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THE SENTINEL.

IMPEACHMENT.

TRIAL OF

W. W. HOLDEN.

THIRTY FIRST DAY.

SENATE CHAMBER, March 7, 1871.

Court met. Hon. Chief Justice Pearson in the chair.

Roll called, and forty two senators present.

William J. Clarke, a witness for the respondent, sworn and testified.

Questioned by Mr. Smith:

As colonel of the 1st regiment of State troops, [illegible] this capital. On one occasion William Patten came to my office and expressed a desire to make a confession relative to his connection with the kuklux. He did not [illegible]. I did not have on any uniform, nor was there any guard about my office except an orderly. I conversed with Patten [illegible] by saying there was a bad state of things in Alamance, and the governor [illegible] it should be broken up. That the governor desired me to do all in my power to put a stop to the order of things. I impressed upon him his duty to make a full confession. He did not do so then, indeed I dismissed him without taking it, telling him to come the next day. The next day he came back, [illegible] with him, or in the room, unless it was [illegible] Mr. W. A. Albright. I [illegible] him, wishing him to feel that I was not anxious that he should confess. The third day he came and I took [illegible] whole matter in his own way. I read over [illegible] there was ever a confession freely and [illegible] made, it was that one. I recollect Patten [illegible]. About two [illegible] after the confession he came to me and said he wanted to tell me about Bergen's tieing him up. He said that Bergen took him out, put a rope around his neck and threw it over a limb and pulled him up, but took him down and he fainted on his way to camp. Also tied him out at night. I communicated this to the governor but don't recollect his remark. I don't know who first communicated [illegible] of Bergen's conduct to the governor. I recollect on one occasion that the governor and myself were walking down Fayetteville street and met Mr. Joe Holden, who remarked, "Have you heard the news from Alamance?" The governor replied no. Mr. Joe Holden then stated that it was reported that Bergen had hanged some prisoners until they were quite dead; and I'll be d—d if this torturing of prisoners must not stop." The governor said "[illegible] do you suppose I could countenance such a thing?" I remarked, "Oh! certainly not." We then walked on talking, the governor expressing his disapprobation of all such outrages.

I recollect being in the executive office on one occasion, when several other gentlemen were present, we discussed as to the proper force to use, the governor stating that he had previously called into use a detachment of militia, and they conducted themselves so badly, that he did not want any more such.

This was objected to.

On the 7th June, I was in the executive office, when General Abbott, Adjutant General Fisher, Col. W. F. Henderson, General Willie D. Jones were present. I told him that a military force well disciplined and well kept in hand, was the very thing to put down these outrages in Alamance. My opinion was concurred in by all present. The outrages were discussed a little. It was purely a military meeting. The governor said he regretted the necessity for such a course, but he felt compelled to resort to it. I suggested this character of troops because I have a perfect contempt for militia as commonly organized and I did not want to be identified as a common militia colonel. I suggested that they be organized as United States troops, regularly sworn in.

Cross examination.

By Mr. Graham.

At that meeting not one word was said about Kirk, Bergen, or the Tennesseeans. I expected to have entire control of the military. I considered the militia as an uncontrollable mob and urged the employment of special troops. I did not say one word as to the legality of such organization, was not asked for a legal opinion, and did not volunteer an opinion upon the question. After I had been in Washington and procured an outfit for my regiment I heard of Kirk as a member of this troop. Had I have known that Kirk would be employed I would not have accepted the commission. The news of the outrages by Bergen was communicated to the governor before the election, sometime. Patten was not before me as a prisoner, though he was under military surveillance. I examined him at the request of the governor. He seemed to be nervous when he first came before me, and I refused to take his evidence while in that condition. I heard him told if he would make a confession, he might go home—indeed I told him so myself. The paper I wrote for him contained nothing about the hanging. I put down what he said, without making a single suggestion to him. I had heard the story of his being hanged, but said nothing to him as to what I should put down in his confession. I don't know that while here he was under guard or locked up, or that the correspondent of the New York *Herald* called to see him and was refused by a guard. I put an officer of my regiment to watch him, but don't think he (Patten) knew anything about it. The first interview with the governor, all present were strong republican politicians, second time, I found Senator Pool there, talking with the governor. The first time I was tendered the colonelcy, I declined it not knowing that a wound I had received in a previous war would justify my acceptance of the commission, and to again enter military life; but I was to answer the next day. The next day I went to the executive office—there found Senator Pool, and consented to accept the commission,—(and gird on my sword for the third time, at the call of my native State.—)

Mr. Albert Johnson, Superintendent N. C. R. R. testified to the whipping of Corlis.

Nick Shoffner, col., testified to having been whipped painfully by the Ku klux. Also, that some parties whipped his wife. Whipped him, so they said, for voting the radical ticket. Did not whip his wife for voting, but for being a mid-wife—she interferred with the practice of Dr. Coble—her charges being so much lower. I know them; had them arrested and carried before Judge Tourgee. Case yet decided. Occurred in 1868.

John Skenes, testified to having been a Ku klux. Gave an equivocal account of his association with it. Never was in any [illegible]. Said he was at one meeting, Dr. Moore present, and said that the order should be kept up for the benefit of the poor people especially as it would give them an opportunity of self defense.

