the election?—A. Six or eight of them. One or two of them joined the democratic clubs.

Q. You say there were only two colored democratic votes cast that day?—A. Yes, sir; but the manager would not let me know who they were. He was afraid it would get out.

Q. Did you hear any threats made by the colored men in that neighborhood previous to the election against any colored man who voted the democratic ticket?—A. Only by what men on my plantation came and told me. I did not hear of any threats being made.

Q. How far from the polls was it where these parties were firing off their guns?—A. About fifty yards, sir.

Q. Is there a militia company in your neighborhood?—A. I think there is, sir. I do not know as they call themselves militia. They are just those fellows—colored men—around there who formed their own company. I do not know what they call themselves.

Q. They are all armed, are they?—A. Yes, sir.

By Mr. LAPHAM :

Q. Do you mean to say there is any organization formed—any company formed—of colored men?—A. Yes, sir; there is.

Q. Where?—A. Formed right down in my own parish; Goose Creek is my parish, sir; near Goose Creek Bridge.

Q. What do you know about it?—A. I saw members of the company that told me there was such an organization.

Q. Do you know anything about it yourself?—A. No, sir; I have never seen them except at the polls. I saw a squad of them march up. That was the first I ever seen of the company.

Q. I understood you to answer the question by saying, "People who went to the polls were just organized for that occasion." They had no previous organization?—A. That is what I thought those men were formed for; those men were formed, I think, that day for that particular occasion. I do not think the whole company turned out that day. They just joined it as they came along.

Q. What time of day was this firing?—A. About one o'clock.

Q. Was it by persons who were going home?—A. No, sir; very few of them ever went home. They spent the night there.

Q. About one o'clock in the day you say the firing took place?—A. Yes, sir; in the day.

Q. How many guns did you hear fired?—A. Six or eight, sir.

Q. Was that done more than once?—A. Six or eight were not fired at one time, but just now and then they would fire.

Q. I ask you whether there was more than one gun fired at a time?—A. No, sir; I did not understand you; six or eight altogether. The managers of the election sent out and ordered it stopped.

Q. Was there more than one gun fired at a time?—A. No, sir.

Q. Can you give the name of the person who fired it?—A. No, sir.

Q. You do not know who it was then?—A. No; I do not know.

Q. Nor you don't know at what it was fired?—A. No, sir; it was not fired at anything.

Q. You don't know?—A. I was near enough to see that they did not fire at anything.

Q. Did you see the person who fired the gun?—A. Yes, sir.

Q. Did he shoot into the air?—A. I think he did, sir.

Q. You saw that, did you?—A. Yes, sir.

Q. How far from the polls were they?—A. Fifty or sixty yards.

Q. Was he in the road or in the field, or where?—Right in the road coming up to the poll. The road that led up to the poll; he was right in it.

Q. Then he fired off his gun before going to the poll?—A. No, sir; all of them were just lounging around.

Q. And he fired off the gun as he was going toward the poll?—A. He fired off the gun right in the road; the road led up to the poll.

Q. Do you know whether he had already voted or not?—A. I do not know whether he had voted or not. I could not see.

Q. How soon after was the next gun fired?—A. I did not examine my watch to see what time. They were all fired within, I suppose, an hour from each other. Within an hour of the first one, I suppose, they were all fired.



Q. Did you see any of the other persons who fired?—A. No, sir; I paid but little attention to the firing, and I never looked around to see who had fired.

Q. How long have you lived there?—A. Born and raised there, sir.

Q. How long have you voted at this precinct?—A. Two elections.

Q. What was the whole number of votes polled there?—A. Between two hundred and fifty and three hundred; I do not recollect the exact number.

Q. Do you remember what it was two years ago?—A. I think it was about the same two years ago.

Q. Do you remember what the vote was two years ago?—A. No, sir; I do not recollect; about the same, I believe.

Q. How was it divided, I mean?—A. Two years ago, I suppose the majority was about ninety—the republican majority.

Q. They were both republican that year, were they not?—A. They called one differently. They called one the republican ticket, and one the—

Q. They were both republicans who were voted for two years ago, were they not?—A. No, sir; not the whole ticket, sir.

Q. Greene was not a republican?—A. Greene was a republican.

Q. He headed the ticket, did he not?—A. He headed the ticket, but he was not known to be a republican by the majority of voters.

Q. Do you know of anybody who came there to vote who did not vote excepting these two you advised not to vote?—A. No, sir; only those two.

Q. How many men had you in your employ?—A. I had five or six steadily employed.

Q. At the election, how many had you?—A. At election time I had five.

Q. How many white people were at this poll?—A. About between twenty and thirty.

Q. Were they armed?—A. Not that I saw, sir; I saw none with arms but one going to the polls with arms. I met him on the road.

Q. What did he have?—A. A pistol. I saw none at the polls.

Q. Were you armed?—A. No, sir.

Q. What time in the day did you see this one with the pistol?—A. About twelve o'clock.

Q. Where were you?—A. I left that poll for a few minutes and took a little ride about three miles down the bridge, and this fellow was coming to the polls with a pistol.

Q. Four or five miles off from the voting-place?—A. Yes, sir.

Q. Where did you go to?—A. I just rode down to a place called Goose Creek Bridge, at a store there.

Q. Who was this man you saw with a pistol?—A. A man by the name of Ryan, who lives near there.

Q. A revolver, was it?—A. Yes, sir.

Q. Did he show it to you?—A. I saw the head of it sticking out of his pants-pocket. He didn't conceal it.

Q. Did you see him afterward at the polls?—A. Yes, sir.

Q. Had he the pistol then?—A. I think he had, sir. I think he had the pistol there.

Q. Are not the colored people in the habit of taking their guns with them? They walk a distance through the woods, don't they?—A. Yes, sir.

Q. Are they not in the habit of taking their guns?—A. Those who are fond of hunting, but as a general thing they do not carry their guns—just those who are fond of hunting. They will take their guns to shoot as they go along, but as a general thing they don't carry arms.

Q. Are not the colored people fond of hunting?—A. Some few of them; not as a general thing, though.

Q. Don't you know of any white organization in that vicinity?—A. No, sir.

Q. Have you never known of any?—A. I have never known of any; no, sir; there never has been an armed organization there since the war.

Q. The white men have arms, have they not?—A. Yes, sir.

Q. You have arms, haven't you?—A. Two or three of them, sir.

Q. The men who are at work for you, do they have guns?—A. Yes, sir; one of them keeps one of my guns.

Q. You allow him to use one of your guns?—A. Yes, sir; he generally hunts with me, and I treat him just as I treat any other man who hunts with me.

Q. Did you remain until the vote was canvassed?—A. No, sir; I left between three and four o'clock.

Q. There was no disturbance there at the polls that day, was there?—A. No, sir.

Q. The supervisor was there?—A. Yes, sir.

Q. What is his name?—A. I think his name is Moses Dingle.

Q. Was he the republican or democratic supervisor?—A. The republican supervisor.

Q. Was he there all the time you were there?—A. Yes, sir.

Q. Who were the managers?—A. The democratic manager was a man by the name of Therin.

Q. Give his full name.—A. I only know him by his nickname, Doe Therin.

Q. Who were the other managers?—A. The republican manager was Thomas Evans; and I am thinking whether his name is William or Thomas. He is the colored preacher there. I forget now who the other manager was. I have forgotten the clerks and managers and supervisor, so I don't know who the other fellow was.

Q. They staid during the whole time you were there, didn't they?—A. Yes, sir.

Q. How long have you known Mr. Evans?—A. I have known Evans for about five or six years.

Q. Has he been a minister during that time?—A. Yes, sir.

Q. Methodist minister?—A. Yes, sir.

Q. Who was the democratic supervisor?—A. I think young Pinckney; a fellow by the name of Pinckney.

Q. What is his first name?—A. Tom Pinckney, I think his name is, sir.

Q. A white or colored man?—A. Colored, sir.

Q. Was he there all day?—A. All the time I was there, sir.

Q. When you were going home did you meet people going to the polls?—A. No, sir; I met no one at all.

P. G. FITZ SIMMONS sworn and examined.

By Mr. EDEN:

Question. Where do you reside?—Answer. On the Northeastern Railroad, in Charleston County, about 30 miles from here.

Q. What is your occupation?—A. Planter, sir.

Q. What is your age?—A. I am forty-seven, sir.

Q. Are you a native of this county?—A. I am a native of this county.

Q. What is your voting-precinct?—A. Biggins Church, sir.

Q. How near do you live to Biggins Church?—A. I live three miles from it.

Q. State what you know, if anything, about any threats having been made toward colored voters who were inclined to vote the democratic ticket.—A. I came down on the occasion that General Hampton spoke in Charleston, with a company that was formed in my section of the country, what is known as Strawberry. After I arrived at the city that night there was no threats made.

Q. State the number of colored men that came with you in that company upon that occasion.—A. I cannot state it exactly.

Q. State about the number.—A. I suppose there were about sixty colored men—a hundred composed the whole company.

Q. How did you come down?—A. We came down on mules and horses.

Q. Did you come in procession?—A. Yes, sir.

Q. State what occurred after you came here.

(Mr. Lapham objects.)

A. On the morning after we came out we formed in the principal street to parade. We put our horses in Mr. Comau's stables that night. The men staid in Queen street, at the democratic hall, I think. When we came out the next morning there were threats of all kinds; so much so that it was with the greatest difficulty we could bring the colored men out.

Q. What was the nature and character of the threats that you heard?—A. In consequence of them being afraid to come out—on account of the threats being made; colored men on the streets were saying they would put an end to them, or, to use their own expression, "We will stow you between here and what is known as Nine-mile Bottom, on the State road."

Q. In marching, how did the procession form?—A. We formed black and white all through.

Q. How were you placed in relation to the black men?—A. I had a black man on either side of me, and it was as much as I could do to keep them on their horses. In fact, I knew them both when they were boys. They were raised in my immediate neighborhood, and nothing but my presence kept them right in their position. One of them threatened to get off. He said to me, "If you think I am not safe I will get off of my mule and leave it here, and take it afoot back into the country."

Q. State what became of the colored men that came down with you.—A. They were guarded here by white men.

Q. State whether or not they went to the speaking.—A. No, sir; not one of them. You could not have hired one of them. Not a single one of them that come with us left that hall that day. You could not have got them to go out.

Q. Did they go back with you when you went home?—A. Yes, sir.

Q. Can you state about what number of those colored men were voters at Biggins Church—about how many of them lived in that precinct?—A. I really cannot exactly state the number.

Q. About how many?—A. I suppose there must have been about forty, thirty or forty, of those who came with us who voted at Biggins Church.

Q. State if you know how many colored men you heard express a disposition before the election to vote the democratic ticket.—A. You could not have got the expression of a colored man there to vote the democratic ticket.

Mr. LAPHAM. I object to this whole line of examination.

Q. Did you see these same men at Biggins Church, those of them that resided in the precinct, at the election?—A. I did, sir.

Q. Do you know what ticket they voted?—A. They voted the radical ticket.

Q. What time did you go to the election?—A. I was there by half past six.

Q. What time did you leave?—A. I left there, I suppose—I cannot tell you exactly, but it was after dark. I could not tell the hour, I had no watch.

Q. What occurred from the time you went until you left? State all you saw and heard in the way of threats or acts.—A. I saw or heard of no intimidation except one man, John Mulligan. He plants at a place called North Mulberry. He is a rice-planter. He came up with a colored man who intended to vote the democratic ticket. As soon as he got up we were formed into two lines; one was on the side of the church and the republicans were on the other side, composed almost entirely of the colored people of the country. He was on horseback, and this man was walking alongside of him; and as soon as he approached, the man who had the republican tickets offered him one, and he shook his head, and came up and tried to push a ticket to him, and he refused. And Mr. Mulligan rode up then and said, "Allow him to vote as he pleases. I brought him here and I promised him protection, and let him vote as he pleases." There was some little demur, and after a while he brought him out; came along with him, and he walked up to the church, and the party who held the democratic tickets gave him one. Whether he voted it or not I do not know, but I saw him take the ticket.

Q. Being formed in line in that way, was it for the purpose of voting?—A. No, sir; they were drilling almost all the time we were voting—drilling with arms directly opposite.

Q. Who were drilling, the whites or the blacks?—A. No, sir; the colored men altogether.

Q. How many of them were drilling?—A. I should say at least eighty.

Q. About how many colored men were there there?—A. Well, I suppose there were 200 at any one time.

Q. What sort of arms, if any, did these men have who were drilling?—A. They had weapons of all kinds. Some had bayonets put on sticks, and these swords formerly used by the German hussars—swords with heavy brass handles—muskets, and double-barreled guns and single-barreled guns.

Q. How near were they mustering to the church while the voting was going on?—A. I should say 80 yards.

Q. How long did they continue mustering?—A. The whole time they were mustering. Several gentlemen called upon the supervisor of the election to put a stop to it.

Q. Was he a white man or a black man?—A. A white man.

Q. What were his politics?—A. He said, "Very well; let them alone as long as they are just drilled." It made no difference to us, unless they made some overt act.

Q. How many guns, according to your best information, of the various sorts did you see there in the hands of the colored men?—A. I did not see one colored man without an arm of some kind.

Q. There were a portion of them, as I understand, who had no guns. About how many did you see them have in their hands?—A. It would be impossible for me to say, sir. There was a great many guns. You see there was nearly three hundred there that voted and left, that lived in the immediate neighborhood.

Q. Did those that came and voted and went away have guns?—A. Yes, sir.

Q. Did they take their guns away with them?—A. I judge so.

Q. About what number of white men were there?—A. Altogether there was one hundred and two that voted, but they did not all stay there.

Q. Who voted the democratic ticket?—A. Who voted the democratic ticket.

Q. And about how many who voted the republican ticket?—A. I think the whole poll, sir, was four hundred. There was three hundred there that voted the radical ticket.

Q. Were there any white men that voted the radical ticket?—A. One white man.

Q. Any colored men that voted the democratic ticket?—A. One man.

Q. If there was any firing of guns there in the neighborhood, please state.—A. No, sir; there was no firing.

Q. What was the conduct of the colored men in reference to the distribution of tickets?—A. They were quiet.

Q. What did they do with their guns when they went up to the polls to vote?—A. Well, I declare, sir, I cannot state that positively, because I was off some little distance—just about ten or twenty yards from the voting-precinct at the time. I had my wagon there, and I was looking after my mules.

Q. What time of day did you vote?—A. I voted directly after I got there; I suppose

about a quarter to seven. I would state this, sir, if it is not out of the way, that one man came to me for advice.

Q. Was that at the election there that day?—A. No, sir; he went to what is known as Pineopolis.

Q. Was this a colored man?—A. Yes, sir.

Q. Where did he live?—A. He lived on the plantation right next to me, about half a mile.

Q. What ticket was he going to vote?—A. The democratic ticket.

Q. If you know the reason why he did not go to Biggins Church, state it.—A. He went to Pineopolis because he was afraid of the crowd, and where he knew there was nothing but democratic voters. He was fearful of the consequences—I won't say they threatened him, but they had been pursuing him and persecuting him without actually threatening his life. They had done everything else they possibly could to intimidate him. He could not be intimidated very easily, I must say for him. Up to that time he had been a republican. This was the first vote he ever cast for the democratic party.

By Mr. LAPHAM:

Q. Give me the name of any person in this city who made the threats you have mentioned.—A. It is impossible for me to do that. I would be unable to recognize any of the colored people; they were strangers to me.

Q. Do you know whether it was a colored man?—A. I do, sir; from his color.

Q. You saw the person?—A. I saw the person, sir.

Q. Did you hear more than one person?—A. I heard a hundred say it.

Q. Using the same expression?—A. Not the same words, but using the same threats:

Q. You say you heard a hundred?—A. Yes, sir; at least.

Q. And you cannot name one of them?—A. No, sir; I cannot.

Q. Where was it that these things were said?—A. Most of these speeches were made—

Q. They were not speeches?—A. Well, threats.

Q. Where was it that they were made?—A. Opposite the Citadel Green, first, and then on the Battery.

Q. In what street?—A. Meeting street.

Q. This was said as the procession was passing?—A. No, sir; as we were standing waiting for the procession to move—after we had formed in line.

Q. How long did you stand there?—A. I suppose we were there at least an hour, sir.

Q. Where else do you say that you heard these threats?—A. On the Battery, where the line drew up before we dismissed.

Q. Did they march to the Battery?—A. We just went in procession.

Q. You marched to the Battery in procession?—A. Yes, sir.

Q. What was done there?—A. We were dismissed there.

Q. After the meeting?—A. No; we were dismissed there to go and hear the speeches that were to be delivered on the Battery, if we pleased.

Q. The speaking was on the Battery?—A. Yes, sir.

Q. Did the colored men go there?—A. With us do you mean?

Q. Yes.—A. Yes, sir,

Q. All that came down with you?—A. Yes, sir.

Q. Where was the stand?—A. Right on the Battery.

Q. That is the point where the procession was dismissed?—A. We were dismissed at the corner of King street and the Battery.

Q. Who dismissed you?—A. I cannot tell you. We were under the charge of Mr. Haskell, on the river—that portion of the line in which I was.

Q. What portion did he hold?—A. He was simply a planter on the river like myself—just simply in charge of our immediate neighborhood.

Q. Does he not hold any position in an organization in this State?—A. Nothing, sir. He is a planter on Cooper River.

Q. Don't he belong to a company?—A. No, sir.

Q. Has there been no organization in your region?—A. None in the world except our political clubs.

Q. When was that formed?—A. That was formed last July.

Q. The members of that club have arms?—A. No, sir; arms are positively forbidden in our political meetings.

Q. Forbidden by whom?—A. Forbidden by the president of our club.

Q. Were there not white men with arms voting there at the church?—A. No, sir; none that I saw.

Q. You did not see any arms stacked there?—A. Not a gun.

Q. Were you inside of the church?—A. Yes, sir; in the church, and not more than twenty steps from the church any time I was there.

Q. You did not see a white man armed that day, then?—A. No, sir; I did not.

Q. You were not armed?—A. I was not; I had nothing in the world.

Q. Who was this supervisor?—A. His name—. I know very little of him. He is a planter.

Q. Is he a democrat or a republican?—A. He voted the democratic ticket, sir. I know him but very slightly. I have seen him but once before.

Q. Is he a white man or a colored man?—A. A white man, sir.

Q. You say he said, "Let these people alone until they do some overt act?"—A. Yes, sir.

Q. They were not interfered with, were they?—A. They were not interfered with.

Q. They did no overt act that you saw, did they?—A. No, sir; except their mere drilling.

Q. He did not call that an overt act?—A. No, sir.

Q. They did no overt act of violence that you saw, did they?—A. No, sir.

Q. You suppose Mulligan's man voted the democratic ticket?—A. I do not know what he voted. He took the democratic ticket in his hand.

Q. Notwithstanding what was said to him?—A. Yes, sir.

Q. How many men had you in your employ at the time of the election?—A. I had five, sir.

Q. Colored men?—A. Yes, sir.

Q. How long have you voted in that precinct?—A. About 18 years, sir.

Q. Do you remember what the vote was there two years ago, sir?—A. I do not.

Q. It is a republican precinct, is it not?—A. Yes, sir.

By Mr. EDEN :

Q. You were asked if you could name any of the men that made threats here in the city that day. I will ask you if you are acquainted with any of the colored men in the city?—A. I am acquainted with some of the colored men, but those I didn't know. A great many came over from the island.

Q. You did not know those who made the threats?—A. I did not.

Q. The persons who made the threats were colored men?—A. Yes, sir; they were colored men. If it is not out of place I will mention one incident that happened. There was a gentleman came down with me, Mr. Porcher, and he promised a colored man he would protect him; and he was threatened, and Mr. Porcher merely asked the name of this colored man who was threatening, and he immediately walked up with his stick, and it took two men to take him off.

Q. Where was that?—A. Right at the battery.

Q. You were present and saw it?—A. I was present and saw it. He said, "What do you want my name for?" Mr. Porcher said, "I simply want your name, because you have threatened this man, and if anything happens to him I will know who you are."

Q. You stated that the speaking was at the battery, and that your procession was disbanded near the battery. Where did these colored men go after you disbanded?—A. We took them back to the stable. The offer was made to them that every fourth man should lead the other three horses back, and the offer was refused. They said they were afraid to go—that they would rather return to the hall, where they knew they would get protection.

A. P. FORD (colored) sworn and examined.

By Mr. LAPHAM :

Question. Where do you reside?—Answer. Saint James Goose Creek, sir.

Q. How long have you lived there?—A. I have lived in this county all my life-time, sir.

Q. What is your age?—A. I am forty-five, sir.

Q. What is your voting-precinct?—A. Whaley Church, sir.

Q. Are you a member of the legislature?—A. Yes, sir.

Q. How many years have you been a representative?—A. This is my third term, sir.

Q. When was your first?—A. In 1870; I was defeated in 1874.

Q. You were elected in 1870. When were you elected the second time?—A. In 1872; and then I was elected at this last election. Let me state here, concerning my residence, I claim two residences, one in the country and one in the city. When I am in the city I call it my residence, and when I am in the country I call that my residence.

Q. Where is your farm?—A. I plant about nine miles from the city.

Q. Do you own a farm?—A. No, sir; I rent a place.

Q. How large is the place?—A. The place is very large, sir. I suppose as much of it as I plant on is some fifteen or twenty-five acres.

Q. Do you rent the whole, or only a part?—A. No, sir; I only plant a part. I do not rent the whole place, sir.

Q. You only rent what you plant?—A. Yes, sir.

Q. How far is that from Whaley's Church?—A. That is about four miles this side of the church.

Q. You live there?—A. I live about there.

Q. When you live in the country, I mean?—A. Yes, sir.

Q. Were you living there at the last election?—A. O, yes, sir; I lived there, sir.

Q. Is your house on this land you plant on?—A. Yes, sir; the house is there. The house is on the land. My friend and myself plant together. Of course I stay with him when I am out there.

Q. Have you a family?—A. Yes, sir.

Q. What does it consist of?—A. My family consists of four, sir; wife and two children.

Q. Did any one call on you the Saturday night before the election?—A. Yes, sir.

Q. Who?—A. Mr. C. H. Chors.

Q. What does he do?—A. He is a planter, too, on Saint James Goose Creek. He called on me on a Saturday night, about the 5th of November.

Q. The Saturday night before the election?—A. Yes, sir.

Q. Did he hold any office on election-day?—A. Yes, sir; he was the democratic United States supervisor.

Q. What time did he come to your house that Saturday night?—A. He came to my house between ten and eleven o'clock. I had gone to bed. That is in the city here.

Q. You were here then?—A. I was here in the city.

Q. You have a house here?—A. Yes, sir; No. 13 Lion street.

Q. Did you see him?—A. I did, sir.

Q. Where did you see him?—A. On my piazza, sir. He came into the yard.

Q. Did you get up and dress?—A. I came down-stairs after I heard he was there, dressed myself and came out to see him.

Q. How long did he remain there?—A. He staid about half an hour, sir, talking with me.

Q. State what he said.—A. Well, sir, his conversation was this: He told me that he had a set of tickets that he wanted to get up in the interest of the democrats, and wanted me—knowing that I would carry that precinct—to destroy the republican ticket. That if I would use my influence in the interest of these tickets which he had I was to name the sum—whatever amount I would name, he would go down Monday and have it deposited subject to my order, and I could just go there and get it.

Q. Did he describe what the ticket was?—A. The ticket was to head Wade Hampton as governor.

Q. And what electors?—A. Well, he was to put on all his men, and he would put on myself if I would use my influence for the ticket.

Q. Did he state who the electors would be?—A. Well, his electoral ticket would have been Tilden and Hendricks. I asked him over again, "Who did you say you were going to put on that ticket?" Then he said, "Hampton and Tilden and Hendricks and all the county officers," and of course he would put my name on the ticket. I told him right there and then that he mistake his man. I told him that I could not be a deceiver. And then he said to me, sir, that he thought it was a chance where I could make some money, and on that ground he thought he would give me an opportunity to do it. I told him life and liberty was more to me than all his money. He said to me, "Then if you do not propose to do it, between man and man not to make any mention of what transpired between me and him;" and I tell him, of course I would not call his name. But I tell him I thought he would not approach a man like me to try to do a trick like that, when the people had confidence in me. I tell him that. And then that was the last conversation between him and me. I tell him good night. He tell me if I made up my mind to do it, I could see him at the Pavilion Hotel on Sunday. Of course I didn't see him until that Tuesday morning—the morning of the election. I did not see him from that Saturday night until the morning of the election.

Q. Who of your family saw him on that night beside yourself?—A. My mother-in-law and my wife. My mother-in-law came up-stairs and told me some one wanted to see me.

Q. How long have you known Mr. Chors?—A. Well, I have known him before the war and during the war.

Q. Did he mention any sum of money?—A. No, sir; he wanted me to state what I would do it for.

Q. Did he state where the money was?—A. He even told me that the executive committee—that I would not have to go to the executive committee, but all I was to do was to say what I would do it for, and he would have it done.

Q. Was anything of that kind ever said by him to you or you to him before that?—A. No, sir. That was the first time he ever approached me on that subject.

Q. He knew what your politics were?—A. O, he know, sir; that is the reason he approached me.

Q. You have always been a republican?—A. Always, sir.

Q. Were you a slave?—A. Yes, sir.

Q. When were you released from slavery; when the slaves were freed?—A. Yes, sir.

Q. You were released by the emancipation proclamation?—A. I was, sir.

Q. Had you any education at that time?—A. No, sir.

Q. What means have you had for getting an education since?—A. Well, sir, in the night-time, sir.

Q. You have acquired what knowledge you have by your own effort; you never attended any public school?—A. No, sir.

Q. Have you taught school any?—A. No, sir.

Q. What time did you go to the election?—A. I got there about five o'clock in the morning.

Q. Did any one go with you?—A. Yes, sir; William Singleton and a young fellow by the name of Graves, who was acting as clerk at the poll that day.

Q. What position did Singleton hold?—A. Singleton was the republican supervisor.

Q. What time did you see Chors?—A. He came there about seven o'clock, or thereabouts.

Q. Did you have any conversation with him?—A. When he came he sent to call me, and I sent I hadn't time to see him.

Q. Did you have any conversation with him that day?—A. Well, sir, I had, about ten o'clock. There was a report made there that one Devoe was buying votes, and in that time there was some little excitement got up that this man was bribing the men by buying votes. This William Singleton he was supervisor, and he went, according to the statement that was made, to arrest Mr. Devoe; and after he was arrested Mr. Chors came to me and spoke to me in regard to it, that he didn't think Devoe was buying votes, and if I would not ask Singleton to let Devoe go.

Q. Mr. Chors said he didn't think Devoe was buying votes?—A. That is what Mr. Chors said. Then I told him that this man Singleton was an officer, and that I didn't like to interfere with it.

Q. Was anything more said?—A. In the course of about an hour or so Devoe went away in a buggy where he came from, and everything went on quietly after that.

Q. Had there been any disturbance that morning up to the time Devoe was arrested?—A. No, sir; not a word. They were more friends than anything else.

Q. How was the election conducted after Devoe went away?—A. I state on my honor that everything I seen went on quiet. I state that on my honor, sir; it was quiet, sir; it was quiet from that time until the polls were closed in the afternoon at six o'clock.

Q. Was there a person there about whom there was something said for voting the democratic ticket?—A. Away in the afternoon, about five o'clock—the polling-precinct is about one hundred yards from the State road—a young fellow was going off, and they said that he voted the democratic ticket, and he said he didn't care a damn about who liked it or not; and I seen the men were going to talk, and I went to them myself, and I said, "It has been peaceable all day; don't let us have any fuss."

Q. What was this person's name?—A. Mitchell.

Q. He was boasting that he had voted the democratic ticket?—A. He was boasting, sir.

Q. Repeat what he said.—A. I heard him damning and cursing. His word was, "By God, he would vote as he damned pleased, and who in the hell can better it?" I heard that word.

Q. What did the men do?—A. Then I seen the men commenced to go toward him, and I went at once and said, "Now, we have had a quiet day; now, don't let us have any interruption at all." And every man stopped.

Q. Do you remember at about what time the poll closed?—A. Precisely at six o'clock. When it closed it was six o'clock by Mr. Hurd's watch.

Q. Did he make the announcement?—A. Exactly; he did, sir.

Q. Was it yet dark?—A. Yes, sir; it was pretty dark. It was a clear day; I think it was a little darker than it is now.

Q. Getting dusk?—A. Yes, sir.

Q. How many votes were there polled there?—A. Six hundred.

Q. How many republican and how many democratic?—A. Five hundred and eighty-two republican votes and eighteen democratic, sir.

Q. Did Mr. Chors say anything to you after the poll closed, or about the time it closed?—A. Yes, sir; after the poll was closed Mr. Chors came and took me by the hand, and he says—

By Mr. EDEN:

Q. Was this conversation after the polls had been closed?—A. Yes, sir.

By Mr. LAPHAM:

Q. How soon after?—A. Right away after.

(Mr. Phillips objected to the admission of the testimony.)

The WITNESS. After the poll closed, Mr. Chors grasped my hand and said to me, "Ford, let me congratulate you on the manly way you conducted the poll this day. We could not have had a fairer election in the State."

Q. What did you do then?—A. I raised the tune, "Hold the fort."

Q. You proposed that?—A. Yes, sir; I was singing, "Hold the fort."

Q. Was it a song?—A. Yes, sir.

Q. Did you hear anybody firing guns in the air during that day?—A. Yes, sir.

Q. How many?—A. Some two or three. I didn't count the guns. After I sung and got through, the boys all fired off and were going home.

Q. What time was this?—A. After the poll was closed, sir; the boys were all going home. That is the only time I had to sing.

Q. Was there any slugging or firing of guns before the polls closed?—A. No, sir.

Q. In which direction were the men going that fired?—A. They went right up the road.

Q. What kind of guns had they?—A. Muskets, sir, and different shot-guns, according to the different guns the country-people have.

Q. How long did you stay there?—A. I staid until they got through canvassing the votes.

Q. How long did Mr. Chors stay?—A. He staid the same, sir; until they got through.

Q. Do you remember whether the managers signed the returns?—A. Yes, sir; the managers all signed the returns, sir.

Q. Did you hear any complaint about the fairness of the election?—A. None whatever.

Q. What time did you first see guns there that day?—A. Well, that was away in the afternoon, sir. First there was not a man brought a gun on the ground.

Q. Do you remember who had guns there?—A. I cannot name the different ones who had guns, but the guns were over about one hundred and fifty yards from the precinct; about one hundred and fifty to two hundred yards.

Q. How many were there?—A. I do not know, sir; I was not able to count them.

Q. How many white persons were there?—A. I can almost name all who were there, sir. There were about twelve there.

Q. Do you know whether any of them had arms?—A. I did not see any arms, sir.

Q. Was there any use made of arms during the day there?—A. No use at all, sir.

Q. Do you know about the custom or practice of colored people taking their guns when they go to an election or public meeting?—A. When the colored people go to a meeting, of course everybody don't have guns, but of course a few have their guns with them. Sometimes they shoot on the way. You very often come to a gang of turkeys, and these men who carry guns carry them to shoot on their way through.

Q. What kind of guns have they?—A. These old-time muskets and shot-guns, according to what they can afford to have.

Q. Were there any rifles there that day?—A. There is not a militia gun in that section of the country.

Q. Did Singleton stay there all day?—A. He staid there until the polls closed.

Q. Did he not stay until the close of the canvass?—A. Yes, sir.

Q. Did you see or hear of any disturbance except when Devoe was arrested and the occurrence as to the other man?—A. There was none at all, sir.

Q. Did you see the character of any tickets there other than the regular tickets?—A. Yes, sir.

Q. What were they?—A. The republican tickets on that day were printed in red ink and the democratic tickets with black ink. Of course they were both printed on white paper, but they had black ink and ours was red.

Q. What other ticket did you see?—A. Well, then they had a mixed ticket, with some few of our men on and headed Hampton for governor. He was the only man they had on that ticket. Myself and Bowen was on that ticket. Bowen was sheriff on that ticket.

Q. What electors?—A. Well, Tilden and Hendricks electors.

Q. With the exception of Bowen's name and yours, the rest of the ticket was democratic?—A. Yes, sir; democratic ticket.

Q. What time did you first see those?—A. The first one I seen Mr. Smith had it.

Q. What time was it?—A. That was about nine o'clock, sir.

Q. Were any of them put into the ballot-box?—A. Well, about six of those tickets were put in, sir.

Q. You say it was nine o'clock when you first saw it?—A. About nine o'clock when I saw the tickets.

Q. Please state whether there was any watch to see whether the republican voters voted that ticket. What did you do, if anything?—A. What I did when I seen that ticket? They came to me and wanted me to accept; to let that ticket, run and not to make mention.

Q. Who did?—A. Mr. Smith spoke to me.

By Mr. PHILIPS:

Q. What Smith was that? T. H. Smith?—A. No, sir; Henry Smith.

By Mr. LAPHAM:

Q. Was any one by when he spoke to you?—A. Several of them.



Q. Can you name any one?—A. Yes, sir; I can name Cyrus Grant; Joshua Washington was there, Ivan Carter, and several others.

Q. Where was it?—A. That was right about the precinct. I suppose about some fifteen feet off.

Q. What did you say to that?—A. I told him that I could not deceive the people; I could not advocate their ticket.

Q. What else did he say, if anything?—A. Well, he didn't want me to make any noise about the ticket. He asked me not to say anything to the people about that ticket. He said I would gain the vote. I told him I could not deceive the people.

Q. What did he then do?—A. Of course, then, his ticket was put into some few of the men's hands.

Q. Was there anything done to discover whether the voters had that ticket?—A. If there was anything done to see whether those voters voted that ticket, do you mean?

Q. Yes.—A. No, sir.

Q. What did you answer when he requested you to say nothing about it?—A. I just told Mr. Smith that I could not advocate that ticket.

Q. When he requested you to say nothing about it, what answer did you make to that?—A. I spoke for the ticket I had in my hand.

Q. What did you say?—A. I said here are the republican tickets; any other ticket is bogus.

Q. Did you say that aloud so all the electors there could hear you?—A. Yes, sir; I said my name on that ticket didn't amount to nothing. That is what I told them.

Q. Did you hold up the ticket as you said that?—A. Yes, sir.

Q. Anything more said about it during the day?—A. No, sir, because everybody came and wanted a republican ticket.

Q. Do you know of any elector that was prevented from voting that day?—A. I do not know of any.

By Mr. PHILIPS:

Q. How long have you been living here in Charleston?—A. Well, sir, I was here ever since I was a boy about, say, fifteen years of age.

Q. In this town?—A. Yes, sir; and then I went into the country.

Q. How many members of the legislature are there from this county?—A. We used to have eighteen, sir.

Q. How many now?—A. Seventeen, sir.

Q. Is the county divided into election-districts? Are these members of the legislature elected from certain districts in the county?—A. No, sir, not particularly. The constitution don't say that. They are elected from the whole county. I was elected at large.

Q. How long have you been renting this place out in the country?—A. I have always been planting in the country since I grew up.

Q. I say how long have you been renting this place up here at Whaley's Church, where you are renting now?—A. I was planting there about—I commenced to plant in 1868.

Q. At this same place?—A. No, sir.

Q. My question is, how long have you been renting that place up there at Whaley's Church that you now have?—A. I commenced to plant in 1871.

Q. You just rent the place up there?—A. Yes, sir.

Q. Have you ever lived up there with your family?—A. Do you mean before now?

Q. My question is, have you ever lived up there with your family?—A. Yes, sir; I always did live in the country after I leave the city.

Q. You always did live in the country after you left the city?—A. Yes, sir.

Q. When did you leave the city?—A. You asked me first if I grew up here. I tell you yes, I grew up here in the city, and I went in the country, I suppose, when I was some fifteen or sixteen years of age, and of course I was in the country ever since.

Q. Have you been renting farms up there and planting ever since you were sixteen years of age?—A. I could not say that, because I had an owner. I commenced to plant for myself after emancipation.

Q. My question to you is, have you ever lived up there at Whaley's church with your family, where you are now renting land, as you say?—A. I do not live at Whaley's church.

Q. Wherever your place is, has your family lived there? Have you lived there within the last two years?—A. My family live in the city, and I plant there myself.

Q. Your family have not lived with you up there on this place within the last two years?—A. No, sir.

Q. They remained here in the city all the time?—A. Yes, sir; that is all right.

Q. Were you not living with your family here in the city just before the election?—A. Yes, sir; my home is here.

Q. Answer my question. Were you not living with your family here just before the election?—A. Yes, sir.

- Q. You are renting, you say, about fifteen or twenty acres?—A. Yes, sir.
- Q. Were you attending to that place last fall?—A. Yes, sir.
- Q. What were you doing on it?—A. I planted.
- Q. Planting in the fall?—A. In the fall?
- Q. Yes.—A. Nobody plant in the fall; everybody plant in the spring.
- Q. What was going on at that place of yours last fall?—A. Everybody harvests in the fall.
- Q. You were not staying at that place out in the country last October, were you?—A. I tell you I plants out there all the time.
- Q. You planted on that place in the spring?—A. Yes, sir.
- Q. Did you stay on it through the summer?—A. Whenever I am out there I am there, sir.
- Q. My question is, did you stay on it through the summer?—A. I did not, sir.
- Q. Do you work that place yourself or have it worked?—A. I and another friend plants together.
- Q. My question is, do you plant the place yourself?—A. I works myself when I am there—plows my horses and work myself. Of course I do not work all by myself. I have got a party to work with me.
- Q. Who attends that place for you—those fifteen or twenty acres? Do you hire anybody to work on it?—A. No, sir; I do not hire. We work in partnership.
- Q. This person you speak of lives there in a house with his family, does he?—A. Yes sir.
- Q. You just go out there occasionally, don't you?—A. O, no; I am out there every week.
- Q. Do you stay all night?—A. Sometimes.
- Q. How far is it from the city?—A. We plant just about ten miles.
- Q. Ten miles from here is the place you rent?—A. Yes, sir.
- Q. Did you ever vote there, at Whaley's church, before this year?—A. Yes, sir.
- Q. When?—A. I voted there in 1870.
- Q. Is that the last time you voted there?—A. No, sir; I voted in 1870 and I voted in 1872.
- Q. Where did you vote in 1874?—A. At the same place.
- Q. Did you vote there in 1874?—A. Yes, sir; I voted at Whaley's precinct.
- Q. When you ran for the legislature in 1874, did you run at large in the county?—A. We gets a set of delegations from these precincts, and my delegation come right from the precinct.
- Q. Are you nominated by one single delegation, or all over the county?—A. O, no, sir; we meet in a convention.
- Q. Here in the city?—A. Yes, sir.
- Q. Did you vote at Whaley's church in 1874?—A. Yes, sir.
- Q. Attended the election there?—A. Yes, sir.
- Q. What was the vote at Whaley's church in 1874?—A. Lot me see. We had, I think, in 1874, about some 300 odd. I cannot remember now exactly. It was something over 300, I know.
- Q. That was the year that Chamberlain and Greene ran for governor?—A. Yes, sir.
- Q. What was Chamberlain's vote there in 1874?—A. Greene didn't get but sixty-two votes, I think it was.
- Q. And the balance of the 300 Chamberlain got?—A. Yes, sir.
- Q. Who carried this county in 1874—Chamberlain or Greene?—A. Greene, I think.
- Q. Greene carried this county by about 3,000, didn't he?—A. Yes, sir.
- Q. Had you seen Chors here in the city at any time recently, before he came to see you that Saturday night?—A. No, sir; not until that Saturday night he came to my house. I seen him occasionally. I cannot say I seen him at all to speak to him until that time—not until that night.
- Q. You never spoke to him before that night?—A. I have spoken to him before that night. We are well acquainted.
- Q. How long have you known him?—A. I have known him during the war, I think.
- Q. Have you known him since the war?—A. O, yes.
- Q. What business is he engaged in here?—Q. He used to plant not over two or three miles from where I used to plant.
- Q. Is that all the business he is engaged in?—A. I think he is a kind of a merchant down here.
- Q. A merchant here in the city and plants in the country?—A. I think so. I am not certain about the merchandising at present. But I know he used to have something to do with some merchandise here.
- Q. You say that when he came to see you that night that he told you that you would carry that precinct anyhow?—A. Yes, sir.
- Q. Did anybody hear that conversation besides you?—A. Yes, sir.
- Q. Who heard it?—A. My mother-in-law heard it.
- Q. Where was she?—A. She was right in the next room. Me and Mr. Chors speak on the piazza.

- Q. Where was she?—A. She was in the room.
- Q. Did you see her at the time you were talking with Mr. Chors?—A. She didn't leave me far, because she didn't know what Mr. Chors came at that time of night for.
- Q. Did you see her when you and Mr. Chors were talking?—A. Yes, sir.
- Q. You could see her from where you were talking?—A. Yes, sir.
- Q. Was the window or the door open?—A. The door was open.
- Q. Were you standing in the door?—A. We were about mid-part of the piazza.
- Q. How far were you from that door that you say was open?—A. Not far.
- Q. About how many feet?—A. About five or six feet.
- Q. You were standing right opposite the door?—A. Not quite opposite.
- Q. You could see your mother-in-law through the door from where you and Mr. Chors were talking?—A. Yes, sir.
- Q. Was there a light in the room where she was sitting?—A. Yes, sir.
- Q. The light was turned on and you could see her by the light?—A. Yes, sir.
- Q. How far was Mr. Chors standing from you?—A. Me and him was about mid-part of the piazza.
- Q. How far was he from you?—A. He was right by me.
- Q. Was he facing the door of this room where your mother-in-law was sitting, so as to see where she was sitting?—A. Whether he was looking at my mother-in-law, I could toll that. Mr. Chors stood with his back to me in this way, and I stood so with my face facing this way; I could look directly in my room. He stood before me in that way, and of course I could look directly in the room; I could look in his aud at the same time I could look in the room.
- Q. His back was to the room?—A. Yes, sir.
- Q. When he called for you, you say you sent your mother-in-law to him?—A. I was in my bed. When she heard the knocking she went to the gate to see who it was, and it was this man Chors who wanted to see me.
- Q. She came and said Chors wanted to see you?—A. She didn't tell me what he wanted to see me about.
- Q. She first saw Mr. Chors, who spoke with her before she went in to see you?—A. Yes, sir.
- Q. Was the light burning in the hall?—A. I brought the light down myself.
- Q. Did your mother-in-law come down-stairs with you?—A. She came down before I did.
- Q. How long before you?—A. When she heard a knocking at the gate she went to see.
- Q. How long did she go down-stairs before you?—A. I suppose about ten minutes, not quite that.
- Q. When you come down Mr. Chors was standing on this piazza, was he?—A. Yes, sir.
- Q. When your mother-in-law came down the stairs did she pass into this door near, where Mr. Chors was standing?—A. No; she stood up right in the door. I could see her right through the crack of the door.
- Q. When you came down-stairs where was your mother-in-law?—A. She was in what I call my dining-room.
- Q. Right in the door?—A. Yes, sir.
- Q. How far was Mr. Chors standing from her when you came down?—A. Mr. Chors was then in the piazza.
- Q. I ask you how far Mr. Chors was standing from your mother-in-law when you came down-stairs?—A. When I came down-stairs Mr. Chors was about the middle of my piazza, and she was in the room.
- Q. How far from him—how many feet?—A. I did not measure the feet; I do not know.
- Q. About how many feet—four or five feet?—A. Over five feet, I suppose.
- Q. When you came down your mother-in-law was standing right in this door?—A. She was in the door—yes, sir; in the room.
- Q. You brought the light down with you?—A. I brought the light down, sir.
- Q. You say that Mr. Chors requested you to say nothing about this?—A. Yes, sir.
- Q. What did you say to him?—A. I said, when he first told me, I tell him he mistake the man; I could not be a deceiver.
- Q. When he made that request to say nothing to anybody about it, what did you say?—A. I did not say anything. He tell me if I made up my mind to do it, I could see him at the Pavilion Hotel on Sunday.
- Q. He said that as he was leaving?—A. Yes, sir.
- Q. Who did you first tell about this?—A. Well, I speak to several persons; but I didn't name no person.
- Q. Whom did you first tell about this affair?—A. I tell several persons; I don't know who all.
- Q. Can you mention one?—A. Yes; I could mention one; I tell my folks at home.
- Q. Whom did you tell at-home about it?—A. I tell my wife about it.

- Q. Who else?—A. Well, I would have to go and find out.
- Q. Can't you tell any one?—A. I just tell you one, just now.
- Q. Can't you tell the name of any person to whom you told this?—A. I tell several persons. I tell several persons of a certain gentleman that came to me last Saturday night and offered me a bribe to do certain things; but I didn't name the man at that time.
- Q. Whom did you tell that to?—A. I said several.
- Q. Who?—A. I can't name them.
- Q. You can't name any one you told it to?—A. I tell that to different parties, as I tell you.
- Q. You can't tell the name?—A. I told Charley H. Broughton.
- Q. Who is he?—A. The man that plants with me.
- Q. When did you first tell him?—A. I suppose I told him just the day before the election.
- Q. Whom else did you tell?—A. I tell Mr. Grant.
- Q. What Grant?—A. Cyrus Grant.
- Q. Who is he?—A. Well, he is a man that planted in the country.
- Q. Lives up there in that neighborhood, near Whaley's church?—A. Yes, sir.
- Q. When did you tell him?—A. I suppose I tell him the same day—just before the election.
- Q. Where did you see him up there?—A. Up there, sir.
- Q. Where?—A. Right there on the road.
- Q. Did you see him at his house?—A. He was at my house.
- Q. And you told him this at your house?—A. Yes, sir.
- Q. Who was present when you told him?—A. I did not particularly notice who all were present.
- Q. Anybody else besides him?—A. I don't know.
- Q. Whom did you tell here in town first about it?—A. Well, I speak to several.
- Q. Who?—A. I told one Washington—R. K. Washington.
- Q. Who is he?—A. He is here in the city.
- Q. I asked you who R. K. Washington is?—A. He is a colored man, sir.
- Q. When did you tell him?—A. Well, I must say right here that I had no particular time to notice what time I told anybody this thing. We were only speaking over the times, how the thing had went on.
- Q. Where did you first tell him?—A. I told Washington that in my house, in the city here.
- Q. When?—A. I can't remember what day I told him, sir.
- Q. Did you ever tell any white person about it?—A. No doubt I tell them the same as I stated to you.
- Q. Did you ever tell any white person about it?—A. Yes, sir.
- Q. Who?—A. I suppose I speak it to several white friends, too.
- Q. Give us their names.—A. I think, if I am not mistaken, I tell Major Stone.
- Q. Who is Major Stone?—A. Major Stone down here.
- Q. Who is he?—A. He is a white gentleman.
- Q. Does he hold any office?—A. He used to act here as an attorney comptroller general.
- Q. Attorney-general of the State?—A. Yes, sir.
- Q. When did you tell him?—A. I think I told him yesterday; I think so.
- Q. How came you to tell him yesterday?—A. Well, I was summoned here as a witness, and I only state what I know.
- Q. Who summoned you here as a witness?—A. I don't know. I am here to-day. I don't know how I came to be here. I was informed down there that I was summoned.
- Q. Did anybody read a summons to you?—A. No.
- Q. How came you, then, to tell Major Stone about it?—A. I heard he wanted to see me, and I went to him.
- Q. He sent you word that he wanted to see you?—A. Yes, sir.
- Q. What did he want to see you about?—A. I don't know any more than I tell you here.
- Q. Did you tell him about this matter after you had seen him?—A. I tell him just what I tell you here.
- Q. You told him this yesterday after you went there?—A. Yes, sir.
- Q. Did he ask you about it, or did you voluntarily tell him about it?—A. I was asked if I was up to Whaley's Church on the day of the election, and I said, yes, I was there.
- Q. Did he ask you about it?—A. I done stated it. That is all I can say I knowed.
- Q. Did he ask you about it himself, or did you voluntarily state it to him?—A. Did he ask me what occurred at Whaley's Church, do you mean?
- Q. Did he ask you about this matter that occurred between you and Mr. Chors?—A. He didn't know anything about it until I tell him.
- Q. How came you to tell him about it?—A. Because I was talking about the matter, and I tell him.

Q. He was the first white man you told about it?—A. Yes, sir.

Q. And you talked it all over with him, did you?—A. I tell you that he was there talking to me, and I tell him exactly what transpired between me and Mr. Chors.

Q. Was he the first man you gave the name of the party to?—A. No, sir; he was the first white man.

Q. You said that you told several men about having a conversation of this sort with a certain man, but you didn't give his name. Now, did you ever give Mr. Chors's name to any colored man as having had that conversation with him?—A. No doubt I did.

Q. Who?—A. I can't remember.

Q. Can't remember any colored man?—A. No, sir.

Q. Major Stone was the first white man you ever told about it?—A. Yes, sir; the first white man I ever speak to about it.

Q. When did you come down from the legislature at Columbia?—A. I came down on last Saturday.

Q. And you told this to Major Stone on yesterday, which was Tuesday? When did you get information that you would be required to testify before the committee?—A. I heard it yesterday.

Q. For the first time?—A. Yes, sir.

Q. Did you go right straight to Major Stone's office when you heard you were to testify?—A. I did, sir.

Q. Did you see men with arms in their hands at the election?—A. At the voting-precinct? No, sir.

Q. Did you not see the men when they came there?—A. O, yes.

Q. Didn't they have guns?—A. Not at the polling-precincts, sir.

Q. Did you see them when they came?—A. I seen several men there, as I said at first. They had guns. They had put the guns about one hundred and fifty yards—

Q. I ask you the question, did you see any men go there with guns?—A. They didn't go to the polling-precinct with guns.

Q. You didn't see men coming there with guns?—A. No, sir; they didn't come there to the precinct.

Q. Did you see them stack those guns there in the road?—A. Yes, sir; I could see that.

Q. You could see them from the polls?—A. Yes, sir.

Q. Did you go to where the guns were?—A. Occasionally in the day. You know a person walking around—

Q. Did you go down to where the guns were stacked?—A. I did.

Q. How often did you go down there?—A. I don't know. I had no particular call to go there and see.

Q. You can't tell how often you went?—A. No, sir.

Q. How often did you go where they were?—A. Well, walking around, I remember one instance. I went across to get some water, and these guns had been at a house on the other side of the road. That is the way I come to see them.

Q. Was anybody with the guns?—A. I suppose each man that had a gun.

Q. Was anybody down there where the guns were stacked in the road?—A. Yes, sir.

Q. How many?—A. I didn't count.

Q. About how many?—A. I could not say. I did not count. I am on my oath, and I cannot lie.

Q. I have not asked you to lie. I am asking for the truth. You can't form any opinion as to how many men you saw with guns?—A. No, sir.

Q. Can you form any estimate of the number?—A. No, sir.

Q. How were they stacked?—A. What I did see was men lying down on the side of the road and had their guns with them.

Q. You didn't see any guns stacked?—A. No, sir.

Q. Then the guns you saw there were in the hands of men and they were lying down on the road-side?—A. Yes, sir.

Q. And you didn't see any guns stacked?—A. No, sir.

Q. And you can't tell how many there were?—A. No, sir.

Q. They had their guns in their hands?—A. I tell you what I did see was aside of the road.

Q. You say they were not stacked, but men had them lying down. Is that so?—A. I say that.

Q. Then the guns were in the hands of the men, were they?—A. I tell you I didn't see any guns stacked.

Q. That is not answering my question. My question is, were the guns in the hands of the men?—A. Well, I must state to you exactly what I see. I can't state anything else; no more than what I see. You ask me whether I see these guns in these men's hands. I say I seen no guns in the hands of the men at the polls.

Q. How were the guns placed, then? You say they were not stacked. Have you not stated that the men had guns lying down?—A. Those saw that I did see; those that I did see, they were aside of the road.

Q. Men with them?—A. I suppose so.

Q. Don't you know whether the men were with them or not?—A. I suppose men were there.

Q. You suppose so; don't you know?—A. I can't be certain.

Q. Have you not just said that you saw men down there when you went to get a drink of water?—A. I say that is the way my attention was called to those guns. I tell you that is the way my attention was called.

Q. Did you not stop there and talk with those men?—A. We were always friendly.

Q. Did you not stop there and talk with those men that were there with the guns?—A. I don't know whether I did or not. I might have done it.

Q. How far did you pass from them?—A. The spring is nearly three hundred yards from the voting-precinct.

Q. How far did you pass from them going to the spring?—A. They was on the stage-road.

Q. You passed right by them?—A. Yes, sir.

Q. And when you passed there were no guns stacked in the road, but you saw the guns and the men with them?—A. I never tell you I didn't see no guns.

Q. You say you didn't see the guns?—A. Yes, sir; but can't positively say I didn't see any at the polls.

Q. The men that were there at the polls had these guns down on the road-side, and you saw the guns and the men as you went to the spring, did you not?—A. If I see the guns and the men certain when I passed to go to the spring—I say this: I say that when my attention was called, going to the spring, I saw a few of these muskets. They was aside of the road.

Q. Were not the men with them; have you not just stated that the men were with them—that the men had them?—A. I say I didn't see them stacked up.

Q. Have you not just stated that the men were with these guns?—A. I suppose I did say that.

Q. You did say it?—A. Yes, sir.

Q. And you cannot state whether they had them in their hands?—A. I seen guns there, but I could not say who had them. I seen one or two guns lying there aside of the road.

Q. They were lying aside of the road? Then nobody had hold of them?—A. I might take my gun—

Q. Answer my question. Did the men have hold of the guns?—A. I am trying to answer your question.

Q. Can't you answer the question directly, whether the men had hold of the guns or not?—A. That I can answer. I am satisfied I seen some few on the ground.

Q. You are satisfied now that you saw some few on the ground?—A. I tried to state that before.

Q. Did you not state not more than a minute ago that the men hadn't those guns, and that they were not stacked?—A. The men were there.

Q. Didn't they have the arms in their hands and holding them? You stated a moment ago the men were lying down in the road.—A. I say that now. When I did see them they were sitting down with the guns in their laps.

Q. Why couldn't you answer that before?—A. Well, I tried to tell to you all I could.

Q. You were a candidate there that day on the republican ticket for the legislature, were you not?—A. I was, sir.

Q. Were you distributing tickets there that day yourself?—A. Well, no; they always have a committee that take the tickets. I had the bulk of the tickets.

Q. Did you not hand them to the men yourself?—A. No; other men handed them.

Q. Did you hand any tickets yourself to any men there that day?—A. I did.

Q. To vote?—A. Yes, sir.

Q. Did you have rallyings there, as you call them?—A. Yes, sir.

Q. Who by?—A. The colored men, sir.

Q. Who were they?—A. I had several, sir. I had Ivan Carter, Mr. Washington, Lisbon Bernan. I had John Edwards, Thomas Grant, Samuel Luftenant—those I gave tickets to distribute out.

Q. What time did they get through canvassing that night?—A. Well, sir, at the poll at eleven or twelve o'clock, as nigh as I could give it, but not later.

Q. How many men were there when the canvass closed; that is, when they got through counting the vote, and it was all over?—A. Twelve o'clock at night.

Q. How many men were there at that time?—A. Well, there was Mr. Chors, Mr. Smith, Mr. Hard, and of course they staid until we got through. Singleton, he was one of the supervisors, and this young fellow that acted as a clerk, Mr. Grays, and some others were aound.

Q. But all the voters went away?—A. Some few on both sides staid to see.

Q. You mentioned some three white men?—A. Yes, sir. Mr. Bogg was there, too.

Q. Then, about how many colored men?—A. Well, I suppose about—let me see; myself, Singleton, Bernan, and C. Grays, and Prailor. I think we staid there. It might be more, sir; but I can't be certain.

- Q. The balance had all gone home?—A. Yes, sir; the voters had all gone home.
- Q. Were you all inside of the house?—A. We were in the church.
- Q. After you got through there that night at 12 o'clock, that was the time Mr. Chors talked to you about the fairness of the election, wasn't it?—A. O, no; I didn't say that. I said when the poll closed that afternoon Mr. Chors speak to me about the well management and quietness that had occurred there that day.
- Q. Where did that occur?—A. Right at the church, sir.
- Q. Who was present when it occurred?—A. Well, several.
- Q. Do you know of any one who was present?—A. I suppose several were present. I can't name no one.
- Q. You say it was then about dark?—A. That was after the poll was closed.
- Q. Was that about dark?—A. Six o'clock. At that season it was pretty dark.
- Q. How many of the voters were there at that time?—A. I don't know. Not much. Pretty much all had went home, excepting those few that stopped to see the vote counted.
- Q. They had pretty much all gone home, except those you have mentioned, who remained to see the vote counted?—A. Yes, sir.
- Q. When did you strike up the tune about holding the fort?—A. That was just after the poll closed.
- Q. It was after this conversation between you and Mr. Chors, was it not?—A. O, no; these men had gone then when Mr. Chors speak to me.
- Q. Did you not state in your examination-in-chief that after Mr. Chors said that to you that you then struck up the tune "Hold the Fort"?—A. O, no; I didn't say that. I tell you after the poll closed I struck up "Hold the Fort."
- Q. Do you now say that you did not, in your examination-in-chief, state that after Mr. Chors had spoken to you and congratulated you upon the peacefulness of the poll, that you then struck up this song about holding the fort?—A. Do you mean after Mr. Chors speak to me?
- Q. Did you not state it that way?—A. I say after the poll closed that afternoon I struck up "Hold the Fort." These men that fired off the guns did it to salute me, because they didn't know the song.
- Q. You sang the song alone, did you?—A. Yes, sir; they didn't know it.
- Q. You sang it by yourself?—A. I called on this young fellow, Singleton, because I beloved he could sing with me.
- Q. You and Singleton were the only ones that sang?—A. Yes, sir; they didn't know it.
- Q. Then after you had sung this song they fired off these guns?—A. Yes, sir; they were standing around me while I was singing.
- Q. How many of them?—A. I declare I didn't count them.
- Q. About how many?—A. I could not say.
- Q. Give some opinion about it. Was there a hundred?—A. No, sir; there was not a hundred.
- Q. Seventy-five?—A. No, sir.
- Q. Fifty?—A. I don't think it was over twenty-five.
- Q. Did they all fire off their guns?—A. No; because all didn't have guns.
- Q. How many fired off guns?—A. I can't say positive how much guns was fired.
- Q. Did anybody have command of those men?—A. No, sir.
- Q. No one?—A. No, sir.
- Q. Was anything said about reloading after the firing?—A. No, sir; not a word.
- Q. Not a word that you heard?—A. No, sir; I never heard it.
- Q. That was about dark?—A. Yes, sir.
- Q. How many white men were there then?—A. Mr. Chors and Mr. Hard was there, and I think Mr. Smith. I do not think Mr. Smith went by yet—Henry Smith. I know Mr. Smith and Mr. Hard was there, because I spoke to them.
- Q. You say there were only about six of those mixed tickets with your name and Bowen's name on them put in the box?—A. Yes, sir; that is all.
- Q. Were they included in the twelve democratic votes that you speak of?—A. No, sir; they got eighteen altogether.
- Q. They made up the eighteen votes?—A. Yes, sir.
- Q. There were twelve, then, straight democratic votes besides those other six?—A. Yes, sir.
- Q. All the balance were straight republican votes?—A. Yes, sir.
- Q. You preach sometimes, don't you?—A. Yes, sir.
- Q. Where do you preach?—A. Out there, sir.
- Q. Out where?—A. Out on Saint James, Goose Creek, sir.
- Q. At what place?—A. At a Baptist church. One is at Eight-mile Hill; I call it Eight-mile chapel; and the other one is at Whaley's.
- Q. Do you preach at Whaley's?—A. Where we vote is the Methodist church, and my church is right back of the railroad.
- Q. What is your denomination?—A. Baptist, sir.
- Q. Were you preaching there last fall?—A. I have been preaching there the last eight years.

Q. Have you been preaching ever since you have been in the legislature?—A. Before that.

Q. How long before?—A. I was licensed in 1864.

Q. Do you preach regularly?—A. Yes, sir.

Q. At that church?—A. At different churches.

Q. How often do you preach up there?—A. I preach up there every week on Sunday, and when I am in the city I goes out.

Q. Then you preach there every Sunday?—A. Yes, sir; every Sunday.

Q. Did you preach there all through the fall, during the canvass?—A. Yes, sir; I preaches all the time.

Q. You have been preaching since 1864?—A. Yes, sir; I was licensed, and the latter part of 1867, I believe, my license was renewed, and ever since—

Q. You were asked about your education. What is the extent of your education?—A. Very limited, sir; I do not boast of any at all.

Q. Can you read and write?—A. I can read my own name, sir.

Q. Can you write your own name?—A. Yes, sir.

Q. Can you write aside from being able to write your own name?—A. I don't claim myself to be much of a pensman.

Q. Can you write aside from being able to write your own name?—A. I am not a good pensman.

Q. Can you write anything besides your own name?—A. I answered the question. I tell you I am not a good pensman.

Q. I am not asking you whether you are a good pensman. I am a miserable pensman myself. Can you write anything other than your own name? You can sign your name, can't you?—A. Yes, sir.

Q. Can you write now anything else besides that? Can you write letters?—A. Well, I am not much of a writer.

Q. Then you can't write a letter, can you?—A. No, sir; I can't write much.

Q. Can you write any aside from your name?—A. Well, I answered you in a direct question; I am a very bad writer.

Q. Can you write anything but your name?—A. I told you already. Now, what do you want me to answer?

Q. You know what I mean. Can you write a letter? You have answered that no, have you not?—A. No, sir; I can't write a letter properly.

Q. Can you write one at all so anybody can read it?—A. I can write it my way; yes, sir.

Q. Did you ever write a letter to anybody?—A. Yes, sir; I believe I have.

Q. When?—A. Well, I don't keep the dates what time I writes.

Q. Do you write letters so frequently that you can't remember them? I simply want to get the truth. Is it not true that you can't write at all except to write your name?—A. Well, I will accept that; yes, sir.

Q. Can you read?—A. Yes, sir; I can read some.

Q. To what extent?—A. I don't know, sir.

Q. Can you read ordinary print, such as a newspaper?—A. Do you want me to read something for you? If you want me to read something, you can give me the paper.

Q. Can you read a newspaper or a book?—A. Yes, sir; I read the newspaper.

Q. And book-print?—A. Yes, sir.

Q. Have you any education beyond that?—A. Well, I can't say; no, sir. We can't boast about our education.

Q. Did you ever see arms (guns) carried to an election before this fall?—A. Well, I have said that I didn't see any, only one person there—

Q. My question is, did you see any arms at any election before this year?—A. Well, the folks about the country have guns—

Q. Answer my question directly. Did you ever see any arms at an election before this year?—A. I have.

Q. When and where? When did you ever see arms at an election before this year?—A. You want to know from me if I ever saw arms at an election?

Q. You have just answered my question, in which you say you have seen arms at an election before this year. Now, I ask you when and where?—A. I tell you at first; I did not see even any arms at this poll.

Q. I am not asking about this election. You have stated the fact, and if it is not so you can correct it, that you have seen arms at an election before this year, at some other election. Now, I ask you when and where?—A. Let me state now: I say that the folks that goes to a meeting or an election more or less take their guns along with them. That is what I tried to state to you. On the way there going either to a republican meeting or election, they just take them along with them.

Q. Did you ever see men with guns at an election?—A. No, sir.

By Mr. LAPHAM:

Q. The chairman means at the poll.—A. I mean at the poll.

Q. Do you remember whether you gave the name of Mr. Chors to any one to whom



you spoke about this until you told Mr. Stone?—A. Yes, sir; I told it to Mr. Stone yesterday.

Q. I understood that; but had you ever given Mr. Chors's name to anybody before that?—A. I think I seen you before.

Q. But before you saw Mr. Stone did you give the name of Mr. Chors to anybody?—A. No, sir; no man.

Q. When you were asked whether you saw guns at an election, what do you understand by that?—A. I understand when he say if I saw folks go to the polls and carry a gun. To that I say, no.

Q. But have you seen people who came to attend an election have guns?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you see them bring their guns to the election?—A. I never seen no one carry guns to the polls, sir.

Q. Did you ever see any person before this year going to the polls with guns; going in the direction of the polls; going there as voters, with guns?—A. That I am not positive able to say.

By Mr. LAPHAM:

Q. From whom did you get your license to preach?—A. From the Baptist association, sir.

Q. From the Baptist association of this State?—A. My church, of course, licensed me.

Q. But the license came from the Baptist association of this locality? Was it a written license?—A. My license is printed, sir.

Q. Do you remember by whom it was signed?—A. Yes, sir; it was signed by the former pastor, who was at that time chairman of the executive committee.

Q. What was his name?—A. The Rev. Charles Smalls.

By the CHAIRMAN:

Q. Was he a colored man?—A. Yes, sir. He is dead now.

By Mr. LAPHAM:

Q. You state it was renewed in 1867?—A. Yes, sir.

Q. By whom was it renewed?—A. By the church.

Q. Who signed that license?—A. The Rev. Julian Chase.

Q. Where does he live?—A. He lives here in the city.

Q. Is he a colored man?—A. Yes, sir.

Q. Have you never preached in the Methodist church?—A. I preach in the Methodist church in the country.

Q. Did you ever preach at the Methodist church at Whaley's?—A. Yes, sir.

Q. When?—A. We invite each other to preach often.

Q. When, if you remember?—A. The last time I preached in the Methodist church I think, if I am not mistaken, it was about last July. The question was asked me concerning the election, the time when Judge Greene ran, and the number of votes that Chamberlain got. I want to state that at that time we had a precinct at Shiloh church. It composed a portion of the voters that go to Whaley's church. Since that time they moved the precinct, and all the voters that voted at Shiloh church voted at Whaley's church.

Q. How many were there there?—A. About three hundred, sir.

Q. That is the way the other vote goes to Whaley's?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you remember where those voters went at the last election; whether they all went to Whaley's church or whether some of them went elsewhere to vote?—A. I know the faces of the people that voted at Shiloh church.

Q. Do you state that all those who previously voted at this place came to Whaley's church and voted?—A. I could not say all; I say the majority came up there.

The committee adjourned to meet to-morrow, (Thursday, the 28th of December, 1876,) at 10 o'clock a. m.

CHARLESTON, S. C., December 28, 1876.

The committee met pursuant to adjournment.

ABRAM P. JENKINS (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. I was twenty-seven the 15th of last October, sir.

Q. Where do you live?—A. I live in the town of Beaufort.

Q. How long have you lived there?—A. I have lived there all my life, sir.

Q. Where did you attend the late election in that county?—A. Ladies Island, Woodlawn poll, about five or six miles from the town of Beaufort.

Q. Were you a candidate at the late election for any office; and, if so, state what it was?—A. Yes, sir; I was a candidate for the general assembly.

Q. On what ticket did you run?—A. On the democratic ticket, sir.

Q. State whether you belong to any club, and, if so, what club?—A. Yes, sir; I am a member of the Beaufort democratic club, sir, and took an active part in it, frequently; having a meeting every week just before the election.

Q. State whether the colored republicans ever interfered in any way with that club?—A. Yes, sir; the first night that I joined that club they met me on the street and wanted to know if I was going to join. I told them yes, I was going to join, and they advised me not. That a black man like me should not join the democratic party, because I was in slavery, and had sores on my back where they whipped me, and so on. And I told them, "Never mind, I was going to join the club, and am going to support the democrat party from the head of the ticket to the tail end," and on that night I heard the constitution read and signed to the roll; and that very night they came in there, and they picked at me in the room, and cursed me in the room while I was into the meeting.

Q. How many of them came into the room?—A. About a dozen or more, sir, came in. They broke up our meeting that night. We had to adjourn or else there would have been a fuss there. We could not put them out, for we were afraid there would be quite a disturbance. We had to adjourn sooner than we wanted to adjourn.

Q. State what was the conduct of the colored republicans toward you and other colored men during the canvass who desired to vote the democratic ticket?—A. There was a heap of intimidation, sir; men could not walk the street without being cursed by the republicans. And they threatened me that if they cannot get me before the election they will get me after the election if it was six months to come. They would get me on account of my politics. I always gave them to understand that I was over twenty-one, and the United States and the State of South Carolina gave me the privilege to cast my vote—to advocate who I pleased to.

Q. Did they continue those threats against you?—A. Yes, sir.

Q. You lived in Beaufort all the time?—A. Yes.

Q. Keep house there?—A. Yes, sir; I have a family.

Q. Did they make any threats towards you other than those you have already given? Before that time did they do any threatening act toward you?—A. Yes, sir.

Q. Did they ever send any letters to you?—A. Yes, sir.

Q. When was that?—A. That was about the 10th of October, sir.

Q. State the facts about it.—A. The letter was in my piazza, and I came out in the morning and I saw the letter with my name on it, and I picked it up and commenced to read it, and I could not read it much myself, and I called my wife, and she helped me to read it.

Q. Have you got that letter?—A. Yes, sir; here it is. [Producing same.]

Q. The letter you present here to-day is the letter you received at that time?—A. Yes, sir.

Q. Do you know who wrote that letter?—A. I do not know, sir; I do not know the handwriting, sir.

Q. That was on the 6th of October?—A. No, sir; this is on the 10th of October.

The CHAIRMAN. We introduce this letter in evidence.

The letter reads as follows:

"BEAUFORT, S. C., Oct. the 10, 1876.

"Abram P. Jenkins, you dam democrat son of bitch. How dare such a dam black negro like you to go democrat? If you don't change your political opinion by Saturday night we will kill you; but you must walk very strate; if not, we will kill you, if it is not until 6 months. We want Smawles to be our Congressman, and you vote for Tillmon. We are going to vote for Hayse and Wheller and the I dare you going around and telling the people to vote for Tillmen and Hendrix. If we can't get you before the election we will get you after, if it is six months to come."

Q. You proceeded to make a statement subsequent to that time, on the 25th; proceed to state what you were about to say.

A. On that Wednesday, on the 25th, up in the county to Early Branch, in Beaufort County, where General Hampton and other officers was going to deliver a speech—they spoke there that day—I took a very active part in carrying the club I belonged to up there, and went up there and stood by the color of the flag—the banner we had there—and took a very active part in it, in trying to get all the voters I possibly could. Everybody that wanted to go from Beaufort, and was not afraid to go, they went with us, though it was not many colored ones that went from Beaufort, because they stated there that the democrats just wanted them on the cars, and wanted to kill them all, and that time we did not get many up.

Q. Who made that statement?—A. That was the republicans. We had a programme all along the island there to get as many to come up on the cars. We chartered cars on that day, and they sent out notice to the colored people that they must not go up to attend that meeting, because it was just a trap for them to upset; run the cars off, and kill them all. So by that there was not many went. So I went, and a good many that belonged to the club went; and I came back that night, and just as we got in, General Hampton and the rest of the gentlemen were in carriages, and it was not convenient for us all to ride up, and so I walked up with a lot of the boys who could not ride up; and just as we got abreast of the Sea-Island Hotel—I was along with the banner—they commenced to fling dirt on us, and begun to curse us—that we just followed the democrats all over the county for our support, and all the insulting words like that. I was not a very hard person to get mad, and so I did not mind that at all. So the meeting was called at 11 o'clock the next day, on the 26th, for General Hampton to speak in Beaufort. That day I was coming along, had locked arms with one of the colored men that General Hampton had with him, by the name of Grant, from this city. They stopped at my house all night. Four of them stopped at my house; I accommodated them at my house that night; and the next day we were hurrying to get down to the meeting called at 11 o'clock, and I looked arms with him and was passing a barber-shop, and the barber stood out on his platform.

Q. What was his name?—A. Amos Barnes. He goes also by the name of Amos Polite. He answers by either name. He was in the Army, and his name is Barnes; but he gave his name as Polite after he went into the Army. He is addressed by either name. He asked me to stop, and I told him I did not have time to stop; but I would stop when I came back. We went to the meeting, and General Hampton, McYeomans, and Judge Mackey, and one Mr. Gates, from Columbia—I do not know his initials—they spoke, and we had a good many speakers to speak, but the radicals broke up our meeting there, and we had to adjourn sooner than we wanted to.

Q. What did they do?—A. They came up there and questioned the speakers, and every word the speaker would say they would say, "you lie," and all such things like that; they said they just wanted to get us back in slavery, and went on in that way; and then that day two or three of the democrat boys went there to quiet them, and tried to get them to stop, not to insult them while they were speaking, and the first thing the policeman take the democrat boys to the jail.

Q. Were those policemen there colored men?—A. Yes, sir; they took the colored men to jail; then they went on with such a disturbance there that the county chairman had to break up the meeting; so on my way back from the speech Amos Barnes was standing right on his platform—

Q. The same man who spoke to you as you went to the meeting?—A. Yes, sir; and he called me in; we were always very friendly.

