

Question. Have you been a candidate since the war for any public position ?

Answer. Yes, sir ; I was a candidate for judge of the district where I lived, at the time of the election, when the State constitution was adopted.

Question. At that time were you in favor of, or opposed to, the adoption of the State constitution ?

Answer. I was opposed to it.

Question. At that election was it not an issue as to whether the State would or would not acquiesce in the reconstruction measures ?

Answer. No, sir ; that was a foregone conclusion, that the State must acquiesce ; but the constitution was objectionable in many of its features. I think it was pretty well settled that the negro must have the ballot, and must be put on an equality before the law with the white man.

Question. You considered that question as at rest ?

Answer. I think so. I know there is no disposition to disturb it now.

By Mr. BLAIR :

Question. What is the public debt of your State now ?

Answer. I can only approximate it. It has been variously stated. It was about forty-four million dollars until the supreme court cut off some ten or twelve millions, reducing it to about thirty-one to thirty-five millions.

Question. How much was it at the end of the war ?

Answer. It was about \$12,000,000, and the accumulated interest, making in all about \$15,000,000.

Question. All the rest has been added since ?

Answer. In the last two or three years.

Question. Is not that fact one which gives your people a great deal of apprehension ?

Answer. It produces a great deal of disquiet.

Question. Is not that fact calculated to cause more disquiet than almost anything else ?

Answer. Well, sir, we have lost almost all hope of trying to do anything under this disaster. The legislature of North Carolina appropriated \$6,666,000 for the Western North Carolina Railroad, and the road has not realized \$200,000, so that there has been an increase of the debt on account of that road of nearly \$7,000,000.

Question. How did it happen that it did not realize but that amount ?

Answer. Because the officers of the company have got the money, and we cannot get at them.

Question. Who are the officers of the company ?

Answer. General Littlefield is president.

Question. Is he a native of North Carolina ?

Answer. No, sir ; I think he is an Ohio or Illinois man. He came there after the war. The first president, George W. Swepson, is a native of North Carolina, I believe. That is the way we have been treated in the western part of the State, not by the Federal Government, however ; nobody attributes anything to the National Government.

Question. How could this amount of bonds of the State have got into the hands of General Littlefield without the connivance of the governor ?

Answer. Oh ! the governor knew it ; he is responsible to some extent.

Question. How was the rest of the addition to the State debt created ?

Answer. By appropriations for internal improvements ; the whole appropriations amounted to about \$20,000,000.

Question. It was not all for the Western Railroad ?

Answer. No, sir ; for various railroad schemes.

Question. Did General Littlefield have the management of all the roads, or simply of the Western road.

Answer. The Western Railroad.

Question. Who were the other parties engaged in it ?

Answer. I am a director of the Western Railroad. The history of it is this : You remember a great disaster happened to North Carolina bonds in New York. After being offered so freely, they went down very rapidly. Mr. Swepson sold about half of them, I understand. He then took a large amount of our funds, and went and bought Florida railroad bonds, and turned everything over to General Littlefield. These were first mortgage bonds, I think, of the Jacksonville Railroad ; they exchanged them with the State of Florida for State bonds, and these they have been negotiating in Europe. General Littlefield has just returned from Europe, and all our money has gone into the Florida Railroad, so that we have got nothing, while they have got a road in Florida which is covered with mortgages, and we cannot reach it.

Question. Is this the same General Littlefield for whom the authorities of your State has issued a proclamation offering a reward ?

Answer. Yes, sir ; a reward of \$5,000. The matter has gone very far to dissatisfy our people. The whole conduct of the legislature has much to do with it.

Question. What other railroads were there appropriations made for ?

Answer. There was an appropriation for the Western Railroad of \$2,000,000. I do not think they have done very little work.

Question. Which is the road that Judge Henry is president of?

Answer. The eastern division of the Western road; that is another road. Judge Henry belonged to a commission with Mr. Woodfin to institute proceedings against the men who had got our State bonds. He is a director of the eastern division; I am a director of the western division.

By the CHAIRMAN:

Question. Were these bonds placed at the disposal of the various roads by an act of the legislature, and actually delivered in pursuance of that act?

Answer. Yes, sir; the State became a corporator to the extent of two-thirds of the capital stock, and the charter provided that before the governor should issue the bonds it should be certified to him that the stockholders who subscribed the other one-third were solvent men, and good for the amount subscribed. But they made a bogus affair of it. I do not know how they did it, but the bonds were issued. The whole capital stock was \$10,000,000.

Question. Was the certificate given to the governor?

Answer. No, sir; Mr. Woodfin, the chairman of the commission, says he cannot find any certificate.

Question. Does that apply to all these roads or to the one of which you are a director?

Answer. The same provision applies to all the roads for which appropriations were made by the State.

Question. By whom was the certificate to be made?

Answer. The language of the statute is, "It shall be certified." I think it is expected that the president of the road shall make the certificate, or at least procure it to be made.

Question. Was there such a certificate made of the road of which you are a director?

Answer. No, sir, I think not.

Question. Did you get the bonds?

Answer. Our president got them.

Question. Was that fact known to the directors?

Answer. It was known that he got them, but we supposed he had complied with the law.

Question. In practice, by whom were the certificates to be made, and by whom were they made?

Answer. The law does not say by whom, but in practice it is expected that the president either makes or procures the certificate to be made by some one cognizant of the fact, so that it is the duty of the president to present to the governor the certificate.

Question. Would not the certificate have to be made by the officers who have charge of the corporation and of the subscription both?

Answer. No, sir, there is no obligation on the directors to make such a certificate; they had nothing to do with the financial matter, in fact, of the road at all, only to superintend the construction of the road. They were not at the capital; they were 270 miles away.

Question. Who had the management of the finances if the directors did not?

Answer. The directors were also managers, but the president was the financial agent.

Question. Do you say that the certificate was made or else the bonds procured without the certificate, and then that the bonds were put in the market without your knowledge of the fact?

Answer. I do.

Question. Whose, then, is the fault, if there is any, in the matter?

Answer. In the first place, the legislation was loose, not well guarded; secondly, the governor was careless in not looking into the matter when he issued the bonds; and thirdly, the bonds were never submitted to the directors at all, but were taken from Raleigh to New York. Not a single director saw one of them.

Question. And the result is, that through this improvident action apprehension exists in the State of bankruptcy?

Answer. Yes, sir. I do not pretend to say the governor is a party to it. He really appears to have been more negligent than culpable.

By Mr. RICE:

Question. Were not all parties at the time this legislation took place in favor of internal improvements?

Answer. Yes, sir; I think there was no party vote in these appropriations generally, but the result has been disaster to the State in the management of certain parties, and that has produced dissatisfaction. Who is to blame about it I cannot say.

By Mr. BLAIR:

Question. The authorities of the State were those who came in under the reconstruction acts?

Answer. It was the legislature that came in under those acts.

Question. The governor, then, was the same man who is governor now?

Answer. Yes, sir.

Question. And it was by his negligence, you say, if he was not criminal in the matter, that these bonds are issued to the extent they were without any real foundation?

Answer. Yes, sir; Mr. Woodfin, who was appointed on the special commission to investigate the matter, informs me that he cannot find any certificate on file from any one as authority for issuing the bonds. Judge Henry knows about that; he has been a witness here.

By Mr. RICE:

Question. How much of the Western road has been built?

Answer. About 20 miles of the road has been graded, but no track laid.

Question. And the bonds have all been issued?

Answer. All issued and gone.

By Mr. NYE:

Question. Who were the co-directors?

Answer. There were eight radicals appointed by the governor, and then there were four stockholders' directors, making twelve in all.

Question. What are their names?

Answer. I have no list of them. Mr. Swepson and General Littlefield are now out. The whole thing has been changed; they have turned out the management; it is in different hands.

By Mr. BAYARD:

Question. Turned it out after the obtaining of the bonds?

Answer. Yes, sir; after the money was all gone. There was Major Rollins, Senator Abbott, Mr. Swepson, General Littlefield, A. H. Jones, of the House; a man by the name of Dickie, Mr. Ammon, General R. N. Henry, General Clingman, myself, J. H. Meneman, and one more that I do not remember.

Question. Who were the four elected by the stockholders?

Answer. They were General Clingman, a Mr. Meneman, I think, myself, and one whose name I do not remember.

By the CHAIRMAN:

Question. Who received the subscriptions?

Answer. There were general commissioners appointed by the legislature; they took the subscriptions, and turned the books over to the stockholders' meeting. The commissioners collected 5 per cent., and the president, Mr. Swepson, reported that the 5 per cent. was paid in on 308 shares, I believe, which made an organization out of it; and afterward the books were transferred to Raleigh, where the balance of the stock was taken up. It was a large amount that was taken at Raleigh—nearly \$3,000,000.

Question. How was the president elected?

Answer. By the directors.

By Mr. BLAIR:

Question. Is there not to be a very large expenditure for other purposes by the State of North Carolina, in addition to this enormous issue of bonds?

Answer. Yes, sir; there has been a great deal of difficulty about the penitentiary system; there is an immense fraud there somewhere; hundreds of thousands of dollars have been appropriated and bonds have been issued, which, I believe, have not been recalled.

Question. Was there or not a heavy expenditure for calling out the militia?

Answer. Yes, sir; I do not know the amount. There has been some inquiry in the present legislature about it.

Question. Was not a great deal of the excitement attending the last election on account of the anxiety of the people arising out of apprehended bankruptcy of the State?

Answer. Yes, sir, that was the issue last summer; this recklessness, extravagance, and waste of the public money. Credit was the issue before the people, and the only issue. Constitutional questions had nothing to do with it—the bulk of it, I mean. Men differed about these things, but it was a local State issue.

By Mr. RICE:

Question. Did not General Clingman act in concert with General Littlefield in regard to the negotiation of the bonds?

Answer. I have understood so.

Question. He was one of the stockholders' directors?

Answer. Yes, sir. I understood he was down in Florida. But he is here, and had

better explain that for himself. What I might state about him might affect his personal character, and it would be only rumor.

By the CHAIRMAN :

Question. Did these questions of financial embarrassment assume such a shape as to affect the public peace and security of person and property throughout the State?

Answer. I do not think they did, but there was a great deal of political excitement growing out of the question engendered in the public mind, and the great anxiety of the party out of power was, as we thought, the reckless and wasteful expenditure of the public money.

By Mr. NYE :

Question. The legislature that made this grant was composed of men of both parties?

Answer. Yes, sir.

Question. Was there any division of parties on the question?

Answer. I do not think there was a party vote on it.

Question. Were not both parties, so far as you know, mutually interested in it?

Answer. I could not give you the result, but I do not think there were any party lines drawn on the appropriation. I will say this, that if the appropriation had been properly applied, there would have been no dissatisfaction about it.

Question. It is the application and not the fact of the appropriation, then, that caused the dissatisfaction?

Answer. Yes, sir. The reckless misapplication of the money, not only in relation to our railroads, but generally.

By Mr. BLAIR :

Question. The legislature and the State officers that came into power and made these appropriations were chosen at the election which took place under the reconstruction acts?

Answer. Yes, sir; elected at the same time.

Question. By which a great number of the people of the State were disfranchised?

Answer. Yes, sir; they were disfranchised in the first election.

Question. It was the first legislature under the new constitution?

Answer. Yes, sir.

Question. The governor was elected at the same time?

Answer. I think so. The governor was inaugurated in July, 1868, and the legislature did not assemble till the fall. I believe we voted for members of the legislature at the time we voted on the adoption of the constitution.

By Mr. BAYARD :

Question. The legislature, which had to adopt certain preliminary constitutional amendments offered by the Congress of the United States, was the legislature, I understand you to say, that made these appropriations of the public money?

Answer. Yes, sir.

Question. And the State officers elected at the same time had the management of the whole affair?

Answer. Yes, sir. The present legislature is the second one under the reconstruction acts; the other was the first.

Question. Is there anything that has occurred in the State of North Carolina that has caused the people of that State as much anxiety as this profligate waste of the credit and money of the State since the reconstruction acts?

Answer. I think that was a matter of more concern to our people than anything else.

By Mr. RICE :

Question. Was that made an issue in your canvass at any election prior to the one in 1870?

Answer. No, sir; it was not an issue in the first campaign, when the first legislature was elected.

Question. But the excitement in regard to the financial question of which you spoke, was at the election in August last?

Answer. Yes, sir.

By the CHAIRMAN :

Question. Do we understand you as saying that it assumed entirely the shape of a financial question in the last election and was not a partisan election?

Answer. Oh! it was a partisan election; the parties undertook to justify the conduct of the State government on the one side, and to oppose it vehemently on the other.

By Mr. RICE :

Question. Are there any charges made in the impeachment against Governor Holden for wrongfully issuing these bonds?

Answer. No, sir; I do not think there are. I think that was discussed. I see by the papers that it was moved as an amendment, but I do not think it has been put in. I know that matter was discussed by the managers, but it was thought it would prolong the investigation too much, and so they concluded to leave it out.

By Mr. NYE:

Question. Do you know whether any members of the present legislature who took their seats have been turned out since?

Answer. Yes, sir.

Question. What was the political character of those turned out?

Answer. There were two or three radical senators turned out.

Question. If they had not been turned out what would have been the political character of the Senate?

Answer. It would be decidedly democratic with them.

Question. Why were they turned out?

Answer. In the case of one of the men, Mr. Lassiter, it was purely a question of votes, as I understand; there was no legal question involved. But in regard to the other two I understand the question to be this: Alamance and Guilford Counties constituted one senatorial district, entitled to two senators. Mr. Smith and Mr. Gilmer were returned elected. Mr. Gilmer had a majority in Guilford County, and also in the whole district. Mr. Smith had a majority, counting the whole district, but was beaten in the county of Guilford alone; so that if Alamance was not counted he was defeated. But Mr. Gilmer was elected in any event. Mr. Smith took his seat; it was not contested. But the legislature, following the judicial decision of Chief Justice Pearson, declaring the county of Alamance to have been in insurrection, vacated the seat of Mr. Smith and ordered a new election. Mr. Smith was again a candidate for the senate and was beaten. Mr. Gilmer, who had a majority any way, retained his seat.

By Mr. BLAIR:

Question. Did the governor of the State ever assume, in any of your elections, to throw out the vote of whole counties?

Answer. None other than those two counties in insurrection, Alamance and Caswell.

By Mr. BAYARD:

Question. By whose decision was it that the votes of the county of Alamance were not permitted to be counted?

Answer. I think it was the decision of Chief Justice Pearson.

Question. Give us the *modus operandi* by which the votes were rejected?

Answer. I suppose the legislature, when it assembled, declared the election void under the decision of the chief justice and ordered a new one.

By Mr. NYE:

Question. Did not Mr. Smith take his seat in the legislature?

Answer. Yes, sir.

Question. Then the legislature declared his seat vacant?

Answer. It was already conceded that those counties were in insurrection and would not be counted. I think they were thrown out in the count for attorney general at the same election. I think that was the precedent. I am not sure of this.

By Mr. BAYARD:

Question. By whom were they thrown out?

Answer. By the authority of the governor and secretary of state, I suppose.

By Mr. NYE:

Question. Then the chief justice held that they were in insurrection?

Answer. I think so, or that they were declared in insurrection.

By Mr. BAYARD:

Question. Did any one contest the seat of Mr. Smith?

Answer. No, sir; the question turned altogether on the legality of the election.

By the CHAIRMAN:

Question. What was the vote in those two counties of Alamance and Guilford?

Answer. I cannot tell you. I have not been a politician since the war and do not carry these things in my mind.

By Mr. BAYARD:

Question. Was there a great deal of feeling in regard to the election in August last?

Answer. Well, there was a deep-seated feeling, but very little excitement at the polls.

Question. You say Governor Holden proclaimed these counties in insurrection. Do you know from conversation with leading members of the radical party whether they approved the measures adopted by Governor Holden in regard to those counties?

Answer. They defended them ; I do not know that they approved them. I think Mr. Phillips, a very distinguished gentleman and a candidate for attorney general, stumped the State in defense of that act of Governor Holden.

Question. Were there any threats of the use of the military or any other than lawful means to carry that election made in your presence by the leading members of the radical party ? If so, state who they were.

Answer. I have heard a great deal of talk ; we have talked politics pretty excitedly. A year ago I was in this city, and had frequent conversations with our Senators and Representatives here. In conversation with Senator Pool, in discussing North Carolina politics generally, I said I had no doubt the politics would be changed there, that the public sentiment was changing, and that the party in power could not carry the next election. Then he remarked, "that I might be satisfied of one thing, they were going to carry the elections any way ; I might be sure of that." He made that sort of reply upon my intimating to him that we intended to beat him.

Question. Was he at that time sustaining the action of Governor Holden ?

Answer. Yes, sir ; he had been at Raleigh about a year ago, and drew a bill in the legislature, as he admitted, to require the railroad presidents to come back and settle with the public treasury, and bring the bonds back. I told him there was a doubt about his power to enforce that, and I did not think his bill would amount to anything. He remarked that they must come back and settle, and they intended to have a settlement. I told him that the only tribunal I knew of to settle this thing was the people, and they were disgusted with it, and intended to see it righted at the ballot-box. He said I need not lay that consolation to myself, that they intended to carry the election.

By the CHAIRMAN :

Question. Is it your meaning that Mr. Pool wished to convey to you the idea that the election would be carried by force ?

Answer. It made that impression on my mind, that they were determined to carry the election.

Question. Please give us exactly what he said ?

Answer. I have given it as near as I can ; the words I could not exactly swear to. He said, with a good deal of emphasis, "We are going to carry the election."

Question. That was in response to your assurance that you intended to carry it ?

Answer. That I thought we would beat them.

Question. That was your own interpretation of that language ? He assured you that his party were going to carry the election, and your interpretation was that they intended to carry it by force ?

Answer. Well, his manner was vehement and positive.

By Mr. BLAIR :

Question. Was his answer in connection with anything that was said about the declaration of martial law in Alamance and Caswell counties ?

Answer. No, sir ; I do not think it had been contemplated then, because these difficulties did not exist then.

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

JAMES E. BOYD recalled and examined.

By the CHAIRMAN :

Question. Have you any knowledge of the fact that the assassination or murder of Senator Stevens had been determined upon in any camp of the Ku-Klux or White Brotherhood ?

Answer. No, sir ; only I heard it rumored afterward that it had been known in Ku-Klux circles in my county before his assassination that it had been determined upon.

Question. Was it communicated to you by any persons whom you recognized as members of that organization ?

Answer. Yes, sir.

Question. Who were they ?

Answer. Mr. Long, who was the chief of the organization in my county, told me he had been informed by a member who resided in Caswell, before the assassination, that it had been determined upon. His communication to me, however, was after the death of Mr. Stevens.

Question. Was it communicated by Mr. Long as a member of the organization, to you as a member of the organization ?

Answer. Yes, sir.

Question. Do you know anything of the assassination of W. R. Albright having been determined upon ; if so, how, and what means did you take to prevent it ?

Answer. Yes, sir ; I think it was about a year and a half ago. I heard from members of the organization that it had been determined to assassinate Mr. Albright. He is a

citizen of my town and was a friend of mine, and I determined to prevent it if I possibly could. I saw some other members of the organization, and told them that it ought to be stopped. They agreed with me, and by the assistance of some others we found out the origin. I did not myself, but some others found it out, where the attempt was coming from, and succeeded in preventing it.

Question. By what means?

Answer. Simply by talking against it and persuading them to desist from their plan.

Question. For what reason was he to be assassinated, and where was the determination arrived at?

Answer. I do not know in what particular camp, or the particular man that determined upon his assassination. I think I received my information in regard to it from C. C. Curtis and W. S. Bradshaw.

Question. Did they give you the reason that led to the determination?

Answer. The reason was understood to be that he had made himself prominent in politics there, and was strongly opposed to the conservative party—insisted upon the rights of the negroes.

Question. Did you state in your previous examination your knowledge of the connection of Mr. Strudwick, present member of the house of representatives of North Carolina, with the organization?

