

THIRD ANNUAL MESSAGE

OF

W. W. HOLDEN,

Governor of North Carolina.



RALEIGH:

JO. W. HOLDEN, STATE PRINTER & BINDER.

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THIRD ANNUAL MESSAGE OF GOVERNOR W. W. HOLDEN, NOVEMBER, 1870.

EXECUTIVE DEPARTMENT,

RALEIGH, Nov. 22, 1870.

*To the Honorable, the General Assembly of North Carolina:*

GENTLEMEN :—The people have committed to you the Legislative authority of the State. It is your duty to enact laws, and it is the duty of the Judiciary to expound, and of the Executive to enforce these laws. Our form of government is thus a simple one. It derives all its force and efficiency from the people. They established it, and they alone, through the forms prescribed in the Constitution, have the right to modify or change it. Very important trusts have been reposed in you, as in all former General Assemblies. The people, who have thus given you their confidence and clothed you with power, will look to you, as they look to the two other departments of the government, with the expectation that this confidence will be justified, and this power wielded for the general good.

We have cause to be thankful to Almighty God, the Giver of every good and perfect gift, for the abundant harvests of the year now closing, and for the general peace and quiet now prevailing throughout the State. Scarcity of the means to support

life is no longer felt. All our people who labor can have their "daily bread," and many are retrieving and rebuilding the fortunes which were lost or impaired during the late war. We are entering as a people on a new career. Time, labor, patience, and harmony and good will among ourselves, will make North Carolina more prosperous, more wealthy and more respected than she has heretofore been at any period in her history.

The finances of the State are at all times important and interesting. The people, who pay the taxes for the support of government and to improve the State, are especially concerned as to the manner in which the finances are conducted. If errors are committed, it is their right and duty to apply the remedy. They can do this only through you, their representatives in General Assembly convened. Executive and ministerial officers have no power to levy taxes or contract debts. They can do only what you command. If, therefore, onerous taxes have been levied, or a large debt contracted, they are not responsible. Their duty is to observe *the law*, and to carry out as Executive agents whatever may have been regarded by you as most expedient for the general welfare.

The present debt of the State is stated as follows:

Old or ante-war bonds, \$8,378,200. Bonds issued to Railroad Companies during the war, under acts passed prior to May 20th, 1861, \$913,000. Bonds issued to Chatham Railroad Company under Ordinance of Convention, 1861, \$215,000. Bonds issued since the close of the war, not special tax, \$8,986,845. Special tax bonds, \$11,407,000. Total, \$29,900,045.

As will be seen, there are included in the above amount, coupon bonds amounting to \$1,128,000 issued on account of certain Railroad Companies in 1861, '62 and '63, the greater portion of which was expended for work done on the roads. These bonds are not marketable, having been issued during the war, but it is contended that they were not issued in aid of the rebellion and ought to be recognized. It is believed

that the larger portion of these are in the possession of citizens of the State.

Under an act of the General Assembly "to restore the credit of the State and to facilitate the construction of our unfinished Railroads," bonds to the amount of \$4,343,000 were returned to the Treasury, including \$1,650,000 of the issue of \$2,000,000 to the Chatham Railroad Company, pronounced unconstitutional by a decision of the Supreme Court. This issue to the Chatham Railroad Company, was omitted by the State Treasurer in the statement of the debt accompanying his report for 1869, by reason of the decision of the Supreme Court referred to. The debt is, therefore, actually reduced \$2,693,000.

The entire debt is, therefore, about thirty millions of dollars, to pay the interest on which, at six per cent., together with the amount necessary to conduct the State government, will require an annual tax of \$2,500,000.

Will the people of the State submit to the annual payment of this amount of tax? To be candid with you, gentlemen, I do not believe they will. I have not changed my opinion on this subject. I still believe it would be wise, and would be sound economy in the end, to pay the interest on the debt, and every dollar of it when due; yet I need not tell you, who are fresh from the people, that this is not to be expected or hoped for. The people reason thus on this subject: They say they lost their slaves and a large amount of property by the rebellion; that this rebellion was not anticipated when a part of this debt was contracted, and that no provision could be made against it; that they lost their Bank stock, nearly all the value of their Bank notes, all their State Treasury notes and Confederate bonds and notes, and nearly all of their old debts; that the bonds issued previously to the rebellion were based to a large extent on slave property; that the war left them impoverished, their lands neglected and reduced in value, the whole system of labor changed; that many of the special tax bonds have been

hypothecated for small sums and lost ; that their internal improvements, projected since the rebellion, are languishing, and have for the most part failed, on account of the loss of State credit, no matter from what cause ;—and that upon the whole, *they will pay a part of the old State debt, and they will pay on the new or special tax debt such amounts as were realized from the sale of bonds from first hands.* Is there a member of your body who will say that this is not the feeling of the people? Gentlemen, this is not my judgment. I would pay it all in good faith if every other man in the State should say nay ; yet I am, with yourselves, a servant of the people, and it is my duty to obey their commands. The demoralization and loss occasioned by the rebellion is such that many of our people can not or will not pay their own individual debts ; can you expect those who can not or who will not do this, to submit to be taxed heavily to pay the State debt?

There must be a compromise. The State debt must be consolidated, and interest paid accordingly, and the sooner it is done the better.

Assume, for example, that the debt is \$30,000,000. Three per cent. on this would be \$900,000 per annum. But reduce the debt, by issuing new bonds, to \$15,000,000—the interest would be, at six per cent., the same amount as the above. The debt, however, would be still further reduced, if certain of the special tax bonds should be recognized and met only at the amounts which they commanded from first hands. The people would pay one million five hundred thousand dollars per annum to meet the interest, and to carry on the State government, but I doubt if two millions five hundred thousand dollars, as above stated, could be collected. I have deemed it my duty to speak freely on this subject. If I were disposed to court popularity at the expense of duty, or if I feared the consequences of stating plainly what I know to be the feelings of our people, I would have avoided the expression of these views to your honorable body ; but this question must be met, and the longer its settlement is postponed the greater will

be the difficulties that will surround it. The interest on the bonds is constantly accumulating. This interest is not paid, and the debt is, therefore, growing larger and larger. Promptitude in the payment of interest is indispensable to credit. It is better to pay three per cent. promptly on the whole debt than to pay six per cent. once in two or three years, and then *promise* to pay, and fail to meet the promise.

I invite your early and earnest attention to this subject, and I trust you will not adjourn without such legislation as will meet the wishes of the people, and satisfy, as far as may be, the just expectations of our creditors.

Allow me in this connection to invite your attention to the Report of the Public Treasurer. That officer has been indefatigable and zealous in the discharge of his important duties; and I am satisfied that, if his suggestions had been heeded and adopted by the last General Assembly, the State finances and the State credit would have been on a much better footing than they at present occupy.

Our revenue laws are defective. Your attention is invited to the importance of so amending these laws as to ensure prompt payments by the Sheriffs, and also to provide some effectual check on the Sheriffs as to the taxes collected of merchants and dealers.

The Presidents of the various corporations in which the State is interested will report to you through the Superintendent of Public Works. I regret to state that our unfinished Railroads have not been pressed to completion as it was hoped at one time they would be, and as the people had a right to expect. The mistake in this business was, in issuing at one time so large an amount of bonds to the Railroad corporations. It is true the former mode of issuing them to the Presidents of the corporations was observed; yet the amount suddenly thrown upon the market, together with the gold speculation in New York in October last, operated to put the bonds, as a general rule, to a figure not more than one-fourth their value. It would have been fortunate for these corporations and for the

State if the bonds had been sold, early in October last, for fifty cents in the dollar.

The Eastern Division of the Western Extension is pressing forward slowly but steadily through the Blue Ridge, but it is feared the want of means will prevent its completion to Asheville. Some work has been done on the projected Roads beyond Asheville. But the work is languishing, and I regret to state that I can see no means immediately at hand to prosecute it.

The people of the Western part of the State have long felt the want of Railroad communication. There is no finer region of country in the world than that which lies west of the Blue Ridge. Every part of the State is interested in penetrating through that region to the Mississippi Valley. If this work could be accomplished, the beneficent results would soon be seen in the diversion of a large amount of trade and travel through the State, and in the rapid development of the great resources of Western North-Carolina. I am not without hope that aid may be expected from Congress for this work, as a part of the great Southern Pacific line.

There are at present two Boards of Directors and two Presidents of the Wilmington, Charlotte, and Rutherford Railroad. This conflict of authority is calculated to obstruct the business of this corporation, and to impede the work of construction, which, for some time past, has not progressed rapidly. Under a recent decision of our Supreme Court, in the case of *R. Y. McAden, "tax payer," &c., v. D. A. Jenkins, Public Treasurer, and the Wilmington, Charlotte & Rutherford R. R. Co.*, I was of opinion, which is unchanged, that the State was entitled to a representation in the Directory of that Company. I trust you will give to this conflict of authority your early attention. It may be that your honorable body will be able to adjust the difficulty that exists, yet I incline to the opinion that it can be settled only by the Supreme Court.

The North Carolina Railroad, which was chartered in 1848, is now in a prosperous condition, and is realizing the most sanguine expectations of its early advocates and friends. It has been conducted in the best and most satisfactory manner

by its President, William A. Smith, Esq., aided and sustained as he has been by a Board of twelve Directors, eight of whom are appointed by the State and four chosen by the Stockholders. This corporation, under this admirable management, is now paying six per cent. per annum on its whole capital stock of four millions of dollars. Propositions have been made by capitalists to lease this Road for a term of years, but I have instructed the State proxy to vote against any lease or sale, and the State Directors, appointed by the Governor and Council, are not expected to favor any step which will deprive the State of its control of this valuable Road. I respectfully and earnestly recommend that the State continue to hold and control this Road. No consideration or advantage which is likely to be offered, should induce the State to part with this property either by sale or lease.

The Report of the Board of Education will show the transactions of that body for the past year. Your attention is invited to the suggestions in the Report in relation to the interest now due from the State to the public school fund; also, to the statements with reference to Swamp Land transactions.

The contract made by the Board of Education with Messrs. Bible and Carrow, for certain Swamp Lands, has not been complied with on their part. That the Board made a good bargain for the State in contracting to dispose of these lands to these gentlemen, there can be no doubt; and one of the best evidences of this is the fact that they elected, when the time arrived for the first payment, not to make the payment, and thus forfeit what they deemed a bad bargain for themselves. There are considerable bodies of Swamp Lands that are valuable; but it is well that the people of the State should understand that these lands are not at present available as a source of income to the school fund. Indeed, they never have been available for this purpose. They have cost the State more money than has yet been received from sales of them. They will grow in value and importance as the population of that part of the State in which they are situated increases, and as capital and labor are applied to fit them for cultivation. I am

sustained in this view of the unprofitable character of these lands by the experience of preceding administrations. But they ought not to be sacrificed. The State can afford to hold them, and, after a while, they will be sought, purchased and occupied, and thus add to the general wealth.

The Reports of the Superintendent of Public Instruction, of the Superintendent of Public Works, of the Auditor, of the Secretary of State, of the Attorney General, of the Principals of the two Asylums, and of the Penitentiary Commissioners, will afford valuable information for your honorable body.

The revenue for the support of public schools, for the school year commencing October 1st, 1869, and closing September 30, 1870, was, from all sources, \$152,281.82. The amount paid during the year for wages of teachers was \$42,862.40. The amount actually paid into the Treasury for schools for the year ending September 30, 1871, is \$90,407.80. There have been schools during the past year in seventy-four of the ninety Counties. There are about eight hundred Townships in the State, and schools have been kept in three hundred and fifteen of these, making about twelve hundred and fifty schools. It is estimated that about forty-five thousand children have attended these schools. Of these there were white, thirty-two thousand six hundred and fifty, and colored, twelve thousand three hundred and fifty. The number of school-houses reported is seven hundred and nine, and the average monthly pay of teachers is twenty-four dollars.

Up to the commencement of the late war, North-Carolina had the best system of common schools of any State south of the Potomac. In former days the leading public men of all parties vied with each other in caring for and promoting the education of all the children. Would that those days would return! Our present system is in its infancy, is poorly endowed, and has to contend with many difficulties. We should not despond in the prosecution of this good work. Every man and woman who loves North-Carolina should lend a helping hand to this cause. It is vain to hope that the rising and coming generations will govern themselves properly, and guard and maintain

their liberties, if they are deprived of the advantages of education and allowed to grow up in ignorance.

I trust that the government of the United States will turn its attention to this matter and establish a national system of public instruction. Such a policy on the part of that government would confer immeasurable benefits on the people of the Southern States, and would give the strength of adamant to the pillars which sustain the national edifice. I trust the Senators and Representatives in Congress from this State and from all the Southern States, will urge this subject on that body with an earnestness and perseverance which will take no denial.

I regret to inform you, gentlemen, that the State University is burdened with debt, and is in a languishing condition. I respectfully urge you to take some steps to sustain it, and to place it on a footing which will command the patronage of the people. All that I have ever desired, or do now desire in relation to this institution is, that national, and not sectional sentiments shall be inculcated in it. Let it be *an institution of learning*, to which the youths of the State will flock, to be fitted for educators and leaders of the people, and to adorn society in their day and generation. It has been suggested that the University be leased for a term of years to a person or persons who will conduct it properly, and who will labor to build it up as a State institution. There are various schemes by which it is hoped the University will be placed on a permanent footing. Without indicating any preference as to these schemes, but with an ardent desire to see the University again in a prosperous condition, I submit the whole matter to the Trustees and to your honorable body.

I cannot dismiss this subject without bearing my testimony to the energy and zeal which have characterized the President and Professors of this institution. It is due also to the Rev. S. S. Ashley, the Superintendent of Public Instruction, and to Rev. J. W. Hood, his Assistant, to state that they have been unwearied in the discharge of their duties, and that the success

of our public school system thus far is to be attributed in a great degree to their enlightened and well-directed efforts.

A large proportion of our people are farmers. Agriculture is, therefore, a subject of primary importance. The preservation of the original fertility of the soil, and the increase of its fertility, depend on the practice of a few fundamental principles. These principles are simple, and can be easily comprehended by any one of ordinary intellect. By observing these principles population is increased, the interests of society are promoted, and the enjoyments of life are multiplied. It is the duty, as it is to the interest of every State and every community to encourage the acquisition of knowledge in farming. The simple elements of Agriculture should be taught in all our schools, both public and private, as well as in the University and in the Colleges. I respectfully and earnestly appeal to you, gentlemen, to give this subject your attention, and to devise such means as may be in your power to spread the knowledge of Agriculture among the people and to benefit the farming interests. The State Fairs and the County Fairs should be encouraged. An annual appropriation of \$25,000 to these Fairs would repay the State four fold in increased production, and in the excellence of production of all kinds.

The Insane Asylum has been conducted with remarkable ability and success by its Superintendent, Dr. Eugene Grissom. It is now crowded to repletion with the unfortunate, and there are hundreds of insane who should be cared for, and who can not be received into the institution for the want of room. It is a sacred duty which we owe to these unfortunates, to their families, to society, and to ourselves, to make provision for every person within our borders who is thus afflicted. I am sure, gentlemen, that you concur with me in this, and that you will do all you can to provide for the insane who are deprived of the benefits of the Asylum.

Mr. Wiley J. Palmer, for many years the efficient and zealous Principal of the State Institution for the Deaf and Dumb and Blind, has recently felt constrained, by a sense of duty

to his family and to himself, to leave the State, and to accept a similar position in Canada, where his compensation is much better than it was here, coupled with the prospect of employment for life. The loss of Mr. Palmer is sensibly felt by the Institution, and the Board of Directors has not been able thus far to select a suitable successor. I commend this Institution to your attention and care, not doubting that you will do whatever may be best to promote its prosperity, and to provide further and still greater advantages for the comparatively benighted and helpless ones for whose benefit it was established.

The salaries of the Judges of the Supreme and Superior Courts are inadequate, and should be increased. The Attorney General is also inadequately remunerated. He is one of the most useful and indispensable officers of the government, and should receive a compensation at least equal to that allowed to the other Heads of Departments.

There are now two hundred and twenty convicts in the State Penitentiary, and there are probably two hundred more in the various County prisons who should be in it. The contractors are progressing rapidly with the main building. The site is believed to be an excellent one; and the affairs of the Penitentiary have in all respects been economically, honestly and ably managed by the Commissioners. This is an indispensable establishment, and should be pressed to completion as rapidly as the means of the State will allow.

The present government of North-Carolina commenced its operations on the 4th day of July, 1868. This government is based on the political and civil equality of all men, and it was lawfully and constitutionally established by the whole people of the State. The State had just emerged from a protracted and desperate conflict with the government of our common country, in which many valuable lives and a vast amount of property had been sacrificed. It was hoped and expected that the government thus established, after so much suffering and so many calamities, would be allowed to move quietly forward,

protecting all alike, dispensing its benefits with an equal hand, and preparing the way for a realization of that prosperity which the State had formerly enjoyed. But the validity of the reconstruction acts was questioned, and the authority of the State was represented as having been derived in such a manner as to render it binding on the people only until an opportunity should be offered to throw it off. Combinations were formed in various part of the State, of a secret character, the object of which was to render practically null and void the reconstruction acts, and to set at naught those provisions of the Federal and State Constitutions which secure political and civil equality to the whole body of our people. My attention was first called to these combinations in October, 1868, and I then deemed it my duty to issue a proclamation, setting forth the nature of our government, the manner in which it had been established, vindicating its authority as a government not merely *de facto* but *de jure*, and giving warning of the consequences that must follow, if any attempt should be made to subvert the government, or to assail by force the right of suffrage as guaranteed to any portion of our citizens. In that proclamation I said: "Every race of men in this State is free. The colored citizen is equally entitled with the white citizen to the right of suffrage. The poor and the humble must be protected in this right equally with the affluent and the exalted." It was also enjoined upon "all magistrates, Sheriffs and other peace officers to be vigilant, impartial, faithful and firm in the discharge of their duties, magnifying and enforcing the law, ferreting out offenders, protecting the weak against the strong who may attempt to deprive them of their rights; to the end that the *wicked may be restrained*, the peace of society preserved, the good name of the State maintained, and the *government perpetuated* on the basis of Freedom and Justice to all."

And in April, 1869, after the General Assembly had passed "An Act making the act of going masked, disguised or painted, a felony," I issued another proclamation setting forth this

Act, and giving notice that "bands of men who go masked and armed at night, causing alarm and terror in neighborhoods, and committing acts of violence on the inoffensive and defenceless," and "depredators and robbers, who live on the honest earnings of others," would be followed and made to feel the penalty due to their crimes.

And in October, 1869, I deemed it my duty to issue another proclamation, setting forth the fact that in the Counties of Lenoir, Jones, Orange and Chatham, "there is, and has been for some months past, a feeling of insubordination and insurrection, insomuch that many good citizens are put in terror for their lives and property, and it is difficult, if not impossible, to secure a full and fair enforcement of the law." I gave notice in this proclamation that violations of law and outrages in the aforesaid Counties must cease; otherwise I would "proclaim those Counties in a state of insurrection," and would "exert the whole power of the State to enforce the law, to protect those who are assailed or injured, and to bring criminals to justice."

And in March, 1870, I was forced by a sense of duty to "proclaim and declare that the County of Alamance is in a state of insurrection."

And in June, 1870, I issued another proclamation, in which, on account of ten murders mentioned, committed in four Counties, and other acts of violence, such as whipping, and the driving a State Senator from the State, I offered rewards for the arrest and conviction of murderers, amounting in the aggregate to a large sum. In this proclamation I denounced the outrages, such as murders and scourgings, by the Kuklux Klan, and also retaliation by others, such as the burning of stables, mills and dwelling houses; and I urged all officers, both civil and military, to aid in bringing offenders to justice and restoring peace and good order to those portions of the State.

And in July, 1870, I was forced by a sense of duty to "declare the County of Caswell in a state of insurrection."

These proclamations are printed in the "Appendix" to this

document, and I trust every member of your honorable body will give them a careful perusal.

In addition to these proclamations I addressed letters to various civil and military officers, and to citizens, urging the necessity of repressing these outrages and of enforcing the law. For the space of twelve months, while the laws were thus being set at naught, and while grand juries were failing to find bills, or, if they were found, petit juries refused to convict, I was almost constantly importuned by letters, and in person, by many of the victims of these outrages, and was urged to adopt some means of protection to society, and especially to the victims of the secret combinations referred to.

These combinations were at first purely political in their character, and many good citizens were induced to join them. But gradually, under the leadership of ambitious and discontented politicians, and under the pretext that society needed to be regulated by some authority outside or above the law, their character was changed, and these secret Klans began to commit murder, to rob, whip, scourge and mutilate unoffending citizens. This organization or these combinations were called the Ku Klux Klan, and were revealed to the public, as the result of the measures which I adopted, as "*The Constitutional Union Guards*," "*The White Brotherhood*," and "*The Invisable Empire*." Unlike other secret political associations, they authorized the use of force, with deadly weapons, to influence the elections. The members were united by oaths which ignored or repudiated the ordinary oaths or obligations resting upon all other citizens to respect the laws and to uphold the government; these oaths inculcated hatred by the white race against the colored race; the members of the Klan, as above stated, were hostile to the principles on which the government of the State had been reconstructed, and, in many respects, hostile to the government of the United States. They met in secret, in disguise, with arms, in a dress of a certain kind intended to conceal their persons and their horses, and to terrify those whom they menaced or as-

saulted. They held their camps, and under their leaders they decreed judgment against their peaceable fellow-citizens, from mere intimidation to scourgings, mutilations, the burning of churches, school-houses, mills, and in many cases to murder. This organization, under different names, but cemented by a common purpose, is believed to have embraced not less than forty thousand voters in North Carolina. It was governed by rules more or less military in their character, and it struck its victims with such secrecy, swiftness and certainty as to leave them little hope either for escape or mercy. The members were sworn to obey the orders of their camps even to assassination and murder. They were taught to regard oaths administered before magistrates and in Courts of Justice, as in no degree binding when they were called upon to give testimony against their confederates. They were sworn to keep the secrets of the order—to obey the commands of the Chief—to go to the rescue of a member at all hazards, and to swear for him as a witness, and acquit him as a juror. Consequently, Grand Juries in many Counties frequently refused to find bills against the members of this Klan for the gravest and most flagrant violations of law; and when bills were found, and the parties were arraigned for trial, witnesses, members of the order, would in nearly every case come forward, and, taking an oath before the Court on the Holy Evangelists to tell the truth, the whole truth, and nothing but the truth, would swear falsely, and would thus defeat the ends of justice. There are, at least, four Judges and four Solicitors in the State who will bear witness to the fact, from their own experience, that it was very difficult, if not impossible, to convict members of this Klan of crimes and misdemeanors. I have information of not less than twenty-five murders committed by members of this Klan, in various Counties of the State, and of hundreds of cases of scourging and whipping. Very few, if any, convictions have followed in these cases. The civil law was powerless. One State Senator was murdered in the open day in a County Court-house, and another State Senator was driven from the State,

solely on account of their political opinions. In neither case was a bill found by a Grand Jury. A respectable and unoffending colored man was taken from his bed at night, and hanged by the neck until he was dead, within a short distance of a County Court-house. Another colored man was drowned, because he spoke publicly of persons who aided in the commission of this crime. No bills were found in these cases. A crippled white man, a native of Vermont, was cruelly whipped because he was teaching a colored school. No bill was found in this case. The Sheriff of a County was waylaid, shot and killed on a public highway, and the Colonel of a County was shot and killed in the open day, while engaged in his usual business. A County jail was broken open, and five men taken out and their throats cut. Another jail was broken open, and men taken out and shot, one of whom died of his wound. Another jail was broken open, and a United State's prisoner released. No punishments followed in these cases. The members of this Klan, under the orders of their Chiefs, had ridden through many neighborhoods at night, and had punished free citizens on account of their political opinions, and had so terrified many of them by threats of future visitations of vengeance that they fled from their houses, took refuge in the woods, and did not dare to appear in public to exercise their right of suffrage. Some of these victims were shot, some of them were whipped, some of them were hanged, some of them were drowned, some of them were tortured, some had their mouths lacerated with gags, one of them had his ear cropped, and others, of both sexes, were subjected to indignities which were disgraceful not merely to civilization but to humanity itself. The members of this Klan, under the orders of their Chiefs, had ridden, defiantly and unmolested, through the towns of Hillsborough, Chapel Hill, Pittsborough and Graham, committing crimes, defying the lawful authorities, and causing real alarm to all good people. In fine, gentlemen, there was no remedy for these evils through the civil law, and but for the use of the military arm, to which I was compelled

to resort, the whole fabric of society in the State would have been undermined and destroyed, and a reign of lawlessness and anarchy would have been established. The present State government would thus have failed in the great purpose for which it was created, to-wit: the protection of life and property under equal laws; and, necessarily the national government would have interfered, and, in all probability, would have placed us again and for an indefinite period under military rule.

In June, 1869, about twelve months before I declared the Counties of Alamance and Caswell in a state of insurrection, I caused eighteen men, murderers and robbers, to be arrested in Lenoir and Jones. They were examined before Judge Thomas. Five of them turned State's evidence, and exposed the secrets of the Klan and the crimes of their confederates. None of them have been convicted. Yet the result of these arrests was, that peace and order were almost immediately re-established in those Counties.

In the early part of 1870 I employed, in Chatham, Capt. N. A. Ramsey, and in Orange Capt. Pride Jones, both belonging to the political party opposed to my administration, to aid in repressing the Ku Klux and in composing the troubles in those Counties. They performed their duty in a manner which entitles them to the thanks of every friend of law and order.

In July, of the present year, I deemed it my duty to embody a portion of the militia, and to make a number of arrests of suspected persons in the Counties of Alamance and Caswell. I exercised this power by virtue of the State Constitution, which declares that "the Governor shall be Commander-in-Chief, and have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion." And also by virtue of an Act of the General Assembly, passed at the session of 1869-'70, which provides that the "Governor is hereby authorized and empowered, whenever in his judgment the civil authorities in any County are unable to protect its citizens in the enjoyment of life and property, to declare

such County to be in a state of insurrection, and to call into active service the militia of the State to such an extent as may become necessary to suppress such insurrection; and in such case the Governor is further authorized to call upon the President for such assistance, if any, as in his judgment may be necessary to enforce the law."

This was my authority, gentlemen, for the course which I adopted in this grave emergency. It was my sworn duty, as Chief Magistrate of the State, to "execute justice and maintain truth." I was satisfied that the civil authorities in the Counties referred to were not able to protect their citizens in the enjoyment of life and property; and, after much forbearance, and many remonstrances, and when patience was exhausted, I could adopt no other course which promised to restore civil law and to re-establish peace and order in those Counties.

Many of the persons thus arrested were examined before the Chief Justice and two of the Associate Justices of the Supreme Court, in this City, and forty-nine of them were bound over to appear and answer to the Superior Courts of Caswell and Alamance. It is supposed that not less than twenty or thirty of the worst characters in Caswell and Alamance and other Counties, have fled the State, to escape arrest and punishment for their numerous crimes.

The correspondence between the Chief Justice and myself in relation to these matters, and all the material evidence elicited in the cases, are given in the Appendix to this document, to which I invite your attention.

I did not proceed to final action in this matter until I had consulted the President of the United States, which I did in person in July last. It will be seen, by his letter published in the Appendix, that he sustained me in my action. The federal troops in the State at that time were re-inforced by his order, and every precaution was taken to prevent resistance to the steps which I deemed absolutely indispensable to the restoration of the civil law and the re-establishment of peace and order.

The Report of the Adjutant General, which will be laid before you, will contain information as to the operations of the militia in Alamance and Caswell, and statements of the expenses of the same. Any information on this or other subjects which the General Assembly may desire, will be promptly and cheerfully furnished.

The result of this action on the part of the Executive, in pursuance of the Constitution and the laws, has been in the highest degree fortunate and beneficial. The power of the State government to protect, maintain, and perpetuate itself has been tested and demonstrated. The secret organization which disturbed the peace of society, which was sapping the foundations of the government, setting the law at defiance, and inflicting manifold wrongs on a large portion of our people, has been exposed and broken up. Well-meaning, honest men, who had been decoyed into this organization, have availed themselves of this opportunity to escape from it, and will henceforth bear their testimony against it as wholly evil in its principles and its modes of operation. A score or more of wicked men have been driven from the State, while those of the same character who remain have been made to tremble before the avenging hand of power. The majesty of the law has been vindicated. The poor and the humble now sleep unmolested in their houses, and are no longer scourged or murdered on account of their political opinions. Peace and good order have been restored to all parts of the State, with the exception of the County of Robeson, in which some murderers and robbers are still at large, but it is expected they will speedily be arrested and brought to punishment. In view of this altered and gratifying condition of things I issued another proclamation on the 10th of this month, revoking former proclamations which placed Alamance and Caswell in a state of insurrection. Allow me, gentlemen, to say to you in the language of this proclamation of the 10th instant, that I trust that peace and good order may continue; that partizan rancor and bitterness may abate; that our people of all classes and conditions

may cultivate harmony and good will among themselves ; and that the whole people of the State, without respect to party, may unite fraternally and cordially to build up North Carolina, and to elevate her to the proud eminence which she once occupied as a member of the American Union.

It will afford me pleasure, gentlemen, to co-operate with you in such measures as may be considered best calculated to promote the prosperity and happiness of our people.

I have the honor to be, with great respect,

Your obedient servant,

W. W. HOLDEN.

## APPENDIX.

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### A PROCLAMATION,

BY HIS EXCELLENCY, THE GOVERNOR OF NORTH CAROLINA.

EXECUTIVE DEPARTMENT,

RALEIGH, October 12th, 1868.

Information has been received at this department that military weapons, such as repeating rifles of various kinds, have been imported into this State, and have been distributed with ammunition and equipments to citizens in several localities. It is believed that boxes containing arms, ammunition and equipments are concealed in divers places, ready to be distributed as opportunity may offer.

The object of the persons thus engaged must be either to subvert the government, to resist the constituted authorities, or to prevent a free election in this State on the third day of next month.

The government of North Carolina has been lawfully and constitutionally established. This government has been freely and voluntarily formed by a majority of the citizens in pursuance of acts constitutionally passed by the Congress, under which my immediate predecessor held office from the 2d day of March, 1867, to the 1st day of July, 1868. The constitutionality of these acts, if questioned during this period, were nevertheless subscribed to and maintained by him, and by every department of the government, from the said 2d day of March,

1867, to the said 1st day of July, 1868; and now, that they have been executed by the common consent of the whole people voting under them at the polls for members of a Convention, for the new Constitution, and for members of Congress and State officers, the result which has been effected closes the discussion in relation to them, and renders the present Constitution of government as valid and binding as were the Constitutions of 1776 and 1835.

This government will be maintained for the following, among other reasons :

1st. It has been lawfully and constitutionally established by the whole people of the State. It is operating smoothly and harmoniously. Under it the people are quiet and peaceable, and are just entering anew on a career of prosperity. It must not be upset or even assailed, because the colored people have been allowed to vote; or because they will vote with a certain party; or because a few public men are out of office and a few are in.

2d. Senators and Representatives have been admitted by the Congress to seats in that body. The State is, therefore, *of* as well as *in* the Union. It is as much of the Union as New York or any other State. No State can secede, nor can Congress push a State out, or sever its relations with the common government. If Congress should, therefore, do what is exceedingly improbable, repeal the reconstruction acts, such repeal would have no more effect than a repeal of the act admitting Texas or Kansas to representation. The reconstruction acts have been executed, and are, therefore, beyond the reach of Congress.

3d. The Supreme Court has no jurisdiction of the subject. Its powers are expressly defined by the Constitution to be "judicial," and not political. It has already decided that the question of admission to representation is a political question, and that when determined by Congress, as it has been in relation to North Carolina, the court will not interfere.

4th. The President would have no more power to declare

the reconstruction acts null and void, with a view to the extinguishment of the government of this State, than I would have to declare that a certain County or Counties in this State should cease to exist.

The government of North Carolina is, therefore, as firmly established as that of any other State. It has the same control of the right of suffrage, and of its own internal affairs, as the other States have; and it possesses equal power with the other States to protect and perpetuate itself.

The right of the people to have arms in their houses, and to "bear" them under the authority of law, is not questioned. On the contrary, it is claimed as a constitutional right sacred to freemen. The use of arms by the male population, for peaceable and lawful purposes, should rather be encouraged than otherwise; but when, in time of peace, weapons of an extraordinary character are imported into the State by political organizations, and deposited and distributed in a secret manner among persons whose spokesmen deny the authority of the existing government, and who publicly declare that all government, to be authoritative and binding, must proceed alone from one race of our people, a state of affairs is at once constituted which renders it the duty of every officer and every citizen to be more than usually vigilant. It cannot be pretended that these arms are intended for hunting or sporting purposes. It can not be justly assumed that they are necessary for the protection of those who have them, since the whole power of the State and general governments is pledged to protect the peaceable and the law-abiding, whoever and wherever they may be.

If it be the purpose of any portion of the people in any event to resist the laws or to subvert the government, they should bear in mind that TREASON is the highest crime that can be committed; that they are liable to arrest and punishment under the "Act to punish conspiracy, sedition and rebellion," which will be enforced, if necessary, with a firm hand; and they should reflect that the magnanimity of the government,

which spared the lives and the estates of those who engaged in the late rebellion, may not be extended a second time to save them from the consequences of their crimes.

If it be the purpose of any portion of the people, by the use of arms, or by threats or intimidation, to prevent the people from going to the polls and voting as they may choose to vote on the third day of next month, it is my duty to inform them that force will be met with force, and that every person who may thus violate the law will be punished. Every race of men in this State is free. The colored citizen is equally entitled with the white citizen to the right of suffrage. The poor and the humble must be protected in this right equally with the affluent and the exalted. The election must be absolutely free.

In view, therefore, of this condition of affairs, I have deemed it my duty to issue this Proclamation, admonishing the people to avoid undue excitement, to be peaceable and orderly, and to exercise the right of suffrage firmly and calmly, without violence or force of any kind. Every good citizen is gratified that North Carolina is at present as quiet and peaceable as any State of the Union. Let us maintain this good name for our State. Let us frown indignantly on the use of brute force, or bribes, or threats, to control the election; and let every officer of the State, civil and military, be prepared to check instantly any incipient step to sedition, rebellion or treason.

The flag of the United States waves for the protection of all. Every star upon it shines down with vital fire into every spot, howsoever remote or solitary, to consume those who may resist the authority of the government, or who oppress the defenceless and the innocent. The State government will be maintained; the laws will be enforced; every citizen, whatever his political sentiments, will be protected in his rights; the unlawful use of arms will be prevented, if possible, and if not prevented, will be punished; and conspiracy, sedition and treason will raise their heads only to be immediately subdued by the strong hand of military power. The General commanding this department has instructed the district and post

commanders to "act in aid and co-operation, and in subordination to the civil authorities," in maintaining the peace and in securing a free election. The power of both governments is thus pledged to peace, order and tranquility.

It is specially enjoined on all officers of the Detailed Militia to observe the "act to organize a militia of North Carolina," and to act in strict subordination to the civil power. And all Magistrates, Sheriffs and other peace officers are also specially enjoined to be vigilant, impartial, faithful and firm in the discharge of their duties, magnifying and enforcing the law, ferreting out offenders, protecting the weak against the strong who may attempt to deprive them of their rights; to the end that the wicked may be restrained, the peace of society preserved, the good name of the State maintained, and the government perpetuated on the basis of Freedom and Justice to all.

Done at our city of Raleigh, on the 12th day of  
L. S. } October, in the year of our Lord one thousand eight  
hundred and sixty-eight, and in the ninety-third year  
of our Independence.

W. W. HOLDEN, Governor.

By the Governor:

ROBERT M. DOUGLAS, Private Secretary.

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## A PROCLAMATION,

BY HIS EXCELLENCY, THE GOVERNOR OF NORTH CAROLINA.

EXECUTIVE DEPARTMENT,

RALEIGH, April 16, 1869.

It is my duty to publish the following act, passed by the General Assembly of North Carolina at its recent session:

AN ACT MAKING THE ACT OF GOING MASKED, DISGUISED OR  
PAINTED A FELONY.

SECTION 1. *The General Assembly of North Carolina do enact*, Any person who shall disguise himself by painting his face, or by wearing any mask or any other device for the concealment of the face or person with intent to terrify or frighten any citizen or the community, or part thereof, shall be deemed guilty of a misdemeanor, and be punished by fine or imprisonment in the County jail, at the discretion of the Court.

SEC. 2. Any person or persons, either singly or in association with each other who, being disguised or masked, or otherwise concealed in the manner described in the preceding section, shall commit any trespass or act by force or violence, which is now a misdemeanor by any statute of this State, or at common law, shall be deemed guilty of a felony, and shall be imprisoned at hard labor in the Penitentiary for a term of not less than one year, or more than ten years.

SEC. 3. This act shall go into effect on its ratification, and the Governor shall cause the same to be published immediately.

Ratified the 12th day of April, A. D. 1869.

No person in this State can be "in any manner deprived of his life, liberty or property, but by the law of the land." Every man's house is his castle, into which no man can enter to molest or disturb him unless by authority of law. The humblest and the poorest are entitled to this protection equally with the wealthiest and most exalted. The courts will extend this protection, and the Executive is prepared to sustain the courts, and to do everything within the sphere of his powers and duties to preserve peace and good order in society. Bands of men who go masked and armed at night, causing alarm and terror in neighborhoods, and committing acts of violence on the inoffensive and defenceless, will be followed and brought to justice; and depredators and robbers, who live on the honest earnings of others, will be made to feel the penalty due to their crimes.

It is hoped the evils complained of, and which are confined to a few localities, will speedily cease. The great body of the people of the State are submitting quietly and peaceably to established authority, and laboring assiduously to retrieve their fortunes and improve their condition. I appeal to this great body of the people to unite with me in discountenancing and repressing the evils referred to. Public opinion properly

embodied and expressed will be more effectual in repressing these evils, and in promoting the general good that will result from the complete establishment of peace and order in every neighborhood in the State, than the execution of the law itself against offenders in a few individual cases. I respectfully and earnestly invoke this public opinion. By the regard which we all have for the peace of society and the good name of the State, I call upon every citizen to unite with me in discountenancing disorders and violence of all kinds, and in fostering and promoting confidence, peace and good-will among the whole people of the State.

{ L. S. } Done at our City of Raleigh, this the 16th day of April, one thousand eight hundred and sixty-nine, and in the year of the Independence of the United States the ninety-third.

W. W. HOLDEN, *Governor.*

By the Governor :

W. R. RICHARDSON, *Acting Private Secretary.*

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### A PROCLAMATION,

BY HIS EXCELLENCY, THE GOVERNOR OF NORTH CAROLINA.

EXECUTIVE DEPARTMENT,

RALEIGH, October 20th, 1869.

Notwithstanding the existence of peace and good order in other portions of the State I regard it as my duty to announce that in four Counties, to-wit: Lenoir, Jones, Orange and Chatham, there is, and has been for some months past, a feeling of insubordination and insurrection, insomuch that many good citizens are put in terror for their lives and property,

and it is difficult, if not impossible, to secure a full and fair enforcement of the law. Information has reached, and continues to reach the Executive, that in the above Counties a state of feeling exists which is totally incompatible with the free exercise, by the friends of the Government, of that independent expression of opinion, and that freedom of action which is the birthright of every American. In Lenoir and Jones various thefts and murders have been committed; jails have been forcibly opened and the prisoners taken thence have been murdered; an officer of the law has been waylaid and slain on the public highway, and another officer of the law has been slain in the open day while engaged in his ordinary avocations. Private dwellings have been entered and the occupants terrified, and some of them whipped or murdered; others have been shot or hanged or cruelly beaten; and the result is that thus far the civil law, though firmly asserted and maintained, has not been adequate to bring the insubordinate and the wicked to condign punishment. In Chatham the jail has been forcibly opened and a prisoner, confined under sentence of a Court of the United States, has been liberated and is now at large. In Orange the jail has been forcibly opened and two prisoners (colored men) taken out and shot, one of whom has died of his wounds. Three other colored men have been hanged until they were dead, one has been cruelly mutilated, and others have been whipped. White citizens have been injured, insulted and terrified. The University of the State, sacred to the cause of learning, has been repeatedly invaded by bands of armed men in disguise on horseback, and acts of violence have been there perpetrated on unoffending citizens and officers of the law. Many of the colored people in these Counties, and no inconsiderable portion of the white people, though obedient to the law and good citizens, are living under constant apprehensions that they may fall victims at any moment to the malice of their enemies.

It is made my duty under the Constitution "to call out the

militia to execute the law, suppress riots or insurrection and to repel invasion." I deeply regret that it seems necessary to resort to the military power to enforce the law and to protect the citizen. But the law must be maintained. I have waited in vain, hoping that a returning sense of reason and justice would arrest these violations of the law. But these evils, instead of diminishing have increased, and no course is left to me but to issue this proclamation of admonition and warning to all the people of the Counties mentioned, whether engaged in these flagrant violations of law, or whether indifferent or insensible to what is occurring in their midst. I now call upon every citizen in the Counties aforesaid to aid the civil power in a fearless enforcement of the laws. No set of men can take the law into their own hands. Every citizen, however humble, or whatever his color, has a right to be at peace in his own house, and cannot be taken thence except by due process, and cannot be punished save by the law. If there be those who counsel resistance to established authority, such persons are traitors and should be punished accordingly; if there be those who, disguised or masked, enter the dwellings of others by force and commit acts of violence, such persons are guilty of felony, and should be punished by hard labor in the penitentiary; if there be those who, without precept or order, hang, or shoot, or otherwise deprive any one of life, such persons are murderers, and should be punished accordingly.

I now give notice in the most solemn manner that these violations of law and these outrages in the aforesaid Counties *must cease*; otherwise, I will proclaim those Counties in a state of insurrection, and will exert the whole power of the State to enforce the law, to protect those who are assailed, or injured, and to bring criminals to justice. In a matter like this there should be no party feeling. It is my fixed purpose to protect every citizen without regard to his antecedents, his color or his political opinions; but to do this the law must be

sacred, must be spread over all alike, and must be inflexibly maintained.

{
L. S.
}
 Done at our City of Raleigh, this the 20th day of October, in the year of our Lord, one thousand eight hundred and sixty-nine, and in the ninety-fourth year of our Independence.

W. W. HOLDEN, *Governor*.

By the Governor :

W. R. RICHARDSON, *Private Secretary*.

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## A PROCLAMATION,

BY HIS EXCELLENCY, THE GOVERNOR OF NORTH CAROLINA.

EXECUTIVE DEPARTMENT,

RALEIGH, March 7th, 1870.

By virtue of authority vested in me by the Constitution of the State, and by virtue of an act passed at the present session of the General Assembly, entitled "An act to secure the better protection of life and property," ratified the 29th day of January, 1870, and for the reason that the civil authorities of the County of Alamance are not able to protect the citizens of said County in the enjoyment of life and property, I hereby proclaim and declare that the County of Alamance is in a state of insurrection.

On the 26th of November, 1869, a citizen of the United States, who was engaged in teaching a school in said County, was taken from his house by a band of men armed and disguised, and was by them cruelly beaten and scourged.

On the night of the 26th of February, 1870, a citizen of said County was taken from his house by a band of men armed

and disguised, and was by them hanged by the neck until he was dead on the public square in the town of Graham, near the Court House.

And more recently the Postmaster at Company Shops, in said County, an officer of the government of the United States, was compelled to flee the County, and while absent a band of men armed and disguised visited his house, with the purpose, doubtless, of taking his life; and this within a short distance of Federal troops stationed in said County, not to overawe or intimidate good citizens, but to preserve the peace and to protect the innocent and law-abiding.

In addition to these cases information has been received at this department that peaceable and law-abiding citizens of the County aforesaid have been molested in their houses, have been whipped, shot, scourged, and threatened with further visitations of violence and outrage unless they would conform to some arbitrary standard of conduct set up by these disguised assassins and murderers.

I have issued proclamation after proclamation to the people of the State, warning offenders and wicked or misguided violators of the law to cease their evil deeds, and, by leading better lives, propitiate those whose duty it is to enforce the law. I have invoked public opinion to aid me in repressing these outrages, and in preserving peace and order. I have waited to see if the people of Alamance would assemble in public meeting and express their condemnation of such conduct by a portion of the citizens of the County, but I have waited in vain. No meeting of the kind has been held. No expression of disapproval even of such conduct by the great body of the citizens has yet reached this Department; but, on the contrary, it is believed that the lives of citizens who have reported these crimes to the Executive have been thereby endangered, and it is further believed that many of the citizens of the County are so terrified that they dare not complain, or attempt the arrest of criminals in their midst. The civil officers of the County are silent and powerless.

The laws must be maintained. These laws are over all. Every citizen, of whatever party or color, must be absolutely free to express his political opinions, and must be safe in his own house. These outrages and these violations of law must and SHALL cease. Criminals must and shall be brought to justice. The whole power of both governments, State and Federal, is pledged to this, and this power will be exerted. Criminals who may escape to Counties adjoining Alamance will be pursued, and if not delivered up by the civil authorities of said Counties, or if sheltered or protected in said Counties with the knowledge of the civil authorities, the said Counties will also be declared to be in a state of insurrection.

I earnestly appeal to all good citizens to aid the civil authorities in maintaining peace and good order, and to support me in my purpose to protect life and property without regard to party or color.

Done at the city of Raleigh, this 7th day of March, 1870, and in the 94th year of our Independence.

W. W. HOLDEN, *Governor.*

By the Governor:

W. R. RICHARDSON, *Private Secretary.*

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## A PROCLAMATION,

BY HIS EXCELLENCY, THE GOVERNOR OF NORTH CAROLINA.

EXECUTIVE DEPARTMENT,

RALEIGH, June 6th, 1870.

WHEREAS, In January or February, 1869, the house of Daniel Blue, colored, in the county of Moore, was entered at night by a band of disguised men, known as the Ku Klux Klan, and

the wife of the said Blue, who was pregnant, and five of the children were murdered, and the house with the bodies of the murdered persons aforesaid was burned; and

Whereas, on the 26th of February, 1870, Wyatt Outlaw, colored, a citizen of Alamance, was taken from his house in the town of Graham by disguised persons known as the Ku Klux, and hanged by the neck until he was dead, on a tree near the Court House; and

Whereas, on the 21st day of May, 1870, John W. Stephens, white, State Senator from the County of Caswell, was murdered in open day-light in the Court House in the village of Yanceyville, by persons unknown, supposed to belong to the Ku Klux Klan aforesaid; and

Whereas, on the 13th of May, 1870, Robin Jacobs, colored, living near Leasburg, Caswell County, was murdered at night by a band of the Ku Klux Klan aforesaid; and

Whereas, from the 2d of April, 1870, to the 15th of May, 1870, not less than twenty-one persons, white and colored, in the aforesaid County of Caswell, were cruelly whipped and scourged by a band or bands of the aforesaid Ku Klux Klan; and

Whereas, during the week ending the 14th of May, 1870, a colored man in the County of Lincoln was taken from his bed at night and tied to a tree by a band of disguised persons known as the Ku Klux Klan, and cruelly whipped; and

Whereas, about the same time, in said County, a band of men disguised, known as the Ku Klux Klan, in said County, shot a colored man on the public highway, and then told him they had shot him through mistake for another colored man, but laid him on a pile of fence rails and told him to cry for help; and

Whereas, a colored man named Puryear, of the County of Alamance, supposed to be half-witted, having followed two of the disguised murderers of Wyatt Outlaw to their homes, and having spoken of the fact publicly, suddenly disappeared, and

was found drowned in a mill pond with a twenty-pound rock to his feet ; and

Whereas, T. M. Shoffner, one of the Senators in the General Assembly of this State from the Counties of Alamance and Guilford, has been compelled to sacrifice his property, and, to save his life, to make his escape from said County on account of his opposition to the Ku Klux Klan aforesaid, and his devotion to the government of the United States ; and

Whereas, on the 26th of May, 1870, a most atrocious murder was committed by three disguised men on Neill McLeod and Daniel McLeod, white, of the County of Cumberland, and three others of the family were wounded by these assassins ; and

Whereas, in divers other localities peaceable citizens have been insulted in their houses, put in fear for their lives, whipped, scourged, maltreated, mutilated and murdered by persons disguised, and known as the Ku Klux Klan ; and

Whereas, retaliation has commenced by the burning of barns, stables and mills ; and

Whereas, all these evils are to be traced to the Ku Klux Klan aforesaid, though no apology can be offered for the retaliation referred to, for it is equally to be deplored and reprobated as a wicked violation of the law ; and upon due information laid before me, (which information has not been furnished,) that barns, or stables, or mills, or dwelling houses, have been burned by incendiaries, mentioning localities and the persons to whom the said barns, or stables, or mills, or dwelling houses belonged, rewards will also be offered for the arrest and conviction of the incendiaries aforesaid :

NOW, THEREFORE, I, WILLIAM W. HOLDEN, Governor of the State of North Carolina, do issue this my proclamation, offering a reward of FIVE HUNDRED DOLLARS for the arrest of each of the murderers of the wife and children of Daniel Blue, of each of the murderers of Wyatt Outlaw, of each of the murderers of John W. Stephens, of each of the murderers of Robin Jacobs, of each of the persons who murdered Puryear,

and of each of the persons who murdered Neill McLeod and Daniel McLeod, and robbed the family of the said Neill McLeod, together with such evidence as will lead to the conviction of the persons thus arrested; those who planned, advised or counselled the commission of the act; those who participated in the act or acts; or those who conspired to conceal the bodies of the murdered, or aided in the concealment and escape of the felons:

And I enjoin upon all officers, civil and military, to aid in bringing these and all other offenders to justice; and especially to discountenance, discourage and repress all organizations of men who ride or walk at night in disguise, with arms in their hands. It is a misdemeanor thus to go disguised, and it is felony if these disguised persons molest or injure peaceable citizens in their life and property.

{ L. S. } Done at our city of Raleigh, this sixth day of June, in the year of our Lord one thousand eight hundred and seventy, and in the ninety-fourth year of our Independence.

W. W. HOLDEN, *Governor.*

By the Governor:

W. R. RICHARDSON, *Private Secretary.*

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### A PROCLAMATION,

BY HIS EXCELLENCY, THE GOVERNOR OF NORTH CAROLINA.

EXECUTIVE DEPARTMENT,

RALEIGH, July 8th, 1870.

In accordance with authority vested in me by the Constitution of the State of North Carolina, and by virtue of an act

passed at the last session of the General Assembly, entitled "An act to secure the better protection of life and property," ratified the 29th day of January, 1870, *I hereby declare the County of Caswell to be in a state of insurrection.*

{ L. S. } Done at our city of Raleigh, this the 8th day of July, in the year of our Lord one thousand eight hundred and seventy, and in the ninety-fifth year of our Independence.

W. W. HOLDEN, *Governor.*

By the Governor:

W. R. RICHARDSON, *Private Secretary.*

## CORRESPONDENCE, &c.

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[Governor Holden to Colonel Williams.]

EXECUTIVE DEPARTMENT OF N. C.,  
JULY 25TH, 1868.

To COL. G. A. WILLIAMS, *Commanding, &c.*:

SIR: I respectfully request that you order a file of men, or a sufficient number, in your judgment, to proceed to Chapel Hill, with the Superintendent of Public Works, to protect the property of the University of this State.