Q. He was standing on the platform where?—A. At the barber's shop; we had always been very friendly; he always addressed me by Lieutenant Jenkins. I am lieutenant of a militia company down there, and he addressed me lieutenant all the time. My first word was, when I went in, "Old man, what you say now?" He says, "Come in," and I went in. The first word he said, "You damn democrat son of a bitch, how dare a damn black man like you to be a democrat; but," he says, "never mind, I will get you if it be six months to come." So I came out of his shop and went on to my home, and the latter part of the afternoon I came out. Then the radicals had a speech that night on Bay street. I went down there to the speech there that night on the 26th; so we brought a brass band with us on the 25th, to play for us on the 26th, and that night they were serenading the hotel; and that night while I was listening to the speech there, and I heard the band play down to the hotel, and so I rushed from the speech down to hear the band play, and he was right in his shop door, this Amos Barnes was, and he called me in again, and I told him that I did not have time; that I had some business to attend to at the hotel, and that I would call when I came back; and so he insisted upon me that he had something very particular to tell me, and I must stop; so I walked backward and talked with him about forty or fifty feet across the street. After he told me he had something very particular to tell me, I turned back and went into his shop, and come into his shop, and he cursed me then for a damn black democrat son of a bitch. I could not see what he wanted to curse me so. I took it all because I did not want to raise any disturbance; it is not my character to do anything like that, so I took it all and came out from him that evening, and met him again on the next day, and I told him "good morning," and he would not speak to me; so after that I never had anything more to say to him at all until the 3d of December.

Q. Did anything else occur to you before the election?—A. No, sir; except constant cursing the democrats. I had a good many colored men belong to my club who promised to vote, and they was intimidated by them.

Q. How many had you?—A. About fifty colored men belong to my club, sir.

Q. Did you have any other trouble before the election? Was your house— A. Yes, sir; I had my house brickbat, sir.

Q. When did that occur?—A. That was the night before the election.

Q. State the facts about that; was there any meeting in town that night?—A. Yes, sir; it was a radical meeting, sir. The democrats had a meeting at our club-room; and we broke up there soon, and we went on home; and eleven o'clock that night, when the meeting was broke up down there, the radical meeting broke up. Our meeting broke up first, and we came on home, and the radical meeting never broke up until about quarter to eleven. And I was sitting in the house, and my wife was sewing to the machine there, and my mother was sitting down, and my father had gone to bed. My house is situate this way: my front is toward the south—

Q. Which way does the street pass?—A. The street passes the south part of my house. I am situate right on the corner. They fired into my house with brickbats. It lasted about five minutes. It seemed like it was about half a dozen of them, just like a "volley" of shots fired in. The blinds was shut. We could not even open the door or window to go out to see who was there until after they ceased; and then we went out, and heard them running out West street.

Q. You started to state about seeing this man "Polite" again; when was that?—A. On the 3d December, sir, this month; on a Sunday night.

Q. Where had you been?—A. I was on my way from church; I and my wife went to church, and she went on home and I came on behind her.

Q. What time of night was it?—A. This was about between half past ten and eleven.

Q. What kind of a night was it; dark or clear?—A. No, sir; the moon was very shiny.

Q. Proceed with your statement of what occurred.—A. I crossed the street; as I crossed the street coming toward the college, the white college there, I saw two men standing right up on the green, the base-ball green, it is always called. I was coming this way, and they were standing right here. I was crossing the green there, and one of the party, after I got opposite, one party went on toward the west side and the other came directly to me, and walked behind me. I had no idea who it was, and I had one hand in my hip-pocket and the other in this pocket; and I had on my dress-coat, and it was buttoned up.

Q. You had on your Sunday clothes?—A. Yes, sir. As soon as the parties got aside of me, on my left side, they caught me by the collar, that way, and said, "You damn democrat son of a bitch, you; we long wanted to get you, and I will give you hell to-night;" and about that time I was on the ground.

(Mr. Lapham objects to the witness stating occurrences of violence since the election, as immaterial.)

(The witness, proceeding:) It was so quick I did not recognize who it was before I found him on me. I got down to the ground so quick, and he hit me half a dozen licks or more before I could get my hands out of my pockets; he lay right astraddle of me.

Q. You were on your back?—A. Yes, sir.

Q. He got astride of you?—A. Yes, sir; and he pounded me. I was jammed right up to the fence; my head was right up to the fence, and he stood up and pounded me in the face and eyes; he almost killed me, sir, and I know he would have killed me, and I halloosed "murder," and the policeman heard me hollering, and he came up. He said that he heard the halloosing on Bay street.

Q. How far off is that?—A. That is about half a mile, from Bay street to Washington street.

Q. He came up and took him off?—A. Yes, sir; he came up and took him off of me.

Q. Where was this second man during this time?—A. He came up while I was on the ground; that party came right up about nine feet of us, looked right at us, and I halloosed "murder," and he went right straight off again.

Q. How long did this man beat you?—A. He must have had me down there upwards of fifteen minutes, sir; as near as I can judge about fifteen minutes or more; I put the lowest at fifteen minutes.

Q. Did he draw any blood from you?—A. Yes, sir. I have my shirt here to show you, sir, [the witness here producing a shirt;] that is the shirt I had on, sir, and the collar.

Q. Is it bloody; and, if so, to what extent?—A. Yes, sir; this is the shirt I had on, and it is bloody, sir. This was blood that was drawn from me.

Q. State to what extent you were injured, and the nature of your injuries.—A. I was badly injured, sir. Hardly anybody could recognize me. My face was about this way, and I went home that night, and went in the house; I went in crying, and my mother and them they did not know what to think of me, so they took me right down to Dr. Stewart. Dr. Stewart examined me that night and told me what to do; told me to go on home; afraid I would catch cold if I went out. The next morning I went down to him again, and he told me what to do again. I could not see; I had to be led down; my eyes were swelled up; I could not see out of the eyes at all. It was upward of ten days before I could see any light at all. I had to be shut up in a dark room. My nose here—I can feel it now—they thought that my nose was broken. I could not shut my mouth; I had to keep a cloth wet before my mouth; I could not

shut it at all ; I could not hide my teeth, and Dr. Stewart even say he never see a man more beaten up than I was. The intendant of the town, Alfred Williams, said so before the court of examination. They summoned me before him the next meeting, and I went before him, and he said he would not touch the case at all, because he could not give me justice, and therefore it was for some higher court.

Q. Did you take it before any one else ?—A. Yes, sir.

Q. Who ?—A. I took it before C. H. Wright, the commissioner—the United States commissioner.

Q. Has anything been done with the parties ?—A. The party was bound over, sir, to attend the court here, the first court of January.

Q. The United States court ?—A. Yes, sir ; at this place.

Q. You attended the election at Woodlawn precinct, on Ladies Island ?—A. Yes, sir.

Q. What time did you go there ?—A. I went there in the morning, sir.

Q. At what time ?—A. I went there I think about half past six o'clock that morning.

Q. How many votes were polled there that day ?—A. It was three hundred and twenty votes that was cast at that poll.

Q. How many white men were there ?—A. Two, sir.

Q. The balance were colored men ?—A. The balance was colored ; yes, sir.

Q. How many democratic votes were polled ?—A. I think it was eight, sir.

Q. How many republican ?—A. Three hundred and twelve.

Q. State whether you have any knowledge of any number of colored men who attended that precinct desiring to vote the democratic ticket, and whether they did it or not.—A. We on that island had a club of colored mens, fifty-five in number, that was to support the democratic ticket.

Q. Were those men at that election that day ?—A. Yes, sir.

Q. Do you know how many colored democratic votes were polled there ?—A. Well, to my knowledge, sir, I think it is no more than about seven—seven colored democratic votes, to my knowledge.

Q. To your personal knowledge there were eight democratic votes altogether ?—A. Yes, sir.

Q. One of those white men there was a republican ?—A. I do not know really what Mr. Dale is, but J. F. Cole he is a democrat, advocating the democrat ticket.

Q. State how the election was conducted ; whether the colored republicans there made any threats, and what their conduct was.—A. Yes, sir ; they did make a good deal there that day. I went to a good many of the mens who belonged to the club and gave them tickets, and they would snatch them out of their hands, and tell them they could not vote such a ticket ; if they did they would have to go off the island ; and the way the poll was situated—they had two mens at the gate that looked at the ticket of every person.

Q. Did they have to approach the poll by the gate ?—A. Yes, sir ; and to show the democrat ticket, and take one of those other tickets.

By Mr. LAPHAM :

Q. What military company do you belong to ?—A. I belong to the National Guard, sir ; Company E—second lieutenant.

Q. How long has that company been in existence ?—A. I belonged to that, I guess, about six years ; ever since the administration of Governor Scott.

Q. It is the State militia ?—A. Yes, sir ; State of South Carolina militia, sir.

Q. How many members are there in the company ?—A. I had at one time—the company was upward to about eighty-five and a hundred members.

Q. How many members had you this fall ?—A. Well, it is partly disbanded, sir.

Q. That don't quite answer my question. How many were there in that company during the fall ?—A. During the fall ? I do not know, sir.

Q. What arms did you have ?—A. We have what I think they call—I do not know exactly—the breech-loading rifles.

Q. Seven-shooters ?—A. No, sir.

Q. Single-shooters ?—A. Yes, sir.

Q. Breech-loading rifles ?—A. Yes, sir.

Q. Did you not have any of the six or seven shooters ?—A. No, sir.

Q. What office did you hold in it ?—A. I am second lieutenant, sir.

Q. What portion of them are colored and what portion white ?—A. All was colored, sir. All my company the field-officers is white, but the line-officers is colored.

Q. Who are the field-officers ?—A. Sheriff Wilson—William Wilson ; he is colonel.

Q. Where does he live ?—A. He live in Beaufort, sir—sheriff of Beaufort County, sir.

Q. Who were the other commanding officers ?—A. The commanding officers is W. C. Morrison, colored ; he is lieutenant-colonel.

Q. No ; I mean white men.—A. Only one white man, I said, sir ; the colonel.

Q. Did you also have a parade ?—A. We have not had a parade for two years, sir. We ordered last 4th of July to have a parade, but we could not get out mens enough to parade ; therefore we did not have a parade.

Q. Do your men retain their arms?—A. Yes, sir; they have got their arms.

Q. You retain yours?—A. Yes, sir; I retain mine.

Q. Had you anything besides a gun?—A. I have no gun, sir; I have a sword, belt, and sash.

Q. When was the democratic club, to which you referred, formed in Beaufort?—A. I think over since some time in September, sir; I do not know exactly the date, but that is the month.

Q. Was the republican club formed before that?—A. They have no republican club, sir, that is organized. They call their meeting by county chairman, or precinct chairman, and they meet.

Q. Was there not a republican meeting advertised to be called at Beaufort on the day you mentioned—the 26th of October?—A. I never heard of any advertisement at all. That night I went—

Q. For that date, I mean.—A. No, sir; not as I know of, sir.

Q. Who spoke at the republican meeting?—A. Mr. Langley—L. S. Langley—spoke there on the night of the 26th.

Q. Only one speaker?—A. More than one speaker, sir; F. D. J. Lawrence—

Q. Is he a white or colored man?—A. Colored, sir.

Q. Both of them colored?—A. Yes, sir.

Q. How far off was this band playing—serenading, as you say?—A. About half a mile; from one end of Bay street to the other end.

Q. And you left the meeting to go and hear the band?—A. Yes, sir.

Q. Who was the band serenading?—A. They was serenading Colonel William Elliot, acting chairman of the democrat party.

Q. Had General Hampton left?—A. Yes, sir; he had left at 4 o'clock that afternoon; started to Colleton.

Q. How came you to go to this island on election-day?—A. I was put on the committee by my club to go over there to distribute tickets. I was executive committee of the club.

Q. You know the people of the island, did you not?—A. Yes, sir; a few of them, sir. I have some relation on the island, sir.

Q. They had always been republicans, had they not?—A. Well, sir, I do not know, sir, really whether they was or not. Do you speak of me, sir?

Q. No; the people on that island.—A. Well, I could not say exactly. They always gave the majority of republican vote until two years ago, when Hon. Judge Green run. Green beated Chamberlain on that island.

Q. He was a republican, was he not?—A. They claimed him to be a democrat. They say he was a democrat. I voted for him.

Q. How many white men live on the island?—A. I do not know how many live on the island; it is a great many. There is a Mr. Cole—

Q. Give the number; I do not care for the names.—A. I do not know, sir. I know it is about some five or six white men live on the island.

Q. What is the population of the island?—A. I do not know, sir.

Q. Can't you tell anything about it?—A. I do not know the population, sir.

Q. Do you know what the vote was in 1874?—A. No, sir; I do not know, sir, what the vote was there.

Q. How late did you stay there?—A. I staid there until after the poll was closed; about 6 o'clock.

Q. Did you stay through the canvass?—A. On that day of the election, do you mean?

Q. Yes. Did you stay until the votes were counted?—A. Yes, sir; I staid until the votes was counted, and took the vote to Beaufort to my club.

Q. Did the managers sign the return?—A. I do not know, sir, whether they signed it or not. I did not see the return. I went to the door, and when they was got through I asked the number, and they told me that Chamberlain was 312 and Hampton is 8, and so I took that and went right back to Beaufort.

Q. How did you go up from Beaufort?—A. I went over in a boat and walked; crossed over about a mile, and had about two miles to walk to the poll from where I landed.

Q. Do you know of any one who came there to vote that day who did not vote?—A. Yes, sir.

Q. Who?—A. A man by the name—I did not know his first name—by the name of Tanton. He did not come to the poll. He was afraid to vote. He promised me he would vote.

Q. But he did not vote at all?—A. No, sir.

Q. Do you know of any other case?—A. No; I do not know of any other.

Q. That is the only one you know of?—A. That is the only one I know of certain.

Q. Where did he live?—A. He lived on Ladies Island, sir.

Q. It was after dark when you started home, was it not?—A. Yes, sir; it was after dark.

Q. And you had to go how far?—A. I had to go two miles and a half to take my boat and cross over.

Q. Did you go alone?—A. No, sir.

Q. Who was with you?—A. A man by the name of Stepney Gaddis. We went back together.

Q. You walked two and a half miles on the island?—A. Yes, sir.

Q. And then you went in the boat how far?—A. After I took the boat it was about a mile across the river, sir.

Q. Then how far had you to walk to Beaufort?—A. The boat landed right in Beaufort.

Q. I thought you said the island was six miles from Beaufort?—A. No, sir; I did not say it was six miles, sir.

Q. How far is it?—A. It is a mile across.

Q. The voting-place, I mean?—A. To go to the polls, do you mean, sir?

Q. Yes.—A. I should say about three miles, sir, or three and a half.

Q. Does this man Barnes, or Colite, as you call him, hold any position in the party, or is he merely a voter?—A. No, sir; he holds no office at all; just merely a private voter.

Q. A private in the ranks?—A. Yes, sir.

Q. Who is the commissioner before whom you had him arrested?—A. Mr. C. H. Wright, sir.

Q. Is he a republican?—A. Really, I do not know what he is, sir.

Q. Is he a white or a colored man?—A. White man, sir.

Q. He bound him over to court at Charleston?—A. Yes, sir.

Q. The policeman that parted you, was he a colored man or a white man?—A. Colored, sir.

Q. A republican?—A. Yes, sir.

Q. Don't you know whether the commissioner is a republican?—A. I really don't know, sir. I could not say whether he is a republican or democrat, sir. I never heard him say what he was, sir. I worked with him, and I don't really know what he is, sir.

By the CHAIRMAN:

Q. In returning from that poll that night, did you go back the route you went by?—A. No; I did not go exactly the route that I went. When I came over I went through the "pine-land" way to get to the poll, and on my going back I went around what they call the "river-side" part, to go round the plantation around the river-shore; and it was dark, and I was not acquainted to go the way I came, so I took the river-side around. I knew I would not get lost by taking the river-side around. Sometimes I would walk next to the shore to where my boat was. The usual ferry, called the Big-House ferry—

Q. How many more votes were polled on that island this year than two years ago?

Mr. LAPHAM. I asked the witness that question, and he said he did not know.

By the CHAIRMAN:

Q. Did you see the vote there two years ago?—A. Yes, sir.

Q. Can you state the number of votes polled?—A. No, sir; it is about 200 odd, sir.

Q. You do not know the exact number?—A. No, sir; I do not know.

Q. And this year it was 320?—A. Three hundred and twenty; yes, sir.

Q. Judge Green carried it two years ago against Governor Chamberlain?—A. Yes, sir; against Mr. Chamberlain.

By Mr. LAPHAM:

Q. There was a larger vote polled this year than two years ago?—A. It was larger in Beaufort County. I cannot say as to any other place.

By the CHAIRMAN:

Q. How much larger this year was the vote in Beaufort County than two years ago?—A. I think it is about three thousand, sir; about three thousand more votes polled in the county more than ever has been polled.

Q. What was the republican majority in that county this year?—A. I really do not know, sir, exactly.

Q. Do you know how much larger it was this year than two years ago?—A. No, sir; I really do not know exactly the figure.

JAMES G. THOMPSON sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer Columbia.

Q. How long have you lived there?—A. I have lived there nearly three years.

Q. Where did you reside before going to Columbia?—A. In Beaufort, in this State.

Q. What is your age?—A. Forty-one.

Q. What office, if any, do you hold?—A. I am now a United States commissioner.

Q. Did you attend any of the republican meetings during the canvass?—A. Yes, sir; I attended three of them.

Q. Where was the first meeting held that you attended?—A. At Edgefield.

Q. When?—A. I think it was the 14th of October.

Q. Was it before or after the proclamation of Governor Chamberlain disbanding the rifle-clubs?—A. I think it was after the proclamation.

Q. When did you reach there?—A. About nine o'clock in the morning we got to Pine House, I should think; may be not so late as that. We left Columbia before daylight—no; it was not so late as that. We got into Edgefield at nine o'clock, I should think.

Q. How long did you remain there?—A. We left Edgefield Court-House about five o'clock, I think, in the afternoon.

Q. Please state the occurrences of the day there without my asking particular questions.—A. I went there as a United States commissioner. There were five or six United States deputy marshals also with the party. This was the first meeting called by the republican executive committee after the nomination of Governor Chamberlain, and they made a point to have these meetings undisturbed, if possible, by the efforts of democrats to what they called "dividing time." They did not intend at that time to divide any time. They intended to have the meeting their own. When the meeting was called for this Saturday by the republican executive committee, the democrats in Edgefield postponed several of their meetings, and requested—

The CHAIRMAN, (to the witness.) State only facts of your own personal knowledge, and not what you heard.

WITNESS. I know this from publications in the newspapers. I saw the notices myself. I am the editor of a newspaper. I saw the notices in the newspapers that the democrats were invited to be present at this meeting. It had been asserted in the newspapers that Governor Chamberlain was to address this meeting. He had been advertised to address the meeting, and when we got to Batesville, or Batesburgh, as it is sometimes called, on the Augusta and Columbia Railroad, when the train stopped at the station, two or three men came into the cars with uniforms of red shirts, and one of them carrying a pistol in his hand, and walked through and examined everybody in the car. I think three got on there, and there was others outside of the car, on the platform, looking in at the windows and in at the ends of the car, and asking for Chamberlain.

Q. Was he aboard?—A. No, sir; he was not aboard. At other stations, all the way along, these men would get into the car and walk through the car and examine the passengers.

Q. Were these men armed?—A. Yes, sir; armed with pistols.

Q. And uniformed in red shirts?—A. Had their red shirts on. When we got down to Pine House, which was the station you get off at to go to Edgefield, which is eight miles from the railroad, we found a company of United States troops there, and there we got into hacks and drove off, and passed a body of United States troops going into the village. The streets of the village were filling up with bands of men coming in from different sections, on horseback, mounted and in uniform.

Q. What kind of uniform?—A. Red shirts; that is the only kind of uniform they had; soft black hats and red shirts.

Q. You went, then, to the meeting?—A. Yes, sir; we went to the meeting, and got to the meeting about eleven o'clock, I should think. A large gathering of the republicans was held at what they called Academy Grove—an old, dilapidated school-house.

Q. How many were assembled there?—A. I should think there was twelve hundred of them. After one or two speeches had been made, probably an hour and a half after the meeting had assembled, General M. C. Butler rode up to the meeting and asked Colonel Low (who was the chief marshal) if he might bring his men around the republican meeting. Colonel Low replied that he could act on his own responsibility about it; so he rode away, and in a few moments the cavalry commenced filing down the hill toward the meeting. They rode four abreast, and they came down and passed up near where I was standing, and finally encircled the whole meeting. They made a complete circle right around the meeting.

Q. Encircling the stand and all?—A. O, yes, sir; the meeting was right in the center, and they passed completely around it.

Q. Did they include the speakers' stand?—A. Yes, sir; the speakers' stand was in a grove under the trees, and they just encircled the grove, and then they halted a moment, and General Gary proposed three cheers for Hampton and Tilden, and they continued to cheer for a quarter of an hour, I suppose.

Q. How many were there there?—A. I should say there was as many as fifteen or sixteen hundred.

Q. All mounted?—A. All mounted.

Q. How were they uniformed?—A. Every one of them had their red shirts on.

Q. What arms, if any, had they?—A. They had no arms, except pistols, that I could see.

Q. How did they wear their pistols?—A. Generally strapped around them on the outside by a belt.



Q. Each one, or more?—A. Some had more than one, some had two, and some of them had them in their boot-legs.

Q. Revolvers, were they?—A. Yes, sir; they were under excellent discipline.

Q. Who had the command?—A. General Butler was in command. He had General Gary and four or five others as aids, like.

Q. What further occurred?—A. They then marched away.

Q. Where to?—A. They went back to the town.

Q. How far away?—A. I should think it was a quarter or half a mile off. General Butler asked the president of the meeting to allow them to speak, to allow the democratic speakers to speak, but the president of the meeting would not allow him to speak; then the republican meeting very soon broke up and dispersed. The marshals and commissioners and speakers went back to the hotel. Most of the rifle-club men had gone home, a few remained; some of them rode up and down in front of our hotel, and fired pistols and hurrahd for Hampton, and so on. We got into a carriage and rode back to the depot. On the way back to Pine House, after leaving Edgefield Court-House, I saw two men riding on horses, with red shirts on, talking to four or five negroes on the side of the road.

Q. Did you hear what was said?—A. Yes, sir; as we came up to them, one of them rode up toward the carriage—one of the red-shirted men—and said that the other man had been shot in the knee. One of the negroes said that he had been fired at and returned the fire; that one of these men had shot at him, and he had fired back; but whether anybody was wounded I do not know. That is the only case I saw of shooting at people.

By Mr. EDEN :

Q. You did not see that, did you?—A. No, sir; I did not.

By Mr. LAPHAM :

Q. Did you return to Columbia?—A. Yes, sir.

Q. Was there any entry of the cars on your way back?—A. Every station we stopped at going back—after we stopped at Pine House—the men came into the cars, armed men, dressed in red shirts, some of them with pistols in their hands; one man I saw had three pistols; he had one in his hand and two strapped to him. They came through the cars and asked for Smalls, a member of Congress, who spoke over there at that time.

Q. Smalls spoke at Edgefield, did he?—A. Yes, sir.

Q. Did they ask for any one else?—A. At one place they recognized Brayton, and one of them said he wanted to have Brayton out—take him out of the car.

Q. Was he a colored man?—A. No, sir; he is a white man. They asked him if he had spoken ever at Edgefield, and he said, "Yes." They had a great deal of talk there. I cannot tell all of it now; I do not remember it.

Q. Did he go out?—A. No, sir; one of them said he had saved him this time, and he would not save him again.

Q. Was the person armed who said that?—A. I do not know; I did not notice at the time particularly; one of them was; I do not know which one it was that said it.

Q. Where was the next meeting you attended?—A. The next meeting I attended was at Abbeville Court-House. That was on the following Wednesday.

Q. What day of the month?—A. That would be the 18th of October, I think.

Q. Was that a republican meeting?—A. Yes, sir.

Q. What time did you reach there?—A. We got there the day before; we had to start from Columbia the day before. There was no attempt by the democrats to divide time at that meeting.

Q. State what did occur.—A. They had a meeting of their own in town, and the republicans held theirs at a distance.

Q. How far apart?—A. About a mile apart, I should think, sir.

Q. In what numbers were they there?—A. There was about twelve or fifteen hundred republicans, I guess, and sixteen or eighteen hundred in the rifle-club procession.

Q. How were they uniformed and armed?—A. They were all uniformed, most of them in red shirts, some of them in white, I think, trimmed with red, and some in white trimmed with yellow, but they were all uniformed.

Q. What weapons had they, if any?—A. Nothing but pistols.

Q. Were they on foot or horseback.—A. All mounted that I saw.

Q. Was there any parade there that day?—A. Yes, sir; they paraded.

Q. Who commanded them?—A. I do not know who commanded them.

Q. Where did they parade?—A. They passed down out of town around to where the United States camp was situated, and up by another road into town again.

Q. Before the meeting, or after?—A. During the meeting; while the meeting was in progress.

Q. While which meeting was in progress?—A. While the republican meeting was in progress.

Q. How near to where the republican meeting was held?—A. Well, it was some distance; it was half a mile, I guess.

Q. So they could be seen; it was in sight of the republican meeting?—A. I do not know. I was not at the republican meeting when this parade took place, and I did not see it. I could not tell whether the republicans could see the parade or not.

Q. Anything occur that day?—A. No, sir; everything passed off very peaceably.

Q. There was a military company there, you say?—A. Yes, sir.

Q. How many men composed that company?—A. I think about twenty-five men. At Newberry I attended a meeting of the same character.

Q. On your way to or from this meeting was there any entering of the cars?—A. In going up from Columbia, we were accompanied by L. Cass Carpenter, a candidate for member of Congress in that district, and at a station called Cokesberry the whole car was filled up by men who came in to insult him.

Q. What kind of men?—A. Men dressed in red shirts, some of them, and some of them not. This was the day before the meeting. There was not but two or three dressed in red shirts; most of them were not. That was while I was going to the Abbeville meeting.

Q. Going home from that meeting was there any disturbance?—A. No disturbance.

Q. The next meeting was, you say, where?—A. At Newberry.

Q. What day was that?—A. I do not recollect. I think it was the Saturday following that meeting; I think it was.

Q. What time did you get there?—A. We got there about eleven o'clock.

Q. Was there any military companies there?—A. There was one or two companies there of United States soldiers.

Q. How many men?—A. I really do not know; thirty or forty. When we arrived at Newberry there was a very large crowd of both blacks and whites at the station; the whites were uniformed and on horseback.

Q. How many of each, giving your judgment?—A. Well, I should think there was four or five hundred of each.

By Mr. EDEN:

Q. That was at the depot?—A. Yes, sir; right at the depot. As soon as the speakers got out of the cars they started immediately to get to the court-house, where the meeting was to be held. That was right in the middle of the town, and they went up onto the front steps of the court-house to speak. The cavalry moved up on one side of the court-house, and gradually forced the crowd away from in front of the court-house.

By Mr. LAPHAM:

Q. Were they on horseback?—A. Yes, sir; these red-shirted men.

Q. How many of them were there?—A. Well, I should think there were eight or nine hundred of them by this time, coming in all the time. The republicans were gradually forced around to the side of the building, or to the end of the building rather, so that the speakers could hardly be seen; could not be heard at all. They made a great many attempts to speak; but the noise was so great, and the interruptions were so frequent, they could not be heard.

Q. Noise by whom?—A. Noise by this cavalry in front of the court-house. They were cheering for Hampton, and it was impossible to hear the speakers, and they finally gave it up. A great many attempts were made by the democrats to get the cavalry to go away and let the republicans have their meeting.

Q. That is, by the citizens you mean?—A. By citizens of the town, yes, sir. A great many of them endeavored to do so, but it was impossible; they could not get them to move.

Q. What did they say as to their purpose, if anything?—A. I do not know. I did not come very much in contact with them so as to hear them speak. I saw them several times ride through the republican meeting; bodies of them forced their way through the crowd, and finally the republicans were all driven pretty much out to the edge—to the rear of the building.

Q. How were they armed?—A. I did not see any arms except pistols.

Q. How did they bear their pistols?—A. Well, most of them had them strapped to their waists. They were fastened to a belt; just an ordinary belt around the waist.

Q. How many pistols did they carry?—A. Some had one, and some two.

Q. Revolvers?—A. Yes, sir.

Q. Do you know who was in command that day?—A. No, sir; I do not know who was in command.

Q. How many were there there at any time; what was the largest number who appeared there?—A. I do not think there were more than eight or nine hundred at the Newberry meeting.

Q. Was the republican meeting given up?—A. It was for that day. Another was ordered for the next week.

Q. What else did this cavalry do, if anything, after the meeting dispersed?—A. Nothing particular came under my observation afterward.

Q. Was there any entering of the cars going to or from that meeting?—A. Going back from the meeting, there was one or two places where a few men came aboard the train.

Q. Uniformed men?—A. Yes, sir; with red shirts; men who had been at this meeting and rode down just below to the station. They did not abuse anybody except Cass Carpenter.

Q. He was one of the speakers, was he?—A. Yes, sir.

Q. What did they say or do to him?—A. Well, they would invite him out, and call him names of different kinds.

Q. Do you remember what epithets they applied to him?—A. The favorite epithets was to call him a "Clory Carpenter"—some kind of a nickname they had got up on him. He is a very red-headed man, and red-bearded, and they would occasionally call him a "red-headed son-of-a-bitch," or something like that.

Q. This cavalry that you saw at these various places, were they all white men?—A. No, sir; not all white men. At Edgesfield I counted all the colored men there were in the parade, and I could only perceive nine.

Q. All white except nine?—A. That is all the colored men I could see.

Q. How was it at the other places?—A. I did not see any at Newberry; there may have been some, however; there was no parade at Newberry.

Q. You did not see any there?—A. No, sir; I did not see any.

Q. How was it at Abbeville?—A. At Abbeville there was some; I guess as many as a hundred. I did not count them, but I should think there was as many as a hundred at Abbeville—colored men.

By Mr. EDEN:

Q. That is, with red shirts on?—A. Yes, sir.

By Mr. LAPHAM:

Q. Did you see any arms in the hands of the republicans who attended these meetings?—A. No, sir.

Q. Did you see them have any arms?—A. I did not see any; there may have been republicans who had arms, but there was none exhibited.

Q. At either of the meetings?—A. No, sir.

Q. You were not at any of the earlier meetings of the canvass, were you?—A. No, sir. I attended another meeting afterward at Newberry.

Q. You adjourned to another day; did you go at the day appointed?—A. Yes, sir; it was the following week, I think. At that meeting there was no demonstration made by the rifle-clubs at all.

Q. They did not appear there?—A. No, sir; as United States commissioner, I had taken about one hundred and fifty or two hundred names of men who had been there.

Q. How large a meeting was it?—A. At this second meeting, do you mean?

Q. Yes, sir.—A. Not near as large as the first one.

Q. About how large?—A. I should not think there was more than six or seven hundred.

Q. How many were there the first day when the meeting was broken up?—A. Near twice as many, I should think.

Q. What do you know, if anything, about rifle-club armed men being in Columbia on the Sunday and Monday prior to the arrival of the congressional committee there?—A. I do not know the exact date the committee arrived; I know they arrived.

Q. On the Sunday and Monday prior to their coming, if you know anything about rifle-club armed men being there, state what you know about it.—A. I know that a large number of men arrived on the trains on Monday morning previous to the arrival of the committee.

Q. Do you know whether they were armed?—A. They were armed, but not uniformed.

Q. Armed with what?—A. Most of them that I saw had rifles, guns at least.

Q. How many would you judge came into Columbia at that time; give your best recollection?—A. I should say fully two thousand.

Q. White men?—A. Yes, sir.

Q. You publish the Union Herald there, do you not?—A. Yes, sir.

Q. How long have you been proprietor of that paper?—A. Since the 7th of November.

Q. How long have you been connected with it?—A. About three years.

Q. Do you know Mr. Haskell, the chairman of the democratic State committee?—A. I do.

Q. Was there a correspondence between him and Governor Chamberlain during the canvass as to the conduct of the canvass?—A. Yes, sir.

Q. Did you publish it?—A. It was published in the Union Herald office; yes, sir.

Q. A correspondence between Haskell as chairman, and Chamberlain as governor?—A. Yes, sir.

Q. Was it published in pamphlet form also?—A. Yes.

Q. See if that is a copy of it. [Handing a pamphlet to the witness.]—A. Yes, sir; this is it, down to page 15; down to page 15 is the correspondence you speak of.

Q. Including the signature of Governor Chamberlain?—A. Yes, sir.

Q. What does the balance relate to?—A. The balance is simply the resolutions of the convention and platform.

By the CHAIRMAN:

Q. Who was the author of the head-line of this pamphlet?—A. I do not know; I suppose I may have put it on. It was published in the paper. I do not recollect whether I wrote it or whether it was written when I came to the office. It was printed at the office, but I did not do the printing.

Q. Who got up that heading?—A. It may have been Governor Chamberlain himself, I do not know.

Mr. LAPHAM. Of course I do not claim to put in anything except the two letters.

Q. Did Mr. Haskell ever make any reply to this letter of Governor Chamberlain's?—A. I never heard of any.

Q. Did anybody?—A. I never heard of anybody.

The CHAIRMAN. Let the paper be filed as it is.

By Mr. LAPHAM:

Q. How many of those pamphlets were printed and circulated?—A. I think there was a thousand of them printed and circulated.

By the CHAIRMAN:

Q. Where did you live before you went to Beaufort?—A. Philadelphia.

Q. How long did you live in Beaufort?—A. I went there in June, 1862.

Q. From Philadelphia, Pa.?—A. Yes, sir.

Q. What business were you engaged in in Philadelphia before you went to Beaufort?

—A. I was in the printing business.

Q. What business did you engage in in Beaufort?—A. When I went to Beaufort I went as a clerk in the commissary department.

Q. Did you remain there during the war as a clerk in the commissary department?

—A. Yes, sir; from June until the close of the war.

Q. Then from June, 1862, up to the close of the war, until you went up to Columbia, what business were you engaged in?—A. I was engaged a part of the time in the printing business; had a newspaper there called the "Free South."

Q. Were you editing it?—A. Yes, sir.

Q. What were you engaged in aside from that?—A. Well, I kept a store there for a while.

Q. What sort of a store?—A. A hardware store, sir.

Q. How long did you keep a hardware store?—A. About a year or so.

Q. What year was it?—A. 1866 or 1867.

Q. After that what did you do?—A. I think in 1868 I went to Philadelphia again.

Q. How long did you stay at Philadelphia?—A. I stayed there until 1870.

Q. What were you doing at Philadelphia from 1868 to 1870?—A. I was on the Philadelphia Day, a newspaper there.

Q. In what capacity?—A. Assistant editor, part proprietor, proof-reader, &c.

Q. You left there in 1870?—A. Yes, sir; the paper failed there.

Q. Then what did you do?—A. I came back to Beaufort.

Q. What did you do then?—A. I bought another newspaper in Beaufort.

Q. What was the name of that paper?—A. The Beaufort Republican.

Q. How long did you publish that?—A. I published that until the spring of 1874.

Q. At Beaufort?—A. Yes, sir.

Q. Did you leave there then and go to Columbia?—A. I left there then and went to Columbia, and went on the Union Herald.

Q. You have been engaged on the Union Herald at Columbia since that time?—A. Yes, sir.

Q. When were you appointed United States commissioner?—A. In 1872, I think, while I was at Beaufort.

Q. Were you appointed while you were at Beaufort?—A. Yes, sir.

Q. Have you ever been re-appointed?—A. No, sir.

Q. You have held that office ever since?—A. Yes, sir.

Q. When did you leave Columbia for this place?—A. Last night.

Q. You have been at Columbia, have you not, during all the session of the Congressional committee there?—A. Yes, sir.

Q. Did you give any evidence at Columbia?—A. I did not.

Q. You got here this morning, did you?—A. Yes, sir.

Q. Did you come here to testify?—A. No, sir.

Q. How came you to come here and testify?—A. I saw Major Stone this morning after I arrived here.

- Q. Who is Major Stone?—A. Assistant United States district attorney.
- Q. For this place?—A. Yes, sir.
- Q. What transpired between you and him?—A. He asked me in regard to whether I had testified in Columbia in regard to this meeting I had attended. I said, "No;" and he said he would have me come up and testify here.
- Q. And so you came up here at his request?—A. Yes, sir.
- Q. Where did you meet him? Did you call to see him?—A. Yes, sir; I went to his house.
- Q. His private residence?—A. Yes, sir.
- Q. Did you stop there?—A. Yes, sir.
- Q. Did you have any communication with him before you came down?—A. No, sir.
- Q. Who went with you from Columbia out to this meeting at Edgefield—how many men?—A. There were six deputy marshals.
- Q. Who else?—A. And the four speakers.
- Q. Who were the speakers?—A. Mr. Brayton—
- Q. Who is Mr. Brayton?—A. He is candidate for solicitor in that circuit.
- Q. In Edgefield, in the Columbia circuit?—A. Yes, sir.
- Q. Does he live at Columbia?—A. Yes, sir; he lives in Columbia.
- Q. Who else went with you?—A. Mr. Fillebrown.
- Q. Who is he?—A. He is a clerk in the comptroller-general's office.
- Q. Was he one of the speakers?—A. Yes, sir.
- Q. Is he colored or white?—A. White.
- Q. Who else went with you?—A. Robert Smalls, candidate for Congress in that district.
- Q. Does Robert Smalls live at Columbia?—A. No, sir; he lives at Beaufort.
- Q. Who else?—A. Henry Hayne, secretary of state.
- Q. Any one else?—A. The correspondent of the News and Courier.
- Q. Is that your paper?—A. No, sir; mine is the Union Herald. The Charleston News and Courier.
- Q. What was his name?—A. His name is Carl McKinley.
- Q. Where does he live?—A. At Columbia.
- Q. You spoke of some men entering the cars, on your way from Columbia to Edgefield, at Batesburgh; how many men came into the cars on that day?—A. Two or three.
- Q. You say they inquired for Chamberlain?—A. Yes, sir.
- Q. What did they say—asked if Chamberlain was on board?—A. Just asked if Chamberlain was aboard.
- Q. Is that all they said?—A. I think that was all that occurred there.
- Q. Then, at Pine House, where you stop to get off to go to Edgefield, you found a company of United States troops, and they went into Edgefield with you?—A. No, sir; we drove on; they did not accompany us. They were afoot, and we drove in a hack.
- Q. You say before you went to this Edgefield meeting that you noticed from the papers that the democrats also proposed to have a meeting there that day, too?—A. Yes, sir.
- Q. That was published in the papers. What papers did you see that in?—A. The Edgefield Advertiser.
- Q. Any other paper?—A. I will explain what I mean by that. There had been regular democratic meetings advertised at other places in the county for that day before the republican meeting was announced, and these meetings were postponed in order to have the democrats assemble at Edgefield.
- Q. What did the Advertiser state?—A. That is about all it stated that I recollect.
- Q. Just stated that the meetings in the country would be deferred, and that there would be a meeting at Edgefield on that day?—A. Yes, sir.
- Q. Now you speak of these men being in red shirts. Don't you know the fact to be that that was the uniform of the democratic clubs of the State in the last canvass?—A. No, sir; it was the uniform of all the rifle-clubs.
- Q. You call those men rifle-clubs?—A. Yes, sir.
- Q. Did they have any rifles?—A. No, sir.
- Q. Was not that the recognized uniform in this State of the democratic clubs?—A. I suppose it was. That is the way I always saw them.
- Q. How many republicans were at that meeting in Edgefield?—A. I should think there was about twelve hundred.
- Q. Do you know that there were more democrats there than republicans?—A. Yes, sir; I think there were more.
- Q. Did you not form your estimates of the numbers of those men that you have named in your testimony in chief from their being on horseback?—A. Well, of course I took that into consideration when I made my estimate. The way I made my estimate was after the meeting was over, in endeavoring to come at something like a fair count without counting them. I estimated the distance that they took up, just as you would a cavalry regiment, and I estimated the distance from one end of them to the

other as they circled around the meeting and lapped over a little on the other road, which was about a mile.

Q. You formed your estimate of these men from seeing them on horseback?—A. Yes.

Q. Do you not know it to be a fact that you are very liable to overestimate the number of men when on horseback?—A. Well, of course you would if you did not take into consideration that they were on horseback. I know that they might be overestimated very largely by many people; but I have seen a good many men on horseback. I think if you would refer to the newspaper accounts of that meeting you would find that I underestimate them to you.

Q. Don't you know, as a newspaper man, that newspaper men are very much given to overestimating facts?—A. I know they are, very much.

Q. And especially in political times each party is liable to exaggerate the numbers at joint political meetings?—A. Yes, sir.

Q. And that is done for political effect, is it not?—A. Yes, sir; but I should not do so now. I do not think it is very wise at any time.

Q. Now, when you all went to that meeting at Edgefield, you say that General Butler rode up to where your meeting was. Was your meeting then in progress?—A. Yes, sir; it was then in progress.

Q. The speaking was going on?—A. Yes, sir.

Q. You say he asked this man, Colonel Low, who was the chief marshal of the republican meeting?—A. Yes, sir.

Q. Did the republicans form any procession to go out to this speaking?—A. No, sir; they all just straggled out there.

Q. What were they doing with the chief marshal?—A. He was not the chief marshal of that meeting; he was the United States deputy marshal.

Q. Colonel Low was a United States deputy marshal?—A. Yes, sir. He was well known to General Butler.

Q. General Butler rode up and requested him to have a joint meeting?—A. No, sir; not to him. He just asked him whether he might ride around the meeting with his men.

Q. He asked him if he might bring his men to the republican meeting?—A. Well, he did not want to bring them to the republican meeting. He said he wanted to ride around the meeting to show his men.

Q. Did you not understand that that was merely for political effect, as is usual in political campaigns?—A. I understood it was to create a political effect, of course.

Q. Are not political parties at such meetings in the habit of displaying their numbers, in order to impress the other party with an idea of their strength?—A. I never saw, until I saw these meetings, any such display.

Q. Never saw any processions?—A. I have seen processions.

Q. Have you not seen processions go by day and night in political campaigns?—A. Plenty of them.

Q. Is not the object of such displays to impress the public mind and the other party of the strength of that party?—A. Yes, sir; I suppose so; but I never saw anything like that before.

Q. You never saw men on horseback?—A. O yes, sir; I have seen a great many men on horseback, but I never saw one party ride around another party in that way at a political meeting.

Q. It may be your experience has been limited.—A. I have had a pretty wide experience in politics, but I never saw anything like that.

Q. What did Colonel Low say to General Butler?—A. He said he must take the responsibility of doing so himself; that he would not give him any permission to do so.

Q. These men came down to the meeting, you say. Where did they march?—A. They marched entirely around the meeting.

Q. How far off did they march?—A. Well, they marched within ten yards, I should think, of the outskirts of the meeting.

Q. How were the men seated?—A. The men were not seated; most of them were standing.

Q. There were some twelve hundred of them, you say—your estimate of the republicans?—A. Yes, sir.

Q. They were just scattered around over the ground, were they?—A. Yes, sir; but there were trees in the center. It was a very handsome grove, and under these trees was the stand, and these men were under the trees; and as the cavalry came down and passed along where I was sitting on the porch of the old dilapidated school-house, they passed right around the meeting, and down another road, and back into the same road that they came by.

Q. And went on back?—A. And went on back.

Q. Did they halt?—A. They halted a little while.

Q. How long did they halt?—A. Well, I should think ten minutes or a quarter of an hour.

Q. And gave three cheers for Tilden and Hampton?—A. Yes, sir; it was a continual cheering. May be you have heard one of those cheers. It was a yell.

Q. Were you ever in line of battle?—A. Yes, sir.

Q. Where?—A. At the battle of Bull Run.

Q. Where else?—A. At Centreville, before Bull Run.

Q. Were those the only two battles you were in?—A. Yes, sir.

Q. After that you went into the commissary department?—A. Yes, sir.

Q. And you did not quit it until the close of the war?—A. No, sir; I had as much as I wanted.

Q. You say those men were under excellent discipline?—A. Yes, sir; they seemed to be under very good discipline.

Q. They went off after that, did they?—A. Yes, sir.

Q. Did you see that every one of these men were armed with pistols?—A. No; I did not see every one of them was, but I saw a great many of them.

Q. You saw a great many armed?—A. Yes, sir.

Q. How were they dressed; have on any coats?—A. No, sir; they had no coats on.

Q. Had on this uniform you speak of?—A. Yes, sir.

Q. How were the republicans dressed? Were they in any uniform?—A. No, sir.

Q. They had on coats, had they not?—A. Some of them had.

Q. You do not know whether they were armed or not?—A. No, sir; I did not see any of them armed.

Q. General Butler came down there and requested them for the privilege of making a speech?—A. That was after his men had all gone away when he came back.

Q. After his men went away he came back and requested to join in the discussion and was refused?—A. Yes, sir.

Q. And then did he go off?—A. Yes, sir; and then he went away.

Q. Do you know whether the democrats had any speaking at their point or not?—A. Yes, sir; they had. I heard they had.

Q. How many speeches did the republicans have there upon the stand?—A. Four.

Q. They did not break up, then, until they got through speaking?—A. No, sir.

Q. There was no disturbance there?—A. No, sir; I know of no disturbance.

Q. You say that when you went to the hotel that most of these democrats had left the town?—A. Yes, sir; most of them had gone away.

Q. You say some of them rode up and down the street. How many rode up and down the street?—A. Well, various parties of them; six or eight of them; sometimes three or four. I presume there were fifty in all, probably, that passed by the house.

Q. Were they not passing out of town and riding down the street; was there anything unusual in their riding along the street?—A. Nothing except that they fired their pistols.

Q. How often did they fire their pistols?—A. I did not count them. I suppose thirty or forty times.

Q. You heard that?—A. Yes, sir.

Q. Where were you?—A. Standing on the porch of the house looking at them.

Q. Standing on the porch right where they were passing?—A. Well, there was a small garden in front. I could see them plainly.

Q. But you were out in full view looking at them?—A. Yes, sir.

Q. Then you were not alarmed, were you, standing out there looking at them?—A. No, sir; not particularly alarmed.

Q. They were just shooting their pistols off in the air?—A. Yes, sir.

Q. You say as you went from Edgefield back to the depot you saw two men on the roadside?—A. There were two men on horseback on the roadside talking to or rather gesticulating to three or four negroes.

Q. Did you see those negroes have any arms?—A. No, sir; I did not see any arms.

Q. One of the white men came up to your carriage and said he was shot in the knee?—A. No, sir; he said the other man had been shot in the knee.

Q. Where was the man who was shot in the knee?—A. They were taking him away.

Q. Who was taking him away?—A. Another man had ridden up from below there, the same as if he had joined him, and he was on horseback moving off in another direction.

Q. He said a man had been shot in the knee?—A. Yes.

Q. Was this conversation that you had with the colored men, in the presence of these white men?—A. No, sir; they rode away then.

Q. Then you went on to the colored men?—A. Yes, sir; and one of them just halloed out that this man had fired at him. I do not know whether it was him or not. You see we were riding along and did not stop.

Q. And he halloed that to a man without your saying anything to him?—A. Yes, sir.

Q. And said that they had been shot at, and he returned the fire?—A. Yes, sir; that he had fired back.

Q. That they had shot this man?—A. Only just what they said. I did not see the wound at all; I was not close enough to it.

Q. All you knew about it is what this colored man called out as you passed by?—A. Yes, sir.

Q. On your way back, you say, a man came into the cars and asked for Smalls?—A. Yes, sir; they came into the cars at one place.

Q. Where was that?—A. I think it was at Ridgespring.

Q. What did they say?—A. Well, they said they wanted a lock of Small's hair.

Q. Was that all they said?—A. That is about all they said.

Q. Was there any protest taken by Smalls to that?—A. Smalls did not say anything.

Q. Smalls is a colored man?—A. Yes, sir.

Q. Where was he at that time?—A. He was there, sir. I do not suppose they knew him, though.

Q. This rifle-club procession—you call it a rifle-club procession—did they have any rifles?—A. No, sir; I didn't see any.

Q. Were they mounted on horseback?—A. Yes, sir.

Q. And in this uniform that the democrats usually wore at their meetings?—A. Yes, sir.

Q. Some of them had red shirts, and some white trimmed with red and yellow?—A. Yes, sir; I think they were white. The only place I noticed any variety in the uniforms, there was one company that had some green facings on them, the only companies I noticed at any of these meetings except the red-shirts.

Q. They had about a hundred colored men in that procession?—A. Yes, sir.

Q. They formed a procession, you say, and marched—where to?—A. They came out from the court-house square and passed down around a hill on which the United States camp was situated, and passed around it.

Q. Passed down to where these United States soldiers were encamped?—A. Yes, sir; and went up another road and went back to the town.

Q. Was there anything unusual in that procession?—A. No, sir; I do not know of anything unusual about it.

Q. They did not come to your meeting, did they?—A. No, sir.

Q. Their meeting was half a mile off, you say?—A. Yes, sir.

Q. How many pistols did you see there?—A. Well, I do not know. I did not take any particular notice of them. I did not pretend to count them.

Q. Was there anything disorderly in that procession—anything unusual about it?—A. No, sir; very remarkably orderly, as much so as if they had been a United States cavalry regiment.

Q. Everything passed off quietly through the day?—A. Yes, sir; no disturbance.

Q. You saw Carpenter there, the candidate for Congress in that district?—A. Yes, sir.

Q. Where did he live?—A. At Columbia.

Q. Abbeville is in the same district that Columbia is?—A. Yes, sir.

Q. You saw men come into the cars and talk to Carpenter?—A. They came in asking whether Clory was aboard, and some would point him out. The car was entirely surrounded at Cokesbury by people, looking in at the windows, calling out to him and abusing him, asking him to come outside and daring him to come out; and asking him to take his head out of the window and to come out on the platform. Well, they would make such remarks as, "There is the little red-headed son of a bitch," and such things as that. And one man came into the car and said he wanted to ask him one question; that if he would answer him one question he would go home and let him alone. And he said, "Yes," he would answer if he could; and this fellow leaned over and he says, "Where are you going to sleep to-night?" He said he did not know where he was going to sleep. "Well," he said, "that is what I wanted to know; I wanted you to tell me where you was going to sleep."

Q. Were you armed with the blanks necessary to make arrests?—A. I was.

Q. How many did you have with you?—A. I do not know; I had a hundred, I suppose.

Q. And there were six deputy marshals?—A. Yes, sir; there were five or six.

Q. Who ran against Carpenter?—A. D. Wyatt Aiken.

Q. Which of those men were elected?—A. D. Wyatt Aiken.

Q. This meeting at Newberry, on the 21st of October, was attended by large numbers of whites and blacks, was it not?—A. Yes, sir; the first meeting was.

Q. Did both political parties meet you at the depot?—A. They were congregated about the depot to see who was coming, I suppose.

Q. There was nothing unusual about that, was there?—A. Nothing particularly. The democrats do not usually go to republican meetings and republicans to democratic meetings. That is the only thing that is unusual about it. They were there, uniformed and mounted; that was not unusual here; it would have been, I think, unusual in other places.



- Q. Why do you think it would have been unusual in other places for men to be uniformed?—A. As a usual thing, democrats do not attend republican meetings.
- Q. Is it unusual for parties to have joint political discussions?—A. No, sir.
- Q. You stated there were four or five hundred of each party there at the depot?—A. I should think so; a mere estimate.
- Q. Were there any colored men among the democrats?—A. No, sir; I did not see any.
- Q. Were these colored republicans that met you at the depot?—A. Yes, sir.
- Q. Altogether colored men?—A. No, sir; there were some few white men.
- Q. How many?—A. I should not think exceeding ten or a dozen.
- Q. Did you say there were two companies of United States soldiers stationed there?—A. Yes, sir.
- Q. How far off were they from this court-house?—A. They were right on the outskirts of the town, on the edge of the town; probably a quarter of a mile or one-third of a mile away.
- Q. Were they in sight of the court-house?—A. No, sir; they could not see the court-house.
- Q. Were any soldiers or officers about there?—A. No, sir; none at all.
- Q. Did you see them yourself?—A. I went up to the camp to see them.
- Q. When?—A. After the meeting.
- Q. Did you send to them during the meeting?—A. No, sir.
- Q. Were you at the meeting at the court-house when it began?—A. Yes, sir.
- Q. Who made the first speech?—A. I think Mr. Carpenter tried to speak first.
- Q. How long did he speak?—A. Well, he did not speak more than five or ten minutes. When he tried to speak no one could hear him.
- Q. Who spoke next?—A. I do not recollect whether it was Professor Greener, a colored man, or not.
- Q. Who was he?—A. He was a professor in the South Carolina College.
- Q. At Columbia?—A. At Columbia; yes, sir.
- Q. How long did he speak?—A. Well, I suppose, he was altogether a quarter or half an hour.
- Q. Who spoke after him?—A. I think Mr. Carpenter made another attempt to speak; there was so much confusion that I could not see exactly.
- Q. Did any one else speak?—A. No, sir; no one spoke at all, no more than tried to make a speech.
- Q. You say the democrats there tried to get the men who were on these horses to retire?—A. Some of them did; yes, sir.
- Q. How many?—A. Well, there was Mr. Pope. I think he was the intendant of the town; I am not certain, though.
- Q. Who else?—A. I do not know of any one else by name, but I have heard of a number of other people. I do not know how many of my own knowledge there were, but there was quite a number who were anxious to have the rifle-clubs go away and let the republicans have their meeting in peace.
- Q. You call it a rifle-club?—A. That is what we call them and what they call themselves.
- Q. Did they call themselves rifle-clubs after they were disbanded by Chamberlain's proclamation?—A. I do not know whether they did or not.
- Q. Did they take their designation as rifle-clubs from their organization that preceded Chamberlain's proclamation?—A. Yes, sir.
- Q. Don't you know that Governor Chamberlain wrote letters of approval of the existence of those rifle-clubs and became an honorary member of them himself, and that they sent him a notice that he was elected an honorary member?—A. He did. Two sent him notice that he was elected an honorary member. I do not know of any more than those two.
- Q. Don't you know he was received by the rifle-clubs when he came to this city last summer?—A. Yes, sir; but those were not political clubs.
- Q. And had he not complimented the rifle-clubs here in a speech?—A. I do not know. I was not here.
- Q. Did you not see it stated in the papers?—A. I saw it so stated in the papers.
- Q. You say as you returned from this first meeting at Newberry, on the 21st, that men who had been at the meeting came into the cars?—A. I supposed they had been to the meeting.
- Q. How did you know that they had?—A. I did not know that they had.
- Q. You just assumed that?—A. I just assumed that they had been.
- Q. They were the men who inquired for Carpenter?—A. Yes, sir; men who came in; we just stopped at one or two stations below there.
- Q. They came in and spoke to Carpenter?—A. They would generally stand at the door and point him out and call at him.
- Q. Were you at the second meeting at Newberry?—A. Yes, sir.
- Q. That was all quiet there; no trouble there?—A. No, sir.

Q. At the first meeting at Newberry there were a thousand or twelve hundred republicans there?—A. Well, I should say there was at least twelve hundred.

Q. Possibly more?—A. Yes, sir; possibly more. They were more scattered than is usual at meetings.

Q. With regard to these men that you saw at Columbia just before the congressional committee came there, what was the occasion of their coming there?—A. Why did they come?

Q. What was the occasion upon which they were there?—A. I do not know; they were ordered there, apparently. They all came in one day.

Q. What was the occasion that brought them there?—A. I do not know why they came there; it was generally thought that they came there to inaugurate Hampton.

Q. I ask you whether it was not generally expected through the country, among Hampton's friends, that he was to be inaugurated at that time, and did not these men come there to witness his inauguration?—A. I do not know; that is what they said. They said they came there to inaugurate Hampton.

Q. And the Hampton inauguration was deferred, was it not?—A. Yes, sir; it did not take place at that time.

Q. What was before Chamberlain's inauguration, was it not?—A. I do not recollect the date of Chamberlain's inauguration.

Q. Was not Chamberlain inaugurated on that very day—Monday or Tuesday?—A. I think not; I do not recollect.

Q. Do you recollect the date of his inauguration?—A. I think it was before that; it was not on either of those two days. I do not think it was; I am not certain.

Mr. LAPHAM. Mr. Chamberlain was inaugurated the day we arrived.

By the CHAIRMAN:

Q. Was it not expected that this inauguration would take place on the Tuesday before we got there? We got there on Wednesday night, and was it not the general expectation and general custom to inaugurate the governor at that time? Was it not the expectation that the inauguration would take place at that time?—A. That is what they said they came in there for—to inaugurate Hampton.

Q. Who did you hear say that?—A. Well, it was so stated in the papers, I think—the general talk.

Q. Your information as to what brought them there was what you learned from the papers?—A. Yes, sir; the supposition and private talk.

Q. Supposition among your private friends, was it not?—A. By both parties; people of all kinds.

Q. At that time the republican party had charge of the capitol, had they not?—A. Yes; the governor, of course.

Q. Was not the capitol full of Chamberlain's constabulary and soldiers at that time?—A. Yes, sir; they had soldiers stationed in it; I did not know of any constabulary there.

Q. Did you never see any there?—A. I have seen some since.

Q. When did you first see them there? Was not that constabulary established in the capitol at the time the legislature was first organized?—A. No, sir; I do not think there was any constabulary there then; I think the first of it I ever saw was after the democrats had been spending those three or four days in the capitol, in the legislature. You know they staid there for four days.

Q. Who first excluded the democratic members from the house when they first went there; was not the constabulary there then?—A. I do not know; I was not there; I was not at the capitol at that time, or very much there at any time.

Q. Did not the colored men come in from the country that day, too, when these men were there?—A. I do not know of any.

Q. Did you not see colored men with them?—A. No, sir.

Q. You did not?—A. No, sir; no colored men with any of them.

Q. You did not see any at all?—A. No, sir.

Q. Where did these men come from?—A. They came in on the railroads.

Q. Was there not quite a large number of people of both political parties gathered there at that time from all over the State?—A. I do not know that there was any special gathering of republicans there.

Q. You do not?—A. No, sir.

Q. Wasn't there any more than usual there at that time?—A. No more than is usual at the meeting of the legislature.

Q. The United States troops had charge of the capitol at that time?—A. Yes, sir. I have seen a good many more republicans there than there was at this time.

Q. There was no disturbance there that day, was there?—A. No, sir; none that I heard of.

Q. This pamphlet that is presented, purporting to be a correspondence between Colonel Haskell and Governor Chamberlain, did you print that?—A. It was printed in the Union Herald office; yes, sir.

Q. Did you bring this pamphlet here with you?—A. No, sir.

Q. You do not know whether you made this heading to it or not?—A. No, I do not know; I am not certain whether it was not copied out of the newspaper.

Q. Who had it printed?—A. Governor Chamberlain had it printed himself.

Q. Did he get up this heading?—A. I do not know whether he did or not. It is possible that it was copied right out as it was in the newspaper; I am not sure; it was printed, you know.

Mr. LAPHAM. I do not ask for the whole paper to go in unless you desire it.

The CHAIRMAN. I want the whole thing to appear just as it is here.

By the CHAIRMAN:

Q. Governor Chamberlain had this printed, you say?—A. Yes, sir.

Q. At his own expense?—A. It was set up originally in the newspaper.

Q. He had this pamphlet printed at his own expense, had he not?—A. If he did, I do not think he ever paid for them.

Q. Who did?—A. I think it was done by the newspaper—I am not sure—by the company, and taken out of the newspaper.

Q. Taken out of what paper?—A. The Union Herald.

Q. Is that your paper?—A. Yes, sir.

Q. At its own expense?—A. I think so.

Q. You then had it printed at your own expense?—A. Well, the paper does not belong entirely to me.

Q. Who does it belong to?—A. At the time that was printed—

Q. Who does it belong to?—A. It belongs to myself and a gentleman named Coven-der.

Q. Where does he live?—A. At Columbia, sir; I now own it, but only since the 7th of November.

Q. Who owned it at the time this was printed?—A. At that time Mr. Chamberlain owned a part of it, myself, and so did Cordozo.

Q. Governor Chamberlain, Cordozo, and yourself owned the paper?—A. Yes, sir; at that time.

Q. And you printed all these pamphlets, about a thousand copies, and circulated it as a campaign document?—A. Yes, sir.

Q. For the purpose of circulating Chamberlain's letter?—A. Yes, sir.

Q. Haskell's letter occupies a little over two columns?—A. Yes, sir.

Q. And Chamberlain's occupies twelve columns?—A. Yes, sir; we thought it was a very good campaign document.

Q. So you thought all his speeches were?—A. Yes, sir.

Q. You thought your editorials were, too, did you not?—A. Yes, sir; we tried to make them so.

Q. How long will you be in Charleston?—A. I want to get away to-night.

Q. Where are you going?—A. Back to Columbia.

By Mr. EDEN:

Q. Where did you see these two thousand guns that those men had who came to Columbia just before the committee arrived there?—A. Well, I did not see two thousand guns. I said I thought there was about two thousand men had come into the city.

Q. Did you not say something about them having guns?—A. Those I saw had guns.

Q. How many did you see that had guns?—A. Well, I saw several companies of them.

Q. What do you mean by companies? Were they in military array?—A. They got out of the cars together and marched up together. The first ones I saw were at a hall just above my office; they brought their guns up there and laid them in this hall, where the most of them slept while they were in town. I saw another company that went out past the post-office to the fair-grounds, who came back after a while without their guns.

Q. The State fair was in progress there at the same time, was it not?—A. No, sir; it was intended to be fair-week, as they called it.

Q. Was there not a fair there?—A. No, sir.

Q. Well, people came in from different parts of the State to the fair, did they not?—A. No other people but these people.

Q. There certainly was a fair there?—A. Well, I went out there myself twice, but I saw no signs of any fair.

Q. Did you not publish in your paper an account of the fair?—A. No, sir; I published that there was not any.

Q. Did you not publish in your paper that there was to be a fair prior to that time?—A. Yes, sir; we published the announcement, the regular official announcement that there would be a State fair.

Q. And the time covered the period when these men came in?—A. Yes, sir.

Q. When did you announce that there would be no fair?—A. I did not make the announcement at all. I made the announcement afterward.

Q. How many times did you go down to the fair-grounds during the period the fair should have been in progress?—A. Twice.

Q. On different days?—A. Yes, sir.

Q. The congressional committee taking testimony at Columbia have open sessions, do they not?—A. I do not know; I have never been in one of the committee-rooms.

Q. You have been publishing their testimony; I mean the testimony of the House committee?—A. No, sir; I have not taken any.

Q. Did you not know before you came down here that the committee was taking testimony in reference to the conduct of the canvass in Edgefield, Barnwell, and Abbeville?—A. Yes, sir.

Q. The committee there were taking the evidence of men of both parties, were they not?—A. Yes, sir; I believe so.

CHARLES BAKER (colored) sworn and examined.

By Mr. LAPHAM:

Q. Where do you reside?—A. No. 10 New street.

Q. In this city?—A. Yes, sir; I have been working in the country.

Q. Where did you reside during the fall?—A. I have been living at No. 10 New street all the fall.

Q. Who did you work for here in this city?—A. Mr. Oakman.

Q. What is his first name?—A. R. Oakman, I think.

Q. What is his business?—A. He keeps a horse-stable; he sells horses and mules.

Q. Where is Mr. Oakman's place of business?—A. Corner of Church and Broad.

Q. How long have you worked for him?—A. I cannot exactly tell—between two or three months, as near as I can come at it.

Q. Do you work for him still?—A. No, sir; I do not work for him now.

Q. When did you leave?—A. At the time General Wade Hampton was coming through on the Savannah Railroad to have a parade here; and Mr. Oakman said something to me about parading that day, and gave me a badge, and wanted me to ride the horse called "Charley;" and I told him I did not like to do it. Well, he said, that is the way I might vote the ticket. I told him I did not know whether I vote or not. Well, he said, if I was not going to parade with Mr. Hampton I could do as I chose about it—parade or I could go—that he did not want any one to work for him who did not support and stand by the ticket.

Q. What ticket?—A. The Hampton ticket, sir.

Q. You declined to go in the procession, you say. What was done? Were you discharged, or not?—A. They told me to take my discharge.

Q. State whether you were discharged by Mr. Oakman.—A. Yes, sir; he gave me my chances to stay, to stay and support the ticket and parade, or go; and so I went.

Q. And have not worked for him since?—A. No, sir; I met him once since; he said he did not think I had treated him right.

Q. Have you worked for anybody since?—A. No, sir.

Q. Have you been out of employment ever since?—A. O, yes, sir.

Q. How old are you?—A. I will be twenty-seven the 15th of February, sir.

Q. Have you a family?—A. Yes, sir; a wife, sir; no children; just a wife alone.

Q. Do you know of your own knowledge of any other persons who have been discharged?—A. No, sir.

Q. How long was this before the election?—A. This was just at the parade of Mr. Hampton.

Q. About how long was it before election-day?—A. Monday was the parade. They vote the Monday a week—they parade on Monday and vote that Tuesday week. Saturday night I had this choice.

By the CHAIRMAN:

Q. How long have you been living here in Charleston?—A. I think it was the 4th of February, or somewhere along there.

Q. This last February?—A. This last February gone will make a year since I have been in town. This coming February will make it two years.

Q. Where did you move from when you came into town?—A. From the country.

Q. Whereabouts in the country?—A. Wadmalaw Island; but my native home is up in the State.

Q. How long did you live at Wadmalaw Island?—A. When I first came down here I came down here in '65. I have been a soldier for one year. From Beaufort I came to Mount Pleasant, and then I came here to Charleston, and then I went up on Wadmalaw Island, and made that my home.

Q. What were you doing at Wadmalaw?—A. Doing different things; part of the time waiting in the house.

Q. You came here to Charleston last February a year?—A. From the country on the island.

Q. And have lived here ever since?—A. O, yes; I call this my home.

Q. Where have you worked during the time you have lived here; have you staid in the city all the time?—A. O no, sir.

Q. What have you been doing?—A. Going to Sullivan's Island, across here, and working part of the time.

Q. What were you doing over there?—A. Clean house, and roll sand over gentlemen's lots, and water trees, and all;

Q. What else did you work at?—A. Well, I never done anything else over there.

Q. Where else did you work?—A. I have been up to Colonel Craig's, where they dig rock, and worked there.

Q. How long did you work there?—A. Well, I have been there some considerable time.

Q. Who were you working for there?—A. For Colonel Craig and Mr. Bowen.

Q. Is Bowen the sheriff of this county?—A. Yes, sir.

Q. How long did you work for him?—A. Well, I have been there about a year, back and forward; come home every Saturday night; sometimes every two weeks.

Q. When did you quit working for them?—A. Let me see—this winter will make a year ago.

Q. Then what did you do?—A. Well, I knocked all about town here, catching up work wherever I could.

Q. Sometimes you would be out of work altogether?—A. Yes, sir; for a time.

Q. For how long a time?—A. Well, sometimes two weeks, three weeks, and sometimes a week, and sometimes four or five days; and sometimes I got a half a day's work.

Q. And sometimes you would be out of work for three or four weeks?—A. Yes, sir.

Q. That was the case when you went to this livery-stable, was it not?—A. That was about in August; business was dull, of course.

Q. How long had you been out of business then—out of any employment—when you went to the livery-stable?—A. I suppose I had been about a week then, as near as I can come at it. I guess I came over from Sullivan's Island then.

Q. You had been over there trying to get employment?—A. I had been working over there.

Q. What had you been doing over there?—A. I told you, sir.

Q. I thought that was before you went to work with Mr. Bowen in his phosphate works?—A. I told you that I was at Sullivan's Island when I went to the livery-stable; that is where I came from.

Q. When you were over on that island, were you doing such little jobs as you could get them?—A. I was hired there to work.

Q. How long did you stay over there?—A. I staid until I ended the job rolling sand, &c.

Q. How came you to quit there?—A. I got out of work, and I had to.

Q. Then you were out of employment how long after you quit over there?—A. About a week, sir.

Q. Then you hired at this livery-stable?—A. Yes, sir.

Q. What were you getting there?—A. I was getting fifty cents a day, sir.

Q. And boarding yourself?—A. Yes, sir; he told me that times was so hard he could not afford to pay much more.

Q. That is very usual in this country here, fifty cents a day and finding yourself, is it not?—A. No, sir; a dollar a day; the original price is a dollar and a quarter.

Q. Has not that been very usual this last summer; you say times were hard?—A. Yes; I spects so, but I never work for fifty cents before in town.

Q. Why did you work for fifty cents then?—A. Well, it was better than doing nothing.

Q. You could not get a dollar elsewhere, could you?—A. At that time do you mean, sir?

Q. Yes.—A. Not as I knows of, sir.

Q. You were out of employment, and you took that rather than do nothing; was that it?—A. Yes, sir.

Q. Had you ever had any talk with Mr. Oakman about politics before this time—before this Hampton parade?—A. O yes, sir.

Q. What did you talk about?—A. He axed me about it.

Q. What did you tell him?—A. I told him I had nothing to do about it, and I did not care much who was elected.

Q. You gave him to understand that you were rather indifferent about poiltics as to who might be elected?—A. I told him all I wanted was my work—something to do; I was not a politicianer.

Q. Did he ever talk to you more than once?—A. No, sir.

Q. Just asked you who you were going to vote for?—A. Yes, sir.

Q. And you told him you did not know what you were going to do; and the Satur-

day before Wade Hampton came here to make his speech they were going to have a parade, and he just told you that you could take the horse, Charley?—A. Yes, sir.

Q. Did you not lead Mr. Oakman to believe before that that you would probably vote with him?—A. No, sir; he told me this: that I must either take my chances—

Q. He never told you anything of that sort before that evening, did he?—A. No, sir.

Q. Had you not in your talk with him rather led him to believe that you were going to vote with him?—A. I told him I had nothing to do with politics, but I did not care much who he elected.

Q. And when that parade came on he told you you could take the Charley horse and join in the parade?—A. Yes, sir.

Q. What did you say to him?—A. I told him I did not think I could do it. I told him I did not feel like it. Well, he said, I could take my chances. He said, "Of course any one, unless he is going to support the ticket he is not going to give him work."

Q. He said he did not feel disposed to give any one work who did not support the ticket, and you could take your chances?—A. Yes, sir.

Q. And you left?—A. Yes, sir.

Q. You say that since that you have met Mr. Oakman, and he said he did not think you had treated him right?—A. Yes, sir.

Q. What brought about that conversation?—A. I do not know, sir; I suppose about the way I come off.

Q. Where did you meet him?—A. I met him on the street.

Q. What was the first remark he made to you when you met him?—A. I said, "Good morning, sir; and he said, "Charley, I don't think you treated me right;" and he did not say no more, and I went on.

Q. He complained that you had not treated him right in leaving him?—A. Yes; sir.

Q. Did you tell him you were going when you went away?—A. No, sir; I just went off and never came back. He told me I could not take my chances, so I went off and never came back.

Q. How long after that talk was it before you left?—A. When he told me that I did not treat him right, do you mean?

Q. When he told you you could take your chances. That was Saturday evening, was it not?—A. Yes, sir.

Q. Was that in the day-time or in the night?—A. Night.

Q. How long after that conversation was it before you went away?—A. Well, it had been about five or three minutes; along there.

Q. Did you tell him you were going?—A. Did I tell him I was going? I just told him good night. He paid me up.

Q. He paid you up every Saturday?—A. Yes, sir; he just paid me and told me I could take my choice.

Q. Did he tell you you could take your choice before or after?—A. When he was paying me.

Q. This occurred, then, when he was paying you?—A. Yes, sir; he paid me every Saturday. He says, "Well, Charley,——"

Q. The time he had this conversation with you about going in this parade, was that after he had settled with you?—A. Before he had paid me, and after he had paid me.

Q. He talked with you then after he had paid you about going in the parade?—A. Yes, sir.

Q. When was it that he told you you could take your chances? That was after he had paid you up your week's work?—A. He told me both times, after and before. He said that is the kind of a man he is, straight-out.

Q. Did you tell him when you left there that you were going away?—A. For good, do you mean.

Q. Yes?—A. No, sir; I did not say that.

Q. The next time he met you he made the remark that you had not treated him right in leaving him?—A. Yes, sir.

Q. What have you been doing since that time?—A. Well, I have not been doing anything since that time; knocking around here trying to get work.

Q. Have you done nothing at all?—A. No, sir.

Q. Where do you live?—A. No. 10 New street.

Q. Have you done nothing at all since that time?—A. No, sir.

Q. Not a thing?—A. No, sir; I have been around to some places trying to get in, but could not get nothing.

Q. Times are very hard here, are they not?—A. Yes, sir; harder now than I seen it for some time, sir.

Q. Is there not a great deal of surplus labor here in the city; men who cannot get employment?—A. O yes, sir.

Q. Have you been to the country trying to get work since the election?—A. Yes, sir; after the election I have been to the country once.

