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United States Circuit Court.

TERM FOR THE

TRIAL OF KU KLUX CASES.

THE SHOTWELL CASE.

THE EVIDENCE.

[Reported for the Carolina Era.]

CASE OF U. S. vs. R. A. SHOTWELL, *Et al, charged with conspiring to deprive J. M. Justice, of Rutherford, of the natural rights of a lawful citizen, &c.*

TESTIMONY OF JAMES M. JUSTICE.

Counsel for the United States:

Your name sir? James M. Justice.

Of what county? Of Rutherford county.

Member of General Assembly? Yes, sir, have been since June 1868.

Elected when last? August 1870.

Upon what ticket sir? Upon the Republican ticket.

Who was the candidate for Congress in that year? A. H. Jones.

On what ticket? On the Republican ticket.

Did you stump the county sir? Yes, sir, I spoke in my county, and in some other counties.

Advocate his cause? Yes, sir, I was a member of the Convention that nominated him.

Go on sir, and tell the jury all the circumstances of an attack that was made upon you when, how, and where it was.

Well, sir, the attack of which you speak was made on me at my house on Sunday night, the 11th last June. I was asleep in my bed room, which is in the second story of a brick building, on the Main Street. The first story of the building is used as a dry good shop and drug store, the first of which is on the east side of the main street. There is a saloon and two buildings fronting the main street, and the stores are north of my dwelling. My gate enters an avenue north of the upper office. The main entrance to my house is from a portico, the stairs running down in a northern direction. It is some thirty yards from the foot of the stairs to the gate.

What kind of a store below did you say? The house below is a store house and drug shop, and above is my residence.

Which way does that stair run? It runs straight down.

That is to say, North, too? Yes, sir. I was awakened that night by a violent rushing and beating on my door, and the firing of guns and pistols. It was raining very hard when I awoke, and I anticipated the trouble, and I intended to get of my bed and——

(Was interrupted by the counsel and told to state none of his intentions, but his real acts.)

I got up out of the bed, and by that time two men advanced into the room. The door had given way, though the iron that received the lock was there.

The doors were locked and propped, as I always propped them before going to bed. I passed behind the bed and one man, I heard to say, "Light a match," instantly a match was lighted making everything bright and visible in the entry and in the room. I saw two men standing in my room, near the side of my bed, with frightful disguises on their heads. I saw nothing on the body of these two. They had on a red face-covering, with eyes bound with white, and the nose white, and horns stood erect, about ten inches long—seemed to be ornamented with a white stripe, and had a tassel with ornaments; and immediately on seeing me, one man approached and said, "Oh, you damned Radical, we have you at last," and they took hold of me by the right arm, and seized my throat and pulled me through into the entry, and as I approached the entry, where stood the others, they commenced beating me with their fists. I received several blows on my body. They brought me to the main entrance. I knew my only hope was to arouse the citizens, and I hallowed. I saw a blow with a pistol coming which felled me to the floor, when they struck me several times in the side. I did not experience much pain from the blow in my side at that time. I did not know how they took me down. I afterwards discovered a slight bruise on my legs as if they had been dragged over a board.

Where was Mrs. Justice? She was in the bed.

Was she awake? Yes, sir.

Did she say anything? No, sir; I told her not to speak; Some one at the foot of the steps, out in the street, demanded of me to deliver him my pistol; I told him it was in the drawer in my room. I was then carried out to the gate. It was raining very hard, and I had on only a shirt and no other garments. The rain revived me and I soon came to my senses, and heard many voices that seemed familiar to me. It was dark, cloudy and lightning. In the street they passed at my gate, a man on each arm, one on my right a large and powerful looking man, and one on my left not so large. They commenced firing guns and pistols along the street, and shouts, screams and expressions of exultation were raised and exceeded anything I ever heard. A man asked me "where that damned Logan was." Mr. Logan was in business with me, and was in the habit of sleeping at my office. They started in the direction of the Court House, and they went so fast down the street I was compelled to run for a little time to keep up with them. We came to the Court House, when some man called out "this is the way."