Very respectfully,

W. W. HOLDEN, *Governor.*

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[Governor Holden to Gen. Meade.]

EXECUTIVE DEPARTMENT OF N. C.,  
AUGUST 25th, 1868.

To MAJ. GEN. G. G. MEADE, *Commanding, &c., Atlanta, Ga.*:

SIR: Allow me to express my gratification at the assignment of troops to this State, and their location, with one exception. It is important to have some troops in the Salisbury

and Charlotte region of the State, and I would be glad, if it meets your approval, if the two companies of cavalry ordered to Raleigh could be stationed at Salisbury. Four companies of Gen. Miles' regiment of infantry, the 40th, would be sufficient in Raleigh. I am especially gratified, as our loyal people are, at the appointment of Maj.-Gen. Miles to the command of this State.

Very respectfully,

W. W. HOLDEN, *Governor.*

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[Gov. Holden to Gen. Meade.]

(TELEGRAM.)

EXECUTIVE DEPARTMENT OF N. C.,  
RALEIGH, September 14, 1868.

To MAJ. GEN. G. G. MEADE, *Atlanta, Ga :*

SIR: I would be glad if you would immediately authorize Maj. Gen. Miles so to locate the troops under his command as to aid the civil power in bringing offenders to justice and enforcing the law. Troops are needed immediately in Halifax county to assist the civil authority. There are three localities especially in which the presence of a small number of troops would be of service. The sheriff could at once execute any precept, and a salutary terror, by the mere presence of troops, would be occasioned to the disaffected and disloyal. Please answer.

With much respect,

W. W. HOLDEN, *Governor.*

[Gen. Meade to Gov. Holden.]

(TELEGRAM.)

ATLANTA, GA., Sept. 15, 1868.

To Gov. W. W. HODDEN :

Maj. Gen. Meade instructs me to say that he will not change the disposition of troops for the purpose indicated in your telegram of yesterday. If any actual resistance to law, (which you cannot suppress,) occurs, the General will promptly use the troops; but until overt acts occur, he shall keep them ready for emergencies, in any part of the State. The civil authority must attempt, at least, to preserve the peace.

R. C. DRUM,  
A. A. A. G.

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[Gov. Holden to the Mayor of Fayetteville.]

EXECUTIVE DEPARTMENT OF N. C.,  
OCTOBER 23d, 1868.

To T. A. BYRNES, *Mayor of Fayetteville* :

DEAR SIR: I learn that there is much disorder and lawlessness in Fayetteville. One of the ablest and purest Judges of our Superior Courts has been grossly assailed and maligned in a public print for one of his decisions, and his family have been insulted and put in terror for their lives. In other respects, as I learn, persons have disturbed the peace in Fayette-

ville, by carrying and discharging deadly weapons, and by threats and abuse towards good citizens.

It is believed that most of these turbulent persons are armed ; and it is thought to be probable, unless prompt and efficient measures are taken to prevent it, that disorder and lawlessness will increase, and end in bloodshed.

It is unnecessary that I should remind you that it is your duty to restore order and preserve the peace in the town of Fayetteville. You will be sustained in every proper step that may be necessary to this end. As Colonel of the County you have at your command as many of the Detailed Militia as you may think proper to call out ; and in addition to this, a company of regular National troops has been stationed in your town. I look to you with full confidence in this matter. Make *the law* a terror to evil-doers, and thus restore order and the good name of your town.

Very respectfully,

W. W. HOLDEN, *Governor.*

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[Gov. Holden to the Sheriff of Cumberland County.]

EXECUTIVE DEPARTMENT OF N. C.,  
RALEIGH, Oct. 24, 1868.

*To the Sheriff of Cumberland County :*

SIR : I have received information that there is much lawlessness and disorder in the town of Fayetteville. It is your duty, as sheriff of the County, to execute all precepts to you directed, and generally to preserve the peace. This duty must be performed at all hazards. If you meet with resistance, you are commanded to use the necessary force to overcome it ; and

if, after having tried and exhausted the power of the whole county, you find yourself unable to enforce the law and maintain order, you will notify me at once of the fact, and I will take the necessary steps to sustain you. I am determined that "life, liberty and property" shall be protected in the town of Fayetteville. Those who may assail either, or resist the laws that are over all, will certainly be brought to condign punishment.

Very respectfully,

W. W. HOLDEN, *Governor.*

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[Gov. Holden to the Sheriff of Robeson County.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, Nov. 30th, 1868.

*To the Sheriff of Robeson County :*

SIR: I have received information that bands of armed men, variously disguised, are breaking the peace, robbing and plundering, and causing terror to many of the good citizens of Robeson.

This lawlessness must be repressed and the criminals brought to justice. The people of Robeson have the right to be secure in their persons, houses and property, and this right will be made good to them by the whole power of the State, if necessary.

It is especially your duty to preserve the peace and to protect the honest and law-abiding against robberies and violence.

You have at your disposal, for this purpose, the whole power of the County. You are hereby commanded to use this power,

prudently and judiciously, but with the utmost determination and firmness. If any justices of the peace should refuse to cooperate with you in the performance of this duty, report them to me, and they will at once be removed. If you need more justices to aid you, inform me of it and I will appoint them. In dealing with robbers and outlaws, such as those referred to, do not be embarrassed by technicalities or State or County lines; but see to it that you act with such vigilance, promptness and vigor as at once to deliver the good people of Robeson from the danger of being thus outraged and put in terror for their lives. This can be done only by pursuing and capturing these outlaws, and confining them, to be tried for their crimes. *Herein fail not.*

Very respectfully,

W. W. HOLDEN, *Governor.*

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[Gov. Holden to the Sheriff of Robeson County.]

EXECUTIVE DEPARTMENT OF N. C.,  
RALEIGH, Dec. 2d, 1868.

*To the Sheriff of Robeson :*

SIR: It having been represented to me by a committee of the citizens of your County that the public peace is being disturbed, I have deemed it proper to issue a proclamation, and herewith enclose to you one hundred copies of the same, and look to you for the prompt execution of the order.

Very respectfully,

W. W. HOLDEN, *Governor.*

[Instructions to Detectives.]

(CIRCULAR.)

EXECUTIVE DEPARTMENT,  
STATE OF NORTH CAROLINA,  
Raleigh, April 3, 1869.

Detectives appointed pursuant to Act of General Assembly, authorizing a detective force, will be governed by the following general instructions :

I. When a felony has been committed, the Detective employed should find out, as secretly as possible, the criminal, and the proof necessary for his conviction, making out a list of names of witnesses, with abstract of the evidence each will give.

II. When the necessary proof has been obtained, a warrant should be taken out and put into the hands of the proper officer for service. Should this officer neglect or refuse to serve the warrant, or if the circumstances will not admit of delay, the Detective is authorized to employ sufficient force and to make the arrest.

III. Detectives have no power *to order* sheriffs to make arrests.

IV. Detectives will be employed only so long as their services may be deemed necessary by the Governor.

V. While on duty, all Detectives will report in writing every week, stating distance travelled, places visited, arrests made, expense incurred, and any other information pertinent to the duties of their office.

VI. To aid in settling accounts, Detectives will furnish vouchers for all expenses that are to be charged to the State, stating each item in full.

VII. Detectives will not employ assistants, except as here-

inbefore stated, to aid in making arrests, unless specially authorized by the Governor.

By direction of Governor Holden :

A. W. FISHER,  
*Chief D. F.*

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[E. Hubbs to Governor Holden.]

(TELEGRAM.)

NEWBERN, May 29, 1869.

W. W. HOLDEN, *Governor of North Carolina :*

Sheriff Colgrove, of Jones County, was assassinated at 8:30 A. M., to-day, on the public road, near Trenton, by the horse thieves, as supposed.

E. HUBBS.

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[Judge Thomas to Governor Holden.]

(TELEGRAM.)

NEWBERN, May 31st, 1869.

*To His Excellency Gov. HOLDEN :*

I request that you send one company of Militia to Trenton immediately, to aid in executing and maintaining the law. Have written.

C. R. THOMAS,  
*Judge 3d District.*

[Judge Thomas to Governor Holden.]

NEWBERN, N. C., May 31, 1869.

*His Excellency* W. W. HOLDEN, *Governor of North Carolina:*

On Saturday last, at about 8½ o'clock, A. M., O. R. Colgrove, Sheriff of Jones County, was murdered on the public road, while on his way from his home to Trenton. A colored man who was along with him has since died from the effects of gun-shot wounds received from the desperadoes who shot Sheriff Colgrove. One Hassel has been brought here and lodged in jail, charged with being a principal in the murder. No examination has as yet been had. To-night, I am credibly informed, the dwellings of some three or four citizens of Jones and Lenoir have been burned down, and it is rumored that one Bragg, who was suspected of the murder, and other crimes, has been murdered, perhaps in retaliation for Colgrove's murder. There is here some excitement, and some well-founded apprehension of further outrages and retaliation. I have telegraphed you.

I respectfully suggest, Governor, that you would be ready with one or two companies of Detailed Militia, as a reserve, in case of necessity, in addition to one which I telegraphed you should be sent to Trenton immediately.

I hope to be able to confer with you in a day or two after to-morrow, as to the condition of affairs in this section—Greene, Lenoir, Jones and Duplin, particularly—and as to the importance of keeping employed for a time a proper military and detective force.

I *presume* that Col. Smith, the commandant of Fort Macon, might furnish some thirty to fifty men, in charge of an officer, to act as a *posse* in aid of the civil authority here or in Jones; and could you not communicate with him to this end. I will telegraph him, also, by way of enquiry, in the morning, if it

then appear necessary to do so. Major Dennison, sheriff of Craven, with whom I have conferred to-night, will have summoned to-morrow a small reliable *posse* to act with him in preserving the peace in case of any *unlawful* assembly of men here, or breach of the peace; and I will issue at once a bail warrant upon his information, or any other procured or furnished.

I am not in possession of *facts* to be able to write very advisedly, but I think I am clear and warranted in the opinion that prompt and efficient military aid is called for, to prevent further crime and probably insurrection to a considerable extent.

There is strong and just indignation at the foul murders perpetrated. No pains, no expense should be spared to bring the criminals to justice, to trial, and punishment upon conviction.

I do not think that the bad men who do, incite, or excuse such monstrous crimes are many in number—perhaps one to two hundred. I believe that the majority of men—all good men—condemn the crimes, without respect of persons; but I think I have been much deceived heretofore in regard to the state of society in the counties which I have named.

I am, very truly,

Your obedient servant,

C. R. THOMAS,  
*Judge 3d District.*

P. S.—I have written in haste and may telegraph during the day—to-morrow.

C. R. T.

[Sheriff Turner to Gov. Holden.]

HILLSBORO', August 12th, 1869.

*To his Excellency, Gov. HOLDEN :*

SIR : Last Saturday night, between twelve and one o'clock, I was awakened by some one calling to me in an ordinary tone of voice. I asked who he was and what he wanted? The reply was, "A friend; we want to go to the jail." I dressed myself and lighted a candle; went to the door and opened it, and found a crowd of armed men, in disguise, in the street before my house, and pressing up to the door. As soon as I appeared, they demanded the keys of the jail, with guns and pistols presented at my head. I refused to do so, when they seized me and held me fast and crowded into my house, still demanding the keys, and threatening that they would have them.

My son, by this time, awakened by the noise and screams of his mother, and hearing a demand for the keys, came from his room in his night-clothes, with the jail keys in his hands. They immediately seized him, hurried him to the jail, opened the doors, seized and carried away two colored men who were confined on a charge of barn-burning. They left the town in a few minutes, and early next morning one of the prisoners returned to prison unhurt, and the other, slightly wounded, was soon afterwards brought in.

I collected a *posse* of white and colored citizens as soon as I possibly could, and went in pursuit for twelve miles, when all further trace of them disappeared in the woods, and we returned.

By the advice of eminent counsel in the law, I immediately laid the facts before Judge Tourgee and asked his instructions what I should do. I have to-day received his answer to my communication. He gives me no practical directions, and I

have thought the occasion justified my laying the whole matter before your Excellency.

I have heard nothing, so far, calculated to fix suspicion upon a particular individual, and my own opinion is that the perpetrators of this outrage came from a distance.

I remain your humble servant,

JOHN TURNER, *Sheriff*.

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[Gov. Holden to Sheriff Turner.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
August 18th, 1869.

JNO. TURNER, Esq., *Sheriff of Orange County* :

DEAR SIR: Yours of the 12th inst., giving an account of the gross outrage and violation of law in forcing the jail of Orange County, has been received.

You deserve commendation, and will please accept my thanks for the prompt manner in which you discharged your official duty by pursuing the fugitives.

I hope you will constantly be on the alert in aiding the Solicitor, Judge, and other officers to bring the offenders to trial and merited punishment. If, to effect this, military force be required, a call upon me will be promptly responded to.

Very truly yours,

W. W. HOLDEN, *Governor*.

[Col. Berry to Gov. Holden.]

(TELEGRAM.)

NEWBERN, N. C., Aug. 17th, 1869.

To Gov. W. W. HOLDEN:

A letter from Lieut. A. B. Watson, Jones County, states, Col. Shepard was assassinated yesterday, at Trenton, at his mill, at 5 o'clock, A. M. One or two other men were murdered at the same time by a party of five (5) unknown. The attacking party came up on the opposite side of the river, and after shooting, escaped. Watson calls upon me for assistance. What number shall I take to Jones? Bad state of affairs.

R. T. BERRY,  
*Lieut.-Col. Commanding Craven County.*

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[Gov. Holden to Col. Berry.]

(TELEGRAM.)

EXECUTIVE DEPARTMENT,  
STATE OF NORTH CAROLINA,  
Raleigh, Aug. 17th, 1869.

COL. R. T. BERRY, *Newbern*:

I have offered a reward of *five hundred dollars* for the apprehension of Col. Shepard's murderers.

If the Sheriff of Jones, or any peace officer, calls for aid to

enforce the law, hold yourself in readiness to send at once twenty-five men under a proper officer to Jones. Keep me advised.

W. H. HOLDEN, *Governor.*

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[Stephen Hardy to Gov. Holden.]

(TELEGRAM.)

SALISBURY, Aug. 18, 1869.

To Gov. W. W. HOLDEN :

The following is a notice of the Mayor of the town for charging me with the burning of said property :

“ If circumstances shall come to light strongly pointing to the perpetrators of these crimes, I may be unable to guarantee to them a trial by the laws of the land.”

I can prove I have not left home a night since released, and they are unwilling to give me a lawful trial, and threaten me with a mob ; and the Mayor gives my friends no encouragement of protection, and the excitement is high at this time. This excitement is all caused by Shaver's friends. The Mayor has left this morning, after calling a meeting, and we need help immediately, or orders for help.

Yours truly,

STEPHEN HARDY.

[Gov. Holden to the Sheriff of Rowan.]

[TELEGRAM.]

EXECUTIVE DEPARTMENT OF N. C.,  
RALEIGH, Aug. 18, 1869.

*To the Sheriff of Rowan County, Salisbury :*

Preserve the peace at all hazards. Protect men under arrest against mobs. Even if known to be guilty, a mob has no right to punish. The laws must be maintained.

W. W. HOLDEN, *Governor.*

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[Gov. Holden to the Mayor of Salisbury.]

(TELEGRAM.)

EXECUTIVE DEPARTMENT OF N. C.,  
RALEIGH, Aug. 18, 1869.

*To the Mayor of Salisbury :*

Preserve the peace at all hazards. Protect men under arrest against mobs. Even if known to be guilty, a mob has no right to punish. The laws must be maintained.

W. W. HOLDEN, *Governor.*

[Governor Holden to Stephen Hardy.]

(TELEGRAM.)

EXECUTIVE DEPARTMENT OF N. C.,  
RALEIGH, Aug. 18, 1869.

To STEPHEN HARDY, *Salisbury* :

I have telegraphed to the Mayor and Sheriff to protect you against mobs.

W. W. HOLDEN, *Governor*.

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[Sheriff of Gaston to Governor Holden.]

DALLAS, GASTON COUNTY, N. C.,  
Sept. 13th, 1869.

*His Excellency* GOV. W. W. HOLDEN :

DEAR SIR: Your letter of the 10th inst. is to hand, together with a letter addressed to you from the High Shoals, in this County, concerning outrages committed upon some freedmen. I must state that the High Shoals letter was moderate in its statements. It might have mentioned other outrages, committed the same night, and several of a similar character committed a short time before in this County. The High Shoals letter also states that the parties are afraid to depend on the civil authority for protection. To this I can only say that three men have been arrested, and two of them bound over to the next Superior Court, to answer the charges as stated in

the High Shoals letter, they being all that could be identified by any evidence whatever.

I do not think that the parties, or any person, should have any fear as to the law being executed in Gaston County, as I have had no difficulty yet. The greatest difficulty that I can see is to get evidence against the violators of the law, sufficient to punish them. You state that I must use all the power at my command to execute the law, and if that is not sufficient that you will assist me to the extent of the law. For this I feel under many obligations to you, and, sir, you may rest assured that the law will be executed in Gaston County, and all violators of it brought to justice.

I am, sir,

Your most humble and ob't servant,

GEORGE W. McKEE, *Sheriff*.

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[Gov. Holden to Gen. Terry.]

(TELEGRAM.)

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, Nov. 5th, 1869.

GEN. A. H. TERRY, *Atlanta, Ga.* :

SIR: Allow me to enquire how soon the company of troops will be sent to Chapel Hill? They are needed. I do not wish to send colored militia, and our militia law is so defective that I cannot get white militia as promptly as needed.

W. W. HOLDEN, *Governor*.

[Gen. Terry to Governor Holden.]

(TELEGRAM.)

HEADQ'RS DEP'T OF THE SOUTH,  
ATLANTA, Ga., Nov. 5th, 1869.

Gov. HOLDEN, *Raleigh, N. C. :*

Orders for Capt. Ritter's company to go to Chapel Hill were sent November (October?) 29th. I will telegraph him to use all dispatch.

(Signed)

ALFRED H. TERRY,  
*Brevet Major General Commanding.*

Official copy respectfully furnished by mail.

J. H. TAYLOR,  
*Assistant Adjutant General.*

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[Gov. Holden to Maj. Worth.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, Dec. 2d, 1869.

MAJ. W. S. WORTH, *Commanding Post, at Raleigh, N. C. :*

SIR: On the night of the 26th of last month, Alonzo B. Corliss, a teacher of a colored school at Company Shops, Alamance county, in this State was seized by a band of men, in disguise and armed, dragged from his house and cruelly beaten

and scourged. He was then ordered to leave the State within ten days. I have the honor respectfully to request that you send a file of men to Company Shops to protect Mr. Corliss in his lawful business, and to prevent him from being driven from his home by violence.

Very Respectfully,

W. W. HOLDEN, *Governor.*

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[Gov. Holden to Gen. Terry.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, Dec. 3d, 1869.

MAJ. GEN. A. H. TERRY,  
*Commanding Department, Atlanta, Ga. :*

SIR: On the night of the 26th of last month, A. B. Corliss, a peaceable citizen, a teacher of a colored school at Company Shops, Alamance county, in this State, was seized and dragged from his house by a band of men, disguised and armed, and cruelly beaten and scourged. He was then told he would not be allowed to teach negroes, and was ordered to leave the State within ten days. I have called on Maj. Worth, in command of the post here, and he has promptly ordered a file of men to Company Shops to protect Mr. Corliss. I trust this will meet your approval. The men will act solely on the defensive, in subordination to the civil law. I have no idea that they will be assailed or that Mr. Corliss will be molested in his house or school while the men are at Company Shops. In addition to this, the Federal soldiers in the locality referred to will have a good effect for peace and order.

The Legislature has not yet passed a proper militia law, and I am therefore unable to extend that protection to injured citizens in certain localities to which they are entitled. I am gratified to state, however, that a better state of feeling is beginning to manifest itself in the State, and I trust the day is not distant when these outrages will cease. The presence of the troops at Chapel Hill has had a fine effect.

I have the honor to be,

With high respect,

Your obedient servant,

W. W. HOLDEN, *Governor.*

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[Special Message to the General Assembly.]

EXECUTIVE DEPARTMENT,

RALEIGH, Dec. 16, 1869.

*To the Honorable the General Assembly of North Carolina :*

GENTLEMEN: Allow me respectfully and earnestly to call your attention to the necessity which exists for such amendments to the militia law as will enable the Executive to repress violence and disorder in certain localities in this State, and to protect the persons of citizens, their lives and their property.

Since my last annual message, dated November 16th, 1869, numerous outrages of the most flagrant character have been committed upon peaceable and law-abiding citizens, by persons masked and armed, who ride at night, and who have thus far escaped the civil law. I have adopted such measures as were in my power to ferret out and bring to justice all breakers of the law, without reference to their color or to the political party or parties to which they belong; and I am satisfied the

Judges and Solicitors in the various circuits have been prompt, energetic and impartial in the discharge of their duties. Notwithstanding this, gentlemen, the outrages referred to seem to be rather on the increase in certain localities, insomuch that many good citizens are in a constant state of terror, and society, in said localities, is in a deplorable condition. It is for your honorable body to apply the remedy, by so strengthening the arm of the Executive as to enable him to repress these outrages and restore peace and order. I have confidence in your wisdom, in your regard for law, and in the disposition which I feel sure exists in every member of your honorable body to adopt such measures as will speedily put an end to the evils complained of.

I have the honor to be, gentlemen,

With great respect,

Your obedient servant,

W. W. HOLDEN, *Governor.*

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[Governor Holden to the Sheriff of Chatham County.]

STATE OF NORTH CAROLINA,

EXECUTIVE DEPARTMENT,

Raleigh, Jan. 31st, 1870.

To G. J. WILLIAMS, Esq., *Sheriff of the County of Chatham:*

SIR: A letter has been received at this Department giving an account of outrages recently committed in Chatham County upon inoffensive citizens, by disguised men. This letter is dated "Egypt Depot," and is signed "Gulf Township." It may be that the facts alleged are true, and that the writer was afraid to sign his name; or it may be that the facts stated

have no foundation. It is stated that on Friday night, the 21st inst., James McIntis, an aged colored crippled man, was badly whipped, robbed, and his house burnt; that Burwell Darks, an old colored man, and a member of the Baptist Church, was also beaten; that Willis Foshee, an old man, was badly whipped; that Charles Tyson was robbed and one of his sons whipped; that the family of J. J. Goldston was threatened and insulted; and that a church and school house, recently erected by colored people, was burnt to ashes. It is alleged that these acts of violence were committed in Gulf Township.

If these things are so, they will be deplored and reprobated by every good citizen of Chatham. It is of the first importance to every member of society that law and order should be maintained. If the law is violated, let the guilty party in every case be arrested, held, indicted, and tried and convicted. There is no safety to any if any portion of the people take the law into their own hands.

I trust you will at once give your attention to this matter and make diligent inquiry in person or by deputy into the facts. It is not my wish to resort to extreme measures. I am most anxious to continue to rely upon the civil law, and in this I am, to a great extent, necessarily dependent on the Sheriffs of the Counties. I believe my confidence in you is not misplaced, but that you will aid me with the power of the County in protecting the weak against the strong, and in maintaining law, order and peace in the County of Chatham.

Very respectfully,

W. W. HOLDEN, *Governor.*

[Sheriff of Chatham to Gov. Holden.]

PITTSBORO', N. C., Feb. 8th, 1870.

*To His Excellency, W. W. HOLDEN,*  
*Governor of North Carolina :*

MY DEAR SIR: Yours of the 31st January is just to hand to-day. I have been in the eastern part of the county for the last ten days, is the cause of my not getting it sooner. I was very much surprised to hear of the outrages that had been committed in the Gulf Township. I have sent to my deputy in that Township to see into the case and report to me soon as he could. I don't think the good citizens of the Township and of the county endorse any such conduct. They are opposed to all such doings, and if they had no other means they would report them to me and help me to arrest them, and if I knew who they were I would have them arrested. Capt. Ramsey will see after all such cases and I hope will do good. I don't think all the outrages that are done in Chatham, are done by the citizens of Chatham; it is done by parties from adjoining counties. There is no case of such outrages committed in the ——— of the county. There is one on the out-edge of the county.

Governor, I have heard that it had been reported to you that I belonged to the Ku Klux. The man who told you that told you a barefaced lie. I don't belong to any klan of any kind. I belong to the Masonic Order, and that is all the secret order that I know anything about. I hope you will be kind enough to give me the man's name that told you that I belonged to that klan. I will hold him responsible for a falsehood and I will tell him of it on sight. I don't think that you can find a reliable man in the county that will say that he thinks I belong to them. I think you know me too well to think such a thing of me. I have told the people to let the civil law take

its course on persons that violated the law. A large majority of the people of Chatham are law-abiding, and if it is needed they will help to have it done. I am not afraid to go in any part of the county to execute any paper that may come into my hands as an officer, on white or black.

Very respectfully,

G. J. WILLIAMS.  
*Sheriff of Chatham County.*

[Gov. Holden to the Sheriff of Davie County.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, Feb. 3d, 1870.

*To the Sheriff of Davie County:*

SIR: I have received information that some colored persons in your County have been maltreated by persons armed and disguised, and that the schools for colored children have been threatened. This information is not in detail, but general, and it is from the Counties of Iredell and Rowan as well as your own.

Permit me to urge you in the most earnest terms to investigate these things, and to spare no effort to maintain law and order in your County. I am anxious that the civil law shall continue to prevail; that the weak may be protected against the strong, and justice done to all. I am averse to the employ-

ment of military force, and do not wish to be compelled to resort to it.

I should be glad to hear from you.

Very respectfully,

W. W. HOLDEN, *Governor.*

Copies of the above were sent to the Sheriffs of Rowan and Iredell.

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[Dr. Pride Jones to Governor Holden.]

HILLSBOROUGH, N. C., March 4, 1870.

SIR: On the 3d inst., I had a long conversation with Mr. John W. Norwood in reference to an interview that he has recently had with your Excellency. He urged me to accept of a commission from you, for the purpose of attempting to disband the secret organization in this County, known as "Ku Klux," and restoring the laws to their supremacy.

This is a consummation heartily to be desired by all good citizens; and though more averse than ever to any position in the service of the public, I feel constrained, by a sense of duty, to give my best exertions, however feeble they may be, in aiding the restoration of peace and order, and, should you deem me qualified for the position, I will accept of it.

I feel certain that in this County I can further your views, and believe that if my commission is extended to Alamance I can exercise a considerable influence there also.

But if, as is rumored here to-day, your Excellency has, in obedience to the dictates of your duty, ordered troops to that County, you must pardon me for saying that I look with apprehension to the result; and my candid opinion is that the "Ku

Klux" cannot be put down by force without a dreadful amount of bloodshed and crime, and that the wise course adopted by you in Chatham would be much more effectual here also. If troops have gone there, of course they cannot be recalled at once; but I consider it of vital importance, should you consider it expedient to extend my commission to that County, for you to give me some authority in the premises, and enable me to say that upon such and such things being done, that you will recall the troops.

I would further suggest that your instructions upon the subject of oblivion and pardon of the past be explicit and clear, or my labors may be unavailing.

It may be proper to add that I am not a member of the "Ku Klux" or any other secret political organization whatever.

Very respectfully,  
Your obedient servant,

PRIDE JONES.

His Excellency, W. W. HOLDEN, Raleigh.

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[Citizens of Orange to Gov. Holden.]

HILLSBOROUGH, March 5th, 1870.

*To his Excellency, W. W. HOLDEN, Governor of N. C.:*

SIR: The undersigned, citizens of Orange County, respectfully recommend Dr. Pride Jones, of Hillsborough, as a suitable person to receive a Captain's Commission for Orange County. We believe his appointment would give entire satisfaction to

our citizens, and would go far towards establishing, on a firm basis, good order throughout the County.

Very respectfully,

(Signed,)

J. W. NORWOOD,  
GEO. LAWS,  
JAMES WEBB,  
HENRY K. NASH,  
HENRY N. BROWN,  
O. HOOKER.

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[Governor Holden to Capt. Pride Jones.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, March 7th, 1870.

TO CAPT. PRIDE JONES:

SIR: Please find enclosed a Captain's commission in the 45th Regiment Orange Militia. You will observe by the papers that I have been constrained to declare the County of Alamance in a state of insurrection. I have done this with reluctance and regret. The civil law is silent and powerless in that County. Many of the people of the County feel that they are entirely insecure in their persons and property, and their only hope is in such protection as the military can afford them. Federal troops, commanded by discreet officers, will be employed. The innocent and the law-abiding will be in no danger; but it is indispensable to bring the guilty to punishment. I concur with you, that the Klan of Ku Klux is very formidable and war-like, but I fear it will grow with indulgence, and that if vigorous measures be postponed it will ulti-

mately occasion much civil strife and bloodshed. I am most anxious so preserve Orange, Chatham and other Counties surrounding Alamance from the infection of insurrection in the latter County. Capt. Ramsey is doing a good work in Chatham. The civil officers of the County of Orange are the friends of law and order and are performing their duty like patriots. I wish you, sir, to take command in Orange. I believe you can thus perform efficient and valuable service for your State.

If you should accept this position, I should rely in a great degree upon your firmness, moderation and discretion, and therefore, at present, give no special instructions as to the manner in which you will discharge your duty. Your pay, while on duty, will be that of a Captain in the Regular army of the United States. I would be glad to hear from you at an early day.

Very respectfully,

W. W. HOLDEN, *Governor.*

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[Capt. Pride Jones to Governor Holden.]

HILLSBOROUGH, N. C., March 9, 1870.

*His Excellency, W. W. HOLDEN:*

SIR: Your favor of the 7th instant reached me this morning with accompanying documents.

I accept the commission and have already commenced the discharge of its duties. On yesterday I went eight miles in the country, believing that there was no time to be lost if my commission was to result beneficially, and was much gratified to find the parties appealed [to] earnestly responding to my wishes.

From the facts stated to me by Mr. Norwood, I represented that the past would be overlooked, provided there was a disbanding of the klans and no further infraction of the laws; and I sincerely hope that your Excellency, in your special instructions, for which I respectfully ask at your earliest convenience, will sustain me in the position assumed; for with such instructions I feel perfectly assured that I can restore the laws to their just supremacy, and this I take to be at this time the main object of my commission.

I am, sir,

Very respectfully,

Your ob't servant,

PRIDE JONES.

N. B.—I omitted to suggest that if the "Leaguers" were embraced in my instructions it would facilitate matters very materially.

P. J.

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[Gov. Holden's instructions to Capt. Pride Jones.]

RALEIGH, March 17th, 1870.

TO CAPTAIN PRIDE JONES:

SIR:—Yours of the 9th was duly received, and would have been answered sooner but for the pressure of other business.

I am gratified at your acceptance of the commission, and trust that your efforts will result beneficially to society.

It will readily occur to you that as the Executive I have no power to proclaim amnesty. The Solicitor may enter a *not pros.*; or he may not, and the Judge may then sentence, and

then the power of commutation or pardon is with the Executive. I am ready to do all that I can under the Constitution and laws to compose troubles. It is not my purpose to persecute or to take vengeance on any. What we want is submission to the laws, and peace in all the neighborhoods in the County. Public opinion can effect this more certainly and on a more permanent basis than the ministers of the law can, under present circumstances. It is an important part of the duty assigned you to embody and direct this public opinion. In doing this, much must be necessarily left to your own discretion. You are thoroughly acquainted with the people of the County. You know their peculiar sentiments, their habits and their modes of thought. Their prejudices, even, should be respected.

But the object of all this is to restore peace and good order.

Every citizen, no matter of what color or how poor or humble, has a right to labor for a living without being molested; to express his political opinions without let or hindrance; and to be absolutely at peace in his own house. Every citizen has a right to attach himself to a secret political organization; and these organizations are harmless, so long as they respect the rights of person and property. But, though lawful, they are not expedient. The time has passed when they were even expedient. They can effect no special good at present, but they may be the cloak or the occasion for mischief. Especially are they so when the members disguise themselves, and take arms and ride through neighborhoods breaking the peace and terrifying the inhabitants. You will, therefore, mildly but firmly discountenance and discourage all secret political organizations, and especially those that put on disguises and carry arms. It is a misdemeanor to go thus disguised with intent to terrify, and it is felony thus to commit any act of violence.

The authority with which you are invested is to be exercised in strict subordination to the civil power.

I take it for granted the Sheriff of Orange can execute any process that may be placed in his hands. But, if resisted, you

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are authorized to take men to his aid as a *posse comitatus* to ensure the arrest of criminals. And if criminals enter Orange from Alamance they should be arrested and held for trial.

Your attention is directed to the acts published in the *Standard*, *Sentinel* and *Recorder*, immediately after my proclamation of the 7th March. Also to the "Act making the act of going masked, disguised or painted a felony," laws of 1868-'69, chapter 267, page 613.

I would be glad to hear from you frequently as to the progress you are making in maintaining law and order in Orange.

Very respectfully,

W. W. HOLDEN, *Governor*.

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[Gov. Holden to the President.]

EXECUTIVE DEPARTMENT OF N. C.,  
RALEIGH, March 10th, 1870.

*To his Excellency, the President of the United States:*

SIR: I have felt it to be my duty to declare the County of Alamance, in this State, in a state of insurrection.

The copy of my proclamation, herewith enclosed, of date March 7th, 1870, contains some of the reasons for this step.

There exists in this State a secret, oath-bound, armed organization, which is hostile to the State government and to the government of the United States. Bands of these armed men ride at night through various neighborhoods, whipping and maltreating peaceable citizens, hanging some, burning churches and breaking up schools which have been established for the colored people. These outrages are almost invariably committed on persons, white and colored, who are most devoted :

their feelings and conduct to the government of the United States.

I cannot rely upon the Militia to repress these outrages, for the reason that, in the localities in which these outrages occur, white militia of the proper character cannot be obtained, and it would but aggravate the evil to employ colored militia. Besides, the expense of calling out the militia would be greater than our people could well bear in their present impoverished condition. Federal troops inspire terror among evil-doers, and they have the confidence and respect of a majority of our people. We, therefore, look to and rely on the Federal government to aid us in repressing these outrages, and in restoring peace and good order.

If Congress would authorize the suspension, by the President, of the writ of *habeas corpus* in certain localities, and if criminals could be arrested and tried before military tribunals, and shot, we should soon have peace and order throughout all this country. The remedy would be a sharp and a bloody one, but it is as indispensable as was the suppression of the rebellion.

I trust, sir, that you will issue to the Commanding General of this department as stringent orders in this matter as the present law will allow. The Commanding General has been prompt to respond, to the extent of the power which he has, but I fear this power will not be adequate to effect the desired result.

I have the honor to enclose a copy of the State law under which my proclamation was issued; also, a pamphlet containing the testimony of witnesses in the preliminary examination of the Lenoir County prisoners, which will afford some idea of the Ku Klux Klan.

I have the honor to be, with great respect,

Your obedient servant,

W. W. HOLDEN, *Governor.*

[Gov. Holden to Senators and Representatives in Congress.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, March 14, 1870.

*To the Senators and Representatives in the Congress  
of the United States from North Carolina :*

GENTLEMEN : I have been compelled to declare the County of Alamance in a state of insurrection. I have called on the President for aid. But he is restricted by the right of the writ of *habeas corpus*. We want military tribunals, by which assassins and murderers can be summarily tried and shot ; but we cannot have these tribunals unless the President is authorized to suspend the *habeas corpus* in certain localities. Please aid in conferring this power on the President, as the only effectual mode of protecting life and property in Alamance and other localities in this State.

Very respectfully,

W. W. HOLDEN, *Governor.*

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[Gov. Holden to Hon. J. C. Abbott.]

(TELEGRAM.)

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, March 17th, 1870.

HON. J. C. ABBOTT, *U. S. Senator, Washington, D. C. :*

What is being done to protect good citizens in Alamance County? We have Federal troops but we want power to act.

Is it possible the government will abandon its loyal people to be whipped and hanged? The *habeas corpus* should be at once suspended. Will write you to-morrow.

W. W. HOLDEN, *Governor.*

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[Governor Holden to James Sinclair.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, April 1st, 1870.

JAS. SINCLAIR, Esq. :

SIR: Your letter of the 30th inst., has been received. No petition, asking for troops to be sent to Robeson county, has yet been received at this Department. A sufficient force would require an enormous expenditure, amounting to one hundred dollars per day.

It is my earnest desire that the sheriff and other civil officers should use all the force at their command, to keep the peace, and that only in the last extremity I may be called upon for military interference.

Very respectfully,

W. W. HOLDEN, *Governor.*

[Gov. Holden to Thos. A. Donoho.]

EXECUTIVE DEPARTMENT,  
STATE OF NORTH CAROLINA,  
Raleigh, April 22d, 1870.

THOS. A. DONOHO, Esq.:

*Dear Sir* ;—I have reports from Caswell of acts of violence committed on both white and colored persons. Not only are personal rights and property to some extent endangered, but the good name of the County may be seriously injured.

I appeal to you and other gentlemen of character and standing to interpose and arrest these violations of law.

I would be glad if you would visit and consult with Dr. Roan and others on the subject.

It is important to check these acts of violence at once, and before the excitement of the campaign begins.

I would be glad to hear from you on the subject.

Very truly yours,

W. W. HOLDEN, *Governor.*

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[Thos. A. Donoho to Gov. Holden.]

MILTON, N. C., May 16th, 1870.

Governor Holden:

*Dear Sir* :—I received some time since yours of the 22d ult., which you did me the honor to address me in reference to

“acts of violence committed on both white and colored persons,” &c., in this County.

I have delayed an answer until I could communicate personally with gentlemen from other portions of the County remote from me. I live, perhaps as you are aware, in the extreme Northern part—have been closely confined at home during the past twelve months and do not feel competent to speak confidently of the state of affairs in other portions of the County.

As for my own section—the Northern part—I can unhesitatingly affirm of my own knowledge that the utmost good order, respect for law, and safety for person and property prevail.

There have been two—and but two—outrages on persons; and in these two cases no political questions, nor questions of race or color, were involved. In the one the act of violence was committed on a white person and originated in a family scandal. In the other the victim was a colored man and the offence theft, the *corpus delicti* being found in his house. This negro was of bad character, resided immediately on the Virginia line, and evaded process of law by taking himself across the State line.

These two acts of violence were promptly denounced by our people. I did not hear a voice raised in excuse or palliation. So pronounced and outspoken was public opinion in condemnation of these outrages that no repetition of them need be apprehended.

With these two exceptions I think I can truthfully say that in the past twelve months as few offences against the criminal law, or against the peace and security of society, of which the grand jury could take cognizance, have occurred here as in any other portion of the country North or South.

It is but simple justice to them to say that I have never seen a people who have set themselves to work to repair their shattered fortunes and build up their waste places with more spirit and resolution than have these. I have never known a time when politics, State or National, engrossed so little of their

attention, and I can venture to affirm that in no other portion of the State does a better feeling prevail between the races than in this portion of Caswell County.

I attribute this state of affairs *mainly* to our contiguity to the State of Virginia, where wiser and better counsels have prevailed than in North Carolina, and partly to the fact that our staple crop—Tobacco—is commanding high prices. Our people find it more profitable to devote themselves to their private than to their public affairs.

As I have already intimated I do not feel qualified to speak as understandingly of other portions of the County. I have heard that in the part bordering on Alamance, and in the parts having business and social relations with Yanceyville, the same perfect quiet and order does not prevail. I suppose the infection which is said to prevail in the aforementioned County has spread across the line; and, as you know, rather extreme political opinions prevail about Yanceyville.

In an adjoining Township I have heard of several outrages and acts of violence perpetrated on black and whites by persons in disguise; and these in return have been ruthlessly revenged by acts of incendiarism on *innocent* parties.

I have recently seen several gentlemen from that Township, and they apprehended further trouble if more moderate counsels do not prevail on both sides. These gentlemen, as well as others, are using their influence to stay and quiet all extremes, and I hope and trust with good results.

I think there is a general feeling among all reflecting men and those who have anything to lose, that this system of violence and lawlessness on both sides must be checked—otherwise not only will the good name of the county be “seriously injured” as you suggest, but the interests of all good citizens and the very welfare of society jeopardized.

I do not feel, in closing this letter, that I should be discharging my full duty to the people of this county, and to yourself, Governor, without hazarding an observation or two, which, if received in the same frank spirit as they are offered,

may have a tendency to restore a better state of feeling in the county.

It is an unfortunate circumstance for the welfare of the county, as well as for the interest of your party, that the recognized exponent of the Republican party in the county, should be a person of the *antecedents* and *surroundings* of the member who represents the county in the State Senate.

I do not think there would have been any violent antagonism between a respectable portion of the white people of the county and a *liberal* Republicanism, but for the misrepresentation of Republicanism. But the good people of Caswell cannot be expected to affiliate with a party whose recognized standard bearer sustains such a character at home, as does the individual alluded to.

I think I do you but justice when I say that you cannot suspect me of any *selfish* view in the observation just made.

I would take the liberty of suggesting to you, Governor, that you should pursue towards this county a similar course to the one that you adopted with good results in Orange. That you appoint some liberal, intelligent, moderate *gentleman* of character in this County as Commissioner, with whom you could advise, and whose interests would not be promoted by a misrepresentation of the true state of affairs here.

There are a number of such, whose names I could mention to you, who are entitled to your confidence, and whose simple appointment, (as did Col. Jones, of Orange) would indicate to our people a liberal and conciliatory policy on the part of the Executive of the State.

There are a number of such gentlemen in and around Yanceyville. I would suggest for one the name of Wm. B. Bowe, Esq., who for a time held position in the Freedman's Bureau in the County, with great acceptance to our people.

But it is time I was bringing this hurried letter, already longer than I intended, to a close. I have written you frankly, honestly, with no personal ends to subserve apart from the welfare of friends and neighbors.

If this spirit and these views meet your approbation, I shall be gratified.

I am, with respect, your ob't servant,  
T. A. DONOHO.

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[Capt. Ramsey to Governor Holden.]

HAYWOOD, N. C., May 4, 1870.

*His Excellency*, W. W. HOLDEN :

DEAR SIR: Some week ago I received a letter stating that there was a certain man in this community who had been advising negroes to burn houses, barns, &c., whenever they were interfered with by any parties in disguise.

In consequence of this advice, (in my opinion) John Boylan's barn was burned and also George Pegram's, in the edge of Harnett county. Since my arrival here to-day, I have found evidence to substantiate the statement made in the letter alluded to above.

"Two wrongs cannot make a right," and such advice to negroes and bad white men, in these troublous times, will prove ruinous to us unless put a stop to *instantly*.

Please advise me what to do. I am trying to do all the good I can, and will continue to do so.

If you order the arrest of this man, he and the witnesses shall be brought to Raleigh or anywhere else. I don't know whether it would be best to bring his case before the grand jury at our next court or have an earlier investigation.

Please write me by Saturday's mail. Address me at Pittsboro'.

Yours very truly,

N. A. RAMSEY.

[Gov. Holden to Capt. Ramsey.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, May 7th, 1870.

CAPT. N. A. RAMSEY :

DEAR SIR : Your letter of the 4th instant has been received.

The retaliatory outrages mentioned are greatly to be deplored. *All* violations should be remedied through the proper legal tribunals, and either laid before the grand jury, or before some judge, for bench warrants.

Retaliation for violence greatly aggravates the evil, and is calculated to increase into real strife, produce distrust among neighbors, and lead to bloodshed. All good citizens should unite to enforce the laws. In this case, as in all others, the proper resort is to the grand jury or the judge of the district, and you should obtain all the evidence you can in the case.

Very respectfully,

W. W. HOLDEN, *Governor.*

[Committee of Eight Citizens of Lincoln County to Gov. Holden.]

LINCOLNTON, N. C., May 11th, 1870.

*To His Excellency W. W. HOLDEN,  
Governor of the State of North Carolina—Greeting :*

At a meeting of colored citizens, convened on the 11th inst., in Lincolnton, to take steps to prevent the continuance of the

perpetration of atrocious outrages that are nightly committed by the Ku Klux in the vicinity of Lincolnton, the undersigned were appointed a committee to inform your Excellency of the incessant outrages the colored people are being subjected to. Since the end of March last, sixteen (16) cases of acts of violence have been perpetrated upon unoffending, defenceless colored men, women and children—acts consisting of whipping, shooting, robbing, and other brutal treatment. In some cases, aged women are whipped; in others, young girls; in some instances, men have received three hundred (300) lashes; in some cases they have received serious wounds from shots, when making no resistance. Others have been robbed of their money; others driven from their homes, &c.,—all of which can be irrefragably attested. Under this condition of things, the colored citizens of Lincolnton and surrounding country deem it expedient to appeal to your Excellency to interfere for the protection of our lives and property. The condition of things thus visited upon us we can only account for on political grounds. All of which we respectfully submit, and we shall ever pray.

We would most respectfully request, for our safety, that our names be withheld from the public.

(Signed by eight citizens,)

*Committee.*

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[Governor Holden's reply.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, May 17th, 1870.

*Messrs. —, — and others:*

GENTLEMEN:—Your communication of the 11th inst. has been received. I regret very much to hear of the outrages

committed in Lincoln County, and will do all in my power to have them suppressed.

Your names will not be made public.

Very respectfully,

W. W. HOLDEN, *Governor.*

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[Gov. Holden to Solicitor Bynum.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, May 17th, 1870.

HON. W. P. BYNUM, *Solicitor, &c.:*

MY DEAR SIR: I have received a communication signed by ——(here follow the names of the signers)—colored citizens of Lincoln County, complaining of numerous outrages committed upon them and others by the Ku Klux organization.

It is my desire that you will use all efforts to ferret out and bring these offenders to justice; and in doing so you will meet with my co-operation to the extent of the law. It is the desire of the parties above named that their names may not be made public, as it may be productive of fatal consequences to them and their families.

Very truly yours,

W. W. HOLDEN, *Governor.*

[Solicitor Bynum to Governor Holden.]

LINCOLN, May 20, 1870.

HON. W. W. HOLDEN, *Governor, &c.* :

DEAR SIR: Yours of the 18th, in regard to alleged outrages of the Ku Klux organization, in Lincoln County, is received.

I certainly feel much embarrassment as to the mode of reaching the criminals, inasmuch as I have made repeated efforts in this and other Counties of this judicial district, without success, to bring the matter before the Court, through the action of the grand juries—the only way I can take cognizance of these offences.

Numerous complaints are made to me of these outrages, now of frequent, very frequent, occurrence, many of the victims bearing on their bodies visible evidences of the truth of their complaints.

I am satisfied that the evil is great and increasing.

The difficulty has been to identify the parties with that *legal* certainty which would make it possible or even safe to convict. Another difficulty is the intimidation brought to bear upon the sufferers, and the fear they are under to speak positively as to the perpetrators. They are often advised by *professed* friends that they had better leave the country, better say nothing about it—that it would be dangerous if they name names, without absolute certainty—they would be liable to prosecutions for perjury, &c., &c.

The victims are generally negroes, but not always; nor are the punishments in all cases undeserved, in the abstract. These latter cases, of meritorious punishment, are *few*, and from the character of the men supposed to be engaged, these exceptional cases of merited punishment are made and used as a *cover* to conceal the deeper and more dangerous designs of the organization.

I am not prepared to say positively that this organization here is wholly political or partizan, though I am strongly inclined to think it is mainly so. I think but few of the respectable portion of the community of any party belong to it, though I fear they give it a tacit countenance and are not slow to take the political benefits of it.

On the whole, I am satisfied that as a *law officer* I can *do nothing*, through the ordinary channels of the Courts. In my judgment there are only two ways of arresting the evil—1st, by arousing public opinion to put it down, or 2ndly, by invoking the aid of United States troops, and making some sharp and decisive examples.

I should be slow to advise the latter, and certainly not till the former and more legitimate course is effectually tried.

I would make the effort to call the attention of our better citizens to this matter; but I am satisfied that coming from one of my political status, it would do no good.

I sincerely hope that their eyes will be opened to the danger before the evil is so great that the sufferers will take the remedy in their own hands.

Anything in my power I will cheerfully do to put an end to these outrages.

I am very respectfully, &c.,

W. P. BYNUM,  
*Sol. 9th District.*

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[Chief Justice Pearson to Gov. Holden.]

STATE OF NORTH CAROLINA,

AT CHAMBERS,

Raleigh, July 18th, 1870.

*To his Excellency, W. W. HOLDEN, Governor of N. C.:*

SIR: I have the honor to enclose copies of your writs of *habeas corpus*, issued by me to Col. George W. Kirk, together

with affidavits, setting out that Col. Kirk refused to make return to the writs, and stating that he made the arrests by your order.

As Col. Kirk does not make return, I do not feel at liberty to assume the fact that he acted under your orders, from the conversation set out in the affidavits.

Please inform me if Col. Kirk acted under orders from you in making the arrests.

Very respectfully yours, &c.,

R. M. PEARSON,  
*Chief Justice Supreme Court.*

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[Gov. Holden to Chief Justice Pearson.]

EXECUTIVE OFFICE,  
RALEIGH, July 19, 1870.

*To the Hon. RICHMOND M. PEARSON,*  
*Chief Justice of North Carolina :*

SIR: Your communication of yesterday concerning the arrests made by Col. Geo. W. Kirk, together with the enclosed, is received.

I respectfully reply :—That Col. Geo. W. Kirk made the arrests and now detains the prisoners named by my order. He was instructed firmly but respectfully to decline to deliver the prisoners. No one goes before me in respect for the civil law, or for those whose duty it is to enforce it, but the condition of Alamance county, and some other parts of the State, has been and is such that, though reluctant to use the strong powers vested in me by law, I have been forced to declare them in a state of insurrection.

For months past there has been maturing in these localities under the guidance of bad and disloyal men, a dangerous secret insurrection. I have invoked public opinion to aid me in suppressing this treason! I have issued proclamation after proclamation to the people of the State to break up these unlawful combinations! I have brought to bear every civil power to restore peace and order, but all in vain! The Constitution and laws of the United States and of this State are set at naught; the civil courts are no longer a protection to life liberty, and property; assassination and outrage go unpunished, and the civil magistrates are intimidated and are afraid to perform their functions.

To the majority of the people of these sections the approach of night is like the entrance into the valley of the shadow of death; the men dare not sleep beneath their roofs at night, but abandoning their wives and little ones, wander in the woods until day.

Thus civil government was crumbling around me. I determined to nip this new treason in the bud.

By virtue of the power vested in me by the Constitution and laws, and by that inherent right of self-preservation which belongs to all governments, I have proclaimed the county of Alamance in a state of insurrection. Col. Geo. W. Kirk is commanding the military forces in that county, made the arrests referred to in the writ of *habeas corpus*, and now detains the prisoners by my order.

At this time I am satisfied that the public interests require that these military prisoners shall not be delivered up to the civil power.

I devoutly hope that the time may be short when a restoration of peace and order may release Alamance county from the presence of military force and the enforcement of military law. When that time shall arrive I shall promptly restore the civil power.

W. W. HOLDEN, *Governor.*

On the conclusion of the reading of the communication from the Executive, Mr. Badger read various Proclamations issued from the Executive office at various times within the last two years in reference to various Ku Klux outrages and disorders in the Counties of Jones, Lenoir, Alamance, &c.