Q. Where?—A. Up to Ten-Mile Hill.

- Q. Where did you go up there?—A. Up to Colonel Leech's.
- Q. Who was he?—A. He keeps the Charleston Mining Company.
- Q. What were you doing up there?—A. Digging and washing.
- Q. You have been at work since the election?—A. O no, sir; trying to get work.
- Q. How long did you stay up there?—A. Went up there one day; come back the next.
- Q. Were you at any plantation trying to get work?—A. No, sir.
- Q. Who have you talked to about this?—A. All that I said here do you mean?
- Q. Yes?—A. About this working, sir?
- Q. Yes; did you tell anybody that you had been turned off?—A. O, yes.
- Q. Who did you tell?—A. I did not speak to anybody particular to tell. I tell any of my colored friends.
- Q. Can you name any one that you told this story to?—A. O yes, sir; Henry Evans and Murray.
- Q. What white men did you first tell about it?—A. Well, I tell some of my white friends.
- Q. Who?—A. Mr. Orphandorff; he is clerk of the court.
- Q. He is Bowen's deputy sheriff?—A. Yes, sir.
- Q. When did you first talk to him about it?—A. When I first got discharged. It is so long I forget exactly, but some time after I was discharged I told him about it.
- Q. Since the election?—A. Yes, sir.
- Q. Who else did you talk to; what other white men?—A. Well, sir, I cannot remember.
- Q. Who told you to come here and testify?—A. O, I come.
- Q. Who told you to come here and testify?—A. Nobody never tell me. I went to a friend of mine, who I did told—Singleton—was another colored man. He said they wanted all the men who had been discharged to come to the office.
- Q. What office?—A. To Lawyer Stone's.
- Q. Major Stone's?—A. Yes, sir.
- Q. Did you go there?—A. Yes, sir.
- Q. When did you go there?—A. I went there last week some time.
- Q. Did you talk to him about it?—A. Yes, sir.

By Mr. LAPHAM :

- Q. What was it that Mr. Oakman said to you as he was paying you that Saturday night? Use his words.—A. He said I could still take my chances.
- Q. Chances about what?—A. Stay and support the ticket or leave; that is all, sir.
- Q. Support what ticket?—A. The Hampton ticket, sir.

By Mr. EDEN :

- Q. Did you belong to any club here in the city?—A. No, sir.

WILLIAM H. SINGLETON (colored) sworn and examined.

By Mr. LAPHAM :

- Question. Where do you reside?—Answer. Right here in Charleston.
- Q. Where were you born?—A. I was born in the city of Charleston.
- Q. What is your age?—A. Twenty-one going on twenty-two, sir.
- Q. Did you hold any official position during the election?—A. I did.
- Q. What was it?—A. United States supervisor.
- Q. At what precinct?—A. Whaley's Church, sir.
- Q. Who did you get your appointment from?—A. Mr. Wallace, the general supervisor got it. I saw my name in the papers, and I went there.
- Q. Have you got the paper here?—A. No, sir; after I got through I made my returns to Mr. Wallace.
- Q. Did you attend any political meetings during the campaign?—A. Yes, sir; I attended one of them.
- Q. At what place?—A. I attended one, sir, at Six-Mile House.
- Q. How far is that from Strawberry?—A. That is a good ways from Strawberry. That is just right down here in the city.
- Q. When was that?—A. That was just about the opening of the campaign, sir.
- Q. Was it a republican or democratic meeting?—A. Republican, sir.
- Q. It was called as a republican meeting, was it?—A. Yes, sir.
- Q. How many people attended it?—A. About three or four hundred, I think, sir.
- Q. Colored or white people?—A. Colored; the majority of people around there is colored folks.
- Q. Were there any white people at the meeting?—A. Yes, sir; one or two, sir.
- Q. Was there any disturbance at that meeting?—A. No, sir; there was not any, sir.
- Q. Who spoke at that meeting?—A. A great many of the colored men, and I spoke.
- Q. Where was the next meeting that you attended?—A. I never attended no other

until—not until the night before the election. I attended a meeting at Whaley's Church, sir, where I was appointed.

Q. Where was it held; at what place?—A. It was held in one of the old men's houses, sir.

Q. Was it a republican meeting?—A. Yes, sir.

Q. How many were at that meeting?—A. A great many, sir; there was a crowd of men—I suppose about a hundred or so. Some was on the outside, and some was on the inside.

Q. Was there any disturbance at that meeting?—A. No, sir; none at all.

Q. Did you attend a meeting at Strawberry?—A. No, sir.

Q. You were not at any meeting where there was a joint discussion, then?—A. No, sir.

Q. What time did you go to Whaley's Church on election-day?—A. The election was to come off on the 7th, and in order that I should be in time I went up on the 6th of November. I got to Whaley's Church about five o'clock, I think, in the morning.

Q. On the morning of the day of election?—A. The morning of the election-day, sir.

Q. Who were there when you got there?—A. There was a crowd of men there, sir.

Q. How many?—A. There was a great many, sir. I did not take notice, because I was being supervisor. I wanted to get a good look at the box, and let it go through the examination, as we generally do, and I seen the managers was all there.

Q. What time did the voting commence?—A. It commenced at six o'clock, I think it was. Mr. Hard had the watch open at the hour.

Q. Was there any disturbance during the day at that election?—A. Well, sir, I set down there and was keeping poll-list, and setting down there, and I did not saw any disturbance or hear of nothing not until about the middle of the day. I think it was about the middle of the day.

Q. What occurred then?—A. My attention was called by some colored men to one John Devoe, they call him, I think; a white man. They said he was buying votes, and the men was afraid to go up and speak to him—say anything to him. So I asked the man if he seen him give any one money, and he said yes, and other two men said they had seen him give money; and so knowing my appointment didn't allow me to arrest any one outside of where there was 20,000 inhabitants, I went up to him and tell him that I was here to see justice; that he was buying votes, and that he would have to go into the hands of some of these deputies. And then there was a little disturbance there.

Q. What was the disturbance?—A. The colored men say that they was afraid of him, so then I went up to him myself; and after I went up to him, I told him what he had done. And so he said he didn't have no money about him. So I told him I wasn't to know that. So after I told him that, he said he was going off from the poll. He said that he had already voted, and was going off. So I tell him, "Well, you can stay here, but don't carry on such games as that." That was all the disturbance around the poll there, sir.

Q. Did he go away?—A. O, yes, sir; he got in his buggy and rode off a piece.

Q. Was that all that occurred between you and him?—A. All, sir; that is all the disturbance there.

Q. Did you see a person there by the name of Mitchell?—A. No, sir; I never seen no one there named Mitchell. He might have been there, but I don't know him.

Q. Did you hear anything about a colored man who voted the democratic ticket; about the men pursuing him?—A. No, sir; I didn't hear nothing like that; I heard a talking out in the road.

Q. Could you hear what was said?—A. After hearing this talking out in the road I went out to see what it was, whether it was a fight or not; because I wanted to have peace there, and as soon as I got up there—got near to the place—I heard one A. P. Ford speaking to some men out there, saying the election had went off peaceable as far as it has gone; and he said, let us have peace to the end. So after seeing him out there, knowing he be a minister, I returned and came back.

Q. Was there any talk or disturbance after that in regard to this person?—A. No, sir; I never hear anything.

Q. Did you stay there until the polls closed?—A. I did, sir.

Q. And until the votes were counted?—A. Yes, sir.

Q. Did you hear the song "Hold the fort," sung there any time that day?—A. I heard a song sung, sir, about when the polls closed. The polls was closed, sir, and after the polls was closed there was a few rallying committees—they had them out. The folks up there don't know the song much, and they commenced singing the song, and they sung the song of "Hold the fort for Hayes and Wheeler."

Q. Who sang it?—A. Mr. Ford he raised the song, and I assisted him in singing it as I knew every word of it.

Q. Where did the men go to then?—A. The men all retired home, all went down the road. As soon as I had got through singing the song I learned that the candles had



come. We had sent for candles to count the votes, and I learned the candles had arrived, and I leave right off and went to see how the votes was getting on.

Q. Did you hear any guns fired?—A. Whilst I was in the house, sir, I heard some guns fired.

Q. After you had sung and gone into the house?—A. Yes, sir; after I had went into the house.

Q. Was there any singing during the day, while the election was going on?—A. No, sir; I heard none.

Q. Or any firing of guns?—A. No, sir; I didn't hear any firing of the guns.

Q. But both of those things did occur after the polls closed?—A. Yes, sir; after the polls closed; because I was inside the house.

Q. What do you know about colored men having guns there that day?—A. Well, sir, I went there, pretty early in the morning, as I before told you, and I never seen any guns. I seen some of the men walking around there, but I never seen one gun—not around the poll whilst I was there, sir. When I heard the shooting, I was in the house. I said to the clerk—it was a young man that was clerking—"Do you hear that shooting?" And he said, "Yes." So we thought at least they was coming there.

Q. In which direction was the report of the guns?—A. Going to the roadside, sir. There was a rumor I hear in the day—

The Chairman objects to the witness stating what he heard

Mr. LAPHAM, I offer to show by this witness that there was a report current there through the day, that a force was coming there in the evening to commit violence upon the officers engaged in the canvass; and that when this witness heard the firing as he has stated, he spoke to the clerk of the board, Mr. Gray, and said to him, "They may be coming as reported, but let us stand here and do our duty, if we are killed."

[Offer overruled on the ground of irrelevancy and incompetency.]

By Mr. LAPHAM :

Q. How long were you engaged in the canvass; how long was it before the count was completed?—A. Well, sir, I cannot exactly remember, but I know it was at a very late hour at night before we got through counting the votes.

Q. Do you remember what the vote of each party was?—A. I think there was six hundred votes cast at that poll.

Q. How many republican and how many democratic?—A. I disremember.

Q. How many white people were there at the polls that day?—A. Well, sir, when the polls was first opened there was a great many white folks there; I don't suppose over ten or fifteen.

Q. Was there any larger number than that at any time during the day?—A. No, sir; they commenced to dwindle off.

Q. How many were there, while you were counting the votes?—A. There was Mr. Hard, Mr. Chors, and Mr. Hard, the man that brings his buggy; he was a white man. There was but three there that I seen in the church. They generally counts the votes in the church.

Q. Do you remember whether there were any other ballots in the box except the republican and democratic ballots?—A. There was a ticket in the box there—Hobson's choice, as you may term it—that the democrats had, with the name of A. P. Ford on it for the legislature.

Q. All the rest were democrats?—A. All the rest were democrats.

Q. Do you know how many of those ballots there were in the box?—A. Well, sir, I could not state how many, but I know there was a good many, because as every vote as would count for the different men that was running, they would put in canvassing them a zero for each one of those ballots—those Hobson's choice ballots—that was the one that voted more than the regular Hampton ticket.

Q. There was more than one such ballot?—A. Yes, sir; there was three tickets in the field. The republican ticket was a red ticket, and that was the only way you could designate it for the people; and the other ticket was a white ticket—the democratic ticket was a white ticket—and then they had another white ticket running in between with Ford's name on.

Q. Did the managers all sign the returns?—A. O, yes, sir; the managers signed the returns.

Q. Had you seen any of those tickets during the day?—A. I think it was about twelve o'clock when we caught up to the tickets, and my attention was called to it. One of the colored men asked me to read one of the tickets. So I turned round and tells him, "I can read the ticket for you, but there is Mr. Ford, he is loose, and I am an officer, and therefore go to Mr. Ford;" and I called Mr. Ford to me and tell him, "Mind, Mr. Ford, there is another ticket here running in the field, and you had better look after it;" and Mr. Ford went out to where the colored men was eating in the road, and said, "Here is our republican ticket, a red ticket. Wherever you see this ticket, a red ticket, you will know it." He said that in the road. Then all the people there on the ground would not vote anything but the red vote.

Q. Was that before this report about Devoe had come to you? Was it before you had been called out to see Devoe, or after?—A. This was before.

Q. How long before?—A. A good while. The Devoe occurrence happened a good while before that.

Q. It was before the occurrence between you and Devoe?—A. Yes, sir.

Q. Do you know anything about persons being discharged before the election, or threatened with a discharge for not voting? Have you heard any one employing men make that threat?—A. No, sir; I never heard it from any one; I only heard it from others.

Q. You were not at the Strawberry meeting, were you?—A. No, sir.

By the CHAIRMAN:

Q. How long have you lived here in Charleston?—A. All my life-time, sir.

Q. You do not live in the neighborhood of Whaley's church?—A. I goes up there regular, sir; I lives right in Charleston here, and goes up and teach school for my occupation.

Q. When did you teach school up there?—A. During Mr. Hedge's administration.

Q. Who is Mr. Hedge?—A. The school-commissioner in this county.

Q. When was that?—A. Last year, sir; just before he went off from here, sir.

Q. When did you quit teaching school up there?—A. I think it was in June, sir.

Q. This last June?—A. Yes, sir.

Q. Did you teach a colored school there?—A. Yes, sir.

Q. You say you are twenty-one years old?—A. Yes, sir.

Q. When were you twenty-one?—A. I was twenty-one years of age on the 29th day of this last April.

Q. When were you appointed supervisor of election?—A. I was appointed supervisor of elections the other day, sir—just two days before the election, sir.

Q. What have you been doing since June last?—A. Well, sir, I was right here in the city; shoemaker by trade.

Q. My question is, what have you been doing since June last?—A. Working at my trade, sir.

Q. Working at your trade since June?—A. Yes, sir.

Q. All the time?—A. Yes, sir; all the time, sir.

Q. Where did you vote on the day of the election?—A. I vote at Whaley's church.

Q. Did you make a speech at Whaley's church the night before the election?—A. I did, sir.

Q. Who else made speeches?—A. One James Graves, one Daniel T. Middleton, and A. P. Ford, and—I forget the gentleman's name; he is an old white man; he was a republican, and he made a speech there.

Q. Where does he live?—A. He lives up there; he lives with one of the colored men.

Q. What does he do, this white man?—A. He takes charge of this colored man's poultry and things.

Q. Do you know how long he has been living there?—A. No, sir; I do not know.

Q. Do you not know that there were but twelve democratic votes polled there that day?—A. No, sir; I disremember.

Q. How do you remember the number of votes so well?—A. The number of votes cast? I remember the number of votes cast, sir, because that was my business there—to take account of how much votes each elector got.

Q. Then why cannot you tell how many each got?—A. Well, I disremember.

Q. What is your best recollection; it was a very small vote, was it not?—A. I know they got a very small vote.

Q. Do you think it was over twelve?—A. Well, sir, I won't say, because I don't know; I disremember how much they got.

Q. This mixed ticket you speak of, do you not know that there were but six of them found in the box?—A. I disremember how many were found in the box, but I know they was there; they was widely circulated.

Q. Do you not know that there was not over six of these ballots cast there?—A. Well, sir, they might have been, but I disremember.

Q. Those mixed tickets, the "Hobson's choice," as you call them; they were printed black like all the other democratic tickets, were they not?—A. Yes, sir.

Q. They were not printed with red ink?—A. No, sir.

Q. It looked exactly like a democratic ticket, did it not?—A. Yes, sir; it looked exactly like a democratic ticket, only it had Mr. Ford's name on it.

Q. Then, any one taking that ticket would be more likely to think it was a democratic ticket than anything else, not knowing what it was?—A. No, sir.

Q. Why would they not?—A. Because Mr. Ford is a leader of the republican party, and wherever his name appears the people consider he is a republican.

Q. Of course, anybody who might read the ticket would see Mr. Ford's name on it, would they not?—A. Yes, sir.

Q. But if they did not read the ticket they could not tell it, by its general appearance, from a democratic ticket?—A. No, sir.

Q. A person who could not read, looking at the ticket, could not tell it from a democratic ticket, could they?—A. The only difference was that the republican ticket was red—

Q. I am not talking about the republican ticket. This mixed ticket was printed like a democratic ticket, was it not, except it had Ford's name on it?—A. Yes, sir.

Q. And one who could not read could not tell it from a democratic ticket, could he?—A. Well, sir, I do not know the cut. I forget now the cut and everything on the democratic ticket—

Q. Was there any difference between that ticket and the democratic ticket, except that it had Ford's name printed on it?—A. I disremember about that. I remember this, that the difference of it was our ticket was red print, and the democratic ticket was printed with black ink.

Q. Was there anything on the face of that ticket with A. P. Ford's name on it, to a man who could not read, by which to distinguish it from the democratic ticket; was it not printed in black ink?—A. Yes, sir; it was.

Q. And looked like the democratic ticket to one who could not read?—A. To one that could not read would vote it, sir.

Q. But A. P. Ford's name was printed distinctly on it, was it not?—A. Yes, sir.

Q. Any other republican name on it?—A. They had several of the officers on it.

Q. Name one there.—A. I disremember; I would not like to say for certain, because I am on my oath.

Q. Would you be willing to swear that there was any other name on it besides Ford's?—A. Yes, sir.

Q. State whose name was on it besides Ford's?—A. I disremember, sir, but I noticed it was a mixed ticket and had some republican names on it.

Q. You cannot remember any except Ford's?—A. Except Ford's. They was widely circulated.

Q. How do you know it was being widely circulated? Did not your duty require you to be in the house where the ballots were cast?—A. My commission read that I should be in a position where I could see the votes cast.

Q. And to take a list of the voters?—A. Yes, sir; and to see that no occurrence, no sort of fuss, or disturbance arised, but out of the city I was not responsible to take a list. All I was required to do was to take the number of votes cast for the electors and take the number of votes cast—

Q. Did not that require you to be at the table where you could see the voting and to keep a list of the voters?—A. Yes, sir; I set down and see the ballots cast.

Q. That was your duty, was it not?—A. No, sir; I did not understand it to be my duty.

Q. What were you doing at the table if it was not your duty?—A. The first thing I done while I was up there—Chors, he had his commission as one of the supervisors, just like myself—Chors, he went out among the men with his commission as a supervisor and was showing his commission as a supervisor; I then went out along with him and showed my commission as a supervisor, too, at the poll.

Q. I am not asking you anything about that.—A. I am just showing you what caused me to be out there.

Q. Was that the only time you were out there?—A. To see that no disturbance occurred?

Q. Was it part of your duty as a supervisor to see that no disturbance occurred? Was that on the face of your commission? Do you state that your commission as a supervisor of that election imposed the duty upon you to see that there was no disturbance at that election?—A. The commission was a long one, and I understood it that way.

Q. Do you state that that commission read that way? Did you read your commission?—A. I did, sir.

Q. Now do you state that that was upon the face of your commission, imposing upon you, as a supervisor, the duty to see that there was no disturbance of the election that day? Answer that question.—A. I am going to tell you what my commission stated, the way I understood it.

Q. Answer my question. Do you state that it was a part of your commission—that it was a part of your duty as supervisor that you were to see there was no disturbance at the election?—A. Well, sir, I understood it that way, sir.

Q. You understood it that way?—A. Yes, sir.

Q. Did you read that in your commission?—A. Me, do you mean?

Q. Yes, you.—A. Yes, sir; I read a great deal of things and disremember it, sir.

Q. I ask you if you read that in your commission?—A. No, sir; I do not remember; I read a great deal, sir.

Q. Then how often were you out of that house that day mingling with the crowd?—A. I think I was out there about twice.

Q. On what occasions?—A. I was once out there with Mr. Devoe.

Q. On what other occasions were you out there?—A. I was out again with Mr. Ford when the fuss was there in the place.

Q. The fuss about Mitchell?—A. About this man; the men was talking out there.

Q. Those were the only two occasions?—A. Yes, sir; they was the only two.

Q. How long were you out of the house when this affair with Devoe occurred?—A. I was not there for a long time—

Q. About how long; how many minutes?—A. About ten or fifteen minutes, I suppose.

Q. When that matter occurred in regard to Devoe, what were you doing; were you engaged with him all the time?—A. Engaged with Mr. Devoe? I and him was talking, sir.

Q. When this affair with Mitchell occurred, where you saw Ford interpose, how long were you out on that occasion?—A. I was out about twenty minutes, I suppose; I disremember how long, because I went in the bush.

Q. How long were you out there?—A. I did not stay very long.

Q. Did you go from there back into the house?—A. Yes, sir; I came right back into the house.

Q. When you went out to see about this matter of Devoe, and when you went out to see about this disturbance in regard to Mitchell, did you examine any tickets when you were out on those occasions?—A. At that time, sir?

Q. Yes.—A. No, sir; I did not bother with the tickets.

Q. When you were in the house at this table, where you were taking an account of the votes as supervisor, could you see out of doors?—A. O, yes; there was a window right there, a low window.

Q. Where was the voting done?—A. The voting was done through another window, sir, right by me. I was settling between the two windows.

Q. You could not see the tickets out of doors so as to be able to read them, could you?—A. No, sir; I could not see from the window.

Q. From that table where you were sitting, could you read a ticket out of doors?—A. No, sir; I could not read it.

Q. Then how did you know that those tickets were being circulated out there; you say they were being circulated freely?—A. Yes, sir.

Q. How did you know it?—A. I knowed it by the men coming right there to the window and handing me one of the tickets, and said to me—

Q. Then all you know about these tickets being circulated was that a man handed you one through the window and what he said?—A. Let me answer the question, sir.

Q. Answer my question. Did you have any other means of information about the circulation of those mixed tickets there other than what you got from the party who came to the window?—A. Yes, sir; I seen them going right along there, because my eyes was out there besides inside.

Q. How could you tell from the window, with your eyes, whether they were circulating the mixed tickets or not?—A. I am going to show you now, sir. The rallying committee stood all round there, and the tickets was right there, and I learn right off in that way, and this portion of my body was outside of the window.

Q. You have stated that you could not read those tickets outside from where you were.—A. I could not see them.

Q. Then how could you tell whether they were mixed tickets or not?—A. There was a colored man rallying on the democrat side showing the ticket, and saying here is Ford's name on the ticket.

Q. Who was that colored man?—A. I did not know him, sir.

Q. Did you not hear his name?—A. No, sir; I did not hear his name.

Q. Never heard his name?—A. I never heard his name.

Q. Never inquired his name?—A. I was describing the pants and clothes he had on to Mr. Ford.

Q. Who else did you hear besides him?—A. I heard him say so in the day.

Q. When did you hear him say so?—A. Early in the day, sir.

Q. What time in the day?—A. I could not really say, sir.

Q. State about what time. Was it early in the morning? You say it was early in the day. How long was it after the polls opened that you heard that?—A. Well, sir, the sun was up a good way.

Q. Was it seven o'clock?—A. It was later than that.

Q. Was it eight o'clock?—A. A little later than that. I think it was about between nine and ten o'clock, because the sun was up.

Q. Have you not already stated, in your examination-in-chief, that it was about twelve o'clock when you heard of that matter, and called Ford's attention to it?—A. When I heard of that I pointed this man out.

Q. Have you not already stated, in your examination-in-chief, that when you heard of that it was about twelve o'clock, and that you then called Ford's attention to it?—A. When I first heard of it I paid no attention to it.

Q. That is not my question. Did you not state that it was about twelve o'clock when that was given to you to read, and that you then went out and called Ford's attention to it? Did you not state, when you first heard of it, that you then got up and went out and told Ford about it?—A. Yes, sir; I got up and told Mr. Ford about it.

Q. Did you not state awhile ago, that that was the first time you heard of it, that this man came to you with a ticket and asked you to read it?—A. I thought you asked me the first time when I seen the ticket; that is the way I understood the question.

Q. Did you not state that that was the first you knew of the ticket, and that you went out and called Ford's attention to it, and that Ford then went and exhibited the republican ticket to the colored men, saying that that was their ticket?—A. Yes, sir; that it was a red ticket.

Q. This was in the morning, between nine and ten o'clock, that you heard of democratic men peddling those tickets out of doors?—A. Yes, sir; I heard a man in the morning say, "Here is a ticket."

Q. Is that what he said?—A. Yes, sir; he said, "Here is a ticket, sir;" and after hearing the man speaking of the ticket, and saying here is A. P. Ford's name on the ticket.

Q. What else did you hear?—A. And the man went off with the ticket; so I paid no attention. I thought he was a republican man.

Q. Then, how do you know he was a democrat man?—A. After this man had come to me at the window with the ticket, and asked me to read it, and seeing then it was a democratic ticket, I then called Mr. Ford. I then say to Mr. Ford, I might have stopped this thing long ago, but I did not know there was this ticket out.

Q. You still have not told how you found out that that was a democrat man who peddled them. You just supposed he was a democrat?—A. Yes, sir.

Q. You do not know now, do you, that he was a democrat?—A. When this man came up to me, I say to Mr. Ford—

Q. You do not know yet whether he was a democrat or not. You just supposed from the fact that he was peddling the ticket.—A. He showed the ticket with Mr. Ford's name on it, and my curiosity was arised right off.

Q. When that ticket was shown to you you got up and went out, and told Mr. Ford. You stated that, as you were an officer, you could not interfere about the ticket?—A. About changing tickets.

Q. But you went and called Ford's attention to it?—A. Yes, sir.

Q. Did not Ford say to you, as you have already stated, that that was the first he knew of that ticket?—A. He said he did not know anything about it; nothing about it himself. He made new of it to me, and he say he never seen one of them.

Q. Mr. Ford was mixing outside with the crowd. He was a candidate for legislature, was he not?—A. Yes, sir.

Q. He was mixing with the crowd all day, was he not?—A. He was out in the road.

Q. If these tickets were circulating in the crowd, as you say they were, why did not Ford see them?

Mr. LAPHAM. I submit that that is not a proper question.

By the CHAIRMAN:

Q. Can you state why Ford did not see them circulating if he was out in the crowd?—A. I cannot state, sir. I don't know nothing about them.

Q. This man who was distributing these tickets, as you say, spoke of it so loud that you heard him in the house?—A. As he come past the house I was leaning on the window.—

Q. You have got to leaning in the window now. You were then leaning in the window, were you?—A. Yes, sir; leaning in the window.

Q. And you heard him?—A. Yes, sir.

Q. And you heard him talking out there in the crowd, saying, "This ticket has Ford's name on it?"—A. Yes, sir; I heard him when he say to this man, "This is Ford's ticket for the legislature."

Q. The man displayed the ticket and said here is Ford's name on it?—A. Yes, sir.

Q. And that was spoken in the crowd?—A. Yes, sir.

Q. There was no concealment about it, then?—A. This was spoken in the crowd where the vote was; I hear him speak it to those men.

Q. And still you did not say anything to Ford about it?—A. I thought it was a republican.—

Q. Then you did not say anything to Ford about it?—A. No, sir; I did not bother my head. I say to myself that was a republican man; and after twelve o'clock, about the middle of the day, I found out this; when I say to Ford if that be a democrat fellow why I could have stopped this thing long ago; but I did not know anything about it.

Q. You were there as a disinterested officer?—A. Yes, sir.

Q. Then what had you to do with the kind of tickets that were circulating?—A. I could tell him there was another ticket in the field.

Q. Was not this spoken out of doors, out among themselves? What business had you, as a supervisor, to do with tickets circulating in the field?—A. There was a white man came up to the poll and he could not read, and he asked me to read it.

Q. Answer my question. What business had you, as a supervisor of election, to go out and to advise a party candidate there about some other ticket being circulated; was that a part of your duty?—A. I understood my duty this way; to see that no fuss occur, and see that justice be given to both parties.

Q. And therefore you took the side of one of the parties?—A. I see Mr. Chors; he was sworn at the same time I was; he was out there; he done different from me.

Q. How do you know what Chors was doing out there? You were not with him.—A. I linger near by him to see what was going on.

Q. Were you with Chors all the time he was out doors?—A. Every time he would come up to the crowd I would listen to it; when they took a recess to eat after the voting was completed, pretty near.

Q. After the vote was completed you went up to where he was?—A. Yes, sir.

Q. Have you not stated that you were not out of that house but twice during the day?—A. Yes, sir.

Q. Then how do you know what Chors was doing out there?—A. They was not voting at the time.

Q. Then you did not hear Chors say anything until after the voting was over?—A. Yes, sir; I see Chors out there when the voting was over.

Q. This difficulty that you speak of with this man Devoe; was not Devoe very active there through the day distributing democratic tickets?—A. I never seen him very active there, sir.

Q. Did you not see him distributing democratic tickets?—A. No, sir; I seen Mr. Devoe doing this: A portion of the time there was some colored men came to the window and said to me, "You republicans is so unjust. They say there is that gentleman Devoe; he is not a republican and he is in the house with you all." I said the dew is so heavy I suppose Mr. Devoe did not want to go out. I asked Mr. Devoe then for a pipe of tobacco and he gave me a pipe of tobacco; and he went out, and he had no tickets at that time.

Q. They came and notified you that Devoe was a democrat, and they complained you were unjust to allow Devoe, a democrat, to stay in there?—A. Yes, sir; and I pointed out these other men who was democrats.

Q. How long did Devoe stay in the house?—A. He staid about an hour or so, I think.

Q. What time did he come in?—A. Early in the morning, I say.

Q. How long did he stay there?—A. I disremember how long he staid in there; he was in there a good while. I did not pay much attention to him.

Q. Was he in there two hours?—A. I could not rightly say. I did not pay much attention to him; I was setting down something.

Q. What time of the day was it when this complaint came to you about this charge, that he was bribing voters?—A. It was a good while after the poll was opened; in the middle of the day I think, sir. The sun had not strike the tree-tops good when this complaint was brought up.

Q. You went out to arrest him?—A. I went out to see. My commission stated that no bribery should be offered, or nothing like that.

Q. Did your commission state that no bribery should be offered?—A. That is the way I construed it, sir.

Q. Did you not understand your duty as supervisor of election to be to arrest people at the polls?—A. My commission say I was not able to arrest anybody outside of 20,000 inhabitants.

Q. You knew that there were not 20,000 inhabitants at that precinct, did you not? Did you not arrest Devoe?—A. The sheriff always have what is called deputy sheriffs, and I told the deputy sheriffs their power to arrest Devoe.

Q. You told the deputy his power?—A. Yes, sir.

Q. Did you not arrest Devoe yourself?—A. I was called upon to arrest Devoe.

Q. I am not asking you about being called upon. Answer the question, did you not yourself arrest Devoe?—A. No, sir; I called upon the deputy sheriff. I told him he could arrest him.

Q. Then you did not go to Devoe at all?—A. I went to Devoe and told him what he was doing, and I show Mr. Devoe my papers, and I say, now, Mr. Devoe, you can read them. I say we were friendly to each other; I would not like anything to occur, but I must do my duty.

Q. Did you not arrest Devoe; did you not take charge of him, and did not Chors come to you and tell you that as supervisor you had no authority to arrest him there?—A. I am going to tell you now what Chors say—

Q. Answer the question first, and then you can explain. Did not Chors come up to you and tell you, at the time you were with Devoe, that as supervisor you had no authority to arrest him?—A. He did not come up to me until they call upon him.

Q. Did not Chors come up to you—you can answer yes or no—did not he come up

to you and tell you that as supervisor you had no authority to arrest Devoe?—A. I will answer it; yes, he came up to me.

Q. Did he not tell you that in substance?—A. But he came up to me—

Q. Did he not tell you that when he came up to you?—A. I would like to state what passed between us.

Q. I insist upon an answer to my question. Did not Mr. Chors come up to you, and did he not state when he came up, that you had no authority as supervisor of election to arrest Devoe? Say yes or no.—A. I can say yes, he come up to me.

Q. Answer the other part of it. Did he not tell you that, as supervisor, you had no authority to arrest him?—A. I knew that myself.

Q. Did Chors tell you that?—A. I showed Mr. Chors—

Q. I will put you in contempt of the committee if you do not answer the question. Did he, or did he not, tell you that?—A. I can tell you he said yes. He said, "Why, Mr. Singleton, look down here; you cannot do anything with Devoe." That is what he told me, sir. I turned around to him, and I say, "Yes, Mr. Chors." I knew that this was outside of 20,000 inhabitants; that is in big print, I can see that. I say outside of 20,000 inhabitants I could not arrest nobody. I say all my authority is to tell Mr. Devoe that I, as a supervisor, is to see that the election go on fair; but Mr. Devoe is in the hands of the deputies.

Q. When you went up to Devoe you showed him your authority?—A. When I went up to him, he said, "Who is you?"

Q. Then you showed him your authority, did you not?—A. Let me explain, if you please.

Q. Did you not then show your commission when Devoe asked you who you were?—A. He said, "Who is you?" I told him, "I am a supervisor." He turned round, and said, "Let me read it;" and I said, "Mr. Devoe, you can read it." He was a little excited. I say, "Mr. Devoe, if you look on the other side you sees I cannot arrest you outside of twenty thousand inhabitants."

Q. Did you tell Devoe that yourself, before Chors came up?—A. I told him that myself, because—

Q. Did you tell him that before Mr. Chors came up?—A. Why, yes, sir.

Q. If you had told him that yourself before Chors came up, why did he (Chors) tell you that you, as supervisor, had no authority to arrest him?—A. Mr. Chors was on the other side of the house, and just as soon as the thing occurred they called Mr. Chors. A crowd of them came up, calling him by his name. They say, "Come around here, and see our men righted." And so in that time, when they told him so, I turned around to Mr. Chors, and I say, "This matter can easily be settled;" and that is the whole way the matter was settled. It was through me the matter was settled.

Q. You were the party that had arrested him?—A. No, sir; I told you distinctly that the sheriffs had the power to arrest him, and he was in the hands of two colored men.

Q. Who turned him over to those two colored men? You did, did you not?—A. I will state how the colored men come to get him. When they called upon me I showed them I had no authority to do nothing to him; but I have this to say, that no intimidation must be there, and so in that time one of the men say to me, "That is not intimidation." I say, "Well, if that is intimidation, I do not know, because this is the first time I ever served, and I think that would be bribery." So in that time one of the men say, "I got the power to arrest, anyhow." I say, "Well, you know your instructions." That is what I said to him.

Q. Where was Chors when you went out of doors?—A. He was around at the house, sir.

Q. Near the polls?—A. Yes, sir.

Q. What was he doing?—A. I do not know, sir.

Q. Was he standing still when you went up to Devoe?—A. Devoe was standing beside the poll.

Q. How far from the polls was it?—A. About ten or fifteen feet.

Q. Did he not have tickets in his hands?—A. No, sir; I did not see him with any tickets.

Q. You went up to him there?—A. Yes, sir.

Q. Did not Devoe tell you when you went up there to arrest him that he had not been bribing anybody; that he had no money?—A. Yes, sir; he told me that he had not been bribing anybody. He turned right around to me and say to me, "Well," he say, "you know well enough I have just given you a pipe of tobacco, and I have not bribed anybody." Two colored mens come up and say, "Yes; you did bribe him." And the other colored man say, "He could show he did bribe him."

Q. What did Devoe say?—A. Devoe didn't say nothing.

Q. Didn't say anything at all?—A. No, sir; they was great crowding around him, and I say, "Gentlemen, fall back."

Q. There was a great crowd around him?—A. Yes, sir; they was coming up to him.

- Q. How many?—A. About ten or fifteen, I suppose, sir.
- Q. You say he told you that he had just given you some tobacco in the house there?—A. Yes, sir.
- Q. And that he was not bribing anybody—that he had no money?—A. Yes, sir.
- Q. And you say he then went off home?—A. I do not know whether he went home; he jumped in his buggy and went off.
- Q. Touching this affair in respect to Mitchell, you were in the house and heard the row out of doors?—A. Yes, sir; I heard the loud talking.
- Q. That is what attracted your attention?—A. Yes, sir.
- Q. What was it you heard; was it like a disturbance?—A. I heard some mens cursing.
- Q. How many voices did you hear?—A. Well, sir, I didn't hear but one distinct voice cursing.
- Q. What was it saying?—A. I cannot remember the different words, but he was cursing.
- Q. Give us something of the language—what was said?—A. I disremember, but I know he was using profane language.
- Q. Did you not hear a word he said?—A. No, sir.
- Q. Did you hear but one voice?—A. I heard the loud talking and cursing. There was talking going on, but this loud cursing was ahead of all.
- Q. The cursing was louder than all?—A. Yes, sir; you could hear that distinctly.
- Q. You heard confusion and loud talking out there, and that drew you out of the house?—A. Yes, sir.
- Q. How far from the house was it?—A. It was out in the road, sir.
- Q. How far from the house—how many yards?—A. I do not know the distance.
- Q. Was it 100 or 60 or 50 or 40 yards?—A. I think it was somewhere about 40. I think it was about 40.
- Q. When you went out of the house what was going on?—A. I heard the loud talking out there and I approached, and the more I approach I heard more noise.
- Q. Was there a great crowd out there?—A. There was a good many around. As soon as I got a portion of the way I heard a man say, "Gentlemens, we are here to-day, and let us have peace;" and when I looked I see it was Mr. Ford, and I say, "O, well, I suppose it was Mr. Ford among his people." I say nothing and I turned back and went in the bush.
- Q. There was a fuss, and this man Ford, or whoever it was that was saying "Let us have peace," was trying to allay it?—A. I do not know, sir. This were the words I hear. I didn't go up any farther.
- Q. The crowd had rushed off from the polls, hadn't they?—A. Yes, sir.
- Q. When did you see Mr. Ford last?—A. I saw Mr. Ford yesterday, sir. I was to work yesterday, and Mr. Ford come down there early yesterday morning and went first to my house, and says there is a committee that would like to see me, and so the folks told him I had gone to work; and so as soon as I come home they tell me that Mr. Ford was there for me. So I went to the gentleman I was working with, who works there in the shop, and I tell him I would not be able to finish the job; he would have to leave it lay over.
- Q. When did you see Ford?—A. I came down to see him yesterday.
- Q. Where?—A. Corner of Broad and Meeting streets.
- Q. On a street or in the house?—A. On the street, sir.
- Q. How long did you see him?—A. I see him a good while, sir. I come up here with him and wait here.
- Q. Were you up here when he testified yesterday evening?—A. Yes, sir.
- Q. How long were you with him altogether?—A. I suppose I were with him about two or three hours, sir.
- Q. Have you been with him to-day?—A. No, sir.
- Q. You and he talked about the election up there yesterday?—A. Yes, sir; we spoke of it, sir.
- Q. Did you stay here until after Ford testified yesterday evening?—A. No, sir; I do not know when he got through testifying. I was out in the hall waiting for the committee to call on me.
- Q. You saw Ford when he came out from testifying?—A. No, sir; I think that gentleman [indicating Mr. Lapham] came out and said that they would not be ready for me.
- Q. You were with Ford some two or three hours yesterday?—A. Yes, sir.

By Mr. LAPHAM:

- Q. Who was the deputy marshal there?—A. I disremember, sir. There was two or three colored mens appointed, countrymens that live up there.
- Q. What did you say to them, about Devoe?—A. When they all come up I say to them, "Gentlemen, it is useless for you men to go on so." I say to Mr. Devoe, by my commission I cannot arrest nobody where there is not 20,000 inhabitants. I told them it was in your hands. When I tell them, they say I am a deputy, and I say it is in



your hands. I say I went to quell as much disturbance as possible. Some of the men say they would carry him down to Charleston. I say it is a great distance down to Charleston, and I told the men you can all go; and when I say it is a great distance down to Charleston, Mr. Devoe say to me, you understand those people; you had better talk to them; and I say we can quiet this thing. That was Devoe's talk.

Q. Did anybody take hold of Devoe?—A. No, sir; I never seen any one with him, sir. I seen the men standing around him.

Q. Did anybody prevent him when he got into the buggy from going away?—A. O, no, sir.

Q. Did you see him again that day?—A. No, sir; he told us all good-by, friendly.

Q. What time, if you remember, did Chors come there in the morning; what time did you first see him?—A. When I first see him I think it was an hour after the poll opened. I didn't pay much attention.

Q. Was it about seven o'clock?—A. Yes, sir; I see him in the house there.

Q. How long have you taught school in all?—A. Probably about six months, sir. Shortly after I leave school, I taught about six months.

Q. What school did you leave?—A. I attend Wallingville Academy—W. A. Patton.

Q. Did you have a license to teach?—A. I was examined by the county board of examiners.

Q. Did they give you permission to teach?—A. Yes, sir; I have my certificate.

Q. Who gave you the certificate?—A. The county board, sir.

Q. Do you remember whose name was signed to it?—A. P. Hedges, sir.

Q. What was his office?—A. School commissioner, sir.

Q. Your trade is that of a shoemaker?—A. Yes, sir.

Q. And you are working at that now?—A. Yes, sir.

Q. How long were you at the academy?—A. I was at the school just shortly after reconstruction.

Q. How long were you at the school, is the question.—A. I suppose about three or four years, because I never goes there after I got to manhood. I never go regularly; I just goes at night.

Q. You attended school three or four years regularly?—A. Yes sir; regular.

Q. Were you a slave?—A. Yes, sir.

Q. You were not freed until the emancipation proclamation?—A. No, sir; not until the proclamation.

Q. Had you any education then?—A. No, sir; I could not read or write.

Q. You have learned since you were freed?—A. Yes, sir.

Q. Who was the principal of the academy?—A. The first principal that ever taught me was J. H. Bates. He is dead now.

Q. Who was the next?—A. Then right after Mr. Bates, Mr. Patton had charge.

Q. Any one else?—A. No, sir; Mr. Patton is there now, sir.

Q. He is still the principal?—A. Yes, sir.

Q. Where is that school?—A. Up Meeting street, sir.

Q. How large a school is it? How many pupils attend there?—A. About two or three hundred, sir.

Q. Is it a free school?—A. Yes, sir; it is supported by the northern folks.

Q. That is, you don't have to pay anything for your schooling?—A. No, sir.

By the CHAIRMAN:

Q. Is not that a free school, sustained by the State and county?—A. The school I learned to write in, do you mean?

Q. Yes.—A. No, sir; it is supported by a society at Pittsburgh, Pa. The Presbyterian congregation supports it, sir.

Q. Speaking of arms at the election that day, you saw those arms where they were stacked in the road below the church, did you not?—A. No, sir.

Q. Did you see any at all?—A. No, sir; I have never seen as much as a revolver, sir.

Q. You were not down the road that led from the church?—A. No, sir; I was not down the road.

Q. You heard these guns fired, though?—A. Yes, sir.

Q. Those guns were fired by your friends, were they not?—A. I do not know who they was fired by. We was in the room counting the votes.

Q. You heard the guns go off, did you not?—A. Yes, sir.

Q. It was near the church, was it not?—A. It was up the road, sir.

Q. How long after you went back into the house was it before that occurred?—A. I was in the house a good while, sir.

Q. About how long?—A. About an hour or so, sir.

Q. About an hour or so before they went off?—A. Yes, sir.

Q. Then those guns did not go off immediately after you got through singing "Hold the Fort"?—A. No, sir; because we was in the house counting the votes.

Q. And you were in there an hour before you heard these guns?—A. Yes, sir.

Q. And that was way in the night?—A. Yes, sir; it was black dark when I heard the guns, because we had a light,

FRANK JACKSON (colored) sworn and examined.

By the CHAIRMAN :

Question. How old are you ?—Answer. I am thirty.

Q. Where do you live ?—A. I live in the precinct of Whaley's Church.

Q. Where did you vote on the day of the late election ?—A. Whaley's Church.

Q. What time of day did you go there ?—A. I went there in the morning.

Q. Early in the morning or late ?—A. Early in the morning; seven o'clock I be up there.

Q. How long did you stay there ?—A. Ten o'clock.

Q. Ten in the morning when you left ?—A. Yes, sir; I get up there at seven o'clock and I be there until ten, and I hurry back home.

Q. What ticket did you vote there that day ?—A. I vote the republican ticket.

Q. Did you intend to vote the republican ticket when you went there ?—A. No, sir; I made up my mind to vote the democrat ticket.

Q. Then why did you not vote the democratic ticket after you got there ?—A. After I got there them boys—

Q. What boys ?—A. I don't know; they be strangers to me.

Q. Were they colored men ?—A. Yes, sir; colored men. They say that any one who vote any ticket, excepting a republican ticket, they would not come off that evening. I don't know what they was going to do, you know.

Q. Were you afraid to vote the democratic ticket after what you heard there ?—A. Yes, sir.

Q. Did they examine your ticket before you voted it ?—A. Yes, sir.

By Mr. LAPHAM :

Q. Who told you to come here as a witness ?—A. Nobody, sir.

Q. When did you come ?—A. I came down yesterday, sir.

Q. What did you come for ?—A. I just come down; I hear that there is a place testing about the election.

Q. You heard that they were examining witnesses, did you not ?—A. Yes, sir.

Q. Who told you ?—A. Nobody tell me; I hear for myself; I have been down here on Saturday.

Q. Where do you live ?—A. I live in the precinct of Whaley's Church.

Q. Did you not hear anything about it up there ?—A. No, sir.

Q. You say you were here last Saturday ?—A. Yes, sir.

Q. What did you hear said about it here; who told you here that they were examining witnesses ?—A. I stepped in the hall when I come from the market myself.

Q. How did you know that they were examining witnesses ?—A. Nobody tell me.

Q. How did you know it, then; can't you answer ?—A. Yes, sir; I tell you that nobody tell me.

Q. How did you know, then, that they were examining witnesses ?—A. I come from the market, and I come in here, and I be here yesterday, and I hear Saturday that they be testing witnesses, and I thought I would come down here. I think a man be free and he has a right to vote as he pleases.

Q. How did you know they were examining witnesses ?—A. I tell you nobody tell me, sir.

Q. How did you learn it; how did you know it, then, if nobody told you ?—A. I can't tell you, boss. I tell you nobody tell me. Nobody ever tell me a word. I promised to tell the truth. I cau't tell no story, as far as I know.

Q. The question I ask you is, how you know they were examining witnesses here ?—A. I don't know as I understand you. I tell you the truth as far as I know.

Q. How did you know we were here examining witnesses ?—A. I come to the door there Saturday, and the gentleman's examining witnesses here—I don't know the gentleman's name—and I say when I get home I will come back.

Q. Have you been here ever since Saturday ?—A. No, sir; I go back home, and never come here until yesterday, sir.

Q. What did you come back for ?—A. I come to test my right. I tell you, just now, sir, I went up there to vote, and I didn't vote according to my opinion.

Q. I ask you what you came back here yesterday for ?—A. I come back to test my right to Whaley's Church when I went to vote.

Q. Whom did you tell about it ?—A. I tell my friend, sir.

Q. Who ?—A. Jesse Gaddis.

Q. Where does he live ?—A. The same place where I stay, sir.

Q. Where ?—A. Whaley's Church.

Q. Where did you tell him ?—A. I told him home, sir.

Q. Where is your home ?—A. I tell him about two weeks after the election.

Q. How did you go up to the election ?—A. I walk up there.

Q. Did you have any ticket ?—A. To go up to the election, do you mean ?

Q. Yes.—A. No, sir.

- Q. Where did you get your ticket?—A. When I get up there.
- Q. Who gave it to you?—A. I get a ticket from Mr. Carter.
- Q. Did you vote the ticket he gave you?—A. Yes, sir.
- Q. And that was the only ticket you had?—A. Yes, sir.
- Q. How do you know it was a republican ticket?—A. I know it was a republican ticket, sir.
- Q. How do you know?—A. Because it was shown to me.
- Q. Did you read it?—A. I can't read it, but he tell me it was a republican ticket.
- Q. Carter told you that?—A. Yes, sir.
- Q. You knew Carter was a republican?—A. Yes, sir.
- Q. You took the ticket he gave you and voted it?—A. Yes, sir.
- Q. Did you ever vote before?—A. Yes, sir.
- Q. What ticket?—A. All the time the republican.
- Q. Always?—A. Yes, sir.
- Q. You voted this year the same as you always voted?—A. Yes, sir; but I didn't meant to vote this year as I always did.
- Q. But you did vote the same as you always have?—A. Yes, sir.
- Q. Did you ask for a democratic ticket when you got there?—A. Yes, sir.
- Q. Whom did you ask?—A. I don't know the gentleman, but he had some tickets in his hand and I asked for one.
- Q. You didn't get any ticket except the one Carter gave you?—A. That is so, sir; I vote that one which I get from Mr. Carter.
- Q. Where did Carter give it to you?—A. At Whaley's Church.
- Q. Whereabouts?—A. About forty yards from the church.
- Q. You met him as you were going up there, did you?—A. Yes, sir.
- Q. And he handed you a ticket, and you took it, and went to the poll and voted it?—A. Yes, sir.
- Q. And didn't complain to anybody, did you?—A. No, sir; I didn't complain.
- Q. Theh you went home, did you, about ten o'clock?—A. Yes, sir; about ten o'clock I went home.
- Q. How did you go home?—A. I walked home.
- Q. Where do you live—how far from the church?—A. About two miles and a half.
- Q. Whom did you work for at that time?—A. I didn't work for nobody at that time.
- Q. For whom did you last work?—A. I live on the company's land. I was working for nobody. I rent my land.
- Q. Do you rent land of the company?—A. Yes, sir.
- Q. Have you got any family?—A. Yes, sir.
- Q. How large a family?—A. Four besides myself; five in family with myself.
- Q. Wife and three children?—A. Yes, sir.
- Q. How long have you been married?—A. Married when I was twenty-two.
- Q. Were you ever a slave?—A. Yes, sir.
- Q. You didn't get married until you were free, did you?—A. I was married before I was free. I had three children when peace was declared.
- Q. I thought you had married when you were twenty-two. Did you marry again when you were twenty-two?—A. I was married before I was twenty-two.
- Q. How long have you been free?—A. I am thirty years old, sir.
- Q. You were married when you were twenty-two?—A. Yes, sir.
- Q. And that was before you were free?—A. I say I had two children and a half when I was free.
- Q. Whose slave were you; who owned you?—A. Joe Allston.
- Q. Where does he live?—A. In Georgetown.
- Q. When did you go to Whaley's Church?—A. I left there the second year of freedom, sir, from Georgetown.
- Q. You were very glad to be free, were you not?—A. Yes, sir.
- Q. You thought the republicans gave you freedom, didn't you?—A. I don't understand that; I never likes to answer more than I can understand.
- Q. You say you had always been a republican; how came you to be a republican?—A. Yes, sir; I have always been a republican.
- Q. How came you to be a republican?—A. I don't know; I don't understand you, sir.
- Q. Where have you been to-day?—A. Right here.
- Q. Right where?—A. Right in there.
- Q. Here in this building?—A. Yes, sir.
- Q. All day?—A. Yes, sir.
- Q. Where do you stop here in the city?—A. At my sister's house. I have a sster in town.
- Q. Did you stay with her last night?—A. Yes, sir.
- Q. Now we come back to the question which is the one I would like you to answer. How did you know that we were taking testimony here?—A. I cannot answer that for I done tell you as far as I can, boss. I was going along outside and I step in here.

Q. Did they tell you what the fees were—what pay the witnesses were getting?—A. I don't understand you, sir.

Q. You don't know what pay means, do you?—A. No, sir; I don't understand you.

Q. You don't expect any pay?—A. No, sir; I ain't expecting to get none; I did not know we was to get any, sir.

Q. You don't want any pay, then, for coming here as a witness?—A. I say I never heard of any; I cannot expect to get any.

Q. How did you know that we were examining witnesses here?—A. Boss, I done tell you as far as I knows, unless you want me to tell a story, and I don't want to do that.

By the CHAIRMAN:

Q. If I understand you, you were here last Saturday?—Yes, sir.

Q. And you were passing by here and learned that there was a committee here investigating about this election?—A. Yes, sir.

Q. And after that you come down here to give your testimony?—A. Yes, sir.

Q. That is all you heard about it?—A. Yes, sir; that is all.

By Mr. LAPHAM:

Q. Who told you they were taking testimony here?—A. Nobody, I tell you, boss.

Q. Then how did you hear it?—A. When I was coming by the door they said this was the place they was taking testimony.

Q. Who was the gentleman?—A. I don't know the gentleman. I don't live in the city.

By the CHAIRMAN:

Q. You don't know the man who told you out there?—A. No, sir; I don't know the man.

By Mr. LAPHAM:

Q. Somebody told you, didn't they?—A. I come along here and I merely stopped.

Q. Somebody told you, didn't they?—A. I hear a gentleman talk and I turned and looked, and I know the hall, and they say the gentlemen is taking testimony.

Q. What hall is this?—A. This is Hibernian hall.

Q. Do the colored people come to Hibernian hall? How do you know the hall?—A. I know the hall and the hotels all along here.

Q. I thought you were not acquainted here?—A. I am acquainted with the hall. I go along here to go to the market. We had to pass here to go to the market, sir.

M. D. ELLIS sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer, Twenty-four years, sir; I will be twenty-five the 21st day of next July.

Q. Where do you reside?—A. Beaufort County, sir, Laughton Township.

Q. What is your occupation?—A. Well, sir, I am a farmer and also a merchandiser.

Q. Where did you attend at the recent election?—A. Laughton Church precinct, sir.

By Mr. LAPHAM:

Q. Are there two precincts by the same name?—A. Yes, sir; that is, it is a church the colored people built there; it is on a plantation by the name of Laughton, and we call it "Laughton" from the man's name.

By the CHAIRMAN:

Q. About how many votes were polled that day?—A. About 230, I think, sir.

Q. How many republicans and how many democratic votes?—A. Allow me to correct that first statement; there was 267 votes.

Q. What was the republican vote?—A. Well, there was 31 democratic votes, sir; out of the 267 there was 31 democrats and the balance republicans.

Q. About how many white men voted there that day?—A. I think there was twenty-five white men, sir.

Q. What time did you arrive at the voting-place?—A. I arrived at the voting-place before the hour for the polls to be opened; I was ahead of any of the managers.

Q. How long did you remain?—A. I remained there until the votes were all counted.

Q. Please state how the election was conducted there that day; whether there was any intimidation toward voters, and all that you saw and heard.—A. There was intimidation on the republican side; there was no intimidation used that day whatever on the democratic side.

Q. State the nature and character of that intimidation.—A. Well, sir, in the first place, when they came there they came in a body.

Q. Who came in a body?—A. The colored republicans; they came in a body, and

every one of them had a club about 2½ feet long, with a string tied to the end of it over their hand, and there was three of those republicans that had muskets, sir; and one had a side-arm. Peter Roberts, he went with us—with Mr. Mulligan, trial-justice, in his buggy. He was a colored man, and he voted the democratic ticket. Then after he voted the ticket he stepped off of the steps, and they raised a yell and every one crowded right around him. One fellow I saw him as he raised his stick to strike him over the head.

Q. They raised a yell. Who do you mean by "they?"—A. The republicans, sir. His name was James Chaney, sir.

Q. Was he a colored man?—A. Yes, sir.

Q. When they crowded around him and made this attempt to strike him, what did they say?—A. Some of them said "Kill him" and some said "Beat him," and all sorts of threats; and in the meanwhile, when this fellow raised his club, one of our men stepped in and told him not to strike him; that he had the privilege to vote on which-ever side he wanted to vote; that if he could not do it he was not a free man.

Q. Did they strike him?—A. They did not.

Q. These men who interfered there stopped it, did they?—A. They did, sir.

Q. How far was this from the poll where the voting was going on?—A. Not more than about fifteen paces, sir. The managers had to tell them to get away from there; that they were interrupting the poll.

Q. Do you know of any colored men there that day who were prevented from voting the democratic ticket; and, if so, state about how many?—A. Yes, sir. Well, sir, there was three to my knowledge. I heard all three of them say that they wanted to vote the democratic ticket, and that they was afraid to do it because those men had told them what the result would be.

Q. Was that there at the election?—A. Right there at the election, sir.

Q. You state those men said to them what they would with them do if they voted the democratic ticket?—A. Yes, sir.

Q. And they were afraid to vote it?—A. Yes, sir.

Q. Did you see the colored republicans there examining the tickets of any voters, or interrupting with them?—A. I did, sir; they did all the interfering whatever. There was not a democratic ticket carried from the house into the yard. The last ones was republican tickets, and whenever they would come there with a democratic ticket—I seen that with my own eye—they would take it away from them and tear it up.

Q. What threat did you hear them make there at the polls against democratic voters?—A. Well, sir, they said any colored person that would vote for Hampton, if they had their way with them they would burn them, and that it would not do for them to show themselves in a conspicuous place after that.

Q. Do you know of any other colored men who voted the democratic ticket, besides this man Roberts?—A. Yes, sir.

Q. Who?—A. Peter Johnson.

Q. What age man was he?—A. About 40 years, sir.

Q. Was it known there on the ground that he voted the democratic ticket; and, if so, state what was said about it, if anything?—A. They told him, sir, that if he voted the democratic ticket they intended to whip him; and then on the 15th of November, after that, he got a genteel whipping.

(Mr. Lapham objects to the last answer, on the ground that an individual transaction after the election is not competent.)

Q. Do you know whether he afterward was whipped?—A. Yes, sir.

Q. To what extent was he whipped?—A. It was a pretty bad one, sir. I saw the marks on him, sir. He was cut up pretty badly.

By Mr. LAPHAM:

Q. You did not see the whipping yourself?—A. I did not see the whipping when it was put on.

By the CHAIRMAN:

Q. You saw the marks?—A. I saw the marks; yes, sir.

Q. Do you know whether there was any proceeding instituted afterward against these men who were engaged in that affair of whipping him?—A. There was, sir.

Q. State what you know about it.—A. Well, sir, on the 16th of November there was a warrant issued and sent after those parties. I was pressed by the constable to go with him.

Q. Did you go as one of the constable's posse?—A. I did, sir. I went until we got to the first house; there we found a prisoner. He did not feel like he wanted to submit to the arrest at all. We told him he had to go with us; that we had the authority to carry him, and he had to go and stand his trial. We gave him then to Mr. Causey to carry to the trial-justice, and while Mr. Causey was carrying him there he was taken away by—

Q. Did you see that?—A. No, sir; I did not. Then we went to the next house, and there we got another prisoner. They sent that prisoner back by me.

Q. What was his name?—A. His name was Washington Brown.

Q. Was he one of the men who was at this voting-precinct that day?—A. No, sir; he did not vote at that precinct, for he was not old enough to vote. He did not vote anywhere; he was not old enough; he was but nineteen.

Q. This other man that you arrested, was he a voter at that precinct?—A. He voted at Loughtonville, sir—the first one; and the second one, he was not old enough to vote. Mr. Johnson gave him to me, and sent me to take him back to the cross-roads where he had taken his prisoner. I told him I would take him back. When I had got within three-fourths of a mile of the place I met twenty-seven men and women on the road.

Q. Were they colored people?—A. Yes, sir; they had their guns and their bayonets all fixed on them. They got within 15 yards of me and they made such a yell I could hardly sit on my horse. He would not stay on the road. I told this fellow (this prisoner) I had to turn back, and he said, "I am not going to do it." In the meanwhile they got closer until they got up to me, and one fellow run up and grabbed my horse by the bit, and presented his bayonet right at me; and there was an old man near by; he grabbed him, or he would have put his bayonet through me, sir. Then they took my prisoner away, and they told me all they wanted was Joe Johnson and John Schueman; that they intended to kill them.

Q. Joe Johnson, was he constable?—A. Yes, sir.

Q. Who was Schueman?—A. Schueman was one of his posse, sir; and I then went up to the cross-roads to make my report to the trial-justice what they had done. They had taken my prisoner away, and before I got to the trial-justice there was fifteen guns fired.

Q. Did you hear them?—A. I heard the guns; there was fifteen guns fired; and in about half an hour—well, not half an hour, not more than a quarter of an hour—after the guns were fired, in came Constable Johnson at full speed. He said that they were shot into and some of them killed.

Q. Did you go to see whether anybody was killed or not?—A. I did not go that night, sir; but I went the next morning.

Q. Did you find anybody killed?—A. I found Mr. Schueman dead in the field, sir. Mr. Deloach came home in about one hour after the firing took place, badly wounded.

Q. Was he one of Johnson's posse?—A. Yes, sir.

Mr. LAPHAM. All this line of examination is under my objection, of course.

The WITNESS. The ball struck Mr. Schueman here [witness indicating the back of his head] and busted his brains out; he was on his horse, apparently trying to get away; he fell on his face, and his whole brain was emptied on the ground. Then they rammed cotton sticks in his brains and pulled them out. He was killed in a cotton-patch. He could not get to the house without going through the cotton-patch. Deloach, as soon as he got to where we were, he fainted; he just did get there, and that was all.

Q. Has he gotten well?—A. No, sir; I do not suppose he ever will get well.

Q. He is not able to travel?—A. No, sir; he is confined to his bed; he cannot get up. He was struck right in there with a bayonet, [indicating the left temple;] he was struck on the back of his head by a blow. It seems from the wound that it was the hammer of the gun that went into the back of his head; and a ball shot through just below his left shoulder. Those men who rescued my prisoner said at the time all they wanted was Schueman and Joe Johnson; that they wanted to kill them, and that they did not intend to be arrested by no damn democrats.

Q. About how many were in that party that rescued your prisoner?—A. Ten, sir.

Q. You say there were women along?—A. Yes, sir.

Q. How many women?—A. Enough to make twenty-seven, sir.

Q. Were the women armed in any way?—A. They had clubs, sir; those are the only arms I saw them have.

Q. The men had guns and bayonets?—A. Yes, sir.

Q. Were they mounted or afoot?—A. Afoot, sir—infantry, sir.

By Mr. LAPHAM:

Q. Roberts, if I understand you, vote the democratic ticket?—A. Peter Roberts, yes, sir.

Q. Did you see him vote?—A. I did not, sir; did not fold his ticket until he got to the box, and I was standing right by the box.

Q. You spoke of three other men who gave you some information about not voting?—A. Yes, sir.

Q. Do you know whether they did vote or not?—A. They did vote, sir.

Q. Then you do not know of any one who did not vote, do you?—A. Any one who did not vote at all, do you mean?

Q. Yes.—A. O, yes; I know several who did not vote at all.

- Q. Who did not vote there at the polls?—A. Yes, sir; there at the polls.
- Q. How do you know that they did not vote?—A. They did not go up to the box; their names were not enrolled, and I stood by the box all day myself.
- Q. How many do you know of?—A. I know of four, sir.
- Q. Do you know whether they were voters?—A. They were, sir.
- Q. They did not offer to vote?—A. Not at all, sir.
- Q. Do you know of any one who offered to vote that was prevented from voting?—A. No, sir; I do not know of any one who did not vote.
- Q. Didn't you hear any threats from democrats prior to the election?—A. I did not, sir; no, sir.
- Q. Did you not hear them threaten that they would discharge men if they did not vote the democratic ticket?—A. I did not, sir; never did.
- Q. At no time during the canvass?—A. No, sir. I never heard a man say he discharged a man, sir.
- Q. Did you have any colored men in your employ?—A. I did, sir.
- Q. How many?—A. Two, sir.
- Q. How did they vote?—A. One voted the radical ticket and the other did not vote at all, sir.
- Q. How many white men did you see there at the polls?—A. About twenty-five, sir.
- Q. Were they all democrats?—A. They were, sir.
- Q. Did they have any arms?—A. Not that I saw, sir.
- Q. Did you know whether they had arms or not?—A. I did not see any, sir.
- Q. That does not answer my question.—A. I do not know anything, sir, unless I can see it.
- Q. Don't you know whether they had arms or not?—A. I do not. No, sir.
- Q. Did you have any?—A. I did.
- Q. What?—A. I had a side-arm, sir.
- Q. What was it?—A. A pistol.
- Q. A revolver?—A. Yes, sir.
- Q. How many shooters?—A. Five.
- Q. Loaded?—A. Three was loaded, sir.
- Q. Don't you know that other white men had revolvers?—A. I don't know, for I never searched any of them.
- Q. Where did you carry yours that day?—A. I carried it wherever I went that day.
- Q. Whereabouts on your person did you have it?—A. In my pocket.
- Q. Out of your pocket, was it?—A. No, sir. When I pulled off my coat it could be seen.
- Q. Where was it—in what pocket?—A. In my hind pocket in my pants.
- Q. In the hip-pocket?—A. Yes, sir.
- Q. You say you always carry it?—A. Always carry it.
- Q. Have you got it now?—A. I have, sir.
- Q. Brought it here to court, have you?—A. Well, I have not brought it here to court particularly.
- Q. Well, you have brought your pistol, your revolver here, with you?—A. Yes, sir.

By the CHAIRMAN:

- Q. You carry your pistol in self-defense, I suppose?—A. Yes, sir.
- Q. You do not propose to kill anybody, do you?—A. No, sir; only in self-defense.

J. F. CAUSEY sworn and examined.

By the CHAIRMAN:

- Question. What is your age?—Answer. I think I am twenty-eight. I was born in 1848, sir.
- Q. Where do you reside?—A. Lawtonville, Beaufort County.
- Q. Where did you attend the recent election?—A. Lawtonville, sir.
- Q. Did you vote there that day?—A. Yes, sir; I voted there that day.
- Q. What time did you get to the election?—A. I got there between daylight and sunrise. There was a few votes cast before I got there.
- Q. How long did you remain?—A. I was there until the votes were closed that night, sir. I was there all day, sir.
- Q. Do you know how many votes were polled there that day?—A. 436 or 437 votes were cast that day, as well as I can remember.
- Q. How many republican and how many democratic votes?—A. I think there was 134 democratic votes cast, sir, and the balance was republican votes. That's to the best of my recollection about that. I think that is pretty near it, sir.
- Q. State whether you saw any interference with or intimidation of voters there that day; and if so, state what you saw and heard.—A. They came up, the majority of the voters came up in a body.
- Q. Of both parties?—A. No, sir; the republican party, mostly. They stopped about

a quarter or half a mile of the precinct, and sent up and got their tickets. They came up in a company, with drum, and flag hoisted, and sent up and got their tickets.

Q. How far did they halt from the polls?—A. About a quarter or half a mile.

Q. They sent up and got tickets?—A. Yes, sir; sent up. The captain of the militia went down with the tickets and gave them to them, and they came up and the body of them cast their votes in that way. They kept hurrahing and singing and beating the drums, and there was a flag hoisted, and they formed right in front of the place where they voted. As soon as they got through voting they formed again. They drilled pretty well all day, sir, right in front of where they voted.

Q. How far off from the voting was this drilling?—A. Right at it, sir. They voted through a window. The votes was taken through a window. The box was inside, and they went on the piazza, and they handed their votes in through the window.

Q. And this drilling was right in the road?—A. Right in the road, sir. It was right at the piazza, sir, just a street you may call it, right alongside. There was a fellow there, I can't exactly remember his name, he said he wanted to vote the democratic ticket, and they told him if he did they would take him down the road and give him a hundred lashes, and he was afraid to vote it. He wanted to vote the democratic ticket.

Q. Was he a colored man?—A. Yes, sir. He told both parties there publicly. I think his name was Amos Miller; I am not certain of it. I would know him if I seen him again.

Q. You say he didn't vote the democratic ticket?—A. No, sir; he voted the republican ticket. He said he wanted to vote the democratic ticket, but he was afraid to do it. They said they would take him down the road and give him a hundred lashes. That's what they said publicly.

Q. Did you hear any other threats?—A. No, sir; I heard of nothing more.

Q. What time of day did that occur?—A. That occurred about between ten and eleven o'clock; somewhere along there, sir.

Q. Do you know of any men that came there for the purpose of voting, who went away without voting?—A. Yes, sir; I heard some say so.

Q. Did they state any reason why?—A. No, sir. One of them told me he would not vote for the republican party, and he was afraid to vote for the democratic party. He never had voted for the democrats, and he said if he could not do it any good he did not intend to do any harm. Those were his words he spoke, and he told me that he was not going to vote at all, and I don't think he voted at all.

Q. Did you hear any threats made by the colored republicans, preceding the election, against colored democrats if they voted the democratic ticket?—A. No, sir; not right there. I heard a good deal, but it was hearsay.

Q. Did you learn after the election of the beating of one Peter Johnson, a colored man?—A. Yes, sir; I saw him the evening after he was beaten.

Q. State to what extent he was beaten.—A. I saw the bruises he showed. The marks of the whipping was on his pants and coat. I did not strip him to look at him, but he showed me the bruises on his breast.

Q. And the marks of a whip on him?—A. Yes, sir; on his clothes.

Q. Did you accompany the constable to try and arrest these parties?—A. Yes, sir; I was one of the posse. We went to arrest the party.

Q. Do you recollect what time that was?—A. I think it was about the 16th of November or December; I don't know which. I think it was the 16th of November.

(Mr. Lapham objects to the witness stating what took place after the election, as incompetent.)

Q. It was shortly after the election, was it?—A. Yes, sir; it was the Tuesday after the election, I think. We started from the trial-justice's. We went up about a mile, and we arrested one prisoner. He was turned over to me to carry back to the justice's. A negro boy came running after us with an ax in his hands. He came up to me and tried to make this prisoner leave me. I urged him to go on with me and stand his trial, and succeeded in getting him from him. We got to the road that went up to a man's house. I told him that he must go on to the justice's, and he insisted very hard that I should go with him to the house, that he wanted to see that man. And at last I persuaded him to go with me. He told me he wanted to see that man. After persuading him some time, he concluded that he would go on. Before I had traveled many yards from that place there came three men out of the woods ahead of me, with bayonets on their guns.

Q. Were they white or colored men?—A. Colored men, sir. There was two boys, counting this first one between twelve and fifteen.

Q. Were they in addition to the three men that came out of the brush?—A. No, sir; these were three different men. I said to the prisoner when these men come out of the brush, "What does that mean?" One was Ben. Taylor, James Grant, and Chanoy. They came in the road between 75 and 100 yards ahead of me with their bayonets on their guns. I knew them all three personally—well acquainted with them—and was friendly with all three of them.



Q. Go on and state what occurred.—A. I rode right up to them, and as soon as they got within speaking distance of me they didn't notice me at all. They called him by name, "Moses, where are you going?" He said, "They arrested me about whipping Peter Johnson, and I am going down to Mulligan's to stand my trial." They said, "You don't go another step." I said, "Hold on, I have got something to say in that." I told him I was a pressed constable to carry him to the justice's to stand his trial; that he was prosecuted for whipping this old man for voting the democratic ticket; and he was arrested and going along very well until we met them. When I said that, this man Chaney he ripped out in a pretty mad tone and said, "There was no magistrate, no constable, nor no law." I says to him, "Old man, you are a fool; come on and go up to the justice's with me and you will find out whether there is any law or not. He can tell you whether there is any law or not. He has issued the warrants to arrest these parties." But he paid no attention to me at all. He just kept repeating these words over. I said to Ben. Taylor, "Ben., I hold you responsible for that prisoner; you have taken him away from me." He says, "I will be responsible for him," and the prisoner said, "I will not go another step till the crowd comes." James Grant spoke then and said, "We are out here to defend the republican party, and intend to do it if we kill every democrat in the State." I rode off and left him and reported to the justice.

Q. You left the prisoner there?—A. Left the prisoner with these three men, sir.

Q. Did you recover the prisoner after that?—A. No, sir; I never laid my eyes on him after that. As soon as I got to the justice's, while I was reporting to him, there was eight or ten women came up and raised a row with him.

Q. Eight or ten colored women?—A. Yes, sir; that is all I saw or heard.

Q. Did you see any parties who were injured that day?—A. Yes, sir; I saw the next morning.

Q. Whom did you see?—A. I saw Mr. Deloach, the man that was wounded.

Q. State what you saw.—A. I saw Deloach the next morning, wounded.

Q. Who was Deloach?—A. Abram Deloach, one of the posse.

Q. How was he wounded?—A. In the back. Some said a bayonet-wound, some a bullet-wound. I saw the hole in his coat, and I should call it a bullet-wound. I saw Sohueman with his brains shot out.

Q. Where was he?—A. He was brought from the place where they had the rumpus. I saw him at the cross-roads, when they brought him up there in the wagon, dead. There is where I saw Deloach.

Q. Was he this man that was killed—shot?—A. Yes, sir; I should judge he was shot.

Q. Describe how he was shot.—A. The bullet, I should judge, took him about there. [Witness indicating back part of his head.] It knocked the top of his head out. There was the prints of a double-barreled gun—the muzzle took him about the hip, and the prints of the hammer was in his shoulder. He had a few other bruises on him—not of any consequence that I could see.

By Mr. EDEN:

Q. Was there any militia companies in that neighborhood?—A. Yes, sir; there was a militia company. It was a part of the militia that took the prisoner away from me—three of them—Captain Scott's company, sir.

Q. Do you know how many men there were in the company?—A. I heard the captain say fifty-three men.

Q. Did you ever see them marching?—A. No, sir; I never see them drilling.

Q. Was this crowd that came up to the polls in marching order, as you say, a part of the militia?—A. Yes, sir; they had guns; I judge they were militia.

Q. I am speaking now of those who came up to the polls at the time of the election.—A. Yes, sir; I knew a good many of them, and they all said they belonged to that militia company.

By Mr. LAPHAM:

Q. Do you know of any other militia organization in that vicinity?—A. Not right in that immediate neighborhood, sir; some below there.

Q. How far below there?—A. About twelve miles, I suppose.

Q. I mean about Lawtonville.—A. Not that I know of.

Q. Wern't there any rifle-clubs there?—A. Not that I know of, sir.

Q. And never have been?—A. Do you mean among the negroes?

Q. No; among the white men.—A. No, sir.

Q. Never have been any rifle-clubs there?—A. Not as I know; no rifle-club as I know of.

Q. A military organization of any kind?—A. There has been a democratic club there, sir.

Q. In Lawtonville?—A. Yes, sir; there's a democratic club in Lawtonville.

Q. When was it formed?—A. I don't know exactly when.

Q. Didn't they have guns?—A. No, sir.

Q. Revolvers?—A. They might have had revolvers, but they never had guns. They had double-barreled guns what they always had, but they have never been armed as a rifle-club, or anything of that sort.