One of the rules was if camp decreed a punishment every member should assist in it, if it was against father or brother. Great object of the order was to scare the darkies and carry the election. Jacob Long explained object to me. I heard Henry Albright say that the Ku klux (Henry was a member) talked of hanging his brother Bill. He thought they ought not to hang him, but his back was broad enough and he ought to be whipped some. Stockard told me they were going to whip Albright and he stopped them.

Cross examination.

I did not want to join—only joined because John Stockard wanted me. I don't recollect the oath—it required us to stick on to each other, and to scare the darkies and carry the election. I made confession when Kirk came and signed papers at Albright's house.

John W. Long has left the county because he was threatened. They called him hog thief John Long. I am a Democrat, have always been one. Last summer voted for William A. Smith and Steven White, don't know their politics.

Steven A. White testified to Corlis' whipping. Corlis taught a colored school, a man of excellent character, very intelligent, &c. I have been R R Agent, at Shops, Magistrate, Express Agent, Postmaster and elected to the Legislature last year. Am very generally acquainted in county. Last two years feelings between races very bitter on account of politics. State of terror in the county, a great many not considering themselves safe before Outlaw was hung. It was decidedly an unpleasant condition of things. I was once connected with Seymour and Blair [illegible] the club should employ any one who voted the radical ticket. I have been a [illegible] I have never been applied to for a warrant against a Kuklux. Kuklux could not be punished in the county. My politics Whig, nothing more. I have not acted with the Conservative party since 1868.

Cross examination.

Corliss' conduct at a church near Mebaneville, in carrying a negro in and seating him among white folks gave great offense to members of the congregation. The feelings between races was confined entirely to political divisions. I do not know of any application to any Magistrate for a warrant and it being refused. John Isley complained to me of having been whipped by McAdams. Isley was a Republican and voted the Democratic ticket, for this he was whipped. McAdams is a Republican. The parties are nearly equally divided in the county. I should have granted a warrant at any time, to any one, upon application—never was afraid to do so. There was no time when Sheriff or constables could not execute any precept of warrant. I never knew an instance, when evidence was produced, that officers of the law failed to punish. The difficul[illegible]. I think Republicans have been afraid to vote until last summer—even a great number were at last fall election. Kirk's troops were there last summer. Last fall the vote was quite a full one, though I think some Republicans were afraid to vote. A good many white men were discharged from employment on the N. C. R. R. for voting the democratic ticket.

Lucinda Morrow, col., testified that about eighteen months ago she resided just in Orange, near Alamance line, that one night some twenty five disguised men came to her house, fired several balls through the door into the house, then broke the door open, went in, caught her husband, Thomas Jefferson Morrow, tied rope around his neck, and dragged him out doors. She followed, begging them not to hurt her husband, to spare him just that time. They cursed and abused her. Her husband begged to be allowed to speak to his wife—to tell her and his babies good bye—they cursed again, and as she went to hand him her hand they pulled him off with the rope, saying to her, "you will see him again." She then commenced hollowing to attract some neighbors, and hearing one of the men say "go back and kill every one of them," she hushed, took her family out in the field, and remained all night. The next morning she, in company with her sister, went in search of her husband, and found him hung a short distance from his house, on the public road, dead. She also found hung, the body of her brother, near that of her husband. Information was given, a jury of inquest was held over both bodies—she was examined, but nothing was elicited as to the perpetrators. On the breast of her husband's body was pinned a piece of paper, "All barn burners, and women offenders, we ku klux hang until dead, dead, dead." No indictment that she ever heard of. The witness testifies to recognizing four of the party.

Cross examined.

Some barns had been burned just before that, very near where she lived, belonging to Messrs. Jones, Minor and Morrow. All were fired the same instance. She swore she did not know who the ku klux were, before jury of inquest, but she did know. Was afraid to tell, for fear they might come back after her. My husband and boys were generally accused of burning barns. We were turned out of a house in which we lived, but I never heard my husband or sons say one word about burning barns. My husband was sick abed the night the barns were burned.

Clem Curtis, witness for respondent, testified to having belonged to the White Brotherhood. Was initiated in the fall of 1868. The only object I ever heard was to keep the peace, protect our families and property, prevent crimes from being committed, and we did not know better how to do it than by some such organization. I could only infer that it was political so far as it did not admit radicals as members. We were only to ride through the country sometimes, disguised, to let evil doers know that there was such an organization, in order that it might stop violations of the peace. I only attended two meetings, Mr. Jacob Long presiding at both. Mr. Long gave us instructions to preserve order, and not for a member to violate any law. Things were being done which were charged to the kuklux, and I got out of it; not that I know they were guilty, but I did not want to belong to the order when it was suspected of crimes.

Cross-examination.

I was arrested by Bergen. At least I received orders to report to camp. I did so, one morning, and was again ordered to report next day. When I again got there Bergen asked me if I was well off. I said I would be if everything was paid for. Then asked me how much whisky I would give not to be disturbed. I asked how much he wanted. Said he would'nt ask ten or five barrels, but how much would I give. I said I thought a jug-full occasionally would do. He asked a barrel and we agreed on that, and I sent it to him. Afterward I saw him and he demanded more. I refused, saying that he had nothing to do with me then. He said that my brother was in prison, how much would I give to get him out. We talked awhile and he finally said he would turn him loose if I would give him ten gallons. I said, well durn it, turn him loose and I will send the brandy. He did it.