Chief Justice said, before the argument opens I will observe to the counsel the object of argument is to aid me in forming an opinion on four questions of law :

1. Do the facts set out by his Excellency show that Col. Kirk had a "reasonable excuse" for not making return to the writs of *habeas corpus*, as so to release him from the powers and penalties of an attachment ?

2. Do the facts set out show an "insurrection" and a condition of things, putting the lives and property of our citizens in such imminent peril as to suspend the writ of *habeas corpus* in the Counties subject to military occupation ?

3. Suppose the writ not to be suspended as in the present condition of the country, it is highly probable, nay, in my opinion *certain*, that an order to the Sheriff of a County to call out "the power of the County," and with force take the petitioners out of the hands of the military authorities will plunge the whole State into civil war,—should not the act of 1868-'69, be so construed as to make it subservient to that clause of the Constitution, which confers power on the Governor to call out the militia to suppress riots and insurrection, in Counties where the Governor has exercised this power and taken military possession ?

4. If so, should the writ be directed to the Governor ?

I shall be pleased to hear argument on these subjects as questions of law, and will leave it to the good sense of the counsel to decide, whether an excited discussion such as on yesterday, will be calculated either to aid me in forming an opinion, or to answer any other useful purpose.

PEARSON.

OPINION OF CHIEF JUSTICE PEARSON IN THE  
HABEAS CORPUS CASE OF A. G. MOORE.

EX PARTE, ADOLPHUS G. MOORE.

Upon proof of service and the failure of Col. Kirk to return the writ, the counsel of the prisoner submitted two motions :

1. For an attachment against G. W. Kirk for failing to make return ;

2. For a writ, to be directed to the Sheriff of some County, commanding him, with the power of the County, if necessary, to take the prisoner out of the hands of said Kirk and have him before the Chief Justice.

The fact of service and the failure to make return was a sufficient foundation for these motions. But the affidavit sets out further that G. W. Kirk said " he was acting under the orders of Governor Holden, and should make no return."

This extraneous matter, if true, had in my judgment an important bearing on the pending motions, and not being at liberty to assume it to be true on the verbal statement of Col. Kirk, I addressed a communication to his Excellency, asking to be informed if Col. Kirk had his orders. The purpose was to have the orders to Col. Kirk avowed or disavowed, and make it a fixed fact one way or the other, and to afford an opportunity to his Excellency, if avowed, of setting out the ground of his action, and of being heard by counsel. The cause of truth is always served by argument on both sides.

1. The main question, and one on which both motions depend, is this: Does the fact that the Governor had declared the County of Alamance to be in a state of insurrection, and had taken military possession, have the legal effect to suspend the writ of *habeas corpus* in that County? If so, the prisoner takes nothing by either motion ; if otherwise, it will become necessary to give them further consideration.

It was insisted by the counsel of the prisoner that the Gov-

ernor's reply is no part of this proceeding, and cannot be noticed. In my opinion it forms a part of the proceeding to the extent of the avowal of the orders given to Col. Kirk, (that is in direct response to my inquiry,) and of the fact that in the exercise of the power conferred on him, he had declared the County of Alamance to be in a state of insurrection—taken military possession and ordered the arrest and detention of the petitioner, as a *military* prisoner; the action of his Excellency is relevant, for, if the privilege of the writ of *habeas corpus* be suspended, the writ now sued for ought not to be awarded—(*ex parte Tobias Watkins*, 3, *Peters* 193.) The Chief Justice says: "The writ ought not to be awarded, if the Court is satisfied that the prisoner would be remanded." The case is cited and approved. (*Ex parte Milligan* 4, *Wallace* 111.)

His Excellency was also pleased to set out some of the special facts that satisfied him that the civil authorities of the County were unable to protect its citizens in the enjoyment of life and property; it is not mine to pass upon these facts or judge of their sufficiency.

Mr. Badger, of counsel for his Excellency, relied on the Constitution. "The Governor shall be Commander-in-Chief, and have power to call out the militia to execute the law, suppress riots or insurrections and to repel invasion."—Art. XII, Sec. 3, and on the statute act 1869-'70, chap. XXVII, sec. 1.—"The Governor is hereby authorized and empowered, whenever in his judgment the civil authorities in any County are unable to protect its citizens in the enjoyment of life and property, to declare such County to be in a state of insurrection, and to call into active service the militia of the State, to such an extent as may become necessary to suppress the insurrection;" and he insisted:

1. This clause of the Constitution and the statute empowers the Governor to declare a County to be in a state of insurrection whenever, in *his judgment*, the civil authorities are unable to protect its citizens in the enjoyment of life and property. The Governor has so declared in regard to the County of Ala-

mance, and the judiciary cannot call his action in question or review it, as the matter is confided solely to the judgement of the Governor.

2. The Constitution and this statute confers on the Governor all the powers "necessary" to suppress the insurrection, and the Governor has taken military possession of the County and ordered the arrest and detention of the petitioner as a *military prisoner*. This was necessary, for unlike other insurrections it is not open resistance, but a novel kind of insurrection, seeking to effect its purpose by a secret association spread over the country, seeking to effect its purpose by secret association, scourging and other crimes committed in the dark, and evading the civil authorities, by masks and fraud, perjury and intimidation.

It follows, that the privilege of the writ of *habeas corpus* is suspended in that County, until the insurrection be suppressed."

I accede to the first proposition; full faith and credit are due to the action of the Governor in this matter, because he is the competent authority, acting in pursuance of the Constitution and the law. The power, from its nature, must be exercised in the Executive, as in case of invasion or open insurrection. The extent of the power is alone the subject of judicial determination.

As to the second, it may be that the arrest and also the detention of the prisoner is necessary, as a means to suppress the insurrection. But I cannot yield my assent to the conclusion: the means must be *proper* as well as necessary, and the detention of the petitioner as a military prisoner, is not a proper means. For it violates the declaration of rights. "The privilege of the writ of *habeas corpus* shall not be suspended,"—*Constitution, Art. 1, Sec. 21.*

This is an *express* provision, and there is no rule of construction or principle of constitutional law, by which an express provision can be abrogated and made of no force by an *implication* from any other provision of the instrument. The clauses should be construed, so as to give effect to each and prevent

conflict. This is done, by giving to Art. XII, Sec. 3, the effect of allowing military possession of a county to be taken and the arrest of all suspected persons, to be made by military authority, but requiring by force of Art. 1, sec. 21, the persons arrested to be surrendered for trial to the civil authorities on *habeas corpus*, should they not be delivered over without the writ.

This prevents conflict with the *habeas corpus* clause and harmonises with the other articles of the "declaration of rights" trial by jury, &c., all of which have been handed down to us by our fathers, and by our English ancestors, as great fundamental principles, essential to the protection of civil liberty.

I declare my opinion to be, that the privilege of the writ of *habeas corpus* has not been suspended by the action of his Excellency; that the Governor has power under the Constitution and laws to declare a County to be in a state of insurrection, to take military possession, to order the arrest of all suspected persons, and to do all things necessary to suppress the insurrection, but he has no power to disobey the writ of *habeas corpus*, or to order the trial of any citizen, otherwise than by jury. According to the law of the land, such action would be in excess of his power.

The judiciary has power to declare the action of the Executive as well as the acts of the General Assembly, when in violation of the Constitution, void and of no effect. Having conceded full faith and credit to the action of his Excellency, within the scope of the power conferred on him, I feel assured he will in like manner give due observance to the law as announced by the judiciary. Indeed, he cannot refuse to do so, without taking upon himself the responsibility of acting on the extreme principle, "The safety of the State is the supreme law." I will venture to hope, as evil as the times may be, our country has not yet reached the point, when a resort to extreme measures has become a public necessity.

2. The motion for an attachment against Col. Kirk is based

on the *habeas corpus* act, acts 1868-'69, chapter 1, sec. 15. "If any person on whom a writ of *habeas corpus* is served, shall refuse or neglect to obey the same by producing the body, &c., within the time required, and *no sufficient excuse be shown*, it shall be the duty of the Judge or Court forthwith to issue an attachment against such person to the Sheriff of any county in the State, commanding him immediately to arrest such person and bring him before the Judge or Court, and such person shall be committed to jail until he shall make return to the writ and comply with any order that may be made in *relation to the party* for whose relief the writ shall have been issued."

Col. Kirk has refused to make return. The question is, do the facts before me "show a sufficient excuse?" The affidavit sets out that Col. Kirk put his refusal on the ground that he had orders from his commander-in-chief, who is the Governor of the State, not to obey the writ. His Excellency avows that Col. Kirk was acting under his orders. So, we have this case: Col. Kirk is commanded by the Chief Justice to produce the body. He is ordered by his Commander-in-Chief not to obey the writ. What was the man to do? He elected to obey his orders. In my opinion there was sufficient excuse for refusing to return the writ. The motion is not allowed.

The act in question does not rest on the idea of punishing for a *contempt of the Judge or Court*, but of compelling a return to the writ, and the production of the body. It is a substitute for the provision in "the old *habeas corpus* act," which punished the officer or person refusing or neglecting to make due return, "upon conviction by indictment," with a fine of \$500 for the first offence, and \$1000 and incapacity to hold office for the second. The late act is an improvement upon the former, by substituting the speedy remedy of attachment in place of indictment, and the severe punishment of imprisonment in place of fine. Both acts are evidently intended to punish for not making return, and the last is also intended for the immediate relief of the party in whose behalf the writ is issued. The motion of punishing for a contempt of the Judge

or Court is not involved in either act, certainly not in that of 1868-'69; that is provided for by "the contempt act," (same session.) The proceeding is, by *a rule to show cause*, why an attachment should not issue. And yet I was urged, with much vehemence, by learned and aged counsel, to rule Col. Kirk up for a contempt of the Chief Justice in this: The affidavit of service sets out that Col. Kirk, when the writ was served, said, "tell them such things are played out; I have my orders from Governor Holden and shall not obey the writ." "I will surrender them on Governor Holden's order, but not otherwise, unless they send a sufficient force to whip me." This, as was well said by Mr. Badger, is the language of a rude soldier, and not as courteous as we usually find in judicial proceedings. The motion for a rule to show cause for this contempt is not pertinent to the matter now on hand. The evidence on which it rests comes in a questionable shape—extraneous matter put into an affidavit of service to excite prejudice, and the motion made at the instance of one who is under arrest for the horrid crime of murder by midnight assassination! At a time when, as Mr. Bragg feelingly remarked, "we are in the last ditch, we look to the judiciary as our only hope. If that fails us, the country is gone! gone! gone!" I do not feel it to be my duty to leave grave matters, and then turn aside, to put a rule on a rude soldier to show cause, for making a flippant speech. I will be borne out by every member of the profession in saying, during the thirty-five years I have had the honor of a seat on the bench, I have never been slow to punish for contempt and preserve the dignity of the Court when I believed there was an intent to assail it. I know my duty and trust I have firmness enough to discharge it. These remarks seem called for because of the earnestness with which the motion was pressed in language more courtly but fully as strong as that used by the rude soldier, and the excited manner in which I was reminded of my duty, and exhorted to perform it; nay, the oath of office was read to me, and I had the benefit of hearing read much of the lofty language of Lord Mansfield.

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3. The motion for a precept directed to the sheriff of some County to bring the petitioner forthwith before me, and if necessary, to take with him the power of the County, is based on the 17th and 18th sections of the *habeas corpus* act. "The Court or Judge may direct a precept to any sheriff, coroner or other person to be designated therein, commanding him to bring forthwith before such Court or Judge the party, (wherever to be found,) for whose benefit the writ of *habeas corpus* shall have been granted." "In the execution of this writ the sheriff or person designated may call out the power of the county."

The petitioner is entitled to this writ; the only question is to whom should it be directed. The motion is that it should be directed to the Sheriff of some county.

I have considered the matter fully, and have come to the conclusion not to direct it to a sheriff. The act gives a discretion. In the present condition of things, the counties of Alamance and Caswell declared to be in a state of insurrection and occupied by military forces, and the public mind feverishly excited; it is highly probable, nay, in my opinion, certain, that a writ in the hands of a Sheriff, (with authority to call out the power of the county,) by which he is commanded with force, if necessary, to take the petitioner out of the hands of the military authorities, will plunge the whole State into civil war.

If the Sheriff demands the petitioner of Col. Kirk, with his present orders, he will refuse, and then comes war. The country has had war enough. But it was said by the counsel of the petitioner, "if in the assertion of civil liberty, war comes let it come! The blood will not be on your hands or on ours; it will be on all who disregard the sacred writ of *habeas corpus*. Let justice be done, if the heavens fall."

It would be to act with the impetuosity of youth and not with the calmness of age, to listen to such counsels. "Let justice be done if the heaven falls," is a beautiful figure of speech, quoted by every one of the five learned counsel. Justice

must be done, or the power of the Judiciary be exhausted, but I would forfeit all claim to prudence tempered with firmness, should I, without absolute necessity, add fuel to the flame, and plunge the country into civil war, provided my duty can be fully discharged without that awful consequence. Wisdom dictates, if justice can be done, "let heaven stand." Unless the Governor revokes his orders, Col Kirk will resist; that appears from the affidavit of service.

The second branch of the motion, that the power of the county be called out if necessary to aid in taking the petitioner by force out of the hands of Kirk, is as difficult of solution as the first.

The power of the county, or "*posse comitatus*," means *the men of the county in which the writ is to be executed*: in this instance Caswell, and that county is declared to be in a state of insurrection. Shall *insurgents* be called out by the person who is to execute the writ, to join in conflict with the military forces of the State?

It is said a sufficient force will volunteer from other counties; they may belong to the association, or be persons who sympathize with it. But the "*posse comitatus*," must come from the county where the writ is to be executed; it would be illegal to take men from other counties. This is settled law; shall illegal means be resorted to in order to execute a writ?

Again; every able-bodied man in the State belongs to the militia. The Governor is by the Constitution "commander-in-chief of the militia of the State," Art. III, sec. 8. So the power of the county is composed of men who are under the command of the Governor; shall these men be required to violate, with force, the orders of their Commander-in-Chief, and do battle with his other forces that are already in the field? In short, the whole physical power of the State is by the Constitution under the control of the Governor; the Judiciary has only a moral power; by the theory of the Constitution there can be no conflict between these two branches of the government.

The writ will be directed to the Marshal of the Supreme Court, with instructions to exhibit it, and a copy of this opinion to his Excellency, the Governor. If he orders the petitioner to be delivered to the Marshal, well; if not, following the example of Chief Justice Taney, in Merriman's case, Annual Cyclopaedia, for the year 1861, page 555, I have discharged my duty; the power of the Judiciary is exhausted, and the responsibility must rest on the Executive.

PEARSON.

The following is the order of the Chief Justice, to the Marshal:

To DAVID A. WICKER, *Marshal of the Supreme Court*:

You are hereby commanded, in the name of the State of North Carolina, forthwith to bring James S. Scott, wherever to be found, before me, Richmond M. Pearson, Chief Justice of the Supreme Court, at the room of the Supreme Court in the city of Raleigh.

Herein fail not, have there this writ and make due return.

R. M. PEARSON,  
*Chief Justice Supreme Court.*

INSTRUCTION:—You will wait upon his Excellency, the Governor, exhibit to him this writ, and a copy of the opinion in Moore's case, and make due return to me.

R. M. PEARSON,  
*Chief Justice Supreme Court.*

[Gov. Holden to Chief Justice Pearson.]

EXECUTIVE DEPARTMENT,

RALEIGH, July 26, 1870.

To the HON. R. M. PEARSON,  
*Chief Justice of the Supreme Court of N. C.:*

SIR: I have had the honor to receive, by the hands of the Marshal of the Supreme Court, a copy of your opinion in the matter of A. G. Moore; and the Marshal has informed me of the writ in his hands for the body of said Moore, now in the custody of my subordinate officer, Col. George W. Kirk.

I have declared the Counties of Alamance and Caswell in a state of insurrection, and have taken military possession of them. This your Honor admits I had the power to do "under the Constitution and laws." And not only this, "but to do *all* things necessary to suppress the insurrection," including the power to "arrest all *suspected* persons" in the above-mentioned Counties.

Your Honor has thought proper also to declare that the citizens of the Counties of Alamance and Caswell are *insurgents*, as the result of the Constitutional and lawful action of the Executive, and that therefore, you will not issue the writ for the production of the body of Moore to any of the men of the said Counties; that "the *posse comitatus* must come from the County where the writ is to be executed," and that any other means would be illegal.

I have official and reliable information that in the Counties above named, during the last twelve months, not less than one hundred persons, "in the peace of God and the State," have been taken from their homes and scourged, mainly, if not entirely, on account of their political opinions; that eight murders have been committed, including that of a State Senator, on the same account; that another State Senator has been

compelled from fear for his life to make his escape to a distant State. I have reason to believe that the governments of the said Counties have been mainly if not entirely in the hands of men who belong to the Ku Klux Klan, whose members have perpetrated the atrocities referred to; and that the County governments have not merely omitted to ferret out and bring to justice those of this Klan who have thus violated the law, but that they have actually shielded them from arrest and punishment. The State judicial power in the said Counties, though in the hands of energetic, learned and upright men, has not been able to bring criminals to justice: indeed, it is my opinion, based on facts that have come to my knowledge, that the life of the Judge whose duty it is to ride the circuit to which the said Counties belong, has not been safe, on account of the hatred entertained towards him by the Klan referred to, because of his wish and purpose to bring said criminals to justice. For be it known to your Honor that there is a widespread and formidable secret organization in this State, partly political and partly social in its objects; that this organization is known, first, as "*The Constitutional Union Guards*,"—secondly, as "*The White Brotherhood*,"—thirdly, as "*The Invisible Empire*;"—that the members of this organization are united by oaths which ignore or repudiate the ordinary oaths or obligations that rest upon all other citizens to respect the laws and to uphold the government; that these oaths inculcate hatred by the white against the colored people of the State; that the members of this Klan are irreconcilably hostile to the great principle of political and civil equality, on which the government of this State has been reconstructed; that these Klans meet in secret, in disguise, with arms, in uniform of a certain kind intended to conceal their persons and their horses, and to terrify those whom they assault or among whom they move; that they hold their camps in secret places, and decree judgment against their peaceable fellow-citizens, from mere intimidation to scourgings, mutilations and murder, and that certain persons of the Klan are deputed to exe-

cute these judgments; that when the members of this Klan are arrested for violations of law, it is most difficult to obtain bills of indictment against them, and still more difficult to convict them, first, because some of the members or their sympathizers are almost always on the grand and petit juries, and secondly, because witnesses who are members or sympathizers unblushingly commit perjury to screen their confederates and associates in crime; that this Klan, thus constituted and having in view the objects referred to, is very powerful in at least twenty-five Counties of the State, and has had absolute control for the last twelve months of the Counties of Alamance and Caswell.

Under these circumstances I would have been recreant to duty and faithless to my oath, if I had not exercised the power in the several Counties which your Honor has been pleased to say I have exercised Constitutionally and lawfully; especially as, since October, 1868, I have repeatedly, by proclamations and by letters, invoked public opinion to repress these evils, and warned criminals and offenders against the laws of the fate that must in the end overtake them, if, under the auspices of the Klan referred to, they should persist in their course.

I beg to assure your Honor that no one subscribes more thoroughly than I do to the great principles of *habeas corpus* and trial by jury. Except in extreme cases, in which beyond all question "the safety of the State is the supreme law," these privileges of *habeas corpus* and trial by jury should be maintained.

I have already declared that, in my judgment, your Honor and all the other civil and judicial authorities are unable *at this time* to deal with the insurgents. The civil and the military are alike Constitutional powers—the civil to protect life and property when it can, and the military only when the former has failed. As the Chief Executive I seek to restore, not to subvert, the judicial power. Your Honor has done your duty, and in perfect harmony with you I seek to do mine.

It is not I nor the military power that has supplanted the civil authority; that has been done by the insurrection in the Counties referred to. I do not see how I can restore the civil authority until I "suppress the insurrection," which your Honor declares I have the power to do; and I do not see how I can surrender the insurgents to the civil authority until that authority is restored. It would be mockery in me to declare that the civil authority was unable to protect the citizens against the insurgents, and then turn the insurgents over to the civil authority. My oath to support the Constitution makes it imperative on me to "suppress the insurrection" and restore the civil authority in the Counties referred to, and this I must do. In doing this I renew to your Honor expressions of my profound respect for the civil authority, and my earnest wish that this authority may soon be restored to every County and neighborhood in the State.

I have the honor to be, with great respect,

Your obedient servant,

W. W. HOLDEN, *Governor.*

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[Gov. Holden to the President.]

EXECUTIVE DEPARTMENT OF N. C.,  
Raleigh, July 20th, 1870.

*To the President of the United States:*

SIR: I have declared the Counties of Alamance and Caswell, in this State, in a state of insurrection. I have power to do this under the Constitution of this State, and in pursuance of laws passed by the General Assembly. I have embodied a considerable number of the Militia, have occupied the Counties

above named and have made a number of important arrests. Four of the persons arrested have sued out writs of *habeas corpus*, and the matter has been argued for several days before Chief Justice Pearson of the Supreme Court. It is expected that the Chief Justice will deliver his opinion on Friday, the 22d inst.

I have no means of knowing, with certainty, what his decision will be, but I incline to the opinion that he will substantially sustain me. There are threats of resistance, whatever his opinion may be. Col. Kirk, who commands at Yanceyville, apprehends resistance, and an attempt to rescue the prisoners. He has 350 resolute men, native white loyalists, many of whom are ex-Federal soldiers. But the Ku Klux largely outnumber them in the Counties referred to, and if they should take the field and be joined by others from other Counties, the State troops would certainly be in peril.

I have in Raleigh one hundred colored troops, sixty white troops, and at Hillsboro' fifty white troops, and in Gaston County one company of sixty. My whole available force is not more than six hundred.

I think it very important that a regiment of Federal troops be at once sent to this State, and that the Federal troops now here be ordered to come to my aid promptly. The defeat of the State and Federal troops in any conflict, at this crisis, would be exceedingly disastrous. It may be that the crisis will pass, and that I may be able to punish the guilty without encountering resistance. I have deemed it my duty in this emergency to acquaint you with the condition of things, so that you may judge of the expediency of ordering that I be further aided and supported by Federal troops.

I am satisfied that important disclosures will be made as to the Ku Klux organization during the progress of the investigation before the military. It is believed from evidence already in hand that ex-President Johnson is at the head of the order, and that Gen. Forrest is the commander for Tennessee and North Carolina. The organization is wide-spread and numer-

ous; is based on the most deadly hostility to the Reconstruction Acts, and is in all respects very unfriendly to the government of the Reconstructed States and to the United States.

I have the honor to be, with great respect,

Your obedient servant,

W. W. HOLDEN, *Governor.*

[The President to Gov. Holden.]

LONG BRANCH, N. J., July 22d, 1870.

HON. W. W. HOLDEN, *Governor of North Carolina:*

DEAR SIR: Your favor of the 20th inst., detailing the unsettled and threatening condition of affairs of North Carolina, is just received, and I will telegraph to the Secretary of War immediately to send more troops to the State without delay. They may be used to suppress violence and to maintain the laws, if other means should fail.

With great respect,

Your obedient servant,

U. S. GRANT.

[Governor Holden to Col. Kirk.]

STATE OF NORTH CAROLINA,

EXECUTIVE OFFICE,

Raleigh, August 3d, 1870.

COL. GEO. W. KIRK, *Yanceyville:*

DEAR SIR: This will be handed you by Col. R. T. Berry, Brigade Quartermaster.

You have done well in sending troops to various points to preserve the peace on the day of election. As there is no civil law at present in Caswell which can take hold of and punish offenders, it will be your duty to hold in camp for the present all persons charged with having broken the law. I will inquire more fully into the matter and forward instructions on the subject.

It is to be regretted that the farmers and others in Caswell are turning off their hands and refusing to pay them their wages. I know of no remedy for this but in the act of Congress to enforce the fifteenth amendment. As soon as the election is over, I will request the Marshal to send a deputy to Caswell to inquire into this grievance and take the necessary steps to remedy it.

It is reported that Lieut-Col. Burgen put a rope around the neck of William Patton, one of the prisoners, to force him to confess. Evidence obtained in this way is worthless. All prisoners, no matter how guilty they may be supposed to be, should be treated humanely. From my knowledge of your character, I am sure it is only necessary to call your attention to this matter.

No prisoner should be paroled or released without authority from headquarters.

I should like to have the names of officers in your Regiment who would be suitable to compose a part of the military court. The pending election and the necessity for some of the officers to be absent on duty have prevented the meeting of the court as early as I wished it. It will meet one day next week. It is important to have all the evidence that can be procured. The following officers, besides those of your Regiment, will compose the court: Maj.-Gen. W. D. Jones, Brig. Gen. C. S. Moring, Brig.-Gen. W. R. Albright, Col. H. M. Ray, Maj. J. W. Hardin, Capt. Robt. Hancock, and another officer probably from Alamance. This will leave six to be supplied by your regiment, and the court will consist of thirteen.

Col. Berry will report to you and will supply you with what

you may need. You will inform him whether you require more horses for the service.

Respectfully,

W. W. HOLDEN,  
*Gov. and Commander-in-Chief.*

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[Gov. Holden to the President.]

(TELEGRAM.)

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, Aug. 7, 1870.

*To the President of the United States :*

SIR : The Chief Justice of the Supreme Court of this State, sustained by his Associate Justices, has decided that I have a right to declare Counties in a state of insurrection and to arrest and hold all suspected persons in such Counties. This I have done.

But the District Judge, Brooks, relying on the fourteenth amendment and the act of Congress of 1867, page 385, chapter 28, has issued a writ of *habeas corpus*, commanding the officer, Kirk, to produce before him the bodies of certain prisoners detained by my order.

I deny his right thus to interfere with the local laws in murder cases. I hold these persons under our State laws and under the decision of our Supreme Court Judges who have jurisdiction of the whole matter, and it is not known to Judge Brooks in what manner or by what tribunal the prisoners will be examined and tried.

The officer will be directed to reply to the writ that he holds the prisoners under my order and that he refuses to obey the writ. If the Marshal shall then call on the *posse committatus* there may be a conflict; but if he should call first on the Federal troops it will be for you to say whether the troops shall be used to take the prisoners out of my hands.

It is my purpose to detain the prisoners unless the army of the United States, under your orders, shall demand them.

An early answer is respectfully requested.

W. W. HOLDEN, *Governor.*

[Reply.]

(TELEGRAM.)

WASHINGTON, 1870.

Gov. W. W. HOLDEN:

In connection with your telegram Aug. 7th, to the President, the Attorney General submitted the following:

ATTORNEY GENERAL'S OFFICE,  
Washington, Aug. 8, 1870.

I do not see how the United States District Judge can refuse to issue the writ if the petition makes out a case for it under the *habeas corpus* act of 1867, 14 statutes, 385. If the return uncontroverted, or the facts appearing on proof to the Judge after a denial by the petitioner, show the arrests to have been made under lawful State authority, he will remand the prisoners. In determining whether the laws of the State authorize

the first he will respect the decisions of the State Judge. I advise that the State authorities yield to the United States Judiciary.

(Signed)

A. T. ACKERMAN,  
*Attorney General.*

The President directs me to communicate to you the foregoing opinion of the Attorney General.

WM. W. BELKNAP,  
*Secretary of War.*

(Gov. Holden to Col. Kirk.)

STATE OF NORTH CAROLINA,  
ADJUTANT GENERAL'S OFFICE,  
Raleigh, August 11, 1870.

SPECIAL ORDERS, }  
No. 14. }

Col. G. W. Kirk, Commanding 2nd Regiment N. C. S. T., will parole all his prisoners, in whose honor he can confide, to report to him at Company Shops at ten o'clock, A. M., on the 15th instant. He will also take the necessary steps to secure the attendance of all witnesses at this time.

Col. Kirk will leave one hundred picked men, under competent officers at Yanceyville, and move the rest of his command, with baggage, to Company Shops, *taking special care* that his prisoners are not maltreated or abused.

By command of Gov. Holden :

A. W. FISHER,  
*Adjutant General.*

[Gov. Holden to Chief Justice Pearson.]

STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
Raleigh, Aug. 15th, 1870.

To the HON. R. M. PEARSON,  
*Chief Justice Supreme Court of North Carolina :*

DEAR SIR:—In my answer to the notices served upon me by the Marshal of the Supreme Court, in the matter of Adolphus G. Moore and others, *ex parte*, I stated to your Honor that at that time the public interests forbade me to permit Col. George W. Kirk to bring before your Honor the said parties ; at the same time I assured your Honor that as soon as the safety of the State should justify it, I would cheerfully restore the civil power, and cause the said parties to be brought before you, together with the cause of their caption and detention.

That time has arrived, and I have ordered Col. Geo. W. Kirk to obey the writs of *habeas corpus* issued by your Honor. As the number of prisoners and witnesses is considerable, I would suggest to your Honor that it would be more convenient to make return to the writs at the capitol in Raleigh. Col. Kirk is prepared to make such return as soon as your Honor shall arrive in Raleigh.

With great respect,

Your obedient servant,

W. W. HOLDEN, *Governor.*

[Chief Justice Pearson to Gov. Holden.]

RALEIGH, Aug. 18th, 1870.

To his Excellency, GOV. HOLDEN :

DEAR SIR: Your communication of the 15th inst., was handed to me by Mr. Neathery.

I will be in the Supreme Court room at 10 o'clock, A. M., 19th inst., to receive the return by Col. Kirk, of the bodies of A. G. Moore and others, (in whose behalf writs of *habeas corpus* have heretofore been issued by me,) together with the cause of their arrest and detention.

Receiving the return after the delay to which you allude of several weeks, is not to be taken as concurring, on my part, in the necessity for the delay, or as assuming any portion of responsibility in regard to it. The entire responsibility rests on you. I was unwilling to plunge the State into a civil war, upon a mere question of time.

With great respect,

Your obedient Servant,

R. M. PEARSON, *J. S. C.*

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[Gov. Holden to Col. Kirk.]

STATE OF NORTH CAROLINA,

EXECUTIVE DEPARTMENT,

Raleigh, Aug. 22d, 1870.

COL. GEO. W. KIRK, *Graham, N. C. :*

SIR: Mr. Thos. M. Holt seems to be apprehensive that his property is in danger on account of the feeling of some of the soldiers against him.

I do not know what foundation there is for this fear, but I write to instruct you to be vigilant to see that no injury is done to his property. Those who break the law should be arrested and punished, and those who are not charged with crime should be protected in their persons and property.

Very respectfully,

W. W. HOLDEN,  
*Governor and Commander-in-Chief.*

## CONFESSION OF JASPER N. WOOD.

Jasper N. Wood, a citizen of Alamance County, residing in Albright's Township, voluntarily, and of his own accord, doth confess and say :

That sometime during the year 1868, before the election, he was initiated into the Order of the "White Brotherhood," by one Michael, or McMichael, from Guilford County, in Jacob Long's room, in the town of Graham, having been carried there by a person from Person, who, at the time, was a buggy-maker in the shop of Henry Loy ; don't recollect his name. That he found assembled in Long's room, Michael, named above, Jacob Long, Joe Freeland, Geo. Ellington, Seymore Coble, and one Moore, from Guilford, and the buggy-maker. That is all that he recollects as being present. Freeland, Ellington, and Coble, and himself were then initiated. The object of the organization was explained, he thinks, by Michael, to be the defeat of the Radical party. An oath was administered to us by Michael, the purport of which he cannot now recollect. He recollects, however, that they were sworn to obey their superior officers. Michael, or McMichael, appointed Jacob Long, Chief, calling the association Camp 1, or First Camp, and giving Long a copy of the by-laws, which were then read. One clause of the by-laws he recollects to be that the members were to obey their superior officers, and do whatever the Camp directed or ordered them to do. Also, that all persons proposed as members were to be voted for, and a certain number of votes would reject. Michael explained the signs, grips and pass-words, and stated that the Order originated in Tennessee during the administration of Gov. Brownlow, and that Andrew Johnston, then President of the United States, was Chief of the Order in the United States, and that the Order was spread throughout this State and the United States. At that meeting Jacob Long was appointed Chief of the County. He appointed the time and the place of the next

meeting, which was between Graham and Alamance Creek, in the woods.

This meeting happened two or three days after the first. He was elected 1st Lieutenant, and he thinks George Ellington, 2d. At the 4th meeting, Camp No. 2 was established, before which there had been invited, besides those mentioned in the first meeting, John G. Albright, Geo. Bason, Isaac Holt, Jas. W. Foust, James Coble, Stanford Murphy, John R. Stockard, — Trothinger, John G. Albright. When Camp No. 2, was established, there were present, himself, Stockard, Long, Trothinger, Freeland, the buggy-maker, and he thinks John G. Albright. He was appointed Chief of the Camp. The next meeting Seymore Coble was appointed 1st Lieutenant. Calvin Roberts and Wm. Norwood were initiated. He and Coble had disguises, and the other members were ordered to procure them as soon as practicable. The disguises were a long, loose, white gown, generally a paper cap, with a mask for the face. This disguise was adopted to prevent candidates seeing who were present when they were initiated.

There were several other meetings of this camp at different places, in the woods at night, at which Joe Stockard, Wm. Stockard, Thos. Moore, — Griffin, Claibourne Gutherie, Alfred Newlin, John Newlin, John Wood, Will. P. Thompson, and several others whom he does not recollect became members. About this time Camp No. 7 was organized, with Wm. Stockard as Chief and John Newlin as first Lieutenant. Up to this time—some time in the Fall or Winter of 1868, there had been no violence committed. Some time after Camp No. 7 was established, Jacob Long called a county meeting of all the camps, to be held at Graham. He was present, and some fifty or sixty others. Long made a speech, in which he cautioned the members against talking too freely, as their safety depended upon their secrecy. After his speech, David Mebane and Will. Faucett, informed him, Long, that in their neighborhood an old negro man had been turned out of his house by a jury, and that the negro had afterward burned the

house down, and asked what ought to be done with him. Long replied that hanging was none too good for him. Mebane then asked that it be put to a vote in that meeting, stating that he was opposed to hanging, and moved that fifty lashes be given him, the old negro man. This he (Wood) opposed, stating as his reason, that the members of the county meeting were unacquainted with the circumstances, and that he thought the matter should be left to the camp in the neighborhood of which the circumstances occurred. He was overruled, and Mebane's motion for the whipping agreed to. This whipping never took place as he knows of.

Before the meeting adjourned, Long appointed a parade in silence in the town of Graham, and appointed him (Wood) to conduct it. Some week or two afterward the parade took place, but he (Wood) was not there, his wife being sick. After this, some week or two, Long called another meeting of the different camps in the woods near Graham. When assembled, Long told them that he should call no more county meeting, as there was too much noise and confusion, and danger of detection; that he was opposed to whipping and taking notice of frivolous matters; that the only punishment they ought to inflict was death, and that in the case of rape and such like when the civil authority did not punish the guilty.

There were no more county meetings, nor any meeting of the camp of which I was chief. It dropped. Whether any other camp in the county was kept up after that he does not know. The chiefs of the several camps were: Of the first, Jacob Long, who was chief of the county; of the second, Jasper N. Wood; of the third, Geo. Anthony, he thinks; of the sixth, David Mebane; of the seventh, Wm. Stockard; John Dunham was a chief, but the number of the camp he don't know.

After this he heard from George Baron, that there was probably another Order, and that James Patterson knew something about it. Shortly afterward, at Graham, James Patterson and Armitad Patterson swore him into the Order known

as the Constitutional Union Guards. The oath he then took, or a copy of it, he sent to the Governor. There were present at the time Patterson Segvin, James Hunter, John Stockard, he thinks, Lug. Scott, and James Frost. They were all sworn to obey strictly the orders of their superior officers. Patterson had the evening before established a Klan on the Southside of the Alamance, of which he, Wood, was appointed South Commander. At the same meeting the following officers were elected :

James Bradshaw, North Commander.

Pope Bradshaw, East Commander.

Joe B Thompson, West Commander.

John Wood, Secretary.

John Teer, Treasurer.

Robert Hunter, Inside Guard.

Richard Thompson, Outside Guard.

At this and subsequent meetings, which were held about once a month, the following persons were initiated and sworn, to-wit: Wm. Alexi Wilson, John Newlin, George Stoppard, Wm. Mebane, Turner Bradshaw, Patterson Thompson, Sirem Bradshaw and others.

This Klan and Patterson's Klan agreed to exchange work, if nothing was done rashly.

Mike Thompson told him (Wood) that Oscar Teer, Mike Teer, Jim Bradshaw and himself were at the hanging of the negroes who were executed for barn burning in Orange; also that Col. Webb and himself took the two negro men out of the house. Shortly afterward Jim Bradshaw and others sent him (Wood) word that a raid was to be made upon the house of Caswell Holt, a colored man, to destroy his house and effects. He (Wood) refused to go. Jas. Frost told him that upon the refusal of Holt to open the door, that Jim Bradshaw shot through the door, wounding him. Some time after the above occurrence Jim Bradshaw, who had been to Hillsborough, brought him (Wood) a note which, after reading, I was to deliver to James Patterson. The note read as follows :

## HILLSBOROUGH, N. C.

“Resolved in solemn Council, that one Shoffner, who introduced the Military Bill, shall be executed on — night.”

The date he does not recollect. This note was signed in cypher, which he, Wood and Patterson, could not read. Both he, Foust and Patterson, refused to have anything to do with it. Jim Bradshaw stated, so Foust said, that he was in council, in Hillsborough, with Col. Webb, Nash, Strudwick, and others, when this plot was agreed upon.

As to the Outlaw murder, he (Wood) heard J. R. Stockard say that he slept with a man who was there the night it took place. Mike Thompson told him (Wood) afterward that but three men took hold of Outlaw, of whom M. Thompson and Jim Bradshaw were two; that the crowd in attendance were from Orange and Alamance. Fisher Bradshaw, at a party near his (Wood's) house, told him (Wood) “that old Bill Puryear had reported somebody the other side of the river, and would, he expected, go up that night.” Dr. Wilson, on the day Puryear's body was found, said, in Wood's presence, that the body, from what he could learn, had changed its position in the water.

J. N. WOOD.

Witnesses:—Wm. J. CLARKE, S. A. DOUGLAS.

I further state that, at the time of my joining the organization, I was informed, by the man who initiated me, that Jo. Turner was commander of the State Central Klan.

J. N. WOOD.

Witnesses:—Wm. J. CLARKE, S. A. DOUGLAS.

## TESTIMONY AND DECISIONS.

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STATE *vs.* F. A. WILEY.

*Charge.*—COMPLICITY IN THE MURDER OF SENATOR JOHN W. STEPHENS, OF CASWELL COUNTY.

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At Chambers, Raleigh, Monday, August 22d, 1870, before CHIEF JUSTICE PEARSON and JUSTICE DICK.

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TESTIMONY OF DR. N. M. ROAN.

Dr. N. M. ROAN was called as the first witness on the part of the State. He gave a description of courthouse building. He said that he was sent for on Sunday morning; went into room where the body lay; the door was opened before he got there; the corpse was lying in a hollow in the pile of wood at the north side of the room; knees and arms were drawn up, three stabs were discernable, a rope was around the neck, known as a grass rope, drawn tightly in a noose, with two ends both hanging from behind; two of the stabs were in the neck, one severing the windpipe; another pierced the heart; a knife was lying near the body, it had a buckhorn handle, two blades, one of which was open, about three inches long and three-fourths an inch in width; the rope was drawn tightly around the neck, sinking into the skin; there were

considerable signs of blood on the wood and plastering; the stabs had been inflicted rapidly, and strangulation was effected before the infliction of the wounds. No portion of the body touched the floor; it lay in a space in the wood-pile, and could not have been seen during the night-search, from the windows; a few sticks of wood were under it. The back was toward the east, the side towards the wall. There was no doubt that Stephens was killed in the room. Saw no signs of blood at the window till next morning, then saw a drop on the granite sill and on the box, as if it fell and split; it was florid and fresh. He had ordered the use of the box at the window ledge for the night-search. There was no blood on the floor. A servant got the box. One of Stephens' brothers made examination. A candle was used, for the night had set in. When the windows were down a stick was usually put up to confine them; the door of this room was bolted, as he learned, that night; there was a thumb bolt at the hasp. He was not present when the door was opened. No key was seen by him. The spot of blood on the window sill might have been made by the print of a finger, a step could have produced it, but there was no blood on the floor. The body might have been seen in the day. It was not discoverable by candle-light. Had been asked permission to search the courthouse on the night of the murder. The south window was too high to make an examination, both windows on the east were used. Permission was asked for the search by Mr. T. Stephens and Cooke. Door was closed. Didn't know where the key was. Was not asked for it. Granite would not absorb blood as readily as wood, and stains upon it would appear more plain and distinct.

TESTIMONY OF DANIEL JOHNSON.

DANIEL JOHNSON (colored) was called for the State and on motion, charged to deliver the truth. He testified substantially as follows: I live in Yanceyville. At home on the day

of the murder till 3 or 4 o'clock. Went down town to the courthouse. Mr. Hill was speaking. He said but a few words before the meeting broke up. Dr. Roan said hold on, that the colored meeting on next Saturday would be protected, &c.; after meeting was over about sunset Mr. Stephens' hired man Lafayette Graves, came to him and said Mr. S. was missing; went home; Squire Cooke said same thing; went down town; a crowd was at the two Mr. Stephens and a Mr. Hemphill; other white men came afterwards; search was made and all but three rooms examined, one of them being the room where Mr. S. lay, the other two were the lawyers' rooms; there was no key to the clerk and master's room; went round to the windows; Dr. Roan ordered the box, but couldn't see in the room. Fifteen or twenty persons remained there all night on guard; none of them inside of the enclosure, save Mr. Hemphill, who staid in the passage-way some of the time. Crowds were on the street all night, at the stores, principally. Both parties could be seen. At daybreak the body was discovered. Dr. Roan was sent for. Sam Crowder entered the window; he removed the hasp; both the tongue of the lock and the thumb-bolt were out; there was no key to be found; the jury had been summoned and entered; the body lay in the hollow of the wood-pile, two sticks supporting the head on each side; there was the print of a shoe on the hat of the deceased, lying on the floor; his stick was near a writing-table; the wound in the heart was not discovered until the body had been stripped for washing; was one of the jury at the inquest, there was a pocket book and pen knife in the clothes of Mr. S.; didn't see any pistol; knew that Mr. S. always went armed; usually he carried three pistols. Mr. Wiley said that Mr. Stephens had asked him on Saturday to go down and have a talk with him, for that he wished Mr. W. to run for sheriff. Mr. Wiley said he went, but witness did not recollect any place that Mr. Wiley said that he left Mr. Stephens. On Saturday night search was also made towards the jail; the crowd remained near the courthouse because it felt certain Mr. Stephens

was in there. When the body was found George Bowe, a colored man, first saw it; said Mr. Stephens was dead as a hammer; key to room was looked for; Mr. Norfleet helped to search for it; but it could not be found; the window was then opened and the hasp of the door was unscrewed, when the coroner and jury went in. Mr. Wiley said that he had a talk with Mr. Stephens when they went down; then he went over to get some bitters; that afterwards he had a conversation with a former apprentice boy at the south door of the courthouse—Lee Hensley is his name; and that he then took his horse and went home. There were some papers in Mr. Stephens' coat pocket. No money in his purse. Mr. Wiley said that Mr. Stephens touched him and said he wanted to talk to him, and this was while the meeting up stairs was going on. When the body was found the head was propped up by two sticks of wood, as if they had been placed there for the purpose.

TESTIMONY OF LEWIS HILL.

LEWIS HILL, (colored) was next called for the State and sworn. Lives in Yanceyville. Was up stairs in the courthouse at the Democratic meeting on Saturday. Saw Mr. Wiley between 2 and 3 come down the gangway, stop a while, touch Mr. Stephens and they both went out. Clay Hubbard and Jo Fowler followed them. They went out of sight. There was no conversation. Mr. Stephens was lying on a bench in the courthouse at the time Wiley approached him; had not seen Wiley, Hubbard or Fowler since that day; went to a speaking, after the Democratic meeting adjourned, to a colored meeting at the school house. Did not hear of Mr. Stephen's death till next day. I stood on the left hand side of the room as you go in, and I saw Mr. Stephens about eight feet away lying down; I also saw Mr. Wiley touch him and they went out together. This was while the meeting was going on. Many other people were passing in and out all the time, but none went out while this party were moving. I saw

Clay Hubbard leave town that evening with his father. He lives in the country. I have not seen him since.

The Court adjourned till Tuesday morning.

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TUESDAY, Aug. 23, 1870.

This morning Chief Justice Pearson and Justice Dick were joined on the bench by Justice Settle.

TESTIMONY OF W. H. STEPHENS.

W. H. STEPHENS, brother of the deceased, was then called on the part of the State and examined. Lived at his brother's. He left home on the 21st of May about 9 o'clock in the morning, and stayed about the courthouse till the Democratic meeting took a recess. Went home and took dinner. There met his brother, who ate and left for the town about 20 minutes before he did. The meeting reassembled at two o'clock. Brother had three pistols usually. Saw him take them out of the wardrobe that morning, and place a ten-shooter in the breast pocket of his coat and two derringers, one in each breeches pocket. Went to courtroom himself. Saw his brother there taking notes of Mr. Hodnett's speech, which was personal to him (Stephens). Hodnett said that his brother was a spy there to report proceedings to Gov. Holden to repeat to Gen. Grant. There was some excitement. Several men overlooked Mr. Stephens during this speech. Mr. Kerr was near, and so were John G. Lea, Thos. Hubbard and others. A little before 4 o'clock, when Hon. B. Brown was speaking, saw Mr. Wiley move across the aisle, touch his brother, as he thought, and says "let's go down stairs," or some remark to that effect. Was twelve feet away. Brother was sitting down low on the end of a bench. Fifteen or twenty minutes afterwards I left

and went towards Harrelson's store. Went to Mr. Groom's, brother-in-law to the deceased, and remained there till five in the evening. Went home. Found Mrs. Stephens alarmed for the absence of her husband. Went up town and enquired for him. Went to Mr. Groom's again and called out my younger brother. Both returned and walked to rear of courthouse, when they advised with Mr. Neal, who said it was better to make no alarm. Sent for Cooke, a colored magistrate, who went with younger brother to Dr. Roan's for the keys. Got such as could be found. Searched the courtroom, the grand jury and the commissioners' room. The clerk and master's room was closed. Dr. Roan sent to Mr. Norfleet's for the key, but it could not be found. Went outside and procured a candle. Dr. Roan ordered a box to be set under the east windows. Mr. Groom looked in and saw nothing. There was no suggestion as to opening the windows. They hoisted by pulleys and no stick was seen on the top to confine them. Crowd had collected in front. A squad was there, one on the east, one on the west, and another in the rear, where witness remained, with brother and Hemphill. Saw Jo Fowler and Hubbard setting on the top of a bench in the rear of the bar, and they went down a few minutes after the deceased and Mr. Wiley went down stairs. No moon rose till after two that night, it was star light, with a slight air stirring. There are doors at each side on the steps going up stairs, and the left door is usually open. Mr. Norfleet keeps the keys. When search was made the body could not have been seen plainly from the southeast window, owing to its position and to the chimney. The cane was first seen next morning. Then at the east window the body was discovered by George Bowe, who said, "here he is, dead as a hammer." His hat was found between the body and wall, near the floor. The wood-pile, where the body lay was hollowed out, and was about 3 feet long and 3 feet high. The deceased lived about a quarter of a mile from the courthouse. Mrs. Stephens is a sister of Mr. Groom.

## TESTIMONY OF RICHARD GRAVES.

RICHARD GRAVES, (colored,) for the State, was next examined. Live in Yanceyville. Know both Mr. Wiley and Mr. Stephens. Was in the Courthouse at the meeting on Saturday. Heard Mr. Hodnett's speech. While Mr. Brown was speaking Mr. Wiley came in; he walked up the aisle, stopped a moment, returned and touched Mr. Stephens, and they went out together. I was standing near the middle of the room. Mr. Stephens was sitting back of me at the end of a bench near the wall. When they went down I saw him no more. He put on his hat before he left,—a soft, black felt hat.

## TESTIMONY OF MACK LEATH.

MACK LEATH, (colored,) also for the State, was next examined. Live in Yanceyville. Was at the Democratic meeting. Saw Mr. Stephens there about 3 o'clock. Saw him no more. Left before the meeting adjourned. Stayed on the public square or the street in front of the court house, until witness went to the Republican meeting at the Schoolhouse, about a quarter of a mile away.

## TESTIMONY OF JOSEPH WOMACK.

JOSEPH WOMACK, (colored,) was called for the State. Live in Yanceyville township. Was in town on Saturday. Got to town at the meeting. Was at the courthouse gate when the clock struck four. Desired to see Mr. Stephens, who was a magistrate, because having been whipped by the Ku Klux before, I feared them again, from the threats of Mr. Charnley. I desired to obtain a warrant and bind him to the peace. Saw a stranger at the gate,—a colored man,—of whom inquired where was Mr. Stephens. The reply was that he was downstairs at the tax-room. The colored man said he had just

come from the railroad where he had been at work. Stood and waited there awhile inside the enclosure. Did not go up stairs at all. A meeting was going on there. Looked down the ground-floor passage way. Saw men come out of the lower door to the left,—first Mr. Wiley, next, Jim Mitchell, then Logan Totten, and three other unknown parties. Mr. Wiley came straight on. The others disappeared; witness didn't know where. Wiley passed him from 6 to 8 feet distant. He looked as if he had been exerting himself, for he was sweating. Not seeing Mr. Stephens I then went to the Republican meeting at the schoolhouse. When Mr. Wiley came out one man seemed to lag behind and pull the door to. It was only a moment. I was afraid for my life to say anything about this at the inquest. I told Ruffin Hill of it on Tuesday morning after the murder, when I left for Danville. I was afraid to remain in Yanceyville, because I had been Kukluxed before, about the 30th of April. I had been at Greensboro', where a trial was had before Judge Tourgee, and certain men bound over to the peace. When the regulars came to Danville to go to Yanceyville I followed; was there when Kirk came and gave my evidence to him. I was afraid for my life to say it before that time for I would have been killed. I stood guard on the night of the murder. Saw the candle, but knew nothing of the box. Ruffin Hill sent for me, and I went to the courthouse that night. On Sunday I went to preaching early. Heard of the murder and discovery of the body there. Came back and was at the inquest on Monday. On Tuesday I left Yanceyville. Afterwards I returned to Yanceyville. Then went to Graham, since Col. Kirk had my evidence. Went to Salisbury with the troops and came to Raleigh as a witness to make my report.

TESTIMONY OF RUFFIN HILL.

RUFFIN HILL, colored, was called, and he corroborated the statement that Joseph Womack had told him, concerning the

seeing of Mr. Wiley and others come out of the last room on the left of the court house passage, about 4 o'clock on Saturday evening; and said that he was cautioned to keep the matter secret. He didn't know, but was confident that Womack remained about Yanceyville a few days afterwards. He lived with Wiley Turner, where Womack usually stayed, in the next room, and was himself employed in farming; but he could not give place or particulars as to whether he saw or knew of Womack's presence in Yanceyville after Tuesday. Was on guard on Saturday night. Sent for Womack. Saw Mr. Hemphill in the passage of the court house that night. When the body was found was sent to obtain a man to go to Rockingham to get Mr. Stephens' brother. Returned to the court house and heard the inquest. Gave his evidence to a soldier at the court house, since Kirk's arrival there. Didn't know him. Came to Raleigh on Saturday night last.