Answer. Yes, sir.

Question. Is he the same gentleman who introduced the bill for the repeal of the law against the Ku-Klux?

Answer. Yes, sir; I think the present member from Orange introduced the bill repealing what was known as the Shoffner bill, authorizing the governor to organize the militia.

Question. Do you know what position he occupies in the organization of the Ku-Klux; whether he is a commander?

Answer. I do not.

Question. Do you know of his connection with any other injury perpetrated by the organization in Alamance County?

Answer. I do not. I have heard it often remarked by members of the organization that he was quite a violent member.

Question. Was that during your connection with the organization?

Answer. Yes, sir.

Question. What do you know about the agent of the Associated Press in the State being a member of that organization?

Answer. I do not know the agent of the Associated Press.

Question. The agent at Raleigh, North Carolina?

Answer. I have heard it said that John C. Syme is a member of the Associated Press; I do not know him to be so. I know him to be a member of the Constitutional Union Guards.

Question. By what means do you know that?

Answer. By conversation with him and passing the signs.

Question. You say you do not know him to be the agent of the Associated Press?

Answer. He is a reporter, I think, in the Sentinel office in Raleigh.

Question. Did you hear a speech of Mr. Turner, in Graham, in reference to the negroes?

Answer. I did not.

Question. Did you communicate with Mr. Harding anything about it?

Answer. No, sir; I did not hear it, except I heard his voice in my office, where I was at the time.

Question. What effect has the existence of this organization upon the willingness of people to testify in regard to it?

Answer. I have no doubt that the fear of punishment by the organization deters a great many from speaking out, as they otherwise would, in regard to the facts.

Question. What is your own belief as to the position in which you have placed yourself by your testimony in the former judicial investigation and by appearing now as a witness?

Answer. Really I do not know. I am satisfied that there is very great feeling against me, but as to whether there is any intention to do me personal damage I cannot say.

Question. Is there any other fact that you wish to communicate in connection with your former testimony?

Answer. Not that I know of.

By MR. BLAIR :

Question. Do you know anything about the Union League organization?

Answer. I know that such an organization exists there.

Question. Who compose it?

Answer. I think a majority of its members are colored men.

Question. What is its object?

Answer. So far as I know, only political. I understand it to be an organization of the republican party; in the interest of that party.

Question. Is it a secret organization?

Answer. I do not know whether their meetings are secret or open. I never was in their meetings. They had public demonstrations, marches, and dinners, in which the members appeared with their badges.

Question. Is it not understood to be a secret organization?

Answer. Yes, sir; I believe in some instances their meetings are understood to be held in secret. The initiations are probably in secret, none but members being allowed to be present.

Question. Have you ever heard of their using intimidation or violence to control other negroes outside of the organization to vote their ticket?

Answer. Yes, sir; I have heard of such things often, but as to the truth of them I do not know; I have heard it said that negroes had been threatened by the Leagues; I have seen it published in the papers.

Question. What is your belief on the subject as to the fact?

Answer. Well, sir, I cannot say that I think it is true generally; there may be some individual instances in which they attempt to use some strong measures to induce negroes to vote with them; but nearly the whole of them vote the Republican ticket anyhow.

Question. Was not the Union League established before there was anything said about the Ku-Klux?

Answer. Yes, sir, I think it existed in my State before I had any knowledge of the Ku-Klux there.

Question. Was it not generally known that there was such a secret political organization long before there was any Ku-Klux organization?

Answer. Yes, sir; as I said before, the League existed before I knew anything about the Ku-Klux, but how long before I do not know; I think it had existed in my State for some time before November, 1868; I think it was organized shortly after the surrender, about the time the fourteenth or fifteenth amendment was submitted to the legislature for approval.

By Mr. RICE:

Question. Have you ever heard of any case of violence by the Union League?

Answer. I have seen it published.

Question. Do you know of any parties that have complained of actual violence committed by the Union League?

Answer. No, sir.

Question. Have any negroes made complaint, to your knowledge, that they were coerced or injured in any way?

Answer. No, sir; I never heard of any.

By the CHAIRMAN:

Question. From your knowledge of the Ku-Klux organization, derived from having been a member of it, is it in such a state of military organization as that it could be called together upon any emergency?

Answer. O, yes, sir; the organization is very complete, from the commander-in-chief down to the lieutenants in the camps.

Question. Did you ever hear a discussion in any of their camps upon the position they would take in case the United States should be involved in a foreign war?

Answer. No, sir; I never was in but one meeting, as I stated before.

Question. Have you heard any expression of the members of the organization upon this question?

Answer. No, sir, I cannot say that I have.

WASHINGTON, February 11, 1871.

ALONZO B. CORLISS sworn and examined.

By the CHAIRMAN:

Question. State whether you were employed at any time in the last year or two as a school teacher in North Carolina.

Answer. I was.

Question. In what part of the State?

Answer. In Alamance County, at Mebansville and Company's Shops.

Question. What kind of a school?

Answer. A colored school, under the Society of Friends of Philadelphia.

Question. Were you visited at any time by men in disguise? If so, state briefly at what time and what they did.

Answer. On the evening of the 26th of November, 1869, I preached to the colored people at their request, during a revival which they had; there were some noises about

the window during the evening; I went home; at 12 o'clock at night something was thrown on the roof of the house which waked myself and wife, and then a rail came against the door and broke the lock; in came five men; I was rising from my bed; two of them seized me by my legs and dragged me out of the door; soon two others took me by the arms, and four of them in that way carried me in double-quick time about a mile and a half and set me down in a thicket and began to beat me with hickory sticks; I felt relief then, for I thought they were not going to hang me; I felt three blows; the next day revealed 30 marks on my back; I have the scars now; I fainted; the first I knew they kicked me in the side and said, "Get up;" I rose part way and fell back; they lifted me up, and one of them shaved my hair close, one-half of it, and with a sponge painted half of my face black; the smell of the turpentine revived me; they then started to go away; I said, "Friends, will you tell me if I am near any house?" one of them came back and said, "This way is the road;" I could not walk; they took me without my crutches; I took a stick and hopped along till I came to the house; my wife was out screaming for me up the road; I ought to have stated that they struck her; she tried to tear the mask from the face of one of them; I have got the mustache that she tore away from his face; they struck her on the arms and stepped on her feet.

Question. How were they disguised?

Answer. With tight clothing, something like a clown with horns. They whistled all the time, trying to appear like demons. Before they whipped me they stood around in a circle and gave unearthly shrieks and whistled. They went at word of command; they seemed to understand their business. While they were carrying me they said they meant to rule this country. I asked them why they did this to me? They said "for teaching niggers and making them like white men." They said they came from Chatham county. One of them was leader, the other four carried me. One was more kind than the rest. My knee was callous; I have a callous joint. They pulled it out straight and I screamed. They told me to hush up (we were passing a house) or they would blow my brains out, and they struck me with a revolver over my eye-lid. The next morning Dr. Moore, a member of the legislature, came in and dressed the wound with sticking-plaster so as to make it heal without showing. My head was cut in other places.

Question. Was any other reason assigned for this treatment than what you have given?

Answer. No other reason.

Question. Had you taken any part in the political proceedings of the county?

Answer. Well, at Mebaneville, a year before I was elected president of the Loyal League. But there was no Loyal League at the place where I was, and I had not been president for one year.

Question. Had you taken any other part in the proceedings in the State or county?

Answer. None at all, except when colored men bought land and paid for it, and did not get any deed, they would come to me for advice; and I told them to pay no money until they got the deed; not to pay part and have a promise. I was trying at the time to have a free school system in operation for white children and for black children, also. I talked about it with leading men. The Friends had one school for whites and one for colored in Company's Shops.

Question. What became of your school-house; was it visited?

Answer. Well, they came around it that night. It had been disturbed by noises; the colored people said there were disguised men about it; I did not pay much attention to that; they never disturbed me in the school.

Question. This attack on you was at your house?

Answer. Yes, sir.

Question. Were you compelled to leave that neighborhood?

Answer. They told me to cease teaching negroes, and to leave in ten days; I staid twenty days; I applied to Mr. Belknap, Secretary of the Interior, for assistance, and he sent me four soldiers, who staid with me twenty days. I arrested four men at the end of ten days for doing it. I was then able to go about.

Question. Did you know who they were?

Answer. Not certainly; their voices were familiar, and their size. There were colored men who said they watched them home, with the regalia under their arms. The whole village was aroused. It was getting light when they went home, and they were seen with something under their arms.

Question. What became of the legal proceedings?

Answer. The justice had them acquitted.

Question. They were not bound over to appear?

Answer. My evidence was given, but most of the witnesses fled.

Question. Was it in consequence of this state of things that you left there?

Answer. It was; I could not stay there; my family would be disturbed all the while.

Question. What was the state of public sentiment produced by these proceedings in that county; what was the sense of security?

Answer. It made all the people feel unsafe. - They said if I could not stay there they

could not. One white man who had been whipped came to me while I was in bed. He lived about six miles from where I was. He was whipped for being a Union man, and agitating Union principles.

Question. Did these persons say anything of their political designs?

Answer. Nothing more than they meant to rule the country—wanted me to understand that they meant to rule the country.

Question. How did you understand that—as political rule or by violence?

Answer. Well, by violence, I should understand it—that if they could not rule by a political majority they would rule anyhow. The republicans were in the majority in the country at the time; that agitated them more, I presume.

Question. How long did you teach that school?

Answer. At Company's Shops I taught six months, and at Mebansville one year, making eighteen months in all in Alamance County.

Question. How were you supported?

Answer. By the Friends of Philadelphia in part; the colored people themselves paid on an average \$8 a month toward the school.

Question. That was the whole amount they paid?

Answer. Yes, sir; it ranged from \$5 to \$13.

Question. The balance of your salary was made up by the Friends?

Answer. Yes, sir; the people calculated to pay my board, the Friends to pay the salary; but the colored people did not quite do their part.

Question. If there is any other fact within your knowledge bearing upon the degree of security of person and property, please state it?

Answer. My idea is that persons are not secure if they undertake to teach the colored people, or if they join a Loyal League, or if they vote the republican ticket. I was there at the presidential election, and persons who voted for General Grant were not safe.

Question. How far do they intend that to apply?

Answer. To that neighborhood; I would not speak of any other portion. I heard of others, however, in the same condition. I only speak of that county. I know they had a Seymour club there, and it was publicly known among all the people that if any one voted for Grant he was never to have any employment, or was to be turned off if he was hired. But they did not carry out the threat. One man, George Mebane, however, did carry it out.

Question. Were you in the same physical condition when you were beaten that you are now?

Answer. Yes, sir.

By Mr. BLAIR:

Question. You say you belonged to the Loyal League?

Answer. In New Jersey I did; and in Mebansville they chose me president of it.

Question. Is that a secret organization?

Answer. Yes, sir; it was secret, but it did not amount to much when I was there; there was not much done in it.

Question. What was its object?

Answer. To secure the election of General Grant, when I was there, just before the election—to cause voters to have courage to go to the polls and vote.

Question. Did you take any oaths?

Answer. Well, yes; about the same as you do when you join the Odd Fellows, and Good Templars.

Question. Tell us what oaths you took?

Answer. The main thing was always to be true to the American Union, and to the flag; to support it in all cases whatsoever.

By the CHAIRMAN:

Question. Can you repeat that oath?

Answer. I could not fully; but that was the main point—to be true to the Union, to frown down the spirit of secession wherever we saw it, and not to reveal any of the private matter of the order.

By Mr. BLAIR:

Question. You would not feel yourself, then, at liberty to reveal that?

Answer. No, sir, not private matter then; but now I do not know that I am under the obligation. I hardly know that the organization is in existence there now. I would not feel at liberty, perhaps, to reveal the private signs, passwords, and signals, in case of danger; but the oath we took is not private. When we join the Sons of Temperance, we would not be at liberty to reveal the grips and passwords.

Question. When was this League first established?

Answer. It was a branch of the League at Raleigh, and that was connected with one here at Washington—the same that extended all over the North. It first started about the second year of the war. I then belonged to one in New Jersey.

Question. When was it established in the South?

Answer. I know one in that county the second year after the war.

Question. Did you know of their existence prior to that in the North or South?

Answer. No, sir—yes, sir. I heard that there was one in North Carolina, when I belonged to one in Virginia.

Question. When did you first go to North Carolina?

Answer. I went to Mebaneville, in October, 1868.

Question. Was not this Loyal League established all over the South, before there was anything heard of the Ku-Klux?

Answer. Yes, sir; I think it was.

Question. Was not the Ku-Klux established simply to antagonize the Loyal League?

Answer. Well, it was so claimed by the papers; but I do not know. It was so claimed by the Sentinel.

Question. Did the Loyal League ever use any violence, intimidation, or threats?

Answer. No, sir; never. Young men who belonged to it would say when a colored man voted the democratic ticket, "Let's have a time with him," but the sentiment of the league would say, "No, let him vote as he pleases."

Question. That is your own League?

Answer. Yes, sir. I know one man who lived right next door to our League who did vote the democratic ticket, and we used our power over the young members of the League to let him alone.

Question. There was a disposition to molest him?

Answer. Yes, sir; when he came to church they would laugh at him and make him feel uncomfortable; would laugh at his children when they came to school, and want me to turn them out. His children would come in crying sometimes, because the other boys annoyed them, saying that their father was a conservative, as they called him. I told one of them to tell the boy that he was a good republican if his father was a conservative, and he went out smiling at that. That is all the prosecution I know of.

Question. You never heard that there was any intimidation used by the Loyal League?

Answer. No, sir; I never did, as a body.

Question. You have heard that members have done so?

Answer. I have heard of particular instances where men have been abused somewhat for voting the democratic ticket, but there was no authority from the League, or from any organization.

Question. You first went to North Carolina in 1868?

Answer. That is to Mebaneville; I was in Edenton the year after the war.

Question. Do you remember to have heard anything said about the debt of North Carolina; how it had been increased under the reconstruction of the government?

Answer. Yes, sir; I heard that mentioned frequently.

Question. During the elections was it much spoken of?

Answer. Yes; by the conservative party.

Question. Did they make use of it as an argument against the other party?

Answer. Yes, sir; against Governor Holden, frequently.

Question. What was the general opinion expressed by them in reference to it?

Answer. Well, there were always two opinions, one party had one and the other another.

Question. You speak of the democrats and republicans?

Answer. Yes, sir; the democrats were unanimous in the opinion that there had been extravagance.

Question. That the credit of the State had been injured, and the public money had been squandered?

Answer. Yes, sir.

Question. How much was the debt of the State under Governor Holden's administration?

Answer. Well, I never investigated it enough to know, but I always supposed that the expenses necessarily were very great after the war, to start a new system of education and government. I always thought, however, that there were some who were not trustworthy, who squandered the money, as there always are in all governments.

Question. Was not there a very large appropriation in the State for internal improvements?

Answer. Yes, sir; for the Western Railroad.

Question. And other railroads?

Answer. Yes, sir.

Question. To what amount was the appropriation for these roads?

Answer. I do not know; I was not particularly interested in these matters.

Question. All these questions created considerable feeling in the election and caused a great deal of excitement, did they not?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Was that a general topic of discussion?

Answer. Yes, sir; on one side; on the other side the chief thing was freedom to vote and to have schools for all, and to be secure in their homes. That was the anxiety on the other side.

Question. Did the republican party sustain Governor Holden during the campaign?

Answer. Yes, sir.

Question. And the democrats assailed him on account of extravagance and corruption?

Answer. Yes, sir.

Question. Was that about the chief issue in the canvass—the one that was most discussed?

Answer. On one side that was brought out; on the other side there were other matters—their future freedom.

Question. On the conservative side the chief topic was corruption?

Answer. Yes, sir; that was the chief point.

By the CHAIRMAN:

Question. Did you ever hear such wrongs or whippings as you have spoken of becoming the subject of political discussion in the State?

Answer. Yes, sir.

Question. How did the parties divide upon it?

Answer. Well, there were those who would say that these whippings were only for some flagrant offense—for barn-burning, or something like that; and some scourgings that I heard of were for flagrant offenses; but others I know were not, for I knew the men.

By Mr. BAYARD:

Question. State what the flagrant offenses were for which these people were whipped.

Answer. Some who were killed or shot in Alamance County were accused of burning barns.

Question. What other offenses?

Answer. Well, generally it was for some immorality which was never established or known.

Question. In regard to women?

Answer. Yes, sir; going with another man's wife, or things of that sort.

Question. Outrages committed on white females, or threatening to commit them?

Answer. I never heard of one of that kind in Alamance County. I have heard of an outrage on a colored girl. The boy, I believe, was hung for committing it.

By the CHAIRMAN:

Question. When these wrongs became the subject of political discussion, how did the parties divide upon the question? Where did they receive countenance and where denunciation?

Answer. Well, when the men were to blame they said, "It is pretty well deserved; let it go;" but when it was an innocent man who had suffered, then they were excited and would abhor it. When it was a flagrant offense, they would justify it and say, "He got his deserts." That was the general feeling.

Question. Do you know of cases where the charges of flagrant offenses were made the pretext for inflicting punishment?

Answer. Yes, sir, I do—some cases of that kind.

Question. Within your own knowledge?

Answer. In the case of alleged barn-burning in Alamance County. I do not know that they did it.

Question. Do you know whether charges of that character were made for the purpose of screening the real purpose for which the flogging was inflicted?

Answer. Yes, such charges were made when the person was not guilty. One colored man was hung because he would not work for a certain white lady. He said he would work where he liked; he was hung next day in Hillsboro.

By Mr. BAYARD:

Question. What other charge did they make?

Answer. That he had insulted the lady and her daughter.

Question. Do you know whether he did or not?

Answer. I do not know anything about it; but the colored people all believe that it was simply because he refused to work there any longer; and hence the sympathy was with the colored lad that was hung.

By the CHAIRMAN:

Question. If there was a division of party sentiment about these wrongs, which party condemned and which approved them?

Answer. Well, the republican party of course were disposed to sustain the person that was supposed not to be guilty. The democratic or conservative party I never

know to have any sympathy at all where a person was hung. There was no doubt on their part that he was a villain and a scoundrel.

Question. Do you attribute that to the state of party feeling, or to the real belief of the citizens there as to whether the man was or was not guilty of these offenses?

Answer. It was the state of party feeling that would not excuse a colored man or a Northern man anyhow, or a Southern man who joined in with the Northern men. The moment they did it, they were accounted scoundrels and villains, although their life was upright.

By MR. BAYARD:

Question. Did you know of the case of a negro preacher named Parsley, who was convicted and is now in jail with several other black men?

Answer. For what offense?

Question. For Ku-Kluxing negroes.

Answer. I did hear something about it.

Question. Are you aware of the fact that he was indicted and convicted, and that he is now in prison with some four or five others?

Answer. I have heard about it. I think his son went to school to me in Company's Shops, and taught school about eight miles from there.

Question. Did you not know he was convicted of Ku-Kluxing people of his own color?

Answer. Oh yes; he went with two white men.

Question. Did you know him yourself?

Answer. No, sir. I knew his son. But this happened after I left, or rather the trial was after I left.

Question. How many did he whip?

Answer. They went only to one man that night, that I know of. My recollection is that there were others whipped, and the whipping led to the conviction of Parsley.

Question. You say you did not know him personally?

Answer. No, sir; but I knew his son, or a relative of his. I think it was his son. Yes, I recollect they made him own it, and his evidence brought out others—two white men.

Question. Do you know of any other acts of violence by colored men upon colored people?

Answer. I do not. One of the men in the crowd that chastised me said he was a negro; the one that had the most sympathy for me and carried me on his back. He said, "I am a negro; that is the reason I have so much sympathy for you." I protested against their carrying me so rudely, and he said, "I will carry you better," and took me on his shoulders. He was the stoutest of the lot. He said, "I am a negro myself, and that is the reason I like you so well. I will not see you harmed." But I do not think he was.

Question. Were the people you had arrested citizens of your own county?

