Weekly Standard

WM. A. SMITH & CO., PROPRIETORS.

STATE vs. F. A. WILEY AND OTHERS.

Decision of Chief Justice Pearson.

MONDAY, Aug. 29, 1870. The Court met at 9 o'clock, with Chief Justice Pearson and Associate Justices Dick

and Settle on the Bench. His Honor then read the following decis-

ion in the case of State vs. F. A. Wiley, J. T. Mitchell and Felix Roan: After a careful consideration of the evi-

dence, we are of opinion, that "probable cause" has been shown. On a charge of capital felony the rule is—
"when the guilt is manifest, or the presumption strong, the party should be committed to jail; when the evidence does not

mitted to jail; when the evidence does not produce entire conviction, but makes in the mind a belief of the party's guilt, security to answer the charge should be required.

It is considered that the prisoners be severally recognized in the sum of \$5000, with two or more sufficient see fittes, to appear at the next term of the Superior Court, to be held for the county of Caswell, to answer a charge of the murder of Jno. W. Stephens, Wiley and Mitchell as principals and Roan Wiley and Mitchell as principals, and Roan as accessory before the fact.

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

1. Strange as it is, the fact is fixed, that on the 21st May, 1870, when a large number of the citizens of Caswell were as the courthouse, at a meeting of the Democratic party, and in the day time, the Sena tor of that county, a Republican, was choked down to death, by means of a cord about nine feet long, with a slipping noose ad-

justed near the middle. The intelligent testimony of Dr. Roan fixes the fact that the murder was done in the room, (formerly occupied by the Clerk and Master in Equity,) where the body was found on the next morning, with "the cord" buried in the neck, to the level of the skin, a stab on each side of the neck, and a stab in the breast. Dr. Roan gave it as his opinion, being an expert, that the stabs were made after the blood had near all receded to the heart, (which accounted for the small blood); and further, that the choking was done in that room, for the reason that the cord had not slipped from its first print, where it was imbedded in the flesh, and the slight spirts of blood on the wood in front and the wall at the side of the body, could not have made the impression it did, except as it jetted from the wounds,

s. the corpus delicti and the place is fixed.

2. As to the time, we are satisfied that the murder was committed while the meeting was going on up stairs, the deceased having left the meeting and come down at the in-stance of Wiley. After the meeting adjourned, (about 1 after 4.) and until the Assessor ocked his door, about 6 o'clock, (this room adjoins the room where the murder was done,) a number of persons were in his and in the passage; so the murder could not have been committed duafter six o'clock, in the public square, walk-ing to the east, turning the corner of the railing and then going south—is unsat-isfactory. There is no trace of his ever coming back to the courthouse or no evi-dence tending to show that he might have been killed outside, and his body brought and put in that room; by half an hour of sunset, his brathers and friends were look-ing for him and after nightfall "a guard"

was set around the courthouse.

3. As to the persons, the testimony makes out probable cause, and would be sufficient te require commitment, provided the wit-nesses are to be relied on; that is a question peculiarly fit for a jury—how much reliance can be put in the testimony of reluctant white winesses and of persons who have been slaves and are now citizens? This is a practical question and the learning of the v does not aid much in its solution.

So that our duty is discharged by requir-No motive is assigned for this murder except "political animosity." The circum-stances show it was done on premeditation with fatal skill, and by a number of conspirators (either taking part in the killing, or else keeping watch and being on the look-

m the unsuspecting victim was led up for sacrifice.
Possibly at the trial, further light may be

thrown upon a deed, which now leaves a foul mark on the reputation of the county

SETTLE, DICK, His Honor directed Mr. Bagley the clerk,

to send copy of decision with the State warrants to the Clerk of Superior Court of Caswell County.

Messrs, J. R. Winston, E. B. Withers, R. B. Watt, of Caswell, and H. O. Parker, B.

P. Williamson and G. T. Stronach, of Wake came forward and qualified as securities for the appearance of Messrs. Wiley, Roan and Mitchell, at the next term of the Superior Court of Caswell County.

Mr. Badger objected to counsel going security, but his Honor decided that there

was nolaw probibiting counsel from acting The Court adjourned until 3 o'clock, when it will go into the cases of J. T. Trollinger and Thomas D. W. Gray, from Alamance.

AFTERNOON SESSION.

State vs. W. C. Tarpley and others, Owing to the non-arrival of witnesses the Court did not assemble until 15 to 5.

Jno. W. Gray examined: He joined the White Brotherhood about the first of June in Dr. Moore's office. Several came in while the oath was being administered to him. He understood the object of the organization was to overthrow the Republican party. He did not recollect the day upon which He did not recollect the day upon which he went to Company Shops, but it was in 1868. The first meeting he attended was on Haw river, there many persons present—some wore disguises of long white gowns with white caps on their heads with long horns* on; there were several initiated that night but no orders were given; heard the by-laws read. (Disguise shown and recognized by read. (Disguise shown and recognized by witness.) The next meeting he attended was north of Haw River, at Sellar's Mill; was north or haw hive, as can a land, and he recognized some of them; he heard the by laws read and a coffiin was ordered to be made and placed at David McAdams' door; the meeting was in the woods near the mill dam; the sign to gain admittance into camp was two slaps of the hand; the instructions were to help one another, at the risk of our lives if necessary. The next meeting he attende was to the north of Dr. Sellars' near Mr. Kirkpatrick's; he saw

two initiated at this meeting.

By Pearson, C. J.—Geo. Anthony adminstered the oath; no Bible was used; we had to hold up the right hand; the panalty was death for any one violating the oath; Jno. T. Trollinger administered the oath to him some time; they would put a rope around the neck of those being initiated; about 16 of us went to Sandy Sellars' and took him 200 or 300 yards from the house and tied him up and did the whipping; we took off his shirt and tied him to a sappling The next meeting was close to Dr. Tarpley's, he does not recollect the day but thinks it was January 12th, 1869; nothing was done but the initiation of Dr. Tarpley and the election of Geo. Mebane as first Lieutenant; and a letter was ordered to be written to Mr. Badham and Peter Hardin, and thrown in at Mr. Badham's door; he did not know the contents of the letter; the company met one night in the woods near Company Shops to initiate Dr. Moore, but he did not - Tate was sent after Dr. Moore, and he told the Doctor that his wife was sick, and after getting about 300 yards from the house Tate told the Dr. our business and the Dr. said he could not go, that the company heard that Jas. Causy had been talking too much, so he was brought to camp and warned not to do so any more, Moore, and he told the Doctor that his wife

and told that "dead men tell no tales." We received orders from Geo. Anthony's camp for Caswell Holt to be whipped. He thinks that was on Friday night. There were a good many present, but is not positive that Dr. Tarpley was present. There was a suf-fle at Holt's house, but finally threw him out and took him to the woods, took off his shirt and whipped him witu hickory switch es. We gave him three licks apiece Holt had some arrested and carried before Peter

Hardin, J. P., but they proved an alibi. Two companies met after the trial to see what should be done with Holt, whether to whip him again or kill him. Some proposed to whip, but others wanted to kill him. It was put to the vote, and the camp voted to kill him. It was put to the vote, and the camp voted to kill him by a unanimous vote. Orders were sent to camp No: 10 to either kill him drown him in Haw river. He carried the orders to camp No. 10. and gave them to Mr. Faupett, but I told them if they hung Hok it would throw the country into a bad state of affairs, and the execution was stopped by Jacob Long. Tom Tate has not been seen since Col. Kirk compensed arresting. He does

Col. Kirk commenced arresting. He does not know where J. T. Trollinger is. The By PEARSON, C. J .- When we went to the ncetings we put on our disguises.