Attorney:

What part of the compass did they go? They went South, near to the Court House and turned right across the public square, and the greater portion of the crowd in that direction. About a dozen followed with me. I looked around to see if I could possibly escape, if I could release myself from their grasp. They turned East in the direction of Shelby road. They ran and pulled me along. While they carried me, the man who held my right arm, asked me what my business was. I told him I was engaged in the practice of law. He asked what kind of cases I had in hand. I told him I had a variety of cases. He then asked me what kind of cases I had been engaged in. I told him I had been engaged in ku klux cases. He said yes, sir, you made a distinguished speech the other day. I told him I had made some remarks, but, that I did not know they were distinguished. He said I had proposed in these remarks to which he referred, to hang their leaders.

Counsel for the United States:

Whose leaders? The leaders of that den, he said "our leaders." Now what if you should be hung—a leader of the radical party. I answered him that I had not counselled any one to do wrong. He carried me on further, and some man who seemed to be concealed in the thicket or bush hallowed to the man who had me, who made some very low answer. A voice said in that direction "who have you." They told me to answer and tell my name, or they would kill me. I told it and they raised a yell that is peculiar to them. He asked me if I wished to see a ku klux. I told him I had seen all I wanted to see, and did not want to see any more. He said he could raise a yell and call five hundred ku klux. I was carried away to some men with horses. I did not know how far the line extended. I saw fifty horses or mules; I did not know how many. There were men around the principal part of them, some with gowns, some in their usual garments, but the greater portion had covering over their heads. They stopped and had a conversation with me about my political course. They asked if I was not ashamed of being of that party that put negroes to rule and govern. They said the white men would not suffe such things; that I had been warned that my course would not longer be borne by the whites of this country, that they had brought me there to put me to death. I told them I had supported the National Repubican Party because I thought it was right. They told me that I was laliar; that a man of my sense knew it was not right; that the whites could not stand such a government. We argued some time in this manner. They said they were determined to kill me. At that time this man who had befriended me asked for the Chief of Horse Creek den. I had frequently heard that name mentioned before.—Some one replied that there was no officer present, and the same voice said there was a Second there. He (my friend) then told him (the Second) to take charge of his men if they had any command over them. He said he wanted to talk with me; that he was a South Carolinian and had never seen me before. He told me I had to stop the course I was on. He said he was disobeying orders, for he had orders to kill me at that time, without inflicting any blows. He could, he said, use his discretion when circumstances justified the sparing of a life. He said circumstances justified him in sparing my life, and that he would like very much to have me in his order. I told him I would rather decline and retire from public life. He said he must have Biggerstaff; that he had behaved very badly, and had given his men a great deal of trouble.

I have not spoken of all, but only of that which referred to him. They spoke of Carpenter and Downy, and said they were traitors to their cause, and that they knew Downy had talked with me. I told them he had not.

Was it raining all the time? Yes, sir.

You were in your shirt alone? Yes, sir, at the time I arrived there some man asked another to hold the mule and look around for the rope; he said he brought a rope to hang the "damn rascal." One said he was going to take me to South Carolina, that Scott wanted me, and others made other remarks; I grew very weak, my head was bleeding, and the wounds I received in my side became painful, and my head bleeding, and I felt about to faint. I asked him to let me sit down, which he at first refused to do, and he asked me what was the matter with me, I said my head was bleeding. He said he thought it would do me good to bleed—to take the negro equality blood out of me. I then sat down as he bade me to do. They asked me if I knew them, I told them I did not if I was to be sworn before God. They said if they knew that I knew them that they would kill me instantly. After a half an hour or so they came on the crowd, and on coming up a voice called out for the prisoner, and bade me get up, and carried me forward a few steps to where the man spoke and there was a man who had on a common rubber coat, and had his face covered. He took charge of me and the other men went away. He repeated a good deal of talk about my political course, and mentioned the subject of my very extreme radicalism.

Attorney:

Did you remember anything that he said? He said I had been a very strenuous opponent to the calling of the Convention, that I had supported the radical party to the ruin of this country. That the people would not allow this negro rule, and that the white men proposed to rid themselves of it, that they had come to take my life, and if I had anything to say I had better say it, for my time was very short. He at last asked me what I would give him if I was discharged. I told he saw all I had with me, but that I would give all I had.