Answer. Yes, sir; right there at the Shops. The men were watched by the colored people as they came home, and the sons of some of the men said their father was in it; that was overheard by colored men standing in the grove where I was whipped.

Question. They heard white children speak about it?

Answer. Yes, sir.

Question. That was the testimony?

Answer. That was part of the testimony. I have a flag which they put up at the end of the ten days, with these words, "Corliss and the negroes. Let the guilty beware. Don't touch.—Hell." It was trimmed with crape, and the figure of a coffin was printed on it.

Question. Where was that?

Answer. On the road from my house to the school-house. Five men got off the cars one night and put it up. That was the testimony of negroes who were around the train watching. They went away again on the morning train.

Question. Where did the cars come from?

Answer. From Graham to Mebaneville, and then returned. They came about 10 o'clock, and went back about 2.

Question. These men you had arrested lived in your vicinity?

Answer. Yes, sir. I have letters from colored people saying that I had three of the right ones; that they had confessed it since to individuals. I have not been there myself.

Question. Before what justice did you take them?

Answer. The justice at the place, Company's Shops; I do not know his name; he was a Union man, and did all he could, and so did the postmaster. He was fearful, as he told me afterward, that if he decided for me he would be treated in the same manner.

Question. How many negroes were members of the Union League of which you were president?

Answer. About forty; but only eight or ten were very active.

Question. What was the population of blacks?

Answer. I had ninety in my school; nearly all belonged to it except one man, who would not join it.

By Mr. BLAIR:

Question. You say Alamance was a republican county?

Answer. Yes, sir; by seven majority.

Question. The governor of the State was of course a republican, then?

Answer. Yes, sir.

Question. How did it happen that the minority under those circumstances could intimidate you and others?

Answer. They had the most power; they owned the land. Though they were in the minority they had power, because they were violent in their demonstrations. They would go at night and put a coffin at your door with the words written on it, "To-day alive, to-morrow dead." I knew a justice of the peace who had one put at his door.

Question. Did it frighten him much?

Answer. He talked of moving away to another farm; I do not know whether he did or not. I know colored men who went trembling to the polls to deposit their vote for Grant; they were afraid to do it. I know others who did not vote at all, for fear of being turned off or of injury.

Question. Where do you live now?

Answer. In New Jersey.

Question. Did you ever live in any of the manufacturing towns of the North?

Answer. I have lived in Philadelphia.

Question. Did you ever hear of persons having large manufacturing establishments at the North controlling the votes of their men?

Answer. Yes, sir.

Question. Threaten to turn them off?

Answer. Yes, sir; something like that. In the presidential election I have seen it.

Question. Seen them turn them off?

Answer. They would threaten to do it, or to lower their wages; something of the kind.

Question. It is a common thing, is it not?

Answer. Well not so very common; but then it has been done; I have heard it talked of—no severity used.

By Mr. BAYARD:

Question. You mean physical force?

Answer. No, sir; they like the favor of their employer, and are very apt to go as the employer goes.

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

GEORGE B. BERGEN sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I am at present with my family, residing in Washington City.

Question. What is your occupation?

Answer. I am a lawyer by profession.

Question. Were you, at any time during the year 1870, lieutenant colonel under Colonel Kirk, in command of the North Carolina State militia?

Answer. I was.

Question. At what time did you go there?

Answer. I arrived in Raleigh on the 20th or the 21st of June, 1870.

Question. Were you placed in independent command of a portion of that militia?

Answer. Yes, sir.

Question. Give us as briefly as you can a statement of what occurred in that portion of the State where you were stationed.

Answer. I had charge of the county of Alamance, and arrested a number of the citizens of that county by order of Governor Holden, and almost every one whom I had in my camp made confession that he was a member of the organization known as the Ku-Klux Klan, and that the Klan had at several times committed outrages in that county; that the object of the organization was to obtain supremacy over the negro race and to displace the Republican party from power and to place in the ascendency the conservative party of the State of North Carolina.

Question. There have been some statements made before this committee as to means you used to obtain those confessions; give us your own account of them.

Answer. I can simply say that I made the arrest of those men, brought them into camp, and they confessed without any difficulty. There have been several affidavits made in the State of North Carolina that I hung, tortured, and injured several persons;

but I think it would be a difficult matter to show that one man was injured by me. I do not think I ever injured a man while I was in the State of North Carolina.

Question. What are the names of the persons who made those affidavits?

Answer. One is named Lucien H. Murray. I never spoke to him over five words in my life, that I recollect. He made affidavit before his honor Judge Brooks, of the United States district court in North Carolina, that I hung him up, tortured him, and maltreated him in every way, shape, and form. Now, I never laid the weight of my hand upon that man; I never spoke five words to him, as can be clearly proved by those who were prisoners at the same time. There was another man of the name of William Patton, whom Mr. Turner alleged I had maltreated and hung up. He afterward made an affidavit that such was not the case, which was published in the Daily Standard in Raleigh. There was also a man by the name of Rogers, I think, who made an affidavit that I had hung him up and tortured him. I never interfered with him in the least.

Question. By what means were those confessions obtained of which you speak?

Answer. I suppose from fear of being tried by military court-martial, as it was generally understood would be the case after we first came to Alamance and Caswell Counties.

Question. Do you know of any instance in which persons, while prisoners in your custody, were treated in the manner spoken of in those affidavits?

Answer. I do not.

Question. What was the state of feeling among the people when you went there as to the security of their persons and property in consequence of the existence of this organization?

Answer. I am not sufficiently well informed to answer that question.

Question. What did you find the feeling to be among that portion of the people with whom you came in contact?

Answer. I found that they felt insecure; that is, the colored portion of the population and those who took sides with the colored population.

Question. How long did you remain there?

Answer. I was there from two and a half to three months. Then I was arrested and thrown into jail at Raleigh, and after I had been in jail ninety-four days I was released by his honor Judge Bond upon a writ of *habeas corpus*. I then went direct to Danville, where I remained two days, when I was arrested by a North Carolinian by the name of Wiley, who lives in Caswell County. I was run down by blood-hounds, arrested, and taken before the mayor of Danville. After I had been before the mayor about an hour, an affidavit and warrant were made out against me, but I was finally released.

Question. Upon what charges were you arrested at Danville?

Answer. Upon the charge of larceny, of stealing a pistol from F. A. Wiley. I was ordered by Governor Holden to arrest Wiley, and at the time of his arrest I ordered that his arms should be taken from him. He alleged in his affidavit at Danville that I had taken the pistol; but when he came to swear before the court he could not positively state that he had ever seen the pistol in my possession.

Question. While in Alamance County, were you acting in obedience to the orders of the governor of the State?

Answer. Yes, sir; I found evidence in the county of Alamance that probably two-thirds of the white citizens of that county were members of the organization known as the Ku-Klux Klan; at least, they told me so.

Question. From what information do you speak as to the purposes of that organization in that county?

Answer. From the confessions of its own members.

Question. Confessions made to you?

Answer. Yes, sir. I had the most of those confessions in writing; but they were afterward destroyed when I was arrested and taken down to Raleigh.

Question. Did any of them state to you any of the means used by them to intimidate voters or to influence elections.

Answer. Yes, sir.

Question. What was said by them on that subject?

Answer. That they accomplished their ends by means of scourging, whipping, hanging and maltreating in every shape and form.

Question. What was the condition of affairs when you left Alamance County? Was this organization in operation then, or had its operations ceased?

Answer. I think its operations had ceased.

Question. Were the operations of that order justified by any portion of the population there?

Answer. It was justified by those who were members of the organization, and opposed by those who were not; and it was opposed by a great many who were actual members of the organization?

Question. What justification was given?

Answer. That it was in order to counteract the operations of an organization known as the Union League, I believe. I do not know anything about that organization. I am not a member of any secret organization myself. I have heard of outrages having been committed by the organization known as the Union League, but I know nothing as to the truthfulness of the assertion.

Question. Where were you living at the time you were commissioned as lieutenant colonel of this force of State militia?

Answer. I was at the time practicing law in the city of Washington, before the United States Court of Claims.

Question. At whose request did you accept that position?

Answer. At the time I was practicing in this city, I received several claims from Colonel G. W. Kirk, who was residing in Jonesboro, East Tennessee, which he desired me to prosecute; I took charge of them, and I had been at work on them for several days, when Major Rollins, of this city, received a communication from Governor Holden, requesting him to go to North Carolina, and take charge of the troops known as State troops. Major Rollins stated that he could not go, and saw Kirk, who said he would go. Kirk said he wanted me to go and assist him to organize the troops, and I consented to go. After I arrived there, nothing would do but that I should remain; and as a reward for my services in obeying orders, I received ninety-four days' imprisonment in jail, and six weeks' pay. During the time I was in jail, I was not visited by Governor Holden or any of his friends. Several of my northern friends came to see me.

Question. When you speak of being in jail, were you committed to await trial?

Answer. Yes, sir; I was committed to jail to await trial. I was in jail with twelve negroes and fourteen white men.

Question. By whom were you committed?

Answer. By the United States marshal.

Question. By what judge?

Answer. The writ was taken out of the United States circuit court.

Question. Were you examined by a commissioner?

Answer. No, sir; it was upon certain affidavits. I was sued in the sum of \$20,000 damages, by one Josiah Turner, jr., a gentleman by the name of Scott, and another by the name of John Rich Ireland, for false arrest and false imprisonment.

Question. And you were committed for want of bail?

Answer. Yes, sir; and I believe Judge Brooks issued a writ against me to keep the peace, binding me over in the sum of \$5,000 to keep the peace in North Carolina, upon several affidavits made against me alleging that I had maltreated persons, by Murray, Rogers, and perhaps some others.

Question. Were those affidavits made by persons whom you had arrested as members of the Ku-Klux Klan?

Answer. Yes, sir; I did not arrest Josiah Turner, jr., as a member of the Ku-Klux Klan. I do not know that he was a member of it; I never had any evidence of the fact that he was.

By Mr. BAYARD:

Question. Of what State are you a native?

Answer. New Jersey.

Question. Were you ever a citizen of North Carolina?

Answer. I am not sufficiently well informed to answer that question. I was told by Governor Holden that I was a citizen of the State, after I had taken an oath to support the constitution of the State of North Carolina.

Question. Did you take that oath when you first went down there to take service under him?

Answer. Yes, sir.

Question. Was the period of your service there the only period of your residence in that State at any time?

Answer. Yes, sir; I never was in the State before. My family at that time was in Jonesboro, East Tennessee, where I had taken my wife for her health.

Question. What is your age?

Answer. I am twenty-four years of age.

Question. How long were you in North Carolina?

Answer. I went there on the 20th of June, and left on the evening of the 28th of November, 1870.

Question. How long did your operations last there as an officer of the militia?

Answer. About two months and a half; the balance of the time I was in jail.

Question. Do you say that you are not cognizant that any person arrested by you was maltreated?

Answer. I do say so, most emphatically.

Question. Neither by you nor by any of your command?

Answer. By neither.

Question. You are not cognizant of any such treatment?

Answer. I am not.

Question. Did you ever hear that any person had been so maltreated?

Answer. Only through the source I have mentioned; I never heard so from my own men, from any of my own command; I know nothing myself of the fact.

Question. Or of any extortion of testimony by intimidation or actual violence?

Answer. No, sir.

Question. You know nothing of that?

Answer. No, sir, I do not.

Question. What were your orders from Governor Holden in respect to arrest and trial?

Answer. My orders were to arrest every man who was connected, or supposed to be connected, with the organization known as the Ku-Klux Klan.

Question. To do what with them?

Answer. To hold them subject to orders of Governor Holden.

Question. Did you ever have any orders for their trial in any way by military commission?

Answer. I never had any orders directly to that effect.

Question. Did you have any indirectly?

Answer. There was a commission established at one time, that is, a military court-martial, and my name was put upon it. I had my name withdrawn. That is about all I know of it.

Question. Who composed that commission, as you understood?

Answer. It was composed of several military officers of several counties of the State, ranging from brigadier general down to captain.

Question. Gives us their names, if you can.

Answer. I believe a Colonel Clarke was named as the president; I do not know the other officers.

Question. By whom was that commission ordered?

Answer. By Governor Holden.

Question. For what purpose?

Answer. To try the prisoners who had committed those outrages.

Question. Prisoners captured by you in Alamance and Caswell counties?

Answer. Yes, sir.

Question. By whom were you paid?

Answer. By the State treasurer.

Question. Did you organize the regiment to which you were attached, or assist in organizing it?

Answer. I assisted in organizing it.

Question. Where were the men recruited?

Answer. In Western North Carolina.

Question. Who were they?

Answer. Citizens of Western North Carolina.

Question. Were there any citizens of Tennessee among them?

Answer. There were some, I believe; but I was not sufficiently acquainted to know who were and who were not from Tennessee.

Question. You were a stranger there?

Answer. Comparatively a stranger.

Question. You were not acquainted with the people of the State there till you went there?

Answer. No, sir.

Question. You say you were discharged from jail by Judge Bond?

Answer. Yes, sir; I was told so, I never saw the order of discharge.

Question. How was the order applied for?

Answer. Upon a writ of habeas corpus.

Question. Were you brought before him?

Answer. Yes, sir.

Question. Who obtained that writ for you? Who was your agent?

Answer. I sent my brother-in-law, Captain Winner, to Baltimore, to ascertain if Judge Bond would come down and hear my case on a writ of habeas corpus, citing the facts of the case. I believe Captain Winner also bore a request from Governor Holden and several other gentlemen in North Carolina.

Question. To Judge Bond?

Answer. Yes, sir.

Question. When did he hear your case?

Answer. In August, I think; to the best of my knowledge.

Question. Were you arrested and imprisoned in August?

Answer. Yes, sir.

Question. When were you discharged?

Answer. Upon the 28th of November, I think; upon the last Monday in November.

Question. Did he suspend his decision all that time?

Answer. I suppose he did.

Question. Do I understand you to say that in August Judge Bond heard your application for a discharge upon a writ of habeas corpus?

Answer. Yes, sir.

Question. And he did not make the order for your discharge until the following November?

Answer. Yes, sir; two and a half or three months after I had been put in jail.

Question. How were you informed of your discharge?

Answer. The deputy United States marshal came for me on the evening of the 28th of November; I think it was the 28th; it was the last Monday in November. He told me that the United States marshal desired to see me. Neither of them had been near me during all that time. I went around with him to the office of the United States marshal, who told me he had an order for my discharge.

Question. At what time of the evening was that?

Answer. Between six and seven o'clock.

Question. Upon what day of the week?

Answer. Monday.

Question. Where did you go then?

Answer. I went around town to see if I could raise some money with which to get to Danville. I succeeded in raising nine dollars, took the cars and came to Danville, where I waited until I could get sufficient funds to enable me to get further. In the mean time I was hunted down by blood-hounds, captured, taken before the mayor, and discharged.

Question. Is Danville in North Carolina?

Answer. No, sir; it is in Virginia, four miles from the line of Caswell County.

Question. Were you under arrest at the same time under a criminal charge as well as under civil suits for false imprisonment?

Answer. I suppose I was.

Question. By whom were you committed?

Answer. By the United States marshal.

Question. Was it by the order of the United States commissioner, or the United States district judge?

Answer. I do not know; I never stopped to inquire. I thought it was the duty of my friends to look after my case.

Question. Were there any suits against you in any of the State courts?

Answer. I suppose there were.

Question. Were you under bail, or committed in default of bail, in any of the State courts?

Answer. No, sir, I was not. I am positive of that. It was an impossibility to reach me with a writ of a State court while I was under arrest by order of a United States court.

Question. Are you aware whether writs were out against you at the suits of citizens of the State in the State courts?

Answer. I was told so.

Question. Was Judge Bond informed of that?

Answer. I do not know.

Question. Did any one appear before Judge Bond to contest your application for a discharge upon writ of habeas corpus?

Answer. There were three or four lawyers there upon the other side, and I had two or three lawyers. Judge Merriman was upon the other side, and I think Judge Battle was upon the other side, though I am not positive as to that, and there were one or two more.

Question. Were the parties present who had sued you for false arrest and imprisonment—Turner and the others?

Answer. I do not know.

Question. Was any testimony heard at all?

Answer. No, sir.

Question. None whatever?

Answer. Not in my presence.

Question. Were affidavits read?

Answer. Yes, sir.

Question. Those were all against you?

Answer. Yes, sir.

Question. Were any read in your behalf?

Answer. Simply my own affidavit.

Question. That was the only one?

Answer. I think that was all.

Question. Those affidavits alleged ill treatment and false imprisonment by you?

Answer. Yes, sir.

Question. That was the ground of holding you to bail?

Answer. Yes, sir.

Question. There never was any further proceeding in the case?

Answer. Not to my knowledge?

Question. Until you were discharged?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Were there any trials before this military commission of which you have spoken?

Answer. None at all; I think it never sat.

Question. You spoke of the written confessions of the prisoners in your custody having been destroyed. By whom were they destroyed? Did you destroy them, or were they destroyed by others?

Answer. I left them at the time in the court-house in Graham, supposing, of course, that they would be properly taken care of. After I had arrived at Raleigh, and had been in jail for some time, Colonel Kirk was ordered to Raleigh and he left the papers at Graham. I do not know exactly that they were destroyed; they were out of my possession.

Question. You never heard of them afterward?

Answer. No, sir.

Question. Were the suits of which you have spoken instituted against you on the ground that the orders of Governor Holden to you were not justified by the law, or that you were proceeding illegally under those orders?

Answer. They were simply for false arrest and maltreatment of prisoners; that was about the substance.

Question. Did they embrace both grounds, attacking the validity of the orders of Governor Holden to you, and also attacking you for exceeding your orders in the discharge of your duties?

Answer. I presume they did; at least I took them so at the time.

By Mr. BAYARD:

Question. Did you ever hear that Judge Bond filed any reasons for ordering your discharge?

Answer. No, sir; I never saw any, if he did.

By the CHAIRMAN:

Question. What was the charge upon which you were arrested at Danville?

Answer. For stealing a pistol from Wiley.

Question. That was after your discharge by Judge Bond?

Answer. Yes, sir.

Question. You spoke about being hunted down by bloodhounds? Were you outside of the town of Danville?

Answer. While I was in Danville I walked up the main street, and met Wiley there. He cursed me a little, and I do not know that I spoke very politely in return. I think he went before an alderman, or the mayor of the town, and made an affidavit against me. Some of my friends came to me and told me that I had better leave town and get out of Danville, and they would meet me outside of the town and furnish me a horse to take me over to Lynchburg. I went across the bridge over Dan River, and was met by two policemen, who asked me my name. I told them my name was registered at the hotel as B. George. They said they were looking for a fellow of the name of Berger, who had committed some outrage in North Carolina, and was believed to be a fugitive from justice. I denied being the man, and told them they had no right to arrest me in Virginia. One of them said he would go and bring a man who knew me, and the other could stay with me and keep me from escaping. After the other had got away some distance, I ran away from the other one and got into a field where there was some high grass and secreted myself. After I had been there for perhaps a half an hour, I heard some dogs in the woods and supposed they were hunting for game. I got on my hands and knees and crawled a quarter or a half a mile, until I got to a brickyard, where I saw a negro who told me that there were bloodhounds upon my track, and that I had better make for some tree. I made for a tree, but before I got up into it the dogs came up to me, and a man by the name of Graves came up and commanded me to surrender. Of course I surrendered, as I had no arms with me, and I was then taken to Danville.

Question. That was the way you were arrested?

Answer. Yes, sir; no warrant was served on me until I had been in the mayor's office fully an hour.

By Mr. BAYARD:

Question. How many men did you arrest without warrants in Caswell and Alamance Counties?

Answer. Do you mean by the order of Governor Holden?

Question. You say you arrested persons by his orders; how did you arrest them?

Answer. I sent out and had them brought in; whenever we ascertained that a citizen of that county was a member of this so-called Ku-Klux Klan, we sent men out and had him brought in.

Question. Did you arrest men whether they were or were not members of the organization?