When Kirk came I was told if I would sign a paper dissolving my connection with the order I would not be troubled. J. E. Boyd prepared the paper. I never understood, when joining the order, that I was to violate any law, prevent negroes enjoying their rights, or that we were to get on juries and give false verdicts in favor of members. I never heard of any such thing—nor was it ever proposed that I am aware of.

Court adjourned.

THIRTY SECOND DAY.

SENATE CHAMBER, March 8th, 1871.

Court met, Hon. Chief Justice Pearson in the Chair.

Roll called, and forty five Senators present.

James R. Bulla, sworn on behalf of the respondent, testified.

Questioned by Mr Boyden.

I am a lawyer, Solicitor for the 7th Judicial District. Was elected in 1868, and have been on duty since. I sent some bills before the grand jury in Alamance, but never knew of any presentments against parties for going disguised. I only know of one instance that I sent a bill against parties for kukluxing. That was in case of Harvey, col. I examined him very carefully myself, and thought he had sufficient evidence to find a bill on, but none was found that I know of. Good many would come before me, in Alamance and Caswell, [illegible] was the great difficulty experienced.

Mr. Boyden wished to know if, in the [illegible] competent to preserve law and order, and protect the lives and property of citizens.

Mr. Graham objected to the question as merely asking the opinions of the witness. He could state facts, but not general opinions.

Mr. McCorkle thought the relationship of the witness to the State was different from that of ordinary individuals. He was peculiarly entrusted with duties which prepared him for forming an opinion as to the general facts in the case.

The Chief Justice ruled it incompetent.

Witness. Though a large number complained to me of outrages, yet but very few could even suggest names of parties against whom to draw bills.

Cross examination by Mr. Graham.

I don't recollect what I said to Judge Tourgee relative to the parties bound over by the chief justice for the murder of Stephens. I knew I could not get a single witness, and therefore did not draw a bill. I had the parties discharged. There were some parties bound over by Judge Tourgee and Mr. Stephens, but I really can't recollect whether I had them re bound or [illegible]

There were numerous cases of [illegible] barn burning, &c., in the counties, and nothing done for the reason that no witnesses could be found, nor persons identified as the guilty parties. I knew of no instance when application was made for warrants, and it was not issued. Courts have been open regularly, and all laws executed, without resistance that I ever heard of.

Anderson Morrow, col., testified, that he lives in Alamance, near Orange line, and heard a number of men pass his house on horses going towards Orange county, the night Thomas Jefferson Morrow was hung; also heard them returning just before day of the same night. The morning after Nelson and Washington Morrow were taken out of Hillsboro' jail and shot at night, he saw a number of horse tracks going and returning on the road leading from Alamance to Hillsboro'.

Mr. Worth submitted an order, amending the rules for the government of the Court of Impeachment. Adopted.

Emison Moore and Haywood Beverly, both colored, testified to living in Hillsboro' and accompanying the sheriff of Orange, the morning after the breaking of the jail and killing of the two Morrow boys, tracking horse's tracts on the road leading from Hillsboro' to Pittsboro', and Woodey's Ferry in Alamance.

[This testimony was ruled out, as witness could not testify that the parties went into Alamance—the rule requiring that only cases connected with Alamance and Caswell be gone into.]

John W. Hardin, sworn and testified, that he lived in Graham. Saw disguised men in Graham the night Wyatt Outlaw was hung. Also saw them in town on another occasion, when they just rode around to the houses of republicans and groaned, screamed like peacocks, guinies, and bellowed like bulls, particularly at Squire Albright's and Mr. Badham's. Feelings between races and parties, very bitter. Feeling on part of democrats towards republicans very bitter, regardless of race, (color or previous condition). I think republicans generally were alarmed as to their safety.

Cross examination.

Albright had a negro guard around his house every night. As to bitterness of feelings, it existed between some democrats towards republicans; they would not speak to them, and wont now. I can't say this was general, but some would do that way. I was not bitter. Am one of the County Commissioners. We never threw out eighty or one hundred names of respectable gentlemen from jury box. Threw out some by request, others for not having paid their taxes, but none at all for politics. I never put in name of Caswell Holt, or names of any others against whom imputations had been made for theft, &c. I signed the letter to the governor asking for the military, but did not sign the postscript that I recollect, asking the appointment of Ray as colonel.

John W. Duke sworn and testified,

Questioned by Mr. Badger:

Objected to answering any questions relative to whom he had seen whipped in 1869, as he was under indictment in his county and would not give evidence tending to criminate himself. Never saw any one whipped in 1870. Heard no member of the order say anything about Outlaw's hanging, or any other murder in Caswell or Alamance. He lives in Alamance, seven miles from Webb's store, and two miles from Woodey's ferry.

John Curtis sworn and testified:

Lived in Alamance. (Evidence of this witness wholly unimportant.)

Wm. J. Ward, sworn and testified:

Been living in Alamance for about one year; before that lived in Caswell. Was visited by disguised men once, in Caswell, and severely whipped. Recognized several of them.

Cross examination.

Questioned by Mr. Merrimon:

They told me they whipped me for locking my wife up in the smoke house and beating her. I did no do it. Never struck her but once. We frequently had quarrels. We never quarreled about my trying to put my daughters in a brothel. I believe now my children had me whipped. As soon as Kirk came [illegible] there [illegible]. My wife and daughters have abandoned me—won't live with me.

Adjourned.