TESTIMONY OF BENJAMIN SHAW.

BENJAMIN SHAW, (colored) said he was at the court house on Saturday about a quarter to 4 o'clock to give in taxes. He was accompanied by Joseph Pinnix. He entered the lower passage way and walked down it, passing Lawyer Watt and the county clerk, Mr. Brannon, to where he saw a crowd of gentlemen at the south door. Mr. Wiley was just going out of the door. He saw also Mr. Jo. Fowler, John Lea, and Tucker Bennett standing there, except Fowler who was sitting down conversing with other parties. He observed the tax-collector in the room above, and he turned in there, where he gave in his tax. Afterwards saw Mr. Wiley at the pump in the public square, get into his buggy and start for home. He also observed Mr. Sam. Hill and Mr. Hemphill together that evening talking, while they were passing the street, and noticed nothing else of a peculiar character. The Democratic meeting had adjourned when he went to the court-house.

## TESTIMONY OF JUDY ROBINSON.

JUDY ROBINSON, colored, was next examined. She said that late in the afternoon she went down town to Mr. Harrelson's store. While she was there Mr. Wiley came in. He took off his hat and passed his hand over his forehead. Some one, unknown to the witness, asked him if he had been running, because his face was red and full of perspiration. He said "No, I have not been running, but worse." He then drank some water, left the store and went towards Mitchell's grocery. Witness stayed in the store a while after that and then went home.

At this juncture, R. C. Badger, Esq., announced that the State would rest the case for the present.

His Honor, the Chief Justice, said that the prisoner under the new law had a right to make a statement to the Court if he desired to do so.

Pending which, upon the representation of Gov. Bragg that the counsel for the defence desired to take the matter into further consideration, the Court adjourned till 9 o'clock on Wednesday.

## TESTIMONY FOR THE DEFENCE.

WEDNESDAY, Aug. 24th, 1870.

## STATEMENT OF F. A. WILEY.

Mr. F. A. WILEY, stated that on the 21st of May he arrived in Yanceyville about 9 o'clock, hitched his horse to the locust

tree near the south door of the courthouse ; heard a voice asking him to come there ; turning, saw it was the late Senator Stephens, and as soon as I hitched my horse I walked up the steps to Mr. Stephens and Mr. Hemphill. Mr. Stephens said that he had been wanting to see me several days, and commenced conversation, when Mr. Hemphill left. He (Stephens) said, we regard you as a moderate man and want you to run for sheriff of the county. I told him that I had no political aspirations. We talked about half an hour, when he (Stephens) told me not to make up my mind too hurriedly, and that he wanted me to help harmonize the people, when I went into Mr. Watts' office where I owed some fees. Watts said, "What were you and Stephens talking about?" The Democratic meeting met about 10 or 11 o'clock. I participated in the meeting until 12, when it adjourned for recess until half past one. Heard L. Brown, Col. Withers and Mr. Hodnett speak during the meeting, when I left and went to Mitchell's store to get some refreshments, and on returning found Bedford Brown speaking ; saw Stephens sitting on the left of the aisle taking notes ; went to Stephens, who said he was busy ; soon after taking my seat Mr. Martin touched me, and on turning round Mr. Stephens motioned me to go down ; I went out first ; we stopped on the steps when he stated that if I got the Democratic nomination to-day for sheriff, we would (Republican party) make no nomination. I told him I could not be a candidate, when I went out (leaving Mr. Stephens in the vestibule) to the pump where I found Mr. Bigelow ; we had a little talk when Mr. John H. Kerr came up ; we went to Mr. Johnston's store where I paid him \$50, and took his receipt ; went back to the courthouse and saw J. C. Wilkerson ; had a short talk with him about the canvass ; saw Mr. Stephens at the assessor's room ; called Mr. W's attention to him ; I then went out to the public square and saw Mr. Jerry Smith ; asked Mr. Wilkerson to go and get some bitters ; went to Harrelson & McKee's store, got our bitters ; went out along by the pump and drug store ; I then went through the

courthouse to the south door, and saw Hamp Johnston ; asked him to hitch my horse ; I saw Lee Hensley, a colored boy whom I had bound out ; he wanted to know if he could get any damages ; I advised him to procure counsel ; I also saw Dr. Richmond ; I teased Hamp about a woman who was living at my house ; I saw several persons as I passed through the courthouse ; I wanted to see Henry Brannon ; went to his door and found it locked ; I then went to Henderson's store for a bucket to water my horse, who had been standing all day without water ; I procured a noggin and went to the pump, and a colored man watered my horse for me ; I got in my buggy and started home ; Mr. Wilkerson went seven miles with me, and Mr. Smith went with me to my gate, and within one-half mile of my house ; we met several persons on the road.

To SETTLE J.—I had a difficulty with one of my hands and the case was tried by Stephens, who discharged it with satisfaction to both parties ; the people were down on him on account of his political opinions ; I said to Mr. Watts that the people might crow and scorn Mr. Stephens, but I should always respect him ; Mr. Stephens took me to be a moderate man in politics ; I saw Mr. Hemphill and Mr. Stephens standing together ; I commenced talking to Mr. Stephens when Mr. H. left ; I am not positive whether I touched him or the bench ; I saw no one leave ; we talked about half an hour ; he talked to a colored man ; I did not know the man ; we were opposite the assessor's room ; I was not present ; I am a member of one secret organization, Masonic ; I am not a member of any secret political organization.

To PEARSON, C. J.—I have no way to account for the murder. I think the meeting had adjourned ; there were a good many persons in the grand jury room.

To SETTLE, J.—Do not know whether a noise could be heard from one room to the other or not ; I think it was between four and five o'clock when Mr. Stephens was conversing with the colored man.

## TESTIMONY OF COL. R. B. WATTS.

Col. R. B. WATTS, being called and duly sworn, testified as follows: My office is the first room on the right; I was in my office; I saw Mr. Stephens and Mr. Wiley talking; Mr. Wiley came to my office, but remained but a short time; am positive that Mr. Wiley wore a black cloth coat; was in the meeting in the afternoon; L. M. Totten was secretary; the meeting forgot to appoint delegates to the convention to be held in Greensboro'; the vestibule was crowded with persons who had gone down from the meeting; I left my office about six o'clock; a great many persons were passing to the assessor's room; mostly colored, who were giving in their taxes; am not in the habit of leaving so soon, but was requested by my wife to come home soon on that evening, to go off with her; do not remember whether I had a conversation with Mr. Brannon or not; I met Brannon in the vestibule.

To Mr. BOYDEN.—I had a talk with the clerk after the meeting adjourned; there was no feeling against Senator Stephens, except boys crowing at him on the street.

To Mr. BRAGG.—I was present when Mr. Hodnett spoke, and heard him say that besides the \$7 per day, Mr. Stephens received money as a spy, detective and eaves-dropper.

To Mr. BOYDEN.—The political feeling was very bitter against Mr. Stephens; I have no reason to believe that there is an organization to injure the opposition; I have no reason to believe that there is any vigilance committee for that purpose; nor any reason to believe, only from rumor, that there has been any illegal castigation.

To Mr. BRAGG.—There has been very few whipped, only three or four; there was one white man whipped; I have no reason to believe there is an organization called the Ku Klux in Caswell.

## TESTIMONY OF COL. E. B. WITHERS.

COL. WITHERS duly sworn, testified—I am a partner of Col. Watts; I was in the meeting in the afternoon; I was a candidate; made some few remarks; Mr. Totten was secretary and at the clerk's desk. Mr. Mebane was chairman; he called Totten and requested us to remain. We went to the jury room to arrange about the canvass.

To PEARSON, C. J.—That was between four and five o'clock. I then went to my room and found several persons there; then went to Colonel Watts and got my horse and went to my father-in-law's. I am not married.

To Mr. BRAGG.—I sleep in my office every night except Saturday and Sunday nights. I lost my wife two years ago. My father-in-law has my little child. The court house building is about one hundred feet long, the vestibule some five or six yards. I have occupied the room as my office since 1866; it is about twenty steps from the courthouse door to the gate. I doubt if any person could recognize another from the gate to any distance in the passage, or from what room any person came.

To PEARSON, C. J.—Mr. Totten's name is L. M. Totten; do not know whether he left before me or not; he lived about six miles from town.

To Mr. BOYDEN.—Mr. Totten did not leave his desk during the meeting; do not believe there exist any vigilance committees or anything else; have no reason to believe any person of the opposite party, either colored or white, has been illegally whipped; I have been retained in two cases where colored men are reported to have been illegally whipped; one was examined by Mr. Stephens, and sent on, and the other by Judge Tourgee.

To PEARSON, C. J.—I do not believe there has been any illegal whipping.

To DICK, J.—I know of no murder in Caswell except Stephens'; I heard of one instance of a colored man near Prospect Hill, and Mrs. Stephens' in her son's house.

## TESTIMONY OF GEORGE W. PINNIX.

GEO. W. PINNIX sworn; I was in Yanceyville on the day of the meeting; arrived there between 9 and 10 o'clock; live about 12 miles from town; stayed about fifteen minutes in the meeting; I saw Stephens and walked with him as far as the blacksmith shop; he wanted me to run for sheriff and I declined; wanted me to run for some of the other offices, all of which I declined; we went to the courthouse a few moments before adjournment; Stephens thought Wiley would make a good sheriff; I conversed with Wiley on the first of May; asked him if he was going to run for sheriff; he said he was not, that he had no aspirations, but wanted to educate his children and attend to his domestic affairs and that Stephens had done him a favor which he should never forget; do not remember how the conversation started about Stephens; Wiley stated that he was banned, and because he did not vote, he was branded with radicalism.

To Mr. BOYDEN.—A very bitter feeling existed among some people against Mr. Stephens.

To PEARSON, C. J.—Mr. Stephens first suggested to me to go to the meeting. Mr. Stephens was not in the habit of attending Democratic meetings.

## TESTIMONY OF JOHN M'KEE.

JOHN MCKEE (youth) being called and duly sworn, said he was 14 years old, and son of Mr. — McKee, the storekeeper. Went to the meeting in the evening, but did not stay long; saw Mr. Stephens, also Mr. Wiley; saw Mr. Stephens touch Mr. Wiley on the leg. I left both in the meeting. Mr. Stephens was sitting down. I did not go back any more.

To Mr. BOYDEN.—Have been examined before.

## TESTIMONY OF BRYCE HARRISON.

BRYCE HARRISON, being sworn, said he lived in Yanceyville; went to the meeting in the afternoon while Mr. L. Brown was speaking; saw Wiley speak to Stephens.

To PEARSON, C. J.—Last I saw of Stephens he was getting his cane; did not see him leave. I left at the adjournment. I saw Mr. Wiley, who had bought a bottle of bitters, and told him not to open it as I had some. Saw a conversation between Wiley and Stephens, but did not hear any of it. Did not notice when Mr. Stephens left the meeting. I left the meeting shortly after and went up the street about 75 yards, had a short conversation with Mr. Hodnett, and went back to the store, where I saw Mr. Wiley and Mr. Wilkerson drinking bitters. Mr. Wiley stayed only a short time.

To Mr. BOYDEN.—I have been examined before. [Mr Boyden read a former examination which the witness pronounced correct except in one or two instances.] I went into the vestibule but did not notice any one in the passage or vestibule; there was a bitter feeling against Mr. Stephens; I have no reason to believe that there has been any white or colored punished for the supposed violation of the State laws; I know of no organizations called the Ku Klux, vigilance committee or by any other name.

To Mr. BRAGG—I have heard of three cases of whipping.

## TESTIMONY OF GEORGE BIGELOW.

GEORGE BIGELOW stated that he lived in Caswell, about two and a half miles from Yanceyville, and was at the meeting in the evening and remained about half an hour; arrived about nine o'clock; saw Mr. Stephens at the meeting; went out over to Harrelson and McKee's store; saw Mr. Wiley come out and had a short conversation with him; Mr. Brown was speaking, knew by his voice; saw Mr. Wiley three or four times

after in passing ; saw him at the pump watering his horse just before ; left a short time after ; went up the street about seventy-five yards ; talked to Hodnett ; went back to store ; saw Wiley and Wilkerson drinking bitters ; Wiley stayed a short time.

To PEARSON, C. J.—Think it was about five o'clock ; left town for home about an hour after ; George Bigelow went with me ; he lives at my house ; saw Mr. Dismuke at — store ; also saw Jerry Smith.

To Mr. BOYDEN.—No one was speaking when the call for Mr. Brown was made ; met Mr. Brown going forward as I was coming out ; left Mr. Wiley in the room when I went out ; have not been examined before ; did not see Mr. Stephens or Mr. Wiley leave the meeting ; that was between four and five o'clock ; think Mr. Hill spoke after Mr. Brown ; have no reason to believe that there is an organization in Caswell for the illegal punishment of white or colored persons for the violation of the State laws ; Mr. Stephens made many enemies by harassing the people, but do not believe there was a general bitter feeling against him throughout the County ; Mr. Hodnett scored Mr. Stephens very heavy and bore down on him pretty severe, said that Mr. Stephens got more money than he ought to.

To Mr. BRAGG.—Talked with Mr. Wiley, he said he got in a difficulty with one of his hands, and the case was carried before Mr. Stephens, and that he fared much better than he expected ; Mr. Stephens and Mr. Wiley were, as far as I know, on the best of terms, but differed in politics ; believe there was some three or four persons whipped, but do not believe there was any regular organized body for that purpose, but there was an understanding to go and do the whipping ; do not know that they came from another County, but heard at Prospect Hill they came from Orange ; their horses were disguised ; do not know how many there were of them.

CHIEF JUSTICE.—Is it a matter of such little consequence as not to be recollected ?

WITNESS.—I believe there were five cases of whipping and two murders. A colored man by the name of Jacobs was on the road-side watching for a chance to kill a Ku Klux when he got killed himself.

TESTIMONY OF JAMES A. HOPKINS.

JAMES A. HOPKINS, examined : Stated that he lived in Caswell and about three miles from town, and was in Yanceyville on the day of the meeting. Am acting as deputy assessor ; was in the grand jury room engaged in taking the list ; was in the meeting both morning and evening, and left while Mr. Hodnett was speaking and went to the grand jury room to take the list of Mr. Swann, who was in a hurry for me to take his list as he had a sick child at home ; did not return to the meeting any more ; left the office about 6 o'clock ; most of the persons who came in were colored ; saw Mr. Stephens in the office, who came in and walked around to the rear of the crowd ; have no doubt but that it was Mr. Stephens ; did not notice him any more, and do not know when he left ; it was about half an hour after I left the meeting when I saw Mr Stephens ; a great many were passing in and out.

To PEARSON, C. J.—Locked the door and carried the key to Mr. Norfleet's store who had charge of the keys. Two or three white men came in the assessor's room.

To Mr. BOYDEN.—Think it was about half an hour after I left the meeting ; do not know of any organization in Caswell for the purpose of punishing white and colored people nor any vigilance committe for theft.

CHIEF JUSTICE.—Do you believe there is an organization in Caswell county for that purpose ?

WITNESS.—I do not believe there is.

To Mr. BOYDEN.—Do not believe that there were any parties in the County who were in the habit of going in disguise. My immediate neighborhood is very orderly ; no cases of castigation or any other illegal punishment ; do not believe there is

any Ku Klux organization ; know of but very little bitter party feeling against Mr. Stephens ; Mr. Hodnett spoke severely against Mr. Stephens and said to the crowd that " your Senator had received \$7 per day besides a fee for acting as spy on the people of Caswell ;" saw Mr. Stephens in the courthouse.

To PEARSON, C. J.—Was about 25 or 30 feet from the room in which the deceased was found ; heard no noise after I saw Mr. Stephens ; heard no scuffle or exclamation.

To DICK, J.—Think it was the fourth day on which I was taking the tax list ; saw no one go in or out of the room in which the deceased was found ; did not see the door open ; the private door at the back of the courthouse is usually kept closed.

#### TESTIMONY OF BRANCH PINNIX.

BRANCH PINNIX, called, sworn and examined : stated that he was a little deaf, and that he lived in Caswell county, and about 12 miles from town ; was at the meeting, and left between 4 and 5 o'clock. Dr. Roan spoke to the colored people, and said they could have the court house to hold a meeting, but did not want them to abuse it. After the crowd dispersed, went to Mr. Norfleet's store to look for Mr. Bain, then to Henderson's store, Mr. Mitchell's house, and to the clerk's office, and found the door locked ; saw the door of the room opened in which the deceased was found ; looked in but saw no one ; was looking for Mr. Bain ; found him near the front gate ; he got his horse and we started for home ; I got home about sundown ; think it was twenty or thirty minutes after I saw the door open before I left.

To PEARSON, C. J.—We both rode horseback ; did not want to be in the dark ; we travelled pretty fast ; saw Mr. Wiley on my way to the court house ; have no doubt of the door being open ; Mr. Wiley wore a black cloth coat and I think dark grey pants.

To Mr. BOYDEN.—Did not see Mr. Stephens ; did not know

him ; travelled in an ordinary trot ; it is eleven miles to Mr. Mitchell's and twelve to my house ; am not mistaken in the door (the plan of building produced and the door pointed out) have not been in Yanceyville since ; heard at Mebanesville, while on my way to Salem, for the first time of the murder ; it was the nearest door to me when I turned to retrace my steps through the court house ; there is some extremely bitter feelings among the Democrats ; believe there were persons who went disguised in the county for the purpose of chastising the colored people for stealing.

To PEARSON, C. J.—Do not recollect seeing any one at the south door ; saw no one in the assessor's room or passage ; Mr. Brown had finished speaking ; there was no crowd in the passage.

To DICK, J.—Do not recollect seeing a key in the door ; did not notice the table ; saw the pile of wood but did not notice how much.

TESTIMONY OF J. C. WILKERSON.

J. C. WILKERSON being sworn, said : he lived in Caswell, at Leasburg, fourteen miles off ; was at the meeting, but left between four and five o'clock ; left just before Mr. Hill finished speaking ; saw Mr. Wiley and talked with him about the nominations, who stated that Mr. Stephens urged him to be a candidate ; knew Mr. Stephens, saw him talking with a colored man in the passage ; took a drink of bitters with Mr. Wiley, who went after his horse, watered him, and both left for home about five and got home about eight and a half o'clock.

To Mr. BOYDEN.—There were a few persons in the passage ; was about forty feet from him ; am certain it was Mr. Stephens, who seemed to be engaged in a friendly talk with the colored man ; saw no one go in the grand jury room ; am a merchant ; bitter feeling against Mr. Stephens ; know nothing of a vigilance committee, believed that such an organization did exist. On February 19th, saw a band of twenty-four disguised men

who wore long white robes and white caps ; came to Leasburg about eleven o'clock at night, did no damage, but wanted tobacco and whiskey ; they got tobacco from Mr. R. T. Hancock.

To PEARSON, C. J.—Think some were in liquor ; they came from towards Hillsboro' and returned by same route.

To Mr. BRAGG.—Leasburg is twelve miles from Orange and about half a mile from Person.

To DICK, J.—Knew none of them nor any of the horses ; eight of them came in my porch ; asked me some questions ; where David Johnston, a colored township officer, lived ; asked me to go and show them where he lived ; declined ; they went to his house but did him no harm ; have no information of any whipping ; been no trouble in our township ; Jacobs was found near Sam Allen's ; do not know that they went to Allen's house ; heard that Allen came back with the United States soldiers.

To Mr. BRAGG.—Mr. Holden told me that they passed his house, have no knowledge where they came from.

#### TESTIMONY OF JERRY SMITH.

JERRY SMITH examined: Was in Yanceyville at the meeting ; but few left between 4 and 5 o'clock ; Mr. Wiley and Mr. Wilkerson overtook me about three miles from town ; it was 15 or 20 minutes after the meeting adjourned before I left.

To Mr. BOYDEN.—I know of no secret organization ; there were three whippings in my neighborhood, but do not know anything of the parties who did the whipping ; know of no very bitter feeling against Mr. Stephens.

To PEARSON, C. J.—Heard Mr. Hodnett speak against him, and he said the reason taxes were so high that Stephens voted himself \$7 per day.

## TESTIMONY OF GEORGE BIGELOW.

GEORGE BIGELOW, (colored,) examined: Was at Yanceyville, and was in the meeting in the evening; saw Mr. Wiley and Mr. Stephens go out; Mr. Wiley went out first; I went out soon afterwards; saw Mr. Wiley give Mr. Stephens a paper; Mr. Stephens went in the courthouse with a white man; saw Wiley start home; went with Mr. Bigelow to Yanceyville; saw Mr. Stephens in the court house; no doubt but it was Mr. Stephens.

To PEARSON, C. J.—Left Mr. Stephens at the door; there was no one with him; everything was quiet.

To MR. BRAGG.—Found Mr. Bigelow near Mr. Johnston's store; we started for home; met Phelix Roan about a quarter of a mile from town; live two or three miles from town; got home about dusk.

To MR. BOYDEN.—Live with Mr. Bigelow, between two and three miles from town; was not before the coroner's jury; told no one but Mr. Bigelow that I came out after Mr. Wiley; went into the courthouse to look for Mr. Bigelow; saw no one but Mr. Stephens; told no one that I saw Mr. Stephens except Mr. Bigelow; Mr. Bigelow is a Democrat; I did not vote at last election; talked with Mr. Bigelow several times.

To DICK, J.—Mr. Wiley stayed at Mitchel's store until he started for his horse, when he stopped at Mr. Harrelson's; do not know that he went through the courthouse.

To MR. BRAGG.—I told Mr. Bigelow several times that I came down behind Mr. Wiley and Mr. Stephens.

## TESTIMONY OF DR. PRESTON ROAN.

Dr. PRESTON ROAN examined: Live in Yanceyville; saw Mr. Wiley as he was about leaving with Mr. Wilkerson, riding horseback; it was about 5 o'clock; was not in the meeting during the day; to my best recollection it was about 5 o'clock.

To Mr. BOYDEN.—Mr. Wiley and Mr. Wilkerson were going the same road; think there was a bitter feeling against Mr. Stephens; have no knowledge of a vigilance committee going about whipping people.

To DICK, J.—Did not notice how Mr. Stephens was dressed; Mr. Wiley had on a long yellow coat next day.

To Mr. BRAGG.—Mr. Wiley was examined as a witness next day.

TESTIMONY OF LEE HENSLEY.

LEE HENSLEY, (colored) examined: Live at Yanceyville, was at the courthouse about 4 or 5 o'clock; saw Mr. Wiley, asked him if I could get anything for the time I was bound out; told me to see Mr. ——— who would examine the records; saw Dr. Richmond and an unknown man, and Hamp Johnston; Mr. Wiley was joking Hamp about a woman at his house; do not know where he went; went to give in my tax; did not see Mr. Wiley any more; stayed some time in assessor's room; there were a great many people in the room; went back to work after giving in my tax; got home about sunset.

To Mr. BOYDEN.—It was between 4 and 5 o'clock; saw Wiley at south door; went in front door; did not know the other man, or which way he went; know nothing of the Ku Klux; work for Henry Brannon.

TESTIMONY OF JAMES A. HENDERSON.

JAMES A. HENDERSON examined: Live in Yanceyville and have a store there; saw Mr. Wiley in the evening, lent him a tub to water his horse; a colored man brought the tub back; it was late in the evening, some time before night.

To Mr. BOYDEN.—A great many did not like Stephens' course. There was a bitter feeling among some; do not believe there was any regular organization in Caswell to punish

colored people for violation of the laws ; never heard of any vigilance committees.

To Mr. BRAGG.—Heard a great deal about Mr. Stephens in regard to his actions ; have no settled belief of the existence of the kuklux ; heard of five cases of whipping—three colored and two white—for stealing.

TESTIMONY OF A. J. HOOKER.

A. J. HOOKER examined : Live in Caswell about five miles from Yanceyville ; was at the meeting ; saw Mr. Stephens with four or five colored men ; know Mr. Stephens.

To Mr. BORDEN.—Crowd had left ; sun about half hour high ; was not before the jury of inquest ; saw Mr. Stephens after Mr. Wiley left Yanceyville ; do not recollect the month Stephens was killed.

To Mr. BRAGG.—Saw Wiley after he was arrested by Col. Kirk.

TESTIMONY OF A. J. KIMBROUGH.

A. J. KIMBROUGH examined : Live in Caswell, six miles from Yanceyville ; was in town day of meeting ; saw Wiley at the well ; saw Mr. Stephens after Mr. Wiley left town ; he turned round the corner towards Corbett's, a black man just behind him.

To Mr. BOYDEN.—Was about forty yards from Mr. Stephens ; he was dressed in dark clothes ; I was not in when the jury met ; was summoned last Monday ; heard that Wiley was charged next day with the murder ; was afraid to tell what I knew after Col. Kirk come.

THURSDAY, Aug. 25th, 1870.

TESTIMONY OF THOMAS KIMBROUGH.

THOMAS KIMBROUGH examined: Lived in Caswell, five or six miles from town; was in Yanceyville on day of meeting; saw Mr. Wiley on day of meeting; saw Mr. Wiley at the pump, watering his horse; the pump is about twenty-five yards from Henderson's store; after watering his horse, saw him get in his buggy and drive towards home; it was then about five in the evening; saw Stephens just before he started home; he (Stephens) was going south towards Mr. Corbett's; has no doubt but it was Mr. Stephens; knows him; I and my brother were standing at Henderson's Store; there was nothing particular to attract my attention to Mr. Stephens, but thought he was going to the Academy to a colored meeting; would not name any one else, but thought he saw Mr. Wm. Bowe who was nearer Mr. Stephens than he was.

To PEARSON, C. J.—Mr. Bowe was about thirty or forty yards from Mr. Stephens.

To Mr. BOYDEN.—Was fifteen or twenty steps from Mr. Bowe, who was thirty or forty feet from Mr. Stephens; then started home; first told it at Brotton Jacks that he saw Stephens; did not recollect when he told Monroe Kimbrough; it was in my tobacco field; was topping tobacco; think it was before Col. Kirk came; told Mr. Norfleet after Col. Kirk came; was summoned on last Saturday evening; did not have his dram on that day; was certain he saw Mr. Stephens at the courthouse before he started home.

To Mr. BRAGG.—Left Yanceyville soon after seeing Mr. Stephens.

To PEARSON, C. J.—Walked at the rate of three miles per hour; thought he saw Mr. Stephens half an hour before sunset.

To Mr. BRAGG.—Saw Mr. Stephens go around the courthouse railing in direction of Mr. Corbett's; there is a near

route to the school house by Con Withers' ; the public square is not all enclosed, the pump is on the public square but not enclosed ; he came to Raleigh with his brother, nephew, uncle and others.

To Mr. BOYDEN.—Mr. Stephens was going towards home.

To PEARSON, C. J.—Was afraid to talk about the murder after Col. Kirk came, for fear of arrest.

PEARSON, C. J.—Were you not afraid to talk to any one about this matter after Col. Kirk came ?

WITNESS.—I was.

C. J.—Why then did you talk to Norfleet about it ?

No answer by witness, who seemed confused.

TESTIMONY OF J. C. WILLIAMSON.

J. C. WILLIAMSON, examined : Lived in Caswell all his life : knows Mr. Wiley, and his character is as good as any mans' in the County ; the meeting formed at 10 o'clock ; was present ; and took a recess at 12.

TESTIMONY OF M. W. NORFLEET.

M. W. NORFLEET, examined : Lived in Yanceyville and was in town on the day of the murder ; was register of deeds and occupied lower room on right hand side ; was appointed by county commissioners ; kept all the keys except those used as law offices ; the clerk and master's room has been used for a wood room ever since the freedmen's burcau left ; the key stayed on the mantle in my office.

To PEARSON, C. J.—Noticed the keys being on the mantle the first Monday in March. About the middle of April we had a cold snap and got out of wood ; told Robert Roan to send Calvin Miles to the courthouse and borrow some ; kept some of the keys at my store.

To PEARSON, C. J.—The key stayed on the mantel-piece ; sometimes loaned the key to Mr. Norffleet, to get wood ; the

private doors were not generally used, except by Mr. Brannon; was about to retire when Dr. Roan came after the courthouse keys; told him the keys were at the store; Geo. Bowe and Calvin Miles came to my house to get the key for the brother of the deceased to get into the clerk and master's room; went to the office and looked for the key, but could not find it; asked Calvin Miles where the key was, who replied that he carried it back to the store.

To Mr. BRAGG.—Had a talk with Thos. Kimbrough, who came to my store with the following paper for me to read:

“Did you ever say that you saw Mr. Stephens in Yanceyville after Mr. Wiley got in his buggy and left town? If you did, I want to see you, or come to see me.”

The note was signed by Col. Winston.

To PEARSON, C. J.—Do not know Col. Winston's handwriting.

To Mr. BRAGG.—Do not know whether Mr. Kimbrough can read or not; know Frank Wiley and his character is above reproach.

To Mr. BOYDEN.—The last time I saw the key was on the first Monday in March.

To DICK, J.—Was not in my office during the day of the murder; door was locked.

To PEARSON, C. J.—Did not notice whether the key was in the door of the clerk and master's room.

To DICK, J.—If my attention had been called to the key I might have seen it.

To PEARSON, C. J.—Had no belief from his own knowledge that the key was in the door.

TESTIMONY OF JOHN R. WINSTON.

JOHN R. WINSTON, examined: volunteered his services to Mr. Wiley as counsel wherever he was carried; sent the note

to Mr. Kimbrough; do not know Mr. Kimbrough; am a member of the bar; think Wiley lives nine or ten miles from Yanceyville.

This closed the testimoney for the defence.

RE-DIRECT.

TESTIMONY OF CALVIN MILES.

CALVIN MILES (colored) examined: Live near Yanceyville; got the key to get the wood from Robert Roan; got only one key; carried three turns of wood from the courthouse to Norfleet's store; no one was with him; got one in the afternoon and two in the morning; returned the key to Roan; was at the meeting in Yanceyville all day; did not see any one leave the courthouse; remained in that neighborhood until after sunset; did not sit up that night at the courthouse.

To Mr. BRAGG.—Live about a quarter of a mile out of town, but was at work in town about one hundred yards from the courthouse; did not see Jerry Poteat, and he did not go with me after wood; never said he went; was examined by the jury of inquest; took but two drams that day, whiskey being pretty high up there, and not to be had often unless for greenbacks.

To PEARSON, C. J.—The front way is the nearest to the store.

TESTIMONY OF STEPHEN LAWSON.

STEPHEN LAWSON, (colored,) examined: Live in Yanceyville and was at the meeting; helped look for Mr. Stephens and remained at the courthouse all night as guard; there were some eighteen or twenty persons round the house.

To PEARSON, C. J.—McLeath was with me; heard no noise in the courthouse nor saw any one go in.

To Mr. BRAGG.—Was at work all day; first heard of the murder on the public square near the pump; it was about nine o'clock when the keys were sent for, and no one staid in the court house that night.

## TESTIMONY OF MRS. FANNIE STEPHENS.

Mrs. FANNIE STEPHENS examined: Am wife of the deceased; become uneasy about four o'clock, and sent Merret Corbett, colored lady, to look for Mr. Stephens, who left home about two o'clock and promised to return when Mr. B. Brown finished speaking, to attend to some business; became uneasy because his life was threatened; the sun was about one fourth hour high when I sent Fred. Graves to look for my husband; he kept a gun in the house and carried one ten shooter and two derringers with him; sent Hemphill to look for Mr. Stephens; he returned about one o'clock, while I was frustrated, having spasms.

To PEARSON, C. J.—Sent Hemphill and then sent Henry Stephens.

To Mr. BRAGG.—Saw my husband for the last time, alive, about two o'clock in the afternoon; he was anxious to hear Bedford Brown speak; think it was about four o'clock.

To PEARSON, C. J.—It is about one-fourth of a mile from my house to the courthouse; the sun was about one-fourth hour high when I sent Fred to look for my husband.

## JOSEPH WORMACK RE-CALLED.

JOSEPH WORMACK (colored,) re-called: Mr. Badger stated the reason for reproducing this witness was to prove that Mr. Stephens was not at the meeting at the school-house. The statement being admitted, the witness was dismissed.

## TESTIMONY OF GEO. BOWE.

GEO. BOWE (colored,) examined: Was in Yanceyville on day of the murder; saw Stephens at the meeting both morning and evening, but saw no one speak to him.

To PEARSON, C. J.—Remained until the meeting adjourned;

then went to a caucus the colored people held at the school house; went to various places to look for Mr. Stephens; searched all but three rooms, the two lawyers' and the wood-room; these doors were locked; the key to the wood-room could not be found; could find no one who saw Mr. Stephens leave the courthouse.

To Mr. BRAGG.—After the meeting broke I went to the school house.

TESTIMONY OF DOLLY LAWSON

DOLLY LAWSON (colored,) examined: Live in Yanceyville, near the courthouse; saw Mr. Stephens enter the rear door of the courthouse and go into the grand jury room; remained in my porch all the evening, but did not see Mr. Stephens any more.

To Mr. BRAGG.—My house is about forty feet from the courthouse; did not know what was going on in the grand jury room; saw no one in that room while the deceased was in there.

To PEARSON, C. J.—Saw him close to the room where the body of deceased was found.

To Mr. BRAGG.—The fence is between my house and the window.

To PEARSON, C. J.—Do not know who spoke after Kerr; Hodnett made quiet a long speech.

TESTIMONY OF HAMP JOHNSTON.

HAMP JOHNSTON (colored,) examined: Came down after the meeting and caught Wiley's horse; Wiley got in, went to the pump, watered his horse and drove off.

To PEARSON, C. J.—Wiley was talking to Lee Hinsley.

To Mr. BRAGG.—Was in the meeting; Wiley was teasing Hensley about being too intimate with a colored woman at his house.

## TESTIMONY OF CALVIN BIGELOW.

CALVIN BIGELOW (colored) examined: Was at the Democratic meeting in Yanceyville in the evening; saw Wiley and the deceased go down stairs; came down soon after, and saw them in the passage; saw them go in a room on the left hand side, but is not certain which one; was on my way home.

To PEARSON, C. J.—No one was in the passage or with them; Brown was speaking at the time; did not hear Hodnett speak.

To Mr. BAGG.—Brown was speaking when he got to the meeting; did not hear what Dr. Roan said to the colored people; was examined at Yanceyville; no one ever threatened him, either white or colored; Hill told him to stay in his room until he was wanted; saw Stephens in the meeting reading a newspaper; went to pay his taxes, but the assessor's room was so full he could not get in, so he went up stairs to pass away the time; did not say he saw Wiley on the street after the meeting; did not deny to any one at the examination that he saw Stephens and Wiley in the passage. The witness said he was naturally scary, but was not frightened so much here as he was at Yanceyville; never told Humphrey Lee that he saw Wiley and Stephens come down stairs together.

To Mr. BOYDEN.—Never told to any one before to-day that he saw Stephens and Wiley together; only one man examined him at the coroner's inquest.

To PEARSON, C. J.—Was more uneasy at the examination than he is now; was afraid of the white and colored people at Yanceyville; Mr. Yates gave him transportation from Graham to Raleigh.

## TESTIMONY OF HUMPHREY LEE.

HUMPHREY LEE examined: Calvin Bigelow told me that he saw Wiley and Stephens come down stairs together.

To Mr. BRAGG.—Was not in Yanceyville at the meeting; heard Calvin tell Mr. Graves that he saw Wiley and Stephens.

TESTIMONY OF THOMAS STEPHENS.

THOMAS STEPHENS, examined: Am a brother of the deceased; was at the meeting and when I left I went to my tobacco fields when Fred Graves asked me if I had seen my brother; stayed at the courthouse until 2 o'clock in the morning; saw Mrs. Stephens after dark.

To Mr. BRAGG.—Mr. Groom's shop is on the public street about fifty yards from courthouse; the sun was between a half and three-quarters of an hour high; stayed at the deceased's house to supper, then went to the public square near the pump; went with the crowd to examine the building about 9 o'clock; we examined both windows; Mr. Hemphill stayed with brother and myself until 3 o'clock in the morning.

Mr. Badger counsel for the State submitted the following witnesses to the defendants, who did not wish to examine them: Jno. B. Hemphill, Lewis Evans, Anderson Graves, Wiley Turner and Squire Cook.

TESTIMONY OF JERRY GRAVES.

JERRY GRAVES examined: Knows Calvin Mills; went with him after the wood for Mr. Roan, but do not know whether he locked the door or not.

To PEARSON, C. J.—Took the wood from about the middle of the pile, near the floor.

COL. WATT RE-CALLED.

COL WATT being called to the stand, stated that he was present at the examination by the coroner's jury, heard the question put to Calvin Bigelow by one of the jurors if he did not

say he saw Mr. Wiley and the deceased in the passage, and saw them go into a room.

To PEARSON, C. J.—He seemed to be much excited.

To DICK, J.—Did not recollect his saying he heard what Dr. Roan said to the colored people. Mr. Hill spoke after Col. Brown.

To Mr. BRAGG.—Mr. Kerr told the colored people that they were as much entitled to the courthouse as any one.

To DICK, J.—It was about half an hour after Col. Brown closed before the meeting adjourned; left as the delegates were being appointed.

COL. WITHERS RE-CALLED.

COL. WITHERS examined: Heard Calvin say that the deceased was sitting on the left row of benches; he was the first one he heard examined.

To DICK, J.—Calvin denied telling Humphrey Lee that he saw Wiley touch Stephens; my attention was called to the fact by his confession at the examination by the jury.

Court adjourned until 9 o'clock Friday morning, when, the testimony being closed, Chief Justice Pearson announced that he would render his decision in two or three days.

STATE *vs.* FELIX ROAN.

*Charge.*—COMPLICITY IN THE MURDER OF SENATOR JOHN W. STEPHENS, OF CASWELL COUNTY.

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At Chambers, Raleigh, Saturday, August 27th, 1870, before Chief Justice Pearson and Justices Dick and Settle.

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## STATEMENT OF FELIX ROAN.

FELIX ROAN made a statement in substance as follows: He never had any conversation with the boy Anderson about Mr. Stephens; never left home during the week, and only went to town to go to church on Sunday; generally went on Saturday evening; never attended any of the political meetings held in the County; and admits that he had some trouble with his hands on the day the soldiers came to Yanceyville.

To PEARSON, C. J.—Was in the habit of talking to Anderson Graves only about his work and never about Mr. Stephens.

## EVIDENCE FOR THE PROSECUTION.

## TESTIMONY OF ANDERSON GRAVES.

ANDERSON GRAVES, (colored,) sworn and examined: First heard that Mr. Stephens was killed on Sunday and went to the courthouse that day; had a conversation with Felix Roan on Monday before the murder; heard Mr. Roan say “that Mr. Stephens would not live more than one and not longer than two weeks and that, after to-day, he (Roan) would vote for Mr. Stephens;” talked a great deal with Mr. Roan about Mr.

Stephens ; Mr. Roan refused to give us holiday on the day the soldiers came, but said he would go to town and find out the news and tell us Monday ; Roan told us on Monday that Mr. Stephens was dead and in hell ; the first talk he had with Roan was after court.

To PEARSON, C. J.—Never saw Wiley at Roan's house.

To Mr. BRAGG.—Lives with Roan this year ; pays me by the month ; it was at the plant (tobacco) bed he told me that Stephens would not live but one week.

To PEARSON, C. J.—Mr. Roan was always talking to me about the deceased, and asking how he was going to vote. Mr. Roan lived a mile and a half or two miles from town. Albert Williamson, Edward Graves, James Graves, Samuel Graves, Lyndia Chandler, Hilly Chandler and Francis Roan were in the field when Mr. Roan was talking to me, but Albert was the nearest. The first one in town he told it to was Ben Shaw ; went to the room the deceased was found in, but did not hear any of the witnesses examined ; was sent for and questioned by the soldiers, and heard some one say outside if he did not tell the truth they would hang him ; but was not afraid ; knows Col. Kirk.

To PEARSON, C. J.—No one put a rope around my neck.

To Mr. BRAGG.—Never told C. Bigelow that they had a rope around my neck ; a good many had been arrested by Col. Kirk. Mr. Roan is not a married man, and has no particular wife. Mr. Roan goes to his father-in-law's every Saturday and returns on Sunday. I have been indicted for stealing money from Mr. Groom, but gave security for my appearance at court.

To Mr. BRAGG.—Was not arrested by the sheriff, but by Henry Stephens and ——— Giles ; it was two courts before Mr. Stephens was murdered. Am not in the habit of going to Yanceyville on Saturday or Sunday ; sometimes do not go in two or three weeks.

## TESTIMONY OF NED GRAVES.

NED GRAVES (colored) examined: Was living at Roan's when Stephens was killed.

To PEARSON, C. J.—Was certain that he had no conversation with Mr. Roan about the deceased; heard Mr. Roan say that the deceased was a grand rascal for having the barns burnt.

To Mr. BRAGG.—Did not hear him tell Anderson that Mr. Stephens would not live more than one week; there were several barns burnt in the neighborhood.

To Mr. BOYDEN.—Anderson told me that Mr. Roan would vote for Mr. Stephens although he was a grand rascal, but he was as good as any of them; Anderson told me of it on Saturday while we were plowing; heard on Sunday morning that Mr. Stephens had been murdered.

## TESTIMONY OF JIM GRAVES.

JIM GRAVES examined: Lived at Mr. Roan's before the murder, and heard Mr. Roan say that the deceased was a grand rascal and ought to be killed; it was a week or two before Mr. Stephens was killed; Roan talked to Anderson more than any of the rest; was with Roan all day when the murder was committed; Anderson told me that Roan would vote for Stephens.

To PEARSON, C. J.—Am seventeen years old and was hired by Mr. Roan last February.

To Mr. BRAGG.—Mr. Roan paid him whenever he wanted any money; went to town the day ten soldiers came, but was cursed and ordered back to work by Roan; did not go home till that night; Anderson told him and Ned that Roan said he would vote for Stephens after to-day, damn him; was arrested by the soldiers and carried before Major Yates at the court house; knows Col. Kirk, but did not tell him nor any of the

soldiers what Roan had said ; when Roan saw him in town he said he ought to kick me off the plantation.

TESTIMONY OF BEN SHAW.

BEN SHAW, (colored,) examined : Talked to Anderson Graves on Sunday about what Roan said about Stephens.

To Mr. BRAGG.—Have known Anderson about ten years, but do not know his general character ; it is said that Anderson would hold with the black and run with the whites.

To Mr. BADGER.—Anderson's character is about as good as the common run of colored people.

TESTIMONY OF ALBERT WILLIAMSON.

ALBERT WILLIAMSON, colored, examined : Live with Roan and heard the conversation between Roan and Anderson ; it was about 8 or 9 o'clock on the day of the murder ; Roan said he would vote for Stephens, damn him, he was as good as any of them.

To Mr. BRAGG.—We were on our way to the field ; did not hear him say "after to-day ;" Anderson told me Roan used those words ; we were plowing and the women hilling tobacco.

EVIDENCE FOR THE DEFENCE.

TESTIMONY OF JESSE GRIFFITH.

JESSE GRIFFITH, examined : Am sheriff of Caswell, and have known Anderson Graves for many years, and his character was never reliable.

To PEARSON, C. J.—Anderson was considered a shrewd fellow ; know Roan and his character is good.

To Mr. BOYDEN.—Do not know that Roan is a strong partizan.

To DICK, J.—Have always heard that Roan was kind to his hands.

To Mr. BRAGG.—Roan stays pretty close to his farm.

TESTIMONY OF J. C. WILLIAMSON.

J. C. WILLIAMSON, examined:—Live in Caswell and know Anderson; his character while a slave was bad for lying and stealing; he has seen but little of him since he became free; knows Roan, whose character is good and who stays on his farm, and is good to his hands.

TESTIMONY OF BRICE HARRALSON.

BRICE HARRALSON, examined: Knew Anderson while a slave, he belonged to Jerry Graves; his character was considered by both black and white as bad for lying and stealing, and do not think there has been any improvement since he became free; know Roan well, his moral character is good, he stayed close to his farm, and never came to town only on Saturday and Sunday, and then he would come to my house.

To PEARSON, C. J.—Roan is a lively man but never meddled with politics; never saw Roan at a political meeting.

To Mr. BRAGG.—Never saw Roan at a political meeting—was pretty certain of that.

To PEARSON, C. J.—Never heard Roan talk about the barns being burnt.

TESTIMONY OF JOSEPH C. PINNIX.

JOSEPH C. PINNIX, examined: Lived near town about eighteen years, and have known Anderson about fifteen years, and his character while a slave was bad for truth and honesty, and it is about the same now; have known Roan for several years; his character is good and habits steady, and he stays unusually close to his farm for a young man; am in the habit of

attending political meetings, but never saw Roan at any of them. Roan is an intelligent young man, and a graduate of Chapel Hill, and a young man of high standing in the community.

The counsel not wishing to make any comments, submitted the case to their Honors.

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STATE *vs.* JOSEPH FOWLER.

*Charge.*—COMPLICITY IN THE MURDER OF SENATOR JOHN W. STEPHENS, OF CASWELL COUNTY.

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At Chambers, Raleigh, Saturday, August 27, 1870, before Chief Justice Pearson and Justices Dick and Settle.

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STATEMENT OF JOSEPH FOWLER.

JOSEPH FOWLER stated substantially as follows: Live in Yanceyville, and am a coachmaker by trade, but had charge of Mr. B. Towne's store who is a blind man; have had charge of the business two years; was in the meeting about fifteen minutes before dinner, and about fifteen minutes after dinner; left town about 5 o'clock and went to J. G. Lea's.

TESTIMONY OF J. C. WILLIAMSON.

J. C. WILLIAMSON testified that he has known Fowler all his life, and his character is good; does not know when Fowler

left town, but was overtaken by him about three miles from town in company with Mr. Lea ; saw Wiley at the pump, and knows the blind man whom Fowler clerks for.

To Mr. BOYDEN.—Know of no bitter feeling between Fowler and deceased ; Fowler is a Democrat ; do not think he is a partizan.

TESTIMONY OF GEO. BOWE.

GEO. BOWE examined. : Live in Caswell and know Fowler, and his character is generally good.

To Mr. BOYDEN.—Never heard of the quarrel between Fowler and deceased ; Mr. Townes asked me to take him to Atlanta, Ga., and on the route Mr. T. told me that Fowler had charge of his business.

TESTIMONY OF HENRY STEPHENS.

HENRY STEPHENS examined : Knows that there was a difficulty some twelve months ago.

To PEARSON, C. J.—Knows of the difficulty, but does not know whether it was of a political nature or not.

To Mr. BOYDEN.—Fowler followed my brother about 200 yards.

To PEARSON, C. J.—Did not go in the crowd.

To Mr. BOYDEN.—Do not know that Fowler is an extreme man.

To Mr. BRAGG.—Heard that they had a dispute, and that Fowler threw a rock at brother ; not positive that it was during court week, but think it was more than twelve months ago ; have not heard of any difficulty since.

TESTIMONY OF STEPHEN LAWSON.

STEPHEN LAWSON (colored) examined : Do not know anything of the difficulty between Fowler and deceased.

## TESTIMONY OF GEORGE BOWE.

GEO. BOWE, (colored,) testified that he was in town on the day of the difficulty and went with the crowd to see it, and heard Fowler call Stephens a rascal; Stephens wanted to go about his business.

To PEARSON, C. J.—Did not see the deceased draw his pistol; Fowler had his coat off but he did not see the rock thrown.

To MR. BRAGG.—Fowler's shop is on the upper part of the public square, and the difficulty occurred on the lower part of the square; it was about dusk; do not know what the fuss was about.

The counsel submitted the case to their Honors, when the Court adjourned to 3 o'clock.

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STATE vs. J. T. MITCHELL.

*Charge.*—COMPLICITY IN THE MURDER OF SENATOR JOHN W. STEPHENS, OF CASWELL COUNTY.

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At Chambers, Raleigh, Saturday August 27, 1870, before Chief Justice Pearson and Justices Dick and Settle.

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TESTIMONY OF JOHN B. HEMPHILL.

JOHN B. HEMPHILL examined: Live in Person county, about one or two miles from the line; arrived in Yanceyville

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about 9 o'clock on the day of the murder; went to the courthouse and went into the grand jury room and into the meeting in the morning, but do not know when it adjourned; had his dinner with him; first saw the deceased in grand jury room; was on good terms with the deceased and believe he was my friend; did not stay in grand jury room very long; went there to pay Mr. Jordan the balance on fee for levying on horse; was in the meeting but once in the evening and saw Wiley and the deceased coming down as he was going up the steps; stayed about five or ten minutes in the meeting; saw Mr. Kerr standing up, but being deaf, could not tell who was speaking, and wanting to see Mr. Stephens on business came down and looked for him at the front of the courthouse, and then from room to room, and all the doors were locked; saw Wiley in the passage; he, Mitchell and John Lea, at the south door; they were talking and laughing; the sun was then about 1 or 1½ hours high; then went to the deceased's home and Mrs. Stephens asked me to look for her husband; went back to the courthouse and several other places but could not find him; was present when the examination of the courthouse was made; it was about 9 o'clock; stayed around the courthouse until about two o'clock in the morning and then left and went to Mrs. Stephens'; went to the courthouse door but do not think he went in the passage; stayed at Mrs. Stephens' until daylight; then went back to the courthouse and heard a negro say that "he is dead;" looked in the window and saw part of deceased's head; was there when the door was opened and went into the room but they would not let me stay; was put out by Sheriff Griffith; then went in the room opposite took a seat and remained there some time; saw the body while in the room, it was on the wood; there were four or five before and two or three behind Wiley and Stephens when I met them on the steps; was in the Mexican war in the 1st N. C. Regiment; practiced but very little with the lasso; did not see the officers use the lasso but very little if any; do not belong to the Ku Klux, Invisible Empire, White Brotherhood or any other

secret political society ; know one or two signs, (gives Mr. Badger one,) a man at Person courthouse gave me the sign.

To PEARSON, C. J.—Never told Judge Tourgee, nor any one else, that I belonged to the Ku Klux, but did tell Judge Tourgee of the movements of the Ku Klux ; do not remember telling Mr. Stephens that the Ku Klux were going to attack his house on a certain night.

To Mr. BATTLE.—Got to Yanceyville about 9 o'clock and wanted to see the deceased on private business ; he and the deceased were on friendly terms ; saw Stephens about 9 o'clock in the morning in the grand jury room ; do not recollect ever speaking to Stephens again ; saw Wiley going out the front door between 2 and 4 o'clock.

To PEARSON, C. J.—Saw Capt. Mitchell and John Lea at the south door.

To Mr. BATTLE.—Capt. Mitchell is a lively man ; am not certain it was at the recess when I saw Mitchell and Lea together at the south door.

To Mr. BRAGG.—Went to Stephens' after dinner and stayed until the sun was 1 or 1½ hours high ; Mrs. Stephens was very uneasy and asked me to look for her husband ; there were several young ladies there ; Tom Stephens went with me to Mr. Stephens' ; the locust tree is about 20 or 25 feet from the window ; did not look in the window with the others ; went to the window the next morning and saw something like blood on the bricks ; am certain I did not come out of the courthouse at day break, nor saw any one in the passage that night.