Answer. I do not think I arrested a man there who proved not to be a member of that organization.

Question. Did you arrest Josiah Turner, jr.?

Answer. Yes, sir.

Question. Was he a member of the organization?

Answer. I arrested him because Governor Holden ordered his arrest; I had to obey his orders.

Question. You arrested those men at your discretion?

Answer. Yes, sir.

Question. Without warrants?

Answer. Yes, sir; I thought your question was in reference to citizens of Alamance County.

Question. I referred to Alamance and Caswell Counties, where you were stationed.

Answer. I was in Caswell County but a few days.

Question. What was the strength of your command?

Answer. Sometimes, at Company's Shops, I had as many as four hundred men; then again, sometimes, I would not have more than fifteen men.

Question. How many men, altogether, had Kirk?

Answer. I do not know that I can tell the exact number; between six and seven hundred, I think.

Question. Did you take the prisoners to Raleigh when they were discharged by Judge Brooks?

Answer. Not when they were discharged by Judge Brooks, but when they were discharged by Chief Justice Pearson.

Question. How many did you take down?

Answer. Twelve or fourteen—probably more.

Question. Were they all discharged?

Answer. I cannot tell that; there was one man, of the name of Gray, who was charged with burning a school-house in Alamance; he was thrown in prison because he could not give bail; he was in the same jail with me; I understand that he has been released lately; another man, Wiley, charged with the murder of Stephens, in the county of Caswell, was ordered to give bond to the amount of several thousand dollars, and others were obliged to give bonds.

Question. All those acts with which those men were charged occurred prior to your going into the State?

Answer. Yes, sir.

Question. Were you present at any election in the State?

Answer. I was over at the court-house in Graham for about five minutes during an election.

Question. You have spoken of the intimidation of voters?

Answer. Yes, sir.

Question. And other acts of that kind?

Answer. Yes, sir.

Question. Had you any personal knowledge of those acts, or was your information in regard to them merely hearsay?

Answer. Hearsay, and from confessions made to me.

Question. You were never in this State before this three months' service there?

Answer. No, sir.

Question. And you have not been there since?

Answer. No, sir.

Question. You had no personal knowledge of the people there?

Answer. No, sir.

Question. And what you have stated about their acts is based upon information derived from others?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Do you justify yourself for your acts under the authority of Holden?

Answer. I do.

Question. What was your anxiety to escape from North Carolina, where you were arraigned to be tried for those acts?

Answer. I had no particular desire to be in prison any longer, and I was anxious to get to my family.

Question. Are you going back to stand a trial on those charges?

Answer. I do not think I will, though at the same time I do not think they could do

anything with me. Everything I did was done according to the orders of Governor Holden. He made certain representations to me; if they were false, that is not my fault. After I was thrown into prison Governor Holden did not come near me. I saw him but once during the time I was in jail, and yet I was within sound of his dinner bell the whole time.

By Mr. BAYARD:

Question. Did he, according to your knowledge, undertake to repudiate your acts at all?

Answer. Not to my knowledge; except that I see in the replication he has filed in the matter of his impeachment he denies having ordered me to arrest Josiah Turner, jr.

Question. Did he order it?

Answer. He did, most emphatically.

Question. Were his orders to you generally verbal or written?

Answer. They were generally verbal. He simply ordered me to arrest men of whom I had any evidence at all that they were members of the organization known as the Ku-Klux Klan, and to hold them until I had further orders from him; which I did.

Question. Did any writs of habeas corpus come to you while you were there?

Answer. Never to me.

Question. None were ever served on you?

Answer. No, sir.

Question. Was any attempt ever made, that you know of, to serve them on you?

Answer. Not upon me.

Question. To whom were they directed?

Answer. To Colonel Kirk, I think.

Question. And he made all the replies?

Answer. I presume he did.

Question. How long had you known Kirk before you took command under him?

Answer. I first met Colonel Kirk in December, 1869.

Question. Where?

Answer. In Jonesboro, East Tennessee.

Question. That was his residence?

Answer. That was his residence at that time.

Question. Had you ever had anything to do with him before, or known of him, before?

Answer. No, sir; and I regret exceedingly that I ever had anything to do with him since.

By Mr. BLAIR:

Question. Why?

Answer. Well, for several reasons. I do not think I would ever have been in jail if I had never met him; I do not think I would ever have lost my practice if I had never met him; and there are several other reasons, too numerous to mention.

Question. Were you sworn into service in North Carolina?

Answer. Yes, sir.

Question. What was the oath?

Answer. To support the Constitution of the United States, and the constitution of the State of North Carolina, and to obey all orders of my superior; similar to any other military oath.

Question. To obey all legal orders, you mean?

Answer. All orders from a superior officer.

Question. All legal orders, is the military oath.

Answer. I do not think the phrase "legal orders" was in the oath; I think I would have remembered it if it had been.

Question. Do you know that you cannot protect yourself for an illegal act by alleging an illegal order?

Answer. Yes, sir, I know that. But it is natural for an inferior officer to suppose that he would receive nothing but legal orders from a superior officer.

Question. That might have been the inference with you, but it is not always the case, however.

Answer. I cannot say about that.

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

WILLIAM H. BATTLE sworn and examined.

By the CHAIRMAN:

Question. State your residence and occupation.

Answer. I am a resident of Raleigh, North Carolina. My occupation is that of lawyer, practicing in the supreme and Federal courts.

Question. How long have you been a citizen of North Carolina, and what public position have you filled?

Answer. I was born in Edgerton County, in 1802. In 1840 I was appointed judge of the superior court, and remained on the bench for 12 years. I was then placed on the bench of the supreme court, where I remained 16 years. I was on the bench at the beginning of the late war and remained there during the war. In 1865 the offices of all the judges were declared vacant. I was reelected judge of the supreme court again, and remained there till the adoption of the constitution.

Question. Were you a candidate under the new constitution for judge of the supreme court?

Answer. My name was before the people under the new constitution, but I was not elected.

Question. Through what portion of the State do you travel in the discharge of your professional duties now?

Answer. I am confined entirely to the city of Raleigh. I am practicing law with my two sons as partners; one of them was former treasurer of the State. We never leave the city at all.

Question. Have you sufficient acquaintance with the condition of the State to testify as to the sense of security that is felt by the people as to their persons and property in other portions than that in which you immediately reside?

Answer. Well, sir, I have information derived from newspapers and reports from others, and unless I am greatly mistaken there is a general feeling of security for person and property throughout the State. In some localities there may have been outrages committed. In his last message, Governor Holden declared, as he had done before by proclamation, that there was general peace and security prevailing throughout the State. He congratulated the legislature upon that fact.

Question. Have you any knowledge of the existence of any secret organization in the State which interferes with the security of person and property in its operations?

Answer. None of my own knowledge.

Question. From the general information of which you have spoken, if you have any belief on that subject, state what it is.

Answer. I have a belief. I was one of the counsel for the applicants for writs of habeas corpus before the chief justice of the supreme court of North Carolina, and also before Judge Brooks of the United States court for the district of North Carolina.

Question. Were those applications made at the instance of persons arrested or were they volunteered?

Answer. They were made at the instance of the persons arrested. I and several other gentlemen were employed as counsel to prosecute their cases. I was also counsel after Judge Brooks released all who had been taken by Colonel Kirk and his troops. I was counsel for those who were taken by bench warrants issued by Chief Justice Pearson, and brought before him and Judges Dick and Settle. In that way I acquired all the knowledge I possess. Prior to that time I had heard of the name Ku-Klux, but I did not know the name of a single order. In that investigation I learned that there were different orders called by the general name of Ku-Klux, and also that there was an order called the Union League. The latter was composed mainly of colored persons; portions of the white people, I think, were also members of it. There was an order of the Ku-Klux called the White Brotherhood, I believe, and another I think was called the Invisible Empire.

Question. From the evidence disclosed on that examination, were you satisfied of the existence of the orders known as the Invisible Empire and White Brotherhood?

Answer. I was not so well satisfied about the Invisible Empire, but about the White Brotherhood there was no sort of doubt.

Question. What did the evidence disclose to you to be the purpose of the White Brotherhood, and the means by which its purpose was to be accomplished?

Answer. In answering that question permit me to state that there was another order, the one to which I have already alluded, called the Union League, which I believe was formed originally for political purposes and for political purposes only; and I think these others were formed for the same purpose, to counteract the effect of the Union Leagues. That was the impression made on my mind by all the evidence which I heard. In their origin I believe neither of them was intended to accomplish any violation of law, but as they were composed of very large numbers of rash and violent men, I am satisfied both of them did commit great violations of law. I am satisfied that these leagues and these clans or camps, as they were called, were the means by which these lawless acts were accomplished.

Question. Did the evidence disclose any instance in which members of the Union League had committed violence to the extent of personal injury? If so, give us the instances.

Answer. Well, sir, I am not sure that I can name any instance, but I am satisfied that the evidence showed that persons belonging to those leagues committed the crimes of arson, stealing, &c., but whether they were prompted by the leagues I do not know.

Question. Name any instance in which the evidence showed crimes of that character committed by different members of the League, or by its order, or with its countenance?

Answer. I do not think I can name any particular one; I was satisfied, though, that there were houses burned in the counties of Alamance, Orange, Wake, and Chatham. I have a paper in my pocket now that speaks of the conviction lately of divers persons who formerly belonged to those leagues. Whether they were unlawful combinations that committed that act and they were made in the leagues, I do not know.

Question. In what county was that?

Answer. In Chatham County.

Question. Were they colored men who were convicted?

Answer. Yes, sir; before a court held by Judge Tourgee; prosecuted by Solicitor Bulla.

Question. For wrongs inflicted upon other colored men?

Answer. No, sir; for burning barns and stables belonging to white men. If the newspaper report is true, there was a regular organized plan; certain persons were fixed upon to set fire to the buildings, and another set were designated to stand around, and when the owner came out to attempt to extinguish the flames, they were to shoot at him. This I learned from newspaper reports since I acted as counsel in the cases referred to.

Question. From the evidence disclosed in the examination in which you were counsel, are you satisfied of the commission of personal injuries and of murder, either by individual members of what is popularly known as the Ku-Klux Klan, or by its order or with its countenance? If so, give us the instances.

Answer. I was satisfied from the testimony that they were guilty of violations of law, whipping negroes charged with various offenses. One was for a gross insult to a white lady, another was for stealing, and another for barn-burning. They were disguised, and were, no doubt, acting as Ku-Klux; I was satisfied of that. There was a man named Outlaw hanged in the town of Graham. The evidence showed that he was hanged by a large body of men disguised, but no witness could tell who they were, or whether any one of them was a member of the Ku-Klux Klan. But the general impression was that they were.

Question. Was there not testimony there which showed that persons had admitted to Mr. Boyd that they were present at the execution of Outlaw?

Answer. Well, sir, according to my recollection, the nearest he came to prove it was that some man said he slept with somebody who was present at the hanging.

Question. Do you remember Boyd testifying that a man named Bradshaw, whom he knew to be a member of the organization, had spoken to him of the military officers having the names of sixteen of them who were present at the hanging?

Answer. I cannot remember distinctly. I recollect that the name of Bradshaw was mentioned, and that Mr. Boyd was examined at length, but I cannot remember the details.

By Mr. BAYARD:

Question. Did you prepare a report of the trials?

Answer. Yes, sir.

Question. Have you a copy of it with you?

Answer. I did not prepare a report of all the evidence before Justice Pearson, Judge Brooks, and Judge Bond. There is a report in the documents accompanying the message of Governor Holden, that contains about as much as I can state.

By the CHAIRMAN:

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

Answer. That is my impression—that it was.

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

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

Question. That was the only cause assigned?

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

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

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

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

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

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

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

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

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

Question. Have there not been numerous trials of these persons, and as a general rule has not the defense been an alibi, which has been proved by those who were alleged to be members of the order?

Answer. I do not know that fact well enough to justify me in giving an opinion.

Question. Do you know it through the newspaper reports?

Answer. I know that has been charged, but I do not know; I have not heard it with sufficient distinctness to say whether it is so.

Question. Did the evidence in the investigation to which you have alluded satisfy you that the members of the organization are bound to sustain each other to the extent of perjury when they are charged with offenses?

Answer. It did not, sir. If you will look at the report, you will find that, although one or two may have gone that length one of them by the name of Long, who was proved to be a very bad man, and who has since fled the country one by the name of Tickell, who acknowledged that he belonged to the White Brotherhood, after having been made apparently to admit this thing, upon cross-examination said that he did not consider the oath of the White Brotherhood binding, as against his oath in court. I saw that he was an honest man, and I commenced cross-examining him. I saw that he had been confused, so asked him some questions to put him at ease. Then I asked him if he had not voted since 1868. He said he had. I asked him if he had not registered. He said he had. I asked him if he was not sworn when he registered. He said he was. I asked him how he was sworn. He said on the Holy Evangelist of Almighty God. He had been asked what oath he took as a member of the White Brotherhood, and he recollected very little about it, and said that the man who administered it did not know much about it; but he said he was sworn by the uplifted hand. I then asked him distinctly, "Do you consider the oath which you took in that way, as a member of the White Brotherhood, as binding you to violate the oath which you take when you swear upon the Holy Evangelist of Almighty God?" He said he did not. Then the witness who was examined next on his cross-examination brought out precisely the same testimony. I asked him distinctly, "If you were on a jury, and a member of the White Brotherhood were on trial, and it was clearly proved that he was guilty by the evidence, and the man should call out to you 'Shiloh,' the sign of distress, would you feel bound by your oath as a member of the White Brotherhood to acquit that man contrary to the law and evidence?" He said he would not. Then he said he felt bound to obey his superior officers; and I asked him if that obligation extended to compelling him to violate the law and kill a man. He said it did not. I understood from both these witnesses that they did not feel themselves bound to obey that oath in preference to the oath they might take on the Holy Evangelist, and did not feel themselves bound to do anything that violated the laws of the country.

Question. Did he make a difference between the sanctity of the oath on the Holy Evangelist and the oath with the uplifted hand?

Answer. Yes, sir; he considered that more binding taken on the Holy Evangelist.

Question. The difference then consisted in the form of the oath, in his mind. If it was reversed, and he had been sworn in court by the uplifted hand, but in the White Brotherhood by the Holy Evangelist, he would have considered the latter more binding of the two.

Answer. As more binding, that is my recollection of it.

Question. Then, if I understand you, you say that it would depend upon the opinion of the individual member as to the relative sanctity of the two oaths he had taken, whether the oath of the order was superior to the oath in a court of justice.

Answer. Simply this, that having sworn on the Holy Evangelist in a lawful matter, he did not consider the oath he took in the White Brotherhood as binding.

Question. Were there not members of the order who testified that their oath in the order would bind them to protect each other?

Answer. I think Mr. Long did.

Question. To protect each other on juries or as witnesses?

Answer. I think he so testified, and it is possible Mr. Boyd may have gone somewhat to that extent. I am not sure how far he did go.

Question. Then your opinion is founded upon the confidence you had in Tickell's testimony instead of that of the other witnesses?

Answer. I discovered that he was an honest man, though a witness for the State. I was perfectly willing to trust him and ask him this question upon cross-examination.

By Mr. CHANDLER:

Question. How is the fact in your State; do not some swear by the uplifted hand?

Answer. Yes, sir; but the other is an equally solemn oath.

Question. Do you yourself regard it as any different whether a man swears by the uplifted hand or otherwise?

Answer. Certainly not.

By the CHAIRMAN:

Question. Would it not very much undermine your confidence in a man to find him getting rid of the obligation of an oath by such a distinction?

Answer. I do not think Tickell had any such idea in his head. If he had been asked to swear with the uplifted hand—which is a very solemn oath—I believe he would have made the same answer he did. But he felt that the obligation to obey the laws of the State was superior to any oath he took as a member of the White Brotherhood.

By Mr. CHANDLER:

Question. Is not the form of oath regarded with equal solemnity by gentlemen of intelligence in your State?

Answer. Certainly; our laws allow the oath to be taken on the Holy Evangelist or with the uplifted hand.

Question. Or by affirmation?

Answer. By Quakers only. It is of equal sanctity, and precisely the same penalty follows its violation.

By the CHAIRMAN:

Question. Then, from the whole of the examination, you have no doubt of the existence of the order in that county?

Answer. I have none in the world.

Question. And that whipping of individuals and the murder of Outlaw were done by the order and by its members?

Answer. I believe that Outlaw was hanged by them; but I think there was no proof in the case in which I was concerned to satisfy any court to whom it would be submitted. I think it is highly probable he was hanged by the Ku-Klux. In the case of Stevens, which made more noise than any other, I am perfectly satisfied he was not killed from any political motive whatever.

Question. In the counties where the organization existed, as testified in the examination you made, do you believe that justice could be administered against its members in the civil courts?

Answer. Well, sir, I know of nothing that would lead me to believe that put an honest man on the jury in Alamance or any other county in the State—

Question. My question is, where the organization exists to the extent it was proven in Alamance County, do you believe justice could be administered against a member on trial before a civil tribunal?

Answer. I believe there would be some men who would be very likely to act in accordance with the wishes of their order; but a man who had a proper sense of his oath and duty would convict a member of the White Brotherhood as soon as he would any other person. That is as far as I can give an answer to the question.

Question. If you yourself had been the subject of an outrage committed by them, and the perpetrators were on trial, would you feel at all secure that justice could be obtained against them in that county?

Answer. Well, I should have my doubts whether they could not pack a jury who would acquit them.

Question. If the sheriff of the county were a member of the organization, would it not be in his power to so control the jury as to prevent a conviction?

Answer. Undoubtedly, if he was a dishonest man; but if he was an honest man, I do not think he would.

Question. Do you confine your knowledge of the organization and the state of society there to the information derived from your investigations, or have you such information as to be able to give your belief as to the rest of the State?

Answer. However it may have been two years ago, I believe now that a good many have fled from the county of Alamance who feared justice, and have left the State. I have heard of several.

Question. That were supposed to belong to the order?

Answer. Yes, sir.

Question. Has there been any difference of opinion among the members of the two political parties, as to the manner in which they view the proceedings of this organization? In other words, if either party justify it, which is it; and if either party condemns it, which is it? Or has it been the subject of justification or condemnation by parties?

Answer. Well, sir, there are some men, I have no doubt, that do in some degree justify them, but the respectable portion of all parties condemn them. If you will permit me, I will show you what my own opinion was, as published in a speech of mine, which appears in the Daily Sentinel of October 7, 1870:

"The counsel on the other side have been pleased to say a great deal about the Ku-

Klux and their doings; they have charged them with plotting for the overthrow of the Government. Sirs, whatever else they have proved, they have not produced a particle of evidence to prove that charge. I admit they have shown, if their evidence is to be believed, that members of the Ku-Klux Klan have committed one act of arson and five or six of whipping."

Probably I did not state quite as many as there were.

"I admit that all these cases were violations of law, and the persons guilty of them ought to be punished for them. I am as much opposed to the Ku-Klux as anybody; I am opposed to all secret political associations, whether White Brotherhoods, Union Leaguers, or any other of the like kind; and if I had the making of the law, I would enact that all such secret societies were criminal, and that the members of them should be liable to punishment. I have never belonged to but one secret society, and that was a literary one, the Dialectic Society, at Chapel Hill. With the exception of a few benevolent societies, such as the Masons, Odd Fellows, and the like, I would suppress all others."

Question. On what occasion was that speech made?

Answer. Josiah Turner, jr., was taken up by a body of Kirk's men in the town of Hillsboro, when Alamance and Caswell Counties were declared in insurrection. He filed an affidavit of the fact, and applied to their honors, Judges Dick and Settle, for a bench warrant against Governor Holden, Colonels Kirk and Bergen. The judges requested the counsel to argue the question—first, whether a warrant could be issued against Governor Holden; and secondly, whether Colonels Kirk and Bergen could be taken anywhere else except in those counties. Mr. Bailey argued it on one side and I on the other—both as *amici curiæ*.