Counsel for the United States:

This the man with the rubber coat Yes, sir, he at last said if I would show him Mr. Biggerstaff, he would discharge me. I said I did not know where Mr. Biggerstaff was. He told me that was not the truth, he said that I was his (Biggerstaff's) friend, and knew where he lived. I told him that he lived in the old hotel building. He said they had broken the doors, and they could not find him there. He insisted that I could find Mr. Biggerstaff, and said if I found him he would discharge me. He then said to the crowd, who would go back with me and get Biggerstaff, and then discharge me. That was disapproved of by the crowd. They said they had come to kill me, and they were going to do it, and could get Biggerstaff another time. They said they objected purely to my political course, but said if I was let off that I would go away to Washington and raise a big row about them. Some voice in the crowd affirmed that he would shoot me anyhow. Then this man who had me collected some others in a circle around me, four on foot and one on horse, and said: "Now if you shoot you will kill your friends," "I want to talk with this man," my friend continued about Biggerstaff. After this a little man approached and placed a pistol over the man's shoulder, and said that was the tool they "had to work on damned raidicals." They mentioned something about Downy and others, and wanted me to tell them where they were. They said Mr. Carpenter and Mr. Logan must change their political course or die; that Biggerstaff would be killed any way, wherever he went; that if he left the country he would have to be killed; that they had dens all over the United States and only had to send an order for his death, and, in conclusion, called me and said that if I would give him information as to Mr. Biggerstaff he would discharge me. He asked me to meet him at Cowpens on next Saturday night. I told him I was afraid of his men and all the ku klux parties, and that I did not travel down there, nor had not for some months, through fear. He said he would make that all right if I would. I told him that I would make no promise about it, and the man seated on the horse said he could make a suggestion that would do. He said I could not go so far, but asked me to meet them on Saturday night at Cox's shop, at nine o'clock, and told me if Judge Logan would arrive or if Biggerstaff was there to give them information, and if I should keep my promise I would never be troubled again. I promised all, and told him if he was ever in trouble to let me know that he was the man that befriended me, and I would be his friend and do all I could for him. I went home afterwards, as quick as I could, my feet were much torn; I found my family all gone out of the house.

Counsel:

Any one there? No, sir, I found no one there; I called to the neighbors, and I afterwards found that they had heard me, but did not answer.

Mr. Justice, how long were you out? Well, sir, I cut some chips when I got back, and found it was half-past two o'clock.

What time did you go to bed? At nine o'clock.

Nine is early, is it not? Yes, sir.

What estimation would you give of the time you were absent? About an hour and a half.

Do you think you recognize any of them? I have an impression of several men whom I saw there.

At that time, sir? Yes, sir.

Mention the names. I feel confident R. A. Shotwell was there, from his voice and size.

Did he talk? Yes, sir.

What did he say? I think he said, when he started in the direction of the *Star* office, "This is the way."

Was he disguised? I think he had a disguise over his head.

What about his clothes? He had on a suit I had seen him wear—a long black frock coat—I had seen him wear it several times. He is a fine looking, well built man.

Is Mr. Shotwell in Court? Yes, sir.

Has he the same coat on? I don't see him now; he has on a black coat, but cannot state.

Any others? There were some young men in the village, that I knew.

Will you mention another name? Yes, sir; Mr. Harrill was there.

Some other name sir? Jason Goode was there.

What did he say? At the Tuesday trial, he was one of the defendants. He asked me to treat him; I told him I could not treat him. He said I was more desirous of hanging him; I told him oh no. He repeated these remarks to me that night.

Who else was there? Mr. Wm. Webster was there.

How did you recognize him? From his voice and size.

Did you know him? Yes, sir; he was one of the parties I had before me on trial. I think I knew Mr. Tanner.

Why? I thought it from the very peculiar way he stood. He has a peculiar way of standing. I don't often see a man stand as he does.

Who else? I think I recognized two yong men by the name of Depriest. I was of the opinion, that Adolphus Depriest was there.

Why? Well, sir; I thought I knew his voice; I am not certain of it.

Did you think that night he was there? Yes, sir.

Counsel for the Defence:

Did you say you were not certain of it? No, sir, I was not certain.

Counsel for the United States:

Now, who else was there? Jos ph Depriest from his size and appearance.

Any other name? I think Horton.

You judged them all by their voices and general appearance? Yes, sir I saw other men who were not disguised at all, whom I did not know.

You know him? Yes, sir; it is my impression he was there.

Mention another. I think I recognized the voice of Mr. Ladson Mills, Jr.

Where is he? He has fled the country.