Q. Had they double-barreled guns?—A. Not all of them; some of them had.

Q. Didn't they have revolvers?—A. That's more than I am able to say, sir; I didn't see any.

Q. Did you belong to it?—A. I belonged to that democratic club a little while.

Q. Had you a revolver?—A. Yes, sir; I had a revolver.

Q. What kind of a gun did you have?—A. I have got no other gun at all, sir.

Q. Did you have your revolver on election-day?—A. Just hold on a little. Let me see if I had or not. I sold mine just before the election to a colored man I thought was in some danger. I bought one directly after that, but don't know whether I had it that day or not. Just give me time and I will study up and see. I rather think I did, sir. Yes, sir; I had it that day.

Q. You had sold one to a colored man, and bought another?—A. Yes, sir.

Q. Which you had with you on election-day?—A. Yes, sir.

Q. How long before the election did you sell it to a colored man?—A. I think it was some three or four weeks, sir.

Q. How many shots does it shoot?—A. Five-shooter.

Q. Was it loaded?—A. Yes, sir; it was loaded.

Q. Do you carry it with you now?—A. Yes, sir; I carry it with me all the time.

Q. Have you it with you now?—A. Yes, sir; I have it with me now.

Q. Did Ellis attend the same poll that you did?—A. No, sir.

Q. What do you say your poll is?—A. Lawtonville, sir.

Q. Are they adjoining precincts, Lawtonville and Lawton church?—A. No, sir; they are about twelve or fourteen miles apart.

Q. Which one did Johnson live in?—A. Johnson attended the Lawtonville precinct.

Q. Where did the trial-justice live?—A. He lives at Stafford Cross-Roads.

Q. How far from Lawtonville?—A. I don't know exactly; ten or twelve miles, I suppose.

Q. How far from Lawton church?—A. Some four or five miles, sir; that's guess-work, sir. I don't know exactly the distance.

Q. How came you and Ellis together to go to arrest these men living so far apart?—A. The trial-justice was hauling brick beyond my house, and his teamster passed there and told me he expected the party was arrested, and I went down to see who was arrested for the whipping of this man, and when I got there the rest had not started. I did not go there for that purpose at all. I went to see who was arrested for the whipping.

Q. After you got there you were deputized to go?—A. I was deputized to go, sir; I didn't expect to be on such a thing.

Q. You say you think these men didn't vote. Do you know that they didn't vote?—A. What men, sir? Which one? The one I told you about going off without voting?

Q. Yes.—A. They told me that day—

Q. Do you know that they did not vote?—A. I told you before I didn't know whether they voted or not.

Q. But you don't know whether they voted or not?—A. I told you at first I did not know whether they voted or not.

Q. Do you know whether they voted?—A. I told you that before. I don't know whether they voted or not. That's what they told me, though.

Q. How far is Lawtonville from the town of Beaufort?—A. I don't know exactly. I could not say how far it is.

Q. It is in Beaufort County, is it not?—A. It is in Beaufort, about, I suppose. between fifteen and twenty-five miles—I don't know exactly—from the Barnwell line it is in the upper part of Beaufort.

Q. Did you stay until the votes were canvassed there?—A. Yes, sir.

Q. Did the managers all sign the return?—A. Yes, sir; I think they did.

Q. No protest against the election sent with the return, was there?—A. I don't think so.

Q. What is your occupation?—A. I am a farmer, sir.

Q. Do you employ colored men?—A. A few, sir.

Q. How many?—A. From one to two, sir.

Q. How many had you in your employ on election-day?—A. Only one, sir.

Q. How many white people were there at this poll?—A. I don't know exactly, sir.

Q. About how many?—A. I don't think I could tell you. I don't know well enough to guess even.

Q. You can state something about it.—A. I expect there was over 100 white men there, sir. There might have been more or less. I could not pretend to say, sir.

Q. You judge there was a hundred?—A. Yes, sir; I expect there might have been a hundred.

Q. Do you know whether any of the rest had arms except yourself?—A. No, sir; I do not.

Q. Do you know whether they are persons who carry arms as you do?—A. No, sir; I don't know anything about it, sir.

Q. You can't speak as to any one of them?—A. No, sir; I can't speak as to any one of them.

By the CHAIRMAN:

Q. You were asked about the white men in that neighborhood, members of clubs having guns; they did not carry their guns in their club organizations, did they?—A. No, sir.

Q. Those guns were fowling-pieces that they kept at their homes?—A. Farms; yes, sir.

Q. Do you know whether all the white men in that neighborhood had guns or not?—A. I told him I didn't know. I know some of them hadn't got guns, for I, for one, have not got a gun.

Q. Those you speak of are fowling-pieces which the farmers are in the habit of keeping?—A. Yes, sir.

Q. The club organization they had was a mere campaign club?—A. Yes, sir; nothing else.

By Mr. LAPHAM:

Q. What clubs do you say the colored people had? I am now speaking of those on election-day.—A. I didn't see any of them have guns that day. They had clubs, I said, sir—what I saw.

Q. Do you know what guns the members of that military club had there that day?—A. Militia company, I said, sir.

Q. A company of State militia?—A. I suppose so.

Q. The company you speak of was a company of State militia?—A. Yes, sir; that's what they call themselves. That's all I know. They call themselves a company, and Carter was the captain of it.

Q. Did they have their arms there on election-day?—A. Not that I saw, sir. They had clubs; that's what I seen.

By the CHAIRMAN:

Q. And their fife and drum?—A. They had their drum; no fife; and their flag.

By Mr. LAPHAM:

Q. What flag?—A. I reckon half a dozen flags.

Q. What kind were they?—A. Common little flags.

Q. What flags—palmetto or stars and stripes?—A. They had the stars and stripes.

Q. You say they had more than one flag of stars and stripes?—A. Yes, sir; I saw two or three flags.

I. D. JOHNSON sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. About fifty, sir.

Q. Where do you reside?—A. In the neighborhood of Lawtonville, sir.

Q. What county?—A. Beaufort County, sir.

Q. Where did you attend at the recent election?—A. At Lawtonville, sir.

Q. Did you vote there?—A. Yes, sir.

Q. What time did you reach there, and how long did you remain?—A. I got there about nine o'clock in the morning, sir, and staid there until about four in the evening.

Q. Did you see any organized companies of men there that day, and, if so, state who they were?—A. Yes, sir; I saw a company there, sir; they were colored folks.

Q. What were they doing?—A. They were beating their drums and marching up and down the road, sir.

Q. Did you see any interference with or intimidation of voters there that day, and, if so, state what you saw and heard?—A. Those that were marching up and down the road, they had the red tickets there, and as the people came up, they told them that those was the tickets for them to vote; and I saw a man as I was riding to Lawtonville lying down alongside of the road, and I asked him if he was going to the election.

Mr. LAPHAM objects to witness stating what occurred away from the polls.

Q. Was it in regard to going to the polls?—A. Yes, sir.

Q. Did he go on to the polls?—A. Yes, sir; he went on to the polls. He said he wanted to vote the democratic ticket, but through fear he would have to vote the radical ticket, if he lost every friend he had.

Q. Was he a colored man or a white man?—A. He was a mulatto man.

Q. Do you know whether he voted or not?—A. Yes, sir.

Q. What ticket did he vote?—A. He voted the radical ticket, sir.

Q. Did you hear these colored men there at the election make any threats against voters?—A. I heard several of them say, sir, that if they voted the democratic ticket they would whip them.

Q. Did you see a colored man there that day named Peter Johnson?—A. No, sir; he voted at Lawton church. I know him very well.

Q. How long have you known him?—A. I have known him for thirty or forty years, sir.

Q. Do you know whether he was a democrat or a republican?—A. He was a democrat, sir.

Q. Do you know of any colored men at that poll that day who came there to vote but did not vote as they wanted to?—A. There was several of them who did not vote at all.

Q. Do you know the reason why they did not vote?—A. They said they were afraid to do it.

Q. Did they go off without voting?—A. They went away without voting.

Q. Do you know whether any injury was done to this colored man, Peter Johnson, after the election, and, if so, state what you know about it?—A. I was not home at the time, sir; I heard he was badly hurt.

Q. You say you were not at home at the time?—A. Not at home. I staid at Lawtonville myself, and news came to me that he was badly whipped, and I jumped on my horse and went to him.

Q. You got the news of this man, Peter Johnson, being whipped?—A. Yes, sir; and I jumped on my horse.

Q. Where did you find him?—A. At his house, sir.

Q. State what his condition was.—A. I saw that he was whipped up right badly.

Mr. LAPHAM renews his former objection.

Q. Just state how he was whipped?—A. Well, there was stripes all over his back, sir, and his legs. He was badly whipped up with a raw-hide whip, he said.

Q. You saw the marks?—A. Yes, sir; I saw the marks.

Q. State whether you had anything to do with the arrest of parties charged with committing that offense on him; and, if so, state all that you heard and saw.—A. I had been constabbling for Mr. Mulligan. I have been constabbling for the last eight years.

Q. Who is Mulligan?—A. He is the magistrate up there, and I was the constable. I went up there, and he told me that he had a warrant that he wanted me to serve; and I told him I had a good deal of business on hand, and had not time, and refused it.

Q. State whether you undertook to execute the process?—A. Yes, sir; I undertook to execute it.

Q. Who went with you, if anybody?—A. I pressed a man by the name of Schueman, and Mr. Causey, who has testified here.

Q. Mr. Causey, the witness who has just testified here?—A. Yes, sir; and M. D. Ellis, who is here to-night; Abram Delouch, and Nat. Ellis.

Q. State what you did?—A. Mr. Mulligan—I must tell you what caused me to press so many men.

Q. State whether you were directed to do that by the justice?—A. I was, sir; I went on, sir, and arrested three of them, and put each prisoner with one man to guard them to the magistrate. I gave one to M. D. Ellis; I gave one to Franklin Causey; and the other I sent by himself. He was a good old man, and I told him he did not require any one to be sent with him, and to go by himself, and he said he would do so; and Causey and Mr. Ellis they gave up their prisoners. I did not see it myself; they went to bring in their prisoners, and I went on to arrest others. I went up to a house to arrest one of the prisoners, and asked if he was at home, and they told me no. I told them I thought he was in that house, and I must get down and look, and they forbid me going in; and I told them that I must go in. I went to the house, and two of them went off yelling and hallooing, and directly a crowd answered them, and the first thing I knew I was met in a field by a crowd, armed.

Q. Who was with you at that time?—A. Abram Delouch, Schueman, and Nat. Ellis.

Q. You started down through the field with these men?—A. Yes, sir.

Q. Where did these people come from that met you?—A. They came from Mr. Mulligan's. They went to Mr. Mulligan's with their bayonets on their guns.

Q. When you saw them, which way were they going?—A. They were coming to us from Mr. Mulligan's.

Q. And met you in the field?—A. Yes, sir.

Q. How many of them were there?—A. There was about twenty or twenty-five men and women.

Q. How many men?—A. There was about ten or twelve men, sir, and eight or ten women.

Q. How were they armed?—A. Some had muskets with bayonets on the ends; some had double-barreled guns; some had single-barreled guns; and so on.

Q. When they came up to you, what did they say? State what occurred.—A. They told me that they had been to Mr. Mulligan's, and that he, Mulligan, had said he had given me no warrant to arrest them. I told them I had the warrant and would read it for them; and they told me I was a damned liar, and I heard a pistol fired, and they all out loose shooting; and one man by the name of Schueman got his brains shot out, and they rammed some cotton-sticks in his head; and an old colored man got killed and a woman wounded; and a white man on our side got shot and a bayonet stuck in his head.

Q. Schueman was killed?—A. Yes, sir.

Q. Did he fall off his horse?—A. Yes, sir; I saw him when he fell.

Q. What became of you?—A. After they got through shooting and commenced with their bayonets, I got away from them and run out.

Q. You say there was a colored man killed?—A. Yes, sir.

Q. How was he killed?—A. Well, sir, I think this man Schueman killed him.

Q. After he was fired on?—A. After he was fired on; yes, sir.

Q. Who fired first?—A. The colored party fired first.

Q. And then Schueman returned the fire?—Yes, sir; I think this old man was trying to kill a man by the name of Delouch with a bayonet when Schueman shot him.

Q. Then, after that, Schueman was shot and killed?—A. Yes, sir.

Q. They were shooting all this time, were they?—A. Yes, sir.

Q. And using their bayonets?—A. Yes' sir; and using their bayonets.

Q. How often was Delouch shot?—A. Delouch was shot, sir, in the back.

Q. Anywhere else?—A. Then, sir, he was stabbed in the head with a bayonet, and struck, I suppose, two or three licks with something; I do not know what. He was badly bruised up when I saw him.

Q. Has he recovered?—A. Well, sir, he is bad off yet, but still living. Some say he will survive and some say he won't. I do not know whether he will or not. I think he was shot here back of the hip, sir.

Q. Did you recognize any of the parties that were in that crowd who fired at you?—A. Yes, sir.

Q. Were any of them the men you were looking for?—A. Yes, sir.

Q. How many?—A. There was some of them there that I was looking for, and then there was some there I had already arrested that come back.

Q. The parties that you turned over to these other men, were they in that crowd?—A. Yes, sir; they were in that crowd.

Q. They had gotten away from the other parties, and were in this crowd?—A. Yes, sir.

Q. What became of you after that?—A. I went right on, sir, to Mr. Mulligan's, sir, the trial-justice.

By Mr. LAPHAM:

Q. Did you shoot any that night?—A. No, sir; I never fired a gun.

By the CHAIRMAN:

Q. Was that in the night or day time?—A. It was just getting dark.

By Mr. LAPHAM:

Q. Did you have a weapon?—A. I had a pistol tied to the front of my saddle, sir.

Q. A revolver?—A. No, sir; it was not a revolver; a single-barrel pistol.

Q. Did you have it with you on election-day?—A. No, sir.

Q. You do not usually carry it, then?—A. No, sir.

Q. Do you know what weapon Delouch had?—A. Yes, sir; he had a double-barrel gun.

Q. A double-barrel gun that he was carrying with him?—A. Well, he carried it on that occasion.

Q. What weapon did the man that was killed have?—A. He also had a double-barrel gun.

Q. Did he kill this old man with a double-barrel gun?—A. I think he did; yes, sir.

Q. And after he killed him he was shot?—A. Yes, sir; but this old man was trying to kill Delouch.

Q. Have any of these parties been arrested since?—A. They went and gave themselves up to the sheriff of Beaufort County themselves.

Q. Have they ever been brought before this magistrate?—A. Since they done this crime, do you mean.

Q. Yes; since he issued his warrants for their arrest?—A. No, sir.

Q. Have they ever been arrested on that warrant?—A. I cannot tell whether they have been or not.

Q. You do not know anything about their surrendering to the sheriff, except by report, do you?—A. Yes, sir; I saw them and saw the sheriff, too, when they surrendered to him.

- Q. When?—A. The next day.  
 Q. But you did not see them when they surrendered to the sheriff?—A. Not at the time they did surrender, but I saw them with the sheriff the next day.  
 Q. Where are they now?—A. In the Beaufort jail, sir.  
 Q. How many of them?—A. I think there is twenty-four or twenty-five, sir.  
 Q. Have they not been tried before the magistrate?—A. I cannot tell, sir.  
 Q. They have been lying in jail ever since that time, the 16th of November?—A. Yes, sir.  
 Q. No proceeding had before the magistrate?—A. No, sir.  
 Q. What is your business?—A. Well, sir, I collect moneys for the neighborhood, and deputy for Mr. Wilson the sheriff, and constable for Mr. Mulligan.

By the CHAIRMAN :

- Q. Is it not the fact that these men were arraigned before the United States commission?—A. Yes, sir.  
 Mr. LAPHAM. I object to all of this after transaction, on the ground that occurrences after the election relating to individual wrongs are immaterial.  
 The committee adjourned to meet to-morrow, (Friday, December 29, 1876,) at 10 o'clock a. m.

CHARLESTON, S. C., December 29, 1876.

The committee met pursuant to adjournment.

TIMOTHY HURLEY sworn and examined.

By Mr. LAPHAM :

- Q. You reside in this city?—A. Yes, sir.  
 Q. Are you one of the commissioners of election?—A. Yes, sir.  
 Q. Were the ballot-boxes brought by the managers to your board?—A. Yes, sir.  
 Q. What box have you brought here before the committee?—A. It is termed the Washington Street Engine-House box ; it is the third precinct of ward 3.  
 Q. Where has it been since the managers returned it to your board?—A. It has been in the fire-proof vaults.  
 Q. Under your charge?—A. Yes, sir ; put there by the commissioners.  
 Q. Are the vaults in your charge?—A. It is in a public building.  
 Q. Has it been opened since the return was made to you?—A. No, sir.  
 Q. Do you remember whether there was an omission, a deficiency of votes for Nash, one of the electors, in that precinct?—A. There was an omission made on the county canvassers' return, but what it was I do not just exactly remember ; it will show for itself.  
 Q. There was a memorandum made by the commissioners upon their return relating to the fact?—A. Yes, sir.  
 Q. Have you the key of the box here?—A. Yes, sir.

By the CHAIRMAN :

- Q. How did you come in the custody of that box?—A. I was chairman of the county commissioners of election, and they placed them in the fire-proof building, where they have rooms, where they have been ever since until just now.  
 Q. Who placed the box in that building?—A. The commissioners.  
 Q. You were one of the electors on the Hayes and Wheeler ticket at that election, were you not?—A. Yes, sir.  
 Q. Did you canvass the precinct returns as one of the commissioners, and make a return to the Secretary of State?—A. Yes, sir ; I might be permitted to say to you that there is no law as to what ought to be done with the boxes. These boxes were simply left there, as we thought they might be needed some day, and we put them there ourselves.

By Mr. LAPHAM :

- Q. The law requires them to be returned to you?—A. Yes, sir ; but after the votes had been canvassed we could have throwed them into the street ; but we thought some day they might be needed, and so we put them in the vault.

By the CHAIRMAN :

- Q. Where is that vault?—A. Right across the street in a public building---fire-proof building.  
 Q. Is it your own building?—A. It is the building of the county ; the commissioners of election have no building.  
 Q. Who occupies that building?—A. It is occupied by the county officers : probate judge, auditor, school commissioners, and other public officers.

Q. Who carries the key of the vault?—A. They were put in the charge of Mr. Leaneau.

Q. Who is he?—A. He is the clerk of the county treasurer.

MARTIN COLFIELD sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. In the city of Charleston.

Q. In what ward?—A. Ward 3.

Q. What voting-precinct?—A. Precinct No. 3.

Q. Were you one of the managers?—A. I was one of the managers at the last election.

Q. Who drew the managers' returns of your precinct?—A. I think it was Mr. White.

Q. Was he one of the board?—A. He was one of the managers.

Q. You returned the ballot-box and tally-list, did you?—A. All the papers pertaining to that precinct were put in the box.

Q. Is this the box? [Indicating the box produced by Mr. Hurley.]—A. Yes, sir; that is the box.

Q. See if the tally-list is in that box.—A. Yes, sir; this is the tally-list.

Q. See whether the name of Beverly Nash, as an elector, is on that tally-list?—A. Yes, sir.

Q. How many votes did he get?—A. Three hundred and eleven, sir.

Q. Do you remember whether your attention was called to the omission of his name in the returns?—A. I remember after we returned the box, and when the commissioners canvassed the votes, that they observed that omission.

Q. What was the omission?—A. The omission that his name was left off the return.

Q. Did you call the attention of the county commissioners to the fact?—A. I called their attention to the fact that there must be a mistake. Mr. White, I think, was present, and I called his attention to the omission also, and we both agreed that the correcting should be made there and then.

Q. Have you one of the republican electoral ballots there?—A. Yes, sir. [Witness produces one, of which the following is a copy:]

UNION REPUBLICAN TICKET.

For President.—Rutherford B. Hayes.

For Vice-President.—William A. Wheeler.

Presidential electors.—At large: Christopher C. Bowen, John Winsmith. Districts: 1, Thomas B. Johnson; 2, Timothy Hurley; 3, William B. Nash; 4, Wilson Cook; 5, William F. Myers.

For unexpired term Forty-fourth Congress.—Charles W. Buttz.

For Forty-fifth Congress.—Richard H. Cain.

For governor.—Daniel H. Chamberlain.

For lieutenant-governor.—Richard H. Gleaves.

Secretary of State.—Henry E. Hayne.

Comptroller-general.—Thomas C. Dunn.

State Treasurer.—Francis L. Cardozo.

Attorney-general.—Robert B. Elliott.

Superintendent of education.—John R. Tolbert.

Adjutant and inspector-general.—James Kennedy.

Solicitor, first circuit.—Charles W. Buttz.

Senate.—William N. Taft.

House of representatives.—Edmund W. M. Mackey, Joseph J. Lesesue, William J. Brodie, Joseph S. Lazarus, Benjamin F. Smalls, Samuel C. Brown, Robert Simmons, Benjamin F. Capers, William C. Glover, Adam P. Ford, Frederick S. Edwards, Richard Bryan, Isaac Prioleau, Julius C. Tingman, John Vanderpool, Abram Smith, William G. Pinckney.

Sheriff.—Christopher C. Bowen.

Clerk of court.—John H. Ostendorff.

Coroner.—Michael H. Collins.

Probate judge.—Macon B. Allen.

School commissioner.—Joseph E. Hayne.

County commissioners.—George I. Cunningham, Louis Dunneman, William H. Thompson.

Constitutional amendment.—Yes.

Q. That is the republican ticket which was voted?—A. Yes, sir.

Q. And the name of Mr. Nash is on it?—A. Yes, sir.

[Mr. Lapham then offered the ticket, of which the above is a copy, in evidence.]

Q. The omission of Nash's name in the return was purely a mistake?—A. Yes, sir;

in copying the names of the electors; and it being so late that night we did not compare tallies. We were perfectly satisfied that it was a mistake and made the correction.

Q. Nash had the same number of electors as the others, had he not?—A. Yes, sir; he had the same number. In fact, the electors got the highest vote.

Q. He had the same as the other republican electors?—A. Yes, sir.

By the CHAIRMAN:

Q. Are those two lists presented here the original tally-lists as kept at the precinct?—A. Those are the original tally-lists kept there.

Q. By what do you recognize them to be the original tally-lists?—A. Well, I recognize the handwriting of Mr. Davis.

Q. Who is he?—A. He was a clerk.

Q. In the first line for presidential electors on the democratic tally-list appear the figures 239. This tally-list shows the total to be 252, does it not?—A. Yes, sir.

Q. And then the tally-marks; the first figures in that first line are 239; and then there are 5 and 5 and 3, which makes 13, which added to 239 makes 252?—A. Yes, sir.

Q. Where is the tally-list that makes up the sum 239?—A. I think I can account for that. In writing the names of the parties I think they skipped one number. The clerk skipped the number on the regular poll-list by mistake.

Q. Where is that list that was kept for filing?—A. Here it is.

Q. The tally-list of the republican electors contains the tally of each vote, all the way through, does it not?—A. Of each candidate; yes, sir.

Q. Carried out 309 and 311?—A. Yes, sir.

Q. Then the democratic tally-list begins with the figures first 239, then 5, 5 again, and then 3, does it not?—A. I presume so.

Q. And you say that is the tally-list that was made?—A. Yes, sir; the tally-list that was made out for that precinct.

Q. State how that came to be made out in that way, different from the republican tally-list. Where is the tally-list that shows the tally of each democratic elector?—A. I do not see where it can be found, except from the ballots.

By Mr. LAPHAM:

Q. What are those additions to the number 239; what were they taken from?—A. Those are taken from the split tickets; those were the straight tickets.

Q. The 292 are straight tickets?—A. Yes, sir; those were put in afterwards.

Q. Those were found on the split tickets?—A. Yes, sir; we counted all the straight tickets first.

By the CHAIRMAN:

Q. If those tallies of 5 and 5 and 3 were taken from what you call the out tickets, by which you mean not straight tickets, then each elector would get the same out vote?—A. The split was upon other candidates than the electors. The lieutenant-governor and State officers were out.

Q. What I want to get at is, where is the tally of those 239 votes that you have here?—A. Those 239 votes must be taken off of one of these lists here, for instance this 239, and very likely it was carried over to this sheet of paper.

Q. The democratic ticket for the State officers contains a complete tally-list, does it not; that is the tally-list for the democratic State officers?—A. Yes, sir.

Q. That contains a complete tally-list of the State officers, does it not?—A. You observe that those are so small that it could not get upon the same sheet of paper—

Q. How is that? The presidential electors get 252?—A. Yes, sir.

Q. Hampton gets 256 by this tally-list?—A. Yes, sir.

Q. His tallies are all carried out on it. Here is 252 for other State officers. They are all carried out, are they not?—A. Yes, sir.

Q. Why could you not carry out the presidential electors the same way?—A. Well, it is a matter—I cannot say why we did not do it.

Q. You do not know, really, how that was done, do you?—A. I do not recollect; no, sir.

Q. I see on your republican tally-list for presidential electors that you have for President R. B. Hayes, and for Vice-President W. A. Wheeler, and the tally-lists carried out opposite their names—were the votes for them?—A. No; the votes were not for them but for their electors.

Q. How came the tally-lists to be carried out opposite the President's and Vice-President's names?—A. With the intention of putting them to those names.

Q. How came you to carry out the tally-list opposite the names of Hayes and Wheeler?—A. Perhaps their names are printed on the ticket.

Q. The presidential electors on this tally-list have opposite their names 311 votes, have they not?—A. Yes, sir.

Q. And Hayes has a tally-list opposite his name of 309?—A. Yes, sir.

Q. And Wheeler the same?—A. Yes, sir.



Q. How do you account for that?—A. I suppose that is all the votes they got.

Q. On the democratic tally-list the names of Tilden and Hendricks do not appear, do they—nothing but the names of the electors?—A. I do not see Tilden and Hendricks on that ticket.

By Mr. EDEN:

Q. Did you make out any tally-list at all on the democratic electors of those 239 votes?—A. That is the tally-list that we had. There could be no intentional mistake. The clerk was a democrat and was opposed to our ticket.

By Mr. LAPHAM:

Q. Who kept these tally-lists?—A. Mr. Davis kept those tally-lists.

Q. Not all of them; did not two persons keep tally-lists?—A. There was two supervisors.

Q. Whose handwriting is this?—A. Mr. Davis's; it is all Mr. Davis's writing.

Q. Who assisted in keeping the tally? Anybody besides Davis, the clerk?—A. Mr. White, the only assistance that was given.

Q. Were the tally-lists compared after you got through with the counting of the votes?—A. The tally-lists were compared.

Q. And found to agree?—A. Yes, sir; and found to agree.

Q. Who was Mr. White?—A. Mr. White was the democratic manager of that precinct.

Q. And Davis was the clerk of the board?—A. Mr. Davis was the clerk of the board, and a democrat.

Q. They each kept separate tallies?—A. Yes, sir.

Q. And the mistake occurred in copying the names of the electors into the return, omitting the name of Nash?—A. That was the mistake, and it was so late that I did not ask to have the return compared.

F. E. WILDER sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. Hilton Head.

Q. What is your voting-precinct?—A. Mitchellville.

Q. How long have you resided there?—A. Twelve years.

Q. What is your age and occupation?—A. My age is 38; farmer by occupation. At present I am treasurer of Beaufort County.

Q. How long have you held that office?—A. I was appointed to it about a month since.

Q. Where did you vote on election-day?—A. At Mitchellville.

Q. What time did you get there?—A. Between 10 and 11 o'clock, I should think; very nearly 11 o'clock.

Q. How long did you stay?—A. I was there until the managers made their return—canvassed the votes.

Q. State in your own way what you observed in reference to the conduct of that poll there during the day.—A. When I arrived at the polls there was some commotion between some colored men and Mr. H. C. Politzer. There was quite a crowd gathered. I went in on horseback, and I rode into the crowd to Mr. Politzer. Just as I rode up I heard Mr. Politzer make this remark: "I'll be damned if he sha'n't vote." Some colored man—I don't know his name now—said he should not vote. I requested them all to keep quiet, and inquired what the controversy was about. Mr. Politzer stated that the man that was with him, Mr. Lightburn, wanted to vote, and that these men wouldn't allow him. I told Mr. Politzer that the man had no right to a vote, that he was not a citizen of the State. Mr. Politzer said he only wanted him to vote the electoral ticket. He claimed that he had a right to vote the electoral ticket. I told him he had no right whatever; that if he had a right to vote the electoral ticket he had a right to vote the whole ticket. The language that Mr. Politzer used excited the colored people some, but as soon as I got there they all quieted down, and there was no disturbance after that.

Q. You said that it made no difference, that if he voted the electoral ticket he could vote the whole ticket.—A. I advised him to go to the managers of the election, and if he would run the risk of taking the oath, or if they would take his ballot—I requested all the people not to cause any disturbance, but let him take the consequences.

Q. That is, if this man would take the oath?—A. Yes, sir; if Mr. Lightburn took the oath.

Q. You advised who?—A. I advised the colored people.

Q. Do you remember whether you referred to the law?—A. I did.

Q. What did you do in that respect?—A. I read the law to this man.

Q. What was his disqualification?—A. He belonged to the Navy. He had left the

Navy about six months before. He went to the polls and had some talk with the managers.

Q. After you read the law, was it, that you gave this advice to let him vote if he took the risk of the oath?—A. Yes, sir. He went to the polls, and the managers gave him the same advice, that he couldn't vote.

Q. Who was with Mr. Politzer?—A. Mr. J. R. Clem.

Q. Was Mr. Politzer a white man?—A. Yes, sir.

Q. Lightburn didn't vote, did he?—A. No, sir.

Q. Was there a democratic ticket there that day; a ticket in red ink having the names of the democratic candidates upon it, which it was attempted to circulate?—A. There was.

Q. Describe it.—A. It was printed in the same form with an eagle, the same as the republican ticket was headed: "The Union republican ticket;" exactly like the republican ticket, until you came to the names on the ticket.

Q. Having on it then what names?—A. The full democratic ticket.

Q. In what color?—A. The red ink.

Q. Did you hear any charge made as to who put them in circulation?—A. Immediately after this affair of Lightburn's and Politzer's was through, a colored man by the name of Thomas Bell came to me with one of the red democratic tickets, and says to me, "Doctor, what do you think of that?"

Q. Was this a colored elector who spoke to you?—A. Yes, sir.

Q. And was it there at the election?—A. Yes, sir.

Q. You say this man talked to you; privately or publicly?—A. Publicly.

Q. How many heard him?—A. There was quite a crowd around there.

Q. He said this, there, openly?—A. Yes, sir; there were probably a hundred people right around there when he said to me, "What do you think of this?" I took the ticket and looked at it, and I says, "Thomas, this is a democratic ticket." He says, "I come very near voting it, if it had not been for some one—I can't say now whether it was Graves or Noble, it was one of them—met me just before I got to the poll, and I showed the ticket to him, I should have voted it, believing it to be a republican ticket," and he says, "I think it is wrong for a man to impose"——

The CHAIRMAN. I object to the witness expressing an opinion about the circulating of this ticket as incompetent.

Mr. LAPHAM. I offer to show that this witness added, "I think it is wrong for a man to impose upon ignorant people in this way."

Q. What further did he say?—A. I asked him where he got his ticket. He said he got it from Mr. McFall as a republican ticket.

Q. Was anything more said?—A. That was all.

Q. Did you go to Mr. McFall then and inquire of him about it?—A. I did.

Q. State the conversation between you and him.—A. I went to the house where Mr. John McFall was.

Q. What house?—A. Mr. Drayton's house, about half or three-quarters of a mile from the polls.

Q. What did you hear said among the electors there by way of complaint about McFall's peddling those tickets there that day? What was said by the voters, if anything?—A. I don't know, there was so much said.

Q. Give some of the remarks, if you can, that were made about McFall.—A. They said that they had been imposed upon, and that if it had not been for some of the men who could read the ballots they would ignorantly have voted the democratic ticket.

Q. What were the relations between McFall and the people of the island prior to the election?—A. Very pleasant, as far as I know.

Q. Did you ever hear any complaint made of him before this occurrence?—A. No, sir; I know but very little about the people on his place. I live about five miles from him, although he is known all over the island.

Q. How long during the day was this act of McFall's the subject of comment there?—A. Only a very short time after I got there. The thing was quiet in a little while after I got to the polls.

Q. During the rest of the day, how was the canvass conducted?—A. Very quietly.

Q. Any further disturbance?—A. No, sir.

Q. Did you see anything there like coercion or intimidation of voters?—A. I saw nothing of the kind.

Q. Did you see any one who was prevented from voting?—A. No, sir, except Mr. Lightburn.

Q. You say you staid until the canvass was completed?—A. Yes, sir; I was absent about two hours, from one until three o'clock, to get my dinner.

Q. Do you remember the vote there?—A. I think it was 476. I am not positive; that's my impression.

Q. The whole vote?—A. Yes, sir.

Q. How many votes were polled for each party?—A. I think it was 464 republican and 10 democratic votes. Some of the votes were scratched. Some of the candidates got 9, and some 10; I couldn't state positively; it was about that.

Q. How many white people live on the island?—A. I couldn't say exactly; there was about 25 I should say, or about that number.

Q. State whether the managers all signed the returns.—A. They did.

Q. Any complaint or protest made?—A. No, sir.

Q. How long have you voted at that poll?—A. Ever since reconstruction.

Q. State the number of years.—A. Eight years.

Q. Did these two men, Politzer and Clew, live on the island, and were they electors there?—A. Yes, sir. Politzer was there temporarily; his home is in Beaufort.

Q. Do you know whether he was at Hilton Head on the day of the election in any official capacity?—A. No, sir.

Q. You called upon McFall at Drayton's place after this complaint had been made about him?—A. Yes, sir.

Q. State what was said between you?—A. He told me about his trouble. He said he had been driven from the polls. I asked him to come over to the polls with me, that I would protect him; that I would see that he was protected. He said that he was a prisoner there until six o'clock. I assured him if he would come with me he should not be hurt, but advised him not to bring any red tickets with him to distribute. He then told me about the red tickets, but stated that he gave them out as democratic tickets; that he gave one to a man on Pope's plantation. I have forgotten his name. I told him then that those red tickets had caused his trouble; that several of the electors had come to me with those tickets, stating that they had got them from him, and that he had represented them to be republican tickets, and that they were very indignant on that account about it.

Q. What did he say to that?—A. He still claimed that he didn't represent them as republican tickets. About an hour before sundown, I should think, Mr. McIntyre drove over there with his buggy. Mr. McFall came out with him.

By the CHAIRMAN:

Q. Did you see that over at Drayton's house?—A. Yes, sir, and rode with him over to the polls. He stopped a short time at the polls, and rode with Mr. McIntyre over to his place, about a mile from the polls. There was nothing particular said after that.

By Mr. LAPHAM:

Q. Were the colored people still there?—A. They were there, but not a very large number.

Q. Did anything occur when he appeared there?—A. No, sir.

Q. Did he get out of the buggy?—A. I am not certain whether he did or not. He had a conversation with several colored people there at the time when he rode up there.

Q. You have stated the printing on this red ballot in form. Will you state whether it looked like the regular republican ballot?—A. It was exactly like the regular republican ticket.

Q. Did it have the device on the back, the eagle?—A. No, sir; at the head of the ticket.

Q. Is there not an eagle on the back of the republican ticket?—A. No, sir.

Q. The back was what, plain white?—A. Yes, sir.

Q. It had an eagle at the top, then, just the same?—A. Yes, sir.

Q. The heading was the same as the republican ticket?—A. Yes, sir.

Q. Do you remember whether there was any of these ballots found in the box?—A. There was one or two. There was one certain, and my impression is that there was two. I wouldn't be positive.

Q. Ballots of the kind you have described?—A. Yes, sir.

Q. You saw it, did you, in the ballot-box?—A. Yes, sir.

Q. The same kind of ballot that was shown you by the man who first came to you?—A. Yes, sir; the same kind of a ballot.

Q. What is the occupation, the principal business, of the residents of that island?—A. Farmers, sir.

Q. What do they raise?—A. Cotton, corn, pease, potatoes, and rice.

Q. Sea-island cotton?—A. Yes, sir.

Q. The colored population of the island, how do they live; do they own or rent land, or are they hired men?—A. Very few of them own land; most of them hire.

By the CHAIRMAN:

Q. Where did you live before you went to Hilton Head?—A. Shelburne Falls, Mass.

Q. What year did you come to Hilton Head?—A. In 1864.

Q. That place was then occupied by the Federal forces, was it not?—A. Yes, sir.

Q. And you have lived there ever since?—A. I have except three or four years; three years I was in Beaufort.

Q. What business were you engaged in at Hilton Head when you first went there?—A. Planting.

Q. Have you been planting ever since?—A. Yes, sir; with the exception of those three years.

Q. What were you engaged in those three years you were at Beaufort?—A. I was treasurer of the county for two years.

Q. What were you doing the third year?—A. Manufacturing brick.

Q. You say you are treasurer now?—A. Yes, sir.

Q. When were you appointed?—A. I was appointed about three weeks ago.

Q. By whom were you appointed?—A. By Mr. Chamberlain. I don't recollect the date.

Q. How many white men were at that poll at Mitchellville when you got there?—A. I don't recollect now. I should think there was five or six. There may not have been so many as that. There was Politzer, Drayton, and Riley.

Q. Drayton was one of the managers, was he not?—A. Yes, sir.

Q. And Riley and Politzer, and who else?—A. And Mr. Clem. I am not positive whether Seabrook was there at the time or not. He was there during the day. I don't recollect him.

Q. When you got there there were only three or four white men there, including Drayton, one of the managers?—A. There was Mr. Fuller, the clerk of the board of managers.

Q. Was that all?—A. Yes, sir.

Q. What other white men did you see there during the day besides those?—A. There was Mr. Valentine Hoyt, I believe, was there; Seabrook was there, and Mr. McIntire.

Q. Were they the only ones that were there during the day that you saw?—A. I don't recollect of seeing others there.

Q. There were some nine or ten democratic votes polled there you say?—A. Yes, sir.

Q. Do you know how these white men voted?—A. No, sir.

Q. Do you know what were their politics?—A. There was Mr. Valentine; there was another man—I forgot to call his name—Mr. Brown, he voted the republican ticket, I believe, and Mr. Valentine, and Mr. Hoyt, if he voted; I think he was there. I think he told me since he voted the republican ticket, and Mr. Seabrook.

By Mr. EDEN:

Q. Did Seabrook vote the republican ticket?—A. That is what he told me. I couldn't swear to it.

By the CHAIRMAN:

Q. What was the recognized politics of the white men that were there?—A. There was part democrats and part republicans.

Q. How many of them were democrats?—A. Well, it would be hard for me to say. I should think there were eight or nine white democrats there; there may have been ten. I couldn't say positively, but I should judge there was eight or nine democrats.

Q. And there were nine or ten democratic votes polled there that day?—A. There was ten.

Q. What was the vote between Chamberlain and Green at that poll two years ago?—A. I don't remember.

Q. Have you any recollection about it?—A. No, sir; I have no recollection of it, sir.

Q. Didn't Green carry that poll two years ago?—A. No, sir, I think not. I wouldn't be positive. I couldn't state as to that.

Q. What attracted your attention to Mr. Politzer when you rode up there?—A. The noise and confusion.

Q. How many people were around him when you rode up?—A. There must have been as many as forty, I should think; that is, right around there.

Q. That, you say, was occasioned by this man Lightburn claiming the right to vote there?—A. Yes, sir.

Q. Where did that man Lightburn stay?—A. He runs a boat; stays on his boat most of the time.

Q. What sort of a boat?—A. A small boat.

Q. What business is that boat engaged in?—A. Running between Hilton Head and Beaufort and Savannah—anything he can pick up to do.

Q. Is it a private boat?—A. Yes, sir.

Q. You say that he belonged to the Navy?—A. Yes, sir, I said he had belonged to the Navy.

Q. Was he not engaged in keeping the light-house there—in the light-house service?—A. No, sir.

Q. How do you know he had belonged to the Navy?—A. He told me so a great many times.

Q. How long had he been in the Navy?—A. About six months, I think; I wouldn't be positive.

Q. Where had he been living during those six months?—A. I don't know. He had been in Beaufort, I think.

- Q. Had he not been at Hilton Head, or about Beaufort, before those six months?—  
 A. No, sir, I think not; not that I know of.
- Q. Lightburn claimed that he had a right to vote, didn't he?—A. Politzer claimed for him that he had a right to vote.
- Q. You say that you read the law?—A. I did.
- Q. What were you doing with the law?—A. I was reading it to the people.
- Q. What were you doing with the law with regard to the qualification of electors there that day; in what form did you have it?—A. I had it in printed form; in the form that it was sent out to the managers for the purpose of governing the election.
- Q. Were you a manager?—A. I was not. As one of the commissioners of election I had one of the printed forms.
- Q. You were also a county commissioner of election for that county?—A. Yes, sir.
- Q. When were you appointed county commissioner?—A. About three weeks before the election.
- Q. What became of Mr. Politzer after this occurrence with regard to the right of this man to vote?—A. He staid around there for a while, and then went home.
- Q. How long did he stay?—A. I couldn't say.
- Q. Did he not go off immediately after that?—A. Not immediately, but soon after, I think.
- Q. How soon after? Was it not a few minutes?—A. Well, it might have been half an hour.
- Q. Did you see him there half an hour after that?—A. I can't say I did.
- Q. What is your best judgment about it?—A. I should judge it was nearly half an hour before he went away.
- Q. What time of day was that?—A. It was about eleven o'clock.
- Q. He didn't return any more?—A. I didn't see him there again. I met him over at Mr. McIntyre's. I went over to McIntyre's to dine that day, and I met him over there about one o'clock.
- Q. Was Mr. McIntyre with him?—A. Not at the polls.
- Q. Was McIntyre at home?—A. Yes sir.
- Q. What time of day did you see McIntyre at the polls?—A. About four o'clock in the afternoon; at the time he had come with McFall. He had voted before that. I was not there at the time he voted.
- Q. McIntyre had voted in the morning?—A. Yes, sir; so he informed me.
- Q. And had gone away?—A. Yes, sir.
- Q. And when you next saw him he had McFall in his buggy, taking him over to his house?—A. I went with him over to McFall's.
- Q. Where did you meet McIntyre?—A. Over at his store.
- Q. Did you go to his store to go with him to McFall's?—A. Yes, sir, I did.
- Q. How came you to do that?—A. Well, I thought I didn't like to see the man shut up.
- Q. And McIntyre had invited him over to dine with him and he was not there to dinner?—A. No, sir; he was not there to dinner.
- Q. Was the arrangement made at dinner for you and McIntyre to go there after him?—A. Mr. McIntyre spoke of going over there after dinner, and I told him I would ride over with him.
- Q. McIntyre told you he would go over there and see about McFall, did he not?—A. Yes, sir.
- Q. And you said you would go with him?—A. Yes, sir.
- Q. If I understand you, when you got to the polls McFall was not there?—A. He was not there; no, sir.
- Q. This affair with him had occurred before you got there?—A. Yes, sir.
- Q. And you didn't see him?—A. No, sir.
- Q. What time did you go over to see McFall?—A. I can't state. I think it was about noon, though.
- Q. Did you go over there before you went to McIntyre's to dinner?—A. I believe I did.
- Q. What is your recollection about that; did you go there before or after dinner?—  
 A. I wouldn't be positive, but I think I went there before dinner. I am not certain.
- Q. Did you tell McIntyre when you saw him what had occurred between you and McFall?—A. I told him I had been there.
- Q. My question is whether you told him what had occurred between you and McFall.—A. I think not.
- Q. You didn't tell him this conversation you have detailed here?—A. No, sir, I think not.
- Q. What is your recollection about it? Don't you know whether you did or not?—  
 A. I am very sure I did not, because there were a great many present at the time.
- Q. How came you to go there to see McFall?—A. To see the condition he was in, and for the purpose of having him come out to the polls, and I assured him there was no danger in his coming.

Q. Where was he when you went over there?—A. He was in Mr. Drayton's house.

Q. Who was there?—A. No one but myself.

Q. And he voluntarily told you that a colored man had voted one of these red democratic tickets?—A. He did.

Q. Did he give you the name of the colored man?—A. He did.

Q. What was his name?—A. I don't remember his name. It is a man that lives on the Pope plantation, but I can't recollect his name.

Q. Who was present at this conversation between you and McFall?—A. No one was there at the time.

Q. McFall voluntarily told you, without any suggestion from you, about having given this colored man a red ticket?—A. What occasioned him to state that fact was, when I told him of what this colored man, who voted the democratic ticket had said—had told the people—he (McFall) stated that at the time the colored people had said there should no colored man vote the democratic ticket, and that this man come up before the crowd and said, "I did vote the democrat ticket, and I am not ashamed to own it." I can't recollect now whether it was after dinner I went over to McFall's or not.

Q. Didn't McIntyre request you to go over there to see him?—A. I don't know whether he requested me to, but I told him I would go over.

Q. Did McFall tell you how they had treated him there at the polls?—A. Yes, sir.

Q. What did he tell you?—A. He said the women had drove him over to this house.

Q. Did he say anything about the men getting after him?—A. No, sir.

Q. He didn't say anything about the men getting after him?—A. He said the men set the women on.

Q. Did he not say the men had followed him over there to Drayton's house, and about his being locked up in some out-house?—A. He told me about being locked up in the barn, but I think he told me that it was the women that followed him over there. I am very sure that he told me that it was the women that followed him over to the house.

Q. No men with them?—A. I think not; I would not be positive as to that.

Q. How long before the polls closed was it that Mr. McIntyre came up there with McFall in his buggy?—A. About two hours, I should think.

Q. The road from Drayton's to McIntyre's house led to the polls, did it?—A. Yes, sir.

Q. Did they get out of the buggy?—A. I think not.

Q. And McIntyre took him over to his house, did he?—A. He did.

Q. Where is McIntyre now?—A. He is at Hilton Head.

Q. Was not McIntyre shot after that election?—A. Yes, sir.

Q. Do you know where he was shot, at what place?—A. In his store.

Q. How far is his store from that poll?—A. About a mile.

By Mr. LAPHAM :

Q. You are only stating, I suppose, what you heard?—A. That is all, sir.

By the CHAIRMAN :

Q. You have seen McIntyre since he was shot, have you not?—A. Yes, sir; I have seen him since.

Q. Where was he when you saw him?—A. At his store.

Q. When did you see him there?—A. Two or three weeks ago.

Q. Since he was shot?—A. Yes, sir, since he was reported to have been shot.

Q. What was he doing there?—A. He keeps a store.

Q. Was he keeping store when you saw him?—A. Yes, sir.

Q. Since he was shot?—A. Yes, sir.

Q. Was he not laid up with his wound?—A. He was not wounded at all.

Q. Where was he struck?—A. The shot passed through his coat and just grazed the shoulder. It didn't break the skin.

Q. How many shots passed through his clothing?—A. Only one.

Q. At what place was he when he was shot?—A. In his store.

Q. Was it in the daytime or at night?—A. In the evening. I am stating to you what he stated to me. I was not there at the time. He has stated to me it was in the evening, about between seven and eight o'clock, I think.

Q. Has he remained at his store ever since he was shot?—A. Most of the time.

Q. Don't you know that he left his store and went off after that?—A. Yes, sir, he went to Savannah.

Q. How long did he stay there?—A. I don't know; less than a week, I think.

Q. Did he return to his store then?—A. I have not been on the island since I met him in Beaufort.

Q. Don't you know he is in Beaufort now, or Hilton Head?—A. No, sir; he took the steamer for Hilton Head last week, Wednesday or Thursday.

Q. From Beaufort?—A. Yes, sir; he came from Savannah. He was on his way home from Savannah.

Q. Is it not the fact that after he was shot he went to Savannah and came back to Beaufort, and returned to his home last week?—A. It was some time after he was shot that he went to Savannah.

Q. How long after he was shot?—A. I can't tell.

Q. You heard of the occurrence?—A. Yes, sir; but I cannot state the time. I was away at the time this occurred; but I met Mr. McIntyre a few days after this occurrence at home. It was the next week, I think, after he was shot, that he went to Savannah; about a week after—it might have been more—and was in Savannah less than a week, and returned to Beaufort to take the steamer to go to Hilton Head. That is the way he usually goes. He often goes to Savannah to purchase goods.

Q. Do you state here that this time was the occasion of his going to Savannah to purchase goods?—A. I couldn't say positively.

Q. Have you any information about it at all upon which to predicate any opinion?—A. I know he has purchased goods. I have seen his clerk while he was away, a few days after he went to Savannah, and he told me about receiving goods from Savannah that Mr. McIntyre had bought, and also spoke to me about certain goods he had purchased. I never heard him say, or his clerk say, that it was on account of this shooting affair that he left there.

Q. How long after you got on the ground was it that this colored man came to you with this bogus ticket?—A. It was soon after; as soon as that disturbance with the sailor and Mr. Politzer was quieted.

Q. How many of those bogus tickets did you see?—A. Well, there was quite a batch of them. There was fifty or a hundred, I should think.

Q. Who had them?—A. Quite a number of people had them. Mr. Graves had the largest lot.

Q. Who is he?—A. He was distributing republican ballots.

Q. Was he a colored man?—A. Yes, sir.

Q. How many of these tickets did he have?—A. He might have had twenty-five.

Q. Can he read?—A. He can; yes, sir.

Q. And he was distributing this batch that you saw?—A. No, sir; he was distributing republican tickets.

Q. He was the man that had this batch of democratic tickets?—A. I didn't see those until after the polls had closed. When McFall was going home I was told that he threw away his tickets, and some of the colored men picked them up, and Graves was in the room while the managers were canvassing the ballots, and he took out a batch of perhaps 20.

Q. Then you didn't see those tickets during the day at all?—A. No, sir; no batches of them.

Q. How many tickets of that sort did you see on the ground there that day?—A. I saw but very few.

Q. How were those republican tickets gotten up?—A. They were gotten up with an eagle at the top.

Q. And printed in red ink?—A. Yes, sir; printed in red ink.

Q. You could see the color of the ticket through the back of the ticket when it was folded up?—A. I believe so.

Q. Don't you know that you could?—A. Yes, sir; I am very sure you could, but I couldn't swear to it.

Q. Didn't McFall tell you that the reason why those democratic tickets were printed in that way was because the colored men who wanted to vote the democratic ticket were afraid to let it be known to the colored republicans?—A. No, sir.

Q. He did not say that to you?—A. No, sir.

Q. Did he make any explanation to you at all about having those tickets printed in that way?—A. I don't think he made any explanation.

Q. You do not think he made any explanation at all?—A. No, sir.

Q. Did you have much conversation with him?—A. Not a great deal, sir. He only stated to me that he told the people to whom he gave the tickets that they were democratic tickets.

Q. He told you that he stated to parties when he handed them these tickets that they were democratic tickets?—A. That is what he said.

Q. When you heard on the ground there how McFall had been treated, didn't you consider that he had been treated very badly, and that was the reason which took you over to see him and try to induce him to come back?—A. Well, I thought from what I heard that he had been treated badly, but I thought the excuse was a very good one.

Q. Then why did you go over there to try to induce him to come back?—A. I told the people that I was going to have McFall come back there, and I wanted that they should treat him well, and they said to me, "We don't want him here if he is going to deceive us with those red tickets."

Q. When you got there to the polls McFall and McIntyre had gone away, but Politzer was still there?—A. No, sir.

- Q. McFall had gone away, had he not?—A. Yes, sir.
- Q. McIntyre was not there, was he?—A. No, sir.
- Q. And Politzer left when you got there?—A. He was there as much as half an hour after I got there.
- Q. You have stated that Politzer left?—A. Yes, sir; after I got there.
- Q. Then what white democrats were left on the ground after that time?—A. Riley was there.
- Q. Was not Riley one of the managers?—A. No, sir.
- Q. What other white democrats were there besides Riley at that time?—A. Mr. Kirke was there. He was there some time after that.
- Q. How long was Mr. Kirke on the ground?—A. I couldn't state.
- Q. Was not Mr. Kirke there but a short time?—A. I couldn't state. Soon after I got there I went into the building where the managers wore; I probably was there half or three-quarters of an hour. I can't state when Mr. Kirke came there or when he went away. I cannot state whether he was there when I went in or not.
- Q. Then you went away to dinner?—A. Yes, sir.
- Q. How long were you gone to dinner?—A. I was probably gone two hours.
- Q. How long were you there after you came back, before you went to McFall's?—A. Very soon.
- Q. You went to dinner and were gone two hours, and then went over to see McFall?—A. Yes, sir.
- Q. How long did you stay at McFall's when you went over there?—A. I was there probably from half to three-quarters of an hour.
- Q. Then you came back to the polls, did you?—A. Yes, sir. I stopped at the polls before I went over to McFall's.
- Q. Did you stay at the polls after dinner?—A. I don't know, really. It was some time.
- Q. How long; how many minutes?—A. It might have been half an hour.
- Q. Then you went over to McFall's?—A. Yes, sir.
- Q. And you staid there three-quarters of an hour; then did you return to the polls?—A. I did.
- Q. How long did you stay there before you joined McIntyre to go back to McFall's?—A. I didn't go to McFall's but once. I staid there until McIntyre came. This was after dinner that I went to McFall's.
- Q. You have stated that it was after dinner when you went to McFall's. You were gone two hours to dinner, came back to the polls, staid there probably half an hour, went over to McFall's and staid there three-quarters of an hour?—A. I should judge it might have been that, but I couldn't tell.
- Q. Then it was far in the afternoon when you went over to McFall's?—A. Yes, sir.
- Q. When you got back to the polls what time was it?—A. I should judge it was about four o'clock.
- Q. How long did you stay at the polls then before McIntyre came along?—A. I came from Drayton's with McFall and McIntyre.
- Q. Then McIntyre came up to Drayton's while you were there?—A. Yes, sir.
- Q. Was McIntyre present at any of those conversations between you and McFall?—A. No, sir; because I had been there some little time before McIntyre came. When he came he stopped but a moment. McFall got into his buggy and rode up to the polls, and I rode on behind.
- Q. All three of you then went back to the polls?—A. Yes, sir. I hitched my horse and went into the building, and left them outside in the buggy.
- Q. Then you do not know what occurred at the polls during these times that you were absent?—A. No, sir; I couldn't state what occurred.
- Q. You say it went on peaceably while you were there?—A. It was very quiet when I left for dinner, and quiet when I came back.
- Q. There was nobody there to have any controversy with these people. They had it all their own way, didn't they?—A. I couldn't say.
- Q. There were only two white men left, were there not?—A. There were very few white men there at any time.
- Q. What were those negro women doing at the polls?—A. They were doing nothing while I was there.
- Q. What were they doing at the election?—A. I don't know.
- Q. How many did you see there?—A. Not but a few.
- Q. How many?—A. Really I couldn't state how many, for I didn't count them. They were outside, most of them; out around Mr. Gardner's cotton-house.
- Q. They were around there all day, were they?—A. Not all day.
- Q. When did you miss them?—A. Well, I couldn't say. I think I saw none around there when I came back from dinner, but I couldn't state positively. I paid very little attention.
- Q. When did you come to Charleston?—A. Last evening.
- Q. Did you come direct from Beaufort here?—A. Yes, sir.



By Mr. LAPHAM :

Q. You came at the request of the committee, did you not ?—A. Yes, sir. I arrived in Beaufort night before last, and the sheriff told me that he had received a telegram telling me to come down.

Mrs. ELIZABETH SEABROOK sworn and examined.

By Mr. LAPHAM :

Question. Where do you live ?—Answer. No. 13 Lyon street, this city.

Q. With whom do you live ?—A. A. P. Ford.

Q. He married your daughter ?—A. Yes, sir.

Q. How long have you lived here ?—A. The 20th of this coming March will be four years, sir.

Q. What is your age ?—A. Well, I cannot tell rightly, but I think I must be fifty-three or fifty-four—along there.

Q. How long have you lived in this city ?—A. Well, I have been living here a number of years, sir. I lived here with William F. Colcock a long time—all my life.

Q. Were you his slave ?—A. Yes, sir.

Q. How long have you been living with Mr. Ford ?—A. The 20th of March, sir, will make four years.

Q. Is your husband living ?—A. No, sir ; I have no husband.

Q. Do you remember the day of the late election ?—A. Yes, sir.

Q. Where were you the Saturday night before ?—A. I was at home, sir.

Q. Who else was at home with you ?—A. My daughter, sir ; and Mr. Ford was home, but he had gone to bed ; it was ten o'clock.

Q. Did any one come to the house that night ?—A. Yes, sir.

Q. Who ?—A. Mr. Chors ; Mr. Charles Chors, sir.

Q. About what time ?—A. It was about ten o'clock, sir.

Q. What was the first you heard ?—A. Well, I was in my room, sir, and my daughter she heard a rap to the gate ; and she said she was undressed, and asked me to go to the gate and see who was knocking ; and I went, sir.

Q. Mr. Ford had retired, you say ?—A. Yes, sir ; he was in bed.

Q. You went to the door, did you ?—A. Yes, sir ; I went to the door. Our house sets back in the yard. I went to the gate.

Q. Who was there ?—A. Mr. Chors was at the gate, sir. I wouldn't open the gate, and I asked who it was ; and he said it was Mr. Chors. I asked him if he wished to see any one, and he said he wanted to see Mr. Ford, sir.

Q. What further did he say ?—A. He said he wanted to see him upon some private business. I told him he had gone to bed ; and he said he could go up in his room.

Q. When he said he would go up to his room, what did you do then ?—A. I went back in the house and called Mr. Ford, sir.

Q. Where was Mr. Chors when you went to call Mr. Ford ?—A. He was standing by the gate in the street.

Q. What did Ford say about coming down ?—A. He didn't say anything more to me, sir. He got up and came down.

Q. What did you say about Mr. Chors ?—A. I said he came in, sir.

Q. Came in where ?—A. He came into the yard, sir ; he came to the piazza.

Q. Go on and state what occurred.—A. Mr. Ford came down to him, and he told Mr. Ford he wanted to see him about some business of importance, privately. Then I stepped into the back room, sir. I stepped into the back room when he said he wanted to see him privately.

Q. Where was Mr. Ford and Mr. Chors when you went in ?—A. They went out to the end of the piazza. Whether they went out doors I could not tell. They went out to the end of the piazza, toward the step.

Q. How long were they there ?—A. Well, they was not there very long. I suppose about ten or fifteen minutes, as near as I can guess.

Q. During that time you went in the house, you say ?—A. Yes, sir.

Q. Did you hear any of the conversation ?—A. No, sir ; I did not hear any of the conversation.

Q. Where did Ford go then ?—A. After Mr. Chors went he went back up-stairs to his room.

Q. Did you see him ?—A. Yes, sir ; I did see him after Mr. Chors went.

Q. Did he tell you what Mr. Chors had said to him ?—A. Yes, sir.

Q. He told you what conversation he had with Mr. Chors ?—A. I do not know whether he told me all or not.

Q. Did he tell you as soon as he came into the house ?—A. Yes, sir ; we both went up-stairs together, and he went to his room. I didn't set down to talk to him at that time of night—merely going up, he said what Mr. Chors said.

Mr. LAPHAM. Now, I propose to show what Mr. Ford said to the witness immediately upon coming into the house, about the interview he had had with Mr. Chors.

(Offer overruled.)

Q. What do you say Chors said to you he wanted to see Ford about?—A. Something very important.

By the CHAIRMAN :

Q. When you went up to tell Mr. Ford that Chors wished to see him, you left Mr. Chors standing in the street at the gate?—A. Yes, sir.

Q. And when you went up to tell Mr. Ford, he was in bed?—A. Yes, sir; he was in bed.

Q. Was his wife up there in the room with him?—A. Yes, sir.

Q. You came down before Mr. Ford dressed?—A. Yes, sir; I came down before he was dressed.

Q. When you came down you went into the back room?—A. No, sir; when I came down I went right out and went to the gate.

Q. And let Chors in?—A. Yes, sir.

Q. And then you went back into the house?—A. Yes, sir.

Q. Where did you leave Mr. Chors standing, when you went in?—A. He was standing right close up to the piazza. We has a shelf there, and he was leaning over this way to the shelf.

Q. Which end of the piazza; near the gate?—A. The shelf is midway of the piazza. The house is small.

Q. Did you stand there until Ford came down, or did you leave before he came down?—A. I staid till he came down.

Q. And you went into the back room when he came down?—A. Yes, sir; when Mr. Chors said he wanted to see him on important business, privately, I went in, sir.

Q. How are those rooms situated?—A. Right off the piazza is a back room, and then there is another little door leads into a second little room. The house hasn't but four rooms.

Q. This back room you went into is back of the front room?—A. The house is situated, coming from the street, so, [indicating;] and then there is a little piazza that comes right into the back room.

Q. That little room you went into is at the back end of the piazza?—A. Yes, sir.

Q. There is another room along the piazza, still in front?—A. Yes, sir; and I went into the back room that leads up-stairs, sir.

Q. Then there is a front room?—A. The front room is shut up.

Q. There is no connection between the front room and the back room you went into?—A. No, sir.

Q. The entrance to that front room is not from the piazza?—A. Yes, sir.

Q. When you went into that back room, Mr. Chors and Ford then went toward the front part of the piazza toward the gate?—A. After a little, sir; not directly. I staid out on the piazza a good considerable while, and Mr. Chors was talking, and then he said he wanted to see him for something important, and then I went out the piazza, and stepped into the door. I stepped right by the door, and stood by the door.

Q. You do not know whether they went into the yard or not?—A. No, sir; or whether they stood at the corner of the piazza.

Q. How far is it from that little room that you stepped into to the end of the piazza toward the gate—toward the front?—A. Twenty feet, I suppose, sir. The house is small.

Q. You do not know whether they went out into the yard or not?—A. No, sir; I cannot tell.

Q. Did you go up-stairs from that back room?—A. I didn't go out of doors at all after Mr. Chors went.

Q. Did you go up stairs from that little room?—A. No, sir.

Q. Did you sleep in that room?—A. No, sir; I has my room by myself.

Q. Was that the room you staid in, that little room that you went into?—A. O, no, sir; that was the down-stairs room I am speaking of.

Q. You didn't hear anything that passed between them?—A. No, sir; I didn't hear no conversation at all.

Q. After Mr. Ford came back, did you go up-stairs with him?—A. Yes, sir; we both went up-stairs together. Our rooms are on one floor, sir.

Q. You went up-stairs with him?—A. Yes, sir; we both went up together. He went into his room, and I went into mine.

By Mr. LAPHAM :

Q. Where were you while Ford and Chors were conversing?—A. I was in the back room.

Q. Whereabouts in the room were you?—A. I was no further than a little past the threshold of the door.

Q. Did you stand there?—A. Yes, sir; I stood there.

Q. Was the door closed?—A. No, sir; the door was open.

Q. You stepped in the door, but it still remained open?—A. Yes, sir.

- Q. That door led to the back room?—A. Yes, sir.
- Q. How far from the door were you standing?—A. Well, I was not standing no distance. I could see into the piazza.
- Q. Could you see then?—A. Not after they removed and went toward the end of the piazza, I could not see them.
- Q. You waited there until Ford came in?—A. Yes, sir.
- Q. You say they had some conversation before you went into the door?—A. They were talking, sir.
- Q. Did you hear that?—A. No, sir; I could not think for my life what they were talking about, sir.
- Q. Which of them made this remark you have stated about the conversation being important and private?—A. Mr. Chors, sir.
- Q. That was after they had conversed a little while?—A. After they were talking, he said he came to see Ford on something of importance.
- Q. Did he repeat that after Ford came down?—A. He told me that at the gate.
- Q. Did he repeat any of it after Ford came down, while you were still out there?—A. Yes, sir; he did say so.
- Q. What did he say?—A. He said, "I want to see you on some business of importance privately."
- Q. And upon that you stepped into the door?—A. Yes, sir; then they removed, and I removed.
- Q. Was there not a light in the front room?—A. Yes, sir; Mr. Ford brought the light down with him when he came down, and put it on the table.
- Q. What did he do with the light he brought down?—A. He put it on the table.
- Q. In the front room?—A. In the back room, sir.
- Q. There was no light in the front room?—A. O, no, sir; not in the front room; the front room was shut up.
- Q. This front room does not occupy the whole front of the house?—A. No, sir; we don't open the front room. It is just a little sitting-room we keep privately.
- Q. There is a door from the stoop into the front room, and also a door into what you call the back room?—A. Yes, sir; two doors, and one on the piazza, and one in the back room.
- Q. Does the door you went in at go off the piazza?—A. Yes, sir

THOMAS E. MILLER (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. At present, sir, am occupying a temporary residence at Grahamville, Beaufort County. My permanent residence is Lawtonville, Beaufort County.

Q. When did you change your residence?—A. I changed about July, sir; about the last of July.

Q. Was there any political difficulty that led to that?—A. Well, indirectly there was, sir.

Q. Are you a native of the State?—A. A native, sir.

Q. Were you a slave?—A. Well, in one sense I was. I have never served any one from my grandparents up, but then we came from a slave stock, sir. We had our time.

Q. What is your age?—A. Twenty-seven, sir; I was born in '49.

Q. Where were you educated?—A. I attended school in Pennsylvania, sir; Lincoln University.

Q. How long did you attend school there?—A. I left South Carolina in 1865 and went to New York State, and remained in Hudson about nine months, and returned to South Carolina, and left here in 1867, and was at Lincoln University from March, 1867, until June 19, 1872.

Q. What is your profession?—A. My profession, sir, is a young attorney.

Q. When were you admitted to practice?—A. I was admitted in the winter of 1874-'75, on an examination before the supreme court of this State.

Q. Who were the judges?—A. The judges were Chief-Justice Moses and Associate Justices Wright and Willard.

Q. Have you been practicing law since?—A. Yes, sir.

Q. State briefly how you came to take up your temporary residence where you now are?—A. I was practicing law in the upper part of Beaufort County, and was also a prominent republican there. I had a case to defend; a colored man by the name of Mix or Stafford. He lives at Stafford Cross-Roads.

By the CHAIRMAN:

Q. When did this occur?—A. The latter part of July of this year, sir. His former owner was Stafford. He was indicted for a malicious trespass upon the property of an old money-lender by the name of Nathaniel Ellis.

By Mr. LAPHAM :

Q. Was he a democrat?—A. O, yes, sir. And from his being a money-lender he owns pretty near every poor white man in that section of the country financially. Upon the day of trial he had from twenty to forty white men summoned there, because he knew he had no case at all.

The CHAIRMAN. Confine yourself to statement of facts.

The WITNESS. He had from thirty to forty white men summoned upon the day of trial, armed with revolvers, and some of them with shot-guns. When I got up to address the trial-justice, for I would not have a jury, I denounced the procedure as a malignant persecution.

Q. You claimed that as counsel?—A. Yes, sir, as counsel; and I used the word that it was conceived in fraud, and that I would so prove it before I was through. That is the height of the language I used against the Ellis family. The old man sprung to his feet, with knife in hand, in court, and demanded that I should retreat. I modified my statement, and his son, an ex-trial-justice, whom I had removed for his damnable procedure against the negroes in that section of the country—there is where the political spite comes in—appeared as attorney for his father. He accepted my modification. The old man was kept in his seat by his son, Madcus Ellis, who is now in town here. As soon as a decision was given in favor of my client, I walked out of court, mounted my horse, and started away from the crowd. As I mounted about fifteen white men mounted also, but remained where they had mounted in their saddles. As soon as I got into the road, so I could see before me, I saw five young white men on foot, with clubs in their hands and revolvers in their belts. As I approached them, Jeff Ellis, the son of old Nat Ellis, said to me, "You mulatto son of a bitch, you, stop!" And as he said that, young John Joe Schue-man, jr., who has been killed since in a riot, caught my horse by the rein, and as he caught it, Ellis dealt me a blow along here [indicating] with a spoke out of a Jersey wagon, which felled me from the saddle; and as I fell to the ground—my senses had not yet left me—Ellis repeated the blow. I was picked up, I suppose, for I did not know who did it, by the men, and carried to the trial-justice's house, for when my senses returned I was in his piazza, and was bleeding. Old man Ellis, as soon as I arose upon my feet, said, "It will cost as much for a half-dead nigger as a whole one. Let us kill the nigger son of a bitch, for this is a white man's country, and no damn nigger lawyer shall remain here." As soon as he said that, an elderly white man, by the name of Bill Cuyler Johnston, threw himself in the small gate that led into the flower-garden, and which would give them access to where I was, and said, "For God's sake, men, let us not have another Hamburg affair." Ellis said, "Move, Bill, and let us kill the nigger." Mr. Johnston said, "No, I will not, for the eyes of the nation are now on us; let us act as men." After much persuasion he got the men to retire from the smaller gate out to the large gate into the road. He then came into the piazza and said to me, "Miller, I knew you and all your parents, both white and black, from the days of boyhood," and he said, "Won't you go home and let these Ellises alone?" I told him I would not make any such promise; that I would sue them. Then he said, "Miller, you are excited now, and mad. Won't you defer this matter until Thursday of next week?" That was on Saturday. I told him, "Mr. Johnston, there is no delay with me; I mean what I say." "Well," he says, "you will not go home if you mean it. These men will not allow you to go home alive unless you promise to defer the matter." Then after he told me that I would not be allowed to go home alive unless I postponed the matter and to give him an answer on Thursday, I made him a promise that I would wait until Thursday. Upon Thursday morning, the day promised by me to give an answer, about sixty men, armed with revolvers and shot-guns and pistols, assembled before my door and stacked their guns against a log that laid parallel with my fence. About nine o'clock Mr. Johnston came. They awaited Mr. Johnston's arrival—Bill Cuyler Johnston. He came in a buggy with young Jeff Ellis, the man that dealt the blow upon the Saturday before. I admitted him into my house, and refused to let any other white man come through the gate, but kept the crowd back, and he came in. After a conference of about one hour, I concluded, for my safety as a republican, that I would have to leave that country, and I left and went down to Grahamville, from information coming from democrats themselves, and not from republicans.

The CHAIRMAN. What do you propose to prove?

Mr. LAPHAM. I offer to show the advice that Johnston gave the witness in this interview as an inducement for him to go away.

(Offer overruled.)

By Mr. LAPHAM :

Q. Who is Mr. Johnston?—A. He is a large farmer, sir; an ex-slaveholder, and a South Carolinian.

Q. Is he a democrat also?—A. Yes, sir.

Q. A friend of the Ellises?—A. A friend of the Ellises; they were boys together.

- Q. You have not lived there since?—A. No, sir; I have not lived there since.
- Q. Had you been active in politics before that time?—A. Yes, sir.
- Q. As a republican?—A. Yes, sir.
- Q. For how long a time?—A. I entered politics July 7, 1872.
- Q. And have been active from that time up to the present time?—A. Yes, sir; have been in active duty ever since to the party.
- Q. Have you ever been a candidate for office?—A. Yes, sir.
- Q. Had you before this occurrence been a candidate for office?—A. Yes, sir; a candidate for school-commissioner in 1872.
- Q. Were you elected?—A. Yes, sir.
- Q. How long did you serve as school-commissioner?—A. Two years, sir.
- Q. Were you ever a candidate for the legislature?—A. Yes, sir; in 1874.
- Q. Were you elected?—A. Yes, sir.
- Q. And served how long?—A. Two years, sir.
- Q. Were you a candidate for any office this year?—A. Yes, sir.
- Q. What office?—A. The legislature, sir.
- Q. Were you elected?—A. Yes, sir.
- Q. And are now a member?—A. And am now a member, sir.
- Q. The fact of your having been a school-commissioner was well known to these people, was it not?—A. Yes, sir.
- Q. Had you been accustomed to address political meetings?—A. Yes, sir.
- Q. Republican meetings?—A. Republican meetings. In fact, the whole of the up-country has been left to my care—the upper part of Beaufort County.
- Q. Had you ever had any difficulty with Mr. Ellis before that occurrence?—A. No, sir; nothing more than I had his son removed from the position of trial-justice.
- Q. When was that done?—A. I had him removed in the winter of 1874-'75. Allow me to modify that statement; I forced a resignation out of him—
- Q. You applied for his removal and he resigned?—A. Yes, sir; I informed him I would have him removed.
- Q. Which son was that; the son that struck you?—A. No, sir; his name was Ferdinand Ellis—the ex-trial-justice.
- Q. Did Mr. Johnston know of these facts, too?—A. Yes, sir; for he was a candidate for the position that Ferdinand Ellis occupied.
- Q. To succeed him in office?—A. No, sir.
- Q. A republican was appointed?—A. Yes, sir; a republican was appointed by the governor.
- Mr. LAPHAM. I renew my offer to show the advice that Mr. Johnston gave the witness to leave.
- Offer overruled.
- Q. Have you been to Lawtonville since?—A. Yes, sir. When the canvass opened I canvassed the upper portion of the county, and Lawtonville was the first place I spoke. The first meeting I attended in the up-country was Bronson.
- Q. When was that?—A. It was either the latter week in September or the first week in October.
- Q. Was it a republican meeting?—A. Yes, sir.
- Q. Who were announced to speak there?—A. The speakers announced were Messrs. Bampfield, General Smalls, Senator Green, Thomas H. Wheeler, N. B. Myers, and myself, sir.
- Q. What time was the meeting at Bronson called?—A. The meeting was to take place as soon as the people arrived.
- Q. What hour?—A. Between two and three o'clock.
- Q. How did you go there?—A. I went by way of the railroad, sir. I took the train at Early Branch.
- Q. How far did you go on the cars?—A. I went from Early Branch to Bronson.
- Q. How far is that?—A. A distance of twenty-two miles.
- Q. How far is Bronson from Lawtonville?—A. Bronson is sixteen miles from Lawtonville.
- Q. How far from Lawton Church?—A. Twenty-eight miles, sir.
- Q. Which was your residence; Lawtonville or Lawton Church?—A. My residence was in the vicinity of Lawtonville—not right at the village—in the vicinity of it; about sixteen miles from Bronson. Lawton Church is twelve miles from Lawtonville, and Lawtonville is sixteen miles from Bronson. There is one point I want to refer to. At Early Branch the train coming from Augusta brought two colored men and another man, by the name of Singleton, who informed the speakers that they should return to Beaufort and not come to Bronson that day, for if they did they would be killed.
- Q. You went there?—A. Yes, sir.
- Q. Was there any interruption of the train on your way?—A. No, sir; no interruption of the train on our way.
- Q. What time did you go there?—A. Between two and three o'clock, the usual hour the train arrives there.