By SETTLE, J.—There were 10 camps

By Prason, C. J .- Our wives would make By Mr. BOYDEN-He thinks there were

five made at his house.

By SETTLE, J.—He thinks there were seven or eight hundred in Alamance, and known as the White Brotherhood; the chief kept the by-laws and oath; he has no copy of either; he understood the meaning of the oath to be to prevent the colored man from elevating himself, to intimidate colored vo-ters before elections and break down the Republican party; the members were to hang around the courts, and if any of the company were on trial they were to get on the jury, swear falsely and bring in a verdict in

favor of the prisoner.

By SETTLE, J —He heard that there were a great many in this State and the United States and that Andrew Johnson was their

By PEARSON, C. J. He has seen Dr. Tarpey at the meetings and heard him say that "dead men tell no tales." Jacob A. Long revoked the order for the killing of Holt. By SETTLE, J.-Jacob A. Long was head

officer in our county.

By Mr. BOYDEN. Long left the county about May, and said he was going where hemp did not grow. Long was clerk for By PEARSON, C. J. He does not think his

ompany ever went out of the county.

By SETTLE, J. He heard that they were about 40,000 strong in the State. He heard that they were about 1200 strong in Guilford county. He could recognize a member by rubbing the left hand down the right lannel of the cost and the answer was the right hand down the left lappel. The grasp was taking the hand and sliding the thumb down the middle finger. The signal in the dark was two slaps of the hands or

By Mr. BATTLE. There are ten camps in Alamance, but he never visited but three, He was minut thirty strong. He has visited Sheriff Murray's camp. The following were members of his camp:

J. T. Trollinger. Chief; Thomas Gray, Geo. Tolar, Dr. Tarpley, Wm. Fobleman, Ruffin Fobleman, Emsley Fobleman, Wn. Andrews, Ruffin Andrews, Green Andrews, John Andrews, Dr. Franklin Andrews, Thos. John Andrews, Dr. Franklin Andrews, Thos. Tate, Bunyan Andrews, Geo. Mebane, Jno. Robinson, Jas. Causey, W. H. Moore, Henry Robinson, Thos. Robinson, Wm. Reding, Wm. Kirkpatrick, Walter Tharington, Jas. Kirkpatrick, Jas. Stockard, Robert Stockard, Geo. Faucett, and Dr. J. A. Moore. He does not recollect the others; he saw between two and three hundred in Graham; he joined the order in December, 1868, and remained a member until June. 1869; he remained a member until June, 1869; he thinks the reason he left them was owing to a fuss he had with Green Andrews : and at

a reorganization they bluffed him but he was glad they did, as he was anxious to get was glad they did, as he was anxious to get out of it; he had not told any of the se-crets because he was afraid; he has been at home ever since, and gave them no reasons to disturb him; he made his affidavit on the 30th of July to Mr. William Albright at Graham; no one sent for him; Mr. Albright is a Republican and Clerk of the Superior Court; he heard that Gov. Holden said that if any one belonging to the K. K. would acknowledge to such or ganizations they should not be harmed, is the reason he made his affidavit; there were 16 names published as belonging to the White Brotherhood; he lives about three-

quarters or a mile from Graham, and the bounds of the camp extended about three miles from Haw river; there was hardly any one in the neighborhood who did not ong to the organization; the members of the company were considered as Democrats; he was a Democrat then but voted the Republican ticket at the last election.

By SETTLE, J. He heard his chief say that there were about 700 in the county, he also heard it at the general county meeting but he does not know that there were county in June 1870; he did not belong to them then and does not know any more bout them than what he heard.

By Pearson, C. J. There were three

whipped by our camp; they made Nathan Trollinger take a knife and horribly mutilate himself; they rubbed Sandy back with a persimmon stick and he heard that they served Caswell Holtthe same way. By Mr. BATTLE. The whipping was done while he was a member and he is certain it was in 1869.

By Mr. Brago. He thinks Sandy Schlars

By Mr. Brago. He thinks Sandy Scllars was whipped in ______, 1869, and Caswell Holt in February, 1869.

By Mr. Brago—The whipping was to be done on Friday night after the meeting; the meeting was held on Monday night.

Mr. Battle, by request of the Chief Justice, read the acts of the Legislature in relation to going disguised, &c., &c., page 613, when he said that the act was very proper and that no man condemned such organizations

that no man condemned such organizations more than he did.

The following prisoners were brought in and entered into recognizance for their apappearance before his Honor from day to day, in the sum of \$500 each; Wm. Kirkpatrick, John Andrews, R. M. Stockard, Wm. M. Andrews, Ruffin Andrews, Walter Frollinger, and Ernsley Fobleman. Wm. H. Martin special officer, in makin his return of the warrants reported that Geo. Anthony and Thomas Tate, have fled he State, and Jno. T. Trollinger and Geo.

Mebane had secreted themselves and could The Court adjourned meet to this morn-

State vs. W. C. Tarpley and Others. Tuesday, August 30, 1870. The Court met at 9 o'clock. Chief-Justice

Pearson and Associate Justices Dick and

Settle on the bench EVIDENCE FOR THE STATE John W. Long, the witness who was examined on yesterday, and reported as Gray, was recalled and examined. He stated that he heard that Caswell Holt was whipped for exposing his person to a white hdy. It was George Anthony's Camp that sent the orders to have him whipped. He teard no charge sgainst Nathan Trollinger; that they went to Trollinger's house to look for Daniel Crutchfield, whom they wanted to whip, and not finding Crutchfield, they whipped Trol

by Pearson, U. J.—Trollinger has gone west, and he heard that he died there.

By Mr. Battle.—Sandy Sellars was whipped for insulting a white lady about some hogs which were getting into his cops.

By Pearson, C. J.—He said the whipping was done while be (Long) was a member of

By Mr. BATTLE.-Walter Therington threw the letter at Mr. Badham's door. By Peanson, C. J.—A raid was made through Graham by a portion of all the companies in the County; it was eported that Geo. Anthony's camp whipped Joe Harvey; do not know what he was thipped for, but heard it was about a quarrel that Harvey and Mr. Cuffee land; when they went to Harvey's house they scared his wife so bad, that she jumped up and dropped her child, from the effects of which it died

By SETTLE, J.—The camp would whip any one for a difficulty with any one of its By MR. BOYDEN -- The alphabet con

menced at L and went follows: The following are the signs which

the figures added together indicates the hot of meeting, for instance, 3x6-9 o'clock. By Pearson, C. J.—He does not know what would have been class.