#### EVIDENCE FOR THE DEFENCE.

##### TESTIMONY OF J. C. GRIFFITH.

J. C. GRIFFITH examined : Was in the meeting ; saw Mr. Totten, who was secretary ; Totten did not go out of the meeting ; has known Capt. Mitchell about twenty years and his character is good ; know Womack, whose character is that of

a loafing, trifling fellow, and has no visible means of support.  
To DICK, J.—Know nothing of his being a school teacher.

## TESTIMONY OF J. C. PINNIX.

J. C. PINNIX examined; Have known Mitchell 10 or 15 years; his character is good; Womack was raised near him; knew him while a slave, and his character was not very good.

To PEARSON, C. J.—Womack was a trifling, loafing and worthless fellow; do not know where he has lived lately; knew Stephens, who was not a very stout man, and weighed about 140 or 145 pounds; thinks the deceased was quick and active.

## TESTIMONY OF WM. BOWE.

WM. BOWE examined: Have known Mitchell from a boy; his character was good; have known Womack about 10 years; his character is not good.

To PEARSON C. J.—Do not think Womack is fond of work.

## TESTIMONY OF WM. SMITH.

WM. SMITH examined: Was not certain that he left town with Mitchell, but was on the road with him; Tom Lea and Mr. Mebane were with me; we were on horseback.

To Mr. BOYDEN.—Mitchell stopped at Mr. Pinchback's; do not think he (Mebane) stopped.

To Mr. BRÄGG.—Not positive whether he saw any one at Pinchback's.

## TESTIMONY OF J. W. WILLIAMSON.

J. W. WILLIAMSON examined: Saw Capt. Mitchell, but did not recollect seeing him start home, but Mitchell passed me on the road about three miles from town; left about 5 o'clock;

did not see Wiley leave; was at the pump; thinks the sun three-fourths of an hour high; was at his gate when Wiley passed him; Mitchell lives 8 or 9 miles from town; Mitchell and Pinchback married sisters; has known Mitchell a long time and his character is good.

To Mr. BOYDEN.—Smith, Mebane, Long, Col. Winston, and J. G. Lea were close by when Mitchell passed me.

TESTIMONY OF A. J. HOPKINS.

A. J. HOPKINS examined: Was in the assessor's room after dinner and saw Hemphill sitting in the window; did not know Hemphill at that time, and he did not go to the meeting with me; no candidates had spoke when I went in the meeting; my office was open until 6 o'clock and was neither shut or locked before that time.

This closed the case.

The Court then adjourned until 9 o'clock Monday.

STATE *vs.* F. A. WILEY AND OTHERS.

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DECISION OF CHIEF JUSTICE PEARSON AND JUSTICES DICK AND  
SETTLE.

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At Chambers, Raleigh, Monday, August 29, 1870.

His Honor Chief Justice Pearson read the following decision in the case of the State *vs.* F. A. Wiley, J. T. Mitchell and Felix Roan :

“ On a charge of capital felony the rule is—‘ when the guilt is manifest, or the presumption strong, the party should be committed to jail ; when the evidence does not produce entire conviction, but makes in the mind a belief of the party’s guilt, security to answer the charge should be required.

“ It is considered that the prisoners be severally recognized in the sum of \$5,000, with two or more sufficient securities, to appear at the next term of the Superior Court, to be held for the County of Caswell, to answer a charge of the murder of John W. Stephens, Wiley and Mitchell as principals, and Roan as accessory before the fact.

“ In this stage of the proceeding it would not be proper to enter into a critical analysis of the evidence, but it seems to us to be proper to set out, in a general way, the grounds on which our conclusion rests—

“ 1. Strange as it is, the fact is fixed, that on the 21st of May, 1870, when a large number of the citizens of Caswell were assembled in the courthouse, at a meeting of the Democratic party, and in the day time, the Senator of that County, a Republican, was choked down to death, by means of a cord about nine feet long, with a slipping noose adjusted near the middle.

“ The intelligent testimony of Dr. Roan fixes the fact that the murder was done in the room, (formerly occupied by the Clerk and Master in Equity,) where the body was found on the next morning, with “ the cord ” buried in the neck, to the level of the skin, a stab on each side of the neck, and a stab in the breast. Dr. Roan gave it as his opinion, being an expert, that the stabs were made after the blood had near all receded to the heart, (which accounted for the small effusion of blood;) and further, that the choking was done *in that room*, for the reason that the cord had not slipped from its first print, where it was imbedded in the flesh, and the slight spirts of blood on the wood in front and the wall at the side of the body, could not have made the impression it did, except as it jetted from the wounds, so the *corpus delicti* and the place is fixed.

“ 2. *As to the time*, we are satisfied that the murder was committed while the meeting was going on up stairs, the deceased having left the meeting and come down at the instance of Wiley. *After the meeting adjourned*, (about half after 4,) and until the Assessor locked his door, about 6 o'clock, (this room adjoins the room where the murder was done,) a number of persons were in his room and in the passage; so the murder could not have been committed during that period without a general alarm. *The testimony*, that the deceased was seen after six o'clock, in the public square, walking to the east, turning the corner of the railing and then going south—is unsatisfactory. There is no trace of his ever coming back to the courthouse or no evidence tending to show that he might have been killed outside, and his body brought and put in that room; by half an hour of sunset, his brothers and friends were looking for him, and after nightfall “ a guard ” was set around the courthouse.

“ 3. *As to the persons*, the testimony makes out probable cause, and would be sufficient to require commitment, provided the witnesses are to be relied on; that is a question peculiarly fit for a jury—how much reliance can be put in the testimony of reluctant white witness and of persons who have been slaves

and are now citizens? This is a practical question and the learning of the law does not aid much in its solution.

“So that our duty is discharged by requiring bail.

“No motive is assigned for this murder except ‘political animosity.’ The circumstances show it was done on premeditation with fatal skill, and by a number of conspirators (either taking part in the killing, or else keeping watch and being on the lookout,) to whom the unsuspecting victim was led up for sacrifice.

“Possibly at the trial, further light may be thrown upon a deed, which now leaves a foul mark on the reputation of the County of Caswell.

PEARSON,  
SETTLE,  
DICK,  
*Justices.”*

His Honor directed Mr. Bagley, the Clerk, to send a copy of decision, with the State warrants, to the Clerk of the Superior Court of Caswell County.

MONDAY, August 29th, 1870.

STATE *vs.* W. C. TARPLEY *et al.*

*Charge.*—CONSPIRING AND CONSENTING TO KILL CASWELL HOLT,  
OF ALAMANCE.

TESTIMONY OF JOHN W. LONG.

MR. BOYDEN, Counsel for the State: Mr. Long, state to their Honors all you know about this matter. State to their Honors when you first joined the Ku Klux.

WITNESS. Sir, I joined this organization. There had been several meetings.

MR. B. Where was the first when you joined?

W. I joined in Dr. Moore's office at Company Shops.

MR. B. How many people were there?

W. There was George Anthony, Thomas Gray, George Tolar, John T. Trollinger and William Redding; and Priest Ross come in just about the time they had taken the oath.

MR. B. What was the oath?

W. I don't remember.

COUNSEL. Give us the substance?

WITNESS. The first was: You solemnly swear that you will not reveal what is about to come to your knowledge, nor name the men who initiated us, to take any member out of distress at any hazard, and the way I understood the oath was to overthrow the Republican party.

C. How about obeying an officer?

W. You were to obey an officer who gave you a command.

C. Did they tell you who were the officers?

W. They told me the Chiefs. There was John T. Trol-

linger. Jacob Long was the Chief of the County. Trollinger was the Chief of the Camp. Job Faucett, Albert Murray, Sheriff of the County, and David Mebane, Jasper N. Wood, and William Tickel were, I think, Chiefs.

[Question lost.]

W. It was in 1868, about the first of December, I think, to the best of my knowledge.

CHIEF JUSTICE. That was the first meeting?

WITNESS. That wasn't any meeting. They just took me up and swore me then.

C. J. When was the next meeting?

W. The next meeting was down by Haw river. That was the first time I ever saw the disguises.

QUESTION. Who were at that meeting?

WITNESS. Wm. Andrews, John Andrews, Wm. Fogleman and Ruffin Fogleman. When we got there there were several others. It was in the bushes just by the side of Buck creek, the east side of the river from Graham.

Q. What did you see?

W. I saw men in disguises. Several were initiated that night.

Q. What disguises?

W. They had a long white gown, with a head made of white cloth with horns on it—with high horns.

Q. What was said or done?

W. That night they initiated members. I don't know who.

Q. Several of them?

W. Yes, sir.

Q. Any orders given?

W. No, sir, nothing that was to be executed. The by-laws were read. The next meeting I went to was ———.

[The disguise was here brought into Court.]

COUNSEL. Look at that and see if that is the form of the disguise.

WITNESS. Yes, sir, that is the kind of disguise they had.

C. When did you go to another meeting? I want you to

come now to a meeting where there was talk of hanging. Tell us about Caswell Holt.

W. Well, sir, that was after the whipping of Sandy Sellars.

C. Well, go from the first to the next.

W. The next meeting I went to, Albert Murray was the Chief. Fred. Blanchard, Henry Clay Hurdle, John Jeffers, and one, I forgot who.

C. Who else did you see?

W. I saw Arch. Lineberry, Sheriff Murray, Geo. Mebane, Wm. Andrews, Jno. Gant.

C. What was done there?

W. After reading the by-laws, Mr. Albert Murray, sheriff, proposed that there should be a coffin made for Joseph McAdams; and it was voted upon and carried, that Chief Younger and one other should make the coffin and others were to carry it to his door. There were no certain party named.

CHIEF JUSTICE. Who made that motion?

WITNESS. George Mebane made the motion, sir. Well, then the Camp disbanded that night.

COUNSEL. Describe the Camp.

WITNESS. We met in the woods. The by-laws were read and oath administered by a Chief. We gave the signs—two slaps, to get into Camp.

C. What was done after that?

W. There were instructions how to manage, and we were dismissed.

C. What instructions?

W. Why, that we all were to stand up to each other at all hazards, at the risk of our lives, if any member was put into jail, or any thing.

C. What else?

W. I don't recollect any thing else.

C. When was the next meeting?

W. The next meeting I was at, I don't recollect. The next meeting, I think, was when Sandy Sellars was to be

whipped. We met near the old man Sellar's place. There were four or five men there.

C. Who were they?

W. Wm. Andrews, Ruffin Andrews, George Mebane, Geo. Anthony were there, when I got there. A young man by the name of James, standing in the field to be initiated that night. Several others gathered in. George James and one other were initiated that night. We went on—

CHIEF JUSTICE. Who administered the oath?

WITNESS. George Anthony, that night.

C. J. Was it his regular business?

W. Well, the Chief administered the oath generally, but any member might administer it.

C. J. What was the form. Did you swear them on the Gospel?

W. We did not have the Bible. We made them hold up the right hand.

COUNSEL. What was the penalty for forfeiting the oath?

WITNESS. Death.

C. By whom to be inflicted?

W. By the members of the organization.

C. Who administered the oath to you?

W. John T. Trollinger, over at the Company Shops, at Dr. John A. Moore's office.

C. [Question lost.]

W. It did not mention how to be put to death.

C. Do you know how they tested new members?

W. Sometimes when they were initiated they would put a rope around their neck—that is, they did at the time when Fred. Blanchard, and Jeff. Younger, and John Gant were initiated. They put a rope around their necks and went up a sapling with them. They would always scare anybody that went in.

C. Go on.

W. Well, that night we met and initiated the young men. Trollinger was not down there, and somebody proposed that

me and Murphy Andrews should go after John T. Tollinger. We went to the house of Joseph Handin and next out in the woods and disguised ourselves, and took Sandy Sellars out and took him off from the house about three hundred yards and whipped him.

C. When did you resolve on doing that?

W. That was in a different camp. I did not know when it was done. The way was when anybody was to be whipped it was ordered in his camp and another camp had to whip him.

C. How did you whip him?

W. We whipped him with hickories, ten licks apiece.

C. How many were there of you?

W. There was about sixteen of us. We took off his shirt.

C. Did you draw blood?

W. I don't know whether we did or not; it was dark.

C. When did you next meet?

W. The next camp that I was at was at Smith's, in Dr. Tarpley's woods. That night Dr. Tarpley was initiated.

CHIEF JUSTICE. This old gentleman here?

WITNESS. Yes, and a man named George Faucett.

COUNSEL. When was that?

WITNESS. I don't recollect the date.

C. Well, as near as you can recollect?

W. I think it must have been in last January.

CHIEF JUSTICE. January twelve months ago?

WITNESS. Yes, sir, January twelve months ago. I have been out of it twelve months. Well, I think nothing more was done that night till after the oaths were administered and the by-laws were read.

COUNSEL. Who administered the oath?

WITNESS. John T. Trollinger.

C. Was he the commander of that camp?

W. Yes.

CHIEF JUSTICE. Did you see that old gentleman with the gown and mask on?

WITNESS. Not to my recollection. That night George Mebane was elected First Lieutenant. Next thing we did Thomas Gray wrote a letter and John T. Trellinger gave me the letter, telling me to carry and throw it into Mr. Badham's door. We took the letter and put it in a stick and threw it against Mr. Badham's door and then we run out of town as fast as we could.

COUNSEL. What was in the letter?

WITNESS. I don't know what was in the letter. The letter was directed to Badham and Peter Hardin.

C. Are they Republicans?

W. Both Republicans. Badham had been trying to catch the Ku Klux in some way.

C. Well, go on.

W. One night after that we went in some woods on the branch for the purpose of initiating Dr. John A. Moore. (There was some interruption occasioned by the marshal entering with a return in case of Wm. Fogleman and Ruffin Fogleman, after which witness continued.) Well, sir; that night Dr. John A. Moore was to be initiated. It was proposed that me and Thomas Tate should go to his house and get him to come down with us. They told me to tell him that my wife was sick and wanted him to come and see her. Just opposite Mr. Stagg's Mr. Tate tells Mr. Moore what was wanted. He said he could not go that night but would attend next week, and we go on back. It was proposed that night that James Causey, a member of the camp, was talking too much, and they wanted to know what should be done with him. It was proposed that he should be brought before the camp and if the thing went any further he should be disposed of, that dead men tell no tales. The vote was carried by the camp. Order was also given that night that Caswell Holt should be whipped. George Anthony and Peter Holt's son Jerry, brought orders that night that Caswell Holt should be whipped from George Anthony's camp.

C. When was it to be done?

W. Well, I think it was on the next Friday night that he was to be whipped.

C. Who was present when these orders were brought?

W. William Kirkpatrick, there were a good many present. George Anthony and Jerry Holt brought orders that Caswell Holt should be whipped by the camp, there were a good many present.

C. Can you name any others?

W. Thomas Tate, George Mebane, Henry Robinson, Wm. Kirkpatrick, I think some of the Mr. Foglemans.

C. Either of these here?

W. Ruffin Fogleman and Emsley Fogleman, to the best of my knowledge and belief, were there that night. It was a pretty full camp. In two or three nights after that Wm. Fogleman, Ruffin Fogleman and Emsley Fogleman came by my house and asked me to go with them. My wife told me not to go, and I didn't go. They went that night and did the whipping. I heard William Andrews, William Kirkpatrick, William Fogleman, Ruffin Fogleman, Emsley Fogleman and John T. Trollinger speak of it.

QUESTION. They told you afterwards that they whipped him.

WITNESS. Yes, sir; they did whip him. They said that they went there and broke open the door. William Andrews then threw him out of the door and jumped on him, got him out, took him down in the woods, and took of his shirt and whipped him with hickories.

CONSEL. How much did they whip him?

WITNESS. I don't know how much, they gave him a pretty severe whipping.

C. Did they do anything else?

W. No, sir; not that night. Two or three days after that Caswell Holt had Piper Sellars arrested and carried before a Justice of the Peace.

C. What Justice?

W. Peter Hardin and Lawyer Badham.

C. Were they Ku Klux ?

W. No, sir; they were not Ku Klux; they were Republicans.

C. Were they convicted ?

W. No, sir; they proved themselves at home by these men. They didn't get any one of the men that was there. After that there was a camp met between Auburn Thompson's in a pine thicket, to see what should be done with Caswell Holt. Well, we all met there that night.

C. Who was there ?

W. Dr. Tarpley, Ruffin Fogleman and Emsley Fogleman, William Fogleman, Robert Stockardt, Thomas Tate, George Antony, John T. Trollinger, and several others.

C. What others ?

W. There was William Whitsell, Stone Watesly, Lemuel Watesly, Jerry Holt. They first proposed that he should be given another whipping.

C. Who proposed that ?

W. George Antony proposed that, but it was thought they would be taken up and it would make a fuss. They didn't care to have any more whipping done. It was then proposed that he should be hung.

C. Who proposed that ?

W. Dr. Tarpley proposed that he should be put out of the way; "that dead men tell no tales." They went on and put it up before the camp and passed upon it.

CHIEF JUSTICE. How was the vote taken ?

WITNESS. Unanimously. It was put upon Camp No. 10, (Job Faucett's Camp,) to execute the orders. Either Antony or Trollinger first proposed that he should be hung on a tree and left hanging. Then it was proposed that he should be sunk in Haw river. Then they put it to a vote who should carry the message to Camp No. 10. That was put upon me. I carried the order to Mr. Faucett. I found him planting apple scions. He told me he would be there on Friday night to execute the order.

COUNSEL. Why didn't they kill him ?

WITNESS. It was stopped by Jacob Long, Chief of the County. He stopped it.

C. You say W. T. Tarpley, William Fogleman, Emsley Fogleman, Ruffin Fogleman and George Mebane were present ?

W. Yes, sir.

C. Do you know where George Antony is ?

W. In Missouri.

C. When did he leave ?

W. He went in the early part of last Spring.

C. Do you know where Thomas Tate is ?

W. I do not.

C. Has he left the County ?

W. I havn't seen him since Kirk's men came, and it was reported that he ran away a month and a half ago.

C. Do you know where John T. Trollinger is ?

W. I saw him last Wednesday at Company Shops.

C. Did you put on the dress at your meetings ?

W. We put them on at our meetings, and also when we went to execute our orders.

C. How many Camps were there in Alamance ?

W. Ten.

C. Who made the dresses for you ?

W. We got our wives to make them.

C. Where did you get the cloth ?

W. We bought the cloth at different places, any where we did our trading.

C. Who made yours ?

W. My wife.

C. Did she make any others ?

W. Yes, sir.

C. How many had you made at your house ?

W. About five or six. Wife made them.

C. Who for ?

W. For William Moore, George James, William Kirkpatrick, and some others.

CHIEF JUSTICE. Is your wife here?

WITNESS. No, sir.

COUNSEL TO COURT. We don't care about proceeding any further in this case.

JUDGE SETTLE. How many were there in different Camps?

WITNESS. There were reported to be between six and seven hundred in Alamance known as the White Brotherhood.

J. S. Had you any writings?

W. They wrote down the oath and by-laws.

J. S. You have no copy of them?

W. No, sir.

J. S. What is the known purpose of the organization among the members of the order?

W. It was to prevent the colored man from elevating himself with the whites, and to overthrow the Republican party; to go around before elections and frighten the colored people to keep them from going to the elections.

J. S. Was that part of the instructions?

W. Yes, sir.

J. S. You spoke of prisoners being arrested and proving an alibi, were there any of the true parties arrested?

W. No, sir, Peter Sellars was arrested and he didn't belong to it at all.

J. S. How far did this obligation to aid one another in difficulty extend?

W. To carry away men, and hanging around the jury and the sheriff and getting in as jurymen and to helping each other at all hazards.

J. S. If they got on the jury they were to give a verdict in favor of the criminal?

W. Yes, sir.

J. S. If the order came from another camp, were you to enquire into it, or go and execute it?

W. We were to execute it. It was from higher authority than privates.

J. S. What is your knowledge of its extent?

W. Why, I have heard there were a great many in this State and in the United States, I heard that Andrew Johnson was the founder of it.

J. S. Who was Chief in North Carolina. What information did you get as to the leaders in that County?

W. Shall I name the ten Chiefs? John T. Trollinger, William Tickel, Jasper N. Wood, Jacob Long, Albert Murray, sheriff of the County, Joseph Faucett, George Anthony, David Mebane, I don't recollect the other two.

CHIEF JUSTICE. At how many meetings did you see this old Dr. Tarpley?

WITNESS. I don't know, sir.

C. J. You are certain that he was the one that proposed to have Holt killed?

W. Yes, sir.

C. J. And it was voted on, and carried unanimously?

W. Yes, sir.

C. J. When was it to be carried into effect?

W. The next Friday.

C. J. How long before you delivered the order was it revoked?

W. The day before it was to be executed. We held the meeting Monday, I carried the message on Tuesday and on Friday it was to be executed.

C. J. Who revoked it?

W. Jacob A. Long.

JUDGE SETTLE. You speak of him as Chief of the County.

WITNESS. Yes, sir, he was High Chief.

J. S. Who was above him?

W. I don't know, sir, except that Andrew Johnson was said to be the "High Centre" of the United States. I do not know of any higher officer than Jacob A. Long.

J. S. What were your officers called?

W. Chiefs.

QUESTION. When have you seen Long?

WITNESS. I haven't since May. He said he was going where hemp didn't grow.

Q. You said he was clerk of the Court.

W. He was assistant clerk of the Superior Court under Mr. Albright. He was studying law at Hillsboro'.

Q. How long ago was that?

W. About the time of the first arrest by Col. Kirk. I have not seen him since. It was a few days before he stated that he was going where hemp didn't grow.

CHIEF JUSTICE. Did your Camps ever go out of the county?

WITNESS. It wasn't bounded by the county, but I don't think it ever went out of the county. I don't know whether any camp ever went out of the county or not.

JUDGE DICK. How extensive did you say the organization was?

WITNESS. My last understanding was that it was 40,000 strong in the State.

J. D. Did it exist in the adjoining counties?

W. Yes, sir.

QUESTION. In the County of Caswell?

WITNESS. I did not hear any spoken of in the County of Caswell.

JUDGE DICK. How many in Orange county—or Chatham?

WITNESS. I did not understand how many—in Orange or Chatham.

J. D. But in the County of Guilford you understood?

W. Yes, sir, it is reported about 1,200 strong.

JUDGE SETTLE. Do you know the means of making yourselves known to one another?

WITNESS. Yes, sir. The first sign was, approaching a brother you carefully rubbed your hand down over the left coat collar. The answer was, he rubbed his left hand over the right coat collar. There were other signs. If you were shaking hands, you slipped your thumb down over the middle finger.

QUESTION. Had you any signs in the dark?

WITNESS. Yes, sir; slapping the hands together twice. The word of distress was "Shiloh." If any body was about to murder you, you hollowed "Shiloh." If any body was in hearing he would immediately come to your assistance.

JUDGE DICK. Did you ever recognize persons from any other counties by these signs?

WITNESS. Yes sir.

Here the prosecution gave the witness to the defence.

CROSS-EXAMINATION.

Mr. BATTLE. You say there are how many Camps in Alabama?

WITNESS. Ten.

Mr. B. How many have you visited?

W. Well, sir, I never visited but three.

QUESTION. Well, into what Camp were you initiated?

WITNESS. I was initiated into Camp No. 4.

Q. How many members were there in that Camp?

W. I don't recollect how many members there were.

Q. You don't recollect?

W. No, sir, I don't recollect. I would not want to say how many there were?

Q. How many do you think?

W. I reckon there were about thirty.

Q. How many other Camps did you visit?

W. Two others.

Q. What were they?

W. David Mebane's and Sheriff Murray's Camp.

Q. About the number in your own Camp, you think there were about thirty. Can you tell their names?

W. I think I can. I will begin with the Chief. John T. Trollinger, Thomas Gray, George Tolar, Dr. Tarpley, William Fogleman, Ruffin Fogleman, Emsley Fogleman, William Andrews, Green Andrews, Bunyan Andrews, Thomas Tate, George Mebane, John Robinson, Henry Robinson, Thomas

Robinson, William Redding, William Kirkpatrick, Joseph Kirkpatrick, James Stockhart and Robert Stockhart.

CHIEF JUSTICE. You have named pretty much all, in your statement.

WITNESS. About all, sir.

Mr. BATTLE. Have you got down all?

WITNESS. Well, sir; George Faucett. There may be others that I don't know now.

CHIEF JUSTICE. How many is that?

WITNESS. Twenty-four.

Mr. BATTLE. You don't know the number of any other camp?

WITNESS. O, Dr. John A. Moore belonged to it.

Mr. B. How many did you say there was at one meeting?

W. Below Graham—there I saw them—there was upwards of two or three hundred. More than two hundred; I can't exactly say the number.

Mr. B. When did you say you entered?

W. Well, sir, I thought it was in December, 1868.

Mr. B. How long did you remain there?

W. Till June, 1869.

Mr. B. How did you get out without being killed?

W. I had a fuss with Green Andrews, and suppose he re-organized the camp and bluffed me out.

Mr. B. You did not voluntarily resign, then; you were bluffed out?

W. Yes, sir.

Mr. B. How did you take that?

W. I didn't care; I was glad to get out.

Mr. B. You didn't seek to get out?

W. No, sir.

Mr. B. Why not?

W. Because there was no use of it.

Mr. B. Well, how did you act? Why did they bluff you out.

W. Well, Mr. Andrews and me had a fuss. I suppose it to be that.

Mr. B. Had you betrayed any of their secrets ?

W. No, sir ; I was afraid to do it.

Mr. B. Where have you been since ?

W. At home.

Mr. B. Then they never have troubled you ?

W. No, sir.

Mr. B. They have never taken the least steps to harm you ?

W. No, sir. I gave them no reasons to disturb me.

Mr. B. They all know that you belong to the Klan ?

W. Yes, sir.

Mr. B. How came it known that you belonged to the Klan ?

W. I don't know, sir.

Mr. B. When were you summoned in this case ?

W. Well, sir, I quit being a member in July.

Mr. B. After Col. Kirk got there ?

W. I didn't go to Col. Kirk ; I went to Graham to Mr. Albright ?

Mr. B. And made your acknowledgement before him ?

W. Yes, sir.

Mr. B. How did you know that he was authorized to receive it ?

W. Well, sir ; I heard that he was authorized.

Mr. B. Who is Mr. Albright ?

W. He is clerk of the Superior Court.

Mr. B. What are his politics ?

W. Republican.

Mr. B. He is a Republican ; you went to him, having heard that if a man would acknowledge he was a Ku Klux he would not be troubled ?

W. I understood that Gov. Holden promised that if a man would confess that he belonged to the Ku Klux he would not be harmed.

Mr. B. And that is the reason why you made your acknowledgement ?

W. Yes, sir. There was a great many before me.

Mr. B. How many had acknowledged before you?

W. I think there was sixteen in print.

Mr. B. How many not in print?

W. I don't know, sir, I never read their affidavits at all.

Mr. B. You think there was about thirty belonging to camp No. 4. You have counted over 23 here?

W. I can give two more. James Causey, and William H. Murray.

Mr. B. You don't give how many in any other camp?

W. No, sir.

Mr. B. And yet you say there were seven hundred in the county?

W. I have heard in our camp that there were the rise of seven hundred in the county.

Mr. B. Where do you live?

W. I Live north of Graham Station, three-quarters of a mile.

Mr. B. Is not that a thickly settled part of the county?

W. Yes, sir; tolerably thickly settled. O, Walter Thornton belonged to our camp.

Mr. B. Where was your camp?

W. We met anywhere in the woods. The law was we were not allowed to have it twice on the same ground.

Mr. B. Well—but what were the boundaries of your camp?

W. The boundaries of the camp were from Haw River, taking in Company Shops. It kept on the right hand side of the railroad and the left side of the river to near Ireland's Mills, two or three miles. This was north of the road.

Mr. B. Didn't this camp include nearly everybody living in that neighborhood?

W. Nearly everybody.

Mr. B. Do you know how many persons are about the Shops—employed there?

W. No, sir, I don't know. There is a heap of colored men.

Mr. B. Do you know anybody belonging to the Radical party there?

W. No, sir.

Mr. B. Are you a Democrat?

W. I was a Democrat—so I suppose.

Mr. B. Did you vote the Democratic ticket at the last election?

W. No, sir.

Mr. B. Did you vote the other ticket?

W. I did, sir.

JUDGE SETTLE. You say you heard the chief say there were over seven hundred in the County?

W. Yes, sir.

J. S. And you haven't been a member since July, 1869?

W. June, 1869.

[Question lost.]

W. Yes, sir, I know a great many that left about the time I did.

Mr. BATTLE. Can you say there was as many in June, 1870, as in 1869?

WITNESS. No, sir.

Mr. B. Can you say there were seven hundred?

W. I don't know, I haven't been in it since June, 1869.

Mr. B. About that time you left and know some others that left it?

W. Yes, sir.

Mr. B. Do you know anything of the organization since that time?

W. No, sir.

CHIEF JUSTICE. Was this Caswell Holt the only fellow that your camp did execution on?

WITNESS. I think they were the only ones we whipped. Nathan Trollinger was whipped on the night that the coffin was carried to Joseph McAdams' door. They went and whipped Nathan Trollinger and—(here the witness stated a

mutilation that Trollinger was made to commit on himself, not proper to publish.)

JUDGE SETTLE. What was his name?

WITNESS. Nathan Trollinger.

J. S. Did the men that did this say they did it?

W. Yes, sir. They told me they took a persimmon stick and rubbed his back after whipping him. They rubbed Sandy Sellars' back with a persimmon stick after they whipped him, with the bark on.

CHIEF JUSTICE. Had they any guns?

WITNESS. Yes, sir.

Mr. BATTLE. When where the persons whipped? While you were a member?

WITNESS. Yes, sir.

Mr. B. And you left in June, 1869?

W. I don't recollect the dates of whippings, I am sure it was in 1869.

QUESTION. When was it?

WITNESS. I told you, sir, that I was initiated in December. I think the whipping of Sellars was in January, and of Caswell Holt in February, 1869; but it may have been in January. Nathan Trollinger was whipped about February 1869.

Q. When was the agreement made to kill Caswell Holt?

W. It was in April. It was planned but not carried out.

PROSECUTION. We rest for the present now, sir.

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AUGUST, 30, 1870.

TESTIMONY OF JOHN W. LONG—(Continued.)

Mr. BATTLE. Mr. Long you stated in general terms, yesterday, for what terms these camps were formed. Tell us what

was the charge against Caswell Holt, when it was resolved that he should be put out of the way. What was he whipped for?

WITNESS. My understanding was he had (here the witness stated the offence—grossly insulted a white woman.)

Mr. B. And for that the Camp resolved to punish him?

W. Our Camp didn't.

Mr. B. O, I know—it was sent over to you to be executed?

W. Yes, sir, it was sent over to our camp to be executed.

Mr. B. And that other case—Nathan Trollinger. What were the charges in his case?

W. There were no charges that I know of. They went there to find a man named Daniel Crutchfield. They found Nathan Trollinger, and took him out and whipped him.

CHIEF JUSTICE. What has become of this Nathan Trollinger?

WITNESS. He went west and died.

Mr. BATTLE. From the effects of that whipping?

WITNESS. I don't know, sir.

Mr. B. How long after that?

W. He got well after that.

Mr. B. You spoke of another case—the whipping of Sandy Sellars?

W. Yes, sir.

Mr. B. What was it for?

W. I understood he insulted some white women about some hogs.

Mr. B. Then in neither of the cases of whipping was it about the right to vote?

W. No, sir.

Mr. B. One was about a white girl, and the other about some hogs?

W. Yes, sir. That was my understanding.

CHIEF JUSTICE. Were those three the only ones that occurred in your connection with the organization?

WITNESS. Of whipping? Yes, sir.

C. J. There was a coffin?

W. Yes, sir.

C. J. And a letter sent?

W. Yes, sir.

Mr. BATTLE. You went along when the letter was thrown?

WITNESS. Yes, sir.

CHIEF JUSTICE. Did you during that time make any raids through the country?

WITNESS. Well, there was a raid made through Graham by a party of men.

C. J. In disguise?

W. Yes, sir.

C. J. On horse-back?

W. Some walked and some rode. They shot through the niggers' houses, too. They called Mr. Badham out.

C. J. That was in your Company?

W. That was in the County.

C. J. What did the other camps do, in the six or eight months you were in?

W. Well, sir, it was reported that they whipped a nigger named Joe Harvey in George Antony's camp.

Mr. BATTLE. Do you know what he was whipped for?

WITNESS. No, sir, I don't know; I will tell you, as near as I can what I heard: I heard that him and Mr. Coffee had a falling out about some corn, and Coffee had him put up in our Camp. It was sent to George Antony and his Camp whipped him.

QUESTION. They had Mr. Ireland arrested about it?

WITNESS. I understood so, and that they scared his wife, and made her throw her child out of her lap, and the child died in consequence of it.

Mr. BATTLE. You don't know that?

WITNESS. I heard it, and know the child died.

Mr. B. What were they quarrelling about?

W. I told you about dividing some corn.

Mr. B. Any charge of unfairness?

W. I don't know, sir, I wasn't there.

Mr. BOYDEN. Give us any information that you can about that child.

CHIEF JUSTICE. What was said about it in your company?

WITNESS. They all said it wasn't so—that it didn't kill the child. When they went in, it scared his wife, and she jumped up and let the child fall.

QUESTION. Who were engaged in it?

WITNESS. I understand that there was George Antony, Jerry Holt, Jr., and a fellow by the name of Henry Albright.

Q. Do you recollect any more?

W. I believe that was all.

Q. What was the name of the child?

W. I don't recollect the name of the child?

Q. What was the mother's name?

W. I don't know the mother's name. The man's name was Joe Harvey. It was Joe Harvey's wife's child.

Mr. BATTLE. You say that three of the parties here charged were present?

W. No, sir.

JUDGE SETTLE. Did I understand you to say that when they went to Trollinger's they were looking for another man?

WITNESS. Yes, sir—for Crutchfield.

J. S. And not finding him they took Trollinger?

W. Yes, sir. There was a fuss between him and Ruffin Andrews.

J. S. Did they punish any one that had a difficulty with their members?

W. Yes, sir.

JUDGE DICK. Where did Trollinger and Crutchfield live?

WITNESS. North of Company Shops, about a mile and a half.

CHIEF JUSTICE. You said that Jacob A. Long was Deputy Clerk in Alamance and reading law in Hillsboro'.

WITNESS. Yes, sir.

C. J. Do you know of your own knowledge, with whom he was reading law ?

W. No, sir.

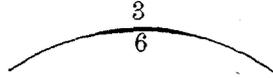
Mr. BOYDEN. Can you explain the Ku Klux alphabet ?

WITNESS. It begins at L for A and goes around again.

Mr. B. What other signs had they ?

W. Sign for night was a half moon.

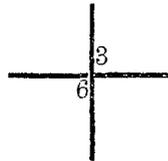
[Witness explained its use from a diagram in this form



The 3 meant the hour, and 3 and 6 added together meant the day of the month.]

W. They used a cross in the day time.

[The witness explained from diagram in this form,



figures having the same meaning as before stated.]

CHIEF JUSTICE. What would have become of you if you had not taken that word that Caswell was to be put to death ?

(Answer not recorded.)

C. J. Who was that commander ?

WITNESS. Job Faucett.

C. J. What would have been done with you ?

W. Don't know, sir. We had to obey the officers.

C. J. And you put off the very next morning ?

W. Yes, sir.

C. J. What business do you follow ?

W. I am a bricklayer, sir.

C. J. Didn't you find it interrupt your work, to be riding up and down the country ?

W. We did it of night.

JUDGE DICK. Did the camp regard the oath as binding ?

WITNESS. Yes, sir.

J. D. You first held up your right hand ?

WITNESS. Yes, sir.

CHIEF JUSTICE. Did they appeal to God Almighty ?

WITNESS. Yes, sir.

C. J. Anything about Jesus Christ ?

W. No, sir.

C. J. You agreed they might take your life if you broke that oath ?

W. Well, that was the law. We could not resist it.

C. J. Suppose the Chief was not there, could anybody else administer that oath ?

W. Yes, sir. I administered the oath myself.

C. J. Who administered the oath to Tarpley ?

W. John T. Trollinger.

C. J. Who to Dr. Moore ?

W. I don't know, sir. It was done in a bar room when I wasn't there.

JUDGE SETTLE. What is your understanding, and what was the understanding of your members, if you are called into Court and sworn, which oath would you regard as binding ?

W. I understand we regard our oath as binding, and that we shall swear for members at all hazards, and prove them at home, if they are arrested on any occasion.

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TESTIMONY OF DR. JOHN A. MOORE.

Mr. BATTLE. Doctor, where do you reside ?

WITNESS. At Company Shops.

Mr. B. What is your occupation?

W. I am a physician.

Mr. B. Practicing at that place?

W. Yes sir. I have resided there about ten years.

Mr. B. In that time have you known John W. Long?

W. Yes, sir.

Mr. B. Where does he reside?

W. About a mile and a half from Company Shops, and about one mile from Graham.

Mr. B. Have you had an opportunity to acquire a knowledge of his character?

W. I think I have.

Mr. B. What is that character?

W. Well, sir, it is not good in that neighborhood.

Mr. B. If not good, it must be bad? How bad?

W. Well, both for honesty and truth.

Mr. B. Anything else?

W. Well, sir, he is somewhat dissipated at times.

Mr. B. He is accounted a bad character for honesty and truth?

W. Yes, sir.

Mr. B. That is his general character there?

W. Yes, sir.

Mr. B. How long have you known him?

W. I taught school within a mile of his father's house about fifteen years ago, and have known him ever since that time.

Mr. B. Did you ever join this organization known as the White Brotherhood?

W. I did, sir.

Mr. B. Tell their Honors what you know about it.

W. Well, sir, I don't know that I have attended any meetings. I was initiated in a shoe shop then attached to the stables of my house.

Mr. B. What was the form of initiation?

W. I was only partially initiated at that time. The young

man who administered the obligation did not know all of it. He had forgot. He told me—

Mr. B. When was this?

W. It was in the winter. I was in the Legislature at the time. He told me that if I would attend a meeting the next week, in a pine thicket, I would get the oath and the balance of the signs. On Saturday evening I was sent for to come and see Jerry Holt's daughter. The promise that I had made to meet them there escaped my memory. On my return home I met a party on his way there. He told me his purpose and I went back with him. They were just breaking up when we got there. It was in the woods between the Company Shops and Whitesell's. I can't tell you who were there. It was dark and they were just breaking up.

Mr. B. Who was the party that went with you?

W. It was Dr. Tarpley.

Mr. B. Is he here?

W. Yes, sir.

Mr. B. They were just breaking up when you got there?

W. Yes, sir.

Mr. B. Did you hear anything said about Caswell Holt?

W. No, sir; his name was never mentioned in my presence.

Mr. B. When did this occur?

W. It was some time, probably, after Christmas, 1869—probably in January 1869.

Mr. B. The camp was just breaking up?

W. Yes, sir.

Mr. B. And you are positive nothing was said about Caswell Holt in your presence?

W. I am sure nothing was said about Caswell Holt in my presence, nor in Dr. Tarpley's presence. If it was mentioned, it was before we got there. Dr. Tarpley said nothing about it. He was with me all the time, and went back to the Shops with me.

Mr. B. Can you tell us something about the character of this organization, its purposes, objects, &c.?

W. I never got deep enough into it to understand it very well.

CHIEF JUSTICE. State the oath, if you please.

WITNESS. Well, I just swore to secrecy—that was all.

C. J. Did they declare the purpose of it?

W. Well, they told me it was to strengthen the Conservative party. That was my understanding of it.

C. J. I don't want your understanding, but what they said.

W. There never was anything said to me about it. I was never in a meeting afterwards.

JUDGE SETTLE. You had no knowledge from any of the members?

WITNESS. No, sir. I didn't know there were twenty-five members in Alamance county until these revelations were made. The only oath I took was the oath of secrecy. I never knew one single official connected with it.

MR. BATTLE. Did you know of the existence of an organization known as the Union League?

WITNESS. Nothing but from hearsay.

MR. B. It is generally believed there is such an organization, composed of both white and colored, but mainly of colored?

W. Yes, sir.

MR. B. It was understood that it was a political association?

W. Yes, sir.

MR. B. And yours was, also?

W. Yes, sir. I went into it just the same as I went into the Know Nothing movement.

MR. B. If you will permit me to give you a little advice, you will never join another secret-society.

W. I don't think I ever shall, sir.

MR. B. What was the object of these Leagues?

W. It was to carry elections.

MR. B. And what was the object of the other?—the same?

W. Yes, sir.

Mr. B. One was to counteract the other ?

W. That was my understanding.

Mr. B. You have heard of crimes committed in your neighborhood ?

W. Yes, sir.

Mr. B. By Leagues ?

W. I don't know.

Mr. B. By members of the Leagues ?

W. Yes, sir.

Mr. B. And by members of the Ku Klux ?

W. Yes, sir.

Mr. B. And you believe both ?

W. I do.

Mr. B. You have had so little connection with the one, and know so little of the other, that you can form no opinion which was formed first ?

W. It is known that the League was formed first.

Mr. B. And the other was intended to counteract it ?

W. Yes, sir, that was my understanding.

CROSS EXAMINED.

Mr. BOYDEN. Doctor, I wish you would state to their Honors all you know about the attempt to assassinate Senator Shoffner.

WITNESS. Well, I will state that, as I have stated it before. On the 6th or 8th of January last, I went to Graham to see Loker's child. It was bitter cold. I hitched the horse close to the hotel, and walked down. On my return, I stopped in Captain Hunter's store to warm. About twenty steps at most Boyd hallooed out and ask me if had heard the news. I told him no. He said they were going to kill Shoffner that night.

Mr. B. Well, give his words. Tell what he said.

W. The expression was, "They are going to suspend Shoffner's writ of *habeas corpus* to night." I asked him what he meant. He said they were going to kill him. I said,

“James, this will not do. It is going to bring ruin on Alamance county,” He says, “I think so myself. I am going to Greensboro’ to get out of the way.” I asked him where the men who were engaged in it could be seen. I said, “If you will tell me where to go, I will stop it or die.” He told me they would pass Gilbraith’s bridge, about seven miles from Graham, at ten o’clock. I went to Gilbraith’s bridge that night, about the time indicated, and met seven or eight men. They were strangers to me. They were not disguised.

CHIEF JUSTICE. What took place?

WITNESS. I just hailed them. One of them asked me who I was. I told them that I was there as the Representative of the people of Alamance County—that I had been informed what their purpose was, and begged them to desist.

C. J. Were they members of the order?

W. I have no knowledge. I don’t know whether they were members of any organization.

C. J. Well, tell what they said.

W. One of them remarked, “I have rode forty miles to do this business, and I am going to see this through.

C. J. He said he wanted to see it through. Then you said?

W. Mr. Shoffner is not at home. He is in Greensboro’.

C. J. Where was that bridge of Gilbraith’s?

W. About seven miles from the Company Shops.

C. J. You told them Shoffner was not at home?

W. Yes, sir.

C. J. Then what?

W. One of them remarked that there was no use of going any further.

C. J. Then what?

W. Then we parted?

C. J. Was that all that passed?

W. Yes, sir; all that I now remember.

JUDGE SETTLE. Did you tell them then of the condition of Shoffner’s wife?

WITNESS. Yes, sir. I told them Mrs. Shoffner was expecting to be confined, and that they might injure her.

J. S. What did they say to that?

W. One of them remarked that they didn't want to injure her.

J. S. That was all?

W. That was all the conversation, as I now remember. They were strangers to me. I don't know that I had ever seen them before. I might have known them if it had been daylight.

CHIEF JUSTICE. They were not disguised?

WITNESS. No, sir.

C. J. How far from Shoffner's was this bridge?

W. Seventeen or eighteen miles.

C. J. Did you notice whether they had disguises?

W. I didn't see anything at all.

C. J. Were they on foot or on horseback?

W. They were all on horseback.

C. J. You could not tell whether they carried disguises?

W. It was dark, and I could not tell whether they carried disguises or not?

Mr. BOYDEN. You say you met them at the bridge. How did you know they were the men?

WITNESS. I only knew because Mr. Boyd told me I would meet them there.

Mr. B. You say perhaps you might have known them if it had been light?

W. Yes, sir.

Mr. B. But didn't you know any of them?

W. I didn't know a man in the crowd.

Mr. B. You say there was one who said he had travelled forty miles?

W. Yes, sir.

Mr. B. Which way were they coming?

W. They came from towards Chatham.

Mr. B. Would it be the same way from Orange?

W. Yes, sir. Forty miles from where they were in either direction would have taken them out of Alamance county.

Mr. B. Well, sir, could you tell how they were dressed?

W. No, sir. It was dark. They had on citizens clothes—had on frocks.

Mr. B. Was there a moon?

W. No, sir. There was no moon that night.

Mr. B. When was it, did you say?

W. It was about the 6th or 8th of January.

Mr. B. Cloudy or clear?

W. It was cloudy.

Mr. B. You had this talk with them, and have no idea of who any one of them was?

W. No, sir. No idea in the world.

Mr. B. Have you any belief as to any one of them?

W. No, sir. I know no parties in the transaction. I have no knowledge of them except as Mr. Boyd told me.

Mr. B. Can you tell their complexion?

W. No, sir. I know they were all white men.

Mr. B. What size were they?

W. Some of them small and some large.

Mr. B. How many small?

W. I could not say. Three or four, perhaps, were small—three or four large.

Mr. B. Anything remarkable as to smallness or size?

W. No, sir.

Mr. B. Didn't you think you recognized voices there?

W. No, sir.

Mr. B. How did it happen that you didn't ask them who they were?

W. Simply because I didn't want to know.

Mr. B. You knew they were going up on this horrible errand, and went there to stop it, and yet you tell their Honors you didn't want to know who they were?

W. No, sir, I didn't want to know. I didn't want to get into any difficulty myself.

Mr. B. How would you suppose you were getting into difficulty? You went there to meet these men—you are a physician—a member of the Legislature. Didn't you think it your duty to find out,—when men were going to do such a horrible deed as to murder a State Senator,—didn't you think it your duty to try to find out who they were?

W. Well, I might have tried, and then failed.

Mr. B. You say, that knowing the horrible purpose on which they started, you say you didn't want to know who they were?

W. Well, I will tell you. I didn't know in what predicament it might place me. They didn't know I had any knowledge of the organization. I went there simply as the Representative of Alamance County to stop it, and did stop it.

JUDGE SETTLE. Do you mean you were restrained by motives of fear?

WITNESS. Yes, sir, I say that. I didn't know the parties, and had no means of letting them know that I was a member of the organization, and I didn't know what might be my fate. I just said,—“How are you, gentlemen?” One of them says,—“How are you?” Another says,—“Who in hell are you?” I said,—“I am Dr. Moore, Representative of Alamance County, and have been informed of your purpose, and am here to beg of you to desist.

J. S. You say Mr. Boyd told you? Did he tell you they were Ku Klux?

W. Yes, sir, he told me.

J. S. You approached them and addressed them as Ku Klux, believing they were Ku Klux?

W. Yes, sir.

J. S. You say you were afraid to inquire their names?

W. Yes, sir.

J. S. You were afraid they would do what to you?

W. I didn't know what. I didn't know but they might kill me.

J. S. You fully appreciated your duty to find out who they were?

W. I did, sir.

J. S. And would have done it, only you were afraid?

W. Yes, sir.

J. S. You would have inquired who they were, if you hadn't been afraid?

W. Yes, sir. I have stated that I didn't know the parties. I was afraid I might get into difficulties myself.

J. S. Were you under the impression that they would take the life of Ku Klux, if they exposed their secrets?

W. That was my belief.

J. S. Tell us now all the persons that you know that you have heard spoken of.

[Answer not recorded, if any given.]

CHIEF JUSTICE. You told them Shoffner wasn't at home. Did you know that was so?

WITNESS. I was informed that he was in Greensboro' that night.

JUDGE DICK. Did they say anything to you of what they would do if you misled them?

WITNESS. Yes, sir. One of them did. He said, "If you are fooling us, we will call on you about it."

J. D. If you knew Shoffner was in Greensboro', why did you go down there that night?

W. It was from fear of alarming Mrs. Shoffner.

J. D. If he wasn't there they couldn't have hurt him?

W. They couldn't have hurt him, of course, but they could hurt her.

J. D. You say, "The night in which I met the parties going to kill Shoffner, they said if I deceived them I would suffer myself?"

W. Yes, sir.

JUDGE SETTLE. When you told them of Mrs. Shoffner's situation, what was their reply?

WITNESS. Well, one of them remarked that they didn't want to injure the innocent.

J. S. What other replies?

W. One of them said, if she was at home she would have to bear the consequences.

J. S. You say your only motive was to prevent them from distressing Mrs. Shoffner?

W. Yes, sir.

CHIEF JUSTICE. I didn't understand it so at first, Doctor. I thought you told us that you said you must go and stop it?

WITNESS. Yes. I didn't know at that time that he wasn't at home.

C. J. Now you say you thought so, and afterwards found out that he wasn't at home. How did you find out that Shoffner wasn't at home?

W. I saw —— get off from the train, when riding from Greensboro'. He told me he saw my friend Shoffner in Greensboro'.

JUDGE SETTLE. Yet you told them you didn't know it?

WITNESS. Yes, sir; I knew.

CHIEF JUSTICE. But you recollected that even though Shoffner was not at home, you would appear to suspect it?

WITNESS. Yes, sir.

Mr. BOYDEN. Was she in that way?

WITNESS. That was my information.

Mr. B. You got that from some of his neighbors?

W. That was my information.

Mr. B. Tell us, who did you know that belonged to the Ku Klux in your county?

W. I didn't know of any in any other county but Alamance. I didn't know of twenty-five till these revelations were made. I knew Mr. Boyd and Dr. W. T. Tarpley belonged to it, and Mr. Long.

Mr. B. How did you know?

W. He came after me to get me to join it.

Mr. B. Where were you when he came for you?

W. At Daniel Worth's.

Mr. B. What did he say?

W. He told me his wife was sick, and that he wanted me to go and see her.

Mr. B. Who was with him?

W. I met Mr. Tate somewhere on the road, and when they told me that it was a mere trick, and that their real object was to get me to go to the meeting with them, I told them it was out of my power—that I could not possibly go.

Mr. B. Long told you his wife was sick?

W. Yes, sir.

Mr. B. But as soon as you got out, explained the real reason?

W. Yes sir.

Mr. B. Who else do you know that belonged to it?

W. I know Mr. Tate—Thomas Tate.

Mr. B. Who else?

W. I know John Dixon, the man that gave me the obligation.

Mr. B. Do you know where he is?

W. He is now in Missouri, I think.

Mr. B. When did he leave?

W. I don't know. He has been gone a month or so.

CHIEF JUSTICE. What was the man's name, who he said left?

COUNSEL. His name was Dixon—John Dixon.

Mr. BOYDEN. Who else?

WITNESS. I knew H. Robinson belonged to it, but I don't know whether Tom Robinson belonged to it or not. I never knew that the Foglemans had anything to do with it.

Mr. B. Did Andrews belong to it?

W. I don't know.

Mr. B. Kirkpatrick?

W. Don't know.

Mr. B. George Antony?