Q. Where did you go?—A. We got off the cars right on the platform, and there was a large crowd of both races there, both white and colored.

Q. How many?—A. I should think the whites were between four and five hundred.

Q. How many colored men?—A. Between two and three hundred. As soon as we got on the ground a committee from the rifle-clubs—the white rifle-clubs—came to the white republican speakers and demanded a part of the time.

Q. What did they say about it?—A. They say we hold no meeting there unless they have the right to alternate with us and close the meeting.

Q. Did they say anything other than that that you remember?—A. Well, during the conversation we refused at first. They said, "Well, unless you do that there will be no meeting." We acquiesced, and went from the depot to the place where we held the republican meetings generally. It was under a few trees. The meeting was organized and a motion was made that peace-officers be appointed, and eight from each political party be appointed. The meeting was organized by us electing a chairman, and the democrats immediately elected their chairman. The motion was made, as I stated, for peace-officers, to be appointed, eight from each political party—sixteen; and upon the motion being put by the democratic chairman, (Mr. Hoover,) Hal Richardson from Allendale, Barnwell County, who had command of the several Barnwell rifle-clubs—

The CHAIRMAN. Did he have those clubs there with him?—A. Yes, sir; his rifle-clubs was there. He rose and said: "Mr. Chairman, I object to any peace-officers being appointed, for, on behalf of the gentlemen from Barnwell County, I state that we will hear speeches if they are not damn radical lies; but if the radical speakers intend to deliver their incendiary harangues, I will not vouch for the peace being kept by the gentlemen from Barnwell." And that statement being made, Mr. Hoover did not put the motion, and no officers were appointed. The meeting was organized. Nathaniel B. Myers was the first speaker on our side. As soon as Myers mounted the stand, some one from the crowd hallooed "time," and Myers ceased to speak; and a white man, I did not know him, said, "These niggers have sticks, and we have left our rifles at the depot." As soon as the announcement was made, the chairman of our party requested the colored men to give their sticks up, and as soon as the command was given by our chairman, a democrat who was sitting down in front of the box where we were speaking threw up his revolver and said, "Damn them sticks; they ain't nothing. Here is plenty of pills that will take care of the mulatto sons of bitches;" and as he did that four or five other white men drew their pistols out and threw them down at their feet.

Q. Inside of the stand?—A. Right in front of the stand; not five feet from it.

Q. How many revolvers were thrown down there?—A. I saw five, sir.

Q. What did they say as they laid them down?—A. They said there was sufficient pills here to satisfy the mulatto sons of bitches. That was the expression of one man. One man spoke and drew his out, and as he drew his out three or four others did the same thing.

Q. Were they revolvers or single-shooters?—A. Revolvers, sir.

Q. What next occurred after that?—A. After that was done everything was quiet.

Q. You say that one republican had spoken, and a man took the stand when this interruption took place?—A. Mr. Myers was on the stand when this interruption took place.

Q. A republican had spoken?—A. Mr. Myers was speaking; he was a republican; and while he was on the stand—

Q. He had not finished yet?—A. No, sir. While he was on the stand a party remarked that these niggers had their clubs there, and he stopped there; and while he stopped our chairman said the colored men should bring their clubs up. After Myers got through speaking, the next was a white man—I forget which democrat it was—and we alternated until we got through; but we were insulted from the time we commenced our meeting until we were through, by the answers "You are a liar," or "That is a damned lie."

Q. There were such expressions used?—A. O, yes, sir; very frequently.

Q. Who was speaking when such remarks were being made?—A. Such remarks were made when I was speaking, and such remarks were made when Mr. Bampfield was speaking.

Q. Do you remember any other expressions?—A. No, sir.

Q. What time did the meeting close?—A. The meeting closed about sunset. Orders was given by the several military companies, as we term them, and the men formed and went to the depot and got their guns.

Q. Did you hear the orders given to fall in?—A. O, yes, sir. I also heard, at the close of the meeting, when Hal Richardson, of Allendale, ordered the officers of two clubs to proceed over to Lawtonville the next day, two of the rifle-clubs.

Q. When you reached there were these men at the depot?—A. They were at the depot.

Q. Had they their arms then?—A. They had their arms then.

Q. Where did they put their arms?—A. They left their arms, some of them, in the depot, and some of them in the stores, sir.

Q. Did you see that yourself?—A. O, yes, sir. I saw them putting their arms in the depot and in the stores.

Q. Where did they leave their horses?—A. The horses were hitched about to the different trees and posts in the neighborhood. Bronson is a place of a few houses, trees growing up indiscriminately, sir. They were mounted during the meeting.

Q. About how many white men were there armed that day?—A. Between 400 and 500, sir.

Q. Were there any colored men acting with them?—A. There was one speaker that they had there, a colored speaker, by the name of Voss.

Q. In the military organization, I mean?—A. No, sir; I saw no colored men at all.

Q. Do you know where those white men were from?—A. The companies that Hal Richardson had under his charge, sir, were from Barnwell, some of them all the way from Blackville, 45 or 50 miles from where the meeting was held.

Q. Was he the commander?—A. He spoke to me, sir, and told me he was commander-in-chief.

Q. Did he assume the command?—A. Yes, sir.

Q. How far is Bronson from Allendale?—A. Allendale is on the same line of road, about 15 miles from Bronson.

Q. That far from this meeting?—A. Yes, sir.

Q. In another county?—A. Yes, sir; Barnwell County.

Q. How is it as to the colored men being armed that day?—A. Some of the colored men had guns.

Q. How many?—A. I saw five guns.

Q. What kind of guns?—A. The ones I saw were the old plantation-muskets and shot-guns. I saw nary rifle on the ground. There was muskets and shot-guns.

Q. Have you stated all that occurred there that day?—A. Yes, sir.

Q. Did you hear anything said there about laborers?—A. Yes, sir. At that meeting you could hear the white men saying if the colored men did not vote the democratic ticket they would discharge them. I heard that. That was general and customary at all the meetings up there. It was the common talk and threats all over the county.

Q. This meeting at Lawtonville the next day, who was that called by?—A. By the republicans, sir; by our county chairman.

Q. Were you advertised to speak there?—A. Yes, sir.

Q. Who else?—A. Mr. Myers, Mr. Bampffield, General Smalls, Senator Green, and others.

Q. It was called by the county chairman of Beaufort County?—A. Yes, sir.

Q. What hour was that meeting called for?—A. That meeting was called for twelve o'clock.

Q. Did you go?—A. I went, sir.

Q. How far is Lawtonville from where you now live?—A. My permanent home, do you mean?

Q. Yes.—A. It is just three miles, sir, from my house. When that meeting was called, I was not living there then, I had left. When we got there, sir, we met a large crowd of both races there.

Q. How many of each?—A. Well, sir, I should think there was about between three hundred and four hundred colored men there, and no more than three hundred white men, at the outside, sir.

Q. Were the white men armed?—A. Yes, sir; they all came there armed. The two companies that came over from Bronson left their rifles in the school-house, about a quarter or a half mile from the place where the meeting was called. I saw them putting the guns in there myself, for we traveled the same road.

Q. Were they the same two companies that were at Bronson the day before?—A. Yes, sir.

Q. And was Richardson with them?—A. Richardson was not with them.

Q. Who was in command of them?—A. I don't know. The party who did command them was a stranger to me, sir.

Q. How far was this school-house from the place of meeting?—A. Between a quarter and a half mile. It was in sight of the meeting though, sir.

Q. Were they mounted or on foot?—A. Mounted, sir. The men that came over from Bronson were all mounted.

Q. Had they any other arms than their guns?—A. Yes, sir; every one of them had their revolvers in their belts, sir. You could see them just as plainly, sir, as if they had—

Q. Were they in sight?—A. Yes, sir, they were in sight.

Q. What occurred there?—A. Nothing, as far as it related to the Bronson meeting. At the Lawtonville meeting, there was no intimidation there by words or by acts—the negroes were in the majority there, we outnumbered them—only as relates to myself.

Q. Was there any division of time called for at that meeting?—A. O, yes, sir; they demanded the division of the time, as usual.

Q. What was said about it?—A. They said if they were not allowed to close, just as they did at Bronson—to close up the meeting and alternate with us—there should be no meeting.

Q. What was said in answer to that?—A. We acquiesced, sir. We allowed them the privilege of alternating and closing.

Q. Who did the democrats have there for speakers?—A. Mr. Larasy, Mr. Warren, and a colored man by the name of Becket. I forget the name of the other speaker.

Q. How did the people assemble? Was the meeting in a building?—A. It was a stand, sir.

Q. How did they assemble about the stand?—A. The whites came up on one side, without their rifles—all of them with their revolvers—and the negroes on the other side of the stand.

Q. Mounted or unmounted?—A. Unmounted.

Q. Was there any interruption of the speakers at that meeting?—A. No interruption, as far as related to the speakers.

Q. Were there any of those epithets used that you have spoken of as being used at Bronson the day before?—A. No, sir; no epithets at all. The only thing that was said there that was likely to create a row was by this colored democratic speaker. He referred to the negroes being base hirelings of the republicans, and that he would be glad if the whites would carry out their threats and discharge every one of them who would vote the republican ticket.

Q. He said that in his speech?—A. Yes, sir. He said he, for one, would hail it with joy to see such treatment. He said that the Millers, and the Myerses, and the Bampfields would tell them that they would not discharge them for voting the republican ticket, and he, for one, would hail it with joy when they did do it.

Q. When it came your turn to speak, what occurred?—A. When it came to my turn, Mr. Myers came to me—

Q. Who is Myers?—A. N. B. Myers, a republican, came to me and requested that I should not speak, and I asked him for his reason, and he said what he had gotten he had obtained from a friend. He said he did not wish to implicate any one, but he deemed it unsafe for me to speak.

Q. How near was this to where the Ellis's lived?—A. About ten miles.

Q. Do you know whether Ellis or any of his family were there?—A. O, yes, sir; the young man, Subnard, who had caught my horse, was there. All the white men who were there at my house, who sought the compromise, the same class of people, but no member of Ellis's family came there; but the crowd of men who were at my house on the day that the compromise was sought, was there.

Q. Did you speak or not?—A. I closed the meeting, sir; that is, I closed it on the part of the republicans.

Q. You did address the meeting, then?—A. Yes, sir; but my remarks did not at all relate to politics; it was just to my going away. My speech was devoted to explaining why I was leaving the country and for what cause I was leaving. I avoided speaking concerning politics.

Q. Where did these mounted men go after the meeting closed?—A. After the meeting closed, the ones that came from the Bronson side went homeward, and the others that lived around there in the vicinity dispersed.

Q. Did they get their arms and mount their horses?—A. The Bronson men did; they went off in a body.

Q. Why do you call them the Bronson men?—A. They came from Bronson.

Q. They didn't live there?—A. I could not tell as to where they lived.

Q. I thought you said it was a part of Barnwell County?—A. I don't know whether they were Bronson men or Lawtonville men; I don't live there.

Q. They formed and went back toward Bronson?—A. Yes, sir.

Q. With their arms?—A. With their arms.

Q. Was there anything said about discharging laborers, except what this colored man said?—A. Nothing from the speakers, but just in conversation.

Q. Were there any threats by white men there, that you heard that day?—A. Yes, sir; I heard farmers say right there that if the colored people persisted in voting the republican ticket that they would have to discharge them.

Q. That was talked openly there that day?—A. That was talked openly there that day, and not only there, but at the meetings generally, the conversations among the whites would be concerning discharging laborers if they voted the republican ticket.

Q. Are you the owner of land where you are living temporarily?—A. Yes, sir.

Q. How much do you own there?—A. Well, sir, about eight hundred acres. Where I am living now, I own that property. I leased the property I lived on at Lawtonville.

Q. Do you work it or rent it?—A. I rent it, sir.

Q. Do you know personally of any men who have been discharged since the elec-



tion?—A. There are about four families on my place, sir, who come down from the up country. I have not seen them personally.

Q. You only know the fact that persons came there?—A. Yes, sir; I don't know of any one being discharged, personally.

Q. And you don't know where they came from?—A. No, sir.

Q. Do you know that they have come there since the election?—A. Yes, sir; that fact I know.

Q. How many families?—A. About four families. They are on lands that I have under my control for renting.

Q. Colored men?—A. Colored men, sir.

By the CHAIRMAN:

Q. It was in 1872 that you got back from the North to Lawtonville?—A. No, sir; not to Lawtonville, to Beaufort County.

Q. Where did you stop when you went back to Beaufort County, in 1872?—A. My stopping-place there was at Grahamville with my folks, when I first came back.

Q. That is where you are now?—A. Yes, sir; all my old folks live there.

Q. Grahamville is the place where your relatives live?—A. Yes, sir.

Q. And where you own land?—A. Yes, sir.

Q. How long have you owned that land at Grahamville?—A. The first parcel of land I bought in 1873, sir.

Q. You own no land at all over at Lawtonville?—A. No, sir.

Q. When living there, you lived on rented land?—A. Yes, sir; I leased the land lived on there.

Q. When did you go to Lawtonville?—A. I went to Lawtonville in March, 1873, sir.

Q. And called that your home up to this last July?—A. Yes, sir.

Q. In 1872 how old were you?—A. I was twenty-three, sir; I was born in 1849.

Q. What time in 1872 did you get back from the North?—A. In June.

Q. How long after you came back before you became a candidate for the legislature?—A. Two years, sir.

Q. You didn't run for the legislature, then, till 1874?—A. Not till 1874.

Q. And you became a candidate for school commissioner in 1872?—A. Yes, sir.

Q. And was elected that year?—A. Yes, sir.

Q. Where did you reside during the time you held that office?—A. I resided the first year I was in my office in Grahamville. The latter part of my administration as school commissioner I lived at Lawton.

Q. Then toward the close of your official term as commissioner, you located on this place, near Lawtonville?—A. Yes, sir.

Q. And then became a candidate for the legislature at the next canvass?—A. Yes, sir.

Q. You participated in that canvass, and was elected to the legislature?—A. Yes, sir.

Q. Then you ran for the legislature this year?—A. Yes, sir.

Q. And are now a member of what is known as the Mackey house?—A. Yes, sir.

Q. So that you have been in political life, in fact, and holding office ever since you returned from your trip North?—A. Yes, sir.

Q. You have been quite active in politics in that county, haven't you?—A. Yes, sir.

Q. What time this year were you nominated as a candidate for the legislature?—A. In October.

Q. Then at the time of this trouble that you had with the Ellises, you had not been nominated for the legislature?—A. No, sir; but was a member.

Q. When did the legislature adjourn—the legislature of 1874?—A. The legislature of 1874 adjourned in April or March, I have forgotten which; but the constitution of our—

Q. I understand what your constitution is. Your legislature adjourned *sine die* in March or April, didn't it?—A. Yes, sir; April.

Q. You could have been re-assembled on the call of the governor, I suppose?—A. Yes, sir.

Q. Then when you had this trouble with the Ellises, you were not a candidate for the legislature at that time?—A. O, yes, sir; I was a candidate but not in nomination.

Q. You were a continuing candidate?—A. No, sir; I had begun to stump the county in my behalf in that parish.

By Mr. LAPHAM:

Q. Was that before this disturbance?—A. O, yes, sir; I had three meetings before this disturbance.

By the CHAIRMAN:

Q. Then your candidacy has been a continual thing for three years. You have stated here that prior to this time you had no difficulty with the Ellises?—A. No, sir; no words of falling out other than I stated that I forced the son of the family to resign from the position of trial-justice.

- Q. You never had any personal difficulty with old man Ellis?—A. Not a bit, sir.
- Q. Your personal relations to him prior to that had been kindly and courteous, had they not?—A. Yes, sir; courteous and kindly.
- Q. Which of the sons was it that was trial-justice?—A. Ferdinand.
- Q. Is that the one that testified here yesterday?—A. No, sir; not him.
- Q. Who appointed him trial-justice?—A. He was appointed the first time—now, I am not certain about this, but I will tell you, he was appointed, I think, by Governor Scott.
- Q. When?—A. I don't know the date of his appointment. I met him in office when I was elected school commissioner.
- Q. And he was re-appointed trial-justice by Governor Chamberlain?—A. No, sir.
- Q. By whom was he re-appointed?—A. By Governor Moses.
- Q. Then he held the office under two administrations?—A. I met him a trial-justice when I was elected school commissioner. How long he had been before I don't know. The trial-justice position is for one year, or subject to removal by the governor. Whether Ellis was a trial-justice three, four, or two years, I don't know, but he has been trial-justice up in that up country a long while.
- Q. When did you have him displaced as trial-justice?—A. In the winter of 1874-'75.
- Q. In the winter of '74 and '75 he was removed from the position of trial-justice upon your application to the governor?—A. He resigned.
- Q. You made application to have him removed?—A. Yes, sir.
- Q. And he resigned?—A. Yes, sir.
- Q. Who was appointed trial-justice in his place?—A. Frank Mulligan.
- Q. Was he appointed upon your solicitation?—A. Yes, sir; it was my appointment.
- Q. This trial that you speak of between old man Ellis and this client of yours was before what justice?—A. Before Mr. Mulligan.
- Q. This gentleman whom you had appointed?—A. Yes, sir.
- Q. What was the charge against this man that Ellis had arraigned?—A. A malicious trespass.
- Q. A malicious trespass upon his property?—A. Yes, sir.
- Q. And you were employed to defend him?—A. Yes, sir.
- Q. And this row that occurred there was in consequence of reflections in your speech upon old man Ellis?—A. I said nothing that the old man—
- Q. Was it in consequence of what you stated in your speech that brought it on?—A. That is what they claim.
- Q. You have stated here in your testimony to-day that old man Ellis was a money-lender, and that he oppressed the people, and that he had mortgages upon property, and all that sort of thing.—A. I don't think I used the word oppressing at all.
- Q. What was your language?—A. I said, sir, that Ellis was a money-lender, and by being a money-lender he owned the people financially.
- Q. Was that the language which you used this morning?—A. I think so, sir.
- Q. You put it mildly, did you?—A. No, sir; I didn't put it mildly; I put it strong.
- Q. Then you had a good deal of feeling and prejudice against Ellis, didn't you?—A. O, no, sir; what do you mean by the word strong, sir?
- Q. The way you testified this morning I considered it strong both as to manner and matter, exhibiting a great deal of feeling and spite. Now you stated here this morning that old man Ellis was a money-lender, and that he had mortgages upon the property of most everybody, did you not?—A. Right in this immediate neighborhood.
- Q. You entertained some prejudice against him on that account?—A. No, sir; I didn't.
- Q. Then why did you comment upon him in your testimony this morning?—A. To let you know what influence he had upon the poor whites; that he could have any man killed that he wanted.
- Q. Then you state here in your testimony that, on account of his moneyed influence over the poor whites in his neighborhood, he could have any man killed he wanted to?—A. Yes, sir; I have stated that publicly; I have stated it in his presence and in the presence of his children. Since this row I have stated that publicly.
- Q. Then, in your speech made that day in the case of malicious trespass, you exhibited a good deal of feeling, did you not?—A. No, sir; I did not.
- Q. What was the language you said you used?—A. I denounced it as a malignant persecution. That was the language I used.
- Q. Is that all you said?—A. Concealed in fraud, and I would prove it by reviewing the testimony.
- Q. A malignant persecution, concealed in fraud; and that party was arrested upon the affidavit of Mr. Ellis?—A. Upon the affidavit of his son.
- Q. What was his name?—A. They call him Pink.
- Q. What was his name?—A. I don't remember his name now, sir.
- Q. Was he the one that assaulted you afterwards?—A. No, sir; for he is a minor. He is a young boy. The one that assaulted me is Jeff. Ellis.
- Q. An older brother of this boy?—A. Yes, sir.

Q. How long after you quit speaking was it he assaulted you?—A. About half an hour.

Q. You say you didn't call for a jury, but tried the case before this justice, Mulligan?—A. Yes, sir.

Q. And you had your man acquitted?—A. Yes, sir.

Q. And after that this difficulty occurred?—A. The difficulty started while I was speaking.

Q. Started at the time you used this language about the old man Ellis?—A. Yes, sir.

Q. Who started it?—A. The old man sprung up. I didn't use the words against him, because he was not the party suing. I used it against the party prosecuting—his son; and whatever I could have said in my argument, anything of that kind, was not against the old man.

Q. He was sitting there, and was in fact the real prosecutor, was he not?—A. There is where the fraud comes in.

Q. Was it not his property upon which the alleged trespass was committed?—A. It was not his property, sir.

Q. Did he not prove it to be his property?—A. It was proved to be otherwise.

Q. Did he not claim to own the property?—A. No, sir; he didn't.

Q. Who did claim to own it?—A. His son-in-law claimed to be the owner of it.

Q. Was this allegation of malicious trespass, or whatever it was, asserted to be on the property of old man Ellis?—A. No, sir; it was asserted to be the property of one Coosaw, the son-in-law of Ellis.

Q. Upon real estate, was it?—A. Yes, sir.

Q. And in your speech you characterized the prosecution as you have stated?—A. Yes, sir; as I have stated.

Q. And thereupon old man Ellis sprung to his feet and took umbrage at your remarks?—A. Yes, sir.

Q. Did you proceed then in your speech?—A. I stopped immediately, and I said to the elder brother, who was the counsel, "What I have said, sir, I mean it as no disrespect. I will prove this a malignant persecution by reviewing the testimony."

Q. You finished your speech?—A. Yes, sir; argued the case.

Q. Argued the case fully?—A. Yes, sir.

Q. And it was after this that this difficulty outside occurred?—A. The second difficulty—yes, sir.

Q. When you were starting home, which one of the Ellises was it that struck you?—A. Jeff. Ellis.

Q. An older brother of this young Ellis?—A. Yes, sir.

Q. And all this testimony that you have given here about what was said and done there upon that occasion was the result of what occurred on the trial there that day?—A. No; I couldn't say that—

Q. You had no difficulty with the Ellises before?—A. But here is the language of the old man afterward, "That a half-dead nigger would cost as much as a whole dead one."

Q. I have not asked you for what was the language of the old man. I asked you a question which you can understand, and which you can answer if you want to. I asked you if the difficulty which you have detailed here in your examination-in-chief followed immediately after that trial?—A. Yes, sir; it did.

Q. When you left there you returned to this place, Grahamville, where you came from, and where your folks were living, and where you owned property?—A. Yes, sir.

Q. You say that in that mêlée at the trial a man by the name of Schuman struck you?—A. Stopped my horse by the bridle.

Q. He didn't strike you?—A. No, sir; I don't know for certain that he struck me.

Q. What was Schuman's first name?—A. His name is John Joe Schuman.

Q. He has since been killed in that county, has he not?—A. Yes, sir; he is the same man.

Q. You say there was another man there by the name of Deloache that day.—A. I don't remember his being there that day. I don't remember seeing him.

Q. Was Johnson there that day?—A. Johnson was there.

Q. What is his name?—A. His name is J. D. Johnson.

Q. Is he the constable?—A. Yes, sir.

Q. This man Johnson, who was with the party that came to your house on the Thursday morning you have mentioned, what was his name?—A. His name is William Cuyler Johnston. There is a difference between his name and the constable. There is a "t" in his name, and the constable spells his name without the "t."

Q. Are they related?—A. That is more than I know.

Q. When asked to-day who he was, you stated, "He is an ex-slave-holder and a South Carolinian."—A. Yes, sir.

Q. Why do you designate him as an ex-slave-holder and a South Carolinian?—A. Because there were South Carolinians who never owned slaves.

Q. Was that the reason you designated him a South Carolinian when you were asked who Johnston was?—A. Not that I entertain anything against Mr. Johnston at all. I will give you the distinction—

Q. When you were asked, in your examination-in-chief, who Mr. Johnston was, your answer was, "He is an ex-slave-holder and a South Carolinian."—A. Yes, sir.

Q. Why did you style him in that way?—A. To distinguish him from the poor whites.

Q. Did his being a South Carolinian tend to distinguish him from the poor whites?—A. Being an ex-slave-holder distinguishes him from the poor whites.

Q. That is not my question. Did his being a South Carolinian tend to distinguish him from the poor whites?—A. If it did I would not have made the other qualification.

Q. Then you used it simply to distinguish him from the poor whites?—A. I did, sir.

Q. And his being an ex-slave-holder and a South Carolinian, that is all you meant by it?—A. That is all I meant by it.

Q. If you were asked, for instance, who Mr. Smith, in your county, is, you would consider it a description of him and an answer to the question to say that he was an ex-slave-holder and a South Carolinian?—A. I would.

Q. You would use, then, that sort of description to individualize a citizen and to give the people to understand who he was?—A. Do you want an answer to that, sir?

Q. Yes.—A. It would depend a great deal upon circumstances what my answer would be in describing a citizen.

Q. Then you meant, by this sort of answer, to give a particular character to Mr. Johnston, did you?—A. Yes, sir; I did.

Q. Would it not have been sufficient to distinguish him simply by saying he was an ex-slave-holder?—A. Yes, sir.

Q. Then why did you add the term South Carolinian?—A. O, now, I don't know why I added the term. To have said he was an ex-slave-holder would have carried the idea that he was a South Carolinian. But, then, there are ex-slave-holders who are not South Carolinians. There are ex-slave-holders who come here from Georgia.

Q. Did you not use that term in order to stigmatize Mr. Johnston?—A. No, sir; I did not.

Q. Why did you speak, then, with so much emphasis and force?—A. I don't know that I emphasized. Mr. Johnston and myself have been on the most friendly relations from the day I returned from school up to the present time.

Q. In your political speeches you have been pretty violent, haven't you?—A. No, sir; not in my speeches, I have not.

Q. Have you in your private conversation?—A. I have been violent in one speech that I have made in Beaufort County, in this canvass.

Q. When and where was that?—A. That was at Kilsonville.

Q. When was that?—A. That was after my trouble with the Ellises.

Q. How far is that from the neighborhood of this trial-justice's, at Lawtonville?—A. About twelve miles.

Q. When was that?—A. In the early part of the campaign.

Q. But after your trouble with the Ellises?—A. Yes, sir.

Q. Haven't you been right denunciatory in your speeches against the whites?—A. No, sir; I have not.

Q. Have you not stated in your public speeches that you wished you could open your veins and let out the white blood that was in you?—A. Whoever told you that told you a lie.

Q. I ask you if it was not the fact?—A. No, sir.

Q. You never did state it?—A. No, sir.

Q. Publicly or privately?—A. No, sir; I can tell you what I did state. I said that the white blood that was in me, I didn't consider it was any honor; that it was not gotten through the ties of wedlock, and I considered it a disgrace.

Q. And you didn't state that if you had the power you would open your veins and let out any white blood that was in you?—A. No, sir; I never did.

Q. Did you make an allusion to it in a public speech?—A. Yes, sir.

Q. Where?—A. At Grahamville, in the up-country.

Q. When?—A. I don't know when. When I had a quarrel with one of my white cousins.

Q. You carried your quarrel with your cousin on to the stump?—A. No, sir; I didn't. The question was asked me by a black man on the stand, didn't I favor the whites more than I did the blacks—if I didn't hold myself above them, and that was the answer to it.

Q. That was when you were canvassing for the legislature?—A. No, sir; it was not.

Q. You were not a candidate for the legislature, then?—A. No, sir; not when I made that statement.

Q. When was that?—A. I don't remember when it was. I remember of making it in Beaufort County.

Q. Did you not state awhile ago that you made it at Grahamville?—A. It was made during the canvass.

Q. You cannot state when it was?—A. No, sir; I cannot remember when it was.

Q. Was it this year?—A. No, sir; it was not this year.

Q. When was it, if it was not this year?—A. I don't remember, sir; it has been a good while ago.

Q. Can't you state the year?—A. No, I don't know when; nor I don't remember the nature of the meeting.

Q. Why can you remember it was at Grahamville, and that the provocation of it was this particular question, and that it was just after you had a quarrel with your cousin, and yet cannot give the year?—A. Because I know I gave my reasons, and that is why I remember the place. The time is a different thing.

Q. Were you living at Grahamville when you made that speech?—A. Yes, sir; I was living at Grahamville then.

Q. Did you not make that statement in this canvass then?—A. So help me God, I did not.

Q. Neither publicly nor privately?—A. Neither publicly nor privately.

Q. Were you not running for any office when you made that speech at Grahamville?—A. No, sir.

Q. How many people were at that meeting?—A. I don't remember.

Q. Whites or blacks?—A. Grahamville is intensely black, sir. The vote there is four to one.

Q. Then they were colored men there at that meeting?—A. There was whites there, too.

Q. Were there many whites?—A. There were a few whites there; there can never be very many whites at Grahamville.

Q. What is the proportion of the black population to the white population in Beaufort County?—A. About as seven to one.

Q. Do you know what the democratic vote in Beaufort County was this year?—A. Two thousand four hundred, I think.

Q. What was the republican vote?—A. A little over seven thousand.

Q. The republican majority then was about five thousand?—A. Yes, sir.

Q. This place, Bronson, where you had the meeting, the colored people are in the majority there, are they not?—A. Yes, sir; naturally larger.

Q. Why naturally larger?—A. At Bronson the colored population is naturally larger than the white.

Q. What is the proportion?—A. About four to three.

Q. What is the proportion at Lawtonville?—A. About four to one.

Q. This meeting at Bronson was held at what time?—A. The latter part of September or the first of October, sir.

Q. These gentlemen that gathered that day to participate in that meeting you say came there as rifle-clubs?—A. Yes, sir.

Q. Did they all have rifles?—A. Yes, sir; all that came from Barnwell County had rifles.

Q. Only those that came from Barnwell County?—A. And the men from Beaufort County had rifles too.

Q. All of them that were at that meeting?—A. No, I wouldn't say all of them at the meeting.

Q. How many of them were from Beaufort County?—A. O, I don't know, sir.

Q. How many white men from Beaufort County were at that meeting?—A. That I could not tell, because I don't know all the whites of Beaufort County.

Q. Then you don't know where these men came from?—A. O, yes, sir; I know this much, that Richardson gave it out that they came from Barnwell, and that he was in command of them, and gave it out publicly on the ground.

Q. From the stand?—A. Right on the ground. After Mr. Hoover's motion, "Gentlemen, are you ready for the question," he rose and said no peace officer should be elected, because we gentlemen are here from Barnwell.

Q. Didn't those men come to these political meetings and request to divide the time, and to participate in the discussion, as they stated, in order to disabuse the minds of the colored people of the impressions that had been made upon them by their republican orators?—A. They didn't ask for it—they demanded it.

Q. That is not answering my question. My question is this: Did not these democratic speakers who came to these meetings state as a reason for asking for a division of time, that they wanted an opportunity to address the colored people who came out to see you, in order to disabuse their minds of false impressions that had been sought to be made upon them by republican speakers?—A. Not at Bronson.

Q. Did you hear them make that statement?—A. Yes, sir; I heard them say that.

Q. Was it not a fact that the colored people in your county—we will not discuss the cause of it at all—that the colored people of your county would not go out to hear democratic speakers?—A. I don't know that as a fact, sir.

Q. You don't?—A. No, sir; I never heard that.

Q. Did you not know it from public rumor?—A. No, sir; I didn't know it.

Q. Did you ever know the colored people of your county to go out to hear democratic speakers?—A. Yes, sir.

Q. In any numbers?—A. They went out in numbers to hear the democratic speakers in the town of Beaufort when Gen. Wade Hampton was down there.

Q. Did you ever know colored republicans of your county to go to hear democratic speakers elsewhere?—A. I have never known the democrats to hold any meetings.

Q. They didn't hold any meetings in your county?—A. No, sir.

Q. Not previous to this election?—A. No, sir; not in our county.

Q. No democratic organization in your county?—A. Nor in this State, sir.

Q. In 1874 they fought under the banner of Judge Green for governor?—A. Yes, sir.

Q. He ran as an independent republican, and his ticket was called the conservative ticket, was it not?—A. The independent ticket.

Q. And as such was supported by the democrats?—A. Yes, sir; but the democrats never stumped our county for Green; the democrats have never stumped Beaufort County. I will make the statement, sir, that nary a democratic orator stumped Beaufort County previous to this election.

Q. Do you not state as a fact, drawn from your observation and from your familiarity with the colored republicans in that county, that no democratic orator could have gone in there during the last canvass and been able to get a hearing without going to your meetings?—A. No, sir; I don't believe any such thing.

Q. Then do you believe that if a democratic orator had advertised to make a speech in your county that he could have gone in there and the republicans would have turned out to hear him?—A. That is an addition to the question. I believe they would have gotten the republicans, more or less, to have gone out to hear him.

Q. Do you believe that they could have gotten a representative number of republicans to have heard him?—A. I don't know whether they could or not.

Q. Did not the democrats who came to these meetings of which you have spoken, asking or demanding a division of time, as you state, claim that the republican orators made incendiary harangues to the colored people, and that they proposed to set them right, and asked for an opportunity to answer?—A. They have never claimed that we made incendiary harangues at any other place than at Bronson.

Q. You state that this man Richardson stated there, from the stand, that if the radicals made their incendiary harangues to the people he would not be responsible for the peace?—A. He said that on the ground, sir.

Q. He did state that if the radicals made their incendiary harangues to the people he would not be responsible for the peace?—A. If they made their incendiary harangues, and told their damn lies, was his expression, he would not be responsible for the peace.

Q. Did you speak there that day?—A. I did, sir.

Q. Was it during your speech that you heard these observations, "That is a lie," &c. &c.?—A. During my speech and during Mr. Bampfield's speech, and in fact during all the speeches, even when Mr. Myers was speaking. Every speaker was interrupted more or less.

Q. You heard what?—A. The expressions, "That is a lie," or "It is not so."

Q. You never heard that at any political meeting before?—A. I never heard it in Beaufort County before.

Q. There never was any opposition in your county before?—A. No, sir.

Q. The republicans have always had it their own way before?—A. Yes, sir.

Q. Have you had any experience in political gatherings in the State outside of that county?—A. Yes, sir, I have.

Q. Where?—A. I have seen political meetings. I have never taken any part in politics only home here. In Pennsylvania if men had used the lie to the speaker they would have gone off with a broken mouth. There we had to take more than that—sons of bitches were used; a man came right by me when Mr. Bampfield was speaking and said, "Eh! that mulatto son of a bitch don't trim himself right; we will trim him," and it is a very poor man who is equally matched that will take a son of a bitch.

Q. Then you always spoke in your political speeches under this sort of influence, did you?—A. No, sir; that was at Bronson I am speaking of.

Q. My question is: In your political speeches have you spoken under a state of mind, under a state of influence of misconduct and abuse of these parties toward you such as you have here described?—A. Have I always spoken of it in my political speeches?

Q. No; in your political speeches have you spoken under the influence or in the state of mind that these white democrats, who cursed and abused you, and undertook to denounce you on account of your color, such as you here speak of in your testimony to-day—did you ever speak in that state of mind?—A. No, sir; I never experienced it anywhere else but at Bronson.

Q. I say, did you not speak in that state of mind?—A. Yes, sir.

Q. At Lawtonville, you say there were some 400 or 500 colored republicans there?—A. O yes, sir.

Q. And not exceeding 300 whites?—A. At the outside, if that.

Q. A part of those were composed of these men that came down from Bronson?—A. Yes, sir.

Q. How many came down from up there?—A. Well, now, as to the exact number I could not tell you.

Q. About how many?—A. I should judge about 70; now, there may not have been as many as 400 colored men at Lawtonville, but they were largely in excess of the whites.

Q. You say the colored men at Lawtonville are about as four to one?—A. Yes, sir; the vote will show it. All the census of that part of the parish will show it, sir.

Q. You say there was a colored orator spoke at Lawtonville?—A. Yes, sir.

Q. What was his name?—A. Becket.

Q. Where was he from?—A. From that vicinity; you know Lawtonville is not an incorporated place.

Q. He lives there, does he?—A. Yes, sir; he lives in that vicinity.

Q. You say you heard him, from the stump, defend the propriety and policy of men in discharging their employes if they did not vote with them?—A. Yes, sir; I heard him say that from the stump.

Q. What was his argument?—A. He said the republican party was the party against the whites of the South. They were the property-holders, and that as their ideas were altogether to the detriment of their political prosperity, that no man should employ a man who refused to vote for the party that represented his ideas.

Q. Didn't he claim in his speech, and didn't these white men that you speak of threatening to discharge their employes claim that, under the existing administration of the civil affairs of this State, their interests were being so damaged and they were so oppressed by taxation that they could not endure this state of affairs, and could not give employment to men who voted to perpetuate that sort of government?—A. Concerning this present administration, sir, do you mean?

Q. I ask you for the fact if these men whom you say you heard talking about discharging their men didn't state that as the reason?—A. I have heard white men give that as reasons, sir.

Q. Didn't this colored orator give that as the reason that day?—A. No, sir; because he has not the caliber to make such distinctions.

Q. Did he not display the average ability of the colored men of your county?—A. O, no; he is reputed to be of unsound mind at times.

Q. Who imputes that to him; the republicans?—A. No; the community.

Q. The republicans would impute unsoundness of mind to any colored man who would make a democratic speech, wouldn't they?—A. Well, now, sir, I declare if you don't ask the drollest questions. He has always been a republican up to this year. He has always, since I have lived up there, been reputed to be of unsound mind at any time, regardless of his affiliation or influence.

Q. But he never had any guardian?—A. I will answer your question. No man accuses anybody of unsound mind who acts upright with the democratic party.

Q. They accuse them of something worse, don't they?—A. I don't, for one.

Q. Don't your party?—A. I have heard—

Q. What reason did that colored orator give for defending that policy of the whites?—A. He gave his reason that the republican party was against the whites and against their interests.

Q. And he advised that simply as a defensive measure on their part?—A. Yes, sir; as a political defense; but the subject of taxation never came in with him.

Q. Is not taxation and misgovernment in your local State affairs, whether it be rightful or not—is it not asserted or made the ground of complaint on the part of the white people, and do they not give it as a reason for these threats that you state they have made, for discharging men that don't vote with them?—A. You use the word they. I state here that the whites do complain of the taxation. I have complained of it.

Q. What was the taxation of this State for the last year or two?

Mr. LAPHAM. I object to this line of examination, on the ground that it is not cross-examination, and is not competent to be proved in this way.

A. The State taxes for deficiencies and interest on the public debt, and the greater part of that debt has been occasioned by the democratic party—

Q. You know that is not an answer to my question. The simple question is, what are the taxes of this State for the last year or two?—A. I don't remember now the different items, but the last State tax was not more than ten mills.

By Mr. EDEN:

Q. That was just for State purposes?—A. Yes, sir; for paying deficiencies up, and the interest on the public debt, and charitable institutions, and all the government taxes.

By the CHAIRMAN:

Q. Then what other taxes had you in your county?—A. The tax in our county is three mills.

Q. In addition to the State tax?—A. Yes, sir.

Q. Was there any other tax?—A. The school-tax that the various school-districts chose to levy.

Q. What does that average?—A. On the main it averages about a mill.

Q. What other tax?—A. That is the only tax that I can think of now, sir.

By Mr. EDEN:

Q. Is there any State school-tax?—A. O yes, sir; that is included in the ten mills; the school-tax has been the custom, since reconstruction has been a fixture, of two mills on the dollar.

By the CHAIRMAN:

Q. What is the public debt of this State?

Mr. Lapham renews his former objection.

A. It is about seven million, (\$7,000,000.) Some persons say \$12,000,000, but the best information I can get to base my calculation on puts it at about \$7,000,000.

Q. Then the public debt of the State is not definitely known?—A. The democratic party impeached the definite statement. They say it is not a correct statement. Officially, sir, I have gotten it to be \$7,000,000. But that statement is impeached by the democratic party.

Q. Do you know what is the assessed value of the property of this State?—A. About \$140,000,000.

Q. Is it not the fact that the assessment of property in this State is very high?—A. No, sir.

Q. You say it is not?—A. No, sir. I can give you the assessment of the real estate if you want it.

Q. Is it not the fact that a great deal of the property of this State is assessed at more than its market value?—A. I don't know that.

Q. Have you no observation of that fact?—A. I have so heard it stated, sir, but I have no definite proof by which I know it. Taxed lands are assessed in my county all the way from sixty cents up to six dollars (\$6) on the acre. The rice lands, only those actually under cultivation, are assessed at fifteen dollars an acre. We have our assessment rates in our county, but I will not assume to know about other counties. It varies all the way from sixty cents on the dollar up to about six dollars—the average assessment in my county.

Q. Have not your newspapers this fall and the present month had their columns filled with advertisements of property to be sold for delinquent taxes?—A. Yes, sir; my own has been advertised, not because the taxes were too high, though.

Q. I am asking you for the fact.—A. Yes, sir; it is a fact that my own has been advertised.

Q. I am not asking about your property.—A. Well, I thought I would give you the answer. I can give you the answer why I advertised it.

Q. You speak about negro families coming on your place since the election. Is it anything unusual for these colored people to migrate and move around with their families?—A. Yes, sir. What is your question?

Q. Is it unusual for these colored people to migrate and move around with their families?—A. The distance they have come this year is very unusual.

Q. How far did they come?—A. They come from Barnwell County. Some of them all the way from Edgefield County down into our county.

Q. How do you know they come from there?—A. Because I have met men of reliability who say that they have them on their lands.

Q. You don't know yourself where they come from?—A. I have information in my possession.

Q. Do you know of your own knowledge where they come from?—A. Yes, sir.

Q. How do you know it?—A. Because I have a letter from a man who moved down—

Q. Do you as a lawyer say that the getting of a letter from another is personal knowledge?—A. If I can swear to his signature. When I know your signature, and you state to me in a letter that you have left your home and moved to such and such a place—

Q. You would consider that personal knowledge?—A. I would.

Q. And you are licensed to practice by the supreme court?—A. That is not really hearsay.

Q. It is not?—A. No, sir; I don't look at it as such.

Q. What is the difference between that party writing to you and meeting you in the road and telling you he left the place? Is not that hearsay?—A. I have every confidence, you must remember, sir. I have another knowledge. I met two men on the cars on Sunday who have been quartered on the place of my birth, who came from—I know where they came from—

Q. How do you know; did you see them start?—A. No, sir.

Q. Then, how do you know where they came from?—A. O, if you are going to ask those kind of questions—

Q. You state that it is unusual in this country for colored people to go from one



place to another, or even from one county to another.—A. In the manner in which they have done it this year—

Q. What was the manner of it?—A. In droves, sir.

Q. How many did you see with your own eyes?—A. I have not seen many men, but I can bring men who have seen them.

Q. You don't know even where these colored people who came to your place came from except from what you heard?—A. What they told me, every one of them, was that they came from Barwell County.

Q. And you state that it is unusual for colored people—families—to move from one county to another?—A. In the manner in which they have done it in this election.

Q. I have asked you, time and again, what you know about it, and you state it only from hearsay?—A. So help me God, I have never known of a single family moving from Beaufort County since reconstruction of my own personal knowledge; I have heard of them, but personally I have not known of a single family.

Q. Are not the times, in popular language, hard in this country?—A. Yes, sir.

Q. Money is scarce, is it not?—A. Yes, sir.

Q. Labor is depressed?—A. O, yes; labor is depressed.

Q. There are a great many farms untilled, are there not?—A. Certainly.

Q. And not always employment for the amount of labor that is here?—A. O yes, sir; there is employment, if they want it at the rates that people give and the kind of payment they can get.

Q. The people would employ the labor if it was profitable to do it, wouldn't they?—A. They do try to employ them, but they cannot get them to work for what they offer them.

Q. If the labor was done profitably they would offer more, would they not?—A. It is not the more they are after, it is the kind. They are perfectly satisfied with the prices that are offered, but it is the kind of payment that makes the laborer slothful.

Q. The kind of payment is regulated by a man's ability to pay, is it not; you would rather have a man's gold than his note, wouldn't you?—A. O, I would rather have his money than his note.

Q. Then you allude to the fact that people don't pay money, do you?—A. I have not said what they pay.

Q. Then I ask you if you don't allude to the fact that they don't pay in money?—A. A. No, sir; some of them go so far as to give notes payable in four and six years.

Q. Does not that prove that they haven't got the money?—A. O, I can't say, sir; a man might be hiding money and then live off the necessity of his fellow-man.

Q. And then his fellow-man might live off him if he could, might he not?—A. Yes, sir; but you know that intelligence, or the intelligent, has the advantage always of the ignorant.

Q. It has generally been the case, but not in your county?—A. In my county it is the case, sir.

By Mr. LAPHAM:

Q. Now, as to Mr. Johnston, I want you to state whether you used the description of him that you gave with any design to cast an imputation upon him?—A. None at all, whatever, sir.

Q. Personally, he is a friend of yours?—A. I have every reason, sir, to regard him as one of the best friends I have in the county.

Q. Is he the same person who interfered when old man Ellis came to your house, when you were struck?—A. Not to my house; to the trial-justice's house.

Q. He was the same person who came there?—A. Yes, sir.

Q. And are you now of the belief that his interference saved your life?

(Question overruled on the ground that the relations between the witness and Mr. Johnston is not a matter at issue and therefore not of inquiry.)

Q. In regard to the taxes, are the taxes at the present time greater or less than they have been in times past?—A. The last year's taxes do you mean?

Q. Yes.—A. The smallest tax that I have paid since reconstruction.

Q. The last collected is the smallest tax since reconstruction?—A. Yes, sir; the smallest tax we have had since reconstruction.

Q. How much have the taxes been reduced under the administration of Governor Chamberlain?—A. They have been reduced, sir, fully one-fourth.

Q. What is included in the State tax which you have testified about; what items go to make up those ten mills?—A. Three mills go to pay the public debt off; two mills is for the interest-fund, and the other mill or mill and a half—I forget the exact amount—is for the consolidated floating indebtedness in the way of comptroller's warrants. Then, a mill and a quarter of it goes to pay the salaries that might have become due during the last fiscal year, and the unpaid salaries of the previous year. There is a portion of a mill—nearly a mill—for the support of the penal and charitable institutions, the penitentiary, the deaf and dumb asylum, the lunatic asylum, the orphan house. I believe those are all the charitable institutions.

By the CHAIRMAN:

Q. Is not the Columbia College included?—A. And the University of Columbia, and the State normal school, and the college or high school—whatever you may term it—at Orangeburgh. Then two mills go to the public schools, and a mill and a quarter—it was one mill last year—for legislative expenses, which doesn't meet it.

By Mr. LAPHAM:

Q. You spoke of a deficiency tax?—A. The deficiencies are being paid off.

Q. What provision had to be made?—A. They had to levy a mill to pay the deficiency in an appropriation for interest of the previous year.

Q. A deficiency tax of one mill?—A. Yes, sir.

Q. Do you remember what the rate of State taxation was under the administration of Governor Moses?—A. It has been as high as sixteen mills, sir.

Q. Do you remember what it was under Governor Scott?—A. No, sir, I don't know what it was under those two men; but the highest were under those parties.

Q. Do you know how much the expense for the public printing has been reduced under the present administration?—A. It has been reduced from \$150,000 to \$50,000. The present year it is only \$30,000.

Q. Has there been any reduction of salaries under the administration of Governor Chamberlain?—A. My friend Mr. Myers and myself got a bill through the legislature which reduced the salaries of the State officers some \$60,000 per annum.

Q. When was that done; how long ago?—A. That was done under Governor Chamberlain's administration, the first year; reduced the salaries of State and county officers to the amount of \$130,000.

Q. How is it with the judges?—A. Their salaries, I think, are fixed by the constitution, sir.

Q. There has been no change in their salaries?—A. No change, sir.

Q. You say that lands are frequently advertised at public sale for taxes?—A. Yes, sir.

Q. You have mentioned that your own were advertised?—A. Yes, sir.

Q. How came that to be done?—A. Well, sir, it was not that the taxes were grievous, but because it was a doubtful title.

Q. You allowed it to be done to perfect title?—A. Yes, sir, to perfect title, and it is usually done that way.

Q. Do you know whether that is the practice through the State?—A. Yes, sir; that is the practice through the State.

Q. Is there any distinction made in the assessment of lands, whether they are by perfected or unperfected titles?—A. No distinction, sir.

Q. They are assessed at the rate of valuation irrespective of the class of titles?—A. Irrespective of the class of titles.

Q. What is the subject of taxation in the State except real estate?—A. The only things that are taxed are stocks and bonds of banking-houses, you know; incorporated bodies, jewelry, silver-ware, gold-ware, cattle, hogs, sheep, horses, and mules—animals that would be produced on the farms; dogs are subject to a tax.

Q. Upon what class of people in this State do the taxes fall?—A. The taxes mainly fall upon the land-owners.

Q. And not upon the laborers?—A. Not directly sir it falls upon the land-owners, sir.

Q. There is no poll-tax?—A. Yes, sir; there is a poll-tax on all male citizens.

Q. How much is that?—A. One dollar on the head, and that is devoted to the public schools.

Q. Where does the dog-tax go?—A. That goes to the aggregate tax for State or county purposes.

Q. About this subject of advertising during this campaign, has it been the practice to publish advertisements in regard to laboring people or in regard to business-men?—A. I don't understand the question, sir.

Q. Do men advertise as democrats their business in the public papers.—A. It has been done, sir, during this campaign; butchers, sir, fish-mongers, grocers, to a certain extent.

Q. During the campaign, has it been a subject of advertisement in the papers about men going on official bonds; have you not seen advertisements of individuals withdrawing from public bonds?—A. O, yes, sir; I have seen that, sir.

Q. Don't you know the fact that it has been difficult at times, during this campaign, to get signatures to an official bond?—A. Yes, sir,

Q. Has it not been so all through the State?—A. Generally, sir.

Q. (The witness being shown an advertisement.) Did you see that class of advertisements in the papers?—A. O, yes, sir; all through the canvass, sir; daily occurrences.

Mr. LAPHAM. I offer these advertisements in evidence as a sample of the character of advertisements that were published during the campaign.

(Offer overruled.)

Q. (By Mr. LAPHAM.) You have stated the fact that business-men have been accustomed to solicit custom by advertising in the papers their politics?—A. Yes, sir.

Q. Democrats or republicans?—A. Democrats.

Q. Have you ever seen a republican advertisement of that character?—A. No, sir, I have not.

Q. Have you ever seen a republican notice against men signing official bonds?—A. No, sir.

Q. Or in favor of discharging men from employment?—A. No, sir; I have never seen any such notices.

Q. All that has been confined to the democratic press?—A. To the democratic press, sir.

By the CHAIRMAN :

Q. What papers did you see such advertisements in that you speak of?—A. The News and Courier, sir.

Q. Did you ever see it in any other paper?—A. I never took the Journal of Commerce.

Q. Did you ever see it in any other paper?—A. No, sir; I have never taken special notice of it.

Q. The advertisements you speak of were in the News and Courier, published here in Charleston?—A. Yes, sir; in the News and Courier published in this city.

Q. These advertisements you have seen about signing official bonds, what were those advertisements?—A. They were notices to citizens not to go upon republican official bonds, and by so doing prevent their qualifying.

Q. Then the republicans relied upon the democrats to go upon their bonds to make them good?—A. O, yes, sir.

Q. Within the range of your observation, are not the great majority of the county office-holders of your county colored men?—A. No, sir; I could not make any such statement as that.

Q. Who are the county officers of your county?—A. The county officers in my county, sir, are pretty well divided.

Q. I ask you who they are.—A. George Holmes, a white man, county treasurer; H. G. Judd, a white man, clerk of court; S. D. Gilbert, a white man, school-commissioner.

Q. Was he elected this year?—A. He was not elected this canvass; he is off at Massachusetts. I am giving you those who are holding office. You know there is a dispute yet concerning the right to hold. All these I am calling are republicans: probate judge, a white man; two out of the three county commissioners, white men; the sheriff, a white man; the deputy sheriff, a white man; three clerks in the auditor's office—during the months of October, November, and December, they generally have an additional force of three in the office to arrange the books of the assessment of property—white men. I will now give you the colored men: out of sixteen trial-justices twelve are white—we have the strongest republican county in the State—and four colored trial-justices; one county commissioner, colored; colored auditor. Now, sir, you can make the comparison and you will see.

Q. Who are your members of the legislature?—A. Now the members of the legislature, six out of the seven of the old house are colored and one white.

Q. Who is the senator?—A. The senator is a colored man; jury commissioner, and county officer, a white man; the treasurer's clerk is a white man.

Q. All the clerks are white men, are they not?—A. No, sir.

By Mr. LAPHAM :

Q. How about the constables?—A. The constables are about equal. Twelve out of the sixteen trial-justices are white; we have four colored trial-justices.

By the CHAIRMAN :

Q. What clerks are colored?—A. The auditor has a colored clerk in his office; the clerk of the board of county commissioners is colored. These are the only two colored clerks I know of.

Q. You say there is a poll-tax in this State?—A. Yes, sir.

Q. Do all the voters pay this tax before voting?—A. No, sir.

Q. Is this poll-tax collected?—A. The tax of a dollar is levied upon each male citizen between the years—

Q. Is not that only collected from tax-payers?—A. It is collected, sir, from the mass. When I said the taxes principally fell upon the whites—

Q. Do you state there is a poll-tax collected from all the voters in this State?—A. Not from all, but from the most of them.

Q. Is it not collected from those who are put upon the assessment-list, and collected by the tax-collector?—A. Some of them who don't pay a dollar's worth of tax pay their poll-tax in my county.

Q. Have you ever seen it done?—A. O, yes, sir; I have assisted in collecting.

Q. Do you state it here as the fact that the voters in your county pay a poll-tax—all of them?—A. I didn't say all.

Q. Or any considerable portion of them?—A. Yes, sir, I do; a considerable portion of them. The treasurer's books will show that I am correct.

Q. Is there any law in your State that prohibits a man from voting until he has paid his poll-tax?—A. No, sir.

Q. You say that the cause of a good deal of this advertising of land for delinquent taxes is in order to perfect title?—A. Yes, sir.

Q. What is the cause of doubtfulness of titles?—A. In my own county, right after the war—to say nothing of the records that were destroyed during the war—our court-house was destroyed, and the records. For instance, the whites in our State, the majority of them, are illiterate people, and they themselves are not competent, many of them, to make their titles, and the whole dependence upon the correctness of their titles is by the records, and our court-house was burned down.

Q. That obtains in your county. Do you state it to be the fact that through the State the primary, or the most general, cause of the advertising of lands for delinquent taxes, is in order to perfect title.—A. No, sir, I didn't say that.

Q. That obtains in your county, you say, on account of the destruction of the records?—A. Yes, sir; I say that it has been the case in my county; but I didn't use the words "primary or general cause."

Q. You gave that as the reason for this advertising?—A. For a great portion of the advertising.

Q. Has not a great deal of land been sold in your county for real taxes?—A. Yes, sir; real taxes.

Q. You say that your legislature has reduced salaries \$60,000?—A. About \$130,000, in county and State, I said, sir.

Q. When was that done?—A. The first winter that Chamberlain was governor.

Q. The salaries of officers under previous administrations had been increased to an enormous extent?—A. Not increased, but placed at a high figure in the start of the republican government. I don't know of any increase from year to year; but they were placed at an exorbitant rate, compared with our income. Because as one who fathered the bill—

Q. You say you were instrumental yourself in reducing those salaries?—A. The bill was introduced by my colleague, and he resigned, and it was left to my charge.

Q. You introduced a bill in this last legislature to pay Mackey a bonus of a thousand dollars?—A. To give him a gratuity of a thousand dollars, and it had been the custom in this State ever since reconstruction.

Q. To give the speaker an extra thousand dollars?—A. Yes, sir.

Q. Has that always been done, to give the speaker an extra thousand dollars?—A. In some instances it has been higher than that.

Q. Does he not receive his stipulated per diem?—A. He receives his \$600, as any other member.

Q. You say the public printing has been greatly reduced?—A. It has been reduced for the last two years.

Q. Was there not a great outcry against the extravagance of the public printing?—A. Yes, sir; there was.

Q. Where is the public printing done?—A. It is done by the Republican Printing Company, as it is called.

Q. Where?—A. In Columbia.

Q. What paper has it?—A. No paper.

Q. Is that Republican Printing Company constituted under a law of the legislature?—A. It is an incorporated body.

Q. How do they get the contract for the printing?—A. The law requires the clerks of the two houses to advertise for bidders and the lowest bidder shall get the contract. And the first time it went into operation was two years ago under Mr. Chamberlain's administration. The old Republican Company, who had been doing the printing during the days when it was loosely carried on, placed it at the lowest bidder, and they got it.

Q. Under the former administration it was placed also to the lowest bidder?—A. No, sir; there was no such law under the former administration. This is an improvement upon the former administration. The law was passed under Moses.

Q. That law was passed during Moses's administration as to letting it to the lowest bidder?—A. Yes, sir.

Q. Who decides upon letting it to the lowest bidder?—A. The committee of the house and senate meets and opens the sealed proposals, and they determine who is the lowest bidder.

Q. Who has done the printing under the operation of the new rule?—A. The same Republican Printing Company that did it under the loose system.

Q. That Republican Printing Company is in existence and doing the printing yet?—A. Yes, sir. This year it is reduced still further from \$50,000 to \$30,000.

Q. Under their own bid?—A. Yes, sir.

Q. The public printing this year is greatly reduced in the amount of work, is it not?—A. Yes, sir; the work is greatly reduced.

Q. Columbia College you say is supported by the State?—A. Columbia College is supported by the State.

Q. What does that cost a year, do you know?—A. About \$20,000; between \$20,000 and \$25,000 a year.

Q. Each student in the college is allowed twenty dollars a month?—A. Not each student; each county has a certain quota.

Q. How many?—A. As to the inhabitants.

Q. What is the ratio of representation for each party?—A. Our county is entitled to two and we send seven members.

Q. And those that each county is entitled to get twenty dollars a month?—A. Yes, sir.

Q. How long do they go—until they graduate?—A. Until they graduate.

Q. And that costs how much a year?—A. About \$25,000; salaries and all included, \$25,000.

By Mr. LAPHAM:

Q. Including professors and all?—A. Yes, sir.

By the CHAIRMAN:

Q. How much of that is paid to professors?—A. I don't know exactly.

Q. How many professors are there?—A. Some six or eight.

Q. What are they paid?—A. They are paid from \$1,000 to \$1,500.

Q. How many counties are there in the State?—A. There are thirty-two counties in the State.

Q. Each county gets not less than one, I suppose?—A. No, sir; not less than one.

Q. Each county I say is entitled to two, is what I mean?—A. Yes, sir.

Q. And then they are graded in proportion to the population?—A. Yes, sir.

Q. And your county has two?—A. Yes, sir.

Q. When did you come here to Charleston?—A. I arrived here last night.

Q. Where did you come from?—A. I came from Grahamville.

Q. Why did you come here?—A. I came here on business.

Q. You were not requested to come here?—A. Not requested?

Q. Yes.—A. I don't understand your question.

Q. You were not requested by this committee to come here?—A. No, sir.

THOMAS H. GARNER (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. Lawtonville, sir.

Q. How long have you lived there?—A. Well, sir, I have been living there I suppose about thirty-four years, sir. I believe that is about my age, sir. I was born there.

Q. Were you a slave?—A. No, sir.

Q. What precinct did you vote at?—A. Lawtonville, sir.

Q. Were you one of the managers?—A. I was, sir.

Q. What time did you get there?—A. Well, I got there about half past five o'clock, I suppose, sir, or maybe a little earlier.

Q. Who were the other managers?—A. C. H. Wilcox, and another gentleman by the name of Levy Chabers.

Q. Who was the democratic manager?—A. Mr. Wilcox, sir.

Q. A white man?—A. Yes, sir.

Q. State the occurrences of that day; the conduct of the election, what occurred there, and the manner of the people during the day?—A. I never saw anything occur. The election all went off peaceful and quiet, sir.

Q. Was there any interference with the electors with regard to the votes they should cast, that you saw?—A. I never saw any, sir.

Q. What did you witness in that respect?—A. All that I know about it, sir—of course I was there during the day, and I never saw any disturbance whatever.

Q. Did you see any instance where a man was asked the kind of ballot he wanted?—A. Yes, sir; the ballots were lying on the table, a portion of them, sir, of both kinds, the democratic tickets and the republican, and I tell the n—there was a great many persons who could not read—and I tell them, says I, "There is ballots lying on the table." I says, "Any man is liable to vote for who he chooses; and if a man wants to vote the democrat ticket or the republican ticket, and he don't know, it is our duty to tell you which they are."

Q. Did you see any ballots given during the day to persons who wanted democratic ballots?—A. No, sir.

Q. Was there any disturbance of the proceedings by an organization or a procession?—A. No, sir. Once, of course, there was some persons come along there. I sup-

pose—well, they was nearly boys, the height of them was, sir. Some of them come with a drum.

Q. What time was that?—A. That was in the afternoon. I suppose about one or two o'clock; just about that time.

Q. Who composed that procession?—A. I could not well say, sir, who they was. That was in People's store. I saw them passing the road, and they went up the road somewhere about Wilcox's store, and they broke and come back and voted.

Q. How far from the poll was that to Wilcox's where they went; how far from the poll?—A. I suppose it is about fifty yards; I reckon about that.

Q. Did you see any interference with the freedom of election that day on the part of anybody?—A. No, sir.

Q. Did you hear any complaint?—A. I did not, sir.

Q. What time did you get through with the canvass that night?—A. Well, I disremember now; but I know when I got home it was twelve o'clock, and I had four miles to walk, sir.

Q. About what hour was it?—A. I guess it was somewhere about between ten and eleven o'clock, sir.

Q. Who drew the returns?—A. Mr. Wilcox.

Q. Is he a democrat?—A. Yes, sir.

Q. State whether they were signed by all the managers.—A. Yes, sir.

Q. Any complaint in regard to them?—A. No, sir.

Q. Any protest made with them against the fairness of the election?—A. No, sir.

Q. Have you ever been a manager before?—A. Yes, sir; I have been a manager some three or four different times.

Q. When—in what years?—A. Two years ago I was; and then two years before that; and I think last some time during the last year; I forget now what time it was exactly.

Q. Two and four years ago you were a manager?—A. Yes, sir; during four years ago.

Q. How does the election at this poll this year compare with prior years as to its being orderly and peaceable?—A. Good order, you mean?

Q. Yes.—A. It compares in good order. It always has; no disturbance whatever, as I saw, sir.

Q. What is your business?—A. Farmer, sir.

Q. Do you own or rent one?—A. I don't own any. I don't rent any. I live on the place that belongs to my father-in-law.

Q. You married a place?—A. Yes, sir.

Q. You came here in company with Ellis and others yesterday?—A. Yes, sir.

Q. Who requested you to come?—A. Mr. Mulligan, sir.

Q. Mulligan, the trial-justice?—A. Yes, sir.

Q. Had you any business here?—A. No, sir; no more than that, sir.

By the CHAIRMAN:

Q. What time of day was it when you saw this party come up with the drum?—A. I say it was about one or two o'clock, sir.

Q. Where were you when they came up?—A. Me? I was in People's store, sir. We opened polls in his store.

Q. Then you were at the ballot-box when you saw them?—A. Yes, sir; I was at the ballot-box.

Q. They came up to the store?—A. They passed by, sir.

Q. Did they pass there more than once?—A. Well, I never saw them just when they passed by, going, sir.

Q. How many were in that party?—A. Well, I would suppose, as well as my memory serves me, there was about twenty-five or thirty; but then they were not all voters. There was a great many of the boys at Lawtonville joined with them—the beating of the drum, and passed through.

Q. Did they have flags?—A. They did, sir; had one, I believe.

Q. Did you hear that drum beating around there in the evening?—A. No, sir; I never heard it any more after the first time they came, sir.

Q. You didn't hear it any more?—A. No, sir; not as I remember.

Q. Did you see them drilling any that evening?—A. No, sir.

Q. Did you hear them?—A. I could not say positive that I did hear them. I would not say positive that I heard the drum, but I know they didn't drill any more in front of there.

Q. Don't you know that they did drill after that?—A. I could not be positive, because I didn't see them.

Q. Did you not hear them; did you not know of their drilling?—A. No, sir.

Q. How many votes were polled there?—A. Well, if my memory serves me right, I think there was 430.

Q. How many democratic votes?—A. I would not say positive. It was 430 or 426, and there was, I think, 125 democrat votes, sir.

Q. How many white men voted there that day out of that number?—A. Well, I don't know, sir.

By Mr. LAPHAM:

Q. About how many?—A. I will tell you what I do know—

By the CHAIRMAN:

Q. You kept a list of the whites and blacks that voted, did you not?—A. There was 140 democrat votes cast, and out of that there was 40 colored votes, sir.

Q. Who did you say were the managers?—A. Myself and Mr. Wilcox, sir.

Q. Is he a white man?—A. A white man, sir; there was two colored and one white.

Q. Who was the supervisor?—A. Mr. Morrison, I think, sir.

Q. Is he white or colored?—A. White, sir.

Q. Who was the clerk?—A. There was no clerk, sir; Mr. Shafer acted as clerk. He was a manager. I held the box, and Mr. Wilcox he swore them, sir.

By Mr. LAPHAM:

Q. Did he swear them all day?—A. Yes, sir; he swore every one.

By the CHAIRMAN:

Q. What was the color of the republican ballots?—A. Do you mean of both tickets, or of the republican ticket?

Q. The republican ticket.—A. They were white tickets, with the names printed on them in red.

Q. It had a red eagle on it, had it not?—A. Yes, sir.

Q. And the democratic tickets were printed in black?—A. Yes, sir.

Q. Isn't there a colored military company in that neighborhood?—A. There was, sir.

Q. When?—A. Well, up to the 16th or 18th of November; about the 18th, I think, sir.

Q. What became of it then; did it disband?—A. No, sir; the guns was called in, sir.

Q. About the 18th of November?—A. Yes, sir; as well as my memory serves me. It was about that time, sir.

Q. When was that company organized? Was there more than one company in that neighborhood?—A. Yes, sir; so I was informed. I never saw any more. There was a company down at Robertville, and one to Bronson.

Q. Who was the colonel of the organization?—A. Sheriff Wilson, sir.

Q. How many men were in this militia company there at Lawtonville, where you live?—A. When they was first organized, I think it contained about one hundred, sir.

Q. When was it organized?—A. Four years ago.

Q. And continued up until the 18th of November?—A. Yes, sir.

Q. What was the occasion of this disbandment then?—A. Well, sir, it was on regard—a riot occurred at Stafford Cross-Roads.

Q. About the killing of those men, Sohuman and Chaney?—A. They were killed; yes, sir.

Q. What was the other man's name that was wounded?—A. Abram Deloach.

Q. You were a lieutenant in that militia company, were you not?—A. I was, sir; a second lieutenant.

Q. State briefly what you know about that riot of which you speak, and which was the occasion of the disbandment of this militia.—A. Well, all I know about that, sir, I saw the parties were dead, and it was reported that the riot was raised by some colored men, and that the damage was done with some of those State guns; and that is why they was called in, I suppose.

Q. Were you not at this trial at the justice at the time the warrant went out for the arrest of these men for the whipping of a colored man named Peter Johnson?—A. No, sir. I passed through there the same afternoon about sundown, or may be a little before sundown.

Q. State what you know about it.—A. That is all I know about it. I passed through there, and I met Mr. Causy standing at the cross-road, and met a Mr. Milligan, and James Hamilton, and Mr. John Tooton, living at the cross-roads, and when I rode up—I was going home—and I rode up to Mr. Hamilton, and he asked me, "Ain't you a member of that company up there?" and I said I was, and he says, "Yonder is some of your men out there on the road with guns." It seemed they had taken a prisoner away from Mr. Causy. "Well," I says, "I will go and see them;" and I went on to them, and I asked them what they was doing there and what was the matter.

Q. Was the prisoner taken away from Causy or not?—A. I could not state. I never saw him.

Q. Was the prisoner there when you went there?—A. No, sir. I never saw him. If I did, I don't know him. He wasn't at the cross roads.

Q. That was after they had come up to the cross-roads?—A. Yes, sir.

Q. How far off from the cross-roads were these men they pointed out to you, who they said had taken the prisoner?—A. About 200 yards.

Q. How many were there together that you saw?—A. I saw five, sir.

Q. Were they armed?—A. About three of them was, but I wouldn't say the others was not.

Q. What were they armed with?—A. They had the United States guns.

Q. With bayonets?—A. Bayonets; yes, sir.

Q. Did you see what became of them—which way they went?—A. After I passed them, I told them, "Men, you take a fool's advice and go back home." After I had passed them, I suppose about four or five hundred yards, I reckon it was, I looked back to see whether they was going on or coming back, or what, and it seemed to me I saw them coming back—saw the people coming back toward me—so I said to myself they must be coming back. I went on and I met another man, and I said, "Where are you going?" And he said, "I am going down to the cross-roads." And I said, "You take a fool's advice and go back." He said he had no business with me, and turned right around and went back home.

Q. You didn't see any more of them that evening?—A. No, sir.

Q. When did you see these men that were killed?—A. About eleven o'clock, I reckon—ten or eleven o'clock the next day.

Q. Where were they when you saw them?—A. I saw Mr. Schuman. He was at the cross-roads.

Q. Was he dead?—A. He was, sir.

Q. How was he shot—if he was shot at all?—A. I could not see whether he was shot, or how. I never looked at him much. I saw his head was split open; whether it was done by a ball, or how, I could not tell.

Q. Who was the other man that was killed?—A. Mr. Chaney.

Q. Who was the man who was wounded?—A. Abram Deloach.

Q. Did you see him?—A. No, sir; I didn't see him.

Q. Is that all you know about it?—A. That is all I know about it.

Q. Did you see any of those parties afterward, in arrest?—A. No, sir.

Q. Have you seen them since?—A. No, sir.

Q. Did you know the colored man Peter Johnson who was whipped?—A. Yes, sir; he told me that his name was Peter Gaul.

Q. He goes by the name of Peter Johnson, doesn't he?—A. Sometimes they call him Peter Johnson, and I heard him say he was Peter Gaul.

By Mr. LAPHAM:

Q. When you saw these people you advised them to go home?—A. I did, sir.

Q. And you supposed that seeing people coming after you that they were returning home?—A. Yes, sir.

Q. Who was killed, did you say?—A. There was Mr. Schuman and Edward Chaney, sir.

Q. Who was Chaney?—A. A colored man, sir.

Q. Wasn't there a colored woman killed?—A. No, sir; she was wounded in the arm, sir.

Q. Did you see her?—A. I did, sir.

Q. Where was she wounded; whereabouts in the arm?—A. I think it was along about the elbow. It was shot, so she said. I didn't see the place myself. I saw the blood on there, and saw it done up.

Q. When had this company been under drill; you say they were organized some four years ago; when did they last have any military meeting to your knowledge?—A. I suppose it was—I forget the time, now, that they drilled last; but I think it was about a month and a half, or may be two months, before the election. We drilled there three months, sir.

Q. That was the army regulation?—A. Yes, sir.

Q. Did you ever see them organized as a company after their last drill?—A. Well, the first time they was organized—they never was organized but once, sir.

Q. Have they drilled any since the last drill-day to your knowledge—any meeting, I mean?—A. No, sir.

Q. You were one of the officers, I think you said?—A. I was, sir.

Q. Did that company, as a company, have anything to do with the election?—A. No, sir.

Q. Or the campaign?—A. No, sir.

By Mr. EDEN:

Q. They were all colored men, were they not?—A. Yes, sir.

Q. And all republicans?—A. Well, I could not say. They have been republicans; but some changed, and voted the democratic ticket the last election.

By the CHAIRMAN:

Q. How many of that company that you know of voted the democratic ticket?—A. I know of a man by the name of Jerry Beckett.

Q. He was a colored orator, was he not?—A. No, sir; that was Charles Beckett that



made the speech, sir. Charles Beckett belonged to that company. He complained of rheumatism and he did not drill for some time. And there was Jerry Garner, my brother, and he voted the democrat ticket. He belonged to the company.

Q. Those two you know of?—A. Those two; yes, sir.

Q. Did you not have a club organization?—A. No, sir.

Q. Did you never meet as a club?—A. Well, we had a society.

Q. What did you call it?—A. The name of it was F. N., sir—Fear Not.

Q. How often did that meet?—A. Well, sir, we met the last Friday in every month.

Q. How long did you meet just before the election?—A. Well, now, to say how long we meet before the election—

Q. When was the last meeting you had just before the election?—A. The last meeting we had before the election—the last meeting, week before the election, we didn't meet. The president was down to Beaufort, and there was a some little business they wanted to attend to, and it was put off till the next meeting—until the next month.