Where is Webster? He has fled also; I think Mills and Webster have left together.

Who else? A. Mills.

Where is he? He left the country, sir.

Did they leave soon after the occurrence? Yes, sir.

Who else? Gaither Trout.

Where is he? He is absent from the country.

Was Calvin Teal there? No, sir.

Wm. McIntire? I did not know him at that time.

Wm. Teal? Wm. Teal I did not recognize that night.

Was Amos Owens? I think not, for if he had been I should have recognized his voice.

Any other name? Yes, sir; I think Thomas McIntire and F. A. Shotwell were there.

You say they took your pistol away? Yes, sir; the man that asked me where it was, went back into the house. When I returned I found the drawer in which my pistol was, open; the scabbard of pistol lying on the floor, but the pistol was gone. Then I sent for a physician to dress my wounds.

(He was then recalled and asked):

Was Alex. H. Jones elected to Congress? Yes, sir, he was.

TESTIMONY OF J. R. DEPRIEST.

By Counsel for United States:

Mr. Depriest, I will read a paper; see if you recognize it? (Reads oath of Invisible Empire.) Yes, sir.

What was that? That was the oath of the Invisible Empire.

Did you belong to that Empire? Yes, sir.

What were you? I was chief.

Of what camp? Den No. 3.

Who administered that oath to you? Mr. R. A. Shotwell.

What did you do with it in turn? I memorized it, and burnt it up.

You memorized it and destroyed it? Yes, sir.

Did you ever administer it? Yes, sir.

When were you initiated? In January, 1870.

Are you still chief? No, sir.

How long since? Since last June—after the raid.

Were you ever on any raid? No, sir.

Did you ever have any communication with R. A. Shotwell about raids? No, sir; I have never talked with him about any. I was told on Friday before the raid in town, that he wanted me to send what men I could.

What rank did Mr. Shotwell have? He was County Commander.

How far from Rutherfordton are you? Three miles.

Which direction? I live East.

That's on the Shelby road? Yes, sir.

How far from Cox's shop? Little over a mile.

When did you hear of this raid? It was on Friday before the raid. A man came to my house and said they were going to make a raid, and Mr. Shotwell wanted me to send all the men I could.

Was this man a member of the Invisible Empire? Yes, sir.

How do you tell that? We have signs.

What kind of signs? Well, sir, if they wanted to find out if you were a member they would pass their right hand behind their right ear, and if you were a member you would pass your left hand in the same way over your left; next they would run their right hand over the collar of their coat on the left side, and you would do the same on the opposite side. Then there was a pocket sign, to run their right hand in their right pocket, and place the heel of their left foot to the inside of their right, and you would have to give a similar sign with your hand and feet. Then there was a sign given by the shake of the hand.

Were these the only signs? Then we had signs in shaking hands. To press the fore finger on the other person's hand and he will recognize you by giving a squeeze of the middle finger.

I understand you to say you were never on a raid? No, sir; I never was.

You were chief; what was the second one? Grand Monk.

What were your messengers called? They were called Night Hawks.

When did you see Mr. Shotwell before the raid? I hadn't seen him for two weeks before the raid.

How often would you meet in your den? Sometimes every two weeks, and sometimes every month; it was left with the chief.

Why did you go into this association? I went in for politics.

To assist any party? Yes, sir.

Which party? Democratic party.

To put down any party? The Radical party.

Were you bound to obey all orders of the chief? Yes, sir; all of them.

Any punishment for disobedience? No, sir.

Did you know Mr. F. A. Shotwell? I know the young man when I see him.

Did you know he was a member of the order? No, sir; I did not know.

Amos Owens, did you know him? Yes, sir; he is a member of the order.

Calvin Teal, do you know him? Yes, sir; he was a member of the order.

Mention some others? Wm. Tanner, Wm. Teal, Geo. Holland, Wm. McIntire; Spencer K. Moore told me since the raid that he was on it; D. B. Fortune, he was a member; I saw him in disguise.

You said just now, that Moore had told you since the raid that he was on it? Yes, sir.

Any of those other persons told you? No, Sir; Wm. Teal told me he was.

Mr. Depriest, has Mr. Shotwell told you about his being on the raid? No, sir.

Has there been more than one in the county? Well, I have heard of a great many, have known of one.