THIRTY THIRD DAY.

SENATE CHAMBER, March 9, 1871.

Court met, Hon. Chief Justice Pearson in the chair.

Roll called and forty four Senators present.

W. R. Albright (Red Eye) sworn on behalf of the respondent, testified.

Questioned by Mr. McCorkle.

I live in Graham, Alamance county. I have lived in Graham since '65, except about eighteen months. I have seen no outrages committed but have seen parties after they were whipped. Saw Caswell Holt, Joe Harvey, and George Rippey, after they were whipped. They were very badly whipped. I also saw Wyatt Outlaw hanging in the streets at Graham. I never saw any disguised men in Alamance. During 1869 and up to March, 1870, the feeling between the political parties very bitter. I am a magistrate, have been since 1869. Several complaints made before me by parties who had been whipped by the kuklux. I endeavored to investigate two cases, Harvey's and Ringstaff's. I bound over parties accused to court but no true bill was ever found by the grand jury. Neither were bills found in cases of Rippey and Holt, that I ever heard of—I know no one was convicted. Great many complaints made to me as magistrate after I investigated those two cases, but I ceased to investigate any more, because my action in those cases brought down the odium of the kuklux, and I thought it useless as well as dangerous to prosecute further [illegible] not identify the parties on account of their being disguised. I can't say that [illegible] prefer charges, but I, as magistrate, advised a great many to drop the matter. I had a good many conferences with the governor relative to the state of affairs in Alamance. I told him a good many outrages had been committed, that the republicans were afraid for their lives and wanted protection from him. He promised to send us United States troops. I had three or four interviews, at all of which I solicited him to send troops to protect law abiding people, that a great many outrages had taken place, and even our own lives were threatened. I also told him I did not think the civil authorities were sufficient to protect the citizens in life and property. I can't possibly tell all I said to the governor. I told him the condition of affairs were very bad, and to send troops. I think I came to tell him once after Outlaw was hung, told him of the terror the outrages had caused to every prominent republican in my county, myself among the number. I repeated to him on every occasion that the civil authorities were unable to protect lives of republicans. We did not consider ourselves personally unsafe until after Outlaw was [illegible]

Cross-exam[illegible]

By Mr. Graham.

Part of the time I was away, from Graham. I was at the lunatic asylum here, and part travelling for my health. I think there were no bills found against parties for whipping Harvey and Ringstaff. I know of no special or general bill in any such case. In fact, I knew nothing about finding of bills, one way or another. I don't recollect about proceedings one way or another. I tell the court that I was afraid, during that time—1869 and part of 1870—to do my duty as a magistrate. The only cases I sat on was Harvey's and Ringstaff's. Don't know whether Ringstaff was at court to prosecute or not. He was not the Ringstaff examined the other day. This one has left the county. It was said that he was whipped for stealing bacon. He attempted no prosecution at the court. I am not personally on bad terms with all of my neighbors but am with some of them. I had contracts to furnish troops with beef and wood, but did not get them before the troops were sent to Alamance. I did not have any troops sent in 1869, I dont think I applied for them, but I approved the application. The governor sent Capt. Bosher with some thirty men, in Spring of 1868. There were some twenty guns left with me when Capt. Bosher left. I loaned two of them to one white man, four to another, and one each to two colored men. These were public arms left with me for distribution, I was Mayor of the town, but these men I let have the guns lived in the country. The town commissioners passed an ordinance appointing a town police of five men—four blacks, and one white—armed them as guard. They were on duty only at night for about a week, previous to the arrival of Bosher. I did not appoint the negroes as an offense to the citizens. Bosher came from Raleigh, had troops which were raised in Raleigh. In conversation with the governor afterwards, he told me he ordered Bosher up there. They remained some twenty or thirty days, in March or April, 1869, just after the first raid was made by the kuklux in 1869. Last year I asked the governor for United States troops, not for Kirk's troops. I knew nothing of this Kirk business until it was on foot. I did not, nor do I know, of any citizen of the county who asked the governor to send Kirk and his troops. I joined the Union League in 1867, was taken down sick soon after and consequently had but little to do with it. I have only attended two meetings since, not as a member, but was invited for consultation. The first was just after the first kuklux raid, and Outlaw and others invited me to attend, to advise them. The proposition was to retaliate upon the whites, but I advised them to go home and rely solely upon the civil law for protection—to resort to no unlawful measures. It was agreed that this course should be pursued. I don't know of any barns being burned in the county before this. Alex. Ruffin and Allen Paisley were foremost in their demands for retaliation, Wyatt Outlaw foremost in opposing it. Ruffin was one of Kirk's soldiers last summer. Paisley, a negro preacher, is now in the penitentiary for kukluxing other negroes. I was not active in giving aid to Kirk and Bergen last summer. I furnished a number of names of prominent men whom I had heard complaints against. I was commissioned Brigadier-General, but had no brigade—it never was organized. My command embraces several counties. I have no regimentals, was not paid for my services. I was appointed by the governor, so as to sit on the military court he intended having, for the trial of the prisoners. He told me he appointed me for that purpose. I may have told my brother that I was getting $380 per month for services as brigadier-general, but I was only joking. I never did get a cent. I did not tell him that I ordered Patten hung. I knew nothing of it until it had been done. Nor did not tell John R. Stockard that eighty or one hundred of the prisoners would be hung or shot. I did give Stockard a paper, signed by myself as brigadier general, to prevent his arrest by Kirk or Bergen, but it did not do any good, for Bergen refused to respect my order. I did not tell him I gave him the paper to keep him from being shot.