Q. When did you last meet just before the election?—A. The last meeting before the election was, I think, in September. I think our last meeting was in September.

Q. Did you have no meeting after that?—A. No, sir.

Q. Did you not meet and adjourn because the president was not there?—A. No, sir.

Q. Never came together at all?—A. No, sir; but we was to meet in November, but we didn't do it, sir.

Q. When was that association organized?—A. It was on last New Year's day, sir. This coming Monday will be a year ago.

Q. Who were the members of that association; how many men?—A. I think it contained about fifteen, sir.

Q. Were the men of that association members of this military company?—A. Some was, and some was not.

Q. You were a member of it?—A. Yes, sir.

Q. What officers did that association have?—A. It had a president, and a clerk, and an assistant clerk, and a treasurer, sir.

Q. What was requisite to become a member of that association?—A. What they required before they became a member was a dollar, sir.

Q. Was that all?—A. That was all.

Q. Could anybody join it that paid a dollar?—A. Yes, sir; that is what you had to pay to become a member.

Q. Nothing else required?—A. No, sir; and 25 cents a month.

Q. It was a political association, was it not?—A. No, sir; it was not a political association.

Q. Had the republican party no political club in that neighborhood?—A. No, sir; not as a general thing. No more than societies about. As I first said, they had one in the neighborhood of Lawtonville, but then that was organized, I think, before the one I was a member of. It had broken up some time ago, sir.

Q. Had they no political organization there at the last canvass?—A. No, sir.

Q. No clubs?—A. No, sir.

Q. How, then, did they organize a company?—A. Well, I don't know about that. Of course we had by-laws written up—statutes that we was to have them signed by the executive code; that was the obligation of each member of this society.

Q. Each member of the society had what?—A. The by-laws; we was under an obligation, of course—the members of the society.

Q. To support the republican ticket?—A. No, sir.

Q. I asked you if the republican party in that country there didn't have any political clubs at all?—A. No, sir.

Q. Nor had no party meetings?—A. No, sir.

Q. Nor had no organization?—A. No, sir; not as regards that, sir.

Q. Well, as regards what else?—A. You asked me, if I understand you right, if the republicans had clubs made up, having each other under an obligation to support the republican ticket?

Q. I asked you if you didn't have political clubs in the republican party—associations—to which the members went?—A. No, sir.

Q. Never did have?—A. Not as I know, sir; I never was in any. I do not know.

Q. Where were the guns of this militia company kept?—A. The guns of this militia company? I suppose each man kept his own gun, sir; and they did; each man kept his own gun, or had his gun, rather, sir.

Q. Kept his gun at his house?—A. Yes, sir.

Q. Did you see any guns at the election on that day?—A. I never saw a gun, sir.

Q. Did you see any arms of any kind there?—A. I never, sir.

Q. You didn't go out of the house to where this company was?—A. I never saw any company out. I went out once to get water, but I never saw any at all, sir.

Q. Where did this drum come from that you saw there?—A. This drum come from down the road.

Q. Didn't your militia company have a drum?—A. I don't know who had the drum then, sir. Perhaps it might, or perhaps might not.

Q. Didn't your militia company have a drum?—A. O, yes; we had a drum.

Q. These fifteen or twenty-five men that you saw, didn't they belong to your militia company that came up there?—A. Some of them did.

Q. Didn't they all?—A. No, sir.

Q. About how many was there in that company that didn't belong to your company?—A. Well, I couldn't well say who they were, because I didn't take much notice of them.

Q. You didn't take notice to see who composed it?—A. I know I heard a heap of boys that staid right there in Lawtonville.

Q. The boys would very naturally follow a militia company—a drum?—A. I suppose they would generally do it.

Q. How far was this poll from Lawtonville where you were voting?—A. Right in Lawtonville, sir.

Q. These boys you saw pass belonged in Lawtonville?—A. Yes, sir.

By Mr. LAPHAM:

Q. How many persons going by in that procession were voters?—A. Well, I said I guessed there were some ten or fifteen.

Q. The balance were boys, were they?—A. Yes, sir. Well, there were some boys and some girls.

By the CHAIRMAN:

Q. They were following along?—A. Yes, sir; they were following along.

By Mr. LAPHAM:

Q. Do you say this was a drum belonging to that military company?—A. No, sir.

Q. Do you know whether it was or not?—A. I wouldn't be positive. I say we did have a drum that did belong to that company.

Q. Weren't there any other drums in that town?—A. Well, I have seen another drum up there, sir, about three months ago.

Q. Do you know which drum it was?—A. I do not know which one it was.

Q. Who was the drummer of the company that you belonged to?—A. The drummer in our company was Zachariah Williams, sir.

Q. Had he the custody of the drum as the other men did of the guns?—A. Yes, sir.

Q. Was he the drummer on this day? Was he the person drumming on the day of the procession?—A. If he was, it was more than I know.

Q. Did you see him there at all?—A. I think I saw him at Lawtonville, but I could not say I saw him with those parties that was going along in the road.

By the CHAIRMAN:

Q. He was there at the election?—A. Yes, sir; he was there at the election.

By Mr. LAPHAM:

Q. Was it before or after this procession that you saw him?—A. I thought, as well as my memory serves me, I saw him there in the early part of the day.

By the CHAIRMAN:

Q. What leads you to believe it was in the morning that you saw him?—A. I say as far as my memory serves me, I think it was in the morning that I saw him.

Q. Did you not see him there in the evening?—A. I could not say positive that I saw him there.

Q. Can you say positively that you saw him there in the morning?—A. I say as well as my memory serves me, I think I saw him in the morning.

Q. You cannot say positively whether you saw him or not?—A. In the morning, do you mean?

Q. Yes.—A. I would not be positive on it that I saw him in the morning or in the evening; but it seems, as well as my memory serves me, that I seen him in the morning.

PETER JONES (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your age?—Answer. Twenty-eight.

Q. Where do you live?—A. I live at Sheldon plantation, about three miles from the Sheldon station.

Q. In what county?—A. Beaufort County, sir.

Q. How long have you lived there?—A. O, I was raised there.

Q. Where did you attend at the late election?—A. At Gardner's Corner.

Q. Did you vote there that day?—A. Yes, sir; I vote that day.

Q. What time did you get there?—A. I go there about six o'clock in the morning or a little earlier. I didn't have a watch at that time.

Q. How long did you stay?—A. I staid till nearly sunset—nearly time for the polls to close—before I come home.

Q. Do you know about how many people voted there that day?—A. I can't tell rightly. I suppose 617 or 618.

Q. How many democratic votes were polled out of that number?—A. About 19, I think.

Q. How many white persons attended that poll?—A. I can't tell rightly, sir.

Q. State about the number.—A. I suppose about 13.

Q. You say you got there about six o'clock, and didn't vote till late in the evening?—A. Yes, sir.

Q. Why did you not vote earlier?—A. Because I was afraid to vote.

Q. Why were you afraid to vote?—A. The time of the strike—I suppose you heard of the company's strike they had down there—I was taken and whipped in that strike, and threatened not to vote on that day the way that I wished to vote. In the strike they came after me to go. I said, "I can't go in the strike, because Mr. Fuller gave me certain wages, and I stay with him;" because \$20 could support me, and for that reason I didn't want to go in the strike; and they said if I don't come in the strike they would hit me 180 lashes on the bare skin. I thought that was very hard. They hit me eight or ten, and my wife began to squall, and one fellow cut her across the head and she begged me to strike, and I did go. On the day of the election they say if I vote the democrat ticket they shoot me. I tell them I would vote for General Hampton this time, because the way the strike is going on, and nobody to govern us, and in a mob like that of eight or ten hundred of them, and make a man to do what they have no right, and the Constitution of the United States didn't allow cowhiding. I would not vote for that governor at all. They said if I vote for Hampton they kill me, and so I had to wait till I got a chance to vote.

Q. Did you see any parties on your way to the polls?—A. O, lots of them were all along the road in every direction looking out for fellows who was going to vote the democrat ticket.

Q. What did they say to you?—A. They asked me that morning if I was going to vote the democrat ticket.

Q. Whereabouts did they ask you?—A. I suppose about half a mile before I got to the polls, on the causeway about half a mile. I tell them I didn't know what I was going to do; I intended to vote some way or another. They say if I vote the Hampton ticket they knew what they was going to do about it with me. So I went there late in the evening, and I had a chance to vote the way I wanted. A good many fellows who wanted to vote the way I did didn't, because they was afraid.

Q. How many colored men did you see there who you heard say wanted to vote the democratic ticket, but were afraid to vote it?—A. I can call them by name.

Q. About how many?—A. I suppose about nineteen or twenty of them; a good many didn't vote at all.

Q. They went away without voting?—A. They went away without voting.

Q. Did you hear parties making any threats that day what they would do with colored voters if they voted the democratic ticket?—A. They didn't make them at the polls, what I call threats; they did it off from the polls. They said they wouldn't make any threats right at the polls, because they was afraid the election would be a counterfeit; and if any fellows wanted to vote the democrat ticket, to wait till they got away from the polls, and then take them and cowhide them.

Q. Did they interfere with you any other way besides that?—A. Yes, sir; they did. They never catch me to cowhide yet, but I have to keep mighty close.

Q. Did they take your horse?—A. They took my horse when I went to fetch Tom Yeates. He lives near about there; but he was unwell and was unable to ride, and didn't have a horse, and only had a mule; so I take my horse that day for him, and they takes my horse and buggy from me.

Q. Who took them from you?—A. The crowd was so large, and I was so scared at the time—

Q. Were these colored men who were tending that poll?—A. O, certainly, colored mans that voted at that poll.

Q. They intercepted you on the road, and took your horse and buggy from you?—A. Yes, sir; both from me. I never get it till a good while afterward. They leave my horse at my friend's house, Sam Polites, to take care for me. He vote the republican ticket, and he take care of the horse because he and I was sort of intimate friends, and because he couldn't send the horse to me. He had a gun that belonged to me at the time of the strike, that they take away from me, and when I could come there myself he would let me have the horse, and so I went there one evening and brought the horse off after night. Some of the boys said they would go to Beaufort to vote.

Q. About how many colored men went away from that poll that were afraid to vote the democratic ticket?—A. About nineteen or twenty.

Q. How far were they from Beaufort?—A. It was about seventeen miles from my house; I was fifteen miles from the poll; they could go by railroad.

Q. Did all these men who could not vote there say they were going to Beaufort, or only some of them?—A. Some of them. I suppose those that had money went, and those that didn't have money didn't go; I can't be certain about that.

Q. Were those parties at the polls armed in any way?—A. I didn't see any arms.

Q. Did you see any clubs?—A. O, yes, lots of clubs was there; the same striking clubs, they had them there.

Q. The same clubs they had in the strike?—A. Yes, sir.

Q. What sort of clubs were they?—A. Clubs about a long as my arm; 2 foot, pretty near, with tacks driven in the head, and a little hole bored in them and a string around their wrists.

Q. Did many of them have those clubs at the polls?—A. O, not as many as in the strike, but lots of them were there, sir.

Q. Did you see them examine the tickets of men there that day?—A. They did that, sir; they examined the tickets. I saw them take men's tickets from them, to see whose ticket they were going to vote. Those mens, of course, was a little ignorant and ain't got pluck enough and judgment enough to take care of their own self; and they took the ticket and examined it.

By Mr. LAPHAM:

Q. Did they examine your ticket?—A. No, sir; they never examined my ticket, sir.

Q. Where did you get it?—A. I got it from Mr. John Tolbert, one of the clerks in the store.

Q. At the voting-place?—A. Yes, sir; at the voting-place.

Q. What time did you get it?—A. In the morning, just a little while after I gets there. But I had it in my pocket.

Q. Were you not afraid you would wear it out, carrying it so long?—A. No, sir; I fold up money in my pocket and it would stay there for weeks.

Q. You were there all day, or nearly all day?—A. All day.

Q. You heard no threat except what you stated was said to you when you were there?—A. No, sir; not right at the poll.

Q. You heard none anywhere except what was said to you while on your way to the polls?—A. Yes, sir; that is all. What was said to other parties I can't say; I never hear them.

Q. When was this strike that you speak of?—A. This strike was some time in August. I don't know; August and September—'long about the last of August and the first of September.

Q. Where was that?—A. The strike commenced in Colleton County first, and went right straight over in Beaufort County.

Q. Who was the strike among?—A. It was among the colored people.

Q. What was it about?—A. About wages and checks and one thing or another like that.

Q. What kind of checks?—A. Printed in Charleston here. The planters generally pay checks and cash them every Saturday night; their note for fifty cents or twenty-five cents, on such a plantation as J. A. Bissell, Shelden, or Cypress; their note for fifty cents at such a time.

Q. Didn't they take them up at a discount, for less than their face value?—A. No, sir; not to my knowing. I will tell you. If I give you a fifty-cent check, and I take it to the store, they give you fifty cents pay for it.

Q. Have you got any yourself?—A. I have been paying it for two years.

Q. You were one who made those payments?—A. I don't make it; I am only a laborer myself; but I happened to be one of the foremens. I receive the checks for whatever mens works for me.

Q. Instead of money you pay them these checks?—A. Yes, sir.

Q. Do you know how long the men carried these before they got their money on them?—A. The check goes from Monday morning till Friday, and if you buys goods at his store you can do it. If I give you three dollars in checks, you get it cashed on Friday, and if you don't get it on Friday, then you gets it on Saturday.

Q. And the strike grew out of that practice, did it?—A. So they say, and for wages.

Q. So they got you pretty well frightened in the strike, did they?—A. O, yes, sir; they give me a couple of cuts in the strike.

Q. And you were frightened, were you not?—A. Yes, sir; I was frightened in the strike.

Q. And that lasted till the election?—A. It didn't last not till the election.

Q. But you kept remembering that?—A. O, yes, sir; I kept remembering, because they came on the place.

Q. Hadn't the strike broken up before the election?—A. The strike had stopped before the election.

Q. How long before?—A. I couldn't say rightly how long, whether it was three weeks or lesser or more.

Q. Was it about three weeks?—A. About three weeks, I reckon; I ain't certain.

Q. After it had all been quieted?—A. After the sheriff go down there and they thrashed him.

Q. That day all had become quieted?—A. Quiet! So far it ain't quiet yet, I don't believe.

Q. It is not quiet in your breast?—A. No, sir.

Q. When was it that your horse was taken?—A. The same very day, sir.

Q. What day?—A. Tuesday, the day of election.

Q. Where?—A. At Gardner's Corner bridge.

Q. At what time?—A. I suppose between 12 and 1 o'clock.

Q. I thought you were at the polls all day?—A. O, I was not at the polls all day, right to the poll, but I had to be around there all day. I was right at Gardner's Corner, and I went for Mr. Yoates.

Q. How far did you go?—A. I suppose about two miles from the polls, very near.

Q. Who took your horse?—A. A whole lot of fellows. The name of them I can't tell right now.

Q. You cannot give the name of any one?—A. I can give the name of a couple of them.

Q. Where do you say they left your horse?—A. At Sam Polite's; they left him there to take care of the horse.

Q. Where does he live?—A. He lives at Ball's pretty much. I don't know whether the place is Mr. Ball's or Mr. Dissee's.

Q. The horse was left with a person by the name of Sam Polite, a friend of yours?—A. Yes, sir.

Q. How long did he remain there?—A. He went about three or four days, I suppose, or more, because I went there and got him. Polite said I could come and get him myself.

Q. And he took care of him?—A. Yes, sir.

Q. Did he charge you anything for keeping him?—A. Didn't charge me anything, because he was very sorry they took the horse.

Q. You made so much then, did you not?—A. No, sir; because I wanted the use of the horse.

Q. You made his keeping?—A. I don't consider it at all. I was much obliged for his taking care of him.

Q. Is Polite a republican?—A. O, he is a republican, sir.

Q. A colored man?—A. Yes, sir; a colored man.

Q. What is his business?—A. He is working on a farm, sir.

Q. What is your business?—A. Mine is a foreman for Mr. Fuller; tending to his business on the plantation.

Q. What did you want with the horse?—A. O, I want a horse for everything. I has a great deal of use for a horse. Do you want me to tell you exactly what I want a horse for?

Q. The horse belonged to Mr. Fuller, did not it?—A. O, yes; I tell him my business.

Q. Then Polite's having the horse did not make any difference to you, did it?—A. No, sir; he saw it couldn't be helped, and he didn't mean to charge me or make any deduction because he had the horse.

Q. Was it Mr. Fuller's horse or your horse?—A. It was my own horse, sir; I had it for the purpose of getting around and seeing to my business, in the rice business, and he was gentleman enough not to charge me.

Q. Did he pay you for the use of the horse?—A. Mr. Fuller, sir?

Q. Yes.—A. No, sir; I don't call it pay for the use of the horse. I keeps a horse on the plantation; I tends to his business with a horse the same as an agent does who keeps a horse and goes around and tends to his business; of course he feeds him.

By the CHAIRMAN:

Q. This horse, I understand you to say, was taken from you because you were going after this man for the purpose of taking him to the poll to vote?—A. Certainly; that is all.

Q. Polite proved to be a friend of yours, did he not?—A. Yes, sir.

Q. You say that these strikers thrashed the sheriff?—A. Yes, sir.

Q. How came they to do that?—A. When the sheriff came out there, Mr. Sams, they telegraphed for him; Wilson, the present sheriff, he was off north somewhere, and Mr. Sams he came to quell the riot, and these mens of course gathered and said they would not be quelled, because the posse the sheriff had was white mens, and they didn't intend to be quelled; and Mr. Fuller being the trial-justice out there, he was along too, and they turned in on him and thrashed him and run him off, and Sams tell them if they didn't behave themselves better than that the United States would have to send troops down there and make them do something, and put them under military law; so they run Sams off, and gave him five or six hits and thrashed him, and ran the whole posse off, white and colored.

By Mr. LAPHAM :

Q. How long was this before the election?—A. I think it was near about three weeks.

Q. How long before the election was it that the strike begun?—A. I can't say right what time.

Q. That strike didn't have anything to do with the election?—A. It had to do a great deal with the nature of persons.

Q. Had it anything to do with the election when it occurred?—A. When it occurred it didn't have very much to do with it.

Q. It was a matter other than politics?—A. It begun in another matter.

Q. Did you see them do anything to the sheriff?—A. O, yes, sir; I was right present. The sheriff take me right out of the rice-field. I was with a posse and Mr. Sams came right straight there, and I was riding around the rice-field shooting rice-birds, and he took me as I was.

By the CHAIRMAN :

Q. You say the strike at first didn't have anything to do with politics?—A. It didn't seem so, sir. They said all they wanted was more wages—one dollar and fifty cents, and more cash money.

Q. After that did it have anything to do with politics?—A. Yes, sir; afterward the colored democrats what vote for Hampton got so scared, so wild, as many of them didn't feel allowed to ride around in the night.

By Mr. LAPHAM :

Q. You say you were a foreman?—A. Yes, sir.

Q. What wages did you get?—A. Twenty dollars a month.

Q. What were the laborers paid?—A. The laborers get \$12 a month.

By the CHAIRMAN :

Q. Your wages were the same that other foremen were getting?—A. O, yes, sir; that is the usual wages for all the foremen, and a good many gets more.

Q. They were not complaining of the wages the foremen were getting, were they?—A. No, sir; they only wanted to get \$1.50 a day, and that in cash money. When we commenced, Mr. Fuller came down and told me to let the hands know—the drought was so severe this summer gone—that he could not afford to cash the check at the usual time; and if he couldn't cash them Saturday, the next Saturday; and who wanted to work regularly must expect to take them out in goods all the time.

Q. There was no trouble with Mr. Fuller's hands, was there?—A. No trouble at all. There wasn't three men of Mr. Fuller's place that went in the strike.

By Mr. LAPHAM :

Q. You went in the strike?—A. I went by cowhiding, and was compelled.

By the CHAIRMAN :

Q. These strikers came down from Colleton County?—A. Yes, sir; and these other fellows joined with them, and when they got over there they didn't seem anxious but to whip these foremen, because they didn't seem to go along with them and make speeches.

By Mr. LAPHAM :

Q. Did you make any speeches during the political canvass?—A. Yes, sir; I did.

Q. How many?—A. I don't know rightly how many. I spoke pretty much the way I were asked. I didn't attend a great many meetings.

Q. About how many did you attend?—A. Three or four, I suppose; I was called upon to speak.

Q. Where was the first meeting you addressed?—A. The first meeting I attend, sir, was down here at Greenpoint.

Q. Was it a democratic meeting?—A. Yes, sir; it was a democrat meeting.

Q. Who else spoke there?—A. Myself and Henry Elliott, Jack Snipe, a colored man, and one Henry Green, and William Middleton and Julian Gadson spoke there that night.

Q. Was it an enthusiastic meeting?—A. Yes, sir.

Q. How many attended it?—A. I cannot tell rightly, because it was in the evening when we commenced.

Q. About how many?—A. I suppose about two or three hundred, sir.

Q. Any colored men there?—A. The majority of them was colored mens.

Q. Where was the next meeting at which you spoke?—A. At Gardner's Corner.

Q. How long was that before the election?—A. The next one I attended was a good while before the election, but the last one I attended—

Q. The next one after the first I mean?—A. It was a good while before the election; about, I suppose, two weeks before the election, sir.

- Q. Did you make a speech there?—A. Yes, sir; I did.
- Q. Were you the first speaker?—A. No, sir.
- Q. Who spoke before you?—A. Mr. Nathan Turner spoke before me, a colored man.
- Q. Were you at any meeting where the republicans came in and demanded to have the time divided?—A. I was at one joint discussion they had at Gardner's Corner.
- Q. But that was by arrangement?—A. Yes, sir.
- Q. Were you at any meeting where the republicans came to a democrat meeting and demanded that they should have half the time?—A. They done that at the third meeting we had at Mr. Sheldon's.
- Q. What occurred at that meeting?—A. They said if the democrat gentlemen was intended to speak they wanted to have half the meeting, or they would break the meeting up; and Mr. Fuller told them if they was any part of a gentleman they would not do it, because all the gentlemen there of the democrats were mens of good judgment, and supposed to be regular gentlemen, and they desired to hear the republicans as well as the democrats; and he said rather than have any row or fuss at all that meeting he would rather break the meeting up; and so he did break the meeting up.
- Q. Who broke the meeting up?—A. Mr. Fuller. He was the chairman that day of the meeting.
- Q. Was he a democrat?—A. Yes, sir; he was a democrat.
- Q. How long was that before the election?—A. That was about a week before the election.
- Q. So you didn't speak there?—A. No, sir; I didn't speak at all, because he said he had better break up the meeting because of the republican meeting. They said they would raise a row, and he said rather than there be any row, or shooting, or anything like that, he would rather that the meeting break up.
- Q. Did the republicans go on and have a meeting?—A. Yes, sir; they did so. But the democrats didn't speak.
- Q. It was a meeting the republicans had called?—A. No, sir; it was a meeting the democrats had called right on Mr. Sheldon's plantation.
- Q. What other meeting did you speak at?—A. At Gardner's Point, on Monday, and at the election on Tuesday.
- Q. Monday afternoon or evening?—A. No, sir; it was about one o'clock. I spoke about one o'clock.
- Q. Who else spoke there?—A. Mr. William Elliott, and Mr. J. C. J. Hudson, and Nathan Turner, and H. B. Stuart.
- Q. Who spoke first?—A. Mr. William Elliott.
- Q. Is he a colored man?—A. No, sir; he is a white man; a lawyer from Beaufort.
- Q. How long did that meeting last?—A. That meeting last a good while. Well, it didn't last there more than about three hours, because a good many of the gentlemen was gone. After the gentlemen began to leave the boys began to get soared, and they said, "Let's adjourn the meeting;" and so they did have the meeting at Sheldon.
- Q. The night before the election?—A. Yes, sir; the night before the election.
- Q. Did you speak there?—A. Yes, sir; I spoke there, right in my own house.
- Q. How many were there?—A. I suppose about thirty of us was there.
- Q. How many were at Gardner's Corner that afternoon?—A. I suppose between thirty and forty.
- Q. You didn't have a large audience there?—A. No, sir; we didn't have a large crowd.

By the CHAIRMAN:

- Q. These thirty or forty at Gardner's Corner were colored men, were they?—A. Yes sir.

The committee adjourned to meet to-morrow, Saturday, December 30, 1876, at 10 o'clock a. m.

CHARLESTON, S. C., December 30, 1876.

The committee met pursuant to adjournment.  
General ROBERT SMALLS (colored) sworn and examined.

By Mr. L/PHAM:

- Q. Where do you reside?—A. In Beaufort, sir.
- Q. How long have you been a resident of the State?—A. I was born and raised in the State, and will be 38 years old in April.
- Q. Are you at present a member of the House of Representatives?—A. Yes, sir.
- Q. How long have you been a member?—A. I was elected in 1874.
- Q. Were you a candidate in the last canvass?—A. I was, sir; I was a candidate for re-election.

Q. Where was the first meeting you attended?—A. The first meeting was called at Edgesfield Court-House on the 12th of August, which I attended, sir. I left Washington for the purpose of attending that meeting.

Q. Please go on in your own way, and state briefly the occurrences of that day—the time when you got there, and all that occurred.—A. We left Columbia on the morning of the 12th of August, at four o'clock, and as soon as we got into Edgesfield County there were crowds of men dressed in red shirts, with pistols to their sides. Some of them came into the car in which we were and wanted to know if the governor was aboard, or that nigger Congressman—meaning myself. We received all kinds of insults, until we reached Point House station, which is the station we got off at to go to Edgesfield. We then proceeded to Edgesfield Court-House in vehicles, which is seven miles from that station, getting there about nine o'clock. There was a large crowd of men in town, and they were coming in at every hour, on horses, whooping and yelling. The meeting was to have been held at the court-house square, but after seeing such a large crowd of the democrats with clubs coming into town, we deemed it unsafe, and thought it better to hold the meeting outside of town, at a place called the academy grounds, which was about a mile from the court-house. Before we started to go, however, a committee came over from the democratic side and said that they demanded an equal portion of the time of the meeting. We consulted together about it, and we agreed that, as it was a republican meeting and called specially for the ratification of Hayes and Wheeler, that we could not grant the time they asked for, and so informed the committee. Our platform was built in the grove, and our band of music went down the road and met the crowd formed in line that was to march to this place, where we were to have the meeting. Just about that time the democratic party had also formed in line, with General Butler and General Geary at their head, mounted, and between six and eight hundred men, also mounted. And they also started for the same place. When we got to one of the streets at the same time, we were ordered by General Butler to halt and let the white men pass. We halted, and they passed and proceeded to the grounds and surrounded the platform before we got there. When we got to the platform General Butler demanded half of the time, and wanted to know whether we were willing to give it, and that if we did not they intended to have it by fair or by foul means. Governor Chamberlain consented that he should have half of the time. Governor Chamberlain was introduced first. We undertook to elect the chairman of the meeting, and General Butler said, "No; we do not want a chairman." He said, "We intend to govern the meeting; it shall be a fair and square one, and every man shall have thirty minutes each to speak." Governor Chamberlain was introduced first. Then the white clubs all sang out, "No, he shall not speak. General Butler must speak first." General Butler got up and told them to be quiet, to hear Governor Chamberlain speak; that he would have the reply. They course then kept quiet. When Governor Chamberlain had spoken about five minutes, they commenced to interrupt him by calling him all kinds of names. They first asked him, "How about McDivitt?" "What did you get for appointing McDivitt for county treasurer?" "How much did he pay you?" "Why did you not have him arrested?" and all such questions. He had no more chance to speak, but stood there and answered several questions.

Q. Where were the white men?—A. Around the stage. They rode around the stage, and the republicans had to go behind their horses.

Q. How many of them were there?—A. I should judge between six and eight hundred were there that day.

Q. How were they armed?—A. They were armed with revolvers; some of them having as many as three revolvers buckled to their side.

Q. Did any of them have rifles?—A. One man had.

Q. Was there any use made of revolvers?—A. No, sir; except that they had them in their hands. I myself saw a man on the limb of a tree, right over Governor Chamberlain's head while he was speaking, who had his pistol pointed down at him; and General Geary shook his finger at him to stop. They were hung over the platform in the trees. Then General Butler took the stand and spoke thirty minutes without interruption, and heaped a great mass of abuse upon Mr. Chamberlain. In his speech he asked the crowd whether they were White Liners, and they answered no. He asked them again if they were Ku-Klux, and they said no. "Well," he says, "there is the man, Robert Smalls, [pointing to me,] who has used my name in the Halls of Congress as being the leader of Ku-Klux. I dare him to open his lips on this stand to-day." And the cry was heard from everybody, "Kill the damn son of a bitch! Kill the damn nigger!" After General Butler got through, Judge T. J. Mackey took the stand and spoke about twenty or twenty-five minutes amid a great deal of interruption from the democratic clubs.

Q. Did he speak for the republicans?—A. Yes, sir; he was one of the republican speakers. Mr. Chamberlain, Secretary of State Hayne, and myself were the republican speakers. After Mackey had gotten through, General Geary took the stand, and his speech was confined principally to abusing Mr. Chamberlain.



Q. Personal abuse, was it?—A. Personal abuse, sir. He charged him with everything. And when he had been speaking about twenty minutes, he said to the crowd, "Must I hit him again?" And they said, "Yes; give him some more." And he looked around upon Mr. Chamberlain and said, "You damn bald-headed renegade and bum-rider of Sherman's Army, and now so-called governor of South Carolina!"

I was to have spoken after General Geary, but after General Geary got through Judge Mackey got up to defend Governor Chamberlain against some of the abuse of General Geary, and the democrats hooted him down, and in no shape or form would allow him to speak. General Butler got up again and told them to keep quiet; that if Judge Mackey spoke he would reply to him. Judge Mackey then went on and spoke for about five or ten minutes, and then took his seat. Then General Butler got up and spoke for about five minutes in reply to Mackey's abuse, as he said, and with that the stage fell. As the stage fell down General Butler got upon the cross-piece that was laid there as a rail, and said he had replied to all that was necessary in Judge Mackey's speech, and that now he would put another gentleman—I have forgotten his name; he is a member of the present house—upon the stand. Mr. Lawrence Cain, who was then chairman, said that by agreement I should speak. With that a large crowd outside, between me and the wagon I was sitting in, said, "No; that God damn nigger shall not speak here to-day. If he opens his mouth here to-day we will take his life." Finding that the crowd was getting very furious, as I thought, and finding that my life was in danger—the expression I heard from a dozen or more men—myself, Mr. Jllson, and Mr. Hayne thought it was best to leave the meeting, and we left and went over to Cain's house.

Q. How many colored people were there?—A. From fifteen hundred to two thousand.

Q. You say it was called a republican ratification meeting?—A. Yes, sir; the first meeting of the campaign.

Q. Had the colored people any arms?—A. Not that I saw, sir. A few men had pistols. At Cain's house, I saw a few that had pistols.

Q. Were all these white men—these six or eight hundred—there with their horses?—A. All these men were mounted, sir.

Q. Where were they from?—A. They were from various portions of the county.

Q. Were there any there whom you know?—A. I do not live in Edgefield, sir, and am not personally acquainted with any of the men, except General Geary and General Butler. I do not know what portion of the county these men lived in, but, as I have stated, we met a great many on the road.

Q. What time did the meeting break up?—A. The meeting broke up about two o'clock. We had to leave there at four o'clock in order to catch the train to go back to Columbia.

Q. Where did you go from there?—A. I went from there back the same night to Columbia.

Q. On the way back what occurred?—A. After we got dinner we started off. We left the village at four o'clock in a buggy, and drove very fast for the Point-House Station, getting there about from a half to three-quarters of an hour before the train arrived. About thirty minutes before the train arrived twenty men dashed down the road at full speed. We got into the cars. They stood all around the windows, and one fellow said, "Where is that fellow Smalls; bring him out of the car; let us have him out here." I sat at the window, but paid no attention to it. Then four or five of them came into the car and walked through, and said, "Where is that nigger Congressman," and passed along. One fellow said, "Here he is;" and he then passed between me and the door and stood up and looked back at me, and said, "Let us have a look of his hair." One of them said, "No, damn it, he won't come back here again." Another said, "Let us get him out and hang him; that is the only way to keep him from coming back here." With that the conductor pulled the string and the train started off.

When we got to Johnson's Station another crowd came in the car and went through pretty much the same thing, till we got down to what is called Ridge-Spring Station.

Q. This was on the 12th of August?—A. The 12th of August; yes, sir.

Q. How many other meetings did you attend during the canvass?—A. I attended one more meeting in Edgefield County after that, on the 14th of October.

Q. Was that a republican meeting?—A. That was also a republican meeting.

Q. State whether the democrats came there in force at that meeting.—A. On the 14th of October I also attended a meeting, and in going to that meeting we left Columbia on the four-o'clock train.

Q. I do not care about the details of that meeting now. I only wish to know whether the democrats came in force at that meeting?—A. They came there with about two thousand men.

Q. How were they organized and equipped?—A. They were not so extensively armed as they were at the first meeting, but there was any number of them who had pistols buckled to their sides.

Q. How were they uniformed?—A. They were dressed in red shirts.

Q. How many of them were there there?—A. At that meeting there was about two thousand men came into town mounted on horses.

Q. If they disturbed the meeting in any way, please state how.—A. We went over to the same place—they held a meeting in the town—and they organized their meeting before we did.

Q. If they disturbed your meeting in any way, state how.—A. General Butler and General Geary rode over to our meeting on horseback and stated that they were going to ride around our meeting. They then went back and organized their men, General Butler at the head of their columns, columns of four abreast, and marched around our meeting, whooping and yelling for Hampton as they marched around. Phillip Brown was speaking at the time they marched around.

Q. Was Thompson there?—A. Yes, sir; Jim Thompson was there.

Q. Were you at the meeting at Blackville?—A. Yes, sir; on the 19th of October.

Q. Was there any disturbance at that meeting?—A. The organization of the clubs came in the same manner.

Q. How many?—A. I should judge there were between six and eight hundred mounted on horses.

Q. How were they uniformed?—A. The greater part of them were dressed in red shirts.

Q. Did they have any arms?—A. I did not see any arms but on one man, and he was at our meeting.

Q. Was your meeting disturbed any?—A. The meeting was only disturbed by this one man. When George W. Clark, a republican, was speaking, this man said he was a "God damn liar," and with that he drew his pistol, and some of the men there caught him.

Q. Were there any white men there at that time?—A. Yes, sir; plenty of them; and with that the United States marshal stopped him.

Q. There was another meeting at Allendale. When was that?—A. On the 23d of October.

Q. Was there any disturbance there?—A. There was considerable disturbance.

Q. How many white people were there?—A. I should judge there were about one thousand there.

Q. Democrats?—A. Democrats.

Q. How were they uniformed?—A. I noticed about, perhaps, one hundred who were dressed in red shirts.

Q. How did they come there?—A. I do not know, sir; I was rather late in getting to the meeting.

Q. Were they on foot when you saw them?—A. All on foot. I came up on a special train from Beaufort.

Q. How did they interfere with that meeting?—A. There was considerable noise all around the outskirts of the meeting. There were some five or eight shots fired—exchange shots between parties there. One white party, shooting at a colored man, missed him and shot a democrat in the face. That was all on the outside, and did not interfere with anybody that was speaking.

Q. During this period did you receive a threatening letter?—A. I received, I suppose, a dozen or two during the campaign.

Q. I speak of one in regard to your circulating congressional documents. When did you receive that letter?—A. Some time in October.

Q. Where was it post-marked?—A. It was post-marked Barnwell, sir. Barnwell village is called Barnwell.

Q. Was it an anonymous letter?—A. It was.

Q. What has become of that letter?—A. I really do not know. It must be somewhere among my old bundles. I received so many letters of that kind that I never thought it was necessary to preserve any of them.

Q. Is it in existence or not?—A. I do not think it is, sir.

By the CHAIRMAN

Q. Did you look for that letter before you came here?—A. No, sir; I have not looked for it.

Q. You do not know whether it is preserved or not?—A. I do not know that it is.

Q. Have you any recollection of destroying it?—A. I have no distinct recollection of destroying it.

Q. You have not looked for it particularly?—A. No, sir.

By Mr. LAPHAM:

Q. Can you send and get it if it is in existence?—A. I doubt that very much, sir; I would rather state that it has been destroyed. I make it a regular practice of looking over my old letters now and then and destroying them.

Q. You believe it to be destroyed?—A. O yes, sir; I do not recollect of destroying that particular letter, but I think it has been destroyed.

By the CHAIRMAN :

Q. But you have not looked for it to see whether it has been destroyed ?—A. No, sir ; I have not looked for it to see whether it has been destroyed. Day before yesterday I sat down to look over a lot of letters, and destroyed, I suppose, a hundred of them—letters that had been written to me in the summer in regard to business here in Washington.

By Mr. LAPHAM :

Q. Do you destroy all your letters except business letters ?—A. I do, more or less ; yes, sir. Letters for particular use I mark.

Q. Did you do it with this letter with a view of preserving it ?—A. No, sir ; as I have stated, I have received so many of these letters during the campaign—during the last two or three years—that I did not think of preserving them.

Mr. Lapham here offered to prove the contents of the letter, but was overruled, on the ground that the proper legal basis had not been laid.

Q. Were any complaints made by the democrats to you for circulating congressional documents ?—A. No, sir.

Q. Where were you during election-day ?—A. I was in the town of Beaufort all day, sir, by the special request of the democrats of that town.

Q. During that day did you discover the circulation of a ticket like this, (showing the witness a ticket, of which the following is a fac-simile :)

UNION REPUBLICAN TICKET.

VICTORY.

[Cut of an eagle.]

For President.

SAMUEL J. TILDEN.

For Vice-President,  
THOMAS A. HENDRICKS.

For Presidential Electors,

At Large,

THEO. G. BARKER,  
SAMUEL MCGOWAN.

First District,  
JOHN W. HARRINGTON.

Second District,  
JOHN ISAAC INGRAM.

Third District,  
WILLIAM WALLACE.

Fourth District,  
JOHN B. ERWIN.

Fifth District,  
ROBERT ALDRICH.

For Governor,  
WADE HAMPTON.

For Lieutenant-Governor,  
W. D. SIMPSON.

For Secretary of State,  
R. M. SIMS.

For Comptroller-General,  
JOHNSON HAGOOD.

For State Treasurer,  
S. L. LEAPHART.

For Attorney-General,  
JAMES CONNER.

For State Superintendent of Education,  
H. S. THOMPSON.

For Adjutant and Inspector-General,  
E. W. MOISE.

For 45th Congress—5th District,  
G. D. TILLMAN.

For Solicitor—2d Circuit,  
F. HAY GANTT.

For State Senator,  
WILLIAM ELLIOTT.

For House of Representatives,  
JAMES W. MOORE,  
JOHN LAWTON,  
C. J. C. HUTSON,  
DANIEL WASHINGTON,  
ABRAM P. JENKINS,  
WILLIAM J. GOODING.

Sheriff,  
OWEN F. DUKE.

For Clerk of Court,  
H. G. JUDD.

For Judge of Probate,  
CHARLES E. BELL.

For School Commissioner,  
B. F. BUCKNER.

For County Commissioners,  
HENRY R. WILLIAMS,  
WILLIAM RUSSELL,  
CUPID HEYWARD.

For Coroner,  
W. S. WASHINGTON.

Constitutional Amendment—YES.

A. Yes, sir.

Q. About what time in the day?—A. Between eight and nine o'clock in the morning a message was sent me.

Q. On discovering that what did you do, if anything?—A. Immediately after discovering that there was such a ticket as that, I at once sent a man to Gray's Hill, one to Myrtlebush, one to Ladies' Island, one to Saint Helena's Island, and one to Port Royal.

Q. Whom did you send to Gray's Hill?—A. Mr. Lawrence and Thomas Hamilton, both together.

Q. See if that is the republican ticket that was in circulation that day, [handing the witness a ticket of which the following is a fac-simile:]

UNION REPUBLICAN TICKET.

VICTORY.

[Cut of an eagle.]

For President,  
RUTHERFORD B. HAYES.

For Vice-President,  
WILLIAM A. WHEELER.

For Presidential Electors.

At Large,  
CHRISTOPHER C. BOWEN,  
JOHN WINSMITH.

First District,  
THOMAS B. JOHNSTON.

Second District,  
TIMOTHY HURLEY.

Third District,  
WILLIAM B. NASH.

Fourth District,  
WILSON COOK.

Fifth District,  
WILLIAM F. MYERS.

For Governor,  
**DANIEL H. CHAMBERLAIN.**  
 For Lieutenant-Governor,  
**RICHARD H. GLEAVES.**  
 For Secretary of State,  
**HENRY E. HAYNE.**  
 For Comptroller-General,  
**THOMAS C. DUNN.**  
 For State Treasurer,  
**FRANCIS L. CARDOZO.**  
 For Attorney-General,  
**ROBERT B. ELLIOTT.**  
 For State Superintendent of Education,  
**JOHN R. TOLBERT.**  
 For Adjutant and Inspector General,  
**JAMES KENNEDY.**  
 For 45th Congress—5th District,  
**ROBERT SMALLS.**  
 For Solicitor—2d Circuit,  
**SAMUEL J. LEE,**  
 For State Senate,  
**SAMUEL GREEN.**  
 For House of Representatives,  
**THOMAS HAMILTON,**  
**HASTINGS GANTT,**  
**JOSEPH ROBINSON,**  
**GEORGE A. REED,**  
**NATHANIEL B. MYERS,**  
**THOMAS E. MILLER.**  
 For Sheriff,  
**WILLIAM WILSON.**  
 For Clerk of Court,  
**SAMUEL J. BAMPFIELD.**  
 For Judge of Probate,  
**A. B. ADDISON.**  
 For School Commissioner,  
**THOMAS H. WHEELER.**  
 For County Commissioners,  
**ROBERT J. MARTIN,**  
**RENTY F. GREAVES,**  
**VINCENT S. SCOTT.**  
 For Coroner,  
**ALLEN W. MUCKENFUSS.**

Constitutional Amendment—YES.

A. That was the regular republican ticket, sir, printed for the entire State.

Q. The other is the ticket which you discovered in circulation?—A. Yes, sir; the democrats they got up an imitation of the republican ticket.

Mr. LAPHAM offered the two tickets shown the witness in evidence, copies of which are given on a preceding page.

Q. You brought these tickets here, did you not?—A. I did, sir.

By the CHAIRMAN:

Q. You say you saw this ticket at Beaufort?—A. Yes, sir.

Q. Did you see it anywhere else?—A. I was only at the Beaufort poll. I was there all day.

Q. You did not see it anywhere else?—A. I was not at any other poll.

Q. What time of day did you see it there?—A. Between eight and nine o'clock.

Q. Who had it there?—A. All the democratic distributors.

Q. Did you see all the democratic distributors with them?—A. I saw them in the hands of about six men.

Q. Colored men?—A. Both colored and white.

Q. How many white men had them?—A. Well, the clerk in Dr. Stuart's drug-store and young Harrison also had them. A colored man by the name of Holmes had them, a colored man by the name of Simmon had them, and a colored man by the name of Barkis Middleton had them.

Q. Were they democrats?—A. Yes, sir; and a colored man by the name of Rhett had them; and I further saw that these tickets come from all the polls where there were any democratic tickets polled. I was at the board of county canvassers when they counted the votes, and those tickets appeared from nearly all the precincts in the county.

Q. How many of these votes printed in red ink did you see?—A. Which do you mean, republican or democratic?

Q. Democratic.—A. I saw them in nearly every poll.

Q. How many did you see?—A. I did not count particularly every vote.

Q. I asked you how many you saw. You say you saw some.—A. I saw some, but I could not tell the number. The democrats polled about two thousand two hundred votes in Beaufort County.

Q. My question is, how many of those tickets did you see?—A. I cannot answer that question.

Q. Did you see a dozen of them?—A. Yes, sir.

Q. Well, now, how many did you see?—A. You get back to the same question again. I say I saw some of those tickets come in from every poll in Beaufort where any democratic votes were polled at all, so that those tickets were at every poll in the county; and they were so reported to have been cast at every poll. Here is another style of democratic ticket they had, [producing a ticket of which that given below is a facsimile.]

#### UNION REPUBLICAN TICKET.

For governor,  
WADE HAMPTON.

For lieutenant-governor,  
R. H. GLEAVES.

For Secretary of state,  
HENRY E. HAYNE.

For comptroller-general,  
THOMAS C. DUNN.

For State treasurer,  
F. L. CARDOZO.

For attorney-general,  
ROBERT B. ELLIOTT.

For superintendent of education,  
JOHN B. TOLBERT.

For adjutant-general,  
JAMES KENNEDY.

For Congress, fifth district,  
ROBERT SMALLS.

For presidential electors,  
At large—C. C. BOWEN.  
At large—JOHN WINSMITH.  
First district—T. B. JOHNSON.  
Second district—T. HURLEY.  
Third district—W. B. NASH.  
Fourth district—WILSON COOK.  
Fifth district—W. F. MYERS.

For solicitor, second circuit,  
S. J. LEE.

BEAUFORT COUNTY.

For State senator,  
N. B. MYERS.

For representatives,  
DEMAS WASHINGTON.  
RENTY F. GREAVES.  
VINCENT S. SCOTT.  
THOMAS E. MILLER.  
J. DOUGLAS ROBERTSON.  
J. W. JONES.

By Mr. LAPHAM :

Q. Where do you know of that ticket being circulated?—A. This ticket was circulated all about the polls at Beaufort.

Q. That was the ticket that made its appearance there at the polls at Beaufort?—A. Yes, sir; lying on the manager's table. Every distributor had three or four tickets. Everything was friendly at the Beaufort poll, and we exchanged tickets and laughed over it, and everything of that kind.

By the CHAIRMAN :

Q. The only name of a democratic candidate that ticket has on it for the State is Hampton?—A. Yes, sir.

(Mr. Lapham now offered the ticket, copied above, in evidence.)

By Mr. LAPHAM :

Q. Did you hear anything during the canvass from the democrats in regard to the discharge of laborers in case they did not vote the democratic ticket? and, if so, state what you heard.—A. No, sir; I did not hear anything.

Q. You didn't hear any threats of that kind made yourself?—A. No, sir.

By the CHAIRMAN :

Q. Do you live in Beaufort?—A. Yes, sir.

Q. You say that you attended the polls there that day at the special request of the democrats?—A. Yes, sir.

Q. Why did they request you especially to attend the polls there?—A. About three days prior to the election, Dr. Stuart sent for me.

Q. Who is Dr. Stuart?—A. Dr. Stuart is a democrat and a very respectable gentleman, living in that town, with the largest practice of any physician in the town. He sent for me to say that he had been informed that on the day of the election the colored women were going to have a row in town. He said he did not believe a word of it, but that all the white ladies were very much disturbed about it, and on examination had found that all the leading republicans, such as myself and Gleaves and others, were going to be out of town on that day, and for that reason he was inclined to believe it. I told him that there was not a word of truth in it, because I did not believe that there could be a riot of any kind gotten up in the town of Beaufort except that I knew something about it. I told him if they feared anything of the kind, however, I would remain there. He said if I could remain in town he would feel more safe. "As for myself," he said, "I feel perfectly safe; I do not believe a word of it." "But," he says, "the ladies of the town would feel better satisfied if you were in town, as I feel that you can control your people here." I told him that if that was the desire of the white ladies of the town I should remain.

Q. You remained there during the day?—A. I remained there during that day, sir; all day.

Q. What was the vote at Beaufort that day?—A. The vote was 561 republicans to 115 democrats.

Q. What was the vote at that town in 1874 between Green and Chamberlain?—A. I cannot tell you the exact number, sir; but there was a difference of 17. Chamberlain carried the town by 17 majority.

Q. What was the aggregate vote in 1874?—A. The aggregate vote, I think, was 500 and something. I have forgotten the exact figures.

Q. What was the increase of vote in Beaufort this year over the vote of 1874?—A. It was something very near 3,000, sir.

Q. Who carried that county in 1874?—A. Chamberlain carried it two to one.

Q. What was Chamberlain's majority in that county in 1874?—A. It is a matter of record. I think it is about 3,000.

Q. What was the republican majority this year?—A. Something over 5,300 and some odd votes. The vote of this year tallies about with the vote of 1868 and 1870.

Q. You have no registration in this State, have you?—A. Only the registration of 1868.

Q. You have had no registration since 1868?—A. No, sir. We have the United States census for 1870 and the census of the State for 1875.

Q. Voters in this State can vote at any poll in the county, can they not?—A. Any poll in the county, sir.

Q. This first meeting at Edgefield was at what time?—A. On the 12th of August.

Q. Was that before or after the nomination of Governor Hampton?—A. That was before the nomination of anybody.

Q. It was before the nomination of either General Hampton or Mr. Chamberlain?—A. Yes, sir.

Q. About the opening of the canvass?—A. Yes, sir.

Q. You say that Governor Chamberlain and Judge Mackey spoke there?—A. Yes, sir.

Q. What other republican?—A. They did not allow any other republican to speak.

Q. I ask you what other republican spoke?—A. None other, sir.

Q. What democrat spoke?—A. General Butler and General Goary and this gentleman that is a member of the house now. I have forgotten his name.

Q. The man who was afterward elected to the legislature from that county?—A. Yes, sir.

Q. What is his name?—A. I do not remember his name. His name is familiar to me, too. He is a man who takes a leading part in the house.

Q. You say that during Governor Chamberlain's speech he was interrupted by the crowd asking him about McDivitt?—A. Yes, sir.

Q. Who was McDivitt?—A. McDivitt was the county treasurer of that county. He ran away, and it was charged that he was a defaulter, and for whom Governor Chamberlain had offered a reward of \$1,000.

Q. Had Chamberlain offered a reward for him then?—A. Yes, sir.

Q. How many county treasurer defaulters have they had in that county. They had two or three before that, hadn't they?—A. Not that I know of.

Q. Did you never hear of it?—A. I thought you objected to hearsay testimony?

Q. I asked you if you had not heard of any other defaulter before that?

(Mr. Lapham objected.)

The CHAIRMAN. That is a matter of public notoriety.

The WITNESS. I am reflecting. I do not want to evade any question. I am trying to recollect, now, whether there was or not. It strikes me that there was a treasurer there who was charged with being a defaulter.

Q. McDivitt had been appointed in his place, had he not?—A. Well, now, I do not know, sir. Edgefield is 200 miles from my county, but it strikes me forcibly, as all treasurers have to be confirmed by the senate, that McDivitt was appointed in this man's place.

Q. There was a good deal of feeling out there in Edgefield County about this treasurer's defaulting and the loss of money, was there not?—A. The first time I was ever in Edgefield in my life was that day to attend the meeting. Edgefield was always considered a county not very safe to go into.

Q. Edgefield is in your congressional district, is it not?—A. Yes, sir. I take what I said in my last answer back. I attended a meeting there two years ago. I attended the meeting and came away the same afternoon.

Q. How many colored men were at that meeting that day?—A. I should judge between 1,500 and 2,000.

Q. It was a large meeting?—A. Very large, sir.

Q. You say that you saw several men there with pistols?—A. Yes, sir.

Q. You do not pretend to say that all the democrats you saw came there in that procession had pistols, do you?—A. I mean to say that every white man had two or three pistols buckled to his side.

Q. Every white man?—A. Every white man I saw mounted, sir.

Q. Were there any colored men in that procession?—A. I think there were nine, sir.

Q. Did they have pistols, too?—A. They had pistols buckled to their sides.

By Mr. EDEN:

Q. This is the first meeting you are speaking about?—A. Yes, sir; there were nine colored men in that procession.

By the CHAIRMAN:

Q. You say you saw some colored men with pistols?—A. Yes, sir; I had one myself.

Q. Well, it is quite the usage in South Carolina for people to wear arms, is it not?—A. Well, among the whites it is, sir; that is the general rule.

Q. Don't colored people carry them?—A. Well, I have seen some with them, but they don't carry them so generally as the whites. It is a rare thing in the up-country to go without carrying a pistol. I have seen them in the ears.

Q. You say that General Butler, in his speech, asked this crowd if they were White-liners and Ku-Klux?—A. Yes, sir.

Q. And then he turned upon you and said you had charged that upon him?—A. Yes, sir; I was sitting in a wagon, not more than ten feet from the stage; the wheel of the wagon nearly touched the edge of the stage.

Q. And he said you had charged that upon him in Congress?—A. And he said that I had charged that upon him in Congress.

Q. Who replied to Chamberlain?—A. General Butler, sir.

Q. General Butler replied to Chamberlain?—A. General Butler replied to Mr. Chamberlain, sir.

Q. And he spoke about five minutes?—A. General Butler spoke about thirty minutes without being interrupted by anybody.

Q. I thought you said he had devoted five minutes in reply to Chamberlain?—A. That was the second time General Butler spoke.

Q. It was in reply to Chamberlain or to Mackey, which?—A. General Butler replied to Chamberlain in half an hour's speech.

Q. Then Mackey spoke?—A. Then Mr. Mackey replied to General Butler.



Q. In defense of Chamberlain?—A. In defense of the republican party.

Q. Mackey made a pretty fair speech himself, didn't he? He is a pretty full talking man, is he not?—A. I looked upon his speech that day as acting the part of a traitor.

Q. Why?—A. Because he went there to make a republican speech, and when he was introduced General Gary introduced him as a democrat in disguise.

Q. There are a good many of that sort of men in this State, democrats in disguise, are there not?—A. To their shame, sir, there are.

Q. Mackey spoke for Hayes, didn't he?—A. He did on that occasion, and very strong for Governor Chamberlain.

Q. At that time neither Governor Chamberlain nor General Hampton had been nominated?—A. No, sir.

Q. At that time Mr. Chamberlain was regarded very favorably by the democrats in this State, was he not?—A. He was sir.

Q. Mr. Chamberlain himself, previous to that, had been under some suspicion as to his fealty to his party by a great many republicans in this State?—A. I do not know, sir; I was in Washington, you know, all the time.

Q. Don't you know that to exist as a political fact?—A. No, sir, not to that extent. I, for one, was certainly in favor of Governor Chamberlain.

Q. But wasn't there a considerable element of the republican party in this State who looked upon Chamberlain's fealty to the party with suspicion at the beginning of the last summer?—A. I cannot say.

Q. You are a politician here in the State, and are familiar with its politics. Don't you know that to be a political fact?—A. I was in Washington. I have heard, of course—I have heard that there was a great deal of dissatisfaction here among the republicans.

Q. At that time there had been no convention, and it was not known who would be nominated on either ticket, was it?—A. No, sir; there had been no convention yet.

Q. This man Gary that you speak of as having made a speech there is rather a violent and extreme man, is he not?—A. I consider him one of the wildest and most extreme men in South Carolina.

Q. At this meeting at Blackville you say the only disturbance there was by one man who had a pistol, and who said that one of the speakers was a God-damn liar. He was arrested and taken off, was he?—A. Yes, sir, and kept until the meeting adjourned, and then let go.

Q. Do you say that there was a United States commissioner there?—A. Yes, sir.

Q. At this second meeting at which you were at Edgely, there was a United States commissioner with you, was there not?—A. Yes, sir.

Q. This man Thompson, from Columbia?—A. Yes, sir.

Q. And United States deputy marshals?—A. Yes, sir.

Q. Did they arrest anybody there that day?—A. No, sir.

Q. This ticket that you speak of being distributed at Beaufort, all that you know about it is that you found the ticket in circulation by the democrats. Did you have any talk with them about it at the time you got it?—A. No, nothing definite. Of course, the democrats were friendly with me in Beaufort, and we had a talk, of course, about the tickets.

Q. Did they make any statement to you at the time you got the ticket why it was printed that way?—A. No, sir. The face of the ticket will show why it was done.

Q. This other ticket that you presented here, printed in black ink, has all the republican candidates on it except Hampton for governor?—A. Yes, sir.

By Mr. LAPHAM:

Q. Who was circulating that ticket—the dark ticket with Hampton's name on it? Who was it circulated by in Beaufort?—A. By some of the men who claimed to be Hampton men.

Q. Was it by democratic or republican men?—A. By the democrats, sir; the republicans distributed nothing but our regular ticket.

Q. You saw how the democrats had these tickets; how did they hold them?—A. There was a regular democratic ticket—a black ticket—and they had that red ticket underneath it. They would go up and offer a man the ticket, and if he said, "No, I want a republican ticket," they would say, "Very well, I will give that to you."

By the CHAIRMAN:

Q. Did you see that?—A. Yes, sir, I saw that; and he would pull that red ticket out. The red ticket would be sticking out beyond the black ticket, so you could see the head of the Union republican ticket with "victory" printed on it.

By Mr. LAPHAM:

Q. You saw the tickets given out in the way you described?—A. I saw that in the hands of Mr. Harrison, and that is the way I discovered it, by seeing him offer a ticket, and the man refused, and then Harrison saying, "I will give you a republican ticket;"

and I took the ticket up and examined it. I asked him for a ticket and he gave me one.

By the CHAIRMAN:

Q. What was that man's name?—A. Joe Harrison.

Q. Is he a white man?—A. He is a white man, and a storekeeper in Beaufort—a member of the democratic club.

Q. Was he the only one you saw with it?—A. He was the only one I saw. When asked about it, he says, "Let us exchange; you vote my ticket and I will vote yours," and handed me one of those red tickets. This was after I found it out, and I got to talking to Mr. Clancy about it. He is a northern man, and a very jovial man. He says, "Here, Smalls, you vote my ticket and I will vote yours."

Q. Where is this man Clancy from?—A. I think he is from the State of New York originally; I am certain he is from New York.

Q. He lives at Beaufort?—A. Yes, sir; he has been living there for several years now. His sister keeps the hotel there.

Q. There was a number of men in the country who voted the whole republican ticket except for governor, was there not?—A. I do not know. Our colored republicans generally got the republican ticket.

Q. I say there was a number of republicans who voted the whole republican ticket excepting Hampton for governor?—A. I am satisfied there was a considerable number in the town of Beaufort, because Hampton ran ahead of his ticket there.

By Mr. EDEN:

Q. When did you come down from Columbia?—A. I came down from Columbia last night was a week ago.

Q. Was the subcommittee there examining witnesses from Edgefield before you left there?—A. That I do not know. There were two men from Edgefield there waiting to see the committee.

Q. I only wanted to know whether it was a fact that they were taking testimony from Edgefield?—A. There were none examined before I left Columbia, to my knowledge.

Q. What distance is Edgefield from here?—A. You would have to go to Columbia or Augusta to get to Edgefield. It is about two hundred miles from here.

Q. How near is it to Columbia?—A. It is on the Columbia and Augusta road. It is seventy-five or eighty miles, I believe.

A. E. WILDER recalled and further examined.

By Mr. LAPHAM:

Question. Look at these two ballots, (handing witness ballots already in evidence.) Will you state whether these are the same description of ballot you saw at Mitchellville?—Answer. They are the same, sir.

Q. One is the regular republican ticket, and the other a democratic ticket?—A. Yes, sir.

Q. The same description of ballot that was found in that box during the late canvass?—A. The same.

Q. Do you know Mr. Van Ness?—A. I do.

Q. What is his first name?—A. I do not remember his initials.

Q. Mr. Van Ness, of Beaufort, I mean, who was one of the managers at Gray's Hill?—A. Yes, sir; he was one of the managers at Gray's Hill.

Q. Did you call on Mr. Van Ness about two weeks ago with a view of getting his signature to any paper?—A. Yes, sir; it was an affidavit with reference to their returns made by the managers at the Gray's Hill precinct. It was a little irregularity.

Q. What was the irregularity?—A. I am not positive. There were three precincts where the managers made clerical errors in their returns. I think, at this poll, they only included in their returns three of the electors on each side; three republicans and three democrats. I won't be positive that that was the poll.

Q. You are right about it. It was an omission of a portion of the electors on each ticket. And you had an affidavit to correct that mistake?—A. Yes, sir; I have an affidavit to correct that error.

Q. Is that all you asked him to do?—A. That was all.

Q. And that was the object?—A. That was the object.

Q. Were you in Columbia at the time the congressional committee arrived there?—A. I was.

Q. How long before?—A. I arrived there on the morning that the legislature met, on the 28th.

Q. How many days had you been there?—A. Ten days. I think it was ten days.

Q. You were there, then, during the whole of the same week?—A. Yes, sir.

Q. Did you hear the address of General Hampton to the assemblage on Tuesday evening?—A. I did.

Q. To the clubs who were there?—A. Yes, sir.

Q. State what he said.—A. He said, "Gentlemen, I do not know what you are here for; you have come to attend the fair; but, if so, you come one day too soon." And he advised them to keep quiet.

Q. That was the only allusion he made to the fair?—A. Yes, sir.

Q. On the next evening, Wednesday evening, did you hear the address made by Moise?—A. This address of Hampton was made on Tuesday, the 29th, I think; I am not certain of the date; but the evening before the committee arrived in Columbia, Mr. Moise addressed them a short time.

Q. Where was that?—A. It was just below the Wheeler House, on the same street.

Q. A public address in the street?—A. Yes, sir.

Q. If he said anything on that subject, state what he said.—A. He said, "Gentlemen, I want you all to go home. The congressional committee are coming here tomorrow, and we want to see no demonstrations of such crowds"—or language to that effect—"while they are here."

By the CHAIRMAN:

Q. When did you tell Judge Lapham about this?—A. Last evening.

Q. How came you to tell him about it?—A. Well, I was in his room, and we were talking over the affairs that occurred in Columbia.

Q. When were you examined here before?—A. Yesterday.

Q. What are you staying in the city for?—A. Mr. Lapham requested me to stay and testify as to the affidavit that Van Ness made.

Q. You voluntarily told him about this?—A. I did.

Q. You considered it of political importance, did you?—A. Well, I didn't think at the time I was telling him this that it would come before the committee.

Q. You knew that the committee had been up to Columbia?—A. I did.

Q. And you told him about this in his room last night? Was this after he told you that you must remain here to testify about the Van Ness matter?—A. I am not certain whether it was or not.

Q. What did you say about it?—A. I think it was after.

Q. What were you doing up at Columbia at the time you speak of?—A. I went up for the purpose of seeing the governor inaugurated.

Q. Did those other people come there to see the governor inaugurated, too?—A. This was after the governor was inaugurated.

Q. That was after Chamberlain was inaugurated?—A. Yes, sir.

Q. Didn't they come there to see Hampton inaugurated?—A. Well, I went up there for another purpose, too.

Q. What other purpose?—A. To secure the appointment of treasurer of Beaufort County.

Q. To get the appointment of treasurer from Governor Chamberlain?—A. I did.

Q. Who prepared this affidavit to be signed by Van Ness?—A. It was the gentleman who is in the comptroller-general's office.

Q. At Columbia?—A. Yes, sir.

Q. Was that after the congressional committee got there?—A. It was before.

Q. Do you remember what day it was?—A. I do not.

Q. Was it after this speech by Hampton that you speak of?—A. Yes, sir; but not after the speech of Moise.

Q. It was between the speech of Hampton and the arrival of the congressional committee?—A. It was.

Q. Prepared in the comptroller-general's office, and you brought it down with you?—A. I did.

Q. Did Van Ness sign it?—A. He did not.

Q. Did the other managers sign it?—A. I think they did.

Q. Did you see them?—A. I didn't see them. I gave it to Mr. Wheeler, the gentleman who will be before you.

Q. You do not know whether it was signed yourself, of your own knowledge?—A. No, sir.

Q. Was that the only affidavit you brought down?—A. No, sir.

Q. How many did you bring down?—A. Three.

Q. For three other precincts?—A. Two other precincts.

Q. Three altogether?—A. Yes, sir.

Q. Did you present them to Van Ness too?—A. No, sir; I did not.

Q. Were there other affidavits made?—A. Only those three affidavits.

Q. Did the managers of the other precincts sign the other affidavits?—A. I do not know of my own knowledge. Mr. Cavandar was the gentleman who drew up the affidavits.

By Mr. LAPHAM:

Q. Did you ask Mr. Van Ness to make any new return, or present any new managers' return, or only an affidavit?—A. No, sir; there was simply a clerical error in their return.

Q. Did the others relate to clerical errors also?—A. Yes, sir.

F. D. J. LAWRENCE (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. I live at Beaufort. I was, the day of election, however, at Gray's Hill precinct, seven miles from town.

Q. What time did you go to Gray's Hill precinct?—A. I arrived at Gray's Hill about half past six o'clock.

Q. How long did you stay there?—A. I staid there till the afternoon, about between two and three o'clock, and went back to Beaufort. During my stay everything passed off quiet.

Q. Who was United States supervisor there for the democrats?—A. I am not certain as to the other; I know one, John F. Porteous, in the interest of the democratic party.

Q. Was he there when you reached there?—A. He was there; he was outside when I reached there.

Q. What was he doing outside?—A. He was outside with two large batches of tickets.

Q. Where did he have the tickets; in his hands?—A. Yes, sir; turned head and tails.

Q. What was he doing with them?—A. Asking the people to vote the republican ticket—saying to them, these are the republican tickets.

Q. Did you ascertain what tickets they were in fact?—A. I came out, sir, and started for the crowd that surrounded Mr. Porteous. I inquired, when I got near the tail feet of the mob, and they said one man had received a ticket from Porteous, and he handed the ticket to me and asked me if it was a good ticket, and I looked at it and see it headed "Union Republican Ticket," with "Victory," and the first name appeared was Tilden, and Hampton for governor, and I found it was a democrat ticket—all the names.

Q. Look at these tickets, [handing witness two ballots already in evidence,] and state whether they were tickets like these?—A. Precisely the same, sir.

Q. How many had Porteous in his hands?—A. He had two large batches.

Q. How was he holding them?—A. He was holding them in this way, two together.

Q. That is, reversed?—A. Yes, sir; reversed, and gave them out this way.

Q. State what you saw him do.—A. I saw him give out a ticket to a man, and pull it from underneath.

Q. Had the man asked for what?—A. He asked the union republican ticket, and it was a democrat ticket, and he pulled it from under the republican ticket. Mr. Porteous gave it.

Q. And what occurred when you learned that?—A. The voting ceased for fully five minutes or more, and everybody was talking and running about and looking after the tickets in each other's hands until they was satisfied that the correction was made before they would commence again.

Q. What was said or done?—A. Some spoke very loudly to Mr. Porteous, very disrespectful, for giving them the republican ticket which was not the republican ticket. They said to him, "You cheat us; you tell us this was a republican ticket, and it was not;" and after some talk the crowd dispersed. Mr. Porteous went in the house then, and took his seat again beside the ballot-box, remaining in his position as supervisor.

Q. Did he come out again?—A. Yes, sir; he came out again.

Q. How long after?—A. Well, he staid in there about half an hour or more, and when he came out he had the real democratic tickets—white—different ink.

Q. He came out with tickets printed in black ink?—A. Yes, sir. He resumed canvassing as before, asking the people to vote for these. The people would not vote it and drew a large crowd around him, talking again. One man sang out in the crowd, "You ought to pay me for the wood I have been chopping for you." Mr. Porteous got insulted then, and they talked pretty loud to each other.

Q. There was words about it?—A. Yes, sir.

Q. How long did he remain out that time?—A. Well, he remained out, I will say, one hour or more, trying to get all the votes he can; begging them and asking them.

Q. Where did he then go?—A. He went in the house then again.

Q. Where did he remain after that, while you were there?—A. When I left he was inside.

Q. He remained in until you left?—A. Yes, sir.

Q. When it was discovered that Porteous had these red tickets, what did he say, if anything, about it?—A. Well, he made some excuse. He said that they had better vote that ticket anyhow, because the other ticket—there was not many getting in the box. He said this was the best ticket any way.

Q. How was the voting after that, while you remained? Was there any further disturbance—that is, while you were there?—A. No disturbance at all, sir.

Q. Was there any feeling exhibited there, that you saw, except these two instances with Mr. Porteous?—A. No, sir; none at all.

Q. Do you know Mr. Hammond, a white man, a railroad-man?—A. I do, sir; I am personally acquainted with him.

Q. Did you see him there that day?—A. I did.

Q. Do you know whether he voted?—A. I don't think he did; he was there talking, however, to the crowd. I saw him standing off, talking to a large crowd. I won't say whether he voted or not.

Q. You don't remember his voting?—A. I don't think he voted.

Q. Did you talk with him? Did you hear him say anything about voting?—A. I didn't hear him say anything about voting.

Q. How many colored people were there that day around the poll?—A. There was a large number, sir.

Q. How many white people?—A. Not many, sir; I would not say five white persons were there.

Q. Did you see any arms?—A. No, sir.

Q. Nothing of that kind?—A. No, sir.

Q. Was there any trouble there during the day while you were there, except what you have stated about Porteous?—A. Nothing at all, sir; the people are naturally quiet in that section of country.

Q. They were quiet on that day?—A. Yes, sir; on that day generally quiet.

By the CHAIRMAN:

Q. You live in Beaufort, do you?—A. Yes, sir.

Q. How long have you lived there?—A. I returned to Beaufort the 25th of November last, a year ago—November ultimo, a year ago.

Q. Where did you come from when you went there?—A. From Charleston.

Q. How long had you lived in Charleston?—A. Twelve years or more.

Q. What business were you engaged in at Beaufort?—A. Attorney at law.

Q. How long have you been practicing law?—A. I was admitted the 5th of February, 1875, and practicing acceptably from that date to the present.

Q. To yourself or the community?—A. I don't think that have any bearing upon the case, but I think it was the community; yes, sir; to the community I regard it, sir.

Q. Did you have any expressions of approbation from the community as to your professional services?—A. I think I have, sir.

Q. What were they?—A. They were satisfied, sir, with my practice as such.

Q. The community so expressed itself?—A. Yes, sir.

Q. You practice constantly, I suppose?—A. Not very, sir.

Q. Did you make any political speeches in the late campaign?—A. I did, sir; took a very active part; closed up my office.

Q. Where did you canvass?—A. In Beaufort County. Well, I canvassed generally in the five congressional district.

Q. Where else did you canvass besides canvassing in Beaufort County?—A. I canvassed a part of Barnwell, Colleton, and Beaufort.

Q. What time did you leave Beaufort on the morning of the election?—A. I leave Beaufort that morning, I think, about half past five o'clock, in a buggy.

Q. At whose request did you go to Gray's Hill?—A. At the request of General Smalls.

Q. Why did he request you to go out there?—A. I don't know his reason. He asked me to go out and do what I can and assist the people, and see that they voted the proper tickets.

Q. Was there another colored man there at Beaufort by the name of Lawrence?—A. Yes, sir.

Q. What is his name?—A. There are several Lawrences there, sir. There is one Lawrence that will testify here by the name of William Lawrence; he was at the poll.

Q. At what poll?—A. Gray's Hill poll, the poll I am testifying now about.

Q. What time did he come there?—A. I met him sitting right beside the box.

Q. At what time?—A. About half past six o'clock, I stated.

Q. About half past six you met him there?—A. Yes, sir; I met William Lawrence. I met him at the poll when I arrived.

Q. Do you know how he came to be there?—A. William Lawrence there you mean?

Q. Yes.—A. I don't know how he came to be there. I regard that he went there to vote.

Q. Beaufort was his home, was it not?—A. No, sir; he keeps a store right there within two miles of the poll.

Q. Then he didn't come from Beaufort? You say he lived out there within two miles of this poll, and that this was his poll?—A. Yes, sir. Do I understand you to say he didn't come from Beaufort?

Q. Yes.—A. He didn't live in Beaufort.

Q. Did you see any other man named Lawrence there from Beaufort except this one named William?—A. No; I don't recollect. I have got a brother there by the name of Lawrence, but he didn't come there. He voted in Beaufort.

Q. You say you were sent there by General Smalls?—A. He requested me to go.

Q. You went at his request?—A. Not entirely; I went because I was desirous of doing something.

Q. You went there in the interest of your ticket and party?—A. Yes, sir; the ticket of the party which I sympathize with.

Q. What time did you see Porteous with those tickets?—A. Immediately upon my arrival. When I jumped out of the buggy he was standing there with a large group.

Q. That was a little after six o'clock you saw him with a large group around him?—A. Yes, sir.

Q. Had the voting begun then?—A. Yes, sir. I met men in buggies two miles, who stated to me they voted, and I held up a ticket like that—a red ticket.

Q. You held up the republican ticket to them?—A. Yes, sir; the republican ticket; and I put to one or two the question if they voted, and they said yes, and I said, "Voted a ticket like that?" and they said, "Yes," they voted one like that. I was driving in a buggy very fast.

Q. You are very certain of having held up that ticket to them, and asked them if they had voted it?—A. Yes, sir.

Q. You say that the second time you saw Porteous out he was having words with a colored man?—A. I stated I didn't know his name. But a man in the crowd demanded of Porteous to pay him for the wood he had cut for him, instead of worrying about the ticket.

Q. Had they any words?—A. They were very loud. I regarded it as an insult to Mr. Porteous. I should not like a man to speak to me that way; they said you had better pay me. But at the same time there was no disturbance.