W. Don't know. I understood that he had joined, but

don't know of my own knowledge, and never heard. The neighbors all speak of it.

Mr. B. Have you heard them at home talk of it?

W. Yes, sir.

Mr. B. Mention any more that you think belonged to it.

W. I know no more of my own knowledge.

Mr. B. Have you heard them, or any member of the organization, say they belonged to it? Was there any of the Pattersons belonging to it?

W. I have understood that Dr. A. J. Patterson belonged to it. I understood that Job Faucett belonged to it.

Mr. B. Did you ever know anything of what came out here yesterday in evidence against him?

W. I never did.

Mr. B. Can you name any more?—William Redding?

W. I never knew of my own knowledge.

Mr. B. You never heard any of the Ku Klux say it?

W. No, sir.

Mr. B. Haven't you heard about Andrews?

W. I have heard that he did belong to it—never heard it from himself. I just got the knowledge from general talk.

Mr. B. You never heard any of the Ku Klux speak of it?

W. I don't know as I ever did.

CHIEF JUSTICE.—(Interrupting.)—Is th's introduced for the purpose of making charges against him?

Mr. BADGER. Yes, sir.

Mr. BATTLE. I am willing they should go on.

Mr. BOYDEN. You heard Long's testimony?

WITNESS. Yes, sir.

Mr. B. I will ask you this general question: Was there any statement made by that witness that you believed not to be true?

W. One statement I heard was in this Caswell Holt matter. I wasn't in it, and naturally somewhat in—

CHIEF JUSTICE. You were naturally mistaken, if you suppose he said it was made where you were. He said they had

a meeting of two companies ; that the question came up, what should be done with Caswell Holt ? The first motion was to whip him again ; whereupon Mr. Tarpley said, the best way was to put him out of the way—"Dead men tell no tales." Do you know anything about that ?

WITNESS. No, sir.

C. J. They then voted to kill him. The question then was, How shall we kill him ? Shall we hang him to a tree, and let his body hang there ? That was objected to, and then it was proposed to kill him, or sink him in Haw River.

W. You are mistaken about the remark I made. His statements with respect to my connection with the matter as to him—they were correct.

JUDGE SETTLE. From the information you received, didn't you believe that the organization was an extensive one in the county of Alamance ?

WITNESS. I was informed that there were about 300 in the county. I was informed by some of the members.

QUESTION. When was that ?

WITNESS. That was in the spring of 1869.

JUDGE SETTLE. Had you not information which induced you to believe that the organization extended throughout the State ?

WITNESS. No, sir.

J. S. In other counties of the State ?

W. I have no knowledge.

J. S. What do you believe in reference to the county of Guilford ?

W. I understood there was an organization in Guilford.

J. S. How in Orange ?

W. There was also an organization in Orange.

J. S. In Chatham ?

W. Also in Chatham.

J. S. I ask you now, if last spring you did not believe this organization existed extensively in the counties of Orange and Alamance ?

W. No, sir. I have no knowledge and no belief about it.

J. S. You were a candidate, I believe, for re-election—  
[Last of question lost.—*Rep.*]

W. I never met one that I knew of during the campaign.

J. S. Doctor, what was the name of the organization?

W. The White Brotherhood.

J. S. How many orders are there?

W. The only one, as far as I know, is the White Brotherhood.

J. S. The Constitutional Union Guard?

W. There was one named the Constitutional Union Guard. I never joined that, nor the Invisible Empire.

J. S. Did you ever see these parties in disguise out?

W. Never, riding. I saw them on foot.

J. S. When? Tell all about it.

W. I saw them when Mr. Corless was whipped at the Shops. I went home from the Lodge about 12 o'clock at night. Mr. Corless lived in an adjoining house, and as they were carrying him off I heard a terrible noise, and ran to my front door and saw them carrying him off. I only saw a white object. I didn't know anything about what was done till I saw him next morning.

J. S. [Question lost.—*Rep.*]

W. In my riding and travelling, I never came across any of these parties except in that open field.

CHIEF JUSTICE. When you saw these men taking that man off did you raise an alarm?

WITNESS. I did. They were raising an alarm everywhere.

C. J. Did you go to bed?

W. No, sir. I stayed up. I went up as far as Mr. Grea-son's. He was up, giving the alarm. Mr. Worth was up. We didn't know where they were gone to.

JUDGE SETTLE. You live in the village?

WITNESS. Yes, sir.

J. S. Is it thickly settled?

W. Yes, sir.

J. S. What time of night was it?

W. About midnight.

J. S. Was it a dark night?

W. Yes, sir, it was—just before the moon was up.

J. S. How many were there?

W. I couldn't tell. I thought maybe there was five.

CHIEF JUSTICE You saw them going off; didn't you go in that direction?

WITNESS Yes, sir; we went past Mr. Greason's house. Corless' wife was up, and going on after them.

C. J. Didn't you go on?

W. No further than Mr. Greason's. We heard no noise. In a little while Corless came back.

C. J. About how long?

W. About half an hour.

C. J. You call that a little while under such circumstances?

W. It was half an hour before I got my clothes on.

JUDGE SETTLE. Who was Corless?

WITNESS. He was teacher in a school there—a New Jerseyman—a white man. He taught a colored school. He was a crippled man.

CROSS EXAMINED.

Mr. BOYDEN. Since you made that disclosure that was published in the papers, has there been any talk to you, to prevent you from making any further disclosures?

WITNESS. No, sir.

Mr. B. Haven't gentlemen refused to speak to you?

W. Never, but one man, and he was tight at the time.

Mr. B. Haven't you said to anybody that there were twenty or twenty-five that treated you in that way?

W. No, sir. I have said that there was several of them that appeared to be cool towards me. [Witness was here shown a copy of the *Sentinel*, January 1, containing the article re-

ferred to. He recognized the article, and stated that he composed it himself. Article read. Witness admitted that they were his words.]

CHIEF JUSTICE. Dr. Moore, I confess that I am not satisfied with the way you pass over this matter. This man thus taken out at midnight and whipped caused a great outcry. Didn't you halloo?

WITNESS. No, sir.

C. J. Was it because you were afraid, or because you were a member?

W. No, sir, it wasn't because I was a member.

C. J. Was you afraid to do it, or how do you explain it?

W. I didn't know but what they might kill me.

C. J. Was that the reason that you give why you and your people let this thing be done?

W. There were half a dozen other men by. There wasn't one of them that would go.

C. J. Well, *what does that mean?*

W. There was one colored man, and one whatchman, and they ran back, both of them.

C. J. There were five or six men, and you saw them carry off and whip this man, and you let them?

W. Yes, sir.

C. J. And made no outcry?

W. No, sir.

C. J. Well, you may stand aside.

JUDGE SETTLE. Doctor, when did you first disclose your connection with the Ku Klux?

WITNESS. Well, sir, it was during the campaign.

J. S. Your disclosures were all free and voluntary?

W. They were, sir.

Mr. BOYDEN. Did you circulate a good many copies of that article among your constituents?

WITNESS. No, sir.

Mr. B. Did you order a good many?

W. No, sir. If I did, I don't remember.

JUDGE SETTLE. Had you been in the habit of denying your connection with this organization?

WITNESS. Never.

J. S. Did you admit it?

W. I had never been called upon. If a man had asked me if I belonged to it, I would have said yes. I never denied it on the stump.

J. S. Didn't you deny it in the Legislature?

W. No, sir. I never referred to it. I contended all the time that nine-tenths of all the crimes that were charged upon it were committed by persons not connected with it.

[Entire article from the *Sentinel* read.]

CHIEF JUSTICE. Was that written before this attempt on Shoffner?

WITNESS. Yes, sir. It was published in the leading Democratic paper of North Carolina.

JUDGE SETTLE. What were the personal relations between you and Mr. Shoffner—friendly?

WITNESS. Yes, sir. We were both Master Masons—he of one lodge and I of another.

J. S. What motive influenced you to go to his rescue?

W. My motive was on his account, and on account of the people of Alamance County.

J. S. Wasn't the fact that he was a brother Mason one of motives which determined you to go?

W. Yes, sir, I confess it was. I don't think it was as powerful as the balance.

MR. BATTLE. Doctor, do you know why this man Corless was whipped?

WITNESS. I do not, sir.

MR. B. You stated that at the time you met these men, one of them said he had ridden forty miles. Are you acquainted with Alamance County?

W. Yes, sir.

MR. B. And you know most of its citizens?

W. I know a good many of them, sir.

Mr. B. Forty miles from that bridge, in any direction, would carry you out of the County of Alamance, would it not?

W. It would, sir.

Mr. B. You said you heard these men talking, but could not tell their voices?

W. I could not.

Mr. B. You could not tell their voices. Could you have told if they had been from the County of Alamance?

W. I think I could.

Mr. B. You met seven or eight men—you were alone. The gentleman wishes to know why you didn't take measures to ascertain who they were?

W. Well, it would have been a right fool-hardy act in me.

CHIEF JUSTICE. He didn't want them to know he was a brother.

Mr. BATTLE. You say you didn't know the cause why Corless was whipped? Have you heard it?

WITNESS. Yes, sir. The white people of Company Shops had a small church, and turned it over to the colored people. The white people built another church. On one occasion Mr. Corless said to the colored men that if they would go up to the white people's church, he would see that they got seats there. It is my belief that on account of that advice he was whipped. I don't think he was whipped for teaching a colored school. He had been teaching school two sessions, and had never been disturbed, and these colored people had never been disturbed.

Mr. B. Did you ever hear why Caswell Holt was whipped, in the first instance?

W. The only thing I have any knowledge of was for insulting some white lady. Mr. Long says it was for showing his private parts to a white lady.

Mr. B. You have heard of the Leagues?

W. Yes, sir, and felt their effects during the campaign.

Mr. B. You believe that a great part of the crime spoken of was committed irrespective of Leagues or Ku Klux?

W. Yes, sir. Men would have a private spite against a certain individual, and would take the responsibility on their organization. Men would commit crime under the cover or name of one organization or the other. We have had three or four colored men convicted for acting under the name of Ku Klux in disguise. It was placed on the Ku Klux until ——— came out and told of it.

Mr. B. Are you aware of any other instance of the conviction of Ku Klux in the State of North Carolina?

W. No, sir.

Mr. B. Do you believe that crimes have been devised by these Leaguers—carried out under their orders?

W. I have received information that such is the case.

Mr. B. You believe that it has been done by order of the League?

W. Yes, sir. Mr. Moore had three or four colored men at work on the day of election, who didn't mean to vote, and they sent out four or five colored men, and threatened if they didn't go and vote they would whip them; and they made them go. They were at work for Wm. H. Moore.

Mr. BOYDEN. Do you suppose that these colored men belonged to the Ku Klux?

W. No, sir.

This closed the case.

STATE vs. THOS. W. GARY, *et al.*

*Charge.*—FELONIOUSLY CONSPIRING TO GO AND BURN ONE INHABITED HOUSE IN ALAMANCE COUNTY, AND WITH MALICIOUSLY BURNING SAID HOUSE A SHORT TIME THEREAFTER.

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At Chambers, Raleigh, August 30th, 1870, before Chief Justice Pearson and Justices Dick and Settle.

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PETER HUGHES and JOHN W. LONG called and sworn.

## TESTIMONY OF JOHN W. LONG.

Charge was read.

Mr. BOYDEN. State what you know about it, Mr. Long.

WITNESS. On the night when this house was burnt—

Mr. B. What house?

W. David Long's. It was west of Dr. Moore's—near the Company Shops—a frame school-house.

CHIEF JUSTICE. It had been used as a schoolhouse?

WITNESS. Yes, sir.

C. J. Who used it?

W. A man by the name of Meder.

C. J. What kind of a school—white or colored?

W. He was a Northern man, and taught a white school. It was said he taught negro children at night. On that day, before the house was burned, I goes up to John T. Trollinger, and he tells me that he and Thomas Gray they wanted me to come there that night. He said I must come—there was no man thereabouts they could trust. He told me, also, to get a man named Wm. Kirkpatrick to come with me. I told him I couldn't. Trollinger said I must come there that night. I

said I would see about it. I went home, and at the supper table I told my wife I must go. She told me not to. After supper I went and asked Kirkpatrick to go with me. He said he didn't think he could go, and wanted to know what was to be done. I told him what I thought. He said he didn't want to go. I goes on back there, and stays till half-past ten o'clock at J. T. Trollinger's bar room, till the ten o'clock train came and left. It was about half an hour after the train went by J. T. Trollinger said, we had better go and do our work. I yet wasn't certain what they meant. Thomas Gray then gathered a can of kerosene oil, and a large syringe, and wraps it up in a kind of hemp bag, and tells me to come on, but tells me in the first place never to tell any body in the world, not even my wife, what was done that night. We goes on by Daniel Worth's house, and got on the fence and set half an hour or three quarters.

C. J. Who was with you?

W. Mr. Gray.

C. J. Nobody else?

W. No, sir.

C. J. Tollinger was not with you?

W. No, sir. He stayed to watch the house. We talks over it. I told him we had better not burn that house, but he said he would. We approached close to the house, and I got on the low cross fence and sot, with him off of the fence. He takes the kerosene oil and this syringe, and commences squirting it up each way on the gallery, in the cellar, under the clapboards, and under the doors and windows. Then he takes the rest and pours it on the bag and lays it on the piazza. I said, "please don't set that house afire." He says, "I will burn it in defiance of the devil." The second match it was lit. We ran away down by the stables and into the bar-room, as fast as we could, and blew out the lights and lay down. By that time the alarm was given. Trollinger gets up, and we put on our clothes, and run up to the fire, and helped to throw the fence away from the burning house. Nearly everybody was

there. The building soon burned down. This was a year ago last March or April—not sooner than March nor later than April. After we got back to the house, J. T. Tollinger said, “you have done this work, boys. Never tell of it. It will go as hard with me as with you. It will hang us all three.

Mr. MERRIMON. Was it by decree of the Klan that this house was burned?

WITNESS. I can't say. It was by order of the Chief.

Mr. M. I ask whether there was any order other than Mr. Trollinger's?

W. I don't know.

Mr. M. You didn't learn that there was any other—I am asking you if anybody else gave the order?

CHIEF JUSTICE. Was there reason to believe that any other camp gave the order?

WITNESS. I don't know, sir. What Trollinger told me was that it was an order from the High Chief of the County. He didn't say whether it had been voted in camp or not.

Mr. MERRIMON. Well, from what you said yesterday, this order ought to be given from some other camp. Wasn't that the rule?

WITNESS. No, sir. I never said anything about burning a schoolhouse.

Mr. M. Didn't you say, where any offensive person was to be whipped, it was to be done by some other camp?

W. I said we were bound to obey our officers.

CHIEF JUSTICE. What did you say was the rule when anything was to be done?

WITNESS. I said the order was put on another camp.

Mr. MERRIMON. Well, if that is so, this order to burn this schoolhouse ought to have come from another camp. Ought it not?

WITNESS. I don't know. It was altogether with the Chief. I was just as much under that Chief as a soldier is under his

officer. I told you, yesterday, that whenever there was to be a whipping scrape, it was done out of the camp.

Mr. M. But a burning scrape?

W. It might be done out of the camp, but we must obey our officers.

Mr. M. What motive had you for burning this school-house?

W. I had none.

Mr. M. What motive had Gray?

W. I don't know.

Mr. M. What motive had Trollinger?

W. I suppose it was burned because he kept a nigger school in it. There was a nigger school in town. I don't know how long it was kept. I know there was such a school.

Mr. M. Was it kept over a week?

W. Yes, sir.

Mr. M. Over a month?

W. Yes, sir.

Mr. M. Over two months?

W. Yes, sir. I don't know how many sessions it was kept.

Mr. M. Did anybody molest that?

W. Yes, sir.

Mr. M. What did they do?

W. Thomas Tate told me that he went and put kerosene on the window-sills of that house and set it on fire, and it went out, and it was afterwards guarded.

Mr. M. And you think that schoolhouse was burned because they taught colored children there at night?

W. That was the reason Trollinger gave me. He never told me positively it was to be burned. He said there was something to burn. I didn't know what.

Mr. M. Why wasn't the other schoolhouse burned?

W. Because it went out, and Gray was put in jail.

Mr. M. Have they kept up the guard?

W. I think not.

Mr. M. Why hasn't it been burned since then?

W. I reckon the men that burned that have seen enough of fire. I think that is a hard question. I can't explain that. I will answer any question if I know.

Mr. M. Why did you participate in that burning?

W. Because I was forced to do it.

Mr. M. By whom?

W. By Trollinger.

Mr. M. Why wasn't Kirkpatrick as much forced as you were?

W. They sent him word by me. They gave me word themselves.

Mr. M. Was Gray an officer?

W. Trollinger was an officer, not Gray.

Mr. M. How was it you were afraid to disobey them, but afterwards became courageous enough to tell of it?

W. I never told till this thing was broken up. After it was broken up by Kirk, I thought I had protection. I never discovered it to any extent. I never told any body who was not a member of the camp. I told Col. Kirk when he came up there. Then I told Mr. Albright, clerk of the superior court.

Mr. M. Why did you tell him?

W. I told him because Governor Holden put out a proclamation that any man that would come forward and tell all he knew about it should be protected.

Mr. M. I thought you said you left the camp in 1869?

W. I told you I thought I was bluffed out. I didn't act. I didn't regard myself as of them.

Mr. M. Suppose Trollinger had come to you and told you to hang Outlaw after that, would you have done it?

W. I took no obligations to the new Chief.

Mr. M. After you quit them, if a commander had told you to go and shoot Wyatt Outlaw, would you have done it?

W. If a Chief had come and told me to, I would have done it?

Mr. M. You would burn a house or shoot a man?

W. I would have done it.

Mr. M. You say that if a Chief had come and told you to burn a house, or shoot a man, you would have done it?

W. I would, under the circumstances in which I did that.

Mr. M. I want to see whether you are in or out, or whether you hold yourself bound to obey orders. Were you bound to obey orders?

W. Under the circumstances in which I then was I would.

Mr. M. But after you were bluffed out, suppose Trollinger or Antony had charged you with the duty of burning a house or hanging a colored man, would you have done it?

W. Well, sir, if I had had to kill him, I would have done it.

Mr. M. I ask you, sir, if you felt bound?

JUDGE SETTLE. Tell us what you mean by present circumstances? Would you have been afraid not to obey after you left the order?

WITNESS. No, sir.

Mr. MERRIMON. If you would not be afraid to disobey the order, why were you not afraid to go and tell the crimes these men had done? You were afraid to disobey the order, and yet up to the time Kirk went there you were afraid to tell?

W. I never did tell judge or justice.

Mr. M. But you say you were afraid to disobey the order?

W. If I had an order from a superior officer, I'd done it.

Mr. M. Didn't you know it was wrong?

W. We all knew that.

Mr. M. When you knew these men were perpetrating crimes, what did you go in for?

W. I didn't know it. I rode out with Thomas Gray and Trollinger, and there I put up my hand and swore not to reveal what they would tell me.

Mr. M. When you found out, why didn't you refuse to join?

W. Do you know what the penalty would have been? I think it would have been death.

Mr. M. I understand you to say that when they wanted a man to join, they took him to some secret place, told him to

hold up his hand, and swear, and if he wouldn't do it they shot him?

W. Well, I will tell how they did it. Some of his friends nominated him. They get this person to go out to a party or a possum hunt. Somebody comes and meets them with a disguise on, and they compel him to take the oath or die. No live man ever gets out without taking the oath.

Mr. M. Will other Ku Klux swear to that?

W. If they swear the truth they will.

Mr. M. Well, they are a bloody set! Did they put a rope around your neck?

W. No, sir. I don't know whether it was a favor or not.

Mr. M. How did they scare you?

W. I didn't say they scared me.

Mr. M. How not? Didn't you say yesterday that was the way they initiated them?

W. On one occasion I saw John T. Gant put a rope around ——'s neck. I saw it done in that instance. I saw it done in only that instance.

Mr. M. You discovered very soon that they were perpetrating these crimes—did you not?

W. Well, when the first whipping was done I didn't think it right.

Mr. M. Didn't you think it a great crime?

W. I didn't think it right. I never whipped but one man.

Mr. M. Didn't you think it ought to be punished?

W. I never thought anything about it.

Mr. M. Didn't you think they ought to be exposed?

W. I thought if ever they were exposed, there would be some punishing done. I took an oath not to expose them. I didn't screw my heart up at all.

Mr. M. Don't you think it mighty poor business?

W. I didn't feel mean about it. I didn't think it very right nor very wrong. I was afraid I would be killed if I told of it, and am a little afraid yet.

Mr. M. You said just now you didn't think it very right nor very wrong?

W. I didn't have many thoughts about it. I was afraid to tell of it. I didn't consider whether it was a great crime or not. I did not know whether I could tell the Chief Justice or a Judge. I didn't know that they were opposed to it. I didn't know that all good men were opposed to it. I know right from wrong. I know it wasn't right, but thought it not right to tell of it. I don't know whether it was right to tell of it or not, but I will tell it, or die.

CHIEF JUSTICE. I understood him to say that when they had bluffed him off, although he took no part in it he didn't feel under obligation to tell of it.

WITNESS. I was afraid to tell. I didn't take any newspapers, and didn't know what the Governor would do.

Mr. MERRIMON. You didn't know that if you called on the Governor, he could move on them and leave you out?

WITNESS. No sir.

Mr. M. You didn't know that you could go to the Chief Justice, and if you had known it would have been afraid to do so?

W. Yes, sir.

Mr. M. I understand one of the arrangements of this clan was to commit perjury? You swore you would protect each other by telling lies?

W. Yes, sir.

Mr. M. You are sure that was in the oath?

W. Yes, sir.

Mr. M. You are positive about it?

W. Yes, sir.

Mr. M. And Dr. Moore took that oath?

W. I never saw him take it.

Mr. M. Dr. Tarpley took it?

W. Yes, sir.

Mr. M. I understand that he would prove any man out if

he was sent up by a warrant. You swear that, and that he swore to that?

W. Yes, sir.

Mr. M. And that he would kill a man?

W. No, sir.

Mr. M. But would obey orders?

W. Yes, sir.

Mr. M. He would assist in hanging a man if that was ordered by the camp? Suppose the camps ordered that he should kill him, wouldn't he do it.

W. Yes, sir, if he kept his oath.

Mr. M. If a man didn't stand to his oath, one penalty was death?

W. Yes, sir.

Mr. M. If he was ordered to burn my house, and refused, all the balance were bound to kill him?

W. Yes, sir. If it was brought up before the camp and voted on, he was then at the risk of his own mercy.

CHIEF JUSTICE. You mentioned one instance.

Mr. MERRIMON. I wan't to get at the nature of this oath.

WITNESS. Well, sir, I think you can get the whole oath—constitution, by-laws and all. I can't do it to-day, but I think I can get it.

CHIEF JUSTICE. Repeat the oath.

WITNESS. First, you solemnly swore never to reveal anything about what came to your knowledge—never to reveal the man's name who initiated you, nor any of its members, aids—I believe it was aids—or edicts—and goes on to swear that you will protect each other. I don't recollect it all.

C. J. Give the substance of it.

Mr. MERRIMON. That is the idea conveyed by the oath. Do you say this organization was gotten up for political purposes, to overthrow the Republican party, and this was to be accomplished by killing men, burning houses, whipping men, and other crimes, and that they swore to protect each other at all hazards?

WITNESS. Yes, sir.

Mr. M. Companies going around to score them, whip them for little things, hang them and drown them?—and for what object?

W. For the object of overthrowing the Republican party—I believe it is known as the Radical party.

Mr. M. Did that embrace the whole Union, or North Carolina?

W. I think it wasn't all over the Union. My understanding about it was that Andrew Johnson, President of the United States, was the founder of the secret, and was the head of it.

(Counsel here suggested several titles for the head of the organization, whereupon witness said, "The High Synagogue Commander.")

CHIEF JUSTICE. The counsel wants to know if it was to overthrow the Republican party of this State merely, or of the whole Union?

WITNESS. I never said. I understood that Johnson was the Head Sun—kept the highest seat.

Mr. MERRIMON. This was their object. They were to murder, whip, ride through the State for the purpose of forcing people to vote their way, and then to swear to lies, and get on juries to clear each other, and do anything to protect each other?

WITNESS. Yes, sir.

Mr. M. They were to swear for each other, kill for each other, burn for each other, ride for each other, go on juries for each other, if necessary?

W. Yes, sir.

Mr. M. You swear to that squarely?—don't take a word of it back?

W. Yes, sir.

Mr. M. If you could swear to a lie then—I don't know whether you called it swearing or not—didn't you regard it as an oath?

W. I regarded it as binding, because there was no chance of telling it without being hanged or drowned.

Mr. M. Suppose you had been called upon a jury, and some poor colored man had been whipped, and one of your number was on trial for it, would you have sworn to a lie, and said he was not guilty?

W. I'd have to do it.

Mr. M. If you could swear to a lie then, why not now?

W. I couldn't have been protected then.

Mr. M. Would you not have been protected if on a jury?

W. I could not. Pretty much all the people in the county belonged to it. A great many here belong to it.

Mr. M. How do you know?

W. A young man around here said last Sunday there was a good many in this place.

Mr. M. Why didn't you tell it yesterday?

W. I wasn't asked. I didn't think of it.

CHIEF JUSTICE. There must be an end to this thing. That question wasn't called to his attention yesterday. I don't allow a witness to be dealt with in this way. I don't consider it fair.

Mr. MERRIMON. Do you know Mr. Jeff. Younger?

WITNESS. Yes, sir. He lives on Haw river—is a respectable man.

Mr. M. Did you tell him in camp at Company Shops, about two other Ku Klux going with you to burn this house, and that you had put it off on somebody, and put it off on Gray?

W. No, sir.

Mr. M. You swear squarely that you didn't do it?

W. No, sir. I will take the Bible oath again on it, if you wish.

CHIEF JUSTICE. Well, that is what you call emphatic denial?

Mr. MERRIMON. How many times—how often did you go to Young Kirkpatrick's to get him to go and burn that house?

W. Never once, sir—not till that night, sir. I didn't know

there was anything to be burned. I told him Trollinger wanted him to come up there. I told him I thought it was about burning the schoolhouse.

Mr. M. How old is William Kirkpatrick?

W. About twenty-two years, I think—may be going on twenty-three.

Mr. M. Are you friendly with Mr. Gray?

W. I never had any fuss with him.

Mr. M. Didn't he make a pair of boots for you that you didn't pay for?

W. Never. I paid about twelve dollars for the boots, and he only wanted ten.

Mr. M. Didn't he threaten to thrash you?

W. I have never had any fuss with Mr. Gray. We had been always intimate friends, till Mr. Bergen arrested him at Company Shops.

CHIEF JUSTICE. Mr. Long, if you can get that paper I should like to see it.

W. Well, sir; I think I can get it.

TESTIMONY OF PETER HUGHES.

CHIEF JUSTICE. Mr. Hughes, go on and say what you know about it.

WITNESS. I know nothing about it, except what the parties told me.

Mr. BOYDEN. We propose to prove that Mr. Long, at a certain time, told witness about this burning, and he went and mentioned it to Mr. Gray, and Mr. Gray said they were ordered to do it.

WITNESS. Long just remarked to me that the house was burned.

CHIEF JUSTICE. How long after the burning was that?

WITNESS. Two or three months after—a good while after. He said it was burnt by his knowledge, and by Gray's. He didn't implicate any other parties.

Mr. BOYDEN. Tell what you said.

WITNESS. I said it was too daring a thing to be guilty of. That was about the substance of the conversation between Long and myself. He told me Thomas Gray had a hand in it. Well, some time afterwards, about December, 1869, I met Gray on the railroad, about half a mile above Company Shops, and we spoke of many things done by the Ku Klux. Among the rest I introduced that as a very daring thing. Gray's answer was that it was done by order of the camp.

CHIEF JUSTICE. Did you tell him what Long told you?

WITNESS. Yes, sir. I don't know exactly what passed, but I asked him what they meant by being guilty of such an act. He said that he thought it was an order, and he did as he was ordered.

C. J. Did he tell you who gave the order?

W. I do not know. He said, "it was an order, or he thought it was an order."

Mr. BOYDEN. Did you belong to the camp?

WITNESS. I can't say that I did. I was never initiated. I worked with them. I was associated with a camp in Guilford—Macon Apple's camp. I never took the oath. Long gave me the signs.

CROSS-EXAMINED.

Mr. MERRIMON. Where do you reside?

WITNESS. About two miles or two and a half from Company Shops.

Mr. M. How old are you?

W. Nearly thirty years old.

Mr. M. What is your business?

W. I am a farmer.

Mr. M. Do you know John W. Long?

W. I do.

Mr. M. What do you know about his character?

W. I don't know that I can give his character.

CHIEF JUSTICE. How long have you been acquainted with him?

WITNESS. About three years.

Mr. MERRIMON. What do people say of him?

WITNESS. People generally speak very bad of him in the last few weeks. I think I am the wrong man to ask about him. He and I are brothers-in-law.

JUDGE SETTLE. You say you operated with the camp in Guilford?

WITNESS. Yes, sir.

J. S. How large was the organization in that county, so far as you heard, and according to what you learned in camp?

W. I understood it was from twelve to fifteen hundred strong.

J. S. How in Rockingham?

W. I have heard that Rockingham was two-thirds or three-quarters Ku Klux.

J. S. Didn't you know of your own knowledge that there were some in Rockingham?

W. Yes, sir. Reynolds is, and Thompson—it is reported his name is—Tom Thompson's son. I met these men at a church or school house in Rockingham.

J. S. You learned from them that they were members?

W. Yes, sir. I don't know that Thompson said it, but Reynolds said he was a Ku Klux.

J. S. The number in that County?

W. Two-thirds or three-fourths of the County.

J. S. In Alamance!

W. I suppose the same.

CHIEF JUSTICE. We don't want any suppositions.

WITNESS. It was said they were a majority of the white voters in Alamance.

C. J. That was information you got in your camps?

W. Yes, sir.

Mr. BATTLE. You say you associated with that camp, but never took the oath?

WITNESS. Yes, sir. I got into it. I was informed about it by John W. Long. He told me all about it.

Mr. B. Then you wasn't a regular member?—and the way you learned if a man was a Ku Klux, you just asked him?

W. Yes, sir. It was the only sure way of ascertaining.

Mr. B. Didn't Long tell you the signs?

W. Yes, sir ; but I had rather have any man's word than his motion.

Mr. B. Do you think a man would tell you the truth whether he was a Ku Klux or not?

W. Yes, sir.

Mr. B. Why, how would he know you were one if you didn't make the signs?

W. I can't tell you. If I met a total stranger in the way, I wouldn't ask him.

[Question lost.]

W. It was in Rockingham when I was informed—near Guilford. I asked Reynolds whether Thompson was a Ku Klux or not.

JUDGE SETTLE. Do you mean Reynolds or Randall?

WITNESS. I don't know. Hempstreet had him up. There were three of them. The offence was whipping a darkey.

J. S. One of them is a pale old man—has daughters?

W. I think that was it.

J. S. There were three brothers of them?

W. Yes, sir.

J. S. The same parties I had before me.

Mr. BATTLE. You never was initiated?

WITNESS. No, sir.

Mr. B. How came they to admit you?

W. They admitted me because they didn't know whether I was a Ku Klux or not. I had the signs.

Mr. B. You were under no oath?

W. No, sir.

Mr. B. You were a kind of spy in the camp?

W. No, sir, I can't confess to being a spy in the camp.

Mr. B. Let us see the signs.

W. The sign for getting into camp was two slaps.

CHIEF JUSTICE. Suppose you wished to find out from Mr. Battle whether he was a Ku Klux, what would be the sign?

WITNESS. I would slip my hand down my right collar.

Mr. MERRIMON. A man said yesterday the left collar?

WITNESS. I think that was right. [Witness here explained that as he was one-armed, he could not give the sign accurately.]

Mr. BATTLE. They would take the other sign?

WITNESS. I don't know as I ever made it in my life.

Mr. B. Still you associated in the camp?

W. Yes, sir.

Mr. B. This organization was oath-bound, and allowed you to go in without giving the sign?

W. I didn't say that. I gave two slaps. This other sign was regular, if you meet any one in the way. I never made myself known that way. I wasn't in the camp at Company Shops, and never in Alamance. Been living there for nine months.

Mr. B. They have pretty much died out for nine months?

W. Yes, sir.

Mr. B. Been declining ever since?

W. Yes, sir.

Mr. B. Have hardly existed, in point of fact, since the Presidential election?

[Answer lost.]

Mr. B. Don't you think it has been declining ever since?

W. I suppose it has.

Mr. B. How far do you live from your brother-in-law?

W. Just three miles.

Mr. B. And you are frequently at his house, and he at yours?

W. Yes, sir. We pass backwards and forwards. Moved to Alamance in December. Don't know whether he had quit them or not. We had no conversation about it.

Mr. B. You said that he and Gray did this act?

W. Yes, sir.

CHIEF JUSTICE. He said expressly he told the man so. He said that Long told him that he and Gray did it. Now if you two [to counsel] take it for granted that he didn't, this is not fair and I shall rule it out.

Mr. BATTLE. How much conversation had you?

WITNESS. I don't know sir. This was before I moved to Alamance County.

Mr. B. You don't know whether he was bluffed off.

W. No, sir.

Mr. B. Was it before or after.

[At this point the Chief Justice again interfered, saying that the witness had already answered on this point.]

Mr. BATTLE. Your honor interrupted, and I didn't know what he said.

CHIEF JUSTICE. Well, so it seems.

WITNESS. I have had no conversation with him since I moved to Alamance County. I don't know that we have been in conversation in regard to it.

COUNSEL. Where did you move from?

WITNESS. Two miles north of Gibsonville, in Guilford County.

C. When?

W. In the month of December.

C. When was your conversation with Gray?

W. Two months after the building was burned.

CHIEF JUSTICE. I can't have this question asked again.

COUNSEL. I asked him when the house was burned.

C. J. Well, I wish to put a stop to this examination. I don't think it is conducted fairly.

STATE vs. WM. MURPHY ANDREWS *et. al.*

*Charge*—DISGUIISING THEMSELVES AND WHIPPING NATHAN  
TROLLINGER.

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At Chambers, Raleigh, August 30, 1870, before Chief Justice Pearson and  
Justices Dick and Settle.

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## TESTIMONY OF JOHN W. LONG.

CHIEF JUSTICE. Did you go to see this man Trollinger  
whipped?

WITNESS. No, sir.

C. J. Were you there?

W. No, sir.

C. J. What do you know about it?

W. Well, Wm. M. Andrews, Wm. Fogleman and Ruffin  
Fogleman told me they had been and whipped Nathan Trol-  
linger the night before, and John T. Trollinger and George  
Toler said they had been there and whipped him.

Mr. BOYDEN. Who were there?

WITNESS. The five men were Wm. M. Andrews, Wm.  
Fogleman, Ruffin Fogleman, J. T. Trollinger and George  
Toler. They told me Walter Thornton was there.

Mr. PARKER. We object. "Wm. M. Andrews, Wm.  
Fogleman, Ruffin Fogleman, J. T. Trollinger and George  
Toler told him."

Mr. BOYDEN. I suggest whether if it is proved that they  
were all Ku Klux, and these men told him they were there,  
whether it is evidence or not.

CHIEF JUSTICE. I don't think it is. What was the name of  
the absent one?

WITNESS. Walter Thornton.

C. J. Well, tell what they did?

W. They took him out of the house, and took him up the road, and whipped him with hickories.

COUNSEL. What else?

WITNESS. They made him take out his penis and stob it with a knife.

CHIEF JUSTICE. Did they rub him with a stick?

WITNESS. They never said anything about that.

MR. BOYDEN. Were they all Ku Klux?

WITNESS. They were all said to be.

CHIEF JUSTICE. Which camp did they belong to, your camp?

WITNESS. Yes, sir.

C. J. Where is that man?

W. He went West and died there.

C. J. Did they tell you whether they had disguises on or not?

W. They had on their disguises.

JUDGE SETTLE. How was the mutilation performed. Did they say he was tied to a tree or in any position?

WITNESS. They never said whether they tied him or not.

JUDGE DICK. Where were these parties when they told you?

WITNESS. They were in the bar-room. Wm. Andrews and the two Mr. Foglemans were down at Sellers' Mill.

J. D. What were they doing?

W. Making a fish trap.

J. D. Did they all tell you the same day?

W. Yes, sir.

J. D. Two of them told you at Company Shops, and the others down there?

W. Yes, sir.

J. D. Mr. Badger is not the name of Wm. Redding included in the bill?

MR. BADGER. Yes, sir.

WITNESS. I never heard Mr. Thornton say anything about it.

Mr. PARKER. You never heard about it except from the two at the Shops and the other three at the mill?

WITNESS. No, sir.

Mr. P. You said that two told you at the Shops and the other three at the mill?

W. Yes, sir.

Mr. P. Did they also tell you why they whipped him?

W. They said they whipped him to make him tell where Daniel Crutchfield was.

Mr. P. Who was he?

W. I don't know, sir.

Mr. P. Did they tell what they wanted with him?

W. They didn't say. I suppose they wanted to whip him.

Mr. P. Did they say why?

W. Well, him and Mr. Ruffin Andrews had a fuss at Company Shops, and so they wanted to whip him.

No evidence was offered for the defence and the case closed here.

STATE *vs.* WM. M. ANDREWS *et al.*

*Charge.*—CONSPIRACY, GOING IN DISGUISE AND WHIPPING SANDY SELLARS, JANUARY, 1869.

At Chambers, Raleigh, August 30, 1870, before Chief Justice Pearson and Justices Dick and Settle.

## TESTIMONY OF SANDY SELLARS.

CHIEF JUSTICE. Stand back there. Tell what they did?

WITNESS. Well, as near as I can tell, it was about midnight, after the middle of Winter, or the first of spring, year before last, they came there, and broke down the door, and came in.

C. J. Who came in?

W. I don't know, on account of their having these things on. They said there was a man wanted to see me. I said I thought I could not go. I was stripped off and gone to bed. They came in, as many as could stand in the house—I think about twenty. They took me right out to the woods, about a hundred yards, at the other side of Mrs. ——'s barn, and told me to pull off my shirt, and when I didn't do it they just tore it off. Then they tied my hands right around a tree, then they went off a little piece, and whipped about me, and made a kind of noise, like these little screech owls. Then they came up and poked their horns at me, like they was going to hook me.

[Witness was asked to repeat.]

W. After they got me they went and tied me to a tree, and went around in a ring, and stood off and whispered to one another. And then one would come up and hook at me and

then another, and then they commenced whipping me. They came one at a time, and struck me a lick, and then another would come, and that till they got around. Then they got a rope and put around my neck, and two got hold of it, and one would run his fingers under the rope to keep from choking me, and then they pull me up for about three minutes, so that my feet would just touch the ground, and then let me down. Then they tied me again and gave me another lick apiece all round. Then they wanted to know, if I would ever order another white woman to take stock off of wheat; I said I would not. They said if I said anything about it, they would come again and kill me.

QUESTION. Did you recognize any voices?

WITNESS. No, sir; they would say be-b-b-b-bu! They kept me out there, about an hour.

Q. Whose house was it?

W. It was the house I lived in they broke open. I have a family, but I had no family there at that time.

CHIEF JUSTICE. Was it a severe whipping or a moderate one?

WITNESS. Oh! it was severe. I had to grease my back to keep my shirt from sticking. One would come with hickories, and one with these big leather straps.

QUESTION. Where was this house?

WITNESS. I stayed in the cabin. It was out this side of the white folk's house. They peeped in to see if the folks was asleep.

Q. Was Hardin at home?

W. Yes, sir; asleep.

Q. Did you hollow?

W. I couldn't hollow. They just got me right by my mouth, and carried me off. They said if I hollered, they'd kill me. So I thought I would keep the peace, and may be get off so much the lighter.

Q. This was in Alamance County?

W. Yes, sir. Four miles from the Shops, nearly.

CHIEF JUSTICE Are you sure about the number ?

WITNESS No, sir. I just judged. I did not have time to count 'em.

WITNESS RE-CALLED.

CHIEF JUSTICE. Sellers, you can come back. They say you were whipped because you were impudent to this woman. You have a right to say whether you were or were not?

WITNESS. I never did it. She lived about two hundred yards from my house. I never said a cross word to her. I never insulted her.

QUESTION. Afterwards, did you have a fuss about her hogs getting in your wheat?

WITNESS. No, sir. I will tell you all I done. The man that own the place, sent me over to tell Miss Margaret he wanted her to keep her hogs off of his wheat. She said she wasn't going to do it. I went right on home, and never spoke a word to her.

Q. Did they rub your back with a stick, or what?

W. I was in so much misery I didn't know. I recollect they struck me with a strap, but the stick I don't remember.

JUDGE SETTLE. How long did they let you hang?

WITNESS. About fifteen minutes. They didn't keep the rope tight about my neck.

CHIEF JUSTICE. How far did they get your feet off from the ground?

WITNESS. I just felt my weight well—my big toe was on the ground—this part of my foot was on the ground.

C. J. They kept you uneasy then?

W. I thought they was going to take me away.

C. J. You thought the least said was soonest mended?

W. That was what I thought would be best for me.

C. J. Stand aside.

## TESTIMONY OF J. W. LONG.

CHIEF JUSTICE. Tell what you know about whipping this man.

WITNESS. There was myself, Murphy Andrews, Ruffin Andrews, George Tolar, John Thornton, Robert Stockart, James Stockart, the three Mr. Foglemans and others.

C. J. You gave him two licks a piece?

W. Yes, sir. There were sixteen of us.

C. J. You tied him with a rope?

W. We tied him with a leather strap.

JUDGE SETTLE. Was John Andrews there?

WITNESS. Yes, sir.

CHIEF JUSTICE. Is he the father of these others?

WITNESS. No, sir. He is a son of Mr. Green Andrews.

C. J. William and Ruffin are his sons, too?

W. Yes, sir.

Mr. BOYDEN. What was all this for?

WITNESS. My understanding was, it was for cursing a white woman because her cattle run on Mr. Hardin's corn.

Mr. B. What woman?

W. I think her name was Margaret Hardin.

Mr. B. Where did he meet with Margaret Hardin?

W. I don't know, sir.

Mr. B. Her cattle ran on the corn?

W. Yes, sir.

Mr. B. He cursed about it?

W. Yes, sir.

Mr. B. Anything else?

W. Yes, sir, he added something to it—he wanted to sleep with her, or have to do with her in some way.

Mr. B. He not only cursed her, but proposed to have criminal connection with her?

W. Yes, sir.

Mr. B. What sort of a noise was that you all made? Can you give us a specimen of it?

W. I don't believe I could make the noise.

CHIEF JUSTICE. You say, then, they were whipping him because he made an insulting proposal to a white woman, and when she would not consent he complained of her hogs getting into his wheat?

WITNESS. Yes, sir. We struck him two licks, except that George Tolar struck him with a strap just as we were taking him down. We told him afterwards that he must be careful how he talked to white women.

JUDGE SETTLE. How did you get the information?

WITNESS. We just got it from the camp.

Mr. BOYDEN. How did you carry him out?

WITNESS. O, we all surrounded the house and broke in.

Mr. B. How did you get him to the place?

W. One carried him and drove him.

Mr. B. Did you carry him like a log of wood?

W. No, sir, not exactly.

Mr. B. What did you strike with?

W. I struck him with a hickory.

Mr. B. And the rest?

W. All the rest the same, but one, and he struck him twice with a hickory and then with a strap.

Mr. B. Did you speak to him so that he could recognize your voice.

W. No, sir, only one man—that was George Tolar. He told him what he was whipped for.

Mr. B. Did he deny it?

W. Yes, sir. That was what made them put the strap around his neck and hang him up.

JUDGE SETTLE. Did he own it then?

WITNESS. No, sir, he never owned it.

J. S. Did he deny the proposal to sleep with the woman?

W. Yes, sir. After they whipped him they rubbed his back with a persimmon stick.

J. S. Do you mean to say that after his back was lacerated

with those whips, they took a rough stick and rubbed his back with it?

W. Yes, sir, they rubbed it with a persimmon stick, cross-ways of the whipping.

CHIEF JUSTICE. There were about sixteen of them?

WITNESS. Yes, sir.

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WEDNESDAY, August 31, 1870,

TESTIMONY OF JAMES E. BOYD.

Mr. BOYDEN (for the State.) Mr. Boyd, where do you live?

WITNESS. In Graham.

Mr. B. What is your age?

W. Twenty-five.

Mr. B. What is your occupation?

W. I am a practicing lawyer, sir.

Mr. B. Were you a candidate this year?

W. I was the Democratic candidate for the House of Representatives.

Mr. B. Tell what you know about an organization known as the White Brotherhood?

CHIEF JUSTICE. State it connectedly, so that we shall not have to tie it up.

WITNESS. I joined the organization known as the White Brotherhood in November, 1868, in the town of Graham, in the room of Jacob A. Long. No one was present except Mr. Long and myself. He asked me if I didn't want to know something of the Ku Klux. I said I had heard of them in Tennessee. He said I could hear something of them here. He then told me to hold up my right hand. He then pledged me not to reveal anything that should take place, not to reveal the name of the person who initiated me. The substance of oath was this:—not to reveal the name of the person who in-

initiated me, nor any of the secrets of the organization; never to vote for any man for office who was in favor of the civil or political advancement of the negro race; to resist by force, if necessary, the civil or political advancement of the negro. The penalty prescribed in the oath was death, and he told me if I did reveal their secrets I would be the first victim.

C. J. Did your oath say anything about protecting each other?

W. Yes, sir. We were sworn to protect each other in times of distress.

C. J. How?

W. I understand, in regard to the signs, that if a brother was engaged in a fight, he made known the sign of distress, any brother was bound to go to his assistance. We were bound to protect each other's families. If brothers' families were insulted by any one, or if brethren were in danger from any one, we were bound to —— him; we were bound to resent insults offered to female members of each other's families.

C. J. Go on; tell it connectedly.

W. Well, sir, that is about what I recollect.

C. J. How about the law?

W. Well, sir, we were sworn not to reveal the secrets of the organization under any circumstances; we were to use every means in our power to prevent the secrets from being exposed.

JUDGE SETTLE. Were these explanations given by the officers?

W. Yes, sir.

J. S. Did you understand, from the nature of the oath, that if a member was called into court, either as a witness or juror, he would have to swear falsely, in order to help a brother member, or he would violate his oath as a member of the organization?

W. I thought this: if a brother member was called into court as a witness, he would be bound to swear falsely to clear

a member of the organization, and a juryman would be in the same situation.

J. S. That was not in the oath, but in the explanation?

W. Yes, sir.

CHIEF JUSTICE. How long did you stay in that concern, you entered in November, 1868?

WITNESS. Up to the time I wrote my letter, sir.

MR. BOYDEN. Can you give us the signs?

WITNESS. Yes, sir. The sign of recognition was sliding the hand down the left lappel of the coat. The answer was with the other hand. If you wanted to get into camp you gave two slaps. I went to a meeting just above Haw River in the woods. Initiating members was the only thing to be done. They stationed two sentinels outside of the camp. The persons approaching gave two slaps. Then they came to a second sentinel who was saluted in the same way. Then, accompanied by the sentinel, they approached the camp in the same manner.

MR. B. How did they initiate new members?

W. They all in disguise stood around in the trees, about fifty yards apart. Then two members brought the candidate to the middle of the ring and left him alone. Then the whole crowd rushed upon him with curious noises, and rubbed him with their horns, frightening him as much as possible. Then they would all fall back, and the officers proceeded to administer the oaths.

MR. B. What officers had you besides the Chiefs?

W. There was a Chief in the County, a Chief in each camp and a Lieutenant in each camp.

MR. B. How many camps had you in the County?

W. I understand from the Chief of the County that there were ten.

MR. B. What camp did you belong to?

W. I belonged to Graham camp, No 1.

MR. B. Who were the officers of that camp?

W. Jacob A. Long was the Chief. The Lieutenant was my partner, Mr. Bason.

CHIEF JUSTICE. Where is Long ?

WITNESS. He has fled the country.

JUDGE SETTLE. Your partner in law ?

WITNESS. He was Lieutenant, sir, J. F. Bason.

MR. BOYDEN. Had you any brotherly grips ?

WITNESS. Yes, sir. The grip I was taught, was to press your finger against the back of the hand, and if a man was a member he pressed your middle finger between the two joints. The rallying cry, or cry of distress, was, of the White Brotherhood, "Shiloh." This was only to be given when the sign could not be seen. The sign of distress I do not recollect. It was a motion of the hand, but I have forgotten the motions.

MR. B. How did you give notice of meetings ?

W. A half moon represented a meeting in the night. If an advertisement with a half moon was drawn, and 21 put under the moon and 10 above it, the 10 indicated the time of night, and that added to the 21, indicated the day of the month.

MR. B. What about day meetings ?

W. The sign for a day meeting would be a cross, and the figures the same as a night meeting.

MR. B. How about the alphabet ?

W. The alphabet was explained at the time I joined. It was arranged by changing the letters of the alphabet from the right position. I don't recollect exactly how it was.

MR. B. Who were members of your camp ?

W. Jacob A. Long, J. F. Bason, Robert Hanna, John J. Albright, Geo. Ellington, and Wm. Stally.

MR. B. Did you know anything of John W. Long ?

W. He was not a member of my camp. I don't know anything of him.

QUESTION. Do you know anything of the Constitutional Union Guard ?

WITNESS. A little, sir.

Q. What ?

W. I was sworn into the Constitutional Union Guard by James Patterson and Dr. Armstead Patterson, at the Spring

Term of the Superior court, 1869. The oath differs from the White Brotherhood somewhat.

COUNSEL. State the difference.

WITNESS. There is more of it; that is about the only difference. We were sworn to support the Constitution of the United States, and the Constitution and laws of North Carolina. That was explained to mean the Constitution of the United States as it was before the amendments.

C. What else?

W. That was about the only difference, sir; we were sworn to obey orders, and not to reveal the secrets under penalty of death.

QUESTION. Do you know anything of the Invisible Empire?

WITNESS. Yes, sir. I came down to Raleigh in the winter, during the session of the Legislature, and called on Dr. Moore at his room at Mrs. Miller's. He told me that they were getting up an organization to supercede the Ku Klux. He taught me the signs that day. He said he hadn't got the oaths, and but one of the signs which he taught me. He said the Grand Chief was Jones, of Mecklenburg.

CHIEF JUSTICE. Was Jones a member?

WITNESS. Yes, sir,—and that he had promised to send the necessary papers and information to start the organization in Alamance. The sign he gave was by holding your forefinger upon your hand here. The other was the same as the White Brotherhood. If a man didn't notice, you asked, "Have you a pin?" in order to call his attention. We went that night to a room in the Yarbrough House, where we met Plato Durham, — — Jarvis, and — — Jones. Mr. Jones gave me the sign and I returned it. I don't know whether the others knew it, or not. I don't know whether Durham and Jarvis were members or not. Dr. Moore told me that nearly all the members of the Legislature were members, and that Mr. Jarvis had been initiated the evening before.

Mr. BOYDEN. Will you be so kind as to tell us about the raid to murder Senator Shoffner?