Question. Did this man who was the subject of the arrest in regard to which this speech was delivered, either apologize for or justify the proceedings of the Ku-Klux in his paper?

Answer. Well, sir, I think if you read the Sentinel you will find that he has denounced them on different occasions; but the charge against him was that he did not denounce them in good faith; did not denounce them as strongly as he ought to have done. Whether that is true or not I leave to others to judge.

Question. He lives in your town?

Answer. He lives in Hillsboro, but publishes his paper in Raleigh.

Question. In his public utterances, did he apologize for the doings of the Ku-Klux?

Answer. He did; his paper generally denounces the violations of law by the Ku-Klux; but at the same time he intimates that they were prompted by the doings of the Union Leaguers. In that way he may have left the impression that it was some sort of apology.

By MR. BAYARD:

Question. That they were retaliations?

Answer. Yes, sir.

By MR. NYE:

Question. Did the Union League wear disguises?

Answer. I really do not know.

Question. Did it ever appear in any investigation that they disguised themselves?

Answer. I do not recollect that it did.

Question. How was it in regard to the Ku-Klux?

Answer. Oh! they had disguises.

Question. Describe if you can their equipage.

Answer. A large white sheet with a mask over the face and something like horns at the top, intended to terrify.

By MR. BAYARD:

Question. Did you ever see one?

Answer. Yes, sir; we had one. One of them said they wore them at the time they initiated new members, to prevent their knowing who they were. Having these disguises, I have no doubt in the world that they were prompted to convert themselves into vigilant committees and punish crimes. Those were the violations of law alluded to in my speech. In none of the investigations was it proved that a single thing had been done with a view to produce any political effect.

By MR. NYE:

Question. Was there any evidence that showed that the Ku-Klux Klan committed any depredations upon any one except those that belonged to the Union party?

Answer. I am not aware that there was; I do not think there was.

Question. No evidence appeared showing that they committed any outrage upon persons who acted with them politically?

Answer. If you look through the report you will find that it was principally against colored persons that they were committed. They would say that a black man had in-

sulted a white lady—had broken into somebody's house and had stolen his meat, or something of that sort. For this they would take him and whip him. They whipped a white man at Company's Shops, in Alamance County, for keeping a colored school. But rumor says that he had, on several occasions, attempted to put the blacks on an equality with the whites; that he carried a colored woman to church and wanted to set her among the white ladies.

By Mr. BAYARD:

Question. Was that man's name Corliss?

Answer. Yes, sir; that does not appear in the testimony, but that is one of the rumors why they whipped him.

By the CHAIRMAN:

Question. You say it does not appear in any case that any political purpose was attempted to be accomplished by the Ku-Klux Klan?

Answer. Not a solitary one, so far as I know.

Question. Do you remember no evidence on the part of any member that it was intended to defeat the operation of the reconstruction acts or the constitutional amendments?

Answer. No, sir; I have not the slightest idea that they thought about the reconstruction acts.

By Mr. NYE:

Question. What have you the idea that these Ku-Klux Klans were formed for?

Answer. I think, indeed I have no doubt, they were formed for the purpose of counteracting the effect of the Union leagues.

Question. Counteracting what effect? The political effect?

Answer. The object of the Union leagues was to induce all the colored people to vote one way by means of these leagues.

Question. By counteracting their effect, you mean that they meant to intimidate the colored people and keep them from voting all one way?

Answer. Well, I do not know whether they do that.

Question. Have you any doubt that the whole paraphernalia, equipage, &c., were intended to keep them from voting one way?

Answer. I must say I have a doubt. It was intended to organize the whites in the same way, in the White Brotherhood, so that if all the whites should vote one way as against the colored people, there would be a considerable majority in the State.

Question. Then you have the idea that it was for the purpose of organizing the whites against the blacks?

Answer. Yes, sir.

Question. Did you see any reason in the world why they should disguise themselves if it was nothing but a political purpose, so that they would not even know one another?

Answer. I believe that was a perversion of the society; and that I believe is what all these political societies will come to.

Question. What, in your opinion, was the object of this equipage?

Answer. I have no doubt it was for the purpose of forming themselves into vigilance committees, and go about punishing people.

Question. In other words, taking the law into their own hands, and administering such punishment as they thought was due for alleged offenses?

Answer. No doubt about that.

Question. Did you ever hear of their perpetrating outrages upon any other people than republicans?

Answer. With the exception of Corliss, I do not know that they perpetrated them upon anybody except colored people. If they were all republicans, of course they were perpetrated upon republicans.

Question. Was not Mr. Corliss a republican?

Answer. I do not know; I suppose so.

Question. Did it appear in evidence before you that these disguised men, in large or small bands, rode about from town to town to do these things, to punish supposed offenses?

Answer. I believe that was their main purpose.

Question. Did it appear that they were in the habit of patrolling counties and districts in disguise?

Answer. Yes, sir; there was certainly evidence to that effect.

Question. Did it appear to you that they threatened people?

Answer. Yes, sir; the very worst case of all was their threatening a member of the senate.

Question. What did they threaten to do with him?

Answer. Threatened to kill him.

Question. What was his name and where did he live?

Answer. His name was Shoffner, and he lived in Alamance County.

Question. For what did they threaten to kill him?

Answer. Because they said he had introduced the bill by which the people of North Carolina were to be put under military rule.

Question. For that offense they threatened to kill him?

Answer. Yes, sir; and he fled.

Question. Did it drive him from the country?

Answer. I have no doubt it did.

Question. Did you regard that as an intimidation?

Answer. Certainly I did.

Question. Was that an isolated case, or were there other cases?

Answer. I do not know of any other cases except that and the Corliss case. In regard to the murder of Senator Stevens it has proved a mystery to this day. He was assassinated in open day, and everybody has settled down into the belief, even his own friends, that it was not done for any political purpose.

Question. He was killed in the court-house?

Answer. Yes, sir.

Question. When a political meeting was in progress?

Answer. Yes, sir.

By the CHAIRMAN:

Question. From your position as a member of the bar at Raleigh or anywhere else in the State, is it your opinion that the reconstruction acts are acquiesced in as constitutional and binding upon the people of North Carolina?

Answer. Well, sir, I believe that a large majority, when I say nine-tenths I may be putting it too large, have acquiesced in them completely. I know I have myself, and I believe that nine-tenths of the people of North Carolina have, as a finality, and that no attempt has been made or even thought of seriously to defeat those reconstruction acts.

Question. Is there in your judgment any disposition to reopen the question of reconstruction or of the constitutional amendments that have been adopted since the war?

Answer. I have not the slightest doubt that there is in the minds of nine-tenths of the people of North Carolina no such purpose.

Question. Have you, then, any belief as to the purpose of this secret organization upon this question?

Answer. Well, it was formed for the purpose I mentioned. In the examination at Raleigh I asked every witness, for they all had been members of the Ku-Klux society, how long since these outrages had taken place, and the answer was that it was from eight to twelve or fifteen months before, and they all said that they had in effect been disbanded.

Question. Do I understand you to say you do not believe that any such purpose is entertained by the members of the organization?

Answer. It may have been at the time, but I do not know. I cannot say. I do not believe that they did entertain such a purpose. I believe their only purpose was what I have already stated.

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

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

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

Answer. I can hardly answer that question.

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

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

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

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

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

Answer. They did.

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

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

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

Answer. Yes, sir.

By Mr. BLAIR :

Question. In reply to the question of General Nye about the intimidation of Senator Shoffner, you said it was for the reason that he had introduced a bill to put the State of North Carolina under military law?

Answer. Yes, sir.

Question. Was not that eminently an act of intimidation of itself? Was it not intended to intimidate the people of the State for political purposes?

Answer. That was charged.

Question. Was not that its legitimate effect?

Answer. I think it was.

By Mr. NYE :

Question. In that trial, in which you were engaged, did you yourself volunteer as counsel to bring the question up with other counsel, or were you employed as counsel?

Answer. No, sir. I was employed as counsel?

Question. Employed by whom?

Answer. By the gentlemen who had been arrested by Kirk and his men, who were formed under the Shoffner act. The governor is now to be impeached for pretending to act under the Shoffner act, but not acting under it.

Question. Did not that trial assume a political aspect? Were not the conservatives rallied on one side and the republicans on the other?

Answer. Well, sir, it was not the intention, but I rather think that was the result.

Question. It did result in that?

Answer. Yes, sir.

Question. Was there any one who assumed to act with what you call the conservative party?

Answer. Yes, sir.

Question. Did any one of that party volunteer, or was any one then employed to assist on the other side?

Answer. Yes, sir.

Question. Who was he?

Answer. Mr. McCorkle on behalf of Colonel Kirk and his men. Mr. Boyden, though he belongs to the republican party, and professes to be and is a very moderate man, was also employed. Mr. Bailey, the other counsel, up to about that time, was acting with the conservative party, but about that time he professed to have been attached to the republican party.

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

WILLIAM H. BATTLE, examination continued.

By the CHAIRMAN :

Question. You spoke yesterday of your belief that the people of North Carolina acquiesced in the reconstruction acts of Congress, and the amendments to the Constitution of the United States. Do you speak of that acquiescence as an acquiescence to civil force, or is it because the people of North Carolina acknowledge the binding constitutional efficacy of both the reconstruction acts and the constitutional amendments?

Answer. A considerable portion of the people of the State at first did not acquiesce in the constitutionality of the reconstruction acts; but as soon as General Grant and Mr. Colfax were elected President and Vice-President, they considered it as a fact accomplished, and that they must acquiesce in it as legal and constitutional; that they had no further right to oppose it. That was my view, and I think that was the view of nine-tenths of the intelligent people of North Carolina who belonged to the same party I did at that time.

Question. Do we understand you as expressing it as your view that the reconstruction acts are constitutional, and the amendments to the Constitution of the United States are legal and binding?

Answer. That we are bound by them as much as by any other portion of the Constitution, no matter what may have been our original views. The matter has been decided against us, and we are bound to acquiesce in it the same as if we had done so from the beginning.

Question. I have put this question to you with the view of putting the further question whether any part of the people of North Carolina would again disturb the public peace or the national tranquillity, by efforts to attack either the reconstruction acts or the amendments to the Constitution?

Answer. I have not the slightest doubt that you could not get a respectable number of the people of North Carolina to attempt any such thing. Here and there you might find a wild man, who entertains extraordinary views about everything, who would say, "Well, we do not believe in these things." But that is not the sentiment of a large majority of the people of all parties in North Carolina.

Question. Do you believe that the peace and security of the State can be entirely secure until the public sentiment of all parties can be made unanimous in condemnation of the Ku-Klux outrages, as they are termed?

Answer. I believe that is the sentiment of a large majority of the people of North Carolina at this time. I was looking this morning over the message of Governor Holden to the legislature, and if you have it here I can show you that he stated, and I believe stated truly, that that question formed no part of the issue in the last campaign. In that campaign there was not a word said about the unconstitutionality of the reconstruction acts.

Question. The question which I put to you was whether the peace and security of the State could be secure until the public opinion of all parties was made unanimous in condemnation of these Ku-Klux outrages?

Answer. I think that is now the sentiment of the great majority of the people of North Carolina. I think that is necessary to the security of the people of the State; but I think it has already been brought about—has already been accomplished. And I furthermore think, if you will allow me to express an opinion, that if they will, as I think has already been done, or is about to be done, put an end to all secret organizations—Union Leagues, Ku-Klux Klans, and everything of the kind—that will be the first great thing to secure the peace and prosperity of our State.

Question. Are you acquainted with the member of the legislature, Mr. Strudwich, I believe, is his name, who introduced the articles of impeachment against Governor Holden?

Answer. I know Mr. Strudwich; he is a member of the legislature from the county of Orange.

Question. Did the testimony in the cases of which you have spoken, and in which you were counsel, show him to be a member of this so-called Ku-Klux organization?

Answer. There was one man who spoke of what another man had said about what certain people in the town of Hillsborough had said; it came through two or three hearsays. I think Mr. Strudwich's name was mentioned as one of those who had advised something. That is all I heard or know about it.

Question. All you know is what was disclosed in the testimony in those cases?

Answer. Yes, sir; what you will find in that testimony; that is all I know about it. I desire to say with regard to a question asked me here yesterday, about some testimony given by Mr. Boyd, in relation to a man of the name of Bradshaw being concerned in some way with the murder of the man Outlaw: I have glanced over his testimony, and I find that Mr. Boyd did say that a man named Bradshaw, who has now fled the country, did state that he was present on that occasion; I did not recollect that yesterday; and I now state that that was a part of Mr. Boyd's testimony.

Question. You have stated that you and other gentlemen were retained as the counsel of those men who were charged with committing these Ku-Klux outrages?

Answer. We were employed as counsel.

Question. Were you compensated by those men, or by any association?

Answer. We have not been compensated at all yet by those men; we have been promised compensation; we have been paid in part for our services as counsel for the gentlemen who applied to Chief Justice Pearson, and afterward to Judge Brooks, for writs of habeas corpus.

Question. Was there any society, or organization, or party that employed counsel?

Answer. None in the world; we were employed by the gentlemen themselves.

By Mr. BAYARD:

Question. What do you know of Colonel Kirk?

Answer. I know very little about him of my own knowledge. I have seen him; but if he should come into this room now I do not know that I should recognize him.

Question. What was his reputed character?

Answer. If you will allow me to speak of what I have heard—I have never lived in Tennessee, of which State he is said to be a resident—I can state what I have heard, and what has been deposed upon the trial of Governor Holden, upon his impeachment. It was said that his character was that of a desperate ruffian; that at the beginning of the war he had joined the confederates, and afterward had gone over upon the other side, and had acted as a jayhawker, as they are called out West.

Question. That he had acted upon both sides?

Answer. So it was said. Colonel Cocke, formerly a member of Congress from Tennessee, who, for four years before the war, represented a district of East Tennessee in Congress, moved over into North Carolina at the close of the war, and is now a citizen of Asheville. He was examined, and gave testimony of that character.

By the CHAIRMAN:

Question. Do you mean he was examined on the impeachment trial?

Answer. Yes, sir; as to the character of Bergen and Colonel Kirk.

By Mr. BAYARD:

Question. What did he say about Bergen?

Answer. I forget whether he or some man from Tennessee spoke about Bergen. Both of them were given bad characters. He said Bergen came from New Jersey, I think, and had been living there but a short time; that he came out there and professed to be a lawyer; I know he claimed to be a lawyer, for I saw a letter he wrote to Chief Justice Pearson in which he said he was a member of the bar. I think Colonel Cocco spoke of the character of Bergen; but I am not sure about that. I know the other witness did.

Question. Were you present when these prisoners were brought in by Bergen and Kirk under the writs of habeas corpus issued both by Judge Brooks and Judge Pearson?

Answer. They refused to bring them in before Chief Justice Pearson.

Question. After they did bring them in?

Answer. I was present in court at Salisbury, where Judge Brooks made his writs returnable, when some of them were brought in.

Question. Were any cruelties deposed to by witnesses as having been perpetrated upon them by Kirk and Bergen?

Answer. There was very little said about any cruelty exercised by Colonel Kirk. I heard some of the prisoners say that when Kirk was not excited he was rather kindly disposed, but they said when he was excited he was a pretty rude, rough man; and I have here the affidavits, or a copy of the affidavits, of three men, and I think there were two other affidavits, in which they swear that they were taken out at the dead hour of the night by Bergen and hanged until they were very nearly dead. These affidavits they filed before Judge Brooks for the purpose of getting out a warrant against Bergen, for they had understood that Bergen had threatened if they were discharged by Judge Brooks he would take them up again.

Question. That he would rearrest the prisoners if they were discharged by Judge Brooks?

Answer. Yes, sir; and thereupon they made these affidavits, and upon them obtained a warrant upon which Bergen was afterward arrested and imprisoned in Raleigh. He was also imprisoned upon some civil writs that were issued against him for trespass *vi et armis*. This book which I have here was got up by myself at the request of a great many members of the bar. In it I have included every paper of every sort that was introduced on those hearings—Governor Holden's proclamations, the letters that passed between him and the chief justice, and all the other papers.

Question. Are all the facts authentic which are stated in that book?

Answer. Yes, sir.

Question. Extracts from papers filed in your courts?

Answer. Yes, sir; every one of them, excepting, of course, the arguments of the counsel. Here is the affidavit of Lucien H. Murray, (pointing to it in the book.) I think his affidavit is about as strong as any there.

By the CHAIRMAN:

Question. We are not to understand you as vouching for the truth of all that is testified to, when you say all the facts in that book are authentic?

Answer. Of course not. I only vouch that these are correct copies of the papers; I do not vouch for the correctness of the statements.

By Mr. BAYARD:

Question. This affidavit of Lucien H. Murray, which is on page 67 of this book, is a true copy of the affidavit filed by him in the United States court?

Answer. It is.

Question. That affidavit was on file there?

Answer. Yes, sir.

Question. It was read before Judge Brooks?

Answer. Yes, sir; it was drawn up by one of the counsel, not by myself, but by one of my associate counsel, and I saw the affidavit before it was presented. Judge Brooks had great doubt whether a United States district judge had a right to act as a peace officer and to issue a warrant. The matter was debated at very great length and with very great ability by counsel on both sides, among the rest Mr. McCorkle, whom I mentioned yesterday as a conservative, who appeared as counsel upon the other side. Some of the conservative papers, I think rather improperly, called him to account for it; and you see that he alludes to that in his opening remarks. But all the counsel on our side told him that he acted perfectly right; that Bergen had a right to be defended, and that it was his duty when called upon as counsel to act as such.

Question. Was Bergen present when that was read?

Answer. He was not present when the writ was applied for.

Question. Was there a hearing subsequently?

Answer. Judge Brooks did not decide the question at Salisbury, but adjourned the further hearing of it to Raleigh. He came down there, and the matter was argued there very fully. I am not sure whether Bergen was present or not when that argument was going on. Judge Brooks was sitting the same time as Judge Pearson, Judge Brooks having discharged all the prisoners.

Question. You mean the prisoners arrested by Bergen and Kirk?

Answer. Yes, sir. Judge Pearson was applied to for bench warrants against both of them.

By Mr. NYE:

Question. What is a bench warrant? I understand a bench warrant to be one issued upon an indictment.

Answer. It is merely a warrant issued by the judge, running all over the State. In North Carolina a common magistrate, a justice of the peace, may issue a warrant, but it does not run out of his own county.

Question. You mean by a bench warrant one that runs over the whole State?

Answer. Yes, sir; issued by a judge and directed to the sheriffs of all the counties in the State. Those were bench warrants issued by Judge Pearson; and a great many of those parties were brought up. They were what we call the Ku-Klux cases, of which I spoke yesterday. I was retained as counsel by them, and was down before Judge Pearson while this other case was going on in another part of the building, in the court presided over by Judge Brooks. Whether Bergen was present or not, I do not know. Bergen afterward applied for and obtained from Judge Bond, the United States judge for that circuit, a writ of habeas corpus; and Bergen was present then I know, because another counsel and myself appeared on behalf of the marshal, and Bergen had his counsel and was himself present, and the whole matter was argued before Judge Bond.

By Mr. BAYARD:

Question. Do you know the grounds of his discharge by Judge Bond?

Answer. You will find Judge Brooks's opinion and Judge Bond's opinion in my book here. He decided it upon the ground that Judge Brooks had no jurisdiction of such a case.

Question. Judge Brooks held that he had jurisdiction?

Answer. He did upon the ground that the fourteenth amendment made them citizens of the United States as well as of North Carolina; and that as citizens of the United States he had a right to protect them, especially after Judge Pearson had said that his authority was at an end, and that he could do nothing more for them.

Question. When you say "them" you mean the prisoners arrested by Kirk and Bergen?

Answer. Yes, sir; you will find all that fully stated in this book; and all the papers connected with it in any way are included in this book. I determined that every party should have justice done him.

Question. And Judge Bond overruled Judge Brooks?

Answer. Not exactly overruled him.