Q. There was quite a large crowd around?—A. Yes, sir; there was a pretty large crowd around.

Q. Porteous then went back into the house?—A. Not immediately; he staid there and talked quite a long time before he went into the house.

Q. When they got through with that talk he went into the house and remained in there during the time you were there?—A. No, sir; he came out again, I stated, with his real ticket then.

Q. You stated that when he came out the second time with his real ticket was when this controversy occurred between him and this colored man?—A. O, no, sir; I didn't state it that way. If I did I will ask leave to correct myself.

Q. What do you say now was the time when you heard this talk of this man demanding pay for this wood that he had cut?—A. I now say it was the first time he was out there. He might have been there the second time too.

Q. You didn't hear that the second time when he came out?—A. I might have heard it. I would not say not. I am satisfied I heard it the first time.

Q. And you think it may have been renewed when he came out the second time?—A. O, it might have been renewed.

Q. What is your impression about it?—A. Without you desire me to say so, sir, I do not say that I heard him the second time.

Q. Do you know how many democratic votes were polled there that day?—A. Yes, sir; I have got a diary right here of every vote in the county—a memorandum in short: nine democrat votes were cast there.

Q. How many republican votes?—A. Four hundred and seventy-six.

Q. How many white men did you see at the polls that day?—A. I don't know, sir. I would say there was five persons there. There is very few white people. I could name three: John F. Porteous, this United States supervisor, and one man by the name of Van Ness and this Pat Hammoud.

Q. Did you not state at the beginning of your testimony that Porteous was a United States commissioner?—A. I said he was an ex-United States commissioner.

Q. When you left the poll there did you return to Beaufort?—A. I did.

Q. At which place did you vote?—A. I voted at Beaufort.

Q. When did you come here?—A. I came in yesterday evening.

Q. At whose request did you come here?—A. At the request of the committee.

Q. Who requested you to come?—A. I was summoned by the committee to come here.

Q. Who summoned you? Who told you to come here?—A. The sheriff of Beaufort County.

Q. You were not summoned, I suppose?—A. Yes; he summoned me.

Q. Did he read the summons to you?—A. He told me there was one for me. He didn't read it to me.

By Mr. LAPHAM:

Q. What is the sheriff's name?—A. William Wilson. He is the sheriff of Beaufort County.

Q. Did he come with you?—A. No, sir.

Q. Was there any reason why he didn't come along?—A. He started, but he was prevented. His deputy stopped him at Sheldon's to make some arrests.

Q. He started to come with you?—A. Yes, sir.

Q. How old are you?—A. I am thirty, I think. I was born the 17th of April, 1846.

Q. Were you ever a slave?—A. I was.

Q. Whose slave was you?—A. Auther G. Rose. His father is president of this bank here in town—the Southwestern Railroad Bank.

Q. Where did you read law?—A. Here in Charleston, with C. W. Butts, without an intermission of six years.

Q. He was elected to Congress?—A. Yes, sir.

Q. Where were you admitted?—A. I was admitted here by Judge Reed in February, 1875.

Q. What office does he hold?—A. The judge here of the circuit court.

Q. Have you been practicing since that time?—A. Practicing every day and every week, sir; making my bread and supporting my family by it, sir.

Q. Have you a family?—A. I have, sir.

NATHANIEL W. HAYWARD (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. I reside, sir, at Gray's Hill.

Q. How long have you lived there?—A. I believe, sir, that I lived there about nine or ten years.

Q. What is your occupation?—A. My occupation, sir, is farming.

Q. What is your age?—A. I think, sir, my age is between twenty-eight and twenty-nine. I were born in 1847.

Q. Were you ever a slave?—A. I was, sir.

Q. Whose slave were you?—A. John F. Porteus's, sir.

Q. When were you restored to freedom; by the proclamation?—A. Yes, sir.

Q. Were you at Gray's Hill on election-day?—A. I was, sir.

Q. What time did you go there?—A. I think I went there, sir, about half past six o'clock.

Q. Did you see Mr. Porteus there that day?—A. I did, sir.

Q. What time did you first see him?—A. I saw him immediately as I got up there. He was supervisor.

Q. What was he doing when you saw him?—A. When I went up in the morning he was inside of the house—when I first went there in the morning.

Q. How long did he remain inside?—A. I guess he was in the house, sir, about an hour and a half or two hours.

Q. Where did he then go?—A. He came outside of the house, sir.

Q. What was he doing?—A. He was around the poll, electioneering.

Q. Did he have any ballots?—A. Yes, sir.

Q. What occurred there? If there was any disturbance about his ballots, state what it was.—A. There was no disturbance at all, sir.

Q. Was there anything said about the ballots he was circulating?—A. Yes, sir; he called to me and asked me to go and electioneer for the Hampton ticket.

Q. Mr. Porteus requested you?—A. Yes, sir.

Q. What did you tell him?—A. I told him I could not do it.

Q. What further did he say?—A. About the time that I and him commenced talking, we was talking to ourselves privately, and then all the boys begin to come around him and asked him to pay them what he owe them for chopping wood for him; and I told him then—he used to be my old boss, and I didn't want to get into no fuss—I told him his business was in the house, and he had better go back in the house, and he went as far as the door; and he called me again and hand me a bunch of tickets, and asked me to go around and electioneer again, and I told him I couldn't. He told me if I would electioneer the Hampton ticket that I would be a man if Hampton get in power.

Q. What did you say to that?—A. I told him that if I had to be a man by electioneering for General Hampton, that I didn't think I would. Then he asked me why I would be so foolish, and my reply to him be, that if I had my hand in the rattlesnake's mouth, and somebody would be good enough to open his mouth and let me get my hand out, I don't think I would be fool enough to put it in again; and then Mr. Porteus went in again in the house.

Q. What became of the ballots he gave you?—A. I didn't take them out of his hand at all.

Q. What further occurred?—A. After that he came out again and tried to electioneer again, and found he could not do any good, and he didn't say any more about it.

Q. Where did he go to then?—A. He went back in the house again, sir.

Q. Where did Porteus remain during the rest of the day?—A. He was in the house the rest of the day.

Q. He didn't come out among the electors any more?—A. No, sir; he didn't come out to electioneer no more.

Q. Did you hear anything there about a red ticket—a democratic ticket?—A. Yes, sir. I didn't hear at all; I saw the tickets myself.

Q. Who was circulating them—who was charged with circulating them?—A. This man Robert Hamilton was charged with that. The precinct chairman was charged with that.

Q. Was he a railroad-man?—A. No, sir.

By the CHAIRMAN:

Q. Was he a white man?—A. No, sir; he is a colored man.

By Mr. LAPHAM:

Q. What time did you first see that ticket?—A. I saw that red ticket in the morning.

Q. Did you see Porteus have them?—A. No, sir, I didn't.

Q. What were the tickets that he showed to you?—A. The ticket that he showed me was a white ticket—straight-out white ticket—democrat ticket.

Q. Did you hear any complaint made against Porteus there that day?—A. None at all, sir.

Q. Do you know why the men asked him to pay for the wood they had cut for him? You regarded that as an insult, did you not?—A. Yes, sir, I did.

Q. Do you know why they did it?—A. They did it because he owed them, sir. They chopped wood for him, and he owed them, and he didn't pay them.

By the CHAIRMAN:

Q. They said that he owed them?—A. Yes, sir.

Q. You do not know yourself, except from what they said?—A. Yes, sir, I do. I know what they said to me before the fuss, and I know that he owed them.

By Mr. LAPHAM:

Q. You know the fact?—A. Yes, sir; I know the fact.

By the CHAIRMAN:

Q. How do you know he didn't pay them?—A. Because he told me. He was getting me to haul the wood.

By Mr. LAPHAM:

Q. See if that is the kind of ticket you saw there that day; [handing witness tickets already given in evidence.]—A. Yes, sir; this was the very kind of tickets.

Q. One of them the straight-out republican ticket, and the other an imitation?—A. Yes, sir. When I first saw these tickets, in the morning, the chairman he had the ticket—Robert Hamilton—he had them just like that. He had the republican ticket underneath there, and the democratic ticket on like that, [indicating.]

Q. On top?—A. Yes, sir.

Q. Was he a democrat?—A. No, sir; he claimed to be a republican.

Q. Did you stay there until they got through canvassing the votes?—A. I staid there, sir, until the ballots were counted that night.

Q. Were any of these red tickets found in the box?—A. Yes, sir; I believe some was found there.

Q. Do you know how many?—A. No, sir; I do not know how many red ones.

Q. Did you hear anybody else say that to Porteus, that his place was inside of the house?—A. Yes, sir; several people told him so.

Q. What did he say to that?—A. He didn't say anything at all, sir.

Q. How was the election that day?—A. The election, sir, was very quiet. I have been manager, and been supervisor at that poll from the time the poll was a poll; and it went on better that day, went on better that election, than any other election we had there.

Q. Was there any violence there?—A. No, sir; none at all.

Q. Do you know Mr. Hamilton, a railroad-man?—A. Pat Hammond, you mean, sir.

Q. Do you know him?—A. Yes, sir. I think he is a section boss.

Q. Did you see him there that day?—A. I did, sir.

Q. Do you know whether he voted or not?—A. No, sir; he didn't vote. He came there and went off.

Q. Do you know the reason he didn't vote?—A. I do not know the exact reason he didn't vote, but he came there with all the boys that voted at the railroad—all his hands voted, but he didn't. He didn't come to the poll at all, but for what reason, to my knowledge, he didn't vote, I do not know.

Q. Was there anything to prevent his voting?—A. Not at all.

Q. Was there any disturbance going on at the time he came there?—A. No, sir; none at all.

Q. His hands went up and voted?—A. Yes, sir; they went up and voted.

Q. And there was nothing to prevent his going up and voting?—A. No, sir.

Q. Did the managers all sign the return?—A. I do not know whether they did or not, sir.

Q. Did you see any men having arms there that day?—A. O, no, sir; no arms at all was around the polls.

Q. Did you see Mr. Lawrence, from Beaufort, there?—A. F. D. Lawrence do you mean, sir?

Q. Yes.—A. Yes, sir; he was there. He eat breakfast at my house; him and Thomas Hamilton.



Q. Did he go there before you or after, or did you go together?—A. When Mr. Lawrence came out he met me at the polls.

Q. How near did you live to the polls?—A. I guess, sir, I live—I live in call and hearing of the poll, anyhow.

By the CHAIRMAN:

Q. You say Lawrence came out from Beaufort and ate breakfast at your house?—A. He did sir.

Q. What time did he eat breakfast?—A. I went to the poll about half past six o'clock, and I think about seven or a little after seven Mr. Lawrence and Mr. Hamilton came.

Q. About seven or half past seven you went back to breakfast?—A. I didn't went back to breakfast, but I sent them up to the house for breakfast.

Q. They came up to the polls?—A. Yes, sir.

Q. How did they come there?—A. In a buggy, sir.

Q. They didn't get out of the buggy at all?—O, yes, sir; they get out of the buggy.

Q. You were there when they came up in the buggy?—A. I was.

Q. And met them?—A. Yes, sir.

Q. What did they do when they got out of the buggy?—A. They hadn't done anything at all.

Q. How long did they stay at the polls before they went off to breakfast?—A. Not very long.

Q. About how many minutes?—A. I do not know. I am afraid to say, because I don't know.

Q. Was it a few minutes?—A. Yes, sir; I guess perhaps twenty-five or thirty minutes.

Q. Then they went up to your house and got breakfast, did they?—A. Yes, sir.

Q. How long were they gone?—A. I think about a quarter of an hour.

Q. Did they go up to the house and get breakfast in fifteen minutes?—A. Yes, sir; they drove up in the buggy to my house.

Q. And then came back?—A. Yes, sir.

Q. And they did all that in fifteen minutes?—A. I say I suppose it. It might have been longer, I reckon. It was not very long, sir.

Q. When they first came up in the morning, was there any sort of disturbance there?—A. The only disturbance I saw there was the dispute about these two tickets that Mr. Hamilton had. That was the only dispuement.

Q. The only dispute that occurred, that you know anything about, was that ticket that Hamilton had?—A. When they came up; yes, sir.

Q. When they came up, was that the time they had the dispute about these tickets?—A. Yes, sir.

Q. The dispute with Hamilton?—A. Yes, sir.

Q. Where was Portens at that time? Was he in the house?—A. Yes, sir; when the dispute about the ticket was, at that time, he was in the house.

Q. What time was it that he came out and spoke to you about electioneering for Hampton?—A. I don't know what time it was; I cannot tell.

Q. About what time?—A. I hate to guess.

Q. Was it after these men had gone to breakfast and returned?—A. Yes, sir; after they had went to breakfast and came back.

Q. He came out and asked you to electioneer for Hampton, and offered you democratic tickets?—A. Yes, sir.

Q. The tickets he offered you were what are called the straight democratic tickets—the tickets printed in black ink?—A. Yes, sir.

Q. You didn't see him with any of those red tickets?—A. No, sir; I didn't see him with any of those red tickets at all.

Q. This man Hamilton, you say, is the president of the precinct club, or was the president?—A. He is the precinct chairman of the republican party.

Q. How did he have those tickets; democratic ticket on top?—A. That is right, sir.

Q. Could he read?—A. O, yes, sir; he is a good scholar, sir.

Q. Was he distributing them?—A. He was, sir.

Q. And a controversy was gotten up about the ticket?—A. About the ticket; yes, sir.

Q. What time was it that this difficulty occurred between these colored men and Mr. Portens about paying them for hauling or cutting wood?—A. Forcutting wood, sir.

Q. Was that when he came out and asked you to electioneer for Hampton?—A. Yes, sir. He was out some time before that, and was talking with me, and then, after he done talking with me, then he offered me the tickets, and I wouldn't take them, and these boys see him come up, and they asked him for their money.

Q. After he had been out talking with you, did you tell them what he had said to you; that he wanted to get you to vote the democratic ticket?—A. No, sir; I didn't.

Q. They saw you talking to him?—A. Yes, sir.

Q. When they saw him come out again, they told him he had better pay them for the wood?—A. That was the first time they axed him for the money.

- Q. Was that all they said?—A. Yes, sir; he owed them.
- Q. They asked that publicly, did they?—A. Yes, sir; they did, sir.
- Q. Was there a crowd around?—A. O, not many, sir.
- Q. How many?—A. There was three men that I knowed that he owed.
- Q. Did they become excited about it?—A. No, sir; they was no way excited; jist the same as I would ask you, you owe me so much for laboring.
- Q. But they did it publicly, there at the polls, did they?—A. They did, sir.
- Q. And after that he went back into the house?—A. I told him he had best go back.
- Q. Then he went back?—A. Yes, sir; he went as far as the door, and called me the second time.
- Q. Then it was that he asked you to take these tickets?—A. Yes, sir.
- Q. You declined to do it, and he went on then into the house?—A. Yes, sir.
- Q. Do you know how many voters there were there that day?—A. I think I do, sir.
- Q. What was the number?—A. About 785 or 786.
- Q. How many democratic votes were polled?—A. Nine, sir.
- Q. Were you up near to the polls all day until the polls closed?—A. Right close to the polls; right around the building during the day, from half past six o'clock in the morning until six o'clock at night, when the polls closed, and I staid there until the last ticket were counted.
- Q. These hands that Pat Hammond, this railroad man, brought up, were they colored men?—A. Yes, sir.
- Q. They went up and voted?—A. Yes, sir.
- Q. But he went off without voting?—A. Yes, sir.

By Mr. LAPHAM:

- Q. What time did Lawrence go back to Beaufort?—A. I think, sir, if my remembrance serves me right, he went back about two or three o'clock in the afternoon.
- Q. Was it before or after that that Porteus asked you to support Hampton?—A. Before he were gone, sir.
- Q. Where was Hamilton; you say your recollection is that he was distributing those red tickets?—A. Yes, sir.
- Q. Where was he?—A. He was there, sir.
- Q. What was his duty there that day?—A. His duty, sir, as the precinct chairman; the county chairman delivered all the tickets to him the day before the election.
- Q. The chairman of the republican party?—A. Yes, sir; like you was going to vote to-morrow, and this precinct chairman received the tickets to-night.
- Q. Do you know who he received the tickets from?—A. I do, sir; he got them from Sammy Green, the county chairman.
- Q. Which ticket do you refer to?—A. I refer to the republican ticket.
- Q. Who the democratic ticket?—A. We said Mr. Hamilton used the democratic ticket to one party, and the republican ticket to some.
- Q. And Porteus was complaining to him for doing that?—A. No, sir; all the men, when they find out how they—and how they came to find out this was a democratic ticket—when we first find out that they look alike, we vote them—
- Q. Do you know where Hamilton got these democratic tickets?—A. I know what he said, Hamilton himself said.
- Q. What he said there publicly?—A. Yes, sir.
- Q. Was there any complaint made of Mr. Hamilton by the colored people for having those red tickets?—A. Yes, sir.
- Q. What did Mr. Hamilton say in answer to it?  
(Question objected to and overruled.)
- Q. Did you hear Hamilton say anything in Mr. Porteus's presence about it?—A. No, sir; not in Mr. Porteus's presence.
- Q. Was he there?—A. Mr. Porteus was then in the window, and Mr. Hamilton was out of the house. Then Mr. Porteus said you musn't charge Mr. Hamilton—you musn't charge him and Mr. Van Ness.
- Q. When the colored men charged Hamilton, then Porteus stated what you say?—A. Yes, sir; musn't charge Mr. Hamilton—you musn't charge him and Mr. Van Ness.
- [Mr. LAPHAM. I now offer to show what Hamilton said.  
[Offer overruled.]

By the CHAIRMAN:

- Q. You have stated that the tickets that Hamilton had, the democratic ticket was on top, and that the ends of the tickets were reversed?—A. Yes, sir.

By Mr. LAPHAM:

- Q. You do not know where Mr. Hamilton got those tickets, except from what Porteus said?—A. No, sir; I don't know anything about it at all.
- Q. You don't know how long he had had them?—A. No, sir.
- Q. Did you hear Porteus complain any after that—after he said that about that red democratic ticket? After he had said not to blame Hamilton and Van Ness, did you

hear the people say anything about Porteus?—A. No, sir; I didn't hear them say anything about Porteus. They didn't say anything about blaming Mr. Porteus, because they allowed him to give the democrat tickets, if he can.

Q. Did you not hear anything said about its being a red democratic ticket?—A. The red democrat ticket—when they was issuing this ticket they didn't call it the democrat ticket until we found it out.

Q. Wasn't there any complaint made about it until you found it out?—A. No, sir; not to my knowledge.

NAT GADDUS (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you live?—Answer. At Gray's Hill precinct, sir.

Q. How old are you?—A. I couldn't tell you direct; but when I lived with Mr. Pendleton, in 1866, I believe I were 44. That is what my old master told me.

Q. Were you a slave?—A. Yes, sir.

Q. Why do you speak of being 44 years old in 1866? What event was that?—A. That was the age he gave me. I didn't keep no count.

Q. What time did he give you your age?—A. In 1866.

Q. Was that when you were freed?—A. Yes, sir.

Q. And you have kept it ever since?—A. I keep the count that he gave me from that time.

Q. What do you do for a living?—A. Farm, sir.

Q. Were you at Gray's Hill on election-day?—A. Yes, sir.

Q. What time did you go there?—A. I went there at six o'clock, sir.

Q. How late did you stay?—A. Well, I went there three times. I was there, and I went three times in the day.

Q. You went there at six o'clock; how long did you stay?—A. I was there till eleven o'clock, and I went home and got my dinner, and I went back to see how the votes was coming on.

Q. When did you go back?—A. About one o'clock.

Q. Then how long did you stay?—A. Until the sun nearly set, sir. Then I went home.

Q. You were not back there again?—A. No, sir; I was very close, but I weren't back again.

Q. Do you know Mr. Porteus?—A. Yes, sir; I do know him, sir.

Q. Did you see him there that day?—A. Yes, sir.

Q. Where did you see him?—A. He was out at the poll. Him was in, and after we got up, and about an hour or two, after six o'clock, he came out with his votes in his hand and asked us to vote the ticket, and they told him no. Well, he said, you may as well vote it, because when one of the republican tickets get in, about fifty of the democrat tickets is in. He says you may as well vote for the democrat ticket anyway. And the boys began to tell him "That is not your place; you had better get back in the house to the poll." They made a great racket, and then he went back and came out again. Then they asked him a question, something about Robert Hamilton being the precinct chairman, "How came Robert Hamilton to have two tickets?" and he said first that he got the republican ticket from Robert Hamilton, and the next time he say he didn't.

Q. What further was said?—A. Well, they didn't have no more conversation with him. Then the boys was making a great racket. You couldn't hear what he said. Then when he g' in the poll, then he come to the window and then he speak with me. After he come to the window he says, "Nat, I knowed you a long time, and you ought to be a sensible man at this time, to knowing that if you would vote the democrat ticket, your tax will come down;" and I axed him, "Mr. Porteus, why not make the republican and democrat vote one. If the republicans is true, why not the democrats come to the republicans and be one?" He says, "No, the republicans desire to load it up," he says, "we are working for the interest of bringing our tax down." I said, "Since I have had the liberty of freedom, I find this tax hain't broke me yet, and I desire to pay my tax, and so I vote according to the dictate of my own mind." And so I didn't hold any more conversation there.

Q. Did you hear anything there about the democratic ticket in red ink?—A. Yes, sir.

Q. What did you hear about that?—A. Well, the democratic ticket on the top was a Union republican, and they had them out there, and been fooling a good many of the people with them, and Frank Lawrence come directly afterward, and Thomas Hamilton came up directly afterward, and showed the difference between the two tickets, because a good many of them didn't understand it.

Q. Where did they come from?—A. From Beaufort. A good many of them didn't understand the ticket because each of them on top said, "Union republican ticket."

Q. They called attention to it?—A. Yes, sir; they called attention to it.

Q. What was said about it when that was discovered?—A. They made a row with Robert Hamilton, who was the precinct chairman. They made a row with him; how he came to fool the people with the different tickets; and Robert Hamilton said he didn't—

The CHAIRMAN. Don't state what Robert Hamilton said.

Mr. LAPHAM. I propose to show what Hamilton said.

(Proposition overruled.)

By Mr. LAPHAM:

Q. What did Porteus say about it?—A. Mr. Porteus, he left the poll, sir; and come out of doors.

Q. What did he say?—A. He say first that he got the democrat ticket from Robert Hamilton. That was Porteus's first word. They axed Robert Hamilton how he came with the two tickets—he was the precinct chairman—which he got out there.

By the CHAIRMAN:

Q. When did they ask Robert Hamilton about that?—A. The same men, or some.

Q. How long after this talk with Porteus?—A. They spoke to Robert Hamilton first. They didn't went to Mr. Porteus, and after Mr. Porteus heard his name calling about the ticket, he immediately came outside of the polls to the boys.

By Mr. LAPHAM:

Q. What did Mr. Porteus say about the ticket?—A. After Mr. Porteus came out he say he got the ticket from Robert Hamilton, and Robert Hamilton say he didn't. He say, "Let us see Mr. Porteus," and then Mr. Porteus say he didn't get the ticket from Robert Hamilton. The boys then commenced—

Q. Did Mr. Porteus say who he did get it from?—A. No, sir; he didn't say who he did get it from.

Q. The boys commenced what, then?—A. The boys commenced to quarrel about the different tickets.

Q. Who did they complain of?—A. They complained of Robert Hamilton, who was the precinct chairman, who handed out the tickets. They came to him to get the tickets, because they believed he was the precinct chairman, and would have the right ticket.

Q. After Lawrence had come up and discovered—A. When Mr. Lawrence came up and discovered this—this was a ticket handed from Mr. Porteus—he come out and handed a handful of tickets from out of the polls, and Mr. Lawrence get one of the tickets, and then Mr. Porteus say he get the ticket from Robert Hamilton.

Q. Mr. Hamilton, then, you say, denied that he gave them to Porteus?—A. Yes, sir; he deny it.

Q. Was there any complaint made about Mr. Porteus; did you hear the men say anything about Mr. Porteus?—A. No, sir; no man had anything to say about Mr. Porteus at all, only when they commenced to pushing Mr. Hamilton back. There was a great crowd, and Mr. Porteus went back to the house. Mr. Van Ness he didn't come out. Only Mr. Porteus, and Mr. Porteus went right back again for the house. The boys told him to go back and not to interfere with them out here. "You set in there, and we is outside to cast our vote."

Q. Was there any disturbance that day except what arose about these tickets?—A. No disturbance at all, sir. Everything was quiet along, very quiet all the time, sir.

Q. Did you see any interference with Porteus except what occurred about the ballots?—A. Not a thing else was done there, sir. I lived near the polls, and could come every ten minutes, sir.

Q. Do you know Hammond, the railroad man?—A. Yes, sir; I do.

Q. Did you see him there?—A. Yes, sir; he was there, sir.

Q. Did you see him there on election-day?—A. Yes, sir; he was there.

Q. Did you see him there on election-day?—A. Yes, sir.

Q. Do you know why he didn't vote?—A. Yes, sir; he told me the next day when I got on the road.

Q. Was there anything to prevent his voting when he was there?—A. Nothing, sir, to prevent him. He could have voted if he had a mind to.

Q. You staid there until nearly sundown?—A. Yes, sir; after I went back the second time.

Q. And no disturbance there other than what you have stated about this ballot?—A. No, sir.

By the CHAIRMAN:

Q. When were you freed?—A. I cannot tell exactly, but just the same year the soldiers came home. I just come from Mr. Pendleton's the same year.

Q. That was during the war?—A. The same year I came home—the same time Colonel Howard be in Anderson, because I come through here, and he gave me to come as far as Ninety-Six, and I had to foot the other balauce.

Q. Did you hear any talk between the colored men and Porteus at the polls that morning about his owing them for chopping wood?—A. Yes, sir; one man did, axed him, but for what reason he turned to the men I didn't pay any attention. I didn't heard the reflection, but the man did ax him, "Why don't you pay me for my wood?"

Q. What time was that?—A. Same time he came out of the poll—out of the house amongst them.

Q. When was it they told him to go back in the house, and not be interfering with the men out there?—A. After the racket commenced. As soon as we commenced to speak, and as soon as he started to go back to the house, the boys said, "You had better go back in the house, and not disturb us out here."

Q. You say Porteus said he had got them from George Hamilton?—A. From Robert Hamilton; that was his first question, sir.

Q. Then you say that Hamilton went up and talked with Porteus?—A. Yes, sir; he goes up to Porteus to know if he did get the ticket from him, and when he did get up he says, "No, I didn't get it from Robert Hamilton," but who he got it from he didn't said.

Q. Where was Porteus then?—A. He was outside then—outside of the poll.

Q. Where was he when he had this talk with you about your voting the democratic ticket?—A. That time he was in the poll, and came to the window and called for me at that time, sir.

Q. He tried to get you to vote the democratic ticket?—A. Yes, sir; he told me that.

Q. And the talk between you and him why you should vote it was talk about reducing the taxes?—A. Yes, sir; he said the tax wouldn't be so high.

Q. You didn't agree to vote it?—A. I didn't agree to vote it, sir.

Q. That is all that transpired between you?—A. Yes, sir; that's all.

Q. You say you were back and forth between your house and the polls that day?—A. Yes, sir.

Q. You went to your home to your dinner?—A. Yes, sir.

Q. Do you know how many democratic votes were cast there that day?—A. I believe nine, sir.

Q. Do you know how many republican?—A. I could not tell you direct, sir.

Q. How many white men were there?—A. No white men, except Pat Hammond, Mr. Porteus, and Mr. Van Ness. They was the only white men there at that time.

Q. Was that all you saw there during the day?—A. That is all I saw.

Q. You say you only saw three white men, including Pat Hammond?—A. Two, including Pat Hammond.

Q. Were there any women there that day?—A. Yes, sir; some be there.

Q. How many?—A. About four of them was there, sir.

Q. How long were they there?—A. They were there pretty near the whole day, sir.

By Mr. LAPHAM:

Q. What were they doing?—A. They were selling grub, sir; ground-nuts and hominy they had there, sir.

By the CHAIRMAN:

Q. For the people to eat?—A. Yes, sir.

Q. Was there a dinner there on the ground that day?—A. No more than they had around them.

Q. Any cooking going on around the ground there?—A. They carried a cook there, sir.

By Mr. LAPHAM:

Q. Did the women make any disturbance there?—A. None at all, sir; we was on this side and they was on the other side, under a large oak tree.

By Mr. EDEN:

Q. Did Robert Hamilton remain there, or did he go away?—A. He remained there, sir, until they broke up.

WILLIAM LAWRENCE (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. I live in Beaufort Island.

Q. Where were you on the day of the election?—A. At Gray's Hill, sir. I was one of the managers.

Q. What time did you get there?—A. Well, I got there before sunup.

Q. Before the voting had commenced?—A. O, yes, before the voting commenced.

Q. Do you know Mr. Porteus?—A. John F. Porteus? I do, sir.

Q. Did you see him there that day?—A. He were there. He slept at one of the colored men's houses till the morning light appear, then he arrive at the poll.

Q. Did you see them when they came to the polls?—A. Yes, sir; I got there a little before they did.

Q. Did you see either of them have any ballots?—A. No, sir; I never—the box, do you mean?

Q. No, the tickets?—A. After we get in the house Mr. Porteus did. He fetched a bundle of tickets with him.

Q. Did you see them?—A. Yes, sir.

Q. What did he do with them?—A. He had them right in the house, right there by him.

Q. Did you see what he did with them afterward?—A. After the voting commenced?

Q. Yes.—A. After the voting commenced. He was one of the supervisors of the poll, and our business was right there at the poll, and after the poll commenced then they was going on very quiet and nice. But he get a little worried, and he get up and leave us, and go out there, and commenced talking to the voters to vote his ticket, and they didn't agree to do it, and so he seemed to get a little mad, though he didn't say anything at the time. And some of them get after him about some money he had owed them for some wood they had cut and hadn't paid for. And so he commenced talking, but what he was saying I could not tell, for I was in the house, and then he comes in. After he comes back we say, "Your business is right here. You have no right to go out and have talk; let them do as they please." And he comes in and sets down, and after he sets down he gets a little worried, and he goes out again among them and tried to get them to vote his ticket, and we scolded him and tell him to stay inside.

Q. What did they say to him outside?—A. They was talking to him, and after he try to get them to vote his ticket, and they not agreed to do it, he didn't feel good after that. He all the time be worried. They go right along voting the republican ticket, and so he seems quite dissatisfied, but they go on and vote the way they please.

Q. Did you see or hear anything about a red democratic ticket like that? [Hands witness a ticket already in evidence.]—A. Yes, sir; just like that, the color of that. He had those.

Q. Who had them?—A. Mr. John F. Porteus. But still they were not our tickets.

Q. What tickets were they?—A. My ticket was just the color of that, but different names.

Q. What candidates were on the tickets he had?—A. Mr. Tilden's ticket.

Q. But looked just like the one you had?—A. Exactly; and so he told me to take his tickets and put them on the window so they might see it and vote it in place of our ticket, and I told him I guess not. I said, "You had better do it yourself." So he gets up and puts it on the window-sill.

Q. Did you see him put them there?—A. O, yes, sir; right by me; and those that can't read take it off, and some show them and they find it out.

Q. Who found it out, if you remember?—A. Mr. Days, I think, for one.

Q. Do you remember Mr. Lawrence coming there from Beaufort?—A. Yes, sir; he was there, but he was outside. But I was right in confinement—no more than what I could see.

Q. When they found it out that this ticket was a democratic ticket, did you hear the people say anything about Porteus?—A. O, yes, sir; after they finds out the tickets, you know, they commenced to get worried. That was not the ticket they intended to vote.

Q. What did they say?—A. They say, "This ticket look like ours, but how come it to be so?"

Q. What did they say to Mr. Porteus? Didn't they say anything to him about it?—A. They didn't say anything. After they find out the ticket they just fling it down.

Q. Were you there all day?—A. All day, sir; until six o'clock—afternoon.

Q. Was there any disturbance there that day except what you have stated?—A. Nothing at all, sir; right quiet. Mr. Porteus, he was well satisfied, after the election of the quietness.

Q. Did he say it there at the time?—A. He said it there at the time before us all. He said he was perfectly—and he was the only man who gave that statement—that he was well satisfied.

Q. Did you stay until the votes were counted?—A. O, yes; I was one of the management.

Q. Was there any complaint made about the election there while you were making up the returns?—A. No complaint at all.

Q. Did the managers sign it?—A. Yes, sir; they did. Mr. Porteus, particularly; and we was well satisfied to see him be so satisfied.

Q. Do you remember whether any of these Tilden tickets in red were found in the box?—A. O, yes; they was.

Q. How many of them?—A. Well, I believe, with the red and white, it was nine.

Q. How many of the red?—A. I forget now, ostentially, how many red they was; but I remember the whole amount was nine.

Q. Do you remember whether there were any of the red ones in the box?—A. O yes; the red ones was in there.

Q. I mean red Tilden tickets.—A. Yes, sir; in the box when we counted them; just like that one.

Q. There were some of them in there?—A. There was; yes, sir.

Q. But you don't remember how many?—A. Not particularly; but the red and the white, like this one—this one made nine.

Q. Did you see any women there that day?—A. There was some women out there selling hominy and cakes.

Q. Did they have anything to do with the election?—A. O, no, sir; they was way off under the trees. I went there and buy my dinner myself.

Q. Do you remember what time Mr. Lawrence got there from Beaufort?—A. Not particularly, sir.

Q. What time was it that this red ticket was discovered—the first that you heard it spoken of?—A. About a quarter of an hour after the voting commenced; then we find out about this ticket, that it was the wrong ticket. Mr. Van Ess he tell us he would be very glad if they would get in about fifty on a mistake.

By the CHAIRMAN :

Q. Were you asked to state anything about what Mr. Van Ess said?—A. No, sir.

Q. Why did you state it, then?—A. I state all what I see done.

Q. You say you state all you saw done?—A. Yes, sir.

Q. Is the talk of people what was done?—A. Just what I see.

Q. You stated what Mr. Van Ess said?—A. I did.

Q. You were not asked to state what he said?—A. No, sir.

Q. Why did you volunteer it, then?—A. I stated all what I know.

Q. You say that this discovery about the presence of this red democratic ticket was about a quarter of an hour after the poll was open?—A. Yes, sir; as near as I can guess, after the voting commenced.

Q. Who was present when the poll was opened; were all the managers there?—A. All of them was there but Mr. McGill; he didn't get there at his time, and they had me sworn in.

Q. You were not one of the appointed managers before that?—A. No, sir.

Q. Did Mr. McGill come?—A. He come after.

Q. How long after?—A. I think about very near a half hour.

Q. He didn't act as manager then at all?—A. No; he could not be manager.

Q. You acted as manager all through?—A. Yes, sir.

Q. What time did Mr. Porteus get there?—A. He get there before the time was to be voted.

Q. Before the polls were opened?—A. Yes, sir; exactly. But, still, I was there a little before, waiting on them.

Q. You say Mr. Porteus showed you the red tickets with democratic names on them?—A. O, yes; I am certain of that.

Q. That was at the table in the house where you were taking the vote?—A. Exactly; that was in the house; he had a bundle of them.

Q. He asked you to put them out on the window?—A. On the sill of it, so the voters could see the tickets.

Q. And you say you declined to do it?—A. He axed me to do it.

Q. I say you declined to do it?—A. Yes, sir.

Q. And you say he put them on the window?—A. Yes, sir; on the sill.

Q. You say a man by the name of Days pointed out to the voters that they were the democratic tickets?—A. Yes, sir.

Q. Who is Days; is he a colored man?—A. Yes, sir; a colored man.

Q. What time of day was that?—A. Well, that was about a quarter of an hour after the voting started. I could not tell particularly what hour it is.

Q. You opened the polls at six o'clock in the morning, and it was a quarter of an hour after?—A. Yes, sir.

Q. What time did you see this man F. D. Lawrence there, from Beaufort?—A. Well, sir, the hour I could not state particularly, because I didn't observe, you know, exactly what time.

Q. About what time?—A. I says about as near as I can guess, more or less—about two hours or about three hours after the voting commenced.

Q. You say that Mr. Porteus went out among the voters?—A. A good while after the voting commenced he left the house.

Q. And when he came in you say the manager scolded him?—A. Tell him he had no right to leave his poll.

Q. And you told him to stay in there?—A. Yes, sir; he was sent to attend to his business in here.

Q. Who told him that?—A. I for one, and Mr. McGill—he was in there too.

Q. McGill was not acting as manager, was he?—A. He was not acting as manager, but he was writing down the names with Mr. Van Ess. He had his paper, you know.

Q. Who was the other manager beside you and Mr. Van Ess?—A. William Middleton. Two of them is right at the box, and—

Q. And you and Mr. McGill made that remark to Mr. Porteus in there, to attend to his business?—A. And Mr. Middleton.

Q. The other manager?—A. And Mr. Van Ess, too—all of us in the room.

Q. Mr. Van Ess was in the room, too, was he?—A. Yes, sir; all of us.

Q. But you and McGill and Middleton told Porteus to stay in there, and attend to his business?—A. Attend to your business for what he was sent.

Q. How many of those red tickets did you find in the box?—A. Well, the red ones I could not tell you particularly how many of them it is.

Q. Did you find over two or three?—A. Well, I think we find over two or three, but I could not tell precisely. I might give you a written statement, but the total amount was nine.

Q. Then how many of the white democratic tickets did you find in the box?—A. I think it is two or three, but I am not sure.

Q. Of the white or the red, which?—A. The white, I think. The white was the lesser, I suppose, by my judgment. It was less than the red.

Q. Only nine altogether?—A. Yes, sir; I know that. I was particular as to that—only nine.

Q. Were you ever a manager there before?—A. O, yes, sir; I managed there before.

Q. When, in 1874?—A. Two years back.

Q. How many votes were polled there two years ago?—A. We haven't polled as much as what we polled now.

Q. How much less?—A. I could not tell particularly how much less.

Q. Do you know how many Chamberlain got there two years ago?—A. No, not particularly, sir.

Q. Do you know how many Greene got? He ran against Chamberlain for governor.—A. No, sir; I could not tell how many. I was for Greene head and heels myself.

Q. Who carried that poll, Greene or Chamberlain?—A. O, Chamberlain totes the poll, but I was for Greene at that time.

Q. How much did Chamberlain carry the poll?—A. I could not tell you particularly, sir, but I know he have the majority. I know he totes it—Chamberlain.

SAMUEL GRANT (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you live?—Answer. Saint James Goose Creek Parish.

Q. What was your voting-place at the recent election?—A. Whaley's Church, sir.

Q. Did you attend there?—A. I was a manager at that poll, sir.

Q. What time did you get there?—A. I was at the poll about five and a half o'clock in the morning.

Q. How late did you stay?—A. The poll closed at six o'clock.

Q. Did you stay until then?—A. Yes, sir; I did. I staid until the vote was counted and until the box was sent to the city.

Q. Did you accompany the box to the city?—A. Yes, sir; I did.

Q. What is your age?—A. My age is about twenty-two, sir.

Q. What was the conduct of the people there at Whaley's Church on the day of the election?—A. Nothing that I knows of, no more than everything went off pretty lively, as I understand. If there was anything went off disagreeable, it is more than I knew.

Q. Was there any disturbance at the election?—A. None at all, sir.

Q. Did you see any tickets there except the regular republican and democratic tickets?—A. No, sir.

Q. During the day I mean. Do you remember whether there were any found in the box except the two regular tickets?—A. None but the two regular tickets; that is the republican and the democrat ticket.

Q. Did you assist in the count?—A. Yes, sir; I did.

Q. Who was the democratic supervisor there?—A. Only one, Mr. Chors, as I know; he was there; he called himself one. I don't know rightly whether he was or not.

Q. Do you remember any difficulty between him and the men that day?—A. None at all, sir.

Q. Did the managers all sign the returns?—A. Yes, sir; I believe so.

Q. Any complaint made about the fairness of the election—about the election having been an unfair one?—A. No, sir.

By the CHAIRMAN:

Q. What is your age?—A. Twenty-two, sir.

Q. When were you twenty-two?—A. I think it was last year; but if I had my age I could tell you positive about the time.

Q. Can't you tell when you were twenty-two years old?—A. Well, I got my age from my old mistress; but I am certain I am twenty-two.



Q. How do you know it?—A. I can prove that by the age of what she sent up home to my father.

Q. When were you born?—A. I could not tell that positive; but my old mistress can tell.

Q. You don't know when you were born?—A. No, sir; I don't know exactly the very identical time I was born.

Q. You were there when you were born, but you don't know the date?—A. No, sir.

Q. What is your occupation?—A. Wood-merchant and a farmer, sir. I sells wood winter and summer, and farm, too.

Q. Sell wood here in town?—A. Yes, sir; I am in the city twice a week.

Q. Do you own your own farm?—A. I do, sir.

Q. How much do you own?—A. Me and my father owns seventy-five acres.

Q. You live with your father, do you?—A. I do, sir.

Q. How many people voted there that day at Whaley's Church?—A. Well, I could not tell exactly how many people voted there; but I can tell you how many voted there when we got through—when we got done counting. I could tell how many tickets were found in the box. Altogether, for the republicans, it was five hundred and eighty-two, and I believe, from my memorandum, it is ten democrat tickets. In this way they had two rolled up in each other. That is what we found—two democrat tickets rolled up in each other.

Q. You found two tickets in one?—A. Yes, sir. We found some republican tickets two in one—two of them.

Q. How many white people voted there that day?—A. Well, I can't hardly tell that right off now, sir. It is pretty near outside of my recollection right off, because there was so many people I didn't pay strlet attention whether they was white or black.

Q. Did you see any arms there that day?—A. Right at the polls, sir?

Q. Did you see any guns there?—A. No, sir. I see none during the day.

Q. You were in the room?—A. I did go out once, on one occasion.

Q. Where did you go when you went out?—A. I went out on some certain occasion on business for myself, sir.

Q. You didn't see any disturbance there?—A. None at all; no disturbance; none whatever.

Q. Did you see any parties there with sticks or clubs?—A. Well, no, sir; if that is your remark. I never see any there.

Q. You were not out among the crowd?—A. No, sir; I hadn't time to be in the crowd.

Q. You brought the box to town?—A. Yes, sir; myself and Daniel Middleton.

Q. When did you bring it?—A. We brought the box down on Sunday morning, myself and Daniel Middleton and A. P. Ford.

Q. Can you read and write?—A. Yes, sir.

Q. Read and write?—A. Yes, sir; I can read and write a little.

Q. Can you write your own name?—A. Yes, sir.

Q. Anything more than your own name?—A. Yes, sir.

Q. Can you write a letter?—A. Yes, I can.

Q. How much can you write?—A. I can write a letter to the city here for anything I want, sir.

Q. You were never a manager there before, were you?—A. I was never a manager before; no, sir.

By Mr. EDEN:

Q. Did you not see any guns in the road on the day of election?—A. No, sir, I didn't see no guns; but at night—

By Mr. LAPHAM:

Q. What was done after the polls closed?—A. After the polls closed, while we was counting the votes, I heard some report of guns about a quarter of a mile from the church.

Q. Did you hear the singing of the song, "Hold the fort," for Hayes and Wheeler?—A. I did, sir.

Q. When was that sung?—A. That was about just before the poll closes.

Q. Who sang it?—A. Mr. Ford.

By the CHAIRMAN:

Q. How long before the poll closed was that sung?—A. Well, at the time Mr. Ford was singing that, Mr. Hard—I asked him what time it was, and he tell me it wanted ten minutes to six, and I replied to Mr. Ford that there would be no one come there this evening, and then Mr. Ford raised that singing. Then, after the poll closed, every one went off.

Q. The guns you heard fired were a quarter of a mile from the polls, you say?—A. I suppose it was a quarter of a mile, but it was not inside of the house.

Q. You did not hear any guns there at the polls?—A. Right at the polls, do you mean?

Q. Answer the question. Did you hear any guns there about the polls?—A. No, sir, I did not.

Q. The guns were a quarter of a mile off. When did you hear them?—A. After the poll closed.

Q. How long after the polls closed?—A. I never observed that; while we was counting the ticket.

Q. Was it in the night?—A. O, yes, sir, it was in the night, because six o'clock was dark.

Q. And it was in the night while you were counting the ballots at the poll?—A. Yes, sir.

Q. You didn't make any inquiry about what it was?—A. We hadn't time for that.

Q. Nothing was said about it?—A. No, sir; because I was tending to my business in the church.

SAMUEL J. BAMPFIELD (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. In Beaufort County, sir.

Q. At what point?—A. The town of Beaufort.

Q. Were you one of the candidates upon the republican ticket at the last election?—A. Yes, sir.

Q. For what office?—A. Clerk of court.

Q. For that county?—A. Yes, sir.

Q. Did you take part in the campaign in Beaufort County?—A. Yes, sir.

Q. At what places did you attend meetings?—A. I attended meetings at all of the important precincts—Brunson, Lawtonville, Early Branch, and other places.

Q. Commencing with the Brunson meeting, when was that?—A. I attended two meetings there during the campaign. The first meeting was held in the early part of the campaign; I can't just think of the date.

Q. Was it a republican meeting?—A. It was a republican meeting.

Q. And was called as such?—A. Yes, sir.

Q. If there was any interruption at that time, state briefly what it was.—A. Well, at the first meeting there was a disturbance. We went up there and we had a joint discussion. The democrats requested that they should be allowed to speak, and they were allowed three speakers. There were three on each side. During the discussion there was one of our speakers arose to speak. One of the democrats objected, saying that he had been previously convicted, I think; and he went on and spoke, and when he got through he referred to the objection, and this democrat, Mr. Tillinghurst, said that he was a liar. No, it was the other way; he accused Langley with something, and said he was a liar, and Tillinghurst struck Langley, and then a general *mêlée* ensued. We did all we could to stop it, and after a while everything was quieted down. The democrats went up to the town, and some came with bars of iron and guns, but everything was quieted down after a while.

Q. Was that meeting appointed for a joint discussion?—A. No, sir; that was called as a republican meeting.

Q. How came it to be a joint discussion?—A. They asked that they be allowed to be represented.

Q. How many democrats were there?—A. I guess there must have been about two hundred democrats.

Q. Were they armed in any way?—A. They were armed with pistols.

Q. Were they in uniform?—A. No, sir; not at that meeting.

Q. Were they on foot or on horseback?—A. At that meeting they were on foot, most of them.

Q. Coming to the second meeting—A. The second meeting was called for the purpose of ratifying the nomination of Hayes and Wheeler. When we were at Early Branch we received a special messenger from Brunson, who was sent around by the road on horseback, to tell us not to come up. They expected us, but they told us not to come.

Q. How did the message come?—A. It was sent around by a man.

Q. Did you go on then?—A. Yes, sir.

Q. Tell what you found when you got there.—A. When we got there we found the town crowded with men.

Q. How many men did you find there?—A. There must have been three hundred and fifty. There might have been more. Some had come from Barnwell. They came on horseback.

Q. They were mounted men?—A. Yes, sir; they were mounted men.

Q. What uniform, if any, had they?—A. They had no uniform. They were not uniformed at that meeting.

Q. How were they armed?—A. They all had their carbines, but they were in the house at the time. They were all armed with pistols; each had two pistols strapped to his side.

Q. Had they guns also?—A. Yes, sir; they had guns.

Q. Where did they leave their guns?—A. In one of the stores there.

Q. What occurred when you got to the ground where the speaking was to be?—A. When we got to the grounds they came up; they sent a committee, and the committee informed us they wanted to have a joint discussion. Of course, the circumstances were such that we could not refuse if we wanted, and so we consented, and when we arrived there were very few republicans in town, and when we went down to the meeting there was not more than about one hundred, I suppose, of our men. The democrats came down in clubs.

Q. How many came there at the first meeting?—A. Three hundred and fifty or four hundred men, I suppose. They filed around in companies, and the different men were issuing threats. One man, for example, nearly mashed my toes, and said, I suppose for my benefit, that he didn't want any damn lies told there, and if any of us attempted to tell any of our damn lies that we would be pulled down from the stand. Several made use of such language. After we had arranged, they elected a chairman for each of the parties, and when it was suggested by one of the republicans that certain men be elected to keep order, the captains of the different companies rose and said, "We will keep order so long as you tell the truth and don't tell any damn lies," and pistols were freely displayed. The men sat in their saddles, and threw their pistols up, and caught them generally, which seemed in a threatening manner. And it was then agreed that each speaker should have thirty minutes, and the speaking was opened by one of our speakers, Mr. Myers, and he was interrupted considerably in the beginning, but after awhile they quieted down, and of course he had to be very cautious in what he said. The chairman of the county committee, Mr. Moore, was there, and he requested us to be very quiet. He said he could control the Beaufort men, but the Barnwell men he didn't know so well, and, to use his language, we were in a tinder-box, and they were liable to go off at any time, and asked us not to allude to the recent riots. These men came from Barnwell, where these riots had occurred, in that neighborhood, and, of course, in our speeches we had to be prudent.

Q. Did you speak at that meeting?—A. Yes, sir.

Q. Was there any interruption?—A. Yes, sir; frequently men would interrupt me during my speech.

Q. In what way? What did they say?—A. Well, they would say, "That is a lie," some of them; and then some would holler, "Time up," and interrupt me in different ways.

Q. Did the democrats remain there until the meeting closed?—A. Yes, sir.

Q. Who was in command?—A. Well, the chairman of the meeting was Mr. Hoover.

Q. In command of the companies, I mean?—A. Each company had its own captain.

Q. Was there not a general commander?—A. Not to my knowledge.

Q. How many men were there from Barnwell?—A. I think three companies were from Barnwell.

Q. How far was that?—A. Forty miles, I suppose it was, to Lawtonville, in the adjoining county.

Q. Did you hear anything said there about going to Lawtonville the next day?—A. Yes, sir.

Q. What did you hear them say?—A. They expressed it that they intended to go on to Lawtonville the next day, where we were to have another meeting.

Q. Where you were to have a republican meeting?—A. Yes, sir.

Q. Did you go to Lawtonville?—A. Yes, sir.

Q. What state of things did you find when you reached there?—A. When we reached Lawtonville we found quite a number more of the republicans than there were at Bronson, and they were all excited. After we reached there we found the Lawtonville rifle-club company there; and after a while several of the other rifle-clubs—one from Bronson and one from Beach Branch—rode up.

Q. Were there any there from Barnwell?—A. No, sir; I do not think so.

Q. How many men were there at Lawtonville?—A. At Lawtonville there were, I suppose, about in the neighborhood of two hundred and fifty.

Q. White men?—A. White men.

Q. How were they organized?—A. They were organized into clubs. They marched up.

Q. What arms did they have?—A. Each of them had three revolvers, or two of them.

Q. Had they any guns?—A. No, sir; not that I saw.

Q. Were they mounted or on foot?—A. They were mounted.

Q. What occurred there about the discussion?—A. They again requested a joint discussion, to which we agreed, assented, and the discussion went on. There was no particular interruption at Lawtonville except individuals in speaking; for instance, there were parties spoke to me, private democrats; in speaking of the situation, they said it was a question of race; that the colored race was making the issue with them

and they proposed to fight it out on that line. If the colored men didn't vote with them they would not give them any employment, and they would turn them off their lands.

Q. That threat was made there, was it?—A. Yes, sir.

Q. How many colored men were there there?—A. I suppose there must have been three or four hundred.

Q. Was any one prevented from speaking there?—A. No, sir; except that we had to observe some caution.

Q. What other meeting did you attend?—A. Well, I attended the meetings all over the county.

Q. Was there any other meetings where the democrats appeared in numbers?—A. No, sir; the upper portion of the county is the only portion where they are in large numbers and where intimidation was used.

Q. These two places are in the upper portion of the county?—A. Yes, sir.

Q. What do you know, if anything, of your own knowledge, about men being discharged?—A. No, sir; I could not say that I absolutely know of it.

Q. Do you know the fact that men left their places immediately after the election?—A. O, yes, sir; I have secured homes for quite a number of families.

Q. How many?—A. Well, there were four or five families in the neighborhood of Early Branch.

Q. That is in your county, is it?—A. In my county; yes, sir.

Q. Are those all of which you have any personal knowledge?—A. O, there are others in Beaufort that are settling on Broad River.

By the CHAIRMAN :

Q. Is it an unusual thing for persons or families to move into Beaufort?—A. Very unusual, sir.

Q. Is it unusual for them to move from one point to another?—A. Do you speak of one point of the county?

Q. Yes; from one point to another.—A. Well, those who have come into Beaufort come from the upper portion of the county.

Q. My question is, is it unusual for families in your county to move from one point to another?—A. I cannot say that it is.

Q. Was there any immigration into Beaufort County just before the election?—A. O, no, sir.

Q. None at all?—A. Not to my knowledge.

Q. Where did you hear parties say that it was a question of race?—A. They told me so at Lawtonville.

Q. How many parties did you hear make that observation?—A. Mr. Sirglea, a gentleman, made it to me. He was talking in a crowd. He was spokesman.

Q. He said that you colored people made that issue and that they would meet it?—A. That was the bent of his remarks, I believe.

Q. At this first meeting at Bronson, who made speeches?—A. Mr. Langely and myself, and Mr. Wheeler and Mr. Robinson—Joe Robinson.

Q. Any one else?—A. I am trying to think. I think Mr. Hamilton was there.

Q. Who were the colored orators?—A. Those are the colored orators I have just referred to.

Q. Who were the democratic orators?—A. A Mr. Tilinghurst, Mr. Moore, Mr. Youmans, and I forget the other two.

Q. Was Mr. Miller there?—A. I don't think he was at this meeting—at the first meeting.

Q. How many colored people were at that meeting?—A. If my memory serves me right, I think there was about two hundred and fifty.

Q. And how many whites?—A. There could not have been more than one hundred and fifty whites; I cannot recollect the proportion.

Q. They were not there in uniform?—A. No, sir.

Q. You saw no guns?—A. No, sir.

Q. You say you saw some pistols there at that meeting—at the first meeting?—A. I do not recollect distinctly that I did.

Q. You say there was a difficulty between Mr. Tilinghurst and somebody?—A. Mr. Langley.

Q. They were two of the men that made speeches?—A. Yes, sir.

Q. How was that difficulty brought about?—A. When Mr. Langley rose to speak Mr. Tilinghurst objected, saying that he was a convict. Mr. Langley made no reply to him at the time, but proceeded, and at the close of his speech he then made some allusion.

Q. What did Langley say about the accusation?—A. He said it was untrue. And then went on to speak of Tilinghurst, about what had occurred about him as a lawyer before Judge Meyer, and Mr. Tilinghurst arose and repeated the charge, and Mr. Langley told him he lied, and then he struck him, and of course the fuss ensued.

- Q. It was quieted down, and no further trouble occurred?—A. No, sir; no further trouble occurred.
- Q. What time was that meeting?—A. I could not fix the date.
- Q. Was it before the State nominations?—A. Before the State nominations.
- Q. And before the presidential nominations?—A. No, sir; I do not think it was.
- Q. That was not a ratification meeting, then?—A. I think it was held for the purpose of ratifying the nominations of Hayes and Wheeler.
- Q. Were all these meetings you attended ratification meetings?—A. Yes, sir.
- Q. Then you called them all ratification meetings?—A. Yes, sir.
- Q. When was the second meeting?—A. The second meeting was after the State convention. I cannot recollect now.
- Q. After Chamberlain's nomination, was it?—A. O, yes, sir.
- Q. Was it after Hampton's nomination?—A. Hampton was nominated before Chamberlain.
- Q. They were both nominated, then?—A. Yes, sir.
- Q. And when you got there you found how many democrats there?—A. At this last meeting do you mean?
- Q. Yes.—A. I think there was about 350.
- Q. Were they there when you got there?—A. Yes, sir.
- Q. What time did you get there?—A. We came up on the train. I think the train arrives there about 2 o'clock, or a little after.
- Q. You did not see them with guns?—A. No, sir.
- Q. Did you see the guns that you say were in the store?—A. I did not.
- Q. You say you saw them with some pistols?—A. O, yes, sir; each one had a brace of pistols.
- Q. Every man?—A. Yes, sir; I think I can safely say every man.
- Q. You say they were not in uniform?—A. No, sir; not that I could notice.
- Q. Were they in their shirt-sleeves?—A. No, sir.
- Q. How could you, then, see their arms?—A. They took particular pains to display them.
- Q. What did they do?—A. Well, in several instances they would throw back their coats; others would take them out and throw them up and catch them.
- Q. How many did you see throwing them up and catching them?—A. I could not tell you a definite number, but quite a number.
- Q. Did you see more than one do that?—A. O, yes.
- Q. How many did you see doing that?—A. In all, I could not tell you.
- Q. Can you approximate the number?—A. No, sir; because my mind was not directed to that.
- Q. Were you one of the orators there?—A. I do not know whether I could come under that designation or not. I endeavored to speak.
- Q. Who else spoke; what other republicans?—A. Mr. Myers and Mr. Miller.
- Q. Who spoke first?—A. Mr. Myers.
- Q. Who followed him?—A. I did, sir.
- Q. Who spoke next?—A. Mr. Miller; that is, in the republican order; but we alternated.
- Q. Who spoke first?—A. Mr. Myers first.
- Q. Who followed him?—A. Mr. Worne, I think.
- Q. Then who spoke next?—A. Then I followed.
- Q. Then who followed you?—A. Mr. Voss, a colored democrat.
- Q. Then who spoke?—A. Then Mr. Miller.
- Q. Then who?—A. Then Mr. J. W. Moore.
- Q. Then who else spoke?—A. That was the end of it.
- Q. How did you divide the time?—A. Thirty minutes each.
- Q. You say there was no disturbance at that meeting?—A. No, sir; no outrage.
- Q. Do you say that as you passed around some one said that he didn't want to hear any damn lies?—A. O, yes; quite a number said that.
- Q. And you thought that pertained to you?—A. I thought so by the proximity of the party to me.
- Q. He didn't speak to you, did he? Were you passing around when you heard that remark?—A. I was standing near the stand.
- Q. Did this party pass by you?—A. He passed by.
- Q. How many were with him?—A. Well, the whole crowd were there then.
- Q. The party was moving around before the speaking commenced?—A. Yes, sir.
- Q. And said they didn't want to hear any damn lies?—A. Yes, sir.
- Q. You had no objection to that, had you? You did not propose to tell any damn lies, did you?—A. He wanted to be the judge of the damn lies.
- Q. The sole judge?—A. He and his own party were the sole judges.
- Q. Did he say that?—A. O, no; it was not necessary.
- Q. His observation was, that he did not want to hear any damn lies?—A. Yes, sir.
- Q. You did not propose to tell any, did you?—A. By no means.

- Q. Then you didn't feel alarmed, did you?—A. No, sir; I was not alarmed at all.
- Q. These club organizations you say each one had its president; you called them captains.—A. I think that would be a better designation.
- Q. Why do you call them captains?—A. Because they were under drill—under command. They filed around and he gave orders more like a captain than a president.
- Q. There was no field officer—no general commander? Each club had its own captain?—A. Each club had its own captain.
- Q. They requested a division of time and you consented to that?—A. Yes, sir.
- Q. What did you say about a committee?—A. A committee met us in the town—three captains of the different clubs—and they said they wanted to take part in the discussion.
- Q. Then was the programme arranged?—A. To which we consented.
- Q. Then they came on to the ground?—A. Then we arranged. We wanted to get away from Bronson before night. We had to go to Lawtonville, and we thought it would be unsafe to travel after night, and wanted to get away early, so we restricted our number of speakers to three, and restricted the time to thirty minutes, and gave them the arrangement, and it was carried out.
- Q. Did you speak first in order of time, in order to get away?—A. No, sir; the understanding was that we were to open and close the meeting.
- Q. Who opened the meeting?—A. One of our speakers opened it. The reason why we didn't close the meeting was they had agreed with us that each speaker should speak thirty minutes. When Mr. Moore had ended his thirty minutes, they deliberately, without asking us anything about it, moved that his time be extended thirty minutes more, which was put and carried by their chairman, and Mr. Moore proceeded and went on with his speech.
- Q. How long did he speak?—A. We left him speaking.
- Q. How long did you stay after he went on beyond his thirty minutes?—A. When that motion was put and carried, I said we had better go, and we left.
- Q. The arrangement when you began was that you were to open and to close?—A. Yes, sir.
- Q. The arrangement was not that the democrats were to open and close?—A. No, sir.
- Q. You say Mr. Miller spoke also?—A. He spoke.
- Q. What did you hear there about the meeting to be held at Lawtonville the next day?—A. I heard several parties saying that they were going over to Lawtonville. They spoke very freely. There was a good many there who seemed to be very bitter, and they didn't hesitate to speak what they thought; and there was quite a good deal of threatening language that I could not reiterate now, because I am one that do not think bitter things, and do not pay much attention to such language.
- Q. I was asking you what was said there about going to Lawtonville the next day?—A. They said in a threatening manner that they would go to Lawtonville the next day.
- Q. Who said that?—A. Several of the democrats.
- Q. You did not see these same rifle-clubs there at Lawtonville?—A. No, sir; we saw the Bronson men, but not any of the Barnwell men.
- Q. How many clubs were there?—A. There were six clubs at Bronson.
- Q. You say when you got to Lawtonville that the republicans were a good deal excited?—A. Yes, sir.
- Q. What time did you get to Lawtonville?—A. We got to Lawtonville the next day, I think, about twelve o'clock.
- Q. Were all the parties then on the ground?—A. Not all; no, sir.
- Q. Who came after you did? Did any clubs come after you got there?—A. Yes, sir.
- Q. How many?—A. Two clubs came after I got there.
- Q. How many clubs were there there altogether?—A. That would make three. There was a club there already.
- Q. The Lawtonville club was the only club that was there when you got there; the others came afterward?—A. Yes, sir.
- Q. You say they had no guns?—A. Not that I observed. They didn't come in town with guns.
- Q. You didn't see any?—A. No, sir.
- Q. Did you see any pistols?—A. O yes, sir.
- Q. Did the republicans have any pistols?—A. Well, I suppose so; I had one.
- Q. Is it not quite common for people of both colors in this State to carry revolvers?—A. Probably; well, I can't say that it is not.
- Q. You have stated, I believe, that you spoke there; was that the last joint discussion you had?—A. Yes, sir.
- Q. You continued in the canvass up to the election?—A. I did, sir.
- Q. Made speeches up to the time of the election?—A. Yes, sir.
- Q. Did you speak outside of the county?—A. No, sir.
- Q. What is your occupation?—A. I am a lawyer by profession.
- Q. Do you practice law?—A. Yes, sir.
- Q. At Beaufort?—A. Yes, sir.
- Q. How long have you been practicing law?—A. Since last spring.

By Mr. LAPHAM :

Q. Where did you read law ?—A. I read law, part of the time, sir, about two years ago, at Lincoln University, in Chester county, Pennsylvania, but since I have read under Judge Wiggan, in this State.

Q. At what point ?—A. Beaufort, sir.

Q. Where were you admitted ?—A. Admitted by the supreme court at Columbia.

Q. Who were the judges ?—A. Chief-Justice Moses and Associate Justices Willard and Wright.

Q. Were you examined by the judges or by a committee ?—A. By a committee.

Q. And they reported to the judges ?—A. Yes, sir.

Q. Did you receive your education at Lincoln University ?—A. Yes, sir.

Q. How long were you there ?—A. I was at Lincoln altogether, I think, in all the departments, about seven years, sir.

Q. What is your age ?—A. I was twenty-seven on the 5th of this month.

Q. Were you ever a slave ?—A. Yes, sir ; I was the slave of Edward L. Trenholm.

By Mr. EDEN :

Q. You only attended two joint discussions during the canvass, as I understand it ?—  
A. I attended three.

Q. One at Bronson, one at Lawtonville ; where was the other ?—A. At Early Branch.

By the CHAIRMAN :

Q. The only collision that occurred at any of those meetings was the one between Langley and Tillinghurst ?—A. Yes, sir.

Q. And that was occasioned, was it not, by Langley, the colored man, giving Tillinghurst the lie ?—A. Yes, sir.

Q. Then a blow was passed, Tillinghurst struck him, and they were parted, and the difficulty stopped there ?—A. Yes, sir.

Q. You saw no guns in the hands of either party at any of those meetings ?—A. At that meeting the democrats went up to the town and brought their guns down.

Q. You saw no guns ?—A. I saw them at that meeting.

Q. Which meeting was that ?—A. The first meeting at Bronson, where the collision occurred.

Q. That was after the collision occurred ?—A. Yes, sir.

Q. Did you see the colored men have pistols the same as the white men ?—A. No, sir ; I did not see them. If they had them they didn't display them so freely.

Q. Did they display them at all ?—A. I did not see them, sir.

Q. Don't you know the colored men all went armed with pistols ?—A. I could not say that I know it ; no, sir.

Q. Don't you know that a good many of them went armed with pistols all the time ?—  
A. I could not say that I do.

Q. Was there a militia company in the neighborhood of Bronson ?—A. Yes, sir.

Q. You say there was a militia company in the neighborhood of Bronson ?—A. Yes, sir.

Q. That was composed of colored men, was it not ?—A. Yes, sir.

Q. They all had State arms, hadn't they ?—A. Yes, sir.

Q. Did they keep them at their homes, or where did they keep them ?—A. According to the agreement with the captain of the rifle-club—

Q. I am asking you now about the State militia ?—A. I am going to tell you what they did with their arms.

Q. I am not asking for that. Was that company at Bronson a company of State militia ?—A. In the capacity of a company ? No, sir.

Q. Were there men there who composed it ?—A. Yes, sir.

Q. How many of them ?—A. I could not say, because I could not designate them.

Q. Did you know where their guns were ?—A. I was going to tell you ; by agreement—

Q. I am asking you where they had their guns ?—A. The guns were taken away at my request, and left up at the house of Mr. Jones. There could not have been, probably, more than fifteen or twenty that had guns.

Q. At your request these militiamen who had guns left them at Jones's house ?—A. Yes, sir.

Q. How far was that from the speaking-ground ?—A. I suppose about a quarter of a mile.

Q. Had they brought them up into town with them ?—A. Yes, sir.

Q. These guns that they brought up into town were publicly displayed, were they not ?—A. O, yes ; they were on the streets with them.

Q. Those were State arms that they had, were they not ?—A. Not all of them.

Q. A portion of them were State arms, were they not ?—A. They might have been.

Q. Don't you know that they were ?—A. I really could not say.

Q. Did they have bayonets on them ; that is at the meeting at Bronson ?—A. Yes, sir.

Q. Where was the next meeting you attended?—A. The next meeting was at Bronson—the next joint discussion.

Q. I thought I had just been asking you about the Bronson meeting?—A. We had two joint discussions at Bronson.

Q. I understood you to say a while ago that you had one at Early Branch, one at Bronson, and one at Lawtonville?—A. Yes, sir; but I attended two at Bronson.

Q. Well, the one that you are speaking about now, when these colored men left their guns at Jones's house, was that the first or second meeting?—A. That was the first one; when the collision occurred.

Q. Now, when the collision occurred, did the colored men go after their arms?—A. No, sir.

Q. You don't know whether they did or not?—A. I know they did not.

Q. You went from there to Lawtonville?—A. Yes, sir.

Q. Was there a company of colored militia in that neighborhood?—A. There is a company there; yes, sir.

Q. Did they have guns?—A. Yes, sir; I think they had.

Q. Do you know whether any of them were there at Lawtonville that had guns?—A. No, sir; I don't think they had.

Q. You did not see either party have guns there?—A. No, sir.

Q. Then everything was quiet, I understand you to say?—A. Yes, sir.

Q. Was there a meeting after that at Early Branch?—A. No, sir; we went to Bronson the next day.

Q. The meeting at Early Branch was the first meeting?—A. The first.

Q. I believe you said there were no guns or pistols there?—A. No, sir. The democrats were in very small force at Early Branch; there could not have been more than thirty or forty.

Q. And they were unarmed, so far as you know?—A. Yes, sir.

Q. Were there many colored men there at that meeting?—A. Yes, sir; pretty good for that section; in the neighborhood of two hundred and fifty.

Q. Did you see any of them with arms there?—A. No, sir.

Q. Did they have a militia company in that neighborhood?—A. No, sir; there is none in that neighborhood.

Q. Do you know how many militia companies there were in your county—Beaufort County?—A. All over the county, do you mean?

Q. Yes; taking the whole county.—A. I think there were about six or seven.

Q. They were all armed, were they not?—A. The best portion of them; yes, sir.

Q. Were they not all armed?—A. They probably were; I could not say.

Q. All colored men, were they not?—A. Yes, sir.

By Mr. LAPHAM:

Q. Do you know how many rifle-clubs there were in your county among the democrats?—A. There were five, to my knowledge; there might have been more.

Q. How were they armed?—A. I have never seen them parading with their guns; I have seen rifles directed to them.

Q. Have you not seen them when they were in the possession of their rifles?—A. No, sir.

Q. At no place?—A. No, sir; I was at Yemassee one day, and I saw on the platform three or four boxes of rifles and ammunition directed to Hoover.

Q. Who is Hoover?—A. Captain of the club at Hoover's Station.

Q. Captain of the rifle-club?—A. Yes, sir.

Q. When was that?—A. In the early part of the campaign.

Q. What month, according to your recollection?—A. I think it was somewhere in the month of June or July; I could not exactly say.

By Mr. EDEN:

Q. Did you see the rifles, or only the boxes?—A. Just the boxes.

Q. You didn't see what was in the boxes?—A. No, sir; I didn't see inside.

Q. Don't you call all democratic organizations rifle-clubs?—A. No, sir; there is a club in Beaufort that is not a rifle-club.

By the CHAIRMAN:—

Q. Why do you call them rifle-clubs? You didn't see them with any guns?—A. Because they call themselves so; that is the name they designate themselves by.

Q. Where did you hear them designate themselves so?—A. At the Bronson meetings. The captain of each club, of each rifle-club, in speaking of the peace, said they would vouch for the peace of the rifle-club at such and such a place.

Q. The reason they were designated rifle-clubs in the canvass was because they had been organized as rifle-clubs before they were ordered to give up their guns?—A. After the President's proclamation?

Q. Yes.—A. I never met them at a political meeting again.



Q. Were you at any political meeting after the President's proclamation? Were you at any meeting at which these democratic clubs attended?—A. In a body?—no, sir.

Q. These militia companies you speak of were not required to give up their arms, were they?—A. Not to my knowledge.

Q. And they were not required to disband?—A. I never saw any of them in the capacity of companies; not to my knowledge.

T. H. WHEELER (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you reside?—Answer. I reside in Beaufort.

Q. How long have you lived there?—A. I have lived there nearly four years.

Q. Where did you live before going there?—A. At Philadelphia.

Q. Are you a native of Philadelphia?—A. I am, sir; I was born there.

Q. What is your occupation?—A. My occupation is that of a lawyer.

Q. When were you admitted to practice?—A. I was admitted in Washington in 1871, I think.

Q. In the city of Washington?—A. Yes, sir.

Q. Where did you read law?—A. In Howard University; graduated from there.

Q. In what court were you admitted?—A. I was admitted into the District court; that is, the supreme court of the District of Columbia.

Q. And you have been admitted to practice in the supreme court of this State?—A. Yes, sir.

Q. What is your age?—A. My age is 26.

Q. You have always been a freeman, then?—A. Yes, sir.

Q. What do you know in regard to this labor strike in Beaufort?—A. I was present at a meeting held immediately after the strikes upon the Combahee, and during the continuance of the same.

Q. In what county is that?—A. In Beaufort County.

Q. Where was this meeting held at which you were present?—A. The meeting was held at a place called Gardner's Corner. We call it Youstus Oaks.

Q. What was the cause of that strike?—A. The cause of the strike was the issuing of checks.

By the CHAIRMAN:

Q. Do you know it of your own personal knowledge or have you heard of it?—A. It was immediately after and, I think, during the continuance of the strike. It was before the labor question was settled on the Combahee.

By Mr. LAPHAM:

Q. How large a meeting was this?—A. It was a very large meeting. I suppose four or five hundred attended it.

Q. All laborers?—A. The most of them were.

Q. Was the subject of their grievances there discussed and talked over?—A. Yes, sir.

Q. State what they were.—A. That the planters in that section had issued—

The CHAIRMAN. I do not think this is competent at all.

By Mr. LAPHAM:

Q. What was this meeting you attended?—A. The meeting was called at the instance of General Smalls, who said he desired a meeting to be called near Gardner's Corner, in order that the question of strikes might be settled, together with political questions.

Q. Who attended the meeting?—A. General Smalls attended, Mr. Hamilton attended, Mr. Bampfield attended, and Mr. Myers attended. There might have been others there; but I know those I have mentioned were there.

Q. You are speaking now of the persons who were there as speakers, I suppose?—A. Yes, sir.

Q. What class of people were there?—A. Laborers.

Q. Strikers?—A. Yes, sir.

The CHAIRMAN. Do you propose to show what those strikers said at that meeting?

Mr. LAPHAM. That is what I propose to show; what they claimed their grievance was.

Q. Will you state whether the excitement growing out of the strike ceased at any period of time; and, if so, when?—A. It ceased almost immediately afterward.

Q. When were these strikes?—A. I do not remember exactly the date; but it was some time late in the summer, about the time they were harvesting the rice.