Day Meeting.

camp did not interfere with his business as the meetings were held mostly at night.

By Mr. BATTLE.—If the chief was no prepent any one would give the oath at the initiation of a member; he gave the oath to a Mr. Kirkpatrick; he was not present when Dr. Moore was initiated.

By SETTLE, J.—If any member were ar

s witnesses and swear falsely. EVIDENCE FOR THE DEFENCE. Green Andrews, examined. He has lived in Alamance about 20 years and he is now nearly 60 years old; he has known Long

rested we were to get on the jury and act

nearly 60 years old; he has known Long 20 years and thinks he (Long) is over 20 years old; Long's character is considered pretty had; he being an officer of that town-ship, have had Long before him for steal ing; he (Andrews) joined an organization in the Spring of 1868, but not liking its pro-ceedings he never attended another meeting and advised his boys not to have any more to do with it; the oath was to obey the State laws and Constitution of the United States.

By Pearson C. J.—He does not recollec

any oath being administered.

By Mr. BATTLE.—He would not have fel himself bound by any oath he had taken to disregard the oath of a court. By Mr. BOYDEN.-He never had any diffi ulty with Long only as an officer and never told him that he would stamp his head; he never heard anything of the letter to Mr. Badham; he does not recollect that Long, Wm. Kirkpatrick and others were at his

ouse in January or February; Long lives bout one mile from his house; he was : Democratic candidate at the last election for the office of constable; he is now i deputy under sheriff Murray; do not know that Murray was a member of the White By Dick, J.—The organization was called the Kukiux when he joined them. By Mr. BOYDEN.—He does not recollect penring the White Brotherhood, or the Con stitutional Union Guard named when he oined; disguises were worn on the night

he joined, but never had a disguise made at his house; he thinks Jno. T. Trollinger carried him to the camp, and does not know that it is the business of the Chief to carry persons wishing to join into camp; he saw some is or 20 pass his house it disgree, but seen him make some signs, he never made brags about arresting Peter Sellars, and that he had taken pains not to arrest the right parties; he does not know that there were 10 camps in the County; Murray never showed him any signs; Long might have done so, but he not knowing them, he could not say they were Kuklux signs; he attended a meeting which he heard was to be between Constance Whitset's and the Poor House, but does not recollect who told

him there was to be a meeting.

By Pearson, C. J. He heard that it was a political organization in opposition to the Union Leagues, and joined it with that understanding; he did not give any notice that he was going to leave the order; he does not know that all of his boys belonged to it but thinks 2 or 3 of them were mem-

By SETTLE, J.—He heard of the whip pings in the county.

By Pearson, C. J.—He heard Long's statement on yesterday and thinks he gave a pretty fair one.
By Dick, J.—Three of his boys lived with him, one of them was a watchman at the

By SETTLE, J .- He does not think from the oath he took that he was bound to obey his superior officers, it was not in violation of the State laws but bound him to secrecy : does not recollect any penalty for violati

By Mr. Boyden-He believes that his sons, Ruffin, Murphey, and John, belonged to the order, but told them all not to have

anything to do with the whippings; he heard of the whipping of old man Corless but knows nothing about it.

By Pearson, C. J.—He thinks it was some time in the winter that Corless was

whipped.

By Mr. Boyden.—He heard his sen Sandy speak of the hanging of Outlaw the next day after it was committed, and does not recollect hearing any one else speak of the hanging at that time. He does not know who whipped Holt, Trollinger, or Sellars, nor who burned the schoolhouse or drowned

By Mr. BATTLE,-Did not hear what Holt was whipped for. Heard that there was Leagues in the county, and he believes that the members of the Leagues committed crimes, but not with orders from the League, and it was understood in the county that its members would stand by each other, and he hopes that rape and the other crimes were not committed by order of the League. He never heard who was chief of the Leagues in North Carolina. He never said that the white Kuklux was smarter

than the Leagues.
Dr. John A. Moore examined. He has lived at Company Shops about 10 years, and is a practicing physician. He knows Long, who lives near Graham, and his character is bad for honesty and truth, and a little dissipated at times. He joined the White Brotherhood and got only a part of the ob-ligation, and was afterwards informed by a young man that if he would come to a cer-tain pine thicket, he would receive the balance and signs. It was some time in Jan-

nary of 1869. By Pearson, C. J. He was told its object was to strengthen the Conservative party. By Settle, J. He never knew that there was twenty-five in the county before these

disclosures were made.

By Mr. BATTLE. He never got the balance of the obligation. He was under the opinion that the order was something like

opinion that the order was something like the Know Nothings.

By Mr. Boyden. About the 8th of last January in going to Graham to visit a sick person he met Boyd on the streets, who told him that they were going to suspend Shoffner's writ of habeas corpus. He got the full particulars from Boyd and went to Gilbright's bridge when the street was and of the superior of the street was a superior of the superior of t bright's bridge where he met a crowd of men on horses. He told them he knew their object, and that Shoffner was not at home. One of them said that he had ridden forty miles to do this job, and he was going to see it through. He told them Shoffner was in Greensboro. We parted and he went to his father's.

By SETTLE, J.—He told them that Mrs.

going there under such circumstances would injure her. One of them remarked that By Pearson, C. J.—They were 17 or 18 miles from Shoffner's, and not disguised.

By Mr. Boyden.—He might have known some of them if it had been light. They were coming from the direction of Chatham, but it would have been the same route if they had come from Orange. There was no moon that night. He has no belief as to any one of them, but thinks they were white,

but was trying to do his duty, as the repre ntative of Alamance. By SETTLE, J .- One of them said if I fooled them, they would call on me.

By Mr. BOYDEN,—He was at Daniel Worth's when Long came for him, and told him that his wife was sick; he started, but met Tate on the route, who told him their real object, and he told them he could not

He did not wish to know who they were,

possibly go with them to the meeting. Jno S. Dixon, now in Missouri, administered the oath to him. Jas. Boyd told him that he was a member of the White Brotherhood, and mentioned several others he thought By PRARSON, C. J .- He was not at the

ing when the putting of Holt out of the way was proposed.

By Dick, J.—From his belief, thinks there was 300 in the County; He has no belief that they existed in 1870.

By SETTLE, J.—He was a candidate for

he Legislature at the last election.

By Mr. Boyden,—No one has talked to m since he made that statement but one man from Caswell; he thought some of his friends refused to speak to him; the address in the Sentinet was shown him which he says he wrote without the assistance of any one.

By SETTLE, J.—He first disclosed his connection with the White Brotherhood during the sentine. the campaign.

Br. Mr. BAILEY.—He does not think be

ordered any of the address he wrote for the Sentinel of January first, but ordered copies Sentinel of January first, but ordered copies of the one he wrote afterwards.