WITNESS. Well, sir, I got my information during the recess of the Legislature. Mr. W. T. B. told me that he had information that Shoffner was to be murdered on the night of the 6th, on account of having introduced the Military Bill. I told Dr. Moore of it, and that I was anxious it should be stopped. The Doctor agreed with me, and said that he would do everything to stop it. I told him that I heard that they were to meet at Gilbraith's bridge, about ten miles from Graham, and that I got my information from Mr. B. The Doctor said he would take his horse, and go that night and stop them. I suggested that he should tell them that Mr. Shoffner was in Greensboro'. I invited George Fisk to go with me and we left the County. And Jacob A. Long left the County that night.

Mr. B. What was your object?

W. My object was, that I should not be suspected. I had an interview with the Doctor after my return, in Graham, and asked him about the trip. He said he had gone and met them, and succeeded in turning them back. Among them were F. M. Strudwick, of ———. Abe Hedgepeth and James Bradshaw. He told me only of these. He said he went into Jim Bradshaw's house and warmed. I don't recollect whether he said these men were in there or not.

JUDGE SETTLE. Where were you, when you told Dr. Moore?

WITNESS. In Graham, sir?

J. S. What time was it when you told him?

W. In the evening about dew-fall, sir, the day before the night that Shoffner was to be killed.

CHIEF JUSTICE. Shoffner wasn't killed?

WITNESS. No, sir.

C. J. What became of him?

W. He fled the country and went to Indiana.

Mr. BOYDEN. How long after this attempt?

W. As soon as the Legislature adjourned.

Mr. B. Well, you have heard these details of whipping, hanging and drowning. Won't you tell us all you know about them from any member of the Klan?

W. Mr. Jacob A. Long, Chief of the County, told me that Trollinger's camp whipped Caswell Holt. A man by the name of Sellars was arrested and brought before Peter R. Hardin. Caswell swore to form and voice. There was a conversation between Long and myself in regard to it, because Sellars had been arrested wrongfully. He said that that camp had whipped Caswell, and that the man arrested knew nothing about it. He told me that the same camp put the coffin at McAdams' door. Mr. Long was a very intimate friend of mine. He was deputy clerk, and studying law.

CHIEF JUSTICE. Where?

WITNESS. He read by himself, sir, using my books. He took out a twenty dollar license. He went to Hillsboro' to read with Mr. Wm. Ruffin, and obtained a license from the Supreme Court.

QUESTION. Tell if you know any more of these charges?

WITNESS. A negro by the name of Joe Harvey was whipped. They arrested five men for it, and four out of the five were not members of the organization. They live in the immediate neighborhood, and Mr. Long told me and J. T. Trollinger that George Anthony's camp whipped Harvey.

Mr. BOYDEN. Do you know any thing of Trollinger?

WITNESS. I do not.

Mr. B. Or of any more whippings or burning schoolhouses?

W. I know nothing of the burning of the schoolhouse.

Mr. B. What knowledge have you from any one of the Klan, touching that terrible deed of hanging Outlaw?

W. I did not see him that night, sir. My father was very sick. Dr. Murphy sat up all night with him. The Doctor went out and heard a noise in town. There was a fellow there with with a bear, and the Doctor supposed it was men who had been to the exhibition. I didn't hear any noise. The first I knew was the next morning the boy who blacked my boots came in and told me about it. I saw the body hanging on the elm tree, thirty yards from the front door of the courthouse.

CHIEF JUSTICE. How far from ——?

WITNESS. Nearly opposite the door of the back part. It is built in the shape of an L. The L. runs back to the west. Right at the end of the east part of the building the elm stands. He was hanging on a limb which pointed towards the courthouse, ten feet from the storehouse—the back part of it is kept by Robert Hanna. He belongs to the organization. He signed the confession that was published.

Mr. BOYDEN. What else do you know? Have you heard any member say who was among them or whether they were disguised?

WITNESS. I didn't see them, sir. I don't know that I heard a member talk of a member's being there that night. I didn't see them, sir.

Mr. B. The question I asked you was, whether you heard any member say who was among them, and whether they were disguised?

W. I didn't see them, sir, and haven't heard it said. \*

CHIEF JUSTICE. How long did the body remain there?

WITNESS. I think it was taken down about 11 o'clock next day.

C. J. What family had Long?

W. A wife, sir and one child. He lives in Graham; is now living there beside me.

C. J. Does the dwelling house join the store?

W. No, sir.

QUESTION. Does any person stay in the store at night?

WITNESS. No, sir.

Q. Whose is the nearest dwelling to Outlaw's?

W. The nearest dwelling is James M. Williamson's and Clapp's dwelling.

Q. How far is that from where Outlaw was hung?

W. About fifty yards. The tree stands right back of Williamson's garden. J. Ellis' is the nearest house where people live. The jail is the next nearest I think. Sandy Andrews lived there at that time. It is about two hundred yards off.

Mr. BOYDEN. State, now, if you have heard any member of the Klan say that Outlaw was hung by the Klan?

WITNESS. Yes, sir. Directly after Outlaw was hung, the citizens got up a petition and circulated it, to get up a public meeting to denounce this outrage, and most of the members signed it, and some Republicans. I signed it myself. The day before the meeting was to come off the United States soldiers arrived. This created considerable indignation. It had been understood that by having this meeting the soldiers were not to come, and it was concluded not to hold the meeting. On the day the soldiers came, I was standing on the corner of the street, and a young man by the name of White, a son of Robert or Tom White, came up to me and says, "Mr. Boyd, I hear the soldiers have got the names of sixteen or seventeen of us fellows who were here the other night. Is it so?" Says I, "I don't know, sir." I understood him to refer to the night Outlaw was hung.

CHIEF JUSTICE. Which went off, you or he?

WITNESS. I turned and went to Mr. Johnson's. I don't know whether he is a member of the Ku Klux or not. He gave me no sign.

C. J. What do you say his name is?

W. White. I don't know his given name. I asked Colonel Albright who he was, and he said he was a White.

Mr. BOYDEN. You don't know whether he is a member of the Ku Klux or not?

WITNESS. No, sir. He remarked that the soldiers had the names of sixteen of us fellows.

CHIEF JUSTICE. Where is he?

WITNESS. I understand he has run away.

[Question lost.—*Rep.*]

W. He lives in the Haw Fields, sir.

Mr. BOYDEN. Any rumor among the Klans that he has run away?

WITNESS. Not that I know of, sir. Mr. John Foust tells me—

Mr. B. Did you hear any of the Klan say that they saw them there?

W. I had a conversation with Jim Bradshaw a few days after the arrival of the military. I was sitting on the steps of Hanna's store, when Jim Bradshaw came up and said that he had heard they had some evidence with regard to the parties who hung Outlaw, and asked me if I thought it was so. I told him I did not know. He told me he was in the crowd.

Mr. B. Who was that?

W. Jim Bradshaw.

Mr. B. Did he tell you how large the crowd was?

W. No, sir.

Mr. B. Nor whether they were disguised?

W. No, sir. We talked but very little about it. I didn't want to know who was there. Bradshaw is a member of the organization—Chief of a camp.

Mr. B. Where is Bradshaw?

W. He has left the State.

JUDGE SETTLE. Was he the same man that Dr. Moore informed you was on his way to assassinate Shoffner?

WITNESS. Yes, sir.

Mr. BOYDEN. Where is Bradshaw?

WITNESS. Run away, sir.

Mr. B. What Klan was he Chief of?

W. I don't know, sir. He was Chief of a camp in Salem Township.

Mr. B. In what part of the County?

W. South-west, twelve or thirteen miles from Graham.

Mr. B. Across Haw River?

W. Yes, sir.

CHIEF JUSTICE. Did you hear any of the Klan say anything about the drowning of Puryear?

WITNESS. No, sir.

C. J. Do you know that he was drowned?

W. Yes, sir.

Mr. BOYDEN. How do you know it?

WITNESS. From the return of the inquest.

CHIEF JUSTICE. Did you see the body?

WITNESS. No sir. The body was found a week, or two weeks, after he was missed.

C. J. Some ten days, then?

W. Yes, sir. The body had entirely decayed, I understand, when it was found.

Mr. BOYDEN. Tell what you know of the purposes of this organization?

WITNESS. I understood the White Brotherhood to be a political organization, and that its object was to build up the Democratic or Conservative party; and that they were to use all necessary means to achieve success, such as terrifying the negroes from voting. They punished men for alleged crimes. It was understood, too, that they were to punish crimes that it was supposed they committed. The punishment was to be such as the camp saw fit, or was put upon them.

CHIEF JUSTICE. Do you know how many belonged to this association?

WITNESS. Five or six hundred in Alamance County.

C. J. They were first called Ku Klux?

W. No, sir. I joined what was called the White Brotherhood.

C. J. Do you know what was the reason for taking the name of White Brotherhood?

W. Yes, sir. I understood it to be so that if a man was called upon to say he was a member of the Ku Klux, he could say he didn't know anything about them.

C. J. Why did they change to the Invisible Empire?

W. I don't know, sir. I don't know the reason. Dr. Moore told me that these promiscuous scourgings and whippings would bring about a bad state of affairs, and that this was instituted in order to have an organization that could proceed without these irregularities; that they would not do anything except through the regular organization.

C. J. The other wasn't done except through the Klans, was it?

W. No, sir. I understood that in places the order was somewhat disorganized. Instead of waiting for orders to be sent by the Chief of the County, Chiefs of camps would take it upon themselves to execute punishment. The Invisible Empire was designed to re-organize, so as to secure the original organization.

C. J. Would you suppose a respectable member, if asked if there was any such thing as Ku Klux, would say he didn't know?

W. Yes, sir.

C. J. And think to escape punishment in that way?

W. He couldn't do otherwise without violating the oath he took as a member.

Mr. BOYDEN. Explain how they were to terrify the colored people. What means were they to use?

WITNESS. They were to ride around the country, and whip a little, and go about the houses of the negroes and tell them if they went to the election they would meet them on the way. It was understood that on the night before election the Ku Klux would turn out *en masse* and visit the houses of the colored people.

Mr. B. Who did you hear that from? Was that in other parts of the State, or only in your County?

W. I understood it was in other parts of the State, too. I heard it from several members. I don't know that I can name individuals. It was the general talk among the Klan.

CHIEF JUSTICE. Talking about other parts of the State, does it exist in other parts of the State?

WITNESS. [Answer lost.—*Rep.*]

JUDGE SETTLE. Was it stated that it would be so in Guilford?

WITNESS. Yes, sir.

QUESTION. Rockingham?

WITNESS. Yes, sir.

Q. Chatham ?

W. Yes, sir.

Q. Orange ?

W. Yes, sir.

Q. Randolph ?

W. I don't know anything about Randolph. There were some in the edge of Caswell, on the line of Alamance.

Mr. BOYDEN. Do you mean there was a camp in Caswell ?

WITNESS. No. Members of the organization on the line.

Mr. BATTLE. Not that there was any camp in Caswell.

Mr. BOYDEN. Did you hear any man say that on the night before election they were to ride all over the State ?

WITNESS. I was at the meeting of the stockholders of the North Carolina Railroad Company, at Hillsboro', when Mr. Turner, Editor of the *Sentinel*, took me aside to a window—

CHIEF JUSTICE. When was that railroad meeting ?

WITNESS. It was in July, the July before the election. A conversation took place. He asked me in regard to the prospects. He asked me how political matters were progressing in Alamance.

C. J. What did you say ?

W. I said very well. He asked me what was the prospects. I told him very good. The Democratic ticket would be elected by a good majority. He said that he understood that the Ku Klux were to ride around the night before the election, notifying the negroes not to go to the polls. I told him I had heard so, too, but didn't desire it to be done in our County.

C. J. Did he say that it was to be done ?

W. He said that he had understood that the Ku Klux were to ride round the night before the election. I told him I did not desire it done in my County. He said: "If I was you, I would neither advise it, nor discourage it, in my canvass."

QUESTION. Do you know anything more of importance ?

WITNESS. No, sir, I was arrested next day. It was the 14th or 15th of July.

CHIEF JUSTICE. Have you heard any of your Klan say anything about the death of Stephens?

WITNESS. No, sir.

QUESTION. You say you were arrested on the 15th of July?

WITNESS. Yes, sir.

Q. By whom?

W. Col. Bergen, sir.

Q. What did he do to you?

W. He, with about twenty-five soldiers, arrested me and carried me to Company Shops.

CHIEF JUSTICE. Do you know anything more?

WITNESS. No, sir.

JUDGE SETTLE. Was it understood among the Klan that this organization was confined to the Counties around Alamance?

WITNESS. No, sir. I understood there were forty or fifty thousand in the State, and a considerable number in Tennessee, and that Andrew Johnson was the founder. I heard nothing about Forrest only among the people, not among the Klan.

CHIEF JUSTICE. Forty or fifty thousand in the State?

WITNESS. Yes, sir.

C. J. Was that official talk?

W. No, sir.

C. J. You judged how many in Guilford?

W. Fourteen or fifteen hundred. Didn't hear who was the head Chief.

CROSS-EXAMINED.

Mr. BATTLE. Mr. Boyd, I understand you to say you are 25 years old?

WITNESS. Yes, sir.

Mr. B. Where was you born?

W. In Alamance County—though I believe it was Orange at the time, in 1845.

Mr. B. You are a member of the legal profession at the present time. Isn't that an honorable profession?

W. I so regard it. Yes, sir.

Mr. B. An honorable profession, and only honorable men should be in it, you think. And among honorable men is it not considered that the word of an honorable man should be equal to his oath?

CHIEF JUSTICE. That is a question likely to mislead. In answering that, attend to the import of the question.

WITNESS. I think an honorable man ought to be bound by his word.

Mr. BATTLE. Will you look on that paper and see whether that charge was truthfully kept by you?

(Witness was handed a copy of the Raleigh *Sentinel* for July 31, 1870.)

WITNESS. I acknowledge the correctness of that article. I wrote it.

Mr. B. Here read the article as follows:

A CARD.

"I learn that it has been reported on the streets of Raleigh, that I had been liberated from my confinement by Col. Kirk, because I had been giving information as to crimes committed in Alamance, involving the guilt of other parties. I take this method of correcting this report. I have neither given nor promised to give any such information, and possess none that I could communicate. I was liberated upon no such grounds, but upon giving a bond for my appearance, and keeping the peace, prescribed by military authority.

JAMES E. BOYD."

July 20, 1870.

Mr. BATTLE. Mr. Boyd, you said something about an oath?

WITNESS. Yes, sir.

Mr. B. You also said something about an explanation.

W. Yes, sir.

Mr. B. Had you a written constitution ?

W. Well, the White Brotherhood did not.

Mr. B. Did you have a written oath ?

W. When I was initiated, Mr. Long had the oath written upon a piece of paper.

Mr. B. If you can, I would like to have you tell us the difference between the oath and the explanation. Repeat the oath as far as you can recollect ?

W. The first part of the oath was that we should not reveal the name of the person who initiated us ; second, not to reveal the secrets of the organization on pain of death ; never to vote for any person for office who was in favor of the civil and political advancement of the negro race ; to obey all officers of the organization. That is about all I recollect.

Mr. B. That was the oath. Whatever else there was, was by way of explanation. Did you have any by-laws ?

W. By-laws to this extent : The manner of conducting our meetings was described, and of making raids ; and they discussed the modes of punishment and the manner of inflicting punishment. That is all I recollect.

Mr. B. Was there any by-law that the oath should be interpreted by the officers ?

W. I understood the explanation to interpret them.

Mr. B. Was that a part of the by-laws.

W. The oath was given first, then the explanation and the by-laws afterwards.

Mr. B. Was there any part that said officers should be allowed to intepret as they chose ?

W. Not that I heard.

Mr. B. There was no such by-law. You were under no obligation to accept the interpretation given by the officers ?

W. No, sir. A part of the oath bound us to obey the officers in whatever edicts they were bound to issue.

Mr. B. You have said distinctly, that there was no such by-laws, and that the oath you took only bound you in general

terms to obey orders; but that there were no by-laws that said they should interpret them?

W. No, sir. But yet, there was an understanding that whatever the officers said should be done.

Mr. B. At the time you entered this organization, were you a member of the bar?

W. Yes, sir. I had a County court license.

Mr. B. Had you taken an oath to support the Constitution of the United States and of the State of North Carolina?

W. Yes, sir.

Mr. B. You took a most solemn oath to support the Constitution of the United States and of the State of North Carolina?

W. Yes, sir. I had taken it before.

Mr. B. You took it more than once?

W. Yes, sir. I was a paroled Confederate soldier. I had voted. I voted for M. F. Robbins for the Senate. My father was in the Legislature, and I had voted for him.

Mr. B. Prior to the time you entered into this obligation hadn't you registered?

W. I had, sir.

Mr. B. Didn't they require you to take an oath to support the Constitution of North Carolina and the laws?

W. Yes, sir.

Mr. B. So you had sworn then, on one or two occasions, to support the Constitution of North Carolina and the laws?

W. Yes, sir.

Mr. B. When you entered into this Brotherhood how many persons were present?

W. Only myself and Mr. Long. It was at his room. He asked me into his office, and I called in. He asked me to hold up my right hand.

Mr. B. You didn't swear on the Bible?

W. No, sir; I held up my right hand.

Mr. B. Did you understand at the time—belonging to an honorable profession—at that time that you held up your hand

and took that oath, did you understand you were taking an oath that bound you to break the oath you had taken before?

W. No, sir. I didn't think of it at that time. I didn't consider it contrary to my oath to the United States. I have never so considered it.

Mr. B. Did you consider it bound you to do anything unlawful, or only to protect the members of the White Brotherhood?

W. I found out if I did what that oath implied, I would do something unlawful.

CHIEF JUSTICE. Why didn't you come out and expose it?

WITNESS. Because if I had exposed it I should be the first victim. I did come out so far as active operations were concerned.

Mr. BATTLE. One witness said yesterday that the organization broke up about the time of the Presidential election.

WITNESS. I didn't belong to it till after that time. It was instituted in my County simply for controlling elections.

Mr. B. Another witness testified to being put out about June, 1869. Did it authorize operations after that?

W. I don't know, sir. I know there were regular meetings after that. I didn't say it was disorganized.

Mr. B. This other man said that.

W. Mr. Bason and myself became alarmed at the operations of the organization, and counselled about breaking it up, and agreed to disconnect ourselves as much as possible, without rendering ourselves liable to the penalties. He agreed to see Mr. Long and get him to see the Chief, and get him to disband it. I don't know whether he ever did it. This was sometime in the year 1869.

Mr. B. Have you ever known that one of these punishments was on account of voting? Or, was it on account of other offences?

W. It was reported for other offences, sir; but it was generally understood that negroes should not vote, if it could be helped.

Mr. B. But you cannot mention a case ?

W. Yes, sir. Outlaw was hung because he was a politician. He had been appointed commissioner by Gov. Holden. He had been a leader of the negroes, and had been elected once. There was no other crime alleged.

Mr. B. Have you never seen a statement in the *Sentinel*, that he had shot a Ku Klux, or never heard it so that you believed it ?

W. No, sir. I heard that Caswell Holt was punished for insulting a lady—for exposing his person to a lady.

Mr. B. How about Sellars ?

W. I never heard anything about Sellars.

Mr. B. Was this White Brotherhood formed, or was it not, for the purpose of counteracting the influence of the Union Leagues ?

[Answer lost.—Rep.]

Mr. B. Are there any Leagues in the County of Alamance ?

W. I have seen no demonstration for the last year.

Mr. B. Wasn't this White Brotherhood formed for the purpose of counteracting the effects of that organization ?

W. Partially, yes, sir.

Mr. B. Are you satisfied about that, sir ?

W. There was nothing said to me about that when I joined.

Mr. B. Do you know the Chiefs of the Union Leagues in the County of Alamance ?

W. I do not, sir.

Mr. B. Do they exist elsewhere ?

W. I suppose they do, all over the United States.

Mr. B. Of whom were they composed ?

W. I understood that they were principally negroes—members of the Republican party.

Mr. B. Were they composed exclusively of negroes ?

W. I do not know, sir.

Mr. B. Have you heard it reported among the Chiefs ?

W. I have seen a commission to Wyatt Outlaw, signed by

W. W. Holden, and countersigned by Wm. R. Richardson, as Secretary, authorizing him to establish Leagues, two years ago.

Mr. B. You have seen a commission, signed by the Governor of the State of North Carolina, and countersigned by Wm. R. Richardson, addressed to Wyatt Outlaw, and authorizing him to establish Leagues?

W. Yes, sir. I saw the paper with these names on it.

Mr. B. There is no possibility of mistake?

W. No, sir. The paper was found in the pocket of a negro named Scott. The negro was under arrest, and I asked permission of the Justice to take a copy. I gave it to Dr. Moore, and he sent it to the *Sentinel* and had it published.

Mr. B. There is no doubt of the facts?

W. No, sir. That was over two years ago, before Holden was Governor. It didn't have the seal of the State. It had an eagle on it. I gave Dr. Moore a copy and saw it published in the *Sentinel*.

Mr. B. Do you know anything about the laws of this association?

W. I do not. I think it was a secret political association. They held meetings with open doors sometimes.

Mr. B. You think it was a secret political association?

W. Yes, sir. They made open demonstrations.

Mr. B. Now, Mr. Boyd, something has been said about the existence of Leagues and this White Brotherhood in the County of Caswell.

W. Yes, sir.

Mr. B. Do you know or have you heard that there is a single camp in the County of Caswell?

W. No, sir.

Mr. B. All you can say is, that there were some members on the line.

W. Yes, sir.

Mr. B. We had evidence of that the other day—

CHIEF JUSTICE. Did you ever hear of a Head Chief in Caswell?

W. No, sir.

Mr. BOYDEN. You never heard of a Chief of a camp or of the County, in Caswell?

WITNESS. No, sir. I never heard of any.

Mr. BATTLE. Something was said about Dr. Moore, just now. Those men whom you prevented from doing violence—from the murder of Senator Shoffner—did you understand how many there were?

WITNESS. He didn't tell me—only of those three.

Mr. B. How far did you understand they had come?

W. I didn't understand how far they came from, except, in his affidavit, he said one came 40 miles. That could be understood by the members of the organization. They wished to have it understood that they were from a great distance; from the battle-fields of the late war, &c., so as to make an impression.

Mr. BOYDEN. Did Dr. Moore tell you he knew these men?

WITNESS. ———, ———, Jim Bradshaw, Strudwick, and Hedgepeth were there.

Mr. BATTLE. Where does Jim Bradshaw live?

WITNESS. He lives near the Orange line.

CHIEF JUSTICE. How far from the bridge?

WITNESS. Seven or eight miles.

Mr. BATTLE. In which direction?

WITNESS. Southeast, I think, sir.

Mr. B. Where did Senator Shoffner live?

W. He lived in ——— Township, on the Big Alamance, southwest from Graham. From Gilbraith's bridge to where Shoffner lived, I think it was eleven or twelve miles.

Mr. BOYDEN. From Shoffner's to the bridge was ten or twelve miles, and the bridge seven miles from Bradshaw's, and he told you he met them at Bradshaw's?

WITNESS. He told me he met them at Bradshaw's.

Mr. B. Well, Mr. Boyd, haven't you made a confession?

Have you given in your affidavit and made a statement in reference to these things?

W. I have, sir.

Mr. B. Why didn't you come out in full, and tell all about it?

W. I published a letter. I didn't see proper to state the particulars.

Mr. B. To whom was your letter directed?

W. To the people of North Carolina. I sent it to the *Standard*.

Mr. B. When you were captured and carried off were you not very much alarmed?

W. I was in distress, sir. My wife was sick in bed. I wasn't frightened out of my wits.

Mr. B. Were no promises made to you, to induce you to make this disclosure?

W. None, sir. It was understood that after I had made my confession, I should not be punished.

Mr. B. Have you been pardoned?

W. No, sir.

Mr. B. But it was held out to you that if you would come out and make confession, you should not be punished?

W. Yes, sir.

Mr. B. Who made you that promise?

W. The Governor, probably, who had a right to. I went to the Governor's room, and had a talk with the Governor about it. He said he had no disposition to punish any body, but his object was to break up these organizations.

CHIEF JUSTICE. Was that after you had published that piece in the *Sentinel*?

WITNESS. Some time, sir.

C. J. It was after that you met Governor Holden?

W. It was sometime after, sir. My card in the *Sentinel* was written by Gov. Graham at his room in the hotel.

C. J. How came Governor Graham to write it?

W. He informed me that the impression was that I had

turned State's evidence. It had gotten up into my county, and he considered it unsafe for me to go at large. He advised me to make some statement and wrote the card for me.

C. J. Who wrote the other letter?

W. I wrote it myself.

Mr. BOYDEN. You had no intimation from Gov. Holden that he wished you to write such a letter?

WITNESS. No, sir. Mr. Douglas came to my room and asked me to vouch for the existence of the organization.

JUDGE SETTLE. What was it the Governor said?

WITNESS. He said he had no disposition to punish anybody. His only purpose was to break up these organizations, and secure protection to the citizens.

CHIEF JUSTICE. I wanted to see whether he wrote that letter himself.

Mr. B. Did you understand that letter?

W. Yes, sir.

Mr. B. It expressed your sentiments?

W. It expressed my feelings thus far. I knew nothing of the persons who had committed the crimes. I spoke from mere hearsay. I could not state, from my own knowledge, who had committed crimes. I did not want to go back to Alamance with the impression abroad that I had turned State's evidence. I knew my life would not be safe. Mr. ———, came and said the Governor desired me to come and see him, which I did, with Mr. Albright.

Mr. B. Did the Governor see your letter before it was published?

W. Yes, sir. I carried and showed to him. He looked over it, but did not suggest any modifications. He said he would like that I should give as full a history as possible. He made no corrections whatever.

Mr. B. And you had no hint from the Governor?

W. I had what I told you. I inserted the last paragraph at the instance of Mr. Douglass, who came to me when writing, and asked me to vouch for the existence of the order. I

wrote the letter in Mr. Douglas' room at the National Hotel.

Mr. B. Who is Mr. Douglas?

W. I don't know, sir. He seems to be about the office here. I understood that he was acting Adjutant General of the State in place of the General, who was absent. He was in the Governor's office holding some appointment there.

Mr. B. Mr. Boyd, you knew of course at the time you made that communication all that you know now. Why didn't you come out at the time and make a clean breast of it?

W. Because I didn't see proper.

Mr. B. Wasn't the military in full possession of the Counties of Alamance, Caswell and Wake?

W. I don't know about here, sir. They were in possession of Caswell and Alamance.

Mr. B. When you knew these crimes were going on, why didn't you come out and denounce the whole concern?

W. I didn't want to share Outlaw's fate.

Mr. B. Could you not have gone to one of the Judges or the Governor?

W. I had nobody to sustain me, sir. That is the reason why I didn't do it.

Mr. B. But at the time you made the partial disclosure?

W. I made no partial disclosure. I only intended to give an outline of the organization. I didn't intend to give evidence against individual members of it.

Mr. B. Where was the letter written?

W. It was written in Gen. Douglas's room.

Mr. B. Why was it not dated at Raleigh?

W. Because I intended to date it from my residence.

Mr. B. It is dated at Graham?

W. It is dated "Graham, July 28th."

Mr. B. At that time when you wrote that letter, were you not just as safe as a man could be?

W. Yes, sir. I was very safe at that time.

Mr. B. Yet you only made a partial disclosure?

W. I didn't intend to make any disclosure as to the crimes

of individual members, because I didn't know anything about that. I meant to give an outline of the organization.

JUDGE DICK. I want to ascertain about these Leagues. Did they have all these secret words and signs?

WITNESS. I don't know, sir.

J. D. Did they have any masks?

W. I never heard of any except three negroes who had on masks, and they are in the penitentiary now. I never knew of their secret meetings. I have seen their public demonstrations. I have seen them marching through the streets with fifes and drums.

J. D. Did they meet in the woods?

W. I never heard of it.

J. D. Did you ever hear of their making any raids as organized Leagues?

W. Never, sir. I read in the papers of the State that members of the League were guilty of crimes. It was understood that all negroes were members. There was something said about a barn being burned; that was in Orange.

J. D. There was none in Alamance?

W. Not that I know of.

J. D. What did you understand was the penalty?

W. I understood that two negroes charged with it were taken out of Hillsboro' jail and hung.

J. D. Did you understand that was done by Ku Klux?

W. Yes, sir. I did.

CHIEF JUSTICE. Who was it understood those negroes were hung by?

WITNESS. Ku Klux. They took them out of jail and hung them.

C. J. Who were the parties?

W. I don't know, sir.

C. J. Any more questions?

Mr. BATTLE. How did you learn that those persons who hung these negroes were Ku Klux? From members of the organization?

WITNESS. Jacob A. Long told me, sir.

JUDGE SETTLE. Mr. Boyd, you started to say something about a written constitution?

WITNESS. That was the Constitution of the Union Guard, sir. I never saw it. Mr. James A. Patterson told me he had it. I never saw it; never heard where it was got. It was a written Constitution and By-Laws.

Mr. BATTLE. I understand you to say that you saw a Commission from the Governor?

W. That was before he was Governor.

Mr. B. You say it was countersigned by Richardson, as Secretary?

W. It said by W. R. Richardson, Secretary.

Mr. B. Did you hear anybody but Jacob A. Long say anything about that outrage of taking the prisoners from Hillsboro' jail, as done by the Ku Klux?

W. I think it was talked about among the members of the organization. I think I talked with W. S. Bradshaw about it.

Mr. B. Stand aside, sir.

Mr. BOYDEN. One question more. I want you to state, if you know, whether the Chief of the County was appointed by outside power, or elected by a Convention of the Klans?

WITNESS. He was appointed by Obed M. McCauley, of Guilford.

Mr. B. It is not who appointed him, but only of the appointment of the High Chief of the County?

W. He wasn't elected.

Mr. B. Was he appointed by a higher power?

W. Yes, sir. I understood that.

Mr. B. Who was that higher power?

W. Andrew Johnson was the chief. I understood it was a national organization.

CHIEF JUSTICE. Stand aside, sir.

TESTIMONY OF JOS. W. HOLDEN.

Mr. BOYDEN. Are you a member of the Union League?

WITNESS. Yes, sir. I am a member of the National Committee. I have been connected with the League ever since the passage of the Reconstruction Acts.

Mr. B. Are you acquainted with its rituals and orders?

W. I am, sir.

Mr. B. Please examine that—(a book being passed to the witness).

W. That is the genuine paper, as first issued. Three different rituals have been issued at different times, but there was only one order and one degree. Three different rituals were issued, but the third was not distributed. I have it now in my possession. The difference was not very great, only in the matter of ceremonial.

Mr. B. Their objects were all the same?

W. All the same.

Mr. B. Was there any other object outside of that stated in this book?

W. None.

(Here the book was put in evidence.)

CROSS-EXAMINED.

Mr. MERRIMON. Mr. Holden, do you know of a secret organization, known as the Heroes of America?

WITNESS. I do, sir. I belonged to that organization. There were three degrees.

(Counsel for the State objected to this as being irrelevant. Objection overruled.)

Mr. M. What has become of that organization?

W. It has nearly died out here, sir. It did exist extensively in this State. It originated during the war, but it fell to pieces when the League began to get hold. The League superseded it. The main cause of its dissolution, and of the organization of the League, was the test oath, and that a large number of white men in the western part of the State were adverse to taking in colored men as members of the Heroes of

America. As a living organization, I don't know whether there are any now in the State, though I consider myself now a member, and would obey orders from the Grand Council.

Mr. M. Is it a National organization?

W. It has existed in the Union as far as Indiana, as far as Missouri, and was used to run deserters across the lines during the war.

Mr. M. How are these obligations administered?

W. By the President of the Council, on the Altar of the common country. Members were sworn before the whole Council, on the Bible, the Constitution, and the Flag of the Country. I joined the Heroes of America after the war.

Mr. M. Was there any secret as to who were connected with these organizations?

W. Not necessarily—not according to the instructions. The secrets were confined to the ceremonials. The League has fallen into disuse. There was sent to me large numbers of rituals from the Grand Council in the North, and I was expected to act, but did not do so. The last meeting I attended was in May, 1869, at the St. Nicholas Hotel, where I met with the National Committee. The last President elected, was Gen. M. S. Littlefield—the Vice President was James H. Harris. Gen. Littlefield has never exercised authority in calling the Council together, since that time. I have had three different rituals, but there is a mere change in the matter of ceremony.

Mr. M. Could you conveniently place your hand upon the others?

W. Yes, sir. There is a copy of the second issue in the possession of Leagues in this city. I saw one this morning. I have examined the last I have, and there is no important difference. A reason of one change was, the first League required the test oath. Of course, they could not get any white members to belong to the Republican party, if they desired them to take the test oath.

Mr. M. Did colored men belong to the League as first organized?

W. Colored men belonged to the League in Wilmington, and some here in Raleigh.

Mr. M. Where did the last Council meet?

W. In 1868, the last Grand Council met in the city of Raleigh.

Mr. M. Didn't Col. Henderson hold a meeting of the "Heroes of America" this year, in Davidson?

W. I don't know sir.

Mr. M. You say the State organization is not kept up?

W. According to the best of my information, it is not.

Mr. M. Colored men did belong to it to some extent?

W. They did, sir.

JUDGE SETTLE. As to the secrets. You say they were confined to the ceremonies—signs, and grips?

WITNESS. Yes, sir.

J. S. Did they meet publicly?

W. Yes, sir. They were known members of the Republican party.

J. S. Did they parade in open day-light?

W. Yes, sir.

J. S. The secrets were confined to the ceremonies?

W. Regularly, yes.

CHIEF JUSTICE. Was it kept secret who belonged to it?

WITNESS. No, sir.

JUDGE DICK. Was that so at first?

WITNESS. Yes, sir.

J. D. Suppose, you wanted the League to make a political movement?

W. We had means by which the League could be called together.

Mr. MERRIMON. Did you have means for calling out the full vote?

WITNESS. Leagues were expected to vote for the Republican party. There was no penalty imposed, only in the Heroes

of America. But I never knew that to be inflicted although the law required it.

Mr. M. Suppose a man did not vote as ordered?

W. He was never ordered.

Mr. M. Suppose he failed to fulfil his obligations?

W. He was merely expelled from the League.

Mr. M. Was he cut off by members of the League?

W. Not in business matters, but in social, he was.

Mr. M. There was no business ostracism?

W. No obligation, except to vote against him.

Mr. M. How long did that continue?

W. As long as the League was in existence.

[Question lost.—*Rep.*]

W. Some Republicans had conscientious scruples about entering secret organizations. They were allowed to enter the Councils.

Mr. M. See, here it reads, "I will never make known," &c. What does — mean?

W. It means the intention of the organization as to voting, and the relief of members. There were at first certain charitable operations contemplated, but that part of the plan was never put into practice.

Mr. M. What was the object of the League?

W. It was meant to instruct the colored people in their duty as citizens, and was used for that purpose.

[Two forms of the Rituals of the Heroes of America were here exhibited to the witness. He acknowledged their correctness, and they were made evidence.]

TESTIMONY OF DR. JOHN A. MOORE.

CHIEF JUSTICE. Dr. Moore, will you explain a fact? Did you know those men at the bridge?

WITNESS. I have no knowledge of ever having a conversation with Mr. Boyd, on that subject. If I did, I have forgot-

ten. I wasn't acquainted with Mr. Strudwick. I didn't know him nor Hedgepeth.

C. J. You say you didn't tell Mr. Boyd?

W. I say I do not recollect.

C. J. Did you say you met them at Bradshaw's house or at the bridge?

W. I met them in Bradshaw's lane.

C. J. I understood you met them at the bridge?

W. No, sir; not at the bridge. I said I was directed to go to Mr. Bradshaw to get him to assist me in this matter. I told him what my business was—that, as I understood it, the Ku Klux were going after Shoffner that night?

C. J. You understood the Ku Klux were going after Shoffner that night?

W. I said, "Bradshaw, I understand the Ku Klux are going after Shoffner to-night. I met a party on the way. I want you to go to the bridge and dissuade them from going. They promised me not to go. I ask you to go with me to the bridge and assist in keeping them from going. They promised they would not go to Shoffner's, but did not know who they would meet or what might be the consequences." He told me he would do it.

C. J. That was all the conversation?

W. That was all the conversation, only this: He said, when I told him I had met a certain party, "Well, Moore, I expect it is my friends Strudwick and Hedgepeth." I told him there were several.

C. J. Why didn't you speak of this before?

W. I didn't know there was any evidence in that. Bradshaw was a member. I was directed to go there as a member—I think by Mr. Boyd.

C. J. Didn't he say Strudwick and Hedgepeth were there?

W. He said, "I expect"—because he had no means of knowing.

Mr. BOYDEN. Don't you recollect that you have said that he said they were there, without this word "expect?"

WITNESS. No, sir.

Mr. B. Did you say so yesterday afternoon?

W. Where?

Mr. B. To Mr. Boyd?

[Answer lost.]

JUDGE SETTLE. You heard Mr. Boyd's statement with regard to the Invisible Empire. Isn't it true?

WITNESS. It is true.

J. S. Did you go to the Yarbrough House?

W. Yes, sir. I went to Mr. Jones' room.

J. S. You answered before that you knew nothing about it?

W. I did not. I never joined. Mr. Jones made *this* remark to me: "When I get this, I may send it to you. There has been no system in this matter. We want something purely political."

J. S. You answered me that you knew nothing of it, and no member of it—"I didn't know a member of it"—you answered me that way yesterday, and now you say you communicated with Mr. Miller by signs?

W. Mr. Jones gave me this sign in addition to what belonged to the other.

CHIEF JUSTICE. He said he was going to send you something?

WITNESS. Yes, sir. He said he would send me the — as soon as he could get them, but he never sent them.

Mr. BATTLE. Did Bradshaw go with you to the bridge?

WITNESS. No. He told me he would.

Mr. B. Do you state on your oath that you didn't know any of those men that you met?

W. I state positively that I didn't know a single man I met. One told me he had rode forty miles. I didn't know a single man there.

Mr. BOYDEN. Had you any belief about any one there?

WITNESS. I stated yesterday that I had no belief. I only knew what James Bradshaw told me.

## TESTIMONY OF CAPTAIN ELI S. ULISS.

Mr. BOYDEN. Where do you reside?

WINNESS. In Alamance County, ten miles Southwest of Graham.

Mr. B. Do you live in the neighborhood of Senator Shoffner?

W. Yes, sir. At that time, I was the nearest neighbor he had.

Mr. B. Do you belong to the Ku Klux?

W. I belong to the Constitutional Union Guard. I was South Commander of the Klan. I was West Commander of the first Klan organized in the County.

Mr. B. What has been your business?

W. School teaching, and farming this year. I was in the Confederate service four years. I went out as a private, but afterwards served as a First Lieutenant, and then as Captain.

Mr. B. Please state to their Honors all you know of the conspiracy of the Ku Klux to murder Senator Shoffner? How you received the information, and what steps you took to prevent the murder?

W. Well, sir, sometime during the recess of the Legislature, I don't remember what time—sometime after that, Jas. Patterson came to me, and told me he had just received an order to South Commander of the First Senior Klan, regarded as the first officer in the County. He told me he had received an order from the Chief of Orange County, sent in cypher, and directed to the Chief of Alamance County—that on a certain night, I think it was on Tuesday night, Shoffner was to be hanged until dead, and then sent to Gov. Holden, and that he had come to consult as to what steps should be taken to prevent it. I told him to leave it in my hands. I went to Shoffner, Tuesday, and asked him to go to Greensboro' with me. He said he could not go. But I urged him, and he consented to go. We went, and didn't leave Greensboro' till after sundown, and got home about midnight.

CHIEF JUSTICE. Your object was to get him out of the way?

WITNESS. That was my object. Three months' ago, before the last election, I was in conversation with Daniel Foust. He said that on that night a party of sixty men started to Shoffner's house.

C. J. Where from?

W. He didn't say.

C. J. What office had Foust?

W. I don't know. He belonged to the order, but not to my Klan.

C. J. Did he tell you he was one of the sixty?

W. No, sir. I don't know whether he was in the crowd, or saw them.

C. J. You claim the credit of saving Shoffner's life?

W. My information was sustained. It came from the organization.

C. J. Who was it sent by?

W. It was sent in cypher. I could not read it. Patterson said it was from the Chief of Orange.

C. J. Did he say who he was?

W. He did not.

C. J. Do you know who he was?

W. I do not. I have heard it said that Col. J. Webb was the Chief.

C. J. Have you heard it said amongst the Klan?

W. Not among my Klan, but among others that I was told belonged to the organization.

JUDGE SETTLE. Did you learn who was the bearer of the dispatch?

WITNESS. No, sir.

J. S. Where is Patterson?

W. At home.

J. S. Do you know of the camps or order of the Invisable Empire?

W. [Answer not recorded—*Rep.*]

J. S. What order do you belong to?

W. The Constitutional Union Guard.

CHIEF JUSTICE. Why do you call them Klans?

WITNESS. That is the name given them.

C. J. What oath do they give you?

W. I cannot repeat it. I think I can procure it. The substance is, to aid, patronize, encourage members of the order in preference to all others; to obey officers in all matters pertaining to its institution; to resist by force of arms any attempt to deprive us of our Constitutional rights; to obey the call of distress of comrades; never to give it except in distress.

C. J. Not a word about evidence, or being on a jury, in Constitution or By-Laws.

W. No, sir.

C. J. What institutions?

W. Institutions as a political organization. I was initiated just before the election. It was our duty to get as many in as possible before election.

JUDGE DICK. What election?

WITNESS. The Presidential election.

CHIEF JUSTICE. Your understanding is, that this Constitutional Union Guard is one order, the White Brotherhood the next order, and the Invisable Empire the highest order?

[Answer, lost.—*Rep.*]

C. J. These three orders all take the place of the Ku Klux, don't they?

W. Yes, sir.

C. J. Why should they drop the name Ku Klux, and give themselves these three?

W. I don't think the order ever assumed the name of Ku Klux at all.

C. J. They don't recognize this as an appropriate name?

W. No, sir.

C. J. How many Klans did you have?

W. I don't know but two or three. I know four. There were more I suppose.

C. J. How many in the County?

W. I suppose about seven hundred.

JUDGE SETTLE. In one Klan, or different organizations?

WITNESS. That wasn't explained. It was a good while after we were initiated before we knew there were any other. Never knew anything of it 'till I came here. I knew nothing of the whippings.

CHIEF JUSTICE. What did Mr. Foust tell you?

WITNESS. He told me he had whipped for all the adjoining Klans. He said he had been up in our neighborhood whipping a negro by the name of ———, and wanted us to assist him. I told him we didn't do that sort of thing. He told me, I was untrue to my obligations.

C. J. He wanted you to help him?

W. Yes, sir.

C. J. How many others did he mention to you he had whipped?

W. One or two others.

C. J. Did he name the schoolmaster at the Shops?

W. No, sir.

C. J. Did he speak of Holt?

JUDGE DICK. How extensive were these organizations in the State?

WITNESS. I don't know, sir; it existed in Guilford, Orange, Chatham and Randolph.

JUDGE SETTLE. Was it understood to be a national organization?

WITNESS. I don't know sir; I understood it was instituted by Gen. Forrest in Tennessee.

CHIEF JUSTICE. Did he come here and do it?

WITNESS. I don't know. I know it organized there.

JUDGE DICK. What was the obligation about resisting by force of arms?

WITNESS. We were to resist by force of arms, if necessary, any attempt forcibly to deprive us of our Constitutional rights.

CHIEF JUSTICE. Who was to judge of that?

WITNESS. I don't know.

JUDGE DICK. And so it has disbanded?

WITNESS. That was the White Brotherhood. This organization hasn't disbanded. It is greatly declining, and has been very irregular since the passage of the Shoffner bill; but has been in existence up to the present time.

CHIEF JUSTICE. Do you know Dr. Tarpley?

WITNESS. No, sir. I have seen him.

Mr. BOYDEN. Do you know who introduced this organization into your County?

WITNESS. Yes, sir. Captain Watts, a man from Egypt, or that vicinity. There was another man with him.

CHIEF JUSTICE. Egypt in Chatham?

WITNESS. Yes, sir. No, I don't think it is in Chatham. It may be a town on the railroad, where the cars run up from Fayetteville.

JUDGE DICK. Do you know him as a citizen of Chatham?

WITNESS. No, sir. He was about my size—a fine looking man. There was another gentleman with him, whose name I don't remember.

CHIEF JUSTICE. Any more questions?

Mr. BOYDEN. No, sir.

CROSS-EXAMINED.

Mr. BATTLE. Captain Eulis, you say you live in Alamance?

WITNESS. Yes, sir.

Mr. B. You were a neighbor of Mr. Shoffner?

W. Yes, sir.

Mr. B. You were in the Confederate service?\*

W. Yes, sir.

Mr. B. You served four years?

W. Yes, sir.

Mr. B. You didn't belong to the White Brotherhood at all, but to something entirely different ?

W. Yes, entirely different.

Mr. B. The oath that you have repeated didn't bind you to the violation of the law ?

W. No, sir.

Mr. B. But to act in subordination to the Constitution of the State ?

W. Yes, sir.

Mr. B. Didn't these whippings nearly all occur eighteen months ago ?

W. I believe they did.

Mr. B. Haven't all these organizations been declining since that time ?

W. I believe so.

Mr. B. From the best of your knowledge and belief, and from what you have heard, don't you think there has been very little done by them within the twelve months from last June ?

W. Yes, sir.

Mr. B. Didn't they cease, in great part, after the passage of this act ?

W. To some extent, but not to a great extent.

Mr. B. But after Shoffner's bill was passed, the feeling was to disband them ?

[No reply recorded.]

Mr. B. With regard to those persons who were in search of Senator Shoffner, do you know anything about them ?

W. No, sir.

Mr. B. You don't know where they came from ?

W. No, sir.

Mr. B. Of the other things—you don't know anything of these, do you ? Just something you have heard from somebody else ?

W. They told me they were in the thing at the time. Mr. Foust did.

Mr. B. You didn't learn from him that he was one of the number. He only spoke of seeing them?

W. No, sir.

TESTIMONY OF JAMES E. BOYD.

Mr. BOYDEN. Do you know Dr. Tarpley?

WITNESS. I do.

Mr. B. Does he live in your County?

W. Yes, sir. Two miles off from me.

Mr. B. Tell what you know of his character?

W. He is considered a man of honesty and sobriety—a member of the Christian Church—a very quiet man—not violent.

CHIEF JUSTICE. A Democrat, is he?

WITNESS. Yes, sir.

C. J. Noted for being strong in the party?

W. Yes, sir.

JUDGE DICK. I know Dr. Tarpley. He isn't understood to be a lawless man.

Mr. BOYDEN. Mr. Boyd, do you know whether he is a member of these Ku Klux?

WITNESS. He is a member.

Mr. B. You never saw him with these things on?

W. No, sir.

JUDGE SETTLE. Do you say he is a Church member?

WITNESS. He is a member of the Christian Church at Providence.

J. S. Is it common for Church members to be connected with these organizations?

W. Yes, sir. Elders in Presbyterian and other Churches were there.

J. S. Any Episcopalians?

W. None but myself.

J. S. Ministers of all denominations?

W. Yes, sir.

STATE *vs.* TARPLEY, GRAY *et al.*

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DECISION OF CHIEF JUSTICE PEARSON AND JUSTICES DICK AND  
SETTLE.

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SEPTEMBER, 1, 1870.

CHIEF JUSTICE PEARSON read as follows :

“ ‘Probable Cause’ has been made out. The parties, except Tarpley, will be recognized severally in the sum of \$2,000, with two or more sufficient securities, to appear at the next term of the Superior Court of Alamance County, to answer the charge.

“ Here we might have stopped, but for the remark of the counsel for the prisoners, that ‘according to the ruling in Wiley’s case, they admitted that probable cause had been shown.’

“ The ruling in that case was put on the ground that, although the evidence made on the minds of the Justices a belief of the guilt of the prisoners, there was such a conflict of testimony by reluctant white witnesses and by persons formerly slaves, as to make a case peculiarly fit for a jury.

“ In the case before us there is no conflict of testimony ; it rests upon a principle of law recognized and acted on as far back as the common law can be traced. We need only to refer to State *vs.* Harden and Hancy, 2 Dev. and B. 390 and 408 : ‘ The testimony of an accomplice, if it produces entire belief of the prisoner’s guilt, is sufficient to warrant a conviction.’

“ The witness, John W. Long, proves the guilt of the prisoner directly. He swears that after Caswell Holt had been

whipped by order of one of the camps in Alamance, there was a meeting of *two camps* or *Klans* in which it was moved. That as Caswell Holt, after being whipped, made information before a Justice of the Peace, and had failed to establish the charge against the parties arrested, he should be whipped the second time; whereupon the prisoner, Tarpley, substituted a motion that 'Caswell Holt be put to death,' giving as a reason, 'dead men tell no tales.' After discussion, the death motion was carried by a unanimous vote. It was then moved that 'he be hung to a tree and his body be left exposed;' it was then moved, let him be killed and his body secreted, or let him be drowned in Haw River. Finally it was agreed to leave the matter to the discretion of the Chief of Klan No. 10, on whom the execution of the 'death sentence' was put. This, on Monday night; witness was charged to carry the order to Job Fossett, Chief of No. 10; he started by sunrise on Tuesday, and delivered the order to ——— by 10 o'clock of that day. The reply was, 'it will be done.' The deed was not done. Jacob W. Long, the head Chief of Alamance, thought it was going too far, and countermanded the order.

"The character of this witness for truth and honesty is impeached by Green Andrews, who admits that he joined the Ku Klux, being Deputy Sheriff, but took no part with them; he believes three or four of his sons are members of the Ku Klux or the 'White Brotherhood' as it is now called; three of them are prisoners now on trial; but he frequently told his boys to have nothing to do with the whippings or killing. And by Dr. John A. Moore—he is a member of the order, took no part in the whipping or killing, and believes he saved the life of Senator Shoffner, whose death had been decreed. But over and above this proof of a bad character there is the fact that this witness is an accomplice, and has turned 'State's witness' on a promise of pardon; he admits that he obeyed the order to inform Fossett, head of No. 10, to put Caswell Holt to death—and he did so on Tuesday, and expected the deed would be done on the next Friday night. So it falls un-

der the decision, Haney and Hardin *supra*, and the question is: Does the other evidence contradict or corroborate this witness?

“It was the subject of remark, between us, that in our experience as lawyers and as judges, we had never known a witness on the examination in chief, to expose himself more fully to contradiction, (unless he was telling the truth,) by stating in detail as to place, time and the persons present, the whipping of Sellars in which he was an actor, the whipping of Holt and of Trollinger and Corliss, all of which he narrated as reported by members of the Klan. The burning of the school house, in which he took part, the contemplated murder of Holt and of Shoffner, and the actual murder of Outlaw and Puryear by the K. K., or White Brotherhood; and by stating in the general, from reports made to his camp, that the number of members in Alamance was between 700 or 800, in Guilford 1200, in Orange, Chatham, Rockingham and other Counties not informed as to the number, but the order extended over the State and amounted to 40,000—was said to have originated with ex-President Johnson, and to extend over the whole South, for the political purpose of preventing negro equality by whipping, hanging, and other acts necessary to effect that object; and by stating the oath—not to reveal any secrets of the order; to *obey the commands of the Chief*; to go to the rescue of a member, and to swear for him as a witness, and acquit him as a juror. IN SHORT, THIS WITNESS DISCLOSED A CONDITION OF THINGS SHOWING, IF TRUE, THAT THE CIVIL AUTHORITIES WERE UNABLE TO PROTECT LIFE OR PROPERTY, CONFIRMED BY THE FACT, THAT IN NO ONE INSTANCE HAVE THE PERPETRATORS OF THESE CRIMES AND “KNOWN FELONIES,” BEEN BROUGHT TO JUSTICE.