After the arresting commenced, parties came to me and asked me to protect them. I came to see the governor about it, and he told me if they would sign papers that they had been members of the ku klux, and would make an honest statement about the whole matter, for me to give them papers relieving them from arrest, and Kirk would respect them. (Here Mr. Graham handed witness several papers, which he identified as having been signed by himself as brigadier general, addressed to different parties suggesting that they would sign papers severing themselves from the order, and proposing to protect them.) I did not tell Stockard that we had evidence against parties who were engaged in the hanging of Outlaw, and that every one would be hung. I did say I hoped we would get the evidence against every one connected with the affair, and that the full penalty would be visited upon them. I may have been at the Shops the day Kirk left for Yanceyville. I recollect meeting Austin Whitsett at Kirk's camp. I may have pointed to the prisoners and remarked to Whitsett, "I am sorry for some of your friends" but I did not say to him that certain of them would never return. I did not say that 'Delph Moore would never return. I do not recollect saying to Stockard that Kirk had a way of losing people. A day or two after Boyd was arrested, I commenced negotiating for his release. I was at Kirk's camp after Boyd's arrest, and he approached me and asked me to see the [illegible] turned the next day. In the meantime [illegible] back to Raleigh. When we got here my mission ended. I know that prisoners [illegible] for their release, but I don't know that the governor refused by telegraph, to allow bail to be given. I did tell some of the prisoners that the governor would not take bail. I am not certain, but think all this took place after I was appointed brigadier general, and member of the court. I understood from the governor that I was appointed brigadier general specially to be one of the military court. I don't know of my own knowledge of Bergen's selling public stores. I did not make any bid for any myself. I saw Stockard the day of the election. I had given him the paper before that. Just after he voted, Bergen went up to him and arrested him. Stockard produced the paper. Bergen read it and tore it up. They then came to me, and Bergen told me that I must not give such papers, it was none of my business, he was lieutenant colonel, and I must not interfere with his business. He would recognize none of my papers. Bergen and I then split, and I issued no more of my brigadier general orders, as they wont respected. Bergen told [illegible] he arrested Stockard was because he had evidence that one of the men who hung Outlaw stayed at Stockard's house all night that night.

I asked all who applied to me—did my best, in good faith, to relieve them.

Governor Holden initiated me into the Union League.

Senator Gilmer submitted a question, was it ever necessary for him or any other magistrate to get the aid of the federal troops to make arrests, execute search warrants, or serve criminal process?

Witness. I think not. I know not.

Senator Gilmer. Could you upon proper application, issue warrant for arrest of prisoners and have it properly executed?

Witness. There was no trouble in arresting any one—but we could never convict any one.

Re-direct examination:

Governor Holden initiated me into the League before he was governor. He told me it was a political organization, and members would not support any but loyal men for office.

The governor promised time and again to send troops, but said the federal authorities did not have any to spare at the times. Would send troops as soon as he could.

Peter R. Hardine, sworn on behalf of respondent, and testified:

Questioned by Mr. Badger.

Lives in Graham, is a magistrate, has been for a number of years. Early part of 1869, frequent complaints made to him by persons whom the ku klux had whipped. He issued warrants in Caswell Holt's case, but each one of the parties proved an *alibi*. He issued warrants in every case that a party was suggested against whom process should be issued, but to no avail. Heard the ku klux in town the night Outlaw was hung—saw them—they passed his house, groaning, bellowing, and making all kinds of noises. The feelings between the races up to time Kirk came very bitter—the democrats and conservatives had prejudices against the blacks. The fact that a number were killed, and whipped is the ground upon which I base my opinion that bad feelings exists towards the blacks. I signed paper to the governor, with other citizens, for which my life has been threatened, though I never heard anybody say so. The letter contained a true statement of affairs in my county, I don't recollect that we asked for troops in it. I did not write it, but I signed it.

Cross-examined by Mr. Graham.

In the Holt case that I heard no one could be identified. In Harvey case I bound some over, but never heard of any bill being found. I had not heard that Harvey said he was mistaken as to the men. I did not hear him state in his evidence here that he was mistaken as I did not hear his evidence. I say democrats and conservatives had prejudices against the blacks, but I don't say that they perpetrated the outrages—disguised men did it. I know that whenever any one was whipped you could always hear some frivolous excuse for it, as that they had either stolen something, or said something offensive before ladies, burned barns, or such things.

Re-direct.

All cases of outrages that I ever heard of, were on republicans.

Dr. Geo. K. Foust, sworn on behalf of the respondent.

I live in Alamance, am coroner of the county. Held inquests over bodies of Outlaw and Puryear—kept a record of proceedings which I sent to the court. I could not get a particle of evidence sufficient to bind any one over. I summoned every body who was suggested by any one, and examined them.

Feelings between races good as far as I know, except a few individual cases.