By Mr. Boyden.—There was no hard feeling between him and Shoffner; their being Master Masons was one of the motives that prompted him to try and save Shoffner.

By Mn. Bayrle.—He did not know aby Corless was white mind the is pretty well acquainted to continue the first feeling of the county; heard that Corless was white people or advising colored people to go to white peoples church and take seats among them, and Holt was whipped for insulting some ladies; have heard of the Leagues and felt their effects in one campaign.

in one campaign.

By Dick, J.—He believes that crimes were ommitted under the decrees of the Leagues. The court took a recess of 10 minutes, and

testimony, it was sufficient to show " pro-bable cause" for binding over the prisoners Mr. Boyden made a few remarks, and said that any one belonging to such organiza-tions, whether they participated in the crimes or not, were as guilty as those that

ussembling Mr. Battle said that from the

AFTERNOON SESSION.

State vs. T. D. W. Gray, for barn burnng, Jno. T. Trollinger on same charge, out fied the county.

Court met at 3 o'clock.

John W. Long examined. On the night the school house was burnt John T. Trollinger told him there being no one else in that neighborhood to be trusted he must come and help do the burning. The school nouse was situated near Dr. Moore's, and aught by a Northern man named Meter. Ie went to Trollinger's bar room and staid here until the train came, when Trollinger said it was time for us to do our work. Gray got a jar of kerosene and a large syringe, and we went to the school house Gray squirted the oil on the building. He begged Gray not to fire it, but the second match set the building on fire. We then ran back to Trollinger's shop, put out the lights and waited until the cry of fire was raised; then went back and helped pull the fence down. Trollinger said, "now boys, you have done this work; you must not

By Mr. MERRIMON.-The order came from ollinger to do the work, and do not know that it was a decree of the camp, if there was any whipping to be done it came from another camp; but if any of the officers told the privates to do anything it was bound to be done; do not know why the School House was burnt, but heard it was becaus t was used as a negro school; he helped do

it was used as a negro school; he helped do
the burning because he was ordered by
Trollinger; after Col. Kirk came I told Mr.
Albright, Clerk of the Superior Court, and
made my statement; he thinks Tom Tate
was made Chief after he was bluffed out,
did not think he as bound to obey orders
from the new officers; he knew it was
wrong, but was bound to obey the officers;
he did not want to join after hearing the
oath; they would invite the person who
wanted to join to go out coon hunting or
to a party, and after getting once into the
camp the person was bound to take the
oath; he did not think it right to whip
persons, and he never helped whip but one;
he did not feel disposed to go to a Judge
or even the Governor, because he was
afraid of the K. K., one feature of the
oath was to commit perjury, his underoath was to commit perjury, his under-standing of the oath was that if a mem-ber failed to obey his oath he would be put to death; he heard that Andrew Johnson was head centre in the United States; a young man told him last Sunday on the street that there was a good many in Wake county; Jeff Younger lives on the north bank of Haw river, and he did not

tell him that he burnt the school house and wes bound to put it on somebody and that he was going to put it on Mr. Gray; he is friendly with Mr. Gray; he never made a pair of boots for me but what he paid for. Peter Hughes examined. He knows Peter Hughes examined. He knows nothing about the burning, only what Long told him 2 or 3 months after the burning. He met Gray on the railroad sometime in December, and Gray told him the burning was done by order of the camp. He was never initiated into any camp, but Long gave him the signs is the way he gamed admittance. He worked with Macon Apple's camp in Guilford.

ple's camp in Guilford.

By Mr. MERRIMON.—He lives about three miles from the Shops, and is about 30 years old, and a farmer. He has known long for 3 years. For the last few weeks the people thought hard of him.

By SETTLE, J.—He heard that the order

in Guilford was 1,200 to 1,500 strong; in Rockingham two thirds or three fourths of the white voters were Kuklux. Mr. Thomp son and Mr. Randolph, of Rockingham told him they were members. In Alamance he heard that a majority of the white voters were Kuklux.

By Mr. Battle—He is no initiated Ku-

klux; does not think they have been in active working order since the President's election; he lives 5 miles from Long and does not know when Long left the Kuklux he moved to Alamance from Guilford about

9 months ago.

The Chief Justice here put a stop to th examination of the witness by Mr. R. H. State vs. Wm. Andrews for whipping

fathan Trollinger,
Jno. W. Long examined He did not see Trollinger whipped. Several told him they had a hand in the whipping, and that they were disguised, and that they took him about 300 yards from his house, made him take off his shirt, and whipped him with hickorys. He thinks it was some time in February, 1869.

By SETTLE, J. They did not tell him they

tied Trollinger to a tree.

By Mr. PARKER. Two of them were a Trollinger's bar room, and three at Sellar's mill, when they told me of the whipping, and that they whipped him to make him tell where Daniel Crutchfield was. They want d to whip Crutchfield about a fuss he had with Wm. Andrews at the Shops.
State vs. Wm. Andrews and others for

whipping Sandy Sellars.
Sandy Sellars examined. About the first f last year, about midnight, they broke into his house, took him out and carried him about 100 yards from the house, took off his shirt, tied him to a tree, and struck him two licks apiece, and asked him if he would ever insult another white lady. They put a rope round his neck and swung him nearly clear of the ground. They kept him in the

woods about an hour.

By Bearson, C. J.—It was a pretty bad whipping; he had to grease his back to keep his shirt from sticking; they told him if he hollowed they would kill him. By Mr. BOYDEN-This was in Alamance about 4 miles from the Shops.

J. W. Tong examined: Myself, Murphy
Andrews, Ruffin Andrews, Geo. Stockard,
the three Foblemans and others did the

whipping.
By Mr. Boyden.—He understood the whipping was ordered because Sellars had insulted Miss Margaret Hardin; Toler struck him three licks, one with a leather strap as he was running off; only one man talked to Sellars and that was Toler.

By SETTLE, J.—After the whipping a stick with rough bark was rubbed over his Sellars recalled and examined. He did not talk to the lady as he was charged. She lives about two hundred yards from him. He never had any fuss with her about her

the man he lived with er to keep her boys off his not recollect whether they with a stick or not, he was

the Governor to Outlaw was taken from the pocket of a negro named Scott who had been arrested.

By Mr. Bailey.—He thought the Kuklux Chief of a County were appointed by a higher, outside power, and not elected by a combination of the camps in the County.

By Mr. Battle.—He heard that the Kuklux was a national order. They kept him up about

them to let him alone.

By PRARSON, C. J.—He thought the least to them was the bear for the least fo was the best for him. journed to this morning, a

Court met at 9 o'clock. Chief Justice Pearson and Associate Justices Dick and Settle present. James B. Boyd, examined. See Settle present.

James B. Boyd, examined. Stated that
he was about 25 years old and a lawyer;
was a Democratic candidate for the House
of Representatives in the last election, and
that he joined the White Brotherhood in
November of 1868 in Graham at the room
of J. A. Long; Long gave him the oath and
its interpretections, which was not to reveal

was administered by the President of the Council. The Leagues are in existence, but not in general use. Gen. M. S. Littlefield was President, and J. H. Harris Vice-President. Do not know that Col. Henderson held a meeting of the Heroes of America this year in Davidson County.