Question. It amounted to the same thing; he undid his work?

Answer. Yes, sir.

Question. Was there any State process against Bergen at the time he was discharged by Judge Bond?

Answer. Yes, sir.

Question. Had any State process been served on him?

Answer. No, sir; it was rather an extraordinary thing, too. Bergen was there in the jail of Wake County, which, of course, was under the charge of the sheriff of Wake County, who had two or three writs in his hands against him—civil writs and warrants for crimes committed. The marshal of the United States was ordered to discharge Bergen, and he went down and turned him out of jail, and he was not arrested by the sheriff of Wake County.

Question. Why did not the sheriff of Wake County execute the process in his hands against Bergen?

Answer. That is more than I can tell.

Question. Who was the sheriff of Wake County?

Answer. Timothy F. Lee.

Question. Is he the sheriff now?

Answer. Yes, sir.

Question. And he allowed Bergen to go away, having in his hands at the time process for his arrest both upon civil and criminal charges?

Answer. Yes, sir. The marshal states that he received the order from Judge Bond late in the evening, and he discharged his prisoner at once, and he went right off.

Question. Bergen was then in the custody of Sheriff Lee?

Answer. He was in the jail.

Question. In the jail of which Lee had control?

Answer. He was in Lee's jail, but was considered as in the custody of the United States marshal.

Question. And in Lee's actual custody?

Answer. Yes, sir.

Question. What was the character of the men organized as militia by Bergen and Kirk?

Answer. The same testimony to which I alluded just now, as being now taken in the impeachment trial of Governor Holden, states that a great many of them were young men, under twenty-one years of age, and rather desperate characters.

Question. Where were they organized?

Answer. Up there, in the mountains.

Question. Were they citizens of the counties where these outrages were alleged to have been committed?

Answer. No, sir.

Question. Were they all residents of the State?

Answer. Not all of them; many of them were non-residents of the State. The constitution of North Carolina prescribes who shall constitute the militia of the State; that they must be citizens of North Carolina; that the constitution expressly provides, and that they must be between the ages of twenty-one and forty-five—I think forty-five or fifty; my impression is that it is forty-five.

Question. Does that same qualification of citizenship apply to officers as well as privates?

Answer. Yes, sir; and one of the charges against Governor Holden is that he appointed as officers of the militia men from other States.

Question. Both Kirk and Bergen were confessedly citizens of other States?

Answer. That is denied now. They put in a special plea in these cases that they were citizens of the State of North Carolina. I was told, just before I left Raleigh, that when they first came to Raleigh they registered themselves at the hotel as citizens of Tennessee. After a time they came back to the hotel and registered themselves as from North Carolina.

Question. What number of men did Kirk organize in his band?

Answer. A regiment, I think.

Question. Do you know how full the regiment was?

Answer. I do not; I think it was an ordinary regiment.

Question. What was the general course of action of Kirk and Bergen when they went into the two counties of Alamance and Caswell—I mean, as you have heard from citizens of those counties and from public report?

Answer. They acted with a great deal of lawlessness; they just went where they pleased. I believe that Major Rodney, of the United States Army, made a report concerning them, which is about as correct as anything I can state. He says that the men brought together there were under very little control, who roamed about over the neighborhood and plundered and insulted whom they pleased.

Question. And arrested whom they pleased?

Answer. No, I suppose not; they probably arrested only those indicated upon a paper furnished by Governor Holden. I know they arrested the wrong man once, and found out their mistake afterward, and they turned him loose, swearing very hard about being misinformed.

Question. Who was he?

Answer. An old gentleman from Alamance, by the name of Holt. They turned him loose, and wanted him to go home. He swore he would not go; he said they had started him for the camp, and he would go there; and he did go.

Question. Do you know anything about any organization of negro militia in Chatham County by Governor Holden?

Answer. I have no knowledge of that.

Question. Have you any knowledge of any organization of negroes in any counties of the State, for the purpose of burning barns and destroying other property of the white population?

Answer. Organized under State authority?

Question. No; organized secretly.

Answer. Well, sir, there have recently been several trials in which that has been testified to.

Question. State the objects of those organizations, and their general character.

Answer. They organized, it was stated, for the purpose of burning barns and destroying property; they appointed two or three different bands, some of which were to burn the barns, and the others to shoot their owners if they came out and attempted to put out the flames.

Question. Have the men who have been tried, or any of them, disclosed any connec-

tion of Governor Holden with those bands, or any encouragement or instruction from him in connection with such acts?

Answer. I do not think there has been anything of the kind. I have not heard of any connection that Governor Holden has had with anything of the sort.

Question. Were those organizations numerous, or did they extend over any large section of country?

Answer. They extended from Raleigh up through a portion of the northwestern part of Wake County into Chatham County, and into Harnett County, which joins Chatham and Wake Counties.

Question. Did the acts of these organizations necessarily produce great anxiety among owners of property in that region?

Answer. It did so. A great many barns were burned, and stables and horses.

Question. Were there in those counties many cases of robbery of meat-houses and storehouses of the people?

Answer. Yes, sir.

Question. State in your own way what was the general condition of affairs in that respect, and who were the persons who perpetrated those robberies.

Answer. It was understood that these men would rob their white neighbors' houses of what they could find in them. A great many cases of that sort were reported.

Question. Were there many cases of outrages upon the persons of white females in that country?

Answer. There were some; I cannot say there were many; I heard of some.

Question. There have been a great many cases of whipping reported, and one or two cases of putting men to death by hanging or drowning. Do you know of any cases where it was shown that this whipping of negro men was committed by negro men?

Answer. O, yes, sir. There are now four colored men in the penitentiary, who disguised themselves in the county of Alamance, called themselves Ku-Klux, and went about punishing men of their own color.

Question. Were many of these acts which have been reported committed by black men in disguise?

Answer. That is the only case I know of; and they were afterward in the court of Alamance County, before Judge Tourgee, and were convicted, and they are now in the penitentiary.

Question. It is then a fact that negroes did disguise themselves and commit such acts through the country?

Answer. There is no doubt about that; they acknowledged it, and are now in the penitentiary; my own opinion is that the Union League, as such, have now pretty well ceased to exist, and I am pretty well satisfied that all these Ku-Klux organizations have ceased to exist as such; I think the evidence proves that fact; but outrages continue to be committed by men who still disguise themselves, and go about committing what are still called Ku-Klux outrages; that has got to be a common term for such things; I saw the other day where four or five white men had been brought to Raleigh to be examined on Saturday; they called themselves Ku-Klux; but they were not; they never belonged to the Ku-Klux.

Question. Throughout these counties are colored men placed on juries?

Answer. Yes, sir.

Question. No discrimination made against them in that respect?

Answer. None at all; I believe the last criminal court held in Wake County was for the purpose of trying these Ku-Klux charges; I believe the grand jury had negroes upon it, and more than half the petit jury that tried them were negroes; I think there were eight negroes and four white men on the petit jury.

Question. In the United States courts what is the custom in regard to summoning negroes to serve on juries?

Answer. They are summoned there, too; I have made arguments in Judge Brooks's court before negro jurors.

Question. They summon them the same as they do others?

Answer. Yes, sir; if you should step into our court-house at any time and look into the jury box you would find more than half of the jurors, sometimes half, and sometimes not so many of the jurors, were colored people.

Question. You say that most all the negroes were members of these Union Leagues?

Answer. It was so understood.

Question. Do you know whether those leagues were secret and oath-bound associations?

Answer. I do not know anything about their being oath-bound; I think they were secret societies; I was looking at Mr. Boyd's testimony this morning; I think he said they were secret associations, though they made open demonstrations.

Question. You do not know personally the nature of the oath they took?

Answer. I do not know that they took any oath at all; I do not remember that I have ever heard whether they took any oath at all; but they were secret associations beyond a doubt.

Question. What is the present condition of the indebtedness of your State? Or, as that is rather a general question, I will ask you what was your State debt in 1865, at the close of the war?

Answer. I have no paper containing a statement of it, and I am compelled, therefore, to rely upon my recollection of what was stated in Governor Holden's message to the legislature; I think he states that the ante-war debt, as it is called, was nearly nine millions of dollars—between eight and nine millions; and that was increased by appropriations made by the legislature before the war, but for which bonds were issued during the war, and which increase was therefore recognized; but all of what were called the war bonds were repudiated by both the convention of 1865 and the convention called under the reconstruction acts; then the legislature that was elected at the same time the new constitution was adopted—

Question. That was in 1868?

Answer. Yes, sir; that legislature passed bills directing the issue of bonds, I think, to the amount of thirty millions of dollars; may be more. Eight or ten millions of those bonds were, by the supreme court, declared to be unconstitutional, and therefore are not included by Governor Holden in his statement. He makes the present debt thirty millions of dollars, in round numbers; twenty-nine millions and a large fraction over.

Question. That is, including the nine millions of the ante-war debt?

Answer. Yes, sir.

Question. And since the war the debt has been increased over twenty millions, exclusive of that which has been declared to be unconstitutional?

Answer. Yes, sir; for he speaks there of the necessity of providing for that amount.

Question. To whom were those bonds issued?

Answer. To the railroad presidents.

Question. Who appointed those railroad presidents?

Answer. They were elected by the directors.

Question. Who appointed the directors?

Answer. Some were elected by the stockholders, and some appointed by Governor Holden, according to the interest of the stockholders and the State in the roads, and these directors elected the presidents. I know that to be so from the fact that a ninth article of impeachment against Governor Holden has recently been adopted by the house of the State legislature, and it received the almost unanimous republican vote of the house; all of the white republicans and some of the colored republicans voting for it.

Question. What is that article?

Answer. That the governor issued some six millions of those bonds to George W. Swepson, as president of the western branch of the Western Railroad, and did not first require what the law demanded.

Question. Who were the directors of that road?

Answer. I do not know; they have been changed since then. A gentleman by the name of Rollins, who is now the president of the road, is in the city at this time; he could tell you.

Question. Is he a North Carolinian?

Answer. No, sir; he is a northern man.

Question. He does not live in the State?

Answer. He has lived there for a few years.

Question. Was there a general public belief in the wastefulness and corruption connected with the creation of that debt?

Answer. Yes, sir; a very general belief.

Question. What effect had that belief on the minds of the people?

Answer. It had the effect, in the western part of the State, of alienating even those who belonged to the republican party from that party. I think it had a very great influence upon the last election.

Question. Was or was not that fear or apprehension of total insolvency of the State one of the leading issues in your canvass, if not a leading issue?

Answer. When the canvass commenced, the great issue was the wastefulness of the party in power.

Question. Governor Holden's administration?

Answer. Yes, sir; and that may be said to have absorbed all others. Just toward the close, the employment of Kirk and Bergen came in, and I think settled the fate of the election beyond all question. It was doubtful before.

Question. The sending of these armed bands into the county of Alamance?

Answer. That had an effect throughout the State; it went like an electric shock from one end to the other. I think it influenced thousands of votes; I know Colonel Dockery, member of the present house, will tell you his defeat was caused by that.

Question. Prior to that, what was the absorbing issue?

Answer. It was the wastefulness of the public money; the formation of rings by which they said the treasury had become exhausted.

Question. Describe the formation of rings, and what was the popular belief on that subject?

Answer. The popular belief was, that General Littlefield—who has a great reputation, whatever it may be, in North Carolina—that he and others came there and formed a third branch of the legislature, as they called it, in one of the rooms of the capitol, where whisky and other things were furnished; and it was said that those who could not be bought with money were treated and enjoined out of their votes, so that the public money was voted away by millions, and Littlefield, Swepson, and others got the benefit of it.

Question. Was General Holden supposed to be privy to this?

Answer. For a long time it was believed that he was not. The only thing attributed to him was, that he did not look sharply at the matter, fight it and denounce it, but that he rather acquiesced in it; but of late they are beginning to charge him with being a participator in it.

Question. Does this charge form a part of the articles of impeachment in his present trial?

Answer. I think not; I think the house of representatives have voted almost unanimously for the ninth article, every white republican voting for it, and eight or ten of the colored members voting against it. I know that a leading republican from the West came down and urged it—said if they would convict him on that charge, which would not be difficult, the conviction would not assume a party character.

By Mr. BLAIR:

Question. What was the ninth article?

Answer. That Governor Holden had issued \$6,000,000 of bonds to Mr. Swepson without conforming to what the law required before they were issued.

By the CHAIRMAN:

Question. Do you say that the ninth article is preferred as one of the charges?

Answer. Well, it has not yet been accepted by the senate. It was voted upon a day or two before I left, by the house of representatives, and received a large majority.

Question. As an additional article?

Answer. Yes, sir.

Question. You say every white republican voted for it?

Answer. Yes, sir.

Question. And a certain number of the colored republicans voted against it?

Answer. Yes, sir; a few—some eight or ten.

Question. Was the article adopted then by all the votes in the house except those of the colored republicans?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Have you a general knowledge of those eight or ten colored men who voted against it; whether they are persons of any property?

Answer. I have not. I might guess, but I would hardly like to put that in as testimony. Some of them may have property. I could not tell which has and which has not.

By Mr. BLAIR:

Question. Does all the property destroyed in the State by these Ku-Klux and other secret societies amount in the aggregate to anything like the amount of these bonds which have been issued corruptly?

Answer. No, sir; nothing like it.

By Mr. WILSON:

Question. Where is General Littlefield now?

Answer. In Florida. The acting governor of North Carolina, Lieutenant Governor Caldwell, is displaying very commendable diligence in endeavoring to punish the men who have robbed the State. He sent a requisition to the governor of Florida, for General Littlefield. He consulted with me upon the subject. Though he and I belong to different parties, yet I regard him as a very moderate man. Hearing that General Littlefield was in Florida, he made out what I believed to be a perfectly full requisition according to all the forms of law, and sent it to Governor Reed, of Florida. Governor Reed refused to act upon it, alleging that there was some informality in it. It came back to Governor Caldwell, and he supplied what Governor Reed said was wanting, and sent it again. Governor Reed still refused to deliver the man up. Thereupon Governor Caldwell sent a short message to the legislature, requesting them to authorize him to offer a reward of \$5,000 for General Littlefield's arrest. That was passed unanimously and immediately, and thereupon he issued his proclamation.

By Mr. BAYARD:

Question. Was it passed by the votes of republicans?

Answer. Yes, sir; by all parties in the legislature. A pretty resolute man, who was a

member of the house of commons, and was sent out there by Governor Caldwell to make the demand of Governor Reed, hearing that the reward was offered, went back and got some men from Savannah to go with him, and they came very near catching General Littlefield. And now the governor of Florida has offered a reward to any man who will catch the man who attempted to kidnap General Littlefield.

By Mr. BLAIR:

Question. Where did General Littlefield come from? Did he live in North Carolina?

Answer. He staid there some time. I cannot tell where he does claim to live. I understand his family live here. He is a northern man. I have understood that he has been operating in South Carolina and Florida, as well as in our State.

Question. Were most of the men connected with the railroads in North Carolina northern men?

Answer. Most of them, I think, were North Carolinians.

By Mr. RICE:

Question. Mr. Swepson was a North Carolinian?

Answer. Yes, sir; General Littlefield was not.

By Mr. BLAIR:

Question. Senator Abbott is one of the directors, is he not, of the Western Railroad?

Answer. I really cannot tell you; I never paid much attention to that matter. General Lallin was a director.

Question. Where was he from?

Answer. From New York. I think he is a brother of the member of Congress of that name.

By the CHAIRMAN:

Question. Was not the legislation authorizing the issue of these bonds participated in by both parties?

Answer. I understand some of the railroad bills were voted for by some members of the democratic party, but not by the party generally; only a few.

Question. In authorizing the issue of the bonds, was it made a party question at all, or was it voted as a public improvement?

Answer. It was voted as a public improvement, but nearly all the democrats voted against it as a wild scheme.

Question. In the organization of the roads were not democrats and republicans associated in the management of them?

Answer. Well, sir, I can hardly answer that question.

Question. Take the Western Road; was not General Clingman associated with General Littlefield in the negotiation?

Answer. I do not know; I never heard about his having any connection with it till I came to Washington.

Question. Do you know now?

Answer. I do not. All I know is that he claims that Littlefield owed him a debt, and he went to Florida to try to secure it.

Question. One of the directors has stated in his testimony before us that General Clingman was a director.

Answer. I think I have heard so; but whether he had anything to do with the negotiation I do not know.

Question. Do not both parties join in endeavoring to bring to justice the men who have fraudulently used the funds placed in their hands?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Did not the radical party defend Governor Holden in the canvass against these charges?

Answer. O, yes, sir; they did last summer, at first.

By the CHAIRMAN:

Question. The issue last summer was the issue of those railroad securities?

Answer. Yes, sir, among other things—general extravagance.

Question. The charges of impeachment, upon which the present trial of Governor Holden is based, were based upon the use of the militia when the articles were first preferred, were they not?

Answer. The first articles were for the employment of the militia and the suspension of the writ of habeas corpus.

Question. The 9th article is not yet adopted by the senate?

Answer. It had not been when I left; it was just voted by the house, and had not been put in order by the senate.

Question. That was after the other articles were made out?

Answer. O, yes, sir, while the trial was going on.

Question. How recently have the negro outrages occurred, of which you spoke, in Chatham County?

Answer. Within the last six months, I think.

Question. After the whippings that have been spoken of as being committed by the Ku-Klux?

Answer. O, yes, sir; some twelve months after.

Question. In what you have stated in regard to them, have you spoken merely from general information, or were you counsel in any of the cases?

Answer. I was not counsel in any of the cases.

Question. Were you present at the trial?

Answer. I was not.

Question. Then the information you have concerning them is not personal, but public information?

Answer. Precisely—what I have learned from the papers.

Question. You have mentioned the appearance of Mr. McCorkle as counsel for Colonels Kirk and Bergen?

Answer. Yes, sir, or rather for Governor Holden.

Question. He appeared as counsel for whom?

Answer. The counsel said they were acting under the order of Governor Holden—employed by him.

Question. Did I understand you correctly as saying that the conservative papers censured and denounced him in his professional capacity as counsel?

Answer. One or two of them said he ought not to have done so, being a gentleman of the conservative party; but that was repudiated by the profession. I do not know that it was generally so spoken of by the papers, but it was by one or two of them.

Question. Your attention was called to an affidavit of Lucien Murray in this book prepared by you; was he ever confronted by Mr. Bergen in a hearing before the court?

Answer. I was not present when that matter was discussed; I was before Justice Pearson attending other causes; this was up stairs, before Judge Brooks.

Question. Do you know whether he or his counsel had any opportunity of cross-examining Mr. Murray?

Answer. I do not.

Question. What became of his case—the application for a writ of habeas corpus?

Answer. A warrant was granted and Bergen was committed to jail, and was afterwards released by Judge Bond.

Question. Mr. Murray was released?

Answer. O, yes, sir; by Judge Brooks. That affidavit was drawn up after he was released, upon its being stated that he feared Bergen would have him rearrested.

Question. Was there any other opportunity for Bergen to cross-examine Murray?

Answer. Not that I know of.

Question. Do you know whether Murray was a member of the Ku-Klux organization?

Answer. I think he was not; I am not certain.

Question. Have you any knowledge?

Answer. On the subsequent examination they did not connect him with it at all; it turned out that he had been taken up without proper warrant or authority, without having been guilty of any crime whatever.

Question. Where you know persons to be members of this organization, would you give credence to their affidavits against parties charged with arresting them?

Answer. If they were honest men.

Question. Where you knew them to be members of the organization?

Answer. Yes, sir, if I knew them to be members of the organization; if I believed them to be honest men. The examination of Tickell and others satisfied me that if they were honest men they would testify to the truth, and act according to the truth.

Question. You have spoken of the men who have been examined in the impeachment trial, with reference to Colonel Kirk's reputation; what was their position? had they been palliating or excusing the Ku-Klux?

Answer. Well, sir, they lived a long way out of the range of the Ku-Klux.

Question. Do you know what their position was?

Answer. I do not.