Q. About how long before the election?—A. Some time before the election; some two or three months. It was before any nominations had been made.

Q. Did you take any part in the canvass?—A. I attended very nearly all the important meetings that were held.

Q. Were you at any meetings called by the republicans where the democrats ap-

peared in any force? and, if so, state the first.—A. The first meeting at which I attended where the democrats came in force was at Bronson. It was the first meeting that was held at Bronson. The democrats had a meeting the same day at their club. They came to us and asked us to divide the time with them.

Q. How were they there?—A. There were a hundred or two there, I suppose, most of whom were armed.

Q. How armed?—A. With rifles and pistols. They came to the meeting, leaving their guns at the house at which they had assembled, which was not more than five hundred yards, I should judge, from the place where the meeting was held. They brought with them, however, their side-arms—pistols and the like. They cursed and damned all republicans generally. They said they desired nothing but the truth, and that we had had a fashion of telling the colored people lies, and that they didn't intend that we should do it. We went on with the meeting until Mr. Langly, the county auditor, spoke. He and Mr. Tillinghurst had some words. I was not near enough to hear the exact language of either. They finally came to blows, and the meeting was broken up, the democrats rushing to the house where they had their arms and obtaining them. I was insulted and threatened—

Q. What was said?—A. One man said I was nothing but a d—d northern radical; that South Carolina intended to rule, and that Hampton should be elected, and that they didn't intend to hear me. I finished my speech, however—

Q. This was before Hampton was nominated, was it not?—A. No, sir; this was after Hampton was nominated. They said they didn't intend that I should speak; I spoke, however. After finishing my speech, the colored people advised us all to leave, and we left without adjourning the meeting. Mr. Baupfield was present. Mr. Hamilton, I think, staid after we had gone.

Q. Was anybody speaking when you left?—A. Yes, sir.

Q. Who?—A. A democrat by the name of Tillinghurst, a lawyer in Bronson.

Q. The republicans left the meeting and went away?—A. The republicans left the meeting.

Q. Had the republicans any arms there?—A. I didn't see any; some of the men had clubs.

Q. Were you at any other meeting at Bronson?—A. No, sir.

Q. At what other places were you?—A. I was at a meeting at Hardeville, where the democrats claimed time.

Q. When was that?—A. That was late in the canvass; I don't remember the date.

Q. Was it a republican meeting?—A. It was a republican meeting.

Q. What occurred there?—A. The meeting was held at night, and the democrats came and claimed time, and insisted upon having half of the time; they were in such force—

Q. How many were there?—A. I suppose there were three hundred there; there were about seventy-five colored men.

Q. Were the democrats that came there in uniform?—A. No, sir.

Q. Had they any arms?—A. They had side-arms.

Q. By side-arms, what do you mean?—A. I mean pistols.

Q. You say they demanded half of the time?—A. They demanded half of the time, and knowing their superior force we granted it. The meeting commenced, and about the time that I was speaking a man by the name of Sweat, from Savannah, came up and said that I was a d—d radical son of a b—h.

Q. A man from Savannah, Ga., said that?—A. A man from Savannah, Ga.; he was in the crowd, and said I was a d—d radical son of a b—h, and told Mr. Moore to tell me so, and that he didn't desire to hear me tell any more d—d radical lies. Mr. Moore, I think, prevented a disturbance; I know he didn't desire any disturbance. Mr. Moore was chairman of the democratic executive committee in Beaufort.

Q. Is that all that occurred at the meeting?—A. There was nothing more occurred, other than that we were constantly interrupted by parties unknown to me—mostly white men—cursing, calling us d—d sons of b—s, d—d radical rascals, county thieves, and the like; so much so that most of the colored people left, because they were afraid to stay.

Q. When was this—how long before the election?—A. This, I suppose, was a month before the election. It wasn't more.

Q. Was it before or after the Bronson meeting?—A. It was after the Bronson meeting.

Q. Did you attend any other meetings to which the democrats came?—A. There was only one other meeting, and that was a quiet one, at Grahamville.

Q. Afternoon or evening?—A. This was in the afternoon. There were not more than two or three democrats who were invited to speak, and there were present five or six hundred colored men.

Q. Did you hear any threats about discharging laborers at either of these meetings?—A. Yes, sir; at the meeting held at Matthew's Bluff, Mr. Johnson, a wealthy farmer in that section, openly stated that he would discharge, and advised all person who were

democrats to discharge, any person who was in their employ who did not vote with their interests and vote the democratic ticket.

Q. Did he say that publicly?—A. Yes, sir.

Q. How many colored people were there?—A. I should judge there were two or three hundred.

Q. Did you hear that at any other place?—A. I don't know as I heard it at any other meeting. I heard it often on the streets.

Q. You mean you heard planters make that threat?—A. I heard planters in the town of Beaufort make that allegation.

Q. How long before the election?—A. Some weeks before the election; in fact, from the beginning of the campaign.

Q. Do you know of any colored persons being dismissed from employment since the election?—A. Yes, sir; I know of quite a number who have been dismissed, and have interceded in getting land for them and employment.

Q. For how many?—A. Well, I don't think the number is less than two or three hundred.

Q. Two or three hundred persons?—A. Two or three hundred persons who have come from the upper country—that is, from the upper portion of the county of Beaufort, who have settled upon lands of Sheriff Wilson, Holmes, and others. Some are now quartered in the house of Mr. Crawford.

By the CHAIRMAN:

Q. Upon what information do you predicate your statement here under oath that two or three hundred families or persons have been discharged in the upper part of Beaufort County since the election?—A. Because quite that number have come to me.

Q. Do you know it of your own personal knowledge?—A. I do not know as I can say that these men, of my personal knowledge, were discharged.

Q. Don't you, as a lawyer, know you cannot state as evidence anything that is hearsay?—A. I do not know but that under certain circumstances you may.

Q. Under what circumstance can a witness testify to hearsay testimony?—A. Where he is asked the question.

Q. Then you made that answer, knowing it to be hearsay testimony?—A. I made that answer, believing what I said to be true.

Q. Is that the ground upon which you testified?—A. I testified on the ground that I believed it was true.

Q. You were asked the question how many persons you knew that had been discharged, and then you then testified to a matter you had gained from hearsay?—A. You have my answer.

Q. Did you see these persons leave their homes?—A. Some of them I did.

Q. How many of them did you see leave their homes?—A. I don't know how many.

Q. About how many did you see leave their homes?—A. I saw half a dozen at least.

Q. Where?—A. From the section around Lawtonville.

Q. When?—A. Since the election.

Q. What were you doing at Lawtonville?—A. I was investigating a murder case, sir.

Q. Were you at the houses of these half dozen people when they left?—A. No, sir.

Q. How did you see them leave, then?—A. I saw them come off the place. I saw them take their things away from the place. I saw them in the road.

Q. Were they all in one place?—A. No, sir.

Q. How did you see them all leave, then?—A. I saw them at several places in the road with their things.

Q. Did you see them leave their houses?—A. No, sir.

Q. Then how do you know where they came from, if you did not see them start?—A. I know it as far as a man can reasonably know anything.

Q. You did not see them leave; you saw them on the road?—A. I saw them on the road with their things.

Q. Were they all together when you saw them?—A. No, sir.

Q. How many were together?—A. I saw them generally in groups of two or three.

Q. And you saw as many as five or six? That is as many as you saw in the road?—

A. I say I saw that many. I may have seen more.

Q. When you speak of two or three hundred people leaving their places in the northern part of Beaufort County, it is only from hearsay? You didn't see them start?—A. I didn't see them in the road. Some of the men, I know, lived at these places.

Q. How many do you know personally? Give their names.—A. Now, to give names is something I can't do.

Q. If you knew them personally cannot you give their names?—A. I didn't say that I knew them personally.

Q. What did you say?—A. I said because I knew they belonged there.

Q. How do you know that they belonged there if you did not know them?—A. Because I had seen them there.

Q. When did you see them there?—A. Time and time again, when I have been through the county.

- Q. And you cannot give their names?—A. No, sir.
- Q. Not one?—A. Yes; I know the names of one or two.
- Q. Give them.—A. I know one by the name of Clarke.
- Q. What is his Christian name?—A. I don't know his Christian name.
- Q. Where did he live?—A. He lived near Lawtonville.
- Q. Near what place?—A. I don't know whose place.
- Q. Give the name of the other.—A. I know a man by the name of Johnston, who came from some place near Hamburg.
- Q. How do you know that he came from near there?—A. Because I knew he came from there. I had seen him often.
- Q. Had you ever seen him on his farm?—A. I don't know whether I had.
- Q. Do you know, of your personal knowledge, that he had lived on a farm?—A. I don't know as to that.
- Q. Do you know what his business was?—A. I knew he was a farmer.
- Q. Did you ever see him farming?—A. No, sir.
- Q. Who else do you know that came down?—A. I don't know as I can recollect any other names.
- Q. That is all you can state?—A. That is all I can state.
- Q. You saw these people at Beaufort?—A. I did, at Beaufort.
- Q. All of them?—A. No, not all of them.
- Q. Do you state here that you saw two or three hundred people come into Beaufort since the election and make their homes there, or have you just heard of it?—A. No, I haven't heard anything of the kind. I know it from information of the men themselves who have come down from time to time, asking that I obtain them places; in fact, asking every man from Beaufort.
- Q. Do you know the name of any one man that has applied to you for a place?—A. I do not know that I do.
- Q. Can you state the number that have applied to you personally?—A. Well, I should say at least fifteen or twenty.
- Q. Do you know where they came from, except what you learned from them?—A. No more than this, that most of these men we come in contact with, sometimes as witnesses and at public meetings.
- Q. How did they get in court as witnesses if they came down since the election?—A. I am saying what I knew previously about these men. You asked me how I knew these men, and I told you I came in contact with them as witnesses in court.
- Q. And yet you cannot give their names?—A. I don't know as I can, positive.
- Q. Have you not stated this number from rumor—from what you have heard? You have no personal knowledge of what you have detailed here, have you, in regard to that matter?—A. I know from general information; I know it from personal application.
- Q. You have given the number that applied to you?—A. And the rest I know, of course, from general information.
- Q. Have you had any person make application to you to get him employment before this last month?—A. The instances before were very rare.
- Q. How long have you been living in Beaufort?—A. Nearly four years.
- Q. You never had any persons apply to you before to know where they could get employment?—A. No, sir; I might say very rare.
- Q. Is it unusual for colored people to come to Beaufort seeking employment?—A. In such numbers, yes, sir.
- Q. You have not stated that you know of more than fifteen or twenty. Is that an unusual thing?—A. Yes, sir.
- Q. Is it an unusual thing in a population like that of Beaufort County, a laboring population, going from farm to farm seeking labor?—A. It is an unusual thing for men to come down there and say they have been driven from their places on account of political opinion.
- Q. Do you state it to be a fact that it is an unusual thing for laborers in Beaufort County to go from one place to another to get employment?—A. To go from one place to another? No, I do not think so.
- Q. These laborers do not stay always on the same farm, do they?—A. They do, as a rule.
- Q. They never leave the same farm?—A. When you ask me if they never leave, you ask me for an exception.
- Q. I ask you that question. Do they never leave their places of employment?—A. I suppose they do.
- Q. Does not the stability of laborers at any given point depend upon the season and the crop and the amount of cultivation that is carried on in that particular neighborhood? Is it not some years greater than others?—O, well, I don't think so.
- Q. There is no difference in the seasons, and no difference in the amount of planting and cultivation in different seasons?—A. There may be slight differences, but I don't think it amounts to anything.

Q. Have you had any experience in the country as a farmer, or have you been living in Beaufort all the time?—A. I have been living in Beaufort most of the time.

Q. Have you lived elsewhere than in the town of Beaufort?—A. No, sir; but my business calls me to the country.

Q. You have been engaged exclusively in the business of the law?—A. Yes, sir.

Q. You have never planted, have you?—A. Never an acre in my life.

Q. And the only contact you have with the people is in your profession?—A. Yes, sir; the only contact I have with them is in my profession.

Q. Then you do not know how these farms are conducted, except from observation?—A. O, yes, sir.

Q. You do not know it otherwise?—A. Of course, a man does not know otherwise who does not farm.

Q. The question is, whether you know from your own observation about the manner in which farms are conducted and how the laborers are employed.—A. Of course, I know from my own observation.

Q. What observation have you had?—A. I know, first, from seeing men with whom I am familiar living upon the same plantation; and I know further, with what I have seen and learned from others, that it is policy to keep laborers together. It is policy to keep them together from year to year, to the planters' interests; and therefore on that ground it would seem to dictate that they should stay on the farms from year to year.

Q. Does not the amount that a planter plants and the condition of the season have anything to do with whether a given number of laborers remain on a place over one season to another?—A. As a rule, the lands in Beaufort County are cultivated—

Q. I ask you the question whether or not the amount that a planter cultivates and the condition of the season does not have to do with the number of hands that remain upon his place?—A. I don't think the condition of the season has anything to do with it. I think the amount of crop he would put in would necessarily have something to do with it.

Q. Does not the amount that these planters cultivate vary, according to the season?—A. Well, I couldn't answer that, because I don't know; but I don't think it does.

Q. And the number of hands employed would vary?—A. Yes, sir.

Q. And the hands would go from one place to another? They wouldn't remain at a place without employment, would they?—A. I shouldn't think so, sir.

Q. With regard to this first meeting you were at, at Bronston, when was that?—A. I don't know exactly the time.

Q. Who were the speakers there that day?—A. Mr. Langley spoke, Mr. Bampffield spoke, and Mr. Hamilton—I don't know whether he spoke or not, because I left him there.

Q. Then this difficulty that you speak of between Tillinghurst and Langley, Mr. Bampffield witnessed it, did he not?—A. Yes, sir.

Q. Then the circumstance you speak of is the same one that he saw?—A. Yes, sir, the same.

Q. How do you say that difficulty originated?—A. It commenced about some words which one of them used to the other; I don't know which one. I was not near enough to hear the remarks of either. The first I saw was the strike by Tillinghurst.

Q. Was that on or off the stand?—A. It was on the stand.

Q. Did you not hear Langley give Tillinghurst the lie?—A. I did not; I wasn't near enough to hear anything.

Q. Did the meeting break up on that row?—A. The meeting was nearly broke up; we had no meeting after that. I spoke after that, and attempted to introduce Major Gothe, who refused to speak on account of the noise. I attempted to speak myself, but was so constantly interrupted by the cursing that was going on that it was impossible for me to proceed.

Q. Bampffield was there all the time and saw what you did?—A. Yes, sir.

Q. Had the same opportunities for seeing that you had?—A. I think he had.

Q. You say you attempted to speak after that?—A. I did; after that difficulty.

Q. How long did you speak?—A. I suppose I spoke probably eight or ten minutes.

Q. Who else spoke?—A. Mr. Tillinghurst was speaking when I left.

Q. Who spoke immediately after you?—A. Mr. Tillinghurst.

Q. He was concluding, was he?—A. No, sir.

Q. Who was to speak after him?—A. O, you mean who was to conclude the meeting? I don't know whether he was or not.

Q. Do you know whether any one spoke after him or not?—A. I don't know; I left.

Q. Where did you go then?—A. We left, and went to French's house.

Q. How many arms do you say you saw there that day?—A. I said there were about one hundred and fifty or two hundred men there.

Q. You did not see any guns?—A. I did see guns; saw them come there armed.

Q. Where did you see them?—A. At the station.

Q. Did you and Bampffield go there together?—A. He and I went on the train

together, yes. I don't know whether he and I came from French's house where we ate dinner, or not.

Q. Where did you see the guns?—A. In the hands of the parties.

Q. After you got there?—A. Yes, sir.

Q. The guns, you say, were in the hands of the parties?—A. When I saw them they were in the hands of the parties.

Q. Were the parties there on the ground when you got there, or did they come afterward?—A. I suppose some were there, and some came there afterward.

Q. How many democrats, do you say, were there?—A. I should judge between two and three hundred.

Q. Were they uniformed?—A. No, sir.

Q. Were they on horseback?—A. Some were and some were not.

Q. About what proportion were on horseback?—A. But a few were on horseback.

Q. And when you saw them they had guns?—A. Yes, sir.

Q. Had they the guns up where you were speaking?—A. No, sir.

Q. Where did they have them?—A. When we came up to the railroad depot we saw quite a number of men at the station with guns. We then went over to French's house, which is some distance from the railroad station. I came back. I don't know in whose company I was when I came back; but I remember coming to the station, and most of them were then armed. There was a meeting-house to the right of the station, and they went over there and deposited their guns. I suppose that was five hundred yards from the place where the meeting was held.

Q. It was in a meeting-house, you say, where they put their guns?—A. I don't know whether it is a church or a school-house; but I know it was a house at which they held their meetings.

Q. Did you see any colored men there with arms?—A. I did not.

Q. Did not the militia company bring their guns and leave them in the house?—A. No, sir; never saw that in my experience.

Q. Were you at the second meeting at Bronson?—A. I was not.

Q. What other meeting were you at where there was any joint discussion?—A. At Hardeeville and at Grahamville.

Q. When were you at the meeting at Grahamville?—A. In company with General Smalls, on the same day that the meeting was held at Bronson.

Q. You held a meeting at Grahamville?—A. Yes, sir.

Q. Who spoke there?—A. Mr. Rentigreeve, from Hilton Head, General Smalls, and myself, on the republican side.

Q. Did Miller speak there?—A. No, sir. Dr. De Wezie, Charles E. Bell, a lawyer, spoke on the democratic side. Bell, I think, was a candidate afterward for probate judge.

Q. Were you at any other joint discussion?—A. No, sir; they were discontinued then.

Q. What was the name of this large planter that you heard talking about discharging men if they did not vote the democratic ticket?—A. Frank Johnston.

Q. Where does he live?—A. I think he lives in the neighborhood of Matthews Bluff. I do not know exactly where he lives.

Q. Where did you hear him say that?—A. He said that to me while I was speaking at Matthews Bluff.

Q. When was that?—A. I think it was a week and a few days before the election.

Q. He said it to you while you were speaking?—A. Yes, sir.

Q. What provoked that remark on his part?—A. He asked that he be allowed to speak, and he was refused. He said then he intended to question the speaker. There was one Ball Anderson commenced to speak. He was rather an ignorant man, and Johnston commenced to question him. I asked Johnston if he would defer his questions until some one got up there who was able to answer.

Q. And you thought you were that man?—A. No, sir. There were other speakers there who spoke before me; Mr. Myers spoke before me.

Q. But you made that suggestion yourself?—A. I suggested that he wait for some of the other speakers who were able to answer. When I commenced to speak he said that he desired to ask me several questions, and asked me if I would answer them, and I told him I would endeavor to. He asked me several questions; I don't remember what they were.

Q. What did he ask you?—A. I cannot tell exactly. He asked me as to the management of county affairs. He asked me also as to indictments against the treasurer which had been quashed; and several other things he asked me—I can't remember them exactly, but they were of a political nature.

Q. What was the treasurer's name?—A. Holmes.

Q. Was that of a political nature?—A. I should judge it was of a political nature. But those indictments were some time before the election.

Q. Indictments against Holmes, the treasurer?—A. Yes, sir.

Q. Was he treasurer before the election?—A. Yes, sir. That was in May. I do not mean the meeting was in May, but the indictments which were made against him at the June term of the court.

Q. Did he continue to be treasurer after that?—A. Yes, sir. The indictments were all quashed.

Q. Who was treasurer before him?—A. The treasurer before him, I think, was Mr. Wilder.

Q. What became of Wilder?—A. He is in Beaufort now—at least he is not in Beaufort; I saw him out in the entry of this building a little while ago.

Q. What other questions did Mr. Johnston ask you besides county affairs?—A. He asked me several questions. I do not remember what they were—about State matters. I think he asked me whether I didn't think Hampton would make a better governor than Chamberlain, to which of course I answered no. And he also asked me if I favored Chamberlain's nomination, and of course I answered yes. I cannot remember really what he said at that time now. But he spoke of the matter that occurred a year ago—probably it has been two years ago—about General Smalls and Nat. Myers having been refused at an eating-saloon at Combahee.

Q. You still have not answered my question.—A. I am getting at it. He said, "Yes; they were refused, and he would refuse them himself." I asked him if he would refuse the Congressman of his district, and he said he would refuse any "nigger" eating with him; that if any "nigger" on his plantation voted against his interests and the democratic party he would discharge them.

Q. Did he make that remark right in connection with this eating-saloon affair of Smalls?—A. Yes, sir; just at that time.

Q. He went right off from that and made that statement?—A. I do not know. There may have been some other words in relation to it, but it came in about that time.

Q. Did you say nothing during all these questions of his?—A. He was constantly interrupting and I was constantly answering during this whole conversation.

Q. During these questions he was asking you, to which you were making replies, he was going from one thing to another?—A. As I told you in the beginning, I do not remember the exact language that either of us used. He was asking questions and I was answering them. I may have asked him some questions.

Q. Do you state here that his declaration to you that he would not keep any man in his employ who voted against his interests, followed immediately after his remark that he would not eat with any "nigger"?—A. I cannot say that it did. I would not say so.

Q. Then why did you make two statements together?—A. I say it was just about that time. You asked me what he said, and I have told you all that I remember.

Q. You remember those two remarks coming together?—A. I do not know as I remember them coming together.

Q. You do not know that they came in the way you have stated?—A. No, sir.

Q. You do not know what answer or observation on your part may have excited that remark of his?—A. No; I do not know exactly what I may have said.

Q. Was that the only threat of that sort that you heard made at a public meeting?—A. That is the only threat at a public meeting that I can remember of that sort.

By Mr. LAPHAM:

Q. Did he not say at that time that he would advise others to do the same?—A. Yes; that he would advise all others to do so—to discharge all who didn't vote for their interests and the democratic party.

By the CHAIRMAN:

Q. Did he make any statement in that connection why he regarded it for their interests that they should vote that ticket?—A. No, sir; he did not.

By Mr. EDEN:

Q. Were you ever present, and did you ever hear and see a planter discharge a colored man on account of his politics?—A. No, sir.

Q. So you have no actual knowledge of any one being discharged on account of his politics since the election?—A. No, sir; I think that would be impossible.

Q. At this meeting that you attended at Bronson, do you not know that some of the colored militia had arms down at Jones's?—A. No, sir; I do not know it. Furthermore, I was at Jones's house, and I never saw any.

Q. Was Bampffield at Jones's house with you?—A. I don't know whether he was or not. It has been so long ago that I really can't remember.

Q. What time were you at Jones's house?—A. I was at Jones's house just before the meeting.

Q. And you say you don't recollect whether Bampffield was with you or not?—A. No, sir; I don't recollect.

Q. And you saw no arms there?—A. No, sir.

Q. You know there was a company of colored militia in the neighborhood, do you not?—A. No, sir; I do not know that. The only organized company of militia I know of outside of the town of Beaufort is at Lawtonville.

D. P. CONDY (colored) sworn and examined.

By Mr. LAPHAM:

Question. Where do you live?—Answer. At this present time I am residing at No. 6 Chalmers street.

Q. In this city?—A. Yes, sir.

Q. How long have you lived in this city?—A. I have been here since a boy of thirteen.

Q. How old are you?—A. Forty-three, sir.

Q. Do you know a club here in the city of Charleston called the Carolina Club?—A. Yes, sir; I do, sir.

Q. Have you been in the employ of that club?—A. Yes, sir.

Q. How long?—A. Three years, sir.

Q. Who composed the club?—A. There is a good deal of members. I can give you the names of the club.

Q. Are they living in Charleston?—A. Yes, sir. There is Mr. Jervy, a young lawyer; he is the president; and Lee Howard, vice-president.

Q. Was anything said to you about your time being up on Monday last?—A. Yes, sir.

Q. What led to your leaving?—A. On my political opinion. I was asked whether I was a democrat or a republican.

Q. When were you asked that?—A. I was asked that in August, and in September I received a writ to leave or vote the democrat ticket.

Q. What did you say to that?—A. I received that writ on the 14th of September, and I was to give a week's notice what I would do. I specified if I couldn't vote as I wanted to I wouldn't vote on either side, if I could retain my position, and it came to the push in the latter part of September; they told me they wouldn't have no use for me up to the 1st of January—this Monday coming; and I told them then, "Gentlemen, I would rather go on the 1st of December;" and they said, "No; you can stay till the 1st of January, till you find a suitable place."

Q. You are to leave on Monday?—A. On Monday; yes, sir.

Q. Do you know William Ballin?—A. He was the head superintendent.

Q. How long has he been there?—A. Four years, exactly.

Q. Do you know whether he was discharged?—A. He was discharged for the same principles, sir.

Q. When was he discharged?—A. On the 1st of December, sir.

Q. What was he discharged for?—A. For his political opinions, simply.

Q. Do you know whether he went up and inquired what he was discharged for?—A. Yes, sir; we had a meeting to that effect. We two went before them; we was the only responsible men.

Q. William Ballin left the 1st of this month?—A. Yes, sir.

By the CHAIRMAN:

Q. You say a writ was served on you?—A. Yes, sir; on the 14th of September.

Q. What do you mean by a writ? Was it in writing?—A. In writing, sir; by the secretary of the club. The writ I destroy. I got my character—what he give me as my place of business—but the writ was outside of this. I called it an intimidation writ.

Q. You carry a paper in your pocket—a certificate from whom?—A. A certificate from the secretary of the club.

Q. Let me see it. [Witness hands paper to the chairman.] This you got on the 27th of December, did you?—A. Yes, sir.

Q. Was that the time the writ was served on you?—A. O, no, sir; the writ was served on the 14th of September.

Q. What was it that you call it a writ?—A. The writ specified these words—

Q. Was it in writing?—A. In writing, sir.

Q. Who was it from?—A. From that same gentleman.

Q. Did he hand it to you?—A. Out of his own hands.

Q. What did you do with it?—A. I destroy it.

Q. What did it state?—A. It said, "You can either vote or not, but vote the democrat ticket; if you ever vote the republican ticket you must leave the club."

Q. It said, if you ever voted the republican ticket you must leave; what was the balance of it?—A. It says, "You can either vote or not, but vote the democrat ticket; but if you vote the republican ticket you must leave." My objection was not to vote the democrat ticket at all, sir; I never did vote it, and I couldn't do it. They simply said to me, in words, if you don't vote either side you can retain your position.



Q. Did they ever say to you that if you did not vote either side you could retain your position?—A. Yes, sir.

Q. Who told you?—A. That very gentleman who signed that.

Q. You say that this gentleman who signed this paper told you that if you did not vote either way you could retain your position?—A. Yes, sir; that was the understanding.

Q. And he stated that to you?—A. He stated that verbally by his mouth to me.

Q. When did he state it to you?—A. He stated that to me, sir, in September; the very month he gave me that writ. I says, "It's very hard you said to me I must leave." He said, "No, no; if you don't vote either side you can stay."

Q. Did he give you any reason for it?—A. He said they intended to carry the election if they could.

Q. And wanted you to vote the democratic ticket?—A. Yes, sir; he wanted all who could vote to vote that ticket.

Q. What is this Carolina Club?—A. It's a society, I believe.

Q. How long has it been in existence here?—A. Before I could remember—a long time.

Q. It's an old club, is it?—A. Yes, sir.

Q. Of a social and literary character?—A. A young gentlemen's social club.

Q. What was your position there?—A. I was bar-keeper; that is, tend cash affair and served drinks; served the gentlemen with the drinks as they come in.

Q. What did they pay your for your services?—A. Twenty-five dollars, sir, for the last four months; \$20 at the first start.

Q. You were paid \$25 latterly?—A. Yes, sir.

Q. Have they employed anybody in your place?—A. Not now. One man had the head superintendent's place; but my place is not filled yet.

Q. When did they tell you to leave?—A. That is my certificate, as I call it; I leave on the first of the month.

Q. Did this gentleman notify you to leave?—A. Yes, sir.

Q. When?—A. In December, in these words—it was in the latter part of November; when he paid off the superintendent he said to me, "Daniel, we will not want your services no longer up to the 1st of January."

Q. That was the 1st of November when he paid you off for that month, and he then notified you that he would not want you any longer than the 1st of January?—A. Yes, sir; he wanted me to run this month out. I said to him then I would rather go on the 1st of December. "You are falling from your word. You said if I did not vote on either side I could retain my position, and as you fall from your own words, I feel myself a man." And I went and looked for a suitable place for my family, which is large, and I came back to the gentleman to repeat his word over to me, if he please. And he said, "You know the committee will not go back on their word; they will not discharge none who don't vote." I said then, "I came back because I haven't voted, and I say I will stay until the 1st of January, and when I gets a suitable place to put my family I will do so." Then I ask for my character, and he gave it to me on that date. Those were his words, sir.

Q. This conversation of yours was with the secretary, Berkley Grimball?—A. Yes, sir.

Q. Then you did not recognize their right to change servants at all?—A. I don't think it is right at all. If you have a good servant about, that is, a competent servant you can rely upon in business, a trusty servant—I say if you have a servant about you, sir, that is capable of his business, an honest servant, I don't think it is right for you to discharge that servant on his political views, for I think every man at this time has a right to vote as he pleases so to do.

Q. Have not men who employ servants a right to dismiss them if they want to?—A. I say if he is an honorable servant it is left to him to do as he pleases.

Q. If they can get a man just as competent as you are, who votes with them, don't you think they have a right to employ him?—A. I am simply showing you my views of the point.

Q. You do not think they ought to have discharged you?—A. I say I don't think they ought to discharge. They can do as they choose.

Q. Don't you recognize their right, in South Carolina, to employ men of their own political preference if they want to?—A. Yes, sir; I recognize that, if they want to, of course.

By Mr. LAPHAM:

Q. What is this club called?—A. Carolina Place.

Q. Who is in Bullin's place?—A. A young boy by the name of Isaac Ramsey.

Q. He is the superintendent?—A. Yes, sir.

J. F. J. MULLIGAN sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Beaufort County.

Q. What is your age?—A. Thirty.

Q. Do you hold any official position in Beaufort County; and, if so, state what.—A. Trial-justice.

Q. Were you the justice before whom the case was tried on the day the difficulty occurred between the Ellises and Miller?—A. I was, sir.

Q. State briefly what was the occasion of the difficulty, what brought it about, and all the facts connected with it, as far as you know.

Mr. LAPHAM. What do you propose to prove by this witness?

Mr. EDEN. We propose to rebut Miller's testimony.

Mr. LAPHAM. All you would be entitled to show by this witness would be the cause of complaint before him.

By the CHAIRMAN:

Q. What was the man's name that Miller defended?—A. He was defending a colored man, two of them, by the names of Zachariah Irving and Rafe some one; I don't remember his name; and young Ellis—W. P. Ellis—was on the other side.

Q. What was the nature of the charge?—A. Malicious trespass.

Q. On whose property?—A. For entry, after notice, of inclosed lands—upon the lands of John G. Goethe.

Q. Who was he—what relation to the Ellises?—A. He was a brother-in-law of W. P. Ellis.

Q. Proceed now with the occurrences there. What was the point in Miller's speech that provoked the difficulty?—A. Miller was the attorney for the defense, and he stated, as well as I can remember, that the charge was conceived in fraud, and spoke as if the parties were Ellis and—

By Mr. LAPHAM:

Q. Give his words.

By the CHAIRMAN:

Q. Give the substance of it.—A. Well, sir, I think that he mentioned—

Mr. LAPHAM. I object to the witness stating what was mentioned.

By Mr. EDEN:

Q. Give the substance as near as you can state it.—A. That is as much as I could state of his words, that the charge was conceived in fraud.

By the CHAIRMAN:

Q. Was there any other imputation besides that?—A. He went on to say a good deal, but I couldn't remember his words.

Q. Was it very abusive?—A. Yes, sir; he used abusive language. I don't remember what it was now.

Q. State what occurred then.—A. After that old Captain Ellis, the father of W. P. Ellis, was sitting in the court-room, in a chair, or on a bench, I don't remember which, got up out of his seat, and I spoke to him to keep his seat. He is a very old gentleman. All then remained quiet till after court.

Q. How old a man is old Mr. Ellis?—A. I suppose he is about 70—between sixty and seventy.

Q. Is he a man in good health?—A. No, sir; his health is bad.

Q. What is his condition of health?—A. Well, he has had a stroke of palsy.

Q. When you spoke, it all quieted down?—A. All quieted.

Q. And the trial proceeded?—A. Yes, sir.

Q. Did you see anything occur after that?—A. After court they all went out of the court-room and started off home. I saw nothing else after that until I saw Mr. Miller.

Q. When did you see Miller?—A. Some of the parties came to me and told me there was a row down in the road, about two or three hundred yards from my house.

Q. State what you saw?—A. That is all I saw.

Q. You did not see the row?—A. I didn't see it; no, sir.

Q. Where was old man Ellis during this row?—A. He remained in the court-room with me.

Q. He was not out there at all?—A. No, sir; he didn't go.

Q. Did you see Miller when he came back to the house?—A. Yes, sir.

Q. Did anything occur there between him and Ellis?—A. No, sir.

Q. Did old man Ellis say anything to him?—A. No, sir.

Q. He was in the house where you were?—A. Miller went in my yard. I was in the court-house.

Q. Old man Ellis was in the court-house with you?—A. Yes, sir.

Q. And nothing transpired between old man Ellis and Miller?—A. No, sir.

Q. State whether there was any arrangement made there at that time about the hearing of another case over where Miller lived; and, if so, state what it was and when it was that you went there.—A. I had another case that was to come on at the same time, at Stafford's Cross-Roads.

Q. On the same day?—A. Yes, sir. Miller told me that he didn't want to come back there, and asked me to have the trial up to Isler's Cross-Roads, where he lived. I had held court up there a good many times previous to that time. On the day appointed I went up.

Q. How long after?—A. I suppose some six or eight days. I don't remember; I suppose about that time.

Q. About eight days after?—A. I suppose about that.

Q. Do you remember the day of the week; whether it was Thursday or not?—A. To the best of my recollection, it was on Thursday.

Q. State whether you went up there.—A. I did. It was a preliminary examination. Miller was the attorney for the defense, and J. E. Larricy attorney for the State. There was a good many persons there, both white and black, when I got there. Miller told me that he had seen his party, and that they would waive the preliminary examination. Therefore we had no preliminary examination, and the parties were bound over to court.

Q. About how many persons were there?—A. I suppose there was twenty whites and twenty or thirty colored.

Q. Were there any parties there armed with guns that you saw?—A. I saw no guns, either by the whites or the colored.

Q. Were you there at Miller's house?—A. Yes, sir; I went in his house.

Q. Was there a man in that party by the name of Johnston?—A. Capt. W. C. Johnston was there, sir; and the parties all retired after Miller said he would waive the preliminary examination—the party broke up and all went home.

Q. Do you know whether W. C. Johnston had any interview with Miller that day or not?—A. Yes, sir; I think so.

Q. Where did that occur; there at that time?—A. Yes, sir.

Q. Did you hear it?—A. No, sir; I seen them talking.

Q. Where?—A. In Miller's piazza.

Q. Did you hear what transpired between them?—A. No, sir; I did not.

Q. Were there any other parties present there?—A. There was a good many present, but I don't remember who they were.

Q. Were they parties there attending the trial?—A. Yes, sir; kept going in and out. They all broke up and went home. All was peaceable and quiet.

Q. This assembly there had nothing to do with Mr. Miller, had it?—A. Nothing in the world, only in regard to the case in which he was attorney.

Q. This appointment had been made by arrangement with him?—A. Yes, sir.

Q. How far was Miller's house from this room where you held the court?—A. About a hundred yards.

Q. Where did you attend on the day of the recent election?—A. I went in the morning and swore in the managers at Nix's Cross-Roads precinct.

By Mr. EDEN:

Q. How soon after that trial did Miller leave there and move down to where he is living now?—A. I don't think it was over four or five days.

By the CHAIRMAN:

Q. In this difficulty that occurred between Miller and Ellis, did you hear anything of a political character suggested in connection with it?

Mr. LAPHAM. I think it would be better to ask the witness to state what was said. I object to his giving inferences.

The CHAIRMAN. I will call his attention directly to what Miller testified to. [To the witness.] Did you hear any statement made there in your yard when Miller came back by any one to the effect, "Let us not have another Hamburg affair?"—A. I did not.

Q. You have said that there was no statement made by old man Ellis at all?—A. None that I heard.

Q. And he was in your house when Miller came back?—A. Yes, sir.

By Mr. LAPHAM:

Q. Old Mr. Ellis was in the court-room?—A. Yes, sir.

By the CHAIRMAN:

Q. He was in there all the time?—A. Yes, sir.

Q. And did not go out, if I understand you, to where Miller was?—A. Not till he went home.

Q. How long was that after the trouble and difficulty was over?—A. I suppose about half an hour.

By Mr. LAPHAM:

Q. How many persons were in the court-room, as you call it, during this trial?—A. I don't remember, sir, how many were in the court-room.

Q. You remember something about it. Give me your best recollection.—A. Well, sir, I couldn't state exactly the number.

Q. About the number?—A. I would say about fifteen or twenty.

Q. Can you give the names of any of them?—A. Yes, sir; I can give the names of some.

Q. Give the names of those that you remember.—A. There was Capt. N. W. Ellis; there was M. D. Ellis—

Q. Who was he?—A. Son of Captain Ellis. W. P. Ellis, another son; J. W. Ellis, another son; S. F. Ellis, another son; Smart Robison, a colored man; Bill Roberts, Thomas E. Miller, J. E. Larricy, and Capt. W. C. Johnston.

Q. Johnston was present there, and heard all that was said and saw the whole occurrence?—A. Yes, sir.

Q. Can you say whether any of them were armed?—A. Whether I can say they were or not, do you mean?

Q. Yes.—A. I cannot say, sir; they might have had something, but I saw none.

Q. Did you see whether the old man had any weapon?—A. I don't think he had, sir; I saw none.

Q. Can you remember what the old man said?—A. I don't think he said anything at all.

Q. What time did he rise in his seat?—A. He arose out of his seat when Miller was speaking.

Q. You were listening to Miller, were you not?—A. Yes, sir; I was.

Q. You did not see him at the moment he arose, did you?—A. Yes, sir; he was sitting right in front of me on a bench.

Q. Did you see him when he arose?—A. Yes, sir; I saw him.

Q. And you think he didn't say anything?—A. I don't think he did, sir.

Q. Did any one say anything?—A. Yes, sir; Mr. F. S. Ellis spoke.

Q. What did he say?—A. He asked Miller if he meant to say that they were dishonest.

Q. If who were dishonest; the Ellises?—A. Yes, sir. I ordered him to stop, and that ended it.

Q. At first you ordered the old man to sit down?—A. Yes, sir.

Q. And then ordered S. F. Ellis to stop?—A. Yes, sir.

Q. Do you remember whether Miller made any answer to what Ellis said?—A. I don't remember.

Q. The trial went on without further interruption?—A. Yes, sir.

Q. You discharged the prisoners?—A. Yes, sir.

Q. Do you know how Miller was there?—A. He came on horseback, sir.

Q. Did you see him mount his horse after he left the court-room?—A. No, sir; I did not, sir.

Q. You did not come out of the court-room?—A. No, sir.

Q. Did they all go out except the old man?—A. No, sir; J. E. Larricy, one of the attorneys, staid in, and two or three other men whose names I don't remember just now.

Q. Was there any complaint or anything said about the discharge of the defendants?—A. Nothing that I heard, sir.

Q. Nothing said to you?—A. No, sir.

Q. How many went out about the time Miller went out?—A. Well, they kept going out.

Q. Most of them went out, didn't they?—A. There didn't more than three or four stay in the room.

Q. Where did you next see Miller?—A. I next saw him in my yard, sir.

Q. Who was with him?—A. Smart Robinson, a colored man, was with him, and Peter Roberts, Zachariah Irving, and Rafe were with him.

Q. What were they doing there with him?—A. They were in my yard, sir; sitting down on the steps.

Q. What called you there?—A. I had gotten through and started in the house.

Q. Where did you leave the old man?—A. I left the old gentleman out, sir; he started home.

Q. He had gone out of the court-room?—A. Yes, sir; and he was fixing to go home.

Q. Where did you go when you saw Miller in your yard?—A. I went on in the yard, into the house.

Q. Did you go right into the house?—A. Yes, sir; I talked with him at the step, and then went into the house and put up my books.

Q. Where did you leave Miller and the other men?—A. I left them sitting on the steps, sir.

Q. Did you come out of your house again?—A. Yes, sir; I came back.

Q. How long were you in the house?—A. I suppose about ten minutes, sir.

Q. What occurred while you were in the house you do not know, of course?—A. No, sir.

Q. When you came out where did you go?—A. I went out to the steps where Miller and these men were, sir.

- Q. What occurred then?—A. Nothing else occurred.
- Q. What did you come out for?—A. I simply came out there, as far as the steps, to talk with them.
- Q. Did you talk with them?—A. Yes, sir; I have stated I went back to talk to them.
- Q. To talk about what?—A. Nothing very particular, as I know of.
- Q. You did not see that Miller was hurt?—A. Yes, sir; I saw that.
- Q. Where did you see that he was hurt?—A. He was hurt on the side of the head, sir.
- Q. Badly hurt?—A. Well, I didn't examine it; but I don't think it was very bad, sir.
- Q. You could see that he had been struck on the side of the head, could you?—A. O, yes; I saw that.
- Q. Whereabouts on the side of his head?—A. I think it was on the right side of the head.
- Q. What was the appearance of it?—A. Well, sir, it was a bruise about an inch or an inch and a half long.
- Q. It was not a cut?—A. Yes, sir; the skin was cut a little.
- Q. Any blood?—A. Yes, sir; some blood.
- Q. For South Carolina, you think it was a pretty light blow?—A. It wasn't a hard blow, sir. I have seen a good sight worse.
- Q. You did not examine it?—A. No, sir; I didn't examine it.
- Q. Did Miller complain of it at that time?—A. He didn't complain much at that time.
- Q. Did he say anything about his injury?—A. Yes, sir; he told me Mr. Ellis had struck him.
- Q. Did he say with what?—A. He said with a stick, sir.
- Q. Did he say he had knocked him off his horse?—A. No, sir; he didn't say that.
- Q. How long did you remain out there then?—A. I remained out there, as well as I can remember, some twenty or thirty minutes.
- Q. What were you staying there so long as that for?—A. I was just talking with the parties who was out there, sir.
- Q. Do you say that Miller did not give you a full account of the assault on him?—A. No, sir; he did not give me a full account of it that day.
- Q. That night?—A. Not that night, sir.
- Q. Was he in a condition to?—A. Well, sir, he was talking with a good many. He was talking with Captain Johnston and a good many others.
- Q. Did you hear the talk between him and Captain Johnston?—A. No, sir; I did not.
- Q. Did you not hear Captain Johnston request him not to prosecute Ellis?—A. I think I heard Captain Johnston ask him not to prosecute—
- Q. Ellis for striking him?—A. Yes, sir.
- Q. Was it not arranged there that Miller should give an answer the next Thursday whether he would or not?—A. Yes, sir; I heard that.
- Q. When was it that Miller requested you to try the other case at his house instead of the court-room?—A. I think I stated at the office—
- Q. You have stated that Miller requested that the examination should be at his house?—A. At Isler's Cross-Roads, near his house.
- Q. When did he make that request of you?—A. I think it was that day, sir, that he requested me to have it up there.
- Q. Do you not know that it was after this trouble with Ellis, and that he gave that as the reason?—A. I think it was after, sir.
- Q. What reason did he give for not wanting to come there?—A. That is what he told me, sir; that he didn't want to come back.
- Q. Did he not tell you why?—A. No, sir.
- Q. Did he not tell you he was afraid to come there?—A. I suppose he thought I knew the reason why.
- Q. But you understood it was because of this difficulty with Ellis?—A. Yes, sir; I understood that from what he said.
- Q. Who went to Miller's house on Thursday, the day you were to have the trial? Did you go there before these people came or after?—A. There was a good many there when I got there.
- Q. They didn't come into the house at all, did they?—A. Some of them did not.
- Q. Did the bulk of them?—A. Not all of them. They kept going in and out.
- Q. Do you remember whether you went in?—A. I went into Miller's house, sir.
- Q. Was there a yard to his house?—A. Yes, sir; there was a yard.
- Q. Where did you go in; through the gate?—A. Yes, sir.
- Q. Miller states that some of the men who came there had arms, and laid them by a log in front of his house?—A. I didn't see any, sir.
- Q. May they not have been there and you not have seen them?—A. Possibly. If they had, they were hid. I didn't notice anything of the kind.

- Q. The bulk of the people had got there before you, had they not?—A. Yes, sir.
- Q. And whether they came with arms or not you cannot say?—A. I saw none.
- Q. You do not know whether they had any when they came or not?—A. I think if they had carried guns I would have seen them.
- Q. But you did not arrive there until after they got there?—A. But I saw a good many go off.
- Q. Can you tell whether they had any side-arms?—A. If they had, I didn't see them. They might have had them under their coats or elsewhere.
- Q. In what room was it that you saw Captain Johnston and Miller engaged in private conversation?—A. It was soon after I got there; I heard them talking on the piazza.
- Q. How long were they talking together?—A. I suppose, maybe, half an hour, sir.
- Q. What the subject was you do not know anything about?—A. No, sir; I didn't go up at all.
- Q. Was it after that conversation that Miller said to you he would waive the examination?—A. It was after that conversation; yes, sir. I asked him what he proposed doing, and he said—
- Q. The only point was after he had this interview with Captain Johnston?—A. Yes, sir.
- Q. And then the parties went away, I understand you?—A. Yes, sir.
- Q. Did Captain Johnston go away with them, or did he linger?—A. He went, I think. He was one of the first that went.
- Q. Were any of the Ellises there?—A. Yes, sir. W. J. Ellis was there.
- Q. The one that had struck him was there?—A. The one that Miller alleged struck him.
- Q. He was one of the parties that was there?—A. Yes, sir. He went with Captain Johnston, I believe, in a buggy.
- Q. Now, don't you know that Miller immediately began his preparations for moving?—A. Well, sir, he didn't stay over four or five days.
- Q. Don't you know that he began making preparations to move at once?—A. Well, sir, I went home, and the first I knew he was gone before I knew he was going.
- Q. The arrangement under which he went you do not know anything about?—A. No, sir.
- Q. And he has never been back there since?—A. I seen him pass once or twice.
- Q. I mean to live there.—A. No, sir; his family is not there.
- Q. Is the house vacant?—A. No, sir; there are some colored people living in it.
- Q. Did it not stand vacant for some time?—A. Yes, sir; it did.
- Q. Until a recent period?—A. Yes, sir.
- Q. How many in family had Miller?—A. He had a wife and one child.
- Q. Where is he living at the present time?—A. I am told he is living in Grahamville.
- Q. Did you take any part in politics this fall?—A. Well, sir, not a great deal.
- Q. Well, some?—A. Well, sir, if I was to say I had taken none, I would, of course, be out of it.
- Q. Which ticket did you support?—A. I voted the democratic ticket, sir.
- Q. Did you ever vote it before?—A. Yes, sir.
- Q. Ever since you have been in South Carolina?—A. Yes, sir. I voted for Judge Green the last time.
- Q. Prior to that, in 1872, how did you vote? In other words, don't you know you have ranked as a republican?—A. I have since the war; that is, some part of the time.
- Q. You were appointed to office as a republican, weren't you?—A. No, sir; I don't think so.
- Q. Did not Miller procure your appointment?—A. Myers procured my appointment, sir.
- Q. Did not Miller aid him in procuring it?—A. I think he did, sir. They didn't ask me what I was.
- Q. Whose place did you take?—A. I was appointed in the place of S. F. Ellis, who tendered his resignation.
- Q. He was the son of old Mr. Ellis?—A. Yes, sir.
- Q. And the attorney trying the cause before you on the opposite side of Miller that day?—A. Yes, sir.
- Q. You knew the fact, then, that there was not a good feeling between the Ellises and Miller. Didn't you see this fuss there that day?—A. Well, sir, I did not; no.
- Q. You did not know that the cause that led young Ellis to resign created feeling against Miller?—A. He told me a good while before the election—
- Q. Were you not aware of the fact that there was not a good feeling between Ellis and Miller?—A. I always seen them meet friendly.
- Q. I did not ask for that.—A. I do not, sir.
- Q. You were not aware of the fact?—A. No, sir.
- Q. Do you know what caused Ellis to resign?—A. I do not, sir.
- Q. Do you not know that Miller made charges against him, and was about to ask for his removal?—A. No, sir; I do not know it.

Q. Miller or Myers; one or the other of them?—A. It might have been Myers.

Q. Don't you know what led to Ellis's resignation and your appointment?—A. No, sir; I do not know what led to his resignation. He told me a good while before that—

Q. Where did you leave Miller that night that he was struck?—A. He left my house and went home, sir.

Q. Who was with him?—A. I think he went by himself, sir.

Q. Where did the colored men who were with him go?—A. They went back home. They lived in opposite directions.

Q. Do you mean to say that he rode home alone?—A. Well, sir, he left my house—

Q. Did you see him mount his horse?—A. I saw him when he went off; yes, sir.

Q. He talked there with you, you say, half an hour after you went back?—A. Yes, sir.

Q. And the only person you remember having any conversation with him was Captain Johnston?—A. Yes, sir.

Q. Were any of the Ellises there or about there?—A. Up in the yard, do you mean?

Q. Yes; or in the road?—A. I think the young Ellises were out. I couldn't say for certain, but I think they were out at their store. They keep a store there.

Q. How far from where Miller was?—A. About a hundred yards.

Q. You do not know to this day what subject Captain Johnston was consulting Miller about, either that night or the next Thursday?—A. I do not, sir; they were talking to themselves, and I didn't ask.

By the CHAIRMAN:

Q. Did you see old man Ellis when he went home?—A. I saw him start home.

Q. Did he start home before you went into your house, after you left your office to go into your house?—A. He started home as I started off to the house.

Q. When you came back out of your house to talk to Miller, old man Ellis had gone home?—A. Yes, sir.

Q. And these Ellis boys, you say, were off at their store?—A. Yes, sir.

Q. How many persons did you see when you went up to the trial near Miller's house, on that Thursday; you say there were a good many persons there when you got there. Did you go into Miller's house after you got there?—A. Yes, sir.

Q. How many persons did you see in his house when you got there?—A. Well, sir, they were going in and out. I suppose there was two or three in there. The two attorneys was in there.

Q. You say there were parties passing in and out of the house when you got there?—A. Yes, sir.

Q. So there were parties in the house while you were there?—A. Yes, sir; all the time I was there.

Q. If there had been any guns leaning up against a log in front of Miller's gate, don't you think you would have seen them?—A. I think so, unless they had been hid under the log.

Q. You say that these parties had pretty much all left there before you left?—A. Yes, sir.

Q. You saw no parties go off from there with guns?—A. No, sir.

Q. After you had been to Miller's house for some time, you asked him if he was ready for the trial?—A. Yes, sir.

Q. Did you then go down to the store, or wherever you held the trial-place?—A. Yes, sir.

Q. Did Miller come there and waive the examination?—A. This was down at his house.

Q. He had the parties entered for their appearance at court?—A. Yes, sir.

Q. Nothing was said there by Miller about his going off?—A. No, sir; he didn't tell me anything about it.

Q. You had no intimation of his going until you heard of it afterwards?—A. None, sir.

Q. You say after he went away that you met him passing in the neighborhood?—A. Yes, sir; I met him two or three times afterwards.

Q. Does old man Ellis swear?—A. I never heard him swear; I don't think he does.

Q. Has old man Ellis in that community the reputation of a man who lends money and oppresses the poor—does he exercise a vicious influence over the people on account of his money?

(Mr. Lapham objects on the ground that it is wholly inadmissible to inquire into his general reputation.)

Mr. EDEN. I believe Mr. Miller stated Mr. Ellis had an influence over the poor whites, and that it was this influence which would enable him to cause anybody to murder him.

By the CHAIRMAN:

Q. Is Ellis what is commonly known as a money-lender in that community, and that

through his money-lending he has acquired and holds an influence over the poor people of that community?—A. Well, sir, he loans money. To say that he holds an influence over all the people in that community—

Q. The question is: Does he wield an influence as a money-lender over the poor people in his community?—A. Over any of them, do you mean, sir?

Q. Yes; by reason of his money-lending.—A. Yes; I must say that I believe he does.

Q. To what extent?—A. Well, I don't think I could say exactly to what extent.

Q. What do you mean by holding an influence over people?—A. By parties who are indebted to him by his holding mortgages on their places for money he has loaned them. Only in that way.

Q. Does he exert his influence to excite these people to vice or outbreak in the community?—A. I don't think so.

Q. Have you ever known of him doing anything of that sort?—A. I never have, sir.

Q. Did you hear on the first day of this difficulty, or at the trial, anything said about politics between Miller and Ellis?

Mr. LAPHAM. You have asked about that in chief, and I have not asked a word about it.

Mr. LAPHAM, (to the witness.) Is not old man Ellis a man who exercises more influence in that community than any man you know of residing there?—A. I do not think it.

Q. Does he not exercise a good deal of influence in that community?—A. I believe he does, sir.

Q. He is a wealthy man, is he not?—A. Yes, sir.

Q. He is a positive man, isn't he?—A. Yes, sir; a positive man.

Q. A man who likes to rule—likes to have his way?—A. Well, sir, I don't know as he does more than a great many others.

Q. That may be so, but is he not one of that kind?—A. Yes, sir; he likes to have his way about a good many things.

Q. Now you are conscious of the fact that the men with whom he deals are, to a great extent, under his control?—A. Not the generality of them, sir.

Q. No, but those to whom he loans money?—A. O, they are under obligations to him, sir. There are a great many he loans money to that he has not very much influence over.

Q. Have you any idea of the amount he has loaned out there?—A. No, sir; I have not.

Q. Don't you know that it is quite a large amount?—A. Well, sir, I wouldn't suppose that he loaned out over eight or ten thousand dollars.

Q. What is he estimated to be worth?—A. I do not really know, sir.

Q. Have you never heard it estimated?—A. I have heard it, about twenty thousand dollars, sir.

Q. Is there any other person there of equal wealth—in that immediate neighborhood, I mean?—A. There is within six or eight miles of that.

Q. He is the millionaire of that locality?—A. Yes, sir, he ranks as being.

Q. The wealthiest man in that immediate neighborhood?—A. Yes, sir; in that immediate neighborhood.

Q. And has been so ever since you have known him?—A. Yes, sir; ever since I knew him.

By the CHAIRMAN:

Q. This influence of Ellis's that you speak of, is it a bad influence over the people?—A. No, sir; I can state further, sir—

(Mr. Lapham objects to the witness making any voluntary statements.)

Q. I ask for an answer. State what you were about to say.—A. Well, sir, I have not employed a physician; he knows a great deal about medicine, and he is a very kind old man to visit the sick, and do all he can in that way.

By Mr. LAPHAM:

Q. Does he administer medicines?—A. Yes, sir; he has given my family medicine.

Q. Has he ever given you any?—A. Yes, sir; he has.

Q. Do you know what it was?—A. I do not, sir.

By the CHAIRMAN:

Q. He has never killed anybody that you know of, has he?—A. No, sir; I don't think he ever killed anybody, but he has relieved a good many.

J. D. JOHNSON recalled and further examined.

By the CHAIRMAN:

Question. Were you present at the trial-justice's, Mr. Mulligan, on the day of the



difficulty between Miller and young Ellis; and, if so, state what you saw and heard there?—Answer. I think Miller was defending a case, and he said that the case was not gotten up by a respectable party, or something to that effect. And after he got through speaking I think the Ellises and him had some words, and some blows too.

Q. State what you saw after they went out of the house. Did you see what occurred out-doors there; and, if so, state what you saw?—A. I didn't see it when it happened, but I was there a few minutes afterward. I went up and spoke to Miller, asked him if he was badly hurt and he said no, that he had a lick on the side of his head.

Q. Do you know anything about any settlement there that day between Miller and the Ellises about a claim; and, if so, state what you know about it?—A. There was a man by the name of William C. Johnston. He told Miller, "Now, Miller, you acted wrong, and so did the Ellises, and it is better to drop it right here;" and he agreed to do it, and he went back to the Ellises and said Miller had agreed to drop the whole matter, and for them to do the same. They said they wouldn't interfere with him any more.

Q. Did you see Miller when he came back toward the house to the gate of the yard where the trial was?—A. I saw him when he got in the yard, sir.

Q. Did the Ellises, or any part of that crowd, follow him to the yard and try to get in after him?—A. They went up to the little gate, and stopped right there, and went no further.

Q. Did any person keep them out of the yard; and, if so, state what was said and done?—A. William Johnston told them not to go in there and interfere with Miller, and they said they wouldn't.

Q. Did you hear anything said there about a Hamburg affair?—A. Not a word, sir. I never heard it mentioned.

Q. Did you hear old man Ellis say anything to Miller there?—A. No, sir; not a word. He is an old man badly afflicted with palsy; talks very little, and can scarcely walk at all. He is 70 years old. I never heard him say anything in the world.

Q. Does old man Ellis swear?—A. No, sir; he is a strict member of the church, sir.

Q. Did you see him when he went home?—A. Yes, sir.

Q. When did he go home?—A. He went directly after the fuss. He went down to his steam-mill. William Johnston rode up and says, "Boys, Miller has agreed to drop this matter," and he says, "I don't want you to interfere with him any more." And they said, "All right, we will not interfere with him any more at all."

Q. Was that about all that occurred there that day that you saw?—A. All that I saw, sir.

Q. State what you know about any arrangement for trying a cause up where Miller lived the Thursday week following that affair.—A. Miller, sir, had some cases to defend before Trial-Justice Mulligan, and Miller says, "Now, gentlemen, it is the last time I am going to Stafford's Cross-Roads to attend any trial."

Q. Stafford's Cross-Roads was where this trial occurred?—A. Yes, sir. Miller was the representative there, and Mulligan was the trial-justice. I think Miller had him appointed, if I am not mistaken, and he tried to accommodate him every way he could. And he says, "Mr. Johnston, we will have the next trial at Isler's Cross-Roads," and we all met there.

Q. Who met there?—A. A good many of the neighbors—all of them.

Q. Did you summons parties to attend that trial?—A. I did, sir, summons them myself.

Q. You were acting as constable?—A. Yes, sir.

Q. And you attended that place on the Thursday following?—A. On that day; yes, sir.

Q. How many persons were there?—A. I suppose there was about—do you mean altogether?

Q. Yes; white and black.—A. I suppose there was about forty-five or fifty, sir.

Q. How many whites were there?—A. I suppose about twenty-five.

Q. How many colored?—A. About the same, sir.

Q. Were you at Miller's house that day?—A. I was, sir.

Q. How many parties did you see at his house?—A. I saw William C. Johnston talking with him, and I saw Colonel Laraicy talking with him.

Q. Who else did you see there?—A. I saw Mr. Frank Warren talking with him.

Q. At his house?—A. Yes, sir; at his house.

Q. Were you in the house yourself?—A. Yes, sir.

Q. Did you see parties passing in and out of his house?—A. Yes, sir.

Q. What time did you get there that day?—A. I got there about nine o'clock in the morning, sir.

Q. How long after you got there before the parties came to this trial?—A. I suppose they came there about half after nine or ten.

Q. Did they come in a body, or one by one?—A. One by one, sir.

Q. Did the parties come there armed with guns?—A. Well, sir, the half of them had their guns.

Q. How many guns did you see there?—A. About three or four guns; that's all I saw.

Q. Were these white or colored men that had the guns?—A. These were the white men; and I saw two or three colored men with muskets in their hands, as if they had been sporting.

Q. These guns that the white men had, what kind of guns were they?—A. Shot-guns.

Q. Did you see any guns piled up against a log in front of Miller's yard?—A. No, sir; they left them in their buggies. I never saw a man with a gun in his hand.

Q. You didn't see any more than three or four guns there?—A. That is all.

Q. And those were fowling-pieces?—A. Yes, sir. Those were men I summoned there myself, as witnesses in the case.

Q. What became of the case that was set for trial there that day?—A. I came out and told some of them that they were going to postpone the case; that they were afraid a row might be got up; and they said if there was anything like that, they would leave.

Q. What was the row that was anticipated about?—A. I don't know, sir. Some of the Miller crowd said they might get up a row, and Mulligan said he would postpone the trial, and I went back and told the white men. Says I, "The trial will be postponed; some have spoken that a row might be got up." And they said if there was anything like that, they would all go home.

Q. What was that trial about?—A. There was two cases; something about a man cutting a woman's arm, and a case of trespass on land; something like that.

Q. Were they colored people?—A. Yes, sir; colored people and a white man.

Q. Was this a colored man or a white man that cut the woman's arm?—A. It was a colored man that cut the black woman's arm.

Q. How many people were there there at that time?—A. I suppose there was twenty-five or thirty. There was a good many knocking around, but not immediately right at the place.

Q. Where was this trial to be held?—A. At Isler's Cross-Roads, sir.

Q. Was there a house there?—A. Yes, sir.

Q. How far was that from Miller's house?—A. I don't think more than fifty yards, sir. Mulligan said that Miller didn't care to come to the cross-roads, and he said he would try and accommodate him right at his house.

Q. And these parties there went to that trial?—A. Yes, sir; they went to that trial.

Q. Did you hear anything that day about Miller's leaving, or his intention to leave?—A. Not a word.

Q. When did you hear of Miller's leaving; how soon after?—A. I heard of it the next day.

Q. You heard of his leaving the next day?—A. Yes, sir; I heard of his leaving.

Q. Was there anything said there that day about his leaving?—A. Yes, sir.

Q. Did you see Miller back in that neighborhood after that, passing about?—A. No, sir.

Q. Did you see him at any political meeting?—A. He was up at a meeting at Bronson, sir.

Q. Did you see him at a political meeting at Lawtonville?—A. No, sir; I don't recollect seeing him there.

Q. Were you at the political meeting at Lawtonville?—A. Yes, sir; yes, sir; he was there at Lawtonville, and at Bronson also. He was at an election at Bronson.

Q. At an election?—A. Yes, sir.

Q. Is that where you attended the election?—A. No, sir; I attended the election at Lawtonville.

Q. How do you know he was at Bronson?—A. He told me himself he was there that day.

Q. You did see him at this political meeting at Lawtonville?—A. Yes.

Q. You were at that political meeting at Lawtonville?—A. Yes, sir.

Q. Do you remember who spoke there that day?—A. I think Whipper and Wheeler and several others.

Q. Did Miller speak there?—A. I declare I don't know, sir; I just simply seen them there.

Q. About how many people were at that poll?—A. I suppose about one hundred and fifty or two hundred.

Q. Did you see any parties there armed that day?—A. No, sir; I never saw a man armed there that I know of.

Q. You didn't see any parties armed there that day at all?—A. No, sir; none in the world.

Q. Any disturbance or excitement at that meeting?—A. No, sir; none whatever. I didn't stay there the whole day.

Q. How long were you there?—A. I was there until about twelve o'clock or half past twelve.

Q. What time did you go there in the morning?—A. About ten o'clock.

By Mr. LAPHAM :

- Q. What time did that meeting at Lawtonville begin?—A. What time of day, sir?
- Q. Yes.—A. Well, sir, I suppose it commenced about half after eleven, or something like that. I hadn't any time-piece at all.
- Q. Don't you know that it was called for twelve, and that it did not begin until long after that?—A. I do not know; I had no time-piece with me.
- Q. You have stated that you left there about twelve o'clock, have you not?—A. Yes, sir; as near as I can guess at it.
- Q. And were not there again that day?—A. No, sir; no more that day.
- Q. Now, can you give the language that Miller used in his summing up before Mr. Mulligan, the words he used?—A. Well, I couldn't give the exact words, sir.
- Q. Can you give the words which Ellis used in answer to it? Didn't Ellis interrupt him when he had made an assertion there?—A. Ellis said nothing, only commenced getting out of his seat, and the trial-justice ordered him to keep his seat.
- Q. Did not young Ellis say anything?—A. I did not hear him say anything.
- Q. You did not hear any request or demand that Miller should withdraw his charge?—A. No, sir; I did not.
- Q. Where have you been since you were examined here the other night?—A. I have been right here in this city.
- Q. What have you been waiting here for?
- The CHAIRMAN, I told him to remain.
- Mr. LAPHAM, (to the chairman.) Your answer defeats the object I had in view.
- Q. The men were discharged at that trial, were they not?—A. Yes, sir; they were discharged.
- Q. Did you go out with the people when they left the court-room?—A. No, sir; I remained in the house with the trial-justice.
- Q. Most of them went out, did they not?—A. Yes, sir.
- Q. Miller went out?—A. Yes, sir.
- Q. Where did you next see Miller?—A. I saw him, as I stated, in Mulligan's yard.
- Q. You did not say that before.—A. I think I did.
- Q. The next you saw of him he was in Mulligan's yard?—A. Yes, sir.
- Q. Who was with him?—A. William C. Johnston was in there with him.
- Q. Talking with him?—A. Yes, sir.
- Q. Privately?—A. Well, not very privately, sir.
- Q. You didn't hear all that was said, did you?—A. At that time I did, sir, because Mr. Mulligan, the trial-justice, said there looked like a row in the yard, and for me to go and stop it.
- Q. Did you hear what was said between Captain Johnston and Miller?—A. Yes, sir.
- Q. The whole of it?—A. Well, I heard them till they got through with the talk.
- Q. Did you not hear him request Miller not to prosecute Ellis for striking him?—A. No, sir; I did not.
- Q. You didn't hear anything said about the next Thursday, did you?—A. No, sir.
- Q. You didn't hear Miller say to Johnston that he would let him know the next Thursday?—A. No, sir; I didn't hear that.
- Q. You did not hear Miller say that he would prosecute him?—A. That he would?
- Q. Yes.—A. No, sir.
- Q. What the occurrence was out there in the street you don't know?—A. No, sir; I do not know.
- Q. How many came up there to Mulligan's gate?—A. Well, sir, there was a good many that was not at the first—
- Q. How many came up there to Mulligan's gate?—A. I suppose there was some ten or fifteen of them.
- Q. Can you name them?—A. I can name a few of them.
- Q. Name those you can remember.—A. There was myself, Mr. Mulligan—
- Q. You did not go there with these men. Mulligan had sent you. I wanted to know who sent you there before you went?—A. There was William C. Johnston, and I think a couple of the Ellis boys was there. And a good many colored folks was there.
- Q. Which of the Ellis boys?—A. There is one small boy—
- Q. Give their names.—A. I think, sir, there is one Heber Ellis who was there.
- Q. Do you know whether the one that Miller claims struck him was there?—A. Yes, sir; he was there.
- Q. Where do you say the old man went?—A. The old man went home in his buggy.
- Q. What time did he go?—A. Well, after I went in the yard and the fuss was stopped, I came back to the gate of the house, and he had his horse in his buggy, and he rode down to his mill and told his sons to come home.
- Q. You say Mulligan told you to go over there; that he was afraid there was a fuss, and you went for that purpose?—A. Yes, sir.
- Q. Who was in the yard when you got there?—A. Well, there was colored people and Miller, and William C. Johnston was talking to him.

Q. Where was Mulligan when he said it looked like a fuss and requested you to go over there?—A. I and him was in the court-house.

Q. He had not been to his house yet?—A. No, sir.

Q. You say he made that request of you before he went to his house?—A. Yes, sir; but he followed me right on.

Q. Who was in the yard when you got there?—A. William C. Johnston, sir, was in the yard.

Q. Who else?—A. And three or four colored people.

Q. Was that all?—A. That was all that was in the yard. Mr. Johnston told them to stay out of the yard.

Q. Did you go in the yard?—A. I did, sir.

Q. Where did Mulligan go?—A. He went right in to Miller and got a towel or something to wipe his head off, and washed it.

Q. Where did he get the towel?—A. Out of his house.

Q. Did he get some water also?—A. Yes, sir.

Q. And washed his head?—A. Yes, sir; and washed his head.

Q. Where was Mr. Johnston during this time?—A. Mr. Johnston, he was talking there with Miller, sir.

Q. What were you doing?—A. I was standing by looking at them.

Q. Were you not keeping these people from coming in at the gate?—A. They didn't try to come in.

Q. Weren't you standing there to keep them from coming in?—A. They didn't try to come in.

Q. Weren't you at the gate to guard it?—A. No, sir; for when I got there the fuss was over.

Q. What did you do after you went in the yard?—A. I went up to Miller and asked him if he was badly hurt.

Q. What did he say?—A. He told me he had one pretty severe lick.

Q. Did he say where?—A. It was on his head; he showed it to me.

Q. Which side of the head?—A. I declare, sir, I don't know that, but I think it was rather on the left side.

Q. When was it that Miller said he would not come back there and try this other case?—A. He said it right there.

Q. After this fracas?—A. Yes, sir.

Q. Are you sure that it was that night he said it?—A. I am sure it was that evening that he said it.

Q. Before he went home?—A. Before he went home.

Q. Don't you know it was the next day that he made that arrangement with Mulligan?—A. No, sir. He said it was the last time he would come to Stafford's Cross-Roads.

Q. But he didn't make any arrangement about that other case that night, did he?—A. No, sir.

Q. Do you know when that arrangement was made?—A. No, sir; I do not; only the orders I got from Mr. Mulligan.

Q. The Thursday following you got to Miller's before the bulk of the people came there, did you not?—A. Before the bulk of them.

Q. Where were you there?—A. I was right there at the cross-roads.

Q. Did you not go in the house?—A. I was sometimes in the house and sometimes at the cross-roads.

Q. Where were you most of the time?—A. Most of the time I was at the cross-roads.

Q. You say some of these people who came there had arms?—A. Yes, sir.

Q. It was there arranged that there should be no examination for fear there might be a fuss, and the men waived an examination and gave bail, didn't they?—A. Mr. Mulligan came to me and told me, says he, Johnson—

Q. Answer the question. Was it not there arranged that there should be no examination, and that the parties waived an examination and gave bail?—A. All I heard, sir, was that Mr. Mulligan said he had postponed the whole affair.

Q. You have already said that, but don't you know that the parties waived an examination and gave bail?—A. No, sir; I do not.

Q. Why did Mulligan postpone the case; because he was afraid of trouble, was he not?—A. No, sir; he was not afraid of trouble. I didn't hear any fuss going on.

Q. You have said that it was stated there that they were apprehensive there would be trouble?—A. Some parties said there would be a fuss, and Mulligan said he would postpone the trial.

Q. And that was the reason of his postponing it, as you understood it. Miller, you say, left there the next day?—A. Yes, sir.

Q. And has never been back there since to live?—A. No, sir.

Q. Left his house empty?—A. Yes, sir.

Q. How long did it stand unoccupied?—A. Well, I think, about a week ago it was occupied for the first time.

Q. It stood vacant from the time he left it until about a week ago?—A. Yes, sir.

Q. When did Miller leave there?—A. Well, sir, I can't recollect.

Q. About when; what month was it?—A. I couldn't tell you, sir. It seems like it has been three months ago since it happened. The man that owns it built another house alongside of it that he lives in.

By the CHAIRMAN :

Q. Did Miller own this house that he lived in?—A. No, sir.

Q. You do not know whether Miller had any arrangement for keeping that house any longer than the time he occupied it or not, do you?—A. No, sir.

Q. You do not know whether he paid any rent for it after the time he left?—A. I do not, sir.

THE UNITED STATES OF AMERICA,

*Eastern District of South Carolina, United States District Court, to wit :*

At a stated term of the district court of the United States for the eastern district of South Carolina, begun and holden at Charleston, within and for the district aforesaid, on the first Monday of January in the year of our Lord one thousand eight hundred and seventy-seven, the jurors of the United States of America, within and for the district aforesaid, that is to say, upon their oaths, respectively, do present, that Amos Barnes, alias Amos Polite, together with divers other evil-disposed persons to the jurors aforesaid as yet unknown, late of Beaufort County, South Carolina, on the third day of December, in the year of our Lord one thousand eight hundred and seventy-six, at Beaufort County, in the State of South Carolina, in said district, and within the jurisdiction of this court, unlawfully did conspire together to injure one Abram P. Jenkins, a citizen of the United States, lawfully entitled to vote, in his person, on account of giving his support in a lawful manner, in favor of the election of George D. Tilman, a lawfully qualified person, as a member of the Congress of the United States, contrary to the act of Congress in such case made and provided, and against the peace and dignity of the United States.

D. T. CORBIN,  
*United States Attorney.*

UNITED STATES DISTRICT COURT,  
*District of South Carolina :*

CLERK'S OFFICE.

I, Daniel Horlbeck, clerk of said court, do hereby certify that the foregoing, and the endorsements thereon, are a true transcript of the indictment and proceedings had in the case of the United States vs. Amos Barnes, alias Amos Polite, for conspiring against voter.

Witness my hand and the seal of the said court, at Charleston, South Carolina, this 4th day of January, A. D. 1877.

[SEAL.]

DANIEL HORLBECK,  
*Clerk District Court United States for South Carolina.*

(Indorsed:) United States of America, eastern district of South Carolina. District court. The United States vs. Amos Barnes, alias Amos Polite. Indictment for conspiracy against voter, sec. 5520 R. S. No bill. B. Bollmann, foreman, 3d January 1877. D. T. Corbin, United States attorney.

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