By Mr. MERRIMON.—There were means to call dut the full vote of the Leagues, but no penalty for refusing but expulsion. The object of the League is to instruct the colored men of the South their duties as citizen.

Dr. J. A. Moore recalled and examined by the Chief-Justice. He has no knowledge of the Chief-Justice. He has no knowledge

act as either juryman or witness he was to swear falsely; he never took an active part ever having a conversation with Boyd, and telling him that he recognized any of the persons he saw going to Senator Shoffner's. He stopped at Bradshaw's to warm, and we talked about this matter, and he told Bradin the organization but has remained a mem-ber up to the present time; he never attend-ed but one meeting after his initiation (he gave the various signs belonging to the order) they would all be disguised and stand pround immore the trees when a memshaw that the Kuklux were going to mur-der Shoffner that night, and he asked Brad-shaw to go to the bridge and keep the crowd from going to Shoffner's house.

By Dick, J.—The statement of Boyd in relation to my giving him the signs, is cor-"Shiloh," out only to be given when the sign of distress could not be seen; he did not know that John Long was a member of the order until after he made his con-

By Mr. BATTLE.— He states positively that he did not know a single man he saw going to Senator Shoffner's, and has no reason to believe who they were. Court adjourned to meet at 5 o'clock.

A. Patterson; the penalty was death for any violation of the oath; Dr. Moore told him that he (Moore) had secrets of an organ-ization which was to supercede the White Brotherhood called the Invisible Empire AFTERNOON SESSION-EVIDENCE FOR THE STATE.

Eli S. Euless, examined. Knows Col. Webb, who lives in Orange; he belongs to the Constitutional Union Guards; the oath was to patronize, aid and encourage each other, and resist by arms, it necessary, any attempt to deprive us of our legal rights; there was nothing in the oath about going on juries or giving evidence; it was a po-litical organization; he never heard of the Invisible Empire, but heard they were Watts is from near Egypt in Chathan

thony's whipped Joe Harvey. He does not know who burnt the school house; does not know who hung Outlaw, but saw hin hanging to an elm tree near the Courthouse in Senator Shoffner's neighborhood, and do not belong to the White Brotherhood. His oath does not require him to resist the laws of the State. He has not been to a meeting There was several houses in the neighbo hood. A young man named White told him that the soldiers had the names of the persons who were concerned in the hanging, but does not know that White was a mem-

By PEARSON, C. J. Thinks that the body was taken down on the next day. He heard Jim Bradshaw say that he helped do the hanging of Outlaw.

By Mr. BADGER. Bradshaw has left the

ber of the Kuklux.

deliterate and Green languages from insult; he understood that if a member was called to

stand around among the trees when a mem-ber was to be initiated; he was a member

fession; he was a member of the Consti-tutional Union Guard and was sworn in

by Dr. Armstead Patterson and James

and gave him the signs at Mrs. Miller's and that night they went to the Yarboro

House, where he met Plato Durham, Capt Jarvis and H. C. Davis. He exchanged signs with Davis, but doer not know that

Durham or Jarvis were mea, pers. He heard

Mr. Bradstaw say that Senator Shoffner was

to be murdered for introducing the militar

bill. Moore told him that he had a har

time in stopping the raiders, and that Abe Hedgpeth, Jim Bradshaw and F. M. Strud-

wick (member of the Legislature) were among the raiders. He told Moore about

the raid the day before Shoffner was to have been murdered. After the Legislature ad-

journed Shoffner left the State. He heard that Trollinger's camp whipped Holt and put the collin at McAdam's door, and An-

of Camp No. 1; the word of distress

By Mr. BADGER. Bradshaw has left the county.

By Mr. BOYDEN. He never heard any member of the klan say that Puryear was drowned.

By Pagasion, C. J. He knew of the drawning of Puryear by the Coroner's report.

By Mr. BOYDEN.—He understood that the collings of the K. K. was to elevate the Coroner's relieve of the K. K. was to elevate the Coroner's relieve of the K. K. was to elevate the Coroner's relieve to the K. W. was to elevate the Coroner's relieve to the K. W. was to elevate the Coroner's relieve to the K. W. was to elevate the Coroner's relieve to the K. W. was to elevate the Coroner's relieve to the K. W. was to elevate the Coroner's relieve to the K. W. was to elevate the Coroner's relieve to the K. W. was to elevate the Coroner's relieve to the coroner object of the K. K., was to elevate the Cor

By Praisson, C. J.—Phinks there was 500 in the County, and the reasons for taking the name of White Brotherhood was if members were asked if they knew anything of the K. K., they could say they did not.

By Mr. BOYDEN.—The Klan was to turn out an mass on the night of the election and ride all over the County, and by that means terrify the colored voters and keep them from the polls.

By Mr. Battle, —Do not know that there

was any in Caswell, but heard there were By Mr. Boyden, —During the meeting of the Directors of the Railroad at Hillsbore, Mr. Turner, of the Sentinel, took him aside and asked him how political matters were progressing in Alamance, and my answe was very well, and that the Democrati carry the County by a large majority, Tur-ner told him that he (Turner) had under-stood that the K. K., was to ride in disguises and tell the colored people not to go to the polls on the day of the election, Turner advised him not to have anything to say about it on the campaign in Alamance; it was on the 15th of July he was arrested by

Col. Burgen, at Graham, and carried to th Shops,
By Dick, J.—He heard that there wa 40,000 or 50,000 in the State, and a good many in Tennessee, and that Andrew John-son was the founder of the order; he heard that there was between 1,400 or 1,500 in

By Mr. BATTLE.—He is 25 years old and was born in Orange, but the place is now in Alamance; the card in the Scatinel of July 21st over his name is his; (card exhibited;) the White Brotherhood had no written Constitution, but Long had a written oath; there were no by laws for the interpretation of the oath administered by the officers; be was a member of the bar when he joined the K. K., and had taken the oath to sup port the Constitution of North-Carolic nd the Constitution of the United State and never considered the oath of the K. K. more binding than these oaths.

By Pearson, C. J .- Why did you no uit them?

Answer—Because he understood that if he proved false to them he would be the first victim.

He joined soon after the President's elec-He joined soon after the President's elec-tion; Mr. Mason and himself agreed to dis-continue their connection with them as far as possible, without laying ourselves liable to the penalties; he heard that Outlaw was hung for being a politician (Rep.) and or-ganizing the League under a commission signed by Gov. Holden as President, and W. R. Richardson as Secretary; that was about 3 years ago, before the Gov. was elected; the K. K. were to counteract the Leagues the K. K., were to counteract the Leagues which were all over the United States, and composed mostly of negroes; he saw the commission from Gov. Holden to Outlaw; it was taken from the pocket of a negro

who had been arrested.