“It was a further subject of remark, that this witness sustained himself under a most searching cross examination, as well as any person we had ever seen in similar circumstances.

“This witness was not contradicted in a single particular, either in the detail or in the general. Andrews and Moore,

who swear his character is bad, were forced to admit, that so far as their knowledge extended, he had told nothing but the truth. And Moore confirms him in the general, by stating that on the night Corliss was taken out of his house, in the village of 'Company Shops,' at about 1 o'clock at night, he saw seven or eight men in 'white disguises' taking Corliss along, a colored man and the watchman ran out, but immediately retired; he met with seven or eight of the citizens roused by the noise, but all, *including himself*, refused to interfere, *for fear of the consequences*, although Mrs. Corliss was running about the street entreating all persons to save her husband; 'in a short time,' as Dr. Moore said, *about half an hour*, Corliss came back and the Doctor dressed his wounds.

"Again, Moore confirms him, being told by Boyd that Shoffner was to be killed on that night. I met 'the party' at Gilbraith's bridge, (on next day said it was some seven miles from the bridge in the direction of Hillsboro') told them that Shoffner was not at home, had gone to Greensboro'; one of the party said, 'I have come forty miles to obey this order, if you are deceiving us, it will be your time next;' thinks there were eight in the party; this was the only plan that he could adopt to save Shoffner; an appeal to the civil authorities was out of the question; the Sheriff and Deputy Sheriff belonged to the order.

"This witness is also confirmed by Eules. He belonged to the 'Constitutional Union Guards,' a distinct organization from the White Brotherhood, sworn to support the Constitution as *it was*. Supposing in all they numbered some 700 in Alamance, 1,200 in Guilford, and 40,000 or 50,000 in the State; one Patterson, a Chief of the 'White Brotherhood,' told him he had an order from Head Chief of Orange to kill Shoffner, asked his advice. Thompson Eules gave Shoffner a hint to leave home, and in that way saved his life. One Foust, a member of the order of White Brotherhood, told witness he saw the party, or 'was one of the party,' that met at Gilbraith's bridge, on their way to kill Shoffner, thought there were sixty

of them ; but hearing that Shoffner was not at home the party dispersed.

“ Boyd’s testimony is to the like effect and confirms the witness in several particulars and in the general ; as to Tarpley, who is the leader of the ‘ Christian Church ’ at Company Shops, being a member ; as to leading and official members of other Churches being members, among others Robert Hannah and Thos. G. McLean, and as to many other particulars.

“ So John W. Long, although an accomplice is not contradicted, but is confirmed ; and the case falls under the decision—Harvey and Hardin’s case. We, on this evidence, not merely believe, but we are fully convinced of the guilt of the prisoner.

“ We think proper to add, General Hunt, commanding the United States troops in this State, was invited by us to take a seat on the bench, and heard the whole proceedings.

PEARSON,  
DICK,  
SETTLE,  
*Justices.”*

His Honor, after reading the opinion, directed the Clerk to forward a copy of the same, together with the State warrants, to the Clerk of the Superior Court of Alamance, and that upon the principle advanced by Mr. Boyden in reference to any one being a member of such organization, but not participating in its crimes, were just as guilty as those who did commit them, he would require Dr. Tarpley to give sufficient security in the sum of \$10,000 for his appearance before him at Chambers at Richmond Hill on the charge of murder.

His Honor stated that as he had come to Raleigh to hear the *habeas corpus* cases, he hoped the counsel for the State would bring up the case of A. G. Moore, that being the last.

Mr. Badger stated that so far as he had examined the testimony, he could not find any charge, and had no reason to believe the State could make out a case against A. G. Moore,

when, on motion of Mr. Battle, Adolphus G. Moore was accordingly discharged.

Junius Somers, Daniel Whitsett, William Lowe, Rankin Lowe, Daniel Patton, William Tickell, and Jeremiah Whitsett were brought forward and recognized each in the sum of \$500 for their appearance at Court from day to day, and time was allowed them to find bail.

The Court then adjourned until 3 o'clock.

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STATE *vs.* JUNIUS SOMERS *et al.*

*Charge.*—TERRIFYING ONE DANIEL JORDAN, AND ALSO ASSAULTING AND BEATING HIM.

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At Chambers, Raleigh, Thursday, September 1, 1870, before Chief Justice Pearson and Justices Dick and Settle.

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TESTIMONY OF WILLIAM TICKELL.

Mr. BADGER. Mr. Tickell, were you a member of the Ku Klux Klan, or White Brotherhood? If so state when you joined.

WITNESS. Well, sir, it was about eighteen months ago I joined the White Man's Brotherhood.

Mr. B. Did you take an oath. [Witness hesitates.]

W. Well, I did; by raising up my right hand.

CHIEF JUSTICE. Look this way, Mr. Tickell.

Mr. BADGER. Can you repeat the oath?

WITNESS. Well, I can't.

CHIEF JUSTICE. Mr. Tickell, I had occasion to tell some colored men, and may tell you, that you must tell the truth, the whole truth, and nothing but the truth. Some have thought it was right to keep back something and save their friends. We want to have the whole thing just out. Well, now. You met with the White Brotherhood—that was the understanding? At what time?

WITNESS. I don't know, exactly.

C. J. We don't care, exactly.

W. It was about last harvest a year ago.

C. J. About July, 1869?

W. July, I guess.

C. J. It won't make any difference by a month or two, unless there is an object in it.

Mr. BADGER. You took the oath, you say? Give it to us as far as you recollect.

WITNESS. The first thing is, that you do solemnly swear, in the presence of Almighty God, that you will not reveal any of the secrets, and that is about as far as I believe I can go.

CHIEF JUSTICE. That won't do.

WITNESS. That is about as far as I can go.

C. J. Nothing about supporting the Constitution?

W. Yes, something about that.

C. J. Recollect what I told you. I have been obliged to tell some colored men (I didn't suppose I should have to tell a what man) people sometimes get into scrapes by telling a part and not the whole, because by and by the whole comes out and then they are obliged to splice up. You were to tell no secrets?

W. Yes, sir.

Mr. BADGER. What besides? Any other promise? Anything about obeying officers?

WITNESS. Yes, sir. They were to obey all calls and summons.

CHIEF JUSTICE. By whom?

WITNESS. Why, the officers.

C. J. You were to obey all calls and summons of the Chiefs?

W. Yes, sir.

C. J. You call them officers, do you?

W. I don't know what I might call them.

C. J. Well, besides that? How about help, if you got into difficulty?

W. How about help?

C. J. Yes, if you got into difficulty? Don't you see the whole thing is spoiled if you hold anything back?

W. O, I will tell you anything I know.

C. J. Well, we will take that for granted. I ask you, by way of helping you along, suppose you got into difficulty?

W. I was to be assisted if I did.

C. J. Suppose the others were to get into difficulty?

W. I was to assist them.

C. J. Then you were to reveal no secrets? You were to obey all summons, and to assist one another when you got into difficulty?

W. Yes, sir.

C. J. Well, what were the signs?

W. Signs?

C. J. Yes, sir. You see I don't want you to get into a scrape. I want to help you out.

W. Well—I recollect it—Shiloh.

C. J. If any brother was in distress, you were to call out Shiloh?

W. Yes, sir.

C. J. Well, suppose they were not in distress?

W. Well, they were to slap hands—I may be mistaken: Oh, no, you were to slap hands when you wanted to get into camp.

C. J. You don't expect to get off that way? Suppose a man were in difficulty, and wanted his brothers to help him, if he couldn't get out any other way he was to say Shiloh. Suppose he didn't want to say Shiloh, what would he do?

W. Well, I may not be able to tell you that.

C. J. Suppose he was charged with whipping a nigger, and

the nigger swore it on him, and thereupon he made you a sort of motion, and wanted you to prove that he was at home? You have heard of an *alibi*, haven't you?

W. I don't think I ever did.

C. J. Suppose he wanted you to prove he was at home? You understand that?

W. Yes, sir. If that is what you mean. I haint got no education.

C. J. Suppose he wanted you to prove he was home?

W. Would I be bound to say ——?

C. J. You understand me now.

W. Repeat it again.

C. J. Well, it is just this. Suppose one of the White Brotherhood taken up and charged—

W. Charged!—

C. J. Yes. Suppose a member of the White Brotherhood had been engaged in whipping a nigger. Suppose they had taken him out and whipped him, and he had been there, and he calls upon one of the members to swear he was at home, did your oath require you to say that he was at home?

W. I aint able to tell you. It has slipped my memory—a right smart of it.

C. J. That was the meaning of your oath?

W. Yes. I reckon it was.

C. J. If a man got into distress, and said Shiloh, you were to go and help him; but if he got on trial for whipping a nigger, or any such thing, before a judge—such as I am—and a jury, your idea was that you were to come up and prove he was at home or at some other place?

W. Yes, sir—if I could do it.

C. J. Could do it—how?

W. If I could do it by swearing to a lie, you say?

C. J. You see it aint worth while—we are in court——

W. I don't want to answer anything I don't know.

C. J. Well, according to your idea, one of your White Brothers would be bound to come up and help him; and if

no other way would do it, he was bound to take that oath?

W. Yes, sir.

C. J. Well, now, suppose one of the White Brothers got in the way of the sheriff, and was put on a jury, and one of his brothers was charged with whipping or drowning, and the judge was to charge the jury that if they believed the story, they should find a verdict of guilty, and you were on the jury, would you feel bound to say, on that oath, that he was not guilty?

[No answer.]

C. J. Would you be at liberty to say he was guilty?

W. No, sir.

C. J. Well, then, would you hang the jury?

W. Yes, sir.

C. J. And that would be the end of it, I suppose?

W. Yes, sir.

C. J. And there would be another jury, and somebody would be found to hang that jury?

W. Yes, sir.

C. J. What is your name?

W. William Tickel.

C. J. Where were you born?

W. In Alamance County.

C. J. Was it a big family? I never heard of that family.

W. Considerably large.

C. J. You see I have heard of most of the families in the County—but the Tickels, Tickels!—Is it an old family? You are not one of the carpet-baggers, are you?

W. NO, SIR.

C. J. Well, what I understand is, that when you were admitted to this White Brotherhood, they swore you, in the first place, not to reveal any of their secrets; second, to obey the Chiefs; third, to assist the members when they cried Shiloh; fourth, that when you were called to prove before any court, you were to swear—

W. Well, I don't remember that, if that is in the oath.

C. J. I thought you said if it was necessary to prove him at home, you would do it?

W. Well, if that was in the oath *of course* we were.

C. J. Do you believe you were bound to do it?

W. I can't say.

C. J. Suppose you got instructions from the Chief that you were to go and help a fellow-member, and he cried Shiloh, and you had got to swear that he was at home, would you do it?

W. If I knowed he was at home, I would do it.

C. J. But if you knew he wasn't at home, would you say he was?

W. —E—yes, sir.

C. J. And swear it?

W. Yes, sir.

C. J. Right there before the jury?

[No answer recorded.]

C. J. You see, Mr. Tickel, this is a serious business, and you may not only be called to answer before a higher power, but you may be called upon to answer here. Suppose a Chief had told you that one of the members was in distress, and he gave you the word Shiloh, must you do it?

W. Yes, sir—that was in it.

C. J. Suppose it was necessary, in order to save him, to prove that he was at home, would you swear that he was at home?

[No answer.]

C. J. You have answered it once.

W. Well, if I have answered it once, I shall not take it back.

C. J. Would you go there and give in such testimony, and dodge, and twist, and run every way, so as to make the jury believe he wasn't there?

[No answer.]

C. J. If the Chief told you to do it?

W. Well, I have never been told anything of that sort—well, I would not have thought I was doing what was right.

C. J. That is not the thing. The men that hung this man Outlaw, didn't think that they were doing what was right. Do you think they did?

W. No, sir.

C. J. The men that put Puryear in that mill-pond didn't think they were doing right. The men that took Corliss out and whipped him didn't think they were doing right, did they?

W. I don't suppose they did.

C. J. Suppose a man was called up, and charged with it, and cried Shiloh, and the officer, or head Chief told you they couldn't clear him unless you went and swore that he was at home that night,—would you have to do it?

W. Yes, sir. According to the oath we had taken, we would.

C. J. Well, that is the way—to tell the truth, and the whole truth. Suppose you were put upon a jury—didn't they ever tell you of an elm tree, where Outlaw was hung, that stood and still stands about fifty yards from the jail?

W. I never saw it.

C. J. Well, suppose one of those men that hung Outlaw was put in prison, and you were put on a jury, and the charge was that he was one of the fifty or sixty men that took Outlaw out and hung him up, and they proved it jam up, but you and two or three or four others were on the jury—eight of you (the jury) said you were bound to convict this man, and he said Shiloh—would you join the three that said *not guilty*?

W. Of course,—(meaningly)—*them that said not guilty*?

C. J. Well, I want you to remember that you are on your oath.

W. I have never been told to do so by any Chief. Of course, if he told me so, I would have it to do.

C. J. Well, suppose you didn't do it, what would they do?

W. Well, whatever the camp might direct.

C. J. Well, what could they do?

W. I don't know of anything else.

C. J. Did you ever hear of rope-tying around necks?

W. No, sir.

C. J. What would be done?

W. I can't tell you, sir—whatever the camp might direct.

C. J. What did they put that man in the mill-pond for?

W. I don't know, sir.

C. J. Well, they say because—"Dead men tell no tales." You say, if the Chief told you to go and get on a jury, you would go, and find not guilty, in order to keep a member from being hung, and that that was the meaning of your oath?

W. Yes, sir.

C. J.—[to counsel]—Well, that is the general proof. We will now come to the matter of fact.

Mr. BAILEY. Was the United Brotherhood explained differently after you got in from what it was before?

WITNESS. Yes, sir.

Mr. B. What was its object?

W. Well, it was to keep down the style of the niggers, and to increase the Conservative party.

Mr. B. How were they to keep down the style of the niggers?—by whipping them?

W. Yes, sir.

Mr. B. How were they to increase the Conservative party?

W. There was nothing said about it.

Counsel for the defence here asked permission to lead the witness, on the ground that he was refractory and illiterate.

Mr. Battle objected.

The Chief Justice said, "I ask your experience whether it may not be necessary to lead the witness? I say this, that Judge Battle and myself have decided time and again, that when a witness is holding back; counsel may be allowed to cross-examine. Now I say that this witness is holding back."

Mr. MERRIMON. I thought the reason Mr. Bailey gave was that he was an unintelligent witness. As I understand the

matter the rule is precisely the other way. An intelligent and refractory witness may be led, but not an illiterate one.

Mr. BAILEY. O, no; it is not for want of intelligence that he is holding back. The reason is he is unwilling.

Mr. Bailey proceeded with the examination.

Mr. BAILEY. Do you know, Mr. Tickel, anything about the beating of a man by the name of Jordan?

WITNESS. Yes, sir.

Mr. B. Was he a colored man?

W. Yes, sir.

Mr. B. Where was he whipped?

W. In Alamance.

Mr. B. Who was the person that whipped him?

W. There were several of them.

Mr. B. Name them. [Counsel suggested names.]

W. Wm. Lowe, Peter J. Somers were all present.

Mr. B. Did they all join in the whipping by encouragement or otherwise?

W. Yes, sir.

Mr. B. Were they in disguise?

[No answer.]

CHIEF JUSTICE. I suppose the rule is for every man to go up and give him one tap?

WITNESS. I don't know that that was the rule.

C. J. Well, what?

[No answer.]

C. J. Was Julius Somers present?

W. He was. I told you that.

C. J. Were they disguised?

W. I can't say.

C. J. Did you have on a disguise?

W. Yes, sir, in part. I had on a linen coat.

C. J. You had a disguise head on, and a linen coat?

W. Yes, sir.

C. J. Well, now, you see the whole of it comes out. You will be put in jail for not telling the whole truth.

Mr. BAILEY. I don't think this witness unwilling. He is trying to tell the truth.

CHIEF JUSTICE. I don't want any suggestions from you. The question is, who went up and struck him the first lick?

WITNESS. I don't know, sir.

C. J. Was it night?

W. Yes, sir.

C. J. And you had on—what?

W. One of these disguise heads and a linen coat.

Mr. BAILEY. Did they tie him to a tree, or how?

WITNESS. They never tied him at all.

Mr. B. He had on his clothes?

W. He had on his drawers. He had no pants on.

Mr. B. Did you get him out of bed?

W. Some of them did.

Mr. B. He had on his drawers?

W. Yes, sir.

Mr. B. Well, who was the first man that stepped up and hit Daniel Jordan a lick?

[No answer.]

CHIEF JUSTICE. You see that was the worst business men were ever in in North Carolina.

WITNESS. Well, I didn't know the disguises one from another.

Mr. BAILEY. When did you disguise yourselves?

WITNESS. At the start.

Mr. B. When you first started, did you? Who was the first man that began?

[No answer.]

Mr. B. Who was the next man?

W. I don't know as I can swear to any man.

Mr. B. Well, how many were there that did it?

W. Nine or ten.

Mr. B. Well, of these nine or ten, how many struck that man?

W. Well, five or six.

Mr. B. You swear you don't know any of these five or six? You know it don't make any difference who of them struck him. You say you didn't strike him?

W. No, sir, not one lick.

Mr. B. You don't know who struck him?

W. No, sir, because they were disguised, and I can't swear to any disguised man. I rather not, Mr. Bailey.

Mr. B. Were they all disguised?

W. Yes, sir.

Mr. B. And you say, after you started you couldn't distinguish one from another?

W. No, sir.

Mr. B. Did they all strike him but you?

W. I can't tell.

Mr. B. How many licks did they give him?

W. Some forty or fifty.

Mr. B. What kind of whips did they use?

W. Well, they used switches, some of 'em.

Mr. B. Good size?

W. Tolerable size.

Mr. B. Did they strike one at a time, or how was that?

W. Sometimes two struck him.

Mr. B. One on each side, or how?

W. Well, I disremember whether it was one on each side, or both on one side.

Mr. B. Was he much frightened?

W. Yes, sir.

Mr. B. What time of night did you go to his house?

W. About ten o'clock.

Mr. B. Has he a family?

W. He has a child. His wife left him.

Mr. B. He was there with his little child?

W. Yes, sir.

Mr. B. Did you break in the door?

W. Yes, sir.

Mr. B. And carried him out?

W. He broke and ran off.

Mr. B. How far?

W. I don't know what distance—may be a quarter of a mile.

Mr. B. You ran after him, and caught him?

W. Yes, sir.

Mr. B. And gave him all of forty or fifty stripes?

W. Yes, sir.

Mr. B. Were these parties Ku Klux or the White Brotherhood?

W. They were the White Brotherhood.

CHIEF JUSTICE. How came you to tell of this?

WITNESS. Well, because I was summoned here as a witness, and have made an affidavit of it before.

C. J. How came you to do that?

W. Well, I thought it best.

C. J. It was understood that the Governor would pardon you, was it?

W. Well, that was the understanding. I thought I would surrender and get out of it.

C. J. You thought you would come and tell the truth? And do you say you have told the whole truth?

W. So far as I know. I don't know about this business.

C. J. You never had to get on a jury to acquit a man?

W. No, sir.

C. J. Nor swore a lie before a jury?

W. No, sir.

C. J. What did they whip that man for?

W. He was accused of stealing.

C. J. Who told you?

W. Mr. Somers.

C. J. Was he the Chief?

W. No, sir.

C. J. Did he get it from the Chief?

W. He didn't tell me. He didn't say he had any orders.

C. J. He had no commission in your company?

W. Yes, sir, he was an officer.

C. J. Well, you see that is what we wanted to know. You could not have done that, could you?

W. No, sir; I don't reckon I could.

C. J. What office did he hold?

W. He was Lieutenant—First Lieutenant.

C. J. Well, who was the head?

W. W. R. Tickel.

C. J. What relation is he to you?

W. He is my cousin.

C. J. Well, who was the head man in that County?

W. I think they said it was Long.

C. J. Long!—we have heard of him. He was reading law?

W. Yes, sir. That is the man that I heard of, that he was Chief of the County.

C. J. Did this man Somers tell you that Long had given orders to have Jordan whipped?

W. No, sir.

C. J. Who did he say had given orders?

W. He didn't say anybody had.

C. J. Well, who was the Chief of that camp?

W. W. R. Tickel.

C. J. Somers told you Tickel said it.

W. He didn't say Tickel said it. He told me to meet at a certain place, and we would go down and brush him.

C. J. He met you that night by Yellow Ford Meeting House, and whipped Daniel Jordan?

W. Yes, sir.

C. J. Well, by whose orders?

W. I didn't say by anybody's orders.

C. J. Well, he was only First Lieutenant. Didn't you ask him if he gave the orders?

W. No. I just went with the crowd.

C. J. And you went without asking if he got any orders?

W. Well, that is just the way of it.

C. J. You went just because this man Somers said you must go?

W. Yes, sir.

C. J. And you didn't ask him whether he got orders from the High or Head Chief? He knew nothing about it?

W. I don't think he knew anything about it, because I was to go by and let the Chief know, and I didn't do it, cause I thought it was too far. That is where I know he hadn't seed the Chief and got orders to do it?

C. J. Still you went and did it?

W. Yes, sir.

Mr. BAILEY. Where is Daniel Jordan?

WITNESS. I think he is in Ohio.

CHIEF JUSTICE. He went off after that, did he?

WITNESS. Yes, sir. He went off in the winter. The whipping occurred in wheat-sowing time.

JUDGE SETTLE. Do you know who was the Chief officer in Alamance?

WITNESS. Long. That was the understanding.

J. S. Who was before Long?

W. I don't know.

J. S. In that County?

W. I don't know.

J. S. In any other County?

W. A fellow by the name of Major Steiner in Greensboro'.

J. S. Did you ever see Steiner?

W. Yes, sir.

J. S. Did you pass signs with him?

W. No, sir.

J. S. Who else did you know to be Chiefs?

W. didn't know any.

J. S. That you were informed of by members of your organization?

W. Steiner.

J. S. Besides Steiner?

W. Nobody, sir.

J. S. In any County?

W. No, sir.

J. S. Did you meet and pass signs with any?

W. Yes, sir.

J. S. Who?

W. I can't tell you. Sometimes I met—I met with Fogleman when I was at the Shops—Job Fogleman. He was here yesterday.

J. S. What was you informed as to the extent of the organization in the State?

W. I never ascertained that.

J. S. What were you informed?

W. I was informed that Guilford had sixteen hundred.

J. S. Who told you?

W. Macon Apple, the Chief in Guilford of the White Brotherhood.

J. S. What camp did he belong to?

W. I don't know. He is a member of the Church there.

J. S. What Church?

W. The Methodist Church.

J. S. Was he the only member in that County?

W. I understood there was a Flack.

J. S. What Flack?

W. Andrew Flack.

J. S. How far did you live from the corner of Guilford, Alamance and Rockingham?

W. Fourteen miles.

J. S. How many do you know in Caswell?

W. None.

J. S. In Rockingham?

W. None.

J. S. Did you know the Tickels in Rockingham?

W. No, sir. Yes, I did have an uncle that moved to Rockingham. He is the only Tickel in that County so far as I know.

J. S. How far do you live from Danbury?

W. I reckon twelve or fourteen miles.

J. S. Have you ever been in Rockingham?

W. This spring I went to carry a man to the foundry, and put him across the river.

J. S. I ask you, on your oath, if you received a sign or passed one with anybody in that county?

W. No, sir. I was in too much hurry to get back. I talked to the men at the foundry that night, but not about this matter.

CROSS-EXAMINED.

Mr. BATTLE. Mr. Tickel, you say you were born in the County of Alamance?

WITNESS. Yes, sir.

Mr. B. What is your age?

W. Thirty-three next June.

Mr. B. You joined the White Brotherhood last harvest a year ago?

W. Yes, sir.

Mr. B. This occurrence took place in wheat sowing time, about September or October?

W. Yes, sir.

Mr. B. Of what year?

W. '69.

Mr. B. Was it '68 or '69 that you joined?

[Witness hesitates.]

Mr. B. Was it two years ago, or one?

W. I am not hardly able to tell you. It mought be two years ago, and mought not.

Mr. B. How long after you joined before this occurrence took place?

W. Well, sir, it was in the fall.

Mr. B. In the fall of the same year?

W. If I am not mistaken I think it was.

Mr. B. You have been asked a good many questions about the oath you took. Now, what way were you sworn?

W. Well, sir, I can't repeat the oath.

CHIEF JUSTICE. Did you put your hand on the Bible, or hold up your hand?

WITNESS. I held up my hand.

Mr. BATTLE. Had you ever voted in the County of Alabama?

WITNESS. Yes, sir.

Mr. B. Since '68?

W. Yes, sir.

Mr. B. You had registered, hadn't you?

W. Yes, sir.

Mr. B. Did they make you take an oath?

W. Yes, sir.

Mr. B. To support the Constitution of the United States?

W. Yes, sir.

Mr. B. And of North Carolina?

W. Yes, sir.

Mr. B. Did you consider this oath of the White Brotherhood superior to the other?

W. No, sir. I didn't consider it superior.

Mr. B. If you had been called upon to violate one or the other, which would you have kept, the one you took upon the Evangelists, or the one you took with the uplifted hand?

[The witness hesitating, the question was explained.]

W. The one that I took on the book, of course.

Mr. B. Well, now, I want you to distinctly understand this question.

W. Well, sir, as far as I am able, I will do it.

Mr. B. If you had taken an oath upon the Holy Evangelists, similar to the one you have taken here, and one of your officers had told you you must violate that oath, would your obligation bind you to do it?

[Witness hesitates.]

CHIEF JUSTICE. Well, study about that.

Mr. BATTLE—Will your Honor permit me to go on?

C. J. Yes. I admit that you are right.

Mr. B. Well, you say you would not feel bound to violate an oath taken upon the Holy Evangelists of Almighty God?

WITNESS. No, sir.

Mr. B. Did you ever hear of an *alibi*?

W. No, sir. I never heard of that.

Mr. B. Did you ever take such an oath that if you were put on a jury, and swore that you would decide according to law and evidence, you would feel under obligation to violate your oath in court?

W. No, sir.

Mr. B. You say if the case was plainly proved to you, you would say it was otherwise.

W. No, sir.

Mr. B. Well, sir, if you had been called upon to kill a man or assassinate him—

W. I should never went.

JUDGE SETTLE. You haven't heard the question.

Mr. BATTLE. Would you have done it?

WITNESS. No, sir. I wouldn't love to take any man's life.

Mr. B. Would you have felt bound to do it?

W. Well, I wouldn't do it, now, if I did consider myself bound.

Mr. BAILEY. You considered yourself bound to obey the orders of the officers?

WITNESS. Yes, sir, by raising my right hand.

TESTIMONY OF MILTON HUFFINES.

Mr. BAILEY. Are you a citizen of Alamance?

WITNESS. Yes, sir.

Mr. B. You belong to these Ku Klux or White Brotherhood?

W. Yes, sir.

Mr. B. When did you join it?

W. I can't tell when. About twelve months ago.

Mr. B. What camp did you belong to?

W. I can't tell.

Mr. B. Who was the Chief?

W. Mr. Tickel?

Mr. B. Wm. R. Tickel?

W. Yes, sir.

Mr. B. Tell their Honors what was the nature of the oath you took.

W. Well, sir, I can't.

Mr. B. Repeat the substance of it. Did you swear to obey orders?

W. Well, I wasn't taken in by no Chiefs.

Mr. B. Who by?

W. Peter Hughes.

Mr. B. You were not taken in regularly? Did you know anything about the beating of Jordan?

W. Yes, sir.

Mr. B. A colored man?

W. Yes, sir.

Mr. B. In Alamance?

W. Yes, sir.

Mr. B. Do you know who beat him?

W. Yes, sir. Julius Somers, William Lowe, William Tickel, William Granger, Henry Lowe, Peter J. Somers.

Mr. B. Well, state what you know. Did you see it done?

CHIEF JUSTICE. You were there, were you?

WITNESS. Yes, sir.

C. J. Did you have on this dress?

W. Yes, sir.

Mr. BAILEY. Were you all disguised?

WITNESS. Yes, sir.

Mr. B. You went in the night time?

W. Yes, sir. The men had a lantern.

Mr. B. Went at ten o'clock at night?

W. Yes, sir.

Mr. B. Carried him out in his drawers?

W. Yes, sir.

Mr. B. Broke in the door?

W. Yes, sir.

Mr. B. How did you get him out?

W. We brought him out. I can't tell you exactly how.

Mr. B. You brought him out by taking hold of him?

W. I don't know.

JUDGE SETTLE. Go on without questions.

[Witness silent.]

CHIEF JUSTICE. Well, why don't you state it?

WITNESS. Well, I am going to try to tell it. Well, sir, they fetched him out, I don't know exactly how.

JUDGE SETTLE. Go ahead and tell it in your own way.

WITNESS. Well, he got loose and run a piece. [Pause.]

J. S. Well, how far? Why don't you tell it? A mile?

W. No, sir. I don't think it was a mile.

J. S. Half a mile? A quarter?

W. Yes, sir.

J. S. You ran after him, did you?

W. Yes, sir.

J. S. Did you hollow?

W. No, sir.

J. S. Then what did you do?

W. Then they caught him and whipped him.

J. S. How?

W. With switches.

J. S. You surrounded him?

W. Yes, sir.

J. S. Did *you* strike him?

W. No, sir, I didn't.

CHIEF JUSTICE. And there is no witness that did. How many did hit him?

[No answer.]

CHIEF JUSTICE. How many were there? Nine of them?

WITNESS. I don't know, sir.

JUDGE SETTLE. What did you whip him for?

WITNESS. For stealing.

J. S. What with?

W. With switches.

J. S. Who told you to whip him?

W. Peter Somers.

J. S. Who was he—the Chief?

W. No, sir.

J. S. Lieutenant?

W. No, sir, no officer.

J. S. How came you to obey him?

W. He told me to.

J. S. Did you obey any one?

[No answer.]

J. S. How came you to obey Peter Somers, who wasn't the Chief?

W. Well, sir, he told me and I went. We just was willing to go without an order from the Chief.

J. S. He held no summons? He just volunteered to summons, and you volunteered to go?

W. Yes, sir.

Mr. BAILEY. How many blows did you strike him?

WITNESS. I don't know—may be forty.

Mr. B. Pretty severe?

W. Yes, sir.

Mr. B. Did he hollow?

W. Yes, sir.

CHIEF JUSTICE. Your Chief went to Indiana, did he not?

[Answer not recorded.]

Mr. BAILEY. Do you know who the Chief of the County was—from any members of the White Brotherhood?

[No answer.]

CHIEF JUSTICE. Jacob Long, we hear. Who was Chief of your camp?

WITNESS. William R. Tickel.

C. J. What was the number of your camp?

W. I can't tell you.

C. J. The Shops was 4—Faucett's 10 ?

W. I live in the upper part of the County. I never heard the number of the camp.

JUDGE SETTLE. My object in questioning was to cut off preliminaries.

CHIEF JUSTICE. That was my object.

CROSS-EXAMINED.

Mr. BATTLE. When did you join the White Brotherhood ?

WITNESS. Twelve months ago.

Mr. B. The whipping was in the fall ?

W. Yes, sir.

Mr. B. Do you know how many were in the camp ?

W. No, sir.

Mr. B. Do you know whether this boy was whipped from orders ?

W. I do not.

Mr. B. How many of them were there ?

W. I don't know, sir, whether they had orders or not.

Mr. B. You don't know whether they had orders or not ?

W. I can't say.

CHIEF JUSTICE. How many in all were present, counting yourself ?

WITNESS. Well, sir, there was nine.

C. J. Nine in the crowd ?

W. Yes, sir.

Mr. BATTLE. Well, something about that oath. How did you take it ?

WITNESS. Well, sir, nothing but holding up my right hand.

Mr. B. Had you ever taken an oath to support the Constitution of the United States and of North Carolina ?

W. Well, one to support the Constitution.

Mr. B. How did you swear your oath ?

W. We did it by holding up the right hand. We didn't take a Bible oath.

Mr. B. You swear, positively swear, under the solemn obligations of an oath, that you consider the oath to support the Constitution and laws of North Carolina superior to the other?

W. Yes, sir.

Mr. B. Well, if you were on a jury, and the case was proved plump up, would you ever feel at liberty to perjure yourself and find a verdict to the contrary?

W. Sir, repeat the words.

[Question repeated.]

W. No, sir.

Mr. B. Would you feel yourself bound to perjure yourself?

W. No, sir.

Mr. B. Suppose your Chief had ordered you to find a verdict for the defendant—contrary to the evidence—had told you you would suffer the penalty if you didn't—would you obey?

W. No, sir. We weren't sworn by the book.

Mr. B. Do you make a distinction, sir?

W. Yes, sir. I don't feel it as binding.

Mr. B. Is that the only distinction you make between the book and the uplifted hand?

W. Yes, sir. I think the other is an oath, but the other with the book is binding.

Mr. B. Is that the way you regard it?

W. Yes, sir.

Mr. B. These men were Ku Klux?

W. Yes, sir.

TESTIMONY OF DANIEL WHITESELL.

Mr. BAILEY. Do you live in Alamance?

WITNESS. Yes, sir.

Mr. B. Do you know a man by the name of Daniel Jordan?

W. Yes, sir.

Mr. B. A colored man?

W. Yes, sir.

Mr. B. Did you belong to a secret political association known as the White Brotherhood?

W. Yes, sir. Peter Hughes initiated me.

Mr. B. Who was the Chief of the Klan? Was Long Chief? Who was Chief at the time Daniel Jordan was whipped?

W. William Tickle.

Mr. B. Please tell us what kind of an oath you took?

W. I cant give the words. I understand there is a great deal more than I have taken. I just took the first part.

Mr. B. You say you only took a portion of it. Did you go down with the party that night?

W. Yes, sir.

Mr. B. How did you happen to go down?

W. Well, I got word by some of the brethren that I was to go down.

Mr. B. What brother told you?

W. Julius Somers.

Mr. B. What office did he hold?

W. I don't know as he held any office. He had been appointed, but I don't know whether he was at that time or not.

Mr. B. Was this whipping done by an order from the Chief of the Klan?

W. I don't know, sir.

Mr. B. Were you called upon as a White Brother to take part in it?

W. Yes, sir, of course.

Mr. B. Of course—it was carrying out part of your plans?

W. Yes, sir.

Mr. B. Did you go down?

W. Yes, sir.

Mr. B. What time?

W. About nine or ten.

Mr. B. What did you do?

W. What we did?—Well, we went down and took him out; we burst open the door; they say they took him out of bed. I was outside. They brought him out. He was in his drawers and shirt. They put him a few question—whether he had been stealing. He said not. Then he broke and run. Some of them run after him and caught him and whipped him. We were disguised with gowns on.

Mr. B. They were calculated to terrify this man?

W. Yes, sir, of course.

CHIEF JUSTICE. What did you put on these disguises for?

WITNESS. O, so he shouldn't see us.

JUDGE SETTLE. To evade the law—to keep people from finding you out.

WITNESS. Yes, of course.

Mr. BAILEY. They beat him?

WITNESS. Yes, sir.

Mr. B. With hickories?

W. Yes, sir.

Mr. B. How many licks?

W. I could not state—thirty or forty—pretty tolerably severe.

Mr. B. Did you strike him?

W. I hit him three licks.

Mr. B. What then?

W. We then let him go to his house.

Mr. B. What did you say to him?

W. We told him to go to his house and not to be stealing any more.

JUDGE SETTLE. Don't lead him, Mr. Bailey.

CROSS-EXAMINED.

Mr. BATTLE. What camp do you belong to?

WITNESS. Talk loud—I don't hear.

Mr. B. What did you call your camp?

W. White Man's Brotherhood.

Mr. B. It didn't have any number or name?

W. I never heard. There weren't more'n a dozen belonging to it—may be more.

Mr. B. Which order did you belong to?

W. It was told me the White Man's Brotherhood.

Mr. B. You call it a Brotherhood? Who was the Chief of the County?

W. I can not tell. William Tickle was the Chief of the camp.

Mr. B. Was this negro whipped by order of the camp?

W. It was the order of some of them.

Mr. B. Can you say it was done by order?

W. No, sir. It was just certain individuals.

Mr. B. Hadn't you, about that time, pretty well broken up?

W. No, sir—yes, I think they had.

Mr. B. How many meetings did you ever attend after that?

W. Well, some few. I can't tell you.

Mr. B. When was the latest meeting?

W. Well, six months ago.

Mr. B. Before or after Outlaw was hung?

W. I don't recollect.

Mr. B. Well, you did know when Outlaw was hung?

W. Nary time—nary time!

Mr. B. Have you had a meeting since?

W. If he wants to know when Daniel Jordan was whipped, I can tell him that. That was in wheat-sowing time.

Mr. B. Have you ever had a meeting since then? Hasn't the thing just died up?

W. Died up,—yes, sir.

Mr. B. Can you tell what you swore to?

W. I don't believe I can hardly tell. I was hardly initiated far enough to tell you.

SEPTEMBER 2d, 1870.

Justices DICK and SETTLE present.

## TESTIMONY OF WM. R. TICKEL.

Mr. BAILEY. Tickel, I believe your name is?

WITNESS. Yes, sir.

Mr. B. State to their Honors whether you belong to an organization known as the Ku Klux Klan.

W. Yes, sir; I belonged to the White Brotherhood.

Mr. B. When did you join it, and where?

W. I joined it last July a year ago, in Alamance County.

Mr. B. You joined it in 1869?

W. Yes, sir.

Mr. B. In Alamance County?

W. Yes, sir.

Mr. B. Did you hold office in it?

W. Yes, sir; I was elected Chief of the camp soon after joining.

Mr. B. To what camp did you belong?

W. It was never numbered.

Mr. B. In what part of the County?

W. In the south-west part.

Mr. B. It was known as the White Brotherhood, you say?

W. Yes, sir.

Mr. B. The camp had no number?

W. No, sir.

Mr. B. Will you give the names of as many as you can recollect of that organization, in your camp or any other—in Guilford, Orange, Chatham,—anywhere, of your own knowledge, or from information received from the Brotherhood?

W. You wan't the names of all of them?

Mr. B. Yes, sir; as many as you can recollect.

W. W. R. Tickel, Chief; Daniel Patten, Jeremiah Whit-

sell, William Tickel, — Whitsell Rankin Whitsell, William Smith, Peter Hughes—(Peter Hughes got it up)—Caleb Tickel, Calvin Tickel.

Mr. B. George Albright?

W. I don't know. He did not belong there.

Mr. B. David Cummings?

W. I don't know.

Mr. B. You know that all these parties named in the warrant belonged to it? (Names were here read to witness and he affirmed that the prisoners were all present.)

Mr. B. Do you know of the charge made here of their going in disguise in October, 1869, and assaulting one William Long, colored?

W. Yes, sir.

Mr. B. Well, tell all about it.

W. It was in October or November of 1869, in the County of Alamance. Long was accused of breaking into Mr. Patton's house. His (Patton's) wife was sick, and he was away from home, and Long was accused of breaking into his house, and a parcel of them gathered up and went and whipped him.

Mr. B. Were they disguised?

W. They were all disguised, except Patton. He was not disguised, nor where he was whipped. He came to camp that night, and went on towards home.

Mr. B. He was in the agreement?

W. Yes, sir. When we met, he was in camp.

Mr. B. When did you agree to whip him?

W. During that night. Patton was not along at the time. The way it started—Patton came to me and told me what he had done, and told me where he would be that night. I said we would whip him, and told him he might go and tell whoever he wanted. I went and told Smith.

JUDGE SETTLE. What connection had Dan'l Patton with it?

WITNESS. I don't know that he had any connection with it at all, except that he just came there, and said he thought he was guilty of breaking into the house. He knew of the plan.

J. S. He met you the night you all came together to whip him?

W. Yes, sir, and then went off and didn't go to the whipping.

Mr. BAILEY. You say your faces were masked—with this kind of mask you have seen here?

WITNESS. Yes, sir.

Mr. B. Were they calculated to terrify?

W. Yes, sir.

Mr. B. You had white gowns on?

W. Yes, sir.

Mr. B. What was your object in having these things on?

W. Well, it was to keep from being known.

Mr. B. Why?

W. We thought it best.

Mr. B. Were you afraid of the consequences?

W. Yes, sir.

Mr. B. What were you afraid of--afraid of being arrested?

W. Well, we knew we were violating the law.

JUDGE SETTLE. Suppose you had been arrested, what were the duties of the rest?

WITNESS. Well, sir, they were not under any obligation.

J. S. Any oath received?

W. I never administered the oath to anybody—nothing but the first part.

J. S. What was that?

W. That was simply not to reveal what came to your knowledge, and that you did not belong to any other party. It was in the interest of the Conservative party.

J. S. If it was merely political, why did you use these disguises?

W. Well, so far as that part was concerned, the disguises were of no account. All they were for was, when they went to whip anybody they might be concealed.

J. S. Had you any By-Laws?

W. Never got the By-Laws. I knew how to prepare dis-

guises from what Hughes said. He had two or three. They came from Guilford.

J. S. I understood Hughes to say he was not regularly initiated?

W. He organized the camp.

Mr. BAILEY. Your camp was not regularly organized—you were over and above the ten?

WITNESS. I don't know anything about that.

Mr. B. Yours was an ally of the others, I suppose?

W. Yes, sir. This man Hughes promised to bring the By-Laws, but he never got them.

Mr. B. Hughes is a one-armed man?

W. Yes, sir. I at one time applied to Long for them, and he referred me to John T. Trollinger. I called on him, and he wasn't at home.

Mr. B. What Long was that?

W. It was Jacob A. Long. I wasn't among the first that joined it. I never initiated but eight or nine men.

Mr. B. What was the object of the disguises?—to go out beforehand for the purpose of terrifying men, and prevent them from going to the polls?

W. No, sir.

JUDGE SETTLE. The object of the disguises is apparent.

JUDGE DICK. Why did you go to Long?

WITNESS. He was the Chief of the County.

J. D. Why to Trollinger?

W. He told me to go. He said he was Chief of a camp at the Shops.

CROSS-EXAMINED.

Mr. R. BATTLE. Mr. Tickel, you joined in July, 1869?

WITNESS. Yes, sir.

Mr. B. And the whipping took place in October?

W. Yes, sir.

Mr. B. You live in Alamance County?

W. Yes, sir. Near the middle of the western part.

Mr. B. What County is nearest you?

W. Guilford.

Mr. B. Hughes came from Guilford?

W. Yes, sir. He lived in our neighborhood.

Mr. B. Any other camp in the neighborhood?

W. I understood there was a camp over the railroad, north.

Mr. B. What was the extent of the camp?

W. It was north of the railroad.

Mr. B. How many miles in length and width?

W. Five miles each way.

Mr. B. Peter Hughes, while still living in Guilford, introduced the organization among you?

W. I was initiated by Somers. Hughes was in authority, but Somers initiated me.

Mr. B. He was the Chief?

W. There had been no Chief elected before the night I joined, and they elected me.

Mr. B. You were initiated under the authority of Hughes, by Somers?

W. Yes, sir. But he didn't administer any more than the first part of the oath.

Mr. B. I wish you would repeat the whole oath, as far as you recollect. You were the Chief and administered it to others?

W. Yes, but only the first part.

Mr. B. Well, tell the whole of it as near as you can.

W. The first part was, they were bound to keep secret the things they learned that night, and that they didn't belong to any other political party, to the Union League, the Heroes of America, the Grand Armies of the Republic, or any other association whose aim and design it is to destroy the rights of the South, or of the people, or of the States, or to elevate the negro to political equality with themselves; and that you are opposed to all such principles: so help you God.

Mr. B. That is the oath? Say the other parts.

W. It went on just the same, only it bound them to obey the Chief.

Mr. B. That is, the oath said to obey the Chief in all calls and summons?

W. That was about the amount of it. I haven't seen it in twelve months.

Mr. B. Was it a written oath?

W. No, sir.

Mr. B. What do you understand by calls?

W. Well, if they were wanted for any purpose, they should attend. Summons meant about the same thing.

Mr. B. Who explained the oath when you joined?

W. Who explained it to me? Hughes, when he gave me the signs. He said he had belonged to it from the first—that he was among the first that joined—he and a man named Steiner, were among the first initiated. Steiner lives in Guilford.

Mr. B. Whatever you all learned, you learned from Hughes?

W. Yes, sir.

Mr. B. Hughes was a one-armed man—a witness here?

W. Yes, sir.

Mr. B. Mr. Tickel, how long since you had a meeting in your camp?

W. Not since March or April last. All the disguises were destroyed about the first of April.

Mr. B. Was that general?

W. I don't know.

Mr. B. It was done by consent?

W. We met and said we would go nowhere any more. There has been no meeting since.

Mr. B. Have you had any duty to perform since?

W. No, sir.

Mr. B. You have performed no function of Ku Klux since March or April?

W. No, sir.

Mr. B. No duty whatever?

W. No, sir. Well, I heard they met at Greensboro' and dissolved the thing, but we had already dissolved it?

Mr. B. You got that from a member?

W. Yes, sir.

Mr. B. Do you recollect who told you?

W. No, sir.

Mr. B. You know that he was a Ku Klux?

W. Yes, sir.

Mr. B. When was that?

W. In April, shortly after we held our meeting.

Mr. B. It was a general meeting?

W. Yes, sir. They sent word to our camps, but we had already dissolved. I don't suppose a disguise could have been found after the middle of April, in my camp.

Mr. B. You went to Long to get the balance of the obligation?

W. Yes, sir.

Mr. B. He didn't say whether they were printed?

W. No, sir.

Mr. B. You went to Trollinger and could not find him?

W. Yes, sir.

Mr. B. Was Long Chief of the County?

W. I was told so.

Mr. B. When you spoke to him as Chief, did he recognize it?

W. Yes, sir; he told me he didn't have the by-laws, but I could get them from Trollinger, who was Chief of the Shops.

Mr. B. How many in your camp?

W. There were twenty-five in the camp, I think, about.

Mr. B. Any other members of the organization within that five miles?

W. No more than four or five.

Mr. B. Are you satisfied you are one of the ten camps, or don't you know?

W. We never were taken in right. They never gave us

any number or anything else. We were taken in by Hughes, and got from him all we ever did know.

JUDGE SETTLE. You live in the north-west corner of the County?

WITNESS. Yes, sir.

J. S. Did you ever go into any other counties as a Ku Klux?

W. No, sir.

J. S. Any of your number?

W. I don't know, sir.

Mr. BATTLE. Do you know that you were not of the ten, or were you never informed?

WITNESS. I was never informed.

Mr. B. Did Mr. Long acknowledge you as one?

W. I gave him the sign. He said, "You belong to the first degree. There is three other degrees, of which you don't know anything. You will probably be initiated at some future time."

Mr. B. You never got the By-Laws?

W. No, sir.

Mr. B. You said that Mr. Long was whipped by your camp?

W. Yes, sir.

Mr. B. Who gave the order?

W. The camp.

Mr. B. You agreed to it?

W. Yes, sir.

Mr. B. You say the charge was, he broke into Daniel Patton's house?

W. Yes, sir.

Mr. B. Was there a meeting summoned, or did you call it?

W. No one knew anything of it till that day.

Mr. B. You sent for Patton to come?

W. There was no meeting appointed. We met expressly to go and whip the nigger, and sent for him to come and say whether he was satisfied he was guilty. He came and said he

was satisfied. He didn't have on the disguise and didn't go with us.

Mr. B. But when the Chief asked him he said he was satisfied that the nigger was in the house?

W. Yes, sir.

Mr. B. Did he advise the whipping?

W. He just left it to us.

Mr. B. To do with him as they saw fit?

W. Yes, sir.

Mr. B. Did you understand that, being interested, he approved of the whipping, but left it to the rest?

W. I don't recollect.

Mr. B. You don't recollect what he said?

W. He said he was satisfied that he did it, but didn't go with us. It was already decided that if he was guilty we would whip him.

Mr. B. He wasn't there when it was decided?

W. No, sir. I told them we would whip him, if he was guilty. Then we sent for Patton, and he was satisfied, and we went on and executed the order. Patton didn't go to the house, nor where he was whipped.

Mr. B. How much did you whip him?

W. We didn't give him more than twenty-five or thirty licks.

Mr. B. Did he confess his guilt?

W. Yes, sir; but said his brother had hired him to do it.

[Question objected to. Objection sustained.]

JUDGE SETTLE. I will remark to counsel on both sides that I don't see the use of repeating questions as often as you have been doing throughout the examination.

Mr. BATTLE. I have no further questions.

JUDGE DICK. What was your reason for breaking up the Order?

WITNESS. Well, sir, we thought we had gone too far.

J. D. And you burned your disguises and disbanded the Order?

W. Yes, sir.

Mr. BATTLE. You had nothing to do with these murders?

WITNESS. No, sir.

Mr. B. And there was nothing in your oath which could be so construed as to warrant a member in committing such a crime.

W. No, sir.

Mr. BAILEY. I understood you to say you didn't recollect your obligation?

WITNESS. No, sir. But there was nothing in it to bind us to commit murder, or anything of that sort.

Mr. B. You sent for this man Patton with the understanding that he [Long,] would be whipped if guilty. He satisfied you that he was guilty, and you decided to whip him, and went and did it?

W. Yes, sir.

This closed the examination.

Justices Dick and Settle bound over each of the prisoners in the sum of \$1000 for their appearance at the next term of the Superior Court of Alamance.

Several other cases were subsequently called and, by consent of counsel, the parties were recognized in the sum of \$2000 each for their appearance at the next term of Alamance Superior Court, and then the Court adjourned to meet at some future day at Greensboro'.

## A PROCLAMATION,

BY HIS EXCELLENCY, THE GOVERNOR OF NORTH CAROLINA.

EXECUTIVE DEPARTMENT,

RALEIGH, Nov. 10, 1870.

Be it known, that the proclamation issued from this Department, dated March 7th, 1870, declaring the County of Alamance in a state of insurrection, and the proclamation issued from this Department, dated July 8th, 1870, declaring the County of Caswell in a state of insurrection, are hereby revoked, and it is hereby declared that said proclamations shall not have further force or effect.

I take this occasion, as Chief Magistrate of North Carolina, to express my gratification at the peace and good order now prevailing in the Counties of Alamance and Caswell, and generally throughout the State. I trust that peace and good order may continue; that partizan rancor and bitterness may abate; that our people of all classes and conditions may cultivate harmony and goodwill among themselves; and that the whole people of the State, without respect to party, may unite fraternally and cordially to build up North Carolina, and to elevate her to the proud eminence which she once occupied as a member of the American Union.

Done at our City of Raleigh, this 10th day of November, one thousand eight hundred and seventy, and in the year of the Independence of the United States, the ninety-fifth.

W. W. HOLDEN, *Governor.*

By the Governor:

J. B. NEATHERY, *Private Secretary.*