Albert Murray sworn and testified, that he lives in Alamance, is sheriff of the county. Elected in September, 1868, by county commissioners. I was a member of the White Brotherhood, was initiated about the summer of 1868. Did not remain long. Attended several meetings, but nothing done except initiate members. After the first meeting I was called chief. I understood there were ten camps in my county. Not more than twenty or thirty members in my camp. I saw some disguised men come by my house; called me up. I did not know any of them. They asked me how far it was to Petersburg and Hillsboro'. Also asked for something to drink, and I gave it to them. Another time some passed; came to my door and waked me up. They asked me if I was sheriff, and if I was pressing people much collecting taxes. I told them I was not. I did not arrest them because there were too many for one man, and I did not know, at that time, that any law required me to arrest such persons. I am not aware, of my own knowledge, of any crimes being perpetrated by anybody, any farther than seeing some after they had been punished. I know no one who committed them. I was at home the night Outlaw was hung. Was in town the Saturday he was hung at night. Did not see any one particularly in town who were members of the ku klux. I withdrew from the order during the winter of '68-'69, about christmas I believe.

Cross examination by Mr. Graham.

I never had any difficulty in executing precept, never called aid of military to assist me in performing duty. I had no active connection with the White Brotherhood, after I was sheriff. I may have attended one meeting of order after I was sheriff. I never heard of any object being to violate any law of the State or Nation. Had I have heard any such thing never would have joined it. At last meeting I attended I told them that I had heard charges of violations made against the [illegible]

Court adjourned.

Legislature of North Carolina.

SENATE

WEDNESDAY, March 8, 1871.

Called to order, by President Warren.

Journal of yesterday read and approved.

Mr Robbins, of Davidson, from Committee on Enrolled Bills, reported.

Mr Love reported from Committee on Propositions and Grievances.

Mr McClammy reported from Finance Committee.

Mr Currie from Committee on Engrossed Bills.

INTRODUCTION OF BILLS.

Mr. Lehman, a bill providing for the execution of judgment in criminal cases; referred.

Mr Troy, a resolution in favor of Grady, Sheriff of Harnett; referred.

Mr. Murphy, a resolution investing the Joint Committee on the sale of the State's stock in the Cape Fear Navigation Company with power to send for persons and papers; referred.

Mr. Cooke, a resolution that from and after Thursday next, the Senate meet at [illegible]

On motion of Mr. Mauney, rules suspended, and resolution instructing the Treasurer to pay the Public Printer, &c. Resolution passed several readings, 29 ayes, Messrs. Brogden, King and Price voting in the negative. Ordered to be engrossed, and sent to the House.

Mr. Worth, a bill to repeal the Code of Civil Procedure, to take effect at once; referred.

UNFINISHED BUSINESS.

Bill to consolidate the North Carolina Railroad company and the Western North Carolina Railroad company, on third reading. On motion, further consideration postponed until Friday night.

Vote by which bill to charter the Catawba Valley Railroad failed to pass, was, on motion of Mr. Albright reconsidered, and it again put on its third reading.

Mr. Cooke opposed the bill.

Passed, as follows:

YEAS—Messrs. Albright, Battle, Council, Crowell, Currie, Dargan, Edwards, Flemming, Gilmer, Graham, of Alamance, Hawkins, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Morehead, Murphy, Robbins, of Davidson, Skinner, Waddell, Worth—24.

NAYS—Beasley, Bellamy, Brogden, Brown, Cook, Epps, Flythe, Hyman, King, Merrimon, Whiteside—11.

Bill changing the dividing line between the counties of Edgecombe and Nash, on second reading. Certain House amendments concurred.

Mr. Battle opposed the amendments in a short speech of ability and force, and hoped the bill as it was originally introduced would pass. One of the amendments proposes to submit the question to the voters residing in the territory proposed to be affected. This was manifestly unjust, as it was well known that a majority of the voters were non property holders, and he thought it wrong to subject the property holders to the votes of those who have not a name where they live, much less a habitation and a name.

Mr. Bellamy opposed the bill, and insisted upon the amendments and the proposition to submit to the people.

Mr. Olds favored the amendments.

The motion of Mr Battle not to concur was put.

Mr. Bellamy called for the ayes and nays; resulted ayes 27, nays 11. Referred to a committee of conference.

Mr. Edwards reported from the Committee on Judiciary, a substitute for the bill referred to the committee, relative to Justices of Peace; calendar.

Mr. Murphy, from the Committee on Insane Asylum, reported; calendar.

The President announced the arrival of the hour for the sitting of the Court of Impeachment.

After adjournment of the Court the Senate was called to order, and adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 8.

House called to order at the usual hour.

Prayer by Rev. Dr. Mason, of the city.

Journal of yesterday read and approved.

On motion of Mr. Mills, the use of the hall to-night was granted to the Labor Convention.

Mr. Sparrow presented a memorial from the Albemarle Swamp Land Company.

Mr. Jordan, from the Judiciary Committee; Mr. Withers, from the same committee; Mr. Ashe, from the Finance Committee; Mr. McCauley, from the Committee on Counties and Townships; Mr. Crawford, from the Committee on Engrossed Bills, and Mr. Currie, from the Committee on Enrolled Bills, submitted reports.

By Mr. Sparrow: A bill for relief of the estate of the late Gen. L. O'B. Branch; referred.

By the same: A bill to authorize the Albemarle Swamp Land Company to construct a railroad; referred.

By Mr. Hargrove: A bill to establish the boundary line between the counties of Granville and Person; referred.

By Mr. Hill: A bill to incorporate the 1st Building and Loan Association of Statesville; referred.