By Mr. Boyden—He did not hear Dr

Moore say how many was in the crowd go-ing to Mr. Shoffner's, but heard him say he saw the three which has been mentioned be fore; Senator Shoffner lived about 11 miles fore; Senator Shoffner lived about 11 miles from Gilbreaths bridge and Mr. Bradshaw about 6 or 7; he wrote an address to the people of North Carolina to show the gener-al objects of such an organization; he was much distressed about being taken from his wife (who was sick); it was understood that wife (who was sick); it was understood that if he made a confession he would be protec-ted; he had a conversation with Governor Holden, who said he did not wish to punish any one, but his object was to break up these organizations; my card in the Sentinel was written by Gov. Graham, and the letter in the Standard was written by himself; the last paragraph was added at the instance of Gen. Douglas; he showed the letter to Gov. Holden but the Governor did not add any-thing to it; Mr. Douglas is a Brigadier but was acting as Adjutant General at that time; his reason for not making a clean breast of it was because he did not wish to share the fate of Outlaw; the letter was witten in Mr. Douglas's room at the National Hotel and dated at Graham.

By Dick, J.—He is not aware that the Leagues used masks, signs, or held secret meetings or met in the woods, and never meetings or met in the woods, and never meetings or met in the woods, and never with the discovered as a specific part of the prisoners had arrived, but not with all the witnesses, he asked for a post-with the officer had a great deal of trouble in making the summons, having to travel sometimes nearly all day for one man, and it seemed as heard of their making raids as a body, but, if a negro man committed any crime, it would be reported that he was a member of

the League.

By Mr. BATTLE—He heard that the outrages of the prisoners taken from the Hills-boro' jail was done by Kuklux.

By Mr. BOYDEN—The commission from

klux was a national order.

J. W. Holden examined. States that he has been a member of the Union League ever since the passage of the Reconstruction acts, and there has been three rituals issued, and he has now the third one in his possession but do not think there is any arterial.

sion, but do not think there is any materic change from the one exhibited.

By Mr. MERRIMON.—He also belongs the Heroes of America; but that organiz tion has nearly died out, but did exist belongs the Leagues got a hold in the State. He thought the reason of the changes was be-cause of the test-oath, and that the white men of the West did not wish to take in colored men after the war. The obligation was administered by the President of the

Guilford, Orange, Chatham and Randolph and that they originated in Tennessee under Forrest; our clan has not been disbanded but the meetings are very irregular. Capt. Watts introduced the order into our county county, and there was another man with him, but he did not know his name, and have not seen Capt. Watts since.

By Mr. Battle.—He lives in Alamane
in Senator Shoffner's neighborha

know how many there are of his klan beklan never done any whipping. He never heard of any whippings for political reasons. He never heard of the Invisible Empire unspeak of it at Col. Kirk's camp.

By SETTLE, J.—He did not hear Dr.

Mooresay, at Col. Kirk's Moore say, at Col. Kirk's camp, that he had given Mr. Boyd the signs of the Invisible

Empire.

The Chief Justice stated that, upon consultation, with his associates, he had concluded to bind the prisoners over to the Superior Court, in the sum of \$2,000 each except Dr. Tarpley, who would be held for these consideration, and owing to the sicktuture consideration, and owing to the sickness of Dr. Moore's wife he would be discharged, but that the justices had been considering the propriety of binding Dr. Moore over on the observer of the considering the propriety of binding Dr. Moore over on the observer of the considering the propriety of binding Dr. Moore over on the observer of the ob over on the charge of perjury, but under the circumstances had concluded not to go any further in the matter.

J. E. Boyd re called and examined by Mr.

Merrimon: I know Dr. Tarpley, who lives about 2 miles from him, and is a man of good character and member of the christian Church at Providence, and not very pas-

Democrat and strong in his political faith.

By Mr. MERRIMON.—He never saw Dr. Tarpley at any of the meetings or have on any of the disguises.

By SETTLE, J.—It is a common thing for the church members to belong to such organizations.
William Fogleman, Ruffin Fogleman and Emsley Fogleman were allowed to give bail for their appearance at the Superior Court

in Alamance, Dr. Moore and Dr. Tarpley going their security.

Mr. Merrimon stated to his Honor that Dr. Moore was very sensitive, and felt keenly the charge his Honor had cast upon him, when the Chief Justice stated that the court did not wish fo go into it, but felt certain that Dr. Moore was perjured in more than one instance, and if the court was to consider the question, they would bind Dr. ider the question.

Moore over for perjury.

Alternated until 9 o'clock this

Thursday, Sept. 1, 1870. Court met at 9 o'clock, Chief Justice Pearson, associate Justices Dick and Settle on the bench. On motion of Mr. Battle, the following prisoners were allowed to give bail for their appearance at the Superior Court of Ala

Ruffin Andrews, Wm. M. Andrews, John Andrews, Wm. Kirkpatrick, and R. M. Stockard, with J. G. Moore and A. C. McAllister as their securitie His Honor then delivered the opinion in

THE STATE AGAINST TARPLEY, GRAY AND OTHERS. "Probable cause" has been made out, The parties, except Tarpley, will be recognized severally in the sum of \$2,000, with two or more sufficient securities, to appear at the next term of the Superior Court of

Alamance County, to answer the charge.

Here we might have stopped, but for the remark of the counsel for the prisoners, that "according to the ruling in Wiley's case, they admitted that probable cause had been The roling in that case was put on the ground that, although the evidence made on the minds of the Justices a belief of the guilt of the prisoners, there was such a con-

flict of testimony by reluctant white wit nesses, and by persons formerly slaves, as to make a case peculiarly fit for a jury.

In the case now before us, there is no conflict of testimony; it rests upon a principle of law recognized and acted on as far back as the common law can be traced. We need only to refer to State vs. Harden and Haney, 2 Dev. and B. 390 and 408: "The testimony of an accomplice, if it produces entire be-lief of the prisoner's guilt, is sufficient to warrant a conviction."

The witness, John W. Long, proves the

guilt of the prisoner directly—he swears that after Caswell Holt had been whipped by order of one of the camps in Alamance, there was a meeting of two camps or Klans in which it was moved: That as Caswell Holt, after being whipped, made information before a justice of the peace and had failed to establish the charge against the parties arrested, he should be whipped the second time: whereupon the misses. second time; whereupon the prisoner, Tar-pley, substituted a motion that "Caswell Holt be put to death," giving as a reason, "dead men tell no tales." After discussion the death motion was carried by a unanihave the matter to the discretion of the if those orga chief of Klan No. 10, on whom the execution of the "death sentence" was put. This, on Monday night, witness was charged to carry the order to Job Fossett, chief of No. 10, he started by sunrise on Tuesday and delivered the order to _____ by 10 o'clock of that day the reply was, "it will be done."