By Mr. BAYARD:

Question. Was Mr. Cook a member of Congress?

Answer. Colonel Cook had been a member of Congress from East Tennessee.

By the CHAIRMAN:

Question. Before the war?

Answer. Yes, sir. At the close of the war he moved into our State, and is practicing law there, and I understand he is a very respectable gentleman.

Question. Do you know whether he excused or denounced the Ku-Klux?

Answer. I do not; I have no information, actual or by rumor.

Question. Can you tell the position of any of the parties who testified in the impeachment trial, whether they sympathized with or denounced the organization?

Answer. I do not know, and therefore cannot state.

Question. There is a very deep-seated feeling and excitement among the individuals there with reference to this question, is there not?

Answer. There has been; I do not think there is now. The general impression is that now all the outrages that are committed by disguised men are by persons who are not members either of the Union Leagues proper or of the Ku-Klux associations.

Question. From your position as counsel in these cases, was it your own individual position that the reconstruction acts were unconstitutional?

Answer. Well, sir, I maintained that, and voted for Seymour and Blair on that ground.

Question. Did you also take the ground that the fourteenth and fifteenth amendments were not adopted?

Answer. No, sir; I never took that ground in my life; and as soon as General Grant and Colfax were elected I considered that matter settled, just as much as if in a court of law a rule of law was decided against me, and that it was my duty to acquiesce in it. I was sworn to support the constitution of North Carolina, and I feel myself just as much under obligation to support them now as I did before the war.

Question. Has your own position been in antagonism to Governor Holden on these questions arising out of the proceedings in Alamance County?

Answer. Well, I have been opposed to his course.

Question. You denied his right to declare those counties in insurrection?

Answer. Yes, sir, and I deny it to this day, and that is one of the main grounds upon which he is impeached. I contended that he had no right under the constitution to declare a whole county in insurrection, for by so doing he makes everybody in the county, men, women, and children, traitors, and liable to be tried for treason. I put the question to the chief justice in an argument before him, whether if a county in which he happened to live were declared in insurrection, that would make him a traitor, and he decided that it would.

By Mr. BAYARD:

Question. Was the effect of declaring these counties in insurrection and then sending a colonel of militia into it, to place every man, woman, and child in that county under the unlimited discretion of the militia?

Answer. That is the effect of the decision of the court under the Shoffner act. I denied the right to declare that the whole county was in insurrection. Only those engaged in insurrection could be traitors, but that the whole people of the county were engaged in insurrection I denied, and still deny.

Question. You have spoken of a number of cases of barn-burning and theft; state whether the persons who lost property in that way were, in your knowledge or belief, members of the conservative party, or were they known as radicals politically?

Answer. Most of them were members of the conservative party; no doubt about that.

Question. Were such cases of outrages generally directed against the property of conservatives?

Answer. I think they were; that is what was understood.

Question. You have spoken of two classes of outrages, one directed against property and the other of a retaliatory character, directed against the persons who were supposed to commit them—these whippings, &c.; do you believe there is now through your State a popular disposition, accompanied by a legal efficiency, to punish such offenses on either side by law?

Answer. I believe that all the people of North Carolina are now so disposed, and I believe a bill has been introduced in the legislature for the purpose of making highly penal the holding of all these secret political organizations.

Question. In the present legislature?

Answer. Yes, sir.

Question. To punish and arrest such a course of things?

Answer. Yes, sir.

Question. Do you believe such laws can be efficiently executed?

Answer. I believe they can.

Question. With the sentiment of the people in their favor?

Answer. Oh, yes, sir, of all parties.

By Mr. RICE:

Question. When were the railroad bonds issued?

Answer. In 1867 or 1868; I cannot give the precise date. There were \$6,000,000 issued to Mr. Swepson, and they are all gone. I have inquired how much was realized for the benefit of the road, and the very highest estimate is \$150,000 out of the \$6,000,000.

Question. When were they sold?

Answer. I cannot tell you. They have been hawked about in New York, and I believe some have gone to Europe.

Question. When did the legislature meet that authorized it?

Answer. It was elected at the same time that the new constitution was adopted, in 1868. They were voted for on the 21st, 22d, and 23d of April, 1868. The constitution was adopted and officers were elected under it at the same time.

Question. How long after the passage of the act was it before the bonds were issued?

Answer. I think it was the following winter.

Question. After the presidential election?

Answer. Yes, sir.

Question. When did the discussion commence in regard to the profligacy of Governor Holden's administration?

Answer. Well, sir, soon after the legislature began to make these appropriations, as I have already said, a few democrats, a very few, voted for them; I think they wanted to get—at least they were charged with wanting to get—some part of the spoils.

Question. Was that in the issue of the canvass in 1868?

Answer. No, sir, the only issue then was whether the constitution should be adopted or not.

Question. I mean in the presidential campaign of 1868, was there any issue in regard to that?

Answer. I do not think it was an issue; I think the main issue was whether the reconstruction acts were to be sustained or not.

Question. Then the Ku-Klux organization was in existence prior to the time that there was any issue in regard to the extravagance of Governor Holden's administration, was it not?

Answer. I reckon it was all about the same time. I was looking over the testimony of Mr. Boyd, the principal witness introduced on the part of the State by Governor Holden's counsel, and I see that he says the Union Leagues were first formed for the purpose of accomplishing an object, and that was, to unite all the colored citizens of the State into a party to vote the same way, as they do most unanimously, and that the Ku-Klux organizations were formed in order to counteract their effect; that is what he says in effect, and I believe it is true.

Question. But the Ku-Klux organization did not grow out of the extravagance of the State administration?

Answer. I do not think it did; but then they were kept up for the purpose of defeating that party.

By Mr. BLAIR:

Question. You said you did not believe there was more than \$150,000 realized for the State, or toward the accomplishment of the work on the Western Railroad, out of the \$6,000,000?

Answer. The western division of it.

Question. How much was realized out of the other bonds for the State and the roads?

Answer. Nothing, I think. There was a large number issued to A. J. Jones and others.

Question. Nothing, comparatively, was realized out of any of those bonds toward the completion of these works?

Answer. Very little, indeed.

Question. Do you suppose that \$1,000,000, altogether, was realized out of the \$21,000,000?

Answer. Probably that would be putting it a little too low; perhaps \$2,000,000 or \$2,500,000 would cover the whole amount.

Question. That was all that was realized?

Answer. And hence there is among all parties in the State a strong indisposition to pay for them.

Question. You say you do not know where these bonds are?

Answer. I do not; most of them, I think, are in the hands of brokers in New York.

Question. You say General Ladin, brother of the member of Congress, was one of these railroad men; did you ever hear of the circumstance of Mr. Ladin, member of the House, sending one of these bonds under his frank to one of his constituents?

Answer. No, sir; I never heard of it that I recollect.

By the CHAIRMAN:

Question. You have spoken of Mr. Boyd; did you know him as a member of the bar?

Answer. I did not until I saw him when he was examined.

By Mr. BAYARD:

Question. Do you know whether he was retained by Governor Holden?

Answer. I do not; but I was utterly astonished, as I believe everybody else was, when Governor Caldwell sent to the legislature an account of the expenditures made by Governor Holden, and among the rest was \$250 paid to Mr. Boyd as counsel.

Question. In what cases?

Answer. It was understood in these Ku-Klux cases.

Question. At the time he was making his confession and exposing them?

Answer. Yes, sir; if you will notice I cross-examined Mr. Boyd, and asked him if he did not belong to the legal profession, and if it was not very honorable for a man to belong to it. He said it was. Then I asked if the word of an honorable man ought not to be as good as his oath. He replied, "Certainly." Then I handed him a card he had had published, in which he denied that he knew anything about these things.

Question. That is Mr. Boyd's testimony; can you turn to the page?

Answer. I did not publish it in the book I produced here; it is in the documents accompanying Governor Holden's message.

By the CHAIRMAN:

Question. Taking the objects of the Ku-Klux organization, and its obligations to be such as were disclosed upon that trial, do you look upon it as dishonorable and unworthy for any citizen to disclose the existence and purposes of such an organization; was that your meaning?

Answer. I did not. My object was to show that Mr. Boyd had made a declaration as an honorable man, and then had sworn differently as a witness.

Question. Was he not bound to conceal it?

Answer. I had no objection to Mr. Boyd or anybody else coming out and telling everything.

Question. Did you not understand that the obligation of the order required him as a member to conceal the fact?

Answer. Yes, sir; but he had a right to abandon it, and then he ought to come out and disclose everything. I admitted that.

Question. Was there anything in the examination to discredit his testimony?

Answer. None, except that.

Question. Any attack upon his character?

Answer. No, sir.

Question. He was well known there.

Answer. Yes, sir.

Question. He had been a democratic candidate for the legislature in Alamance County at the time he made this disclosure?

Answer. Yes, sir.

Question. Did you ever hear anything against his standing before, as a member of the bar or a citizen?

Answer. I had not. I think he stood fair. I desire, with the permission of the committee, to read a portion of a leading editorial article from one of our independent papers, the Daily Telegram, of Raleigh, of February 10, 1871. One of its editors is a moderate republican and the other a moderate democrat: "The leagues of the republicans and the klans of the conservatives have already damaged the material interests of North Carolina beyond computation, and their influence will be felt for years to come. The impeachment trial, now progressing in our State capital, originated in the organization of these two opposing associations, and over one-half the lawlessness of the State can be traced to their closed doors. It behooves the good men of both parties to repudiate and condemn them. Laws should be passed prohibiting them. They bode no good to a people. They are a nuisance and an utter abomination, and, if continued, will undermine our liberties and subvert the Government." I perfectly concur in everything in that paragraph.

By Mr. BAYARD:

Question. Do you believe the sentiment of the mass of the people of your State is in accordance with it?

Answer. I believe most of what I call the respectable portion of the people is now in full accord with that sentiment. I have not the slightest doubt about it.

By the CHAIRMAN:

Question. Did you publicly denounce these Ku-Klux before this trial?

Answer. I did, sir. There was a case where a woman in disguise went to frighten a poor fellow, and he thought she was a Ku-Klux, and killed her. I was at the trial as counsel for him, and availed myself of the opportunity to use the strongest language I could employ. I got it published in the Standard, at that time a republican organ.

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

DANIEL R. RUSSELL, jr., sworn and examined.;

By the CHAIRMAN:

Question. Please state where you reside?

Answer. I live in Wilmington, North Carolina, at this time.

Question. How long have you lived in the State?

Answer. I was born there.

Question. What position do you occupy?

Answer. I am one of the judges of the superior court for the fourth judicial district.

Question. What counties does it embrace?

Answer. It embraces the counties of New Hanover, Brunswick, Columbus, Bladen, Robeson, Sampson, and Duplin.

Question. Have there been any disturbances in your judicial district within your knowledge affecting the security of person and property? If so, give us your knowledge with regard to them.

Answer. Well, sir, in the county of Robeson there has been a great deal of lawlessness. That lawlessness, however, is not in anywise political; it simply grows out of the depredations of a band of robbers, who are banded together for ordinary purposes of robbery, and who existed before and during the war, before party organizations were formed in the State, and their depredations are not confined to democrats or republicans, but they depredate generally on men of all shades of political opinion. They have been indicted in the courts and have been outlawed by myself; they are well known to the community, and the evidence is abundant; the only difficulty is to apprehend them. There is a company of United States troops there now after them. The citizens have been called out frequently. Two of them were convicted and sentenced to death by myself, and they broke jail. It is safe to say, however, that the lawlessness in the county is in nowise political.

Question. Is there any difficulty in administering justice in the counties where you succeed in arresting the criminals?

Answer. None whatever; because men of all shades of opinion are entirely in favor of punishing them. Bills have already been found by the grand jury. There is no difficulty in getting a bill there; and no difficulty in procuring witnesses; and no difficulty with sufficient evidence in procuring a conviction.

Question. What is supposed to be the strength of the organized band of robbers?

Answer. The active members probably do not number fifty. It is doubtful whether there are more than fifteen or twenty that are actual perpetrators of crime. The negroes and white people are all opposed to it. The militia was called out in August, 1869, to arrest them. The calling out of the militia caused more lawlessness. These outlaws are mulattoes who reside in Skulletown, which is inhabited by mulattoes and negroes, and are supposed to have some sympathizers in the community. The militia, in August, 1869, caught some of them; and the calling out of the militia themselves occasioned a great many depredations to be committed upon those who were known to be their sympathizers and friends. It was observed at the next term of the court that there were more negroes indicted for depredations upon negroes than there were upon whites; in other words, the prejudices of the right-minded negroes themselves seemed to be as decided as those of the whites against these outlaws.

Question. Is there any other portion of your district in which there has been any disturbance of the public peace?

Answer. There have been crimes committed in some of the counties—in at least two of them, to my knowledge; and I have reason to believe that in one of them, at least, they were political.

Question. Which county is that?

Answer. Sampson.

Question. What was the character of that?

Answer. The most striking instance I have heard of was that of a colored man, who was said to have been a prominent gentleman and republican in the county, who was called out to his door just after dark, and shot dead by a party of men at the fence. That occurred in the year 1858, immediately after or during the presidential campaign. There has been no indictment, and, so far as I have been informed, no attempt to indict. That occurred within a short distance of the county town, almost within the corporate limits.

Question. Were the men in disguise who committed the offense?

Answer. I have never heard that they were. I took the trouble myself to inquire privately of negroes, and with one or two Union men in that county, if they knew anything about the facts connected with that murder. The invariable answer was, if they had any knowledge it would not be safe for them to reveal it.

Question. Was it the subject of investigation before any magistrate?

Answer. I have never heard that it was. Whether it was before a coroner's jury or not, I cannot say. It is usual to have such a jury, and the usual verdict in such a case is, death by some person unknown to the jury. Whether an inquest took place in that case, I do not remember. There has been no presentment or indictment before the grand jury.

Question. Was the occurrence given in charge to the jury to investigate?

Answer. The occurrence was given in common with all other offenses against the

criminal law in the county. I do not recollect whether particular attention was directed to that murder or not. It was well known in the community, and the grand jury knew it as well as anybody else; that is, the fact that the murder had occurred.

Question. What was the political complexion of that county and its officers?

Answer. Democratic.

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

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

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

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

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

Answer. Well, sir, my information extends over most of the State, for I have taken the trouble to inform myself in respect to at least two-thirds of the State where these depredations have occurred, and from what I consider reliable authority, my opinion is very decided that it is utterly impossible to secure anything like a fair trial in any case where any person belongs to any of these secret organizations or clans, Constitutional Union Guards, &c.; utterly impossible in any such case to obtain a fair trial on the part of the State. In the first place, it is difficult to procure a bill of indictment through the grand jury. In nine cases out of ten the men who commit the crimes constitute or sit on the grand jury, either they themselves or their near relatives or friends, sympathizers, aiders, or abettors; and, if a bill is found, it is next to impossible to secure a conviction upon a trial at the bar. I have heard of no instance in North Carolina where a conviction of that sort has taken place.

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

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

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

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

Question. Name them.

Answer. Columbus and Brunswick.

Question. How as to the other counties of the district?

Answer. Well, sir, I speak merely from information. My opinion is it does exist in at least three counties in the district. The other three I am in doubt whether it does or not; at any rate, I have never seen any evidence in the other three in the jury-box.

Question. What three does it exist in?

Answer. Duplin, Sampson, and Robeson. There have been no outrages by that order in Robeson. Well, there have been some, I have no doubt, but none very flagrant; I do not know but I did hear of their killing one man. I believe the organization exists in those three counties.

Question. Are you elected by the popular vote?

Answer. Elected by the people of the whole State.

By Mr. BLAIR:

Question. At what election?

Answer. In 1868.

By the CHAIRMAN:

Question. Do I understand you, then, as saying that in cases which come to your court arising out of this political organization, your belief is that justice cannot be administered through the medium of jury trial?

Answer. That is my decided opinion.

Question. From your experience as a judicial officer there, can you suggest to us any practical legislative remedy for this evil?

Answer. Well, sir, that raises numerous constitutional questions, many of which I have not examined. I did say, and I say now, that two years ago, or even one year ago, if we had had a competent government, competent legislature, and competent executive, it could have been suppressed by the State authorities, by the State courts, and that its final triumph is due, in a great measure, to the incapacity of those who have been intrusted with the administration of our governmental affairs in the State.

Question. Do you speak of the inefficient administration of the civil code itself, or the failure of legislation?

Answer. I speak in the first place of the failure of the legislature to afford the necessary remedies in criminal prosecution, their partial failure to do that; and secondly, the utter failure of the executive to carry into effect such remedies as were given by the legislature.

Question. You mean by that the act which authorized the governor to use the military?

Answer. No, sir; I do not mean that. I mean the act of assembly which gave him authority to push the prosecution in the courts. For instance, there was an act of assembly which authorized the removal, at the instance of the State, of cases after a bill was found, from a county where a fair trial could not be had, to a forum, to be selected by the State. That was entirely constitutional. The legislature had a perfect right to do it. There were numerous bills of indictment found, with evidence sufficient in some counties, I am entirely satisfied, but there was an utter failure on the part of the governor to employ counsel and prosecute those cases by removing them to such forums as would have afforded a fair trial; in consequence of which no convictions were had.

Question. Was that duty imposed upon the governor or upon the district solicitor?

Answer. I do not remember that in so many words the governor was required to do it, but he was making pretense of putting down the Ku-Klux. He had a secret service fund at his disposal, was employing detectives all over the State, and in some instances employed counsel. The solicitors in the circuits did not make the motion, and the governor had nobody there to insist upon it.

Question. To which circuit do you refer?

Answer. I refer now to certain cases that occurred in the third judicial district.

Question. What judge presided?

Answer. Judge Clark. I think there are other cases of that sort in the State.

Question. Have the political parties of the State divided to such an extent upon the question of this organization and the outrages committed by them as to make it a party question?

Answer. I think so, decidedly.

Question. How has that division been characterized?

Answer. Well, sir, it has been characterized in this way: the republican party has uniformly denounced these outrages, while the democratic party, as indicated by the press, has, in my opinion, uniformly defended or attempted to justify them. I know of but two democratic papers in the State which have openly denounced them. Those two are the Salisbury paper, edited by Mr. Hanes, and the Charlotte Democrat, edited by Mr. Yates.

Question. Are you speaking of the depredations by the Ku-Klux?

Answer. Yes, sir.

Question. Do you know of any other secret political organization in the State, of either party, whose operations interfere with the security of person and property?

Answer. I do not. The only secret political organization on the other side, that has existed since the reconstruction, is what is known as the Union League. I am not a member of it, never had anything to do with it; but so far as my observation in the court-house and out of it goes, I have no reason to believe that any crime has ever been committed by the members of the organization, or that it has in any way encouraged lawlessness.

Question. To what extent does this state of affairs to which you have testified exist at this time in the State?

Answer. I think it is just as bad now as ever it was. While holding court, in December last, in Cumberland County, which is out of my circuit—I exchanged circuits with Judge Buxton—I had reliable information that a white man was taken out of town, within the vicinity of Fayetteville, in that county, and severely whipped and scourged; the reason given being that he had voted the radical ticket.

Question. Do you recollect his name?

Answer. Raiford.

Question. Was any judicial investigation instituted?

Answer. None whatever. Information was brought to me, at my rooms, that the man was in town, and I told the gentleman who brought it to tell him to come and see me. The statement was also made that he knew two of the men.

Question. Was this statement made by the man who was injured?

Answer. No, but by the party who came to see me. He said the man who was injured was in town. I asked the gentleman if the man could swear to any of the parties. The answer was that he could swear to two of them. I then told the gentleman to go and bring the man to my room that night, for the purpose of making an affidavit, so that I could issue a bench warrant. He did not come, but sent me word by the same party that he could not make an affidavit; that he feared he would be killed if he

did. I heard that night that he could not be found. If he had appeared before me at all, it would have been compulsory, and I could not compel him to make an affidavit.

Question. From your observations and travels through the State, in the exercise of your official functions, what is your belief as to the effect produced upon public security by these outrages that have been committed?