On motion of Mr. Withers, the bill to amend section 18 of the "act to raise revenue" was taken up. [The bill provides that the tax therein levied shall not apply to tobacco warehouse men who may sell tobacco at auction in their warehouses, but they shall pay instead a specified license tax of $30 per year.]

Mr. Withers took the floor in advocacy of the bill and explained how oppressively the present law operated upon the tobacco growers of the State, &c.

Mr. Welch suggested that as a new revenue bill would shortly come before the House this matter had better be postponed until that bill was considered, &c.

Mr. Withers rejoined that this was the trading season for the tobacco men in his county and he hoped the bill, in justice to them, would pass at once.

Mr. Rankin also supported the bill.

Mr. Welch said he did not have any objection to the bill, and Mr. Wither's explanation as to the necessity of the bill was perfectly satisfactory &c.

On motion of Mr. Jordan, the resolution authorizing the Treasurer to retain the services of the Attorney General and to employ additional counsel, if necessary, in the matter of the injunction against the payment of the N. C. Railroad dividends, was taken up and passed its several readings.

CALENDAR.

The bill to require the Supreme Court to examine all applicants for license to practice law was taken up.

Mr. Ashe, from the Judiciary Committee, reported the Senate bill in regard to the same matter, and offered it as a substitute for the pending bill. [The substitute revives the old law, in the Revised Code, in regard to Attorneys and [illegible] lawyers.]

The substitute was adopted and the bill passed its second reading by a vote of yeas 53, nays 30.

SPECIAL ORDER.

The bill to repeal certain sections of ordinances of the late Constitutional Convention, being the special order for this hour, it was taken up and considered. The bill provides as follows:

SEC. 1. That sections eight, nine and ten of chapter seventeen of the ordinances of the late Constitutional Convention of this State, ratified the 13th day of March, 1868, be and the same are hereby repealed.

SEC. 2. That section one of an ordinance of the late Constitutional Convention entitled an ordinance to change the manner of payment of the State's subscription to the capital stock of the Western Railroad, ratified the 14th day of March, A. D., 1868, is hereby repealed, and that the Treasurer of the State is hereby authorized and directed to return to the Western Railroad Company the sum of one half million of dollars of the second mortgage bonds of the Wilmington, Charlotte and Rutherford Railroad Company, which have been heretofore exchanged with said Western Railroad Company for special tax bonds, upon the surrender by the Western Railroad Company of the coupon bonds of the State, known as special tax bonds.

After some debate section 1 of the bill was, on motion of Mr. Phillips, stricken from the bill.

[Section 2 having become section 1 of the bill an enacting clause was, on motion of Mr. Ashe, annexed to it.]

On motion of Mr. French, the words "which were issued to the said Company," were added after the word "bonds," (the last word in the bill.)

After some further discussion the bill was, on motion of Mr. Phillips, referred to the Finance Committee.

The vote by which the resolution borrowing money from the school fund to pay witnesses attending the impeachment trial was adopted was reconsidered.

On motion of Mr. McAllister, the resolution was laid on the table.

On motion of Mr. Ashe, the bill changing the time for holding Courts in New Hanover county was taken up and passed its several readings.

On motion of Mr. Shull, the bill concerning the annexation of a portion of Caldwell county to Watauga was taken up.

Mr. Shull advocated the bill.

Mr. Jones, of Caldwell, argued against the measure.

After a debate of some length, the yeas and nays were called and the bill failed to pass its third reading for the want of a quorum.

On motion of Mr. Stanford, the bill to regulate the appointment of guardians *ad litem* was taken up and passed its several readings.

On motion of Mr. Ashe, the bill to establish and enforce an agricultural lien law was taken up.

Pending any definite action, the House adjourned.

SENATE.

EVENING SESSION.

WEDNESDAY, March 8, 1871.

The Senate was called to order at the usual hour.

SPECIAL ORDER.

The bill to authorize the exchange of bonds, issued during the war for internal improvement purposes, for new bonds. The bill provides that holders of bonds issued during the war, to the Wilmington, Charlotte and Rutherford Railroad, and the Western North Carolina Railroad, and the Western Railroad, may have new bonds issued to them of like date and character.

Mr. Graham, of Orange, argued in favor of the bill, as it had been decided that these bonds had nothing to do with war purposes. He thought the State should act in this matter as it compelled its citizens to act in matters of contract, &c. The State had already recognized some of these bonds, (in the case of Herman H. Robinson) and as a matter of justice other holders should be placed in the same position, &c.

Mr. Robbins, of Rowan, thought that in the present involved condition of the State, the passage of such a bill would not be, to say the least, good policy, &c. Besides the bonds issued in pursuance of this bill would not be practically available, and the individuals, for whom this bill was introduced, would not be benefited by it.

Mr. Speed followed in opposition to the bill.

Messrs. Dargan and McClammy argued at length in support of the measure.

Mr. Robbins, of Davidson, took the floor in opposition to the bill.

Mr. Jones said that this was not a question as to paying the bonds, but whether the State would recognize these bonds, and place their holders on the same footing with that class known as "old bond holders." These bond holders had purchased these bonds, authorized by an act passed before the war, but which were not issued until after the commencement of the war, and these railroads had used the money in their construction, and they now merely asked that the State might recognize the debt and let them take their chance along with her other [illegible] creditors. Mr. Jones continued for some time in advocacy of the bill.