The deed was not done. Jacob W. Long, the head chief of Alamance, thought it was going too far and countermanded the order. The character of this witness for truth and

The character of this witness for truth and honesty is impeached by Green Andrews who admits that he joined the Kuklux, being deputy sheriff, but took no part with them, he believes 3 or 4 of his sons are members of the Kuklux or the "White Brother-hood" as it is now called; three of them are prisoners now on trial; but he frequenty told his boys to have nothing to do with the whippings or killing. And by Dr. John A. Moore—He is a member of the order, took no part in the whipping or killing and believes he saved the life of Senator Shoffner whose death had been decreed. But over and above this proof of a bad character there is the fact that this witness is an accomplice and has turned "State's witness" on

there is the fact that this witness is an accomplice and has turned "State's witness" on a promise of pardon; he admits that he obeyed the order to inform Fossett, head of No. 10, to put Caswell Holt to death—and he did so on Tuesday, and expected the deed would be done on the next Friday night. So it falls under the decision, Haney and Hardin rupra, and the question is, Does the other evidence contradict or corroborate this witness?

It was a subject of remark, between us, that in our experience as lawyers and as

It was a subject of remark, between us, that in our experience as lawyers and as judges, we had never known a witness on the examination in chief, to expose himself more fully to contradiction, (unless he was telling the truth,) by stating in detail as to place time and the porsons present, the whipping of Sellars in which he was an actor, the whipping of Holt and of Trollinger and Carliss, all of which he narrasted as reported by members of the Klan. The burning of the school house, in which he took part, the contemplated murder of Holt and of Shoffner and the actual murder of Outlaw and Purvear by the K. K. der of Outlaw and Puryear by the K. K., or White Brotherhood; and by stating in the general, from reports made to his camp, that the number of members in Alamance was between 700 or 800, in Guilford 1200, in Orange, Chatham, Rockingham and other counties not informed as to the number, but the order extended over the State and amounted to 40,000—has said to have originated with Ex-President Johnson, and to extend over the whole South, for the politcal purpose of preventing negro equality by whipping, hanging and other acts, neces-sary to effect that object; and by stating the oath—not to reveal any secrets of the or-

der; to obey the commands of the chief; to go to the rescue of a member and to swear for him as a witness and acquit him as a juror. In short, this witness disclosed a condition of things showing, if true, that the civil authorities were noable to protect life or liberty, confirmed by the fact, that in no one instance have the perpetrators of these crimes and "known felonies," been brought to justice. It was a further subject of remark, that this witness sustained himself under a most searching cross examination, as well as any person we had ever seen in similar circum-

This witness was not contradicted in a This witness was not contriduced in a single particular, either in the detail or in the general. Andrews and Moore, who swear his character is bad, were forced to admit, that so far as their knowledge extended, he had told nothing but the truth. And Moore confirms him in the general, by stating that on the night Carlies was taken out of his house in the village of Company Shops," at about 1 o'clock at night, he saw seven or eight men in "white disguises," taking Carliss along, a colored from his house in his shirt and drawers; he man and the watchman ran out, but immediately retired; he met with seven or eight of the citizens, roused by the noise, but all, including himself, refused to interfere, for fear of the consequences, although Mrs. Carliss was running about the street entreating all persons to save her husband; "in a short time" as Dr. Moore said, about half an hour, Chilicana hash and the Doctor dressed

Carliss came back and the Doctor Carliss came back and the Doctor dressed his wounds.

Again, Moore confirms him, "being told by Boyd that Shoffper was to be killed on that night: I met "the party" at Gilbreath's bridge, (on next day, said it was some seven miles from the bridge in the direction of Hillsboro'.) told them that Shoffner was not at home, had gone to Greensboro;" one of the party said, "I have come 40 miles to obey this order, if you are deceiving us it will be your time "next." thinks 40 miles to obey this order, it you are deceiving us, it will be your time "next;" thinks there were 8 in the party; this was the only plan that he could adopt to save Shoffner; an appeal to the civil authorities was out of the question; the Sheriff and deputy Sheriff belonged to the order.

This witness is also confirmed by Euless.

He belonged to the "Constitutional Union Guards," a distinct organization from the White Brotherhood, sworn to support the Constitution as it was. Supposing in all they numbered some 700 in Alamance, 1,200 in Guilford, and 40,000 or 50,000 in the in Guilford, and 40,000 or 50,000 in the State, one Patterson, a Chief of the "White Brotherhood," told him he had an order from head chief of Orange, to kill Shoffner, asked his advice. Thompson Euless gave Shoffner a hint to leave home, and in that way saved his life. One Foust, a member of the order of White Brotherhood, told witness he saw the party, or "was one of the party," that met at Gilbreath's bridge, on their way to kill Shoffner, thought there were

sixty of them; but hearing that Shoffner was not at home the party dispersed. Boyd's testimony is to the like effect and confirms the witness in several particulars and in the general; as to Tarpley, who is the leader of the "Christian Church" at Company. Shops, being a member; as to leading and official members of other Churches being members, among others Robert Hannah and Thos. G. McLean, and as to many

So John W. Long, although an accou plice, is not contradicted, but is confirmed and the case falls under the decision—Har veys's and Hardin case. We, on this evidence, not merely believe, but we are fully convinced of the guilt of the prisoner. We think proper to add, General Hunt, commanding the U. S. troops in this State, was invited by us to take a seat on the

ench, and heard the whole proceedings. PEARSON, SETTLE,

His Honor, after reading the opinion, directed the clerk to forward a copy of the same, together with the State warrants to the Clerk of the Superior Court of Alamance, and that upon the principle advanced by Mr. Boyden in reference to any one being a member of such organization, but not participating in its crimes, were just as guilty as those who did commit them, he would therefore require Dr. Tarpley to give sufficient security in the sum of \$10,000 for his appearance before him in Chambers at Richmond Hill, on the charge of murder.

Mr. Boyden made a few remarks in reference to a statement which was made in one

ence to a statement which was made in one of the city papers (Sentinel) in regard to his examination of prisoners before they were pinced on the witness stand, and stated that he article was wilfully and maliciously

The Chief Justice requested Mr. Boyden to reduce his statement to writing and said that he thought the city papers would publish the same.
His Honor stated that as he had come to Raleigh to hear the habeas corpus cases he heped the counsel for the State would bring

the case of A. G. Moore, that being the Mr. Badger stated that so far as he had examined the testimony, he could not find any charge, and had no reason to believe the State could make out a case against A. G. Moore, when, on motion of Mr. Battle,

His Honor stated to Mr. Battle, that the propriety of declaring a County in a state of insurrection, he did not think the court would profit much by an argument, but hoped Mr. Battle would write out a state hoped Mr. Battle would write out a state ment of the facts and send it to him. Mr. Badger stated that as the officer in charge of the prisoners had arrived, but not withall the witnesses, he asked for a post-ponement of the cases until to-morrow; that the officer had a great deal of trouble in mak-

bers from arrest. Junius Somers, Daniel Whitsett, William Lowe, Rankin Lowe, Daniel Patton, William Tickell, and Jeremiah Whitsett were brought forward and recognized each in the sum of \$500, for their appearance at Court from

and seemed determined to protect its mem-

ns were still in existence.

day to day, and time was allowed them to find bail. The Court then adjourned until 3 o'clock.