Answer. Well, sir, I think, in those counties where these outrages have taken place, and the public have seen that they have been done with impunity, there is an absolute reign of terror, and there is no sort of security to either life, liberty, or property in favor of any man against whom there is reasonable suspicion that he is a Union man and favorable to the Government.

Question. Were you present at any of the investigations that arose out of these outrages, when several of the judges sat together?

Answer. No, sir; I was not at one of them. I have read all that investigation, and these opinions I give are formed very much upon that investigation, together with other facts and general observation.

By Mr. BLAIR:

Question. What are your political opinions?

Answer. I am a republican. I was born in North Carolina; was in the confederate army; was a large slaveholder; and am now a considerable tax-payer and property-holder, and entirely identified with the people and interests of the State of North Carolina.

Question. You live in Wilmington?

Answer. I do at this time.

Question. You do not profess to speak of these outrages of your own knowledge at all, only from general opinion?

Answer. No, sir; of course I have seen none of them committed.

Question. You say you are not a member of the Loyal League?

Answer. I am not.

Question. What is the purpose of that organization, so far as you know?

Answer. So far as I know, the purpose of it was to form an organization in the interest of the republican party. I have understood, in fact I have been told by one of the leaders of the league in the State, that there has been no attempt to organize it for more than twelve months past. There have been no meetings, that I am aware of, during that time. When it was first organized and was in progress, in the campaign of 1868, its meetings were well known. The negroes were assembled on my plantation and in that vicinity, going to the meetings.

Question. Was it an oath-bound organization?

Answer. I think so. The oath has been published often in North Carolina.

Question. All its oaths?

Answer. What professed to be all.

Question. What were they?

Answer. Simply to support the Constitution and laws of the United States, and, so far as I remember, something about voting for loyal men. That is about all I remember of it.

Question. Did you never hear of any threats or intimidations used by this organization against negroes and others who chose not to support the republican ticket?

Answer. Well, I have heard charges of this sort in democratic newspapers very often; and let me say just there that I have heard of two instances that have occurred in Southeastern North Carolina, where I live, where negroes had been assaulted on the ground that they voted the democratic ticket.

Question. Assaulted by other negroes?

Answer. By other negroes; and that in both these instances the negroes who did it were indicted, tried, convicted, and punished.

Question. When was this Loyal League established in North Carolina?

Answer. I think it was in the latter part of 1867, when the reconstruction measures were first put in force.

Question. By whom were the leagues established?

Answer. My impression was that they were established by the leading negroes and perhaps by the leading active local politicians in the interest of the republican party.

Question. Were they not established invariably by northern men who had gone down there?

Answer. I do not know that they were.

Question. Is it not your belief that the order was introduced there by northern men who went down into that country after the war?

Answer. Well, my belief is that the order was introduced there not exclusively, as far as my observation has gone, by natives, but that native whites have been as active in the league as what are known as carpet-baggers.

Question. Do you not know that the Union League existed in the North and was taken down there by what are known as carpet-baggers?

Answer. I have no doubt about its antecedent existence in the North, and I think it is very reasonable to suppose that many of the men were very active in introducing it there. Whether they were originally active or not I could not swear. I should take it as nothing but reasonable, however, that those who were originally active in effecting reconstruction introduced it, and my recollection is that the first republican reconstruction convention—I mean the first party convention in the interest of reconstruction—assembled in the State was composed almost entirely of native white and colored people. I do not think the carpet-baggers had taken hold of political affairs then.

Question. Did the establishment of this Loyal League precede the establishment of what is known as the Ku-Klux and other organizations?

Answer. Well, the Loyal League was known in North Carolina before there was any public attention directed to what is now called the Ku-Klux Klan; but the introduction of the Loyal League in North Carolina was contemporaneous with the organization of the republican party in the State, which took place in 1867. By that time there had been numbers of outrages committed in the State by persons who called themselves regulators, and whose principal purpose seemed to be to break up the negroes, prevent them from owning or renting lands, or owning horses or other property, and whose depredations were confined entirely to negroes. I heard of no instance of outraging white Union men. Those depredations were committed very extensively, and many of them in the immediate vicinity of one of my plantations. The negroes' mules were taken and carried off, so that no negro would undertake to own a mule or a horse or a piece of land, and a great many of them will not now.

Question. You say you were in the confederate army?

Answer. Yes, sir.

Question. Originally a secessionist?

Answer. Well, sir, I entered the confederate army when I was fifteen or sixteen years old. I was not a secessionist; I do not think I had any political opinion of any sort very decided. I am only twenty-five now. I went in about 1862, and staid there a year or two. My education and all my instincts were against secession. My family were opposed to secession.

Question. Did you know whether the officers of the Freedmen's Bureau had anything to do with the establishment of this Loyal League?

Answer. I have no sort of knowledge that they did. There may have been individual cases of persons who belonged to it and who were active. I remember of no instance of that sort at this moment, and I do not believe as a general proposition that it was introduced by the Freedmen's Bureau.

Question. You say you have heard the charge made by democratic newspapers, and I suppose by democrats generally, that this Union League was established for the purpose of intimidating and threatening the negroes and preventing them from voting the democratic ticket?

Answer. Yes, sir, I said democratic newspapers, because really that is about the only source from which I have ever got any such information. I do not know that I have ever heard it from a public speaker or ever heard the charge made in private conversation.

Question. Your information, I presume, about the Ku-Klux and the outrages on which you place so much reliance, comes generally from the other side, does it not?

Answer. So far as the newspapers are concerned of course it does, because, as I have already said, the newspapers on the other side defend it, with but two exceptions, so far as I know. But as to the information of the existence of the organization and the crimes, I say that I do not believe that any man in North Carolina, who has observed the course of events in that State, and who has taken the trouble to familiarize himself with the condition of politics and society in the State, denies it for one moment.

Question. Do you know what is the public debt of the State?

Answer. Very large, brought about by very reckless and corrupt legislation in my opinion.

Question. About how much is it?

Answer. I suppose about \$33,000,000 or \$34,000,000.

Question. What was it before the war?

Answer. About \$15,000,000 or \$16,000,000.

Question. That is what is called the "ante-war debt" with the interest accumulated?

Answer. Yes, sir.

Question. How do you say this addition was brought about?

Answer. I think by the corrupt and reckless legislation in 1868 and 1869.

Question. Was that the legislature elected under the reconstruction act?

Answer. Yes, sir, and by the republican party.

Question. Has the State received any benefit at all from the additional debt?

Answer. Very little indeed; it was increased \$14,000,000 or \$15,000,000, and the bonds were put in the hands of swindlers who, in my opinion, have swindled the State.

Question. Who were these men; where did they come from?

Answer. Some of them were natives and some of them were known as carpet-baggers. Of the three principal persons two were natives and one was a carpet-bagger.

Question. What were their names?

Answer. Mr. Jones, Mr. Swepson, and General Littlefield. Of course I am speaking very freely and giving my opinion, founded, I hope, upon sufficient reason.

Question. Is that the public opinion of the State?

Answer. I think it is of all parties now.

Question. Is the governor supposed to be implicated in the corruption?

Answer. Well, there is a very general public impression to that effect. My own impression, if you want to know it, is this: I have no reason to believe that he is actually guilty of criminal complicity in these frauds, but that much of it, however, is due to his imbecility and incapacity.

Question. Was not a great deal of the excitement at the last election due to the fact of this corrupt legislation and swindling of the State government?

Answer. So far as the excitement was concerned I do not think it was. There was some feeling about that, and there is much in the political revolution that took place at that time due to that.

Question. There was a great deal of feeling against the State government, was there not?

Answer. Considerable feeling, but I do not think any lawlessness grew out of it.

Question. I did not allude to that.

Answer. I think you said excitement, and I thought you had some reference to that. There was some feeling.

Question. And it led, you think, in a great measure, to the defeat of the radical or republican party in the State?

Answer. I think it led in a great measure to the defeat of the party; nevertheless, there are many localities in which I have no idea there could have been a free election, so far as that party was concerned, even if there had been no excitement growing out of those frauds.

Question. Do you believe the destruction of property which has taken place there by lawlessness and violence would amount in the aggregate to anything like the immense sums that have been squandered by the State government?

Answer. Of course there has been no very great destruction of property, because the men who have been outraged are generally men without property. I have heard of some instances of white Unionists having their property destroyed.

Question. The largest destruction of property was of that owned by conservatives?

Answer. Yes, sir.

Question. The burning of barns?

Answer. I have heard of some instances of burning of barns.

Question. By whom?

Answer. Alleged to have been done by negroes most generally. Those instances have grown, in my opinion, out of retaliation on the part of those negroes for outrages committed on them.

Question. Was it not alleged that many of these things that you call outrages were committed in retaliation for the destruction of property?

Answer. I have heard it alleged, but I do not believe there is any foundation for it whatever, unless it may be in the county of Orange.

Question. Is it not alleged that the negroes in many instances insulted or committed outrages upon white women in the State?

Answer. I know of not many instances. The instances have been very rare, as far as my observation has gone. So far as I have any reason to believe, and invariably so far as I know, they have been followed by punishment.

Question. In Robeson County you say there is lawlessness—there is a gang there composed, you say, of mulattoes?

Answer. They are composed of persons of Indian, negro, and perhaps white blood. I do not know but the Indian blood predominates. They are called in that country mulattoes.

Question. You assert that their chief rendezvous is Skulletown?

Answer. It is a country thickly inhabited, eight or ten miles square, called Skulletown.

Question. Inhabited principally by negroes?

Answer. By those persons known as mulattoes.

Question. All of them supposed to sympathize with those outlaws?

Answer. No, sir; I do not think all of them do, though I have no more doubt about their having a large number of sympathizers in that community than I have that these Ku-Klux marauders and assassins have sympathizers among what are termed respectable citizens, who have heretofore been considered respectable men and now are considered respectable men in those regions.

Question. You do not attribute any political significance to that?

Answer. None whatever; I have no hesitation in saying that there is nothing political

about it. They depredate even upon negroes. They will rob a negro as quickly as they will a white man, and have done it.

Question. You have heard from other parts of the State that the negroes frequently disguise themselves and depredate upon negroes?

Answer. No, sir, I have not.

Question. No cases of that kind?

Answer. The only case, outside of the two instances which I have already mentioned that occurred in my district, was one in Alamance County.

Question. Do you not know there are now four negroes in prison for that offense?

Answer. That is the very instance I am referring to in Alamance County.

By the CHAIRMAN :

Question. You have stated two instances in your own circuit, and one in Alamance County, where negroes have been tried and convicted for outrages upon other negroes; do you know of any instances in the State in which members of the Ku-Klux organization have been tried and convicted for outrages committed by them?

Answer. I have already said I have never heard of a single instance in all North Carolina.

Question. What is your belief as to the security of the colored people as a class in that State in consequence of the existence of that organization?

Answer. I think they are to be classed with the white Unionists. I think there is no sort of security in those counties where that organization has been introduced and has fully developed itself.

Question. Are you satisfied that the organization exists in military form, so that it could be assembled for coöperation—throughout the State, for instance?

Answer. Well, sir, I do not think they have ever contemplated that—that they have ever gone that far. I think that at present they are only prepared to meet in secret conclave to decree the death of obnoxious persons, whether white or black, and cause them to be executed, and I am satisfied it has been done in numerous instances.

Question. You mean to say they have not got that far in purpose?

Answer. No, sir. Not so much in purpose; because I think their purpose goes much further than even that question contemplates. I mean they have not got that far in organization, in development.

Question. Have you any idea of the number of the organization existing in the State?

Answer. Well, I presume that the statement of some of their members, some respectable persons connected with them at one time, is about correct, that there is about 30,000 or 40,000 in the State.

Question. You spoke of the effect in several counties of intimidation on elections; do you know that to have been the case, from your intercourse with the people there—that intimidation was used, or that it is now apprehended in case an election is held?

Answer. O, yes, sir. I know it is apprehended, reasonably apprehended, in many counties. It depends much upon the locality, but then they embrace a large number of counties, in my own opinion half of the State.

Question. Has that apprehension the effect of deterring persons from attending the elections?

Answer. I think so, in some instances; in others it has the effect of causing them to vote against their sentiments and purpose.

Question. What counties would you indicate in which that state of affairs exists?

Answer. I believe it exists to some extent in Orange, Alamance, Caswell, Chatham, Sampson, Harnet, Person, Rockingham, Anson, Duplin, Cumberland, and Moore. I might mention others; these are some of the counties.

Question. From what you have said, is it your belief that a concentration of opinion on the part of the conservative press and leaders of that party in open denunciation of these outrages would prevent them?

Answer. O, yes, sir, I think so, if that could be brought about. If their leading politicians and presses would unite in a *bona fide* attempt to put it down, I believe it would be done, because I believe it is entirely political, and entirely in the interest of that party.

Question. I understand from the tenor of your examination that you are decided in your condemnation of the inefficiency of Governor Holden?

Answer. I am; I have frequently said that I think he is responsible. I could have drawn an act of assembly that could have been passed one or two years ago, when he had a two-thirds vote at his call, which would have suppressed it, provided we had had an honest man as executive; and that, too, without infringing the constitutional rights of any man in the State. I think any lawyer who would take the trouble to think about it would have done the same thing.

By Mr. BLAIR :

Question. Could it not be done now?

Answer. I think it could if these conditions could be performed.

Question. Could it not be done by suppressing all these secret societies?

Answer. I think not.

Question. Those that give the pretext as well as those charged with committing these outrages?

Answer. I do not think the suppression of secret societies would have any such effect. In the first place I doubt very much if it is practicable to do it; and in the next place, I have no idea that it would afford any security to those persons who are now insecure.

Question. You have spoken of an occurrence in Fayetteville—a man by the name of Raiford, who was beaten or injured; you did not speak of your own knowledge at all?

Answer. No, sir; I have no doubt about the fact; it is merely upon information; I did not see the man at all.

Question. You only heard of it from another person, who failed to produce the man when you sent for him?

Answer. Yes, sir; but that person was entirely reliable.

Question. Who was he?

Answer. Mr. Riley, formerly sheriff of the county, a truthful man and entirely reliable. Mr. Blocker and Mr. Guthrie, a member of the bar, also told me about it.

Question. Did anybody attempt to interfere with the holding of your court in Fayetteville?

Answer. Not at all.

Question. In any other county?

Answer. Not at all, nor has there ever been such an attempt in North Carolina, and I do not suppose there ever will be from the present condition of things. I have heard of no instance of resistance to process—that is to say, openly. The operations are carried on altogether on a different programme.

Question. Secret?

Answer. Secret: usurping juries and grand juries, and controlling the remedies and administration of justice by that means. It is not necessary for a man to resist a process that carries him before a magistrate who will be certain to discharge him, or before a court that will be certain to acquit him.

Question. The court, as I understand, over which you preside, is generally presided over by republicans?

Answer. Yes; but issues of fact are generally submitted to the juries.

Question. The juries are summoned by the sheriffs?

Answer. They are summoned indiscriminately there by law. As a general rule, of course, negroes are not competent to sit on juries, and their names are not put on the list—ought not to be in many instances—and Union whites, in those counties where difficulties occur, are largely in the minority.

Question. You say negroes are incompetent to sit on a jury?

Answer. A very large number of them are.

Question. You do not mean incompetent by law?

Answer. O no, I do not mean that there is any distinction on account of color made by law; but a very large proportion of the negroes have not sufficient intelligence and character to make good jurors; and so, I say, there are a considerable number of whites—of course a larger proportion of negroes than whites. Under our act of assembly the board of county commissioners are the sole judges. They are compelled to revise the jury list, and all that are deemed incompetent are stricken out.

Question. How are those commissioners appointed?

Answer. Elected by the people.

Question. What is the county in which Fayetteville is situated?

Answer. Cumberland.

Question. Is that county republican or democratic?

Answer. Democratic.

Question. In what part of the State did you live previously to your residing in Wilmington?

Answer. I was born in Brunswick County, just over the river from Wilmington, on the south side of Cape Fear River.

Question. You have always lived in that region of the country?

Answer. Always, myself and family. I own property in all three counties, Brunswick, Now Hanover, and Onslow.

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

GEORGE W. LOGAN sworn and examined.

By the CHAIRMAN:

Question. In what part of North Carolina do you live?

Answer. In Rutherfordton, Rutherford County.

Question. How long have you lived in the State?

Answer. I was born in the county in which I live.

Question. What public positions have you occupied ?

Answer. I have been in military and civil life. I was first captain of the militia and afterwards a brigadier general. I was clerk and master in equity ; clerk of the county court for about nine years. I was a member of the convention of 1865, a member of the legislature of 1866-'67, and was a member of the confederate congress during its last two sessions.

Question. Are you now a judge on the bench ?

Answer. Yes ; of the ninth judicial district.

Question. Give us the names of the counties that your district embraces.

Answer. Polk, Rutherford, Cleveland, Lincoln, Gaston, Mecklenburg, and Cabarras.

Question. Please go on and state as connectedly as you can the state of security of person and property in that district.

Answer. In the county of Polk I do not recollect of any outrages or difficulties occurring ; the law, I think, is executed there generally ; in other words, offenders are apprehended and punished, as a general rule. In the county of Rutherford there has been no resistance to the execution of the law ; when a precept has been issued the officers of the law have been able to execute it. There have been a few disturbances in the county by what is generally known as the Ku-Klux. The first persons I had arrested myself, an investigation was had before me, and I bound them over to court ; a bill was sent before the grand jury, and a true bill was found. The trial has not taken place ; it was postponed in the regular proceedings of court. It was understood from the evidence that the men accused had been out on two occasions. They went to the houses of various persons, whipped a negro woman severely ; also whipped a white man and a negro man. This is from the evidence that was adduced before me, upon which I bound them over. Since that time, in the county of Rutherford, about three weeks ago, a white woman was whipped. The information that I had about it was that it was done by men disguised. In the county of Rutherford, my opinion is that a fair trial could be had ; that is, if the evidence were sufficient to convict any one of any offense. These are the only instances that happened in the county of Rutherford.

Question. Were the outrages inflicted by persons in disguise ?

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

By Mr. BLAIR :

Question. What did they whip these people for ; on what pretense ?

Answer. Well, the pretense for the whipping of the negro woman was that she had talked saucily to a white woman ; the pretense for whipping the negro man was that he had made a contract with a white man and had not paid him what he owed him ; the pretense for whipping the white man was that he had heard some tales about the Ku-Klux and told them.

By the CHAIRMAN :

Question. Go on with the rest of your statement.

Answer. In the county of Cleveland I have not taken any minutes of any such occurrences ; but there have been a number committed in that county during the last twelve or eighteen months. The last one was about three weeks ago.

Question. What has been the character of those occurrences ?

Answer. The character is from whipping to killing, or murder.

Question. Have any of those cases been investigated ?

Answer. No, sir ; there have been attempts made to investigate them, but it can't be done.

Question. For what reason ?

Answer. The reason is, the fear that if a person reveals what he knows about them, or if any person tries them, he is in danger of his life. I have conversed with different persons—indeed, they have come to me for advice, to know what to do—and they have universally told me that they were afraid to say anything, lest they might receive violence, perhaps, as soon as it was found out that they had told what they knew, or what had happened.

Question. Do you believe that to be the state of feeling existing in that county ?

Answer. No doubt of it. I have conversed with respectable men—men of high character. I left home last Monday week ; I saw different men on the road, as respectable as any in the State of North Carolina—men who had heretofore been bold and fearless about telling to any one what they believed to be the case, but who have now become fearful, and have stopped talking. As to Cleveland County, they do not resist arrest. The sheriff can arrest when processes are issued ; but as to making any fair, *bona fide* investigation of what really was the case, it cannot be done. Persons have stated to me and to the solicitor, so I have been informed by him, that those offenses have been committed, and the persons positively identified, but there is no such thing as finding a true bill against them. That is the case in the county of Gaston also. There have been efforts made more than once to get bills of indictment found in the counties of