Mr. Flemming would not favor a measure which proposes to levy a tax to pay interest on the full face of these bonds. He thought bonds should be issued calling for, on their face, the amount for which these bonds sold for on the 8th of February. He could not support the bill in its present shape, &c.

Mr. Whitesides offered an amendment providing that these bonds shall be scaled according to an act to provide a scale for depreciated Confederate currency, passed at the session of 1865-'66, and that said scale shall be applied at the time the present holders received these bonds, and new bonds shall be issued for the amount remaining after the application of said scale.

Messrs. Love and Merrimon next occupied the floor in opposition to the bill.

On motion of Mr. Latham the previous question was called.

The amendment of Mr. Whitesides was put to a vote and rejected.

The yeas and nays were called and the bill failed to pass its second reading by the following ballot:

YEAS.—Messrs. Dargan, Gilmer, Graham, of Alamance, Graham, of Orange, Jones, Ledbetter, McClammy, Morehead, Murphy, Price, Troy.—11.

NAYS.—Albright, Allen, Battle, Bellamy, Brogden, Brown, Cook, Council, Crowell, Currie, Edwards, Flemming, Flythe, Hawkins, King, Latham, Linney, Love, Mauney, McCotter, Merrimon, Moore, Olds, Robbins, of Davidson, Robbins, of Rowan, Skinner, Speed, Waddell, Whiteside, Worth—29.

SENATE.

THURSDAY, March 9, 1871.

[illegible]

Journal of yesterday read and approved.

Messrs. Love, Linney, Gilmer, Edwards, Robbins, of Davidson, Currie, Graham, of Orange, and Graham, of Alamance, reported from their respective Committees.

Mr. McClammy: A petition relative to the Cape Fear Navigation Company.

Mr. Currie, also, a similar petition, both of which were referred.

On motion of Mr. Troy, resolution in favor of the Sheriff of Harnett was taken up and passed its several readings.

Message from the House informing the Senate of the passage, by that body, of certain bills, and asking concurrence in same.

Also a message relative to passage, by the House, of the bill authorizing the Commissioners of Guilford to issue bonds.

Mr. Robbins, of Rowan, moved a reconsideration of the vote by which resolution passed yesterday requiring evening meetings of the Senate daily, except Saturdays. Motion prevailed.

Resolution then failed to pass under call of yeas and nays, 20 to 22.

Mr. Love moved to adjourn until tomorrow morning; lost.

Mr. Love moved to make bill establishing county of Lee, special order for Mon[illegible]. Lost for want of [illegible]

Mr. Murphy moved [illegible] to take up bill providing for the support of the Insane Asylum. Motion to suspend prevailed, and bill put on its second reading.

Mr. Love called for ayes and nays, but for want of sufficient number sustaining the call.

Mr. Love then asked if the Constitution did not require a call of ayes and nays on such bills.

Chair ruled that it did not.

Mr. Love appealed for the decision of the Chair. The Chair was sustained.

Bill passed its second reading, and was put on its third reading.

Mr. Speed opposed the bill.

Mr. Graham called previous question.

Mr. Love arose to a point of order, that the hour for the sitting of the Court of Impeachment had arrived.

The Chair decided the point well taken. The Chief Justice was announced, and took the Chair.

After adjournment of Court, Senate was called to order.

Adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 9th, 1871.

House called to order at 10 o'clock.

Prayer by Rev. Mr. Collis, of the House.

Journal of yesterday read and approved.

Mr. Jordan, from the Judiciary Committee; Mr. Welch, from the Committee on Internal Improvements; Mr. Ashe, from the Committee on Finance; Mr. Crawford, from Committee on Engrossed Bills, submitted reports.

Mr. Ashe, from the Select Committee, to whom was referred the late message of Governor Caldwell, reported favorably on the resolutions censuring the message. The report was placed on the Calendar.

By Mr. Robinson: A resolution authorizing the Treasurer to pay into the office of the Clerk of the Superior Court of Macon county certain costs; referred.

By Mr. Houston: A bill concerning the venue of civil actions; referred.

By Mr. Ashe: A bill concerning contempt; referred.

By Mr. Currie: A bill to authorize the Western Railroad to open navigation in Little River and its tributaries; referred.

By Mr. Phillips: A resolution in aid of the Rescue Steam Fire Engine Company of Raleigh; referred.

UNFINISHED BUSINESS.

The bill to establish and enforce an agricultural lien law being the unfinished business, was taken up and considered.

After some debate, Mr. Darden moved to indefinitely postpone.

The yeas and nays were called and the motion failed by a vote of yeas 36, nays 56.

On motion of Mr. McAllister, the bill was so amended as not to allow this proposed law a preference over the laborer's lien.

After a long debate, consuming some two or three hours, and undergoing some further amendment, the bill was, on motion of Mr. Powell, laid on the table.

Mr. Currie, from the Committee on Enrolled Bills, reported a number of bills and resolutions as being correctly enrolled.

CALENDAR.

Bill concerning the annexation of a portion of Caldwell county to Watauga was taken up and passed its third reading.

Bill to allow the Commissioners of [illegible] den county to levy a special tax [illegible] taken up and passed its third [illegible] by a vote of yeas 68, nays 10.

On motion of Mr. [illegible] his resolution holding [illegible] Wednesday and Friday nights on Monday, [illegible] after discussion, was [illegible] adopted [illegible], the House then adjourned.