State against Julius Somers, Wm. Loves and Rankin Love for whipping Daniel Jordan some time in October, 1869
Court met according to adjournment, Chief Justice Pearson, and Associate Justices Dick and Sattle.

Dick and Settle present.

W. C. Tarpley came forward and entered into bond of \$2,000 for his appearance at the next term of the Superior Court of Alamance, and also in the sum of \$10,000 for his appearance to superior to s mance, and also in the sum of \$19,000 for his appearance at the same place to answer the charge of the murder of Wyatt Outlaw and Puryear, or any other charge the State may then and there prefer against him. Lynn Adams, J. A. Tarpley, J. C. Moore and A. C. McAllister appeared as his sureties.

Upon the request of Mr. R. C. Badger, the State entered a nol pros for Daniel Whitsett, he having made a full confession and terned State's witness.

State's witness.

Jno. W. Tickle being called and sworn, testifies that he is a member of the White Brotherhood, and joined them about 18 months ago; he took an oath when he joined, a portion of which was, " you do solemn-swear before Almighty God, never to reveal

he secrets of this organization."

The Chief Justice here stated that he had to be expected that a white witness would know without being informed.

Witness.—He came here to tell the truth

By Mr. Balley.-He was sworn to obe all calls and summonses of the Chief, and to assist other members when in a difficulty and halloed "Shiloh," but is not able to any whether the members were bound to swear falsely in Court or not. but thinks they were, and is under the impression that he would not be allowed to bring in a verdict of guilt services to bother members. against a brother member. By PEARSON, C. J.-He was born and aised in Alamance, and there are several fam

lies in the County by the name of Tickle, and he is not a carpet-bagger. He cannot say positively that it was in the oath for the members to swear falsely, but thinks if be had been ordered by the Chief to do so, he would have been bound to do it, and thinks that if he had refused to do it, after being ordered by the Chief, he would have had to uffer the penalty of the order. He does to know what Puryear was drowned for. By Mr. BADGER.—He found the White rotherhood to be a different thing to what Brotherhood to be a different thing to want he at first supposed it to be. It was the in-tention of the organization to break up-stealing and increase the Conservative party, but cannot say how they were to increase

the party.

By Pearson, C. J.—Suppose a negro was whipped, and the whipper was arrested and wanted you to prove that he was at home, would your oath bind you to do it? Answer-I am not able to tell.

By Pranson, C. J.—Suppose you were on a jury, and the evidence was against him, would your oath bind you to give a verduct to clear him? to clear him?

Answer—No sir.

By Mr. Balley—There were several persons present at the whipping of Daniel Jordan and he aided in the whipping, but we were all disguised. By Pearson, C. J.—They took Jordan

he did not strike him at all. By Mr. BAILEY-We did not put on our disguise until we got within about 1 mile of Jordan's house. By PEARSON, C. J.—He thinks there were 9 or 10 in the crowd, but only 5 or 6 struck him, he cannot tell nor has any reason to be-lieve who struck Jordan.

By Mr. Bailey—Thinks they struck Jordan about 40 or 50 licks with hickory switches; it was about 10 o'clock when it was done; when we got Jordan from his house in the yard he broke and rui about 50 yards from the house, when we caught him and did the whipping.

By Pearson, C. J.—Jordan was whipped for stealing; Mr. Somers told him to, come and assist in the whipping; thinks Somers was first lieutenant, a Mr. Long chief of the county, and W. B. Ticklechief of the camp; do not remember asking Somers who told him to do the whipping; Somers told him to go by and let the chief know of the whipping, but he did not do so us it was too far.

By Mr. Boyden.—Daniel Jordan is, he thinks, in Illinois.

By Settle, J.—Mr. Long was head officer of our county. He heard that Major Stiner, of Greensboro', was head chief of Guilford county.

By Mr. Bailey.—He passed the signs with Tip Fogleman at the Shops. By Mr. BAILEY-Thinks they struck Jor-

Tip Fogleman at the Shops.

By SETTLE, J.- Macon Apple, a chief in Guilford, told him that they were about 1,600 strong in that county He went to Rockingham to carry a man to Leak's Mill, but did not pass the sign with any one in

that county.

By Mr. BATTLE.—He is 33 years old, and joined the White Brotherhood one year ago last harvest, and the whipping of Jordan took place about September or October, 1869. Held up his hand when he took the oath, and thinks the oath he took on the book when he registered to vote was more binding than the oath of the White Brotherhood, and would feel bound to violate the oath of the order in preference to the man, he would not have done it, and did-not consider himself so bound.

By Mr. Balley.—He swore to obey all orders of his officers. Milton Huffines examined. Is a citizen of Alamance, and joined the White Brother-hood about 12 months ago. W. R. Tickle was our chiet. Does not think he swore to obey all orders of the officers. He was not initiated by the chief, but by Peter Hughes. He knows Daniel Jordan, also the parties who did the whipping.

By Pearson, C. J.—He was present at the whipping and we were all disguised.

By Mr. BAILEY.—We broke open the door.

took Jordan out in the yard where he broke and run about a quarter of a mile through an old field where we caught him and administered the whipping; we did not tie By PEARSON, C. J.-He is not certain By Pearson, C. J.—He is not certain how many there were in the crowd, but thinks there were eight or nine.

By Settle, J.—Mr. Somers told him to help whip Daniel Jordan, who was accused of stealing; he thinks Jordan was struck about 40 licks.

By Mr. Baher.—Jordan did not holler much; he did not strike him a single lick; heard that Mr. Long was chief in the county.

By Pearson, C. J.—Never heard how many camps there were in the county.

many camps there were in the county.

By Mr. BATTLE,—He joined the order about twelve months ago and do not know how many there was in the camp; do not know that the whipping was done by or-

know that the whipping was done by order of the camp.

By Pranson, C. J.—There were nine in the crowd that done the whipping.

By Mr. Battle—He has taken the oath to support the Constitution and laws of North-Carolina; he held up his hand when he took the oath of the White Brotherhood, and thinks the oath to support the laws of the State the most binding, and would not have felt bound to perjure himself by any oath he had taken in the White Brother-

By Mr. BAILEY.—He thinks there is a distinction in holding up the hand and swear-ing on the Bible; the men with him at the whipping were all members of the White Brotherhood. Daniel Whitsett examined. He lives in Alamance; be belongs to the White Broth-erhood and knew Daniel Jordan; he was

was nitiated into the order by Peter Hughes; W. R. Tickle was chief of the camp when Jordan was whipped and he was told by Somers to help do the whipping, and do not think it was an order of the chief, but was whipped him as White Brotherhood; we burst the door open and took him out in the yard and asked him if he had been stealing, when he broke and run, when some of the boys caught him and we done By PEARSON, C. J.—The di

worn to territy the people and to keep them from recognizing us; the whipping was pretty severe, and he (Whitsett) struck Jordan three licks; after we whipped him we turned him loose and told him not to steal

CONTINUED ON SECOND PAGE