What one was that? The raid upon Rutherfordton.

Did you see any of them on that raid? Yes, sir.

Did you know any of them? Yes, sir.

Who were they? Wm. Teal, Alexander McIntire, D. B. Fortune, George Doggit, Watt Trout, Wm. Alexander, Logan Hampton and Lot Long, that's all I can recollect now sir; Robert Horton is another.

You say Wm. Tanner told you he was there? No, sir.

S. K. Moore did? Yes, sir.

What time of night did they go? They went by my house about 10 o'clock at night; saw no one to speak to but McIntire; they came back by my house about two hours before day, from towards town.

Did you hear any noise? No, sir.

What did they say? They told me they had been to Justice's house, and Teal and Trout were of those who told me.

What did they say? They said they had brought Justice out.

Was Mr. Teal present? Yes, sir; he was in my house; I do not recollect, that he was the man who spoke, they said they brought Justice out, but had turned him loose and let him go away.

Did they say why they turned him loose? They said that he made such fair promises that they let him loose.

Did they tell you why they went for him? They said their orders were to kill him.

And they told you they did not? Yes, sir.

Did any of them belong to your den? Only one man, Doggett.

Did you have any conversation with Geo. Holland? On the Friday before that, he and Mr. Holland told me the raid was to be made; that they were going to town to get Justice and to tear down the *Star* Office.

Did they say they were going to kill Justice? Yes, that was my understanding.

Cross-Examination by Counsel for Defendants:—I understand you to say this oath was administered to you by R. A. Shotwell? Yes, sir.

You say you memorized it and then burnt it? Yes, sir.

Do you know it now? Yes, sir.

Repeat it, if you please. (Witness repeats oath verbatim.)

You say Mr. Shotwell gave you this? Yes, sir.

When was that? The last of March or first of April.

Who initiated you? Alexander McIntire.

When was that? In 1871.

Were you initiated then? I have been initiated 12 months.

When were you first initiated into the order? In February, 1870.

And you say you were Chief of Den No. 3? Yes, sir.

You resigned last June? Yes, sir.

Did I understand you to say you were never on a raid? No, sir; I was never on one.

Mr. R. A. Shotwell never instructed you to go on any raid? No, sir.

Did I understand you to say that you never knew him to be on a raid? No, sir.

You say a day after the raid you were told by a party that Shotwell went home; did you know he was on it?—No, sir.

Who were these men? Harrill and Holland.

What Holland? Geo. Holland.

He told you that Shotwell wanted you to bring a good force? Yes, sir.

What did he want you to do? To send all the men I could into the raid.

Did they say what raid they wanted to make? They said they were going to Justice's house and kill him and Biggerstaff.

What signs did you have for recognition? Well, sir, they had signs with the hands this way, (and he, the witness, gave the signs as before).

They were mere signs of recognition, were they? Yes, sir.

What were the chief officers of the Klan? Chief of the County, County Commander, and Chief of the Den.

You said something about a Grand Monk: That was under the Chief.

You said there was a County Commander? (Answer lost.)

And after the Chief of each Den what was next? Grand Monk, Grand Turk, and Night Hawk.

You say you saw Shotwell two weeks before the raid? Something like two weeks.

I understand you to say that the organization was to assist the Democratic party. You went in for that purpose? Yes, sir.

How, sir, can you stand here and say that this was the purpose of the organization? I heard that was the purpose. I heard it from H. D. Cabiniss and R. A. Shotwell.

I understand you to say that Amos Owens was a member of this order?—Yes, sir.

How did you know that? When I was in conversation with him.

Did Amos Owens tell you he was on the raid? Yes, sir; I seed him and heard him speak of it since.

Did Shotwell tell you that they were raiding too much, and it must be stopped? Yes, sir, he told me that.

Well, did he tell you it when he gave you the oath? Yes, sir, he said they were raiding too much, and wanted me to help him stop it. That it was outside of the order to whip and raid so much down there.

He told you at the time he administered the oath? Yes, sir.

I understand the witness to say that they were raiding too much in a certain part of the county? Yes, sir.

That raiding and whipping must be stopped because it was outside of the order? Yes, sir.

Did he not go on to tell it was to advance the Democratic party in a lawful way? Yes, sir, he said it was to advance the Conservative party, to get all they could by swearing men in.

How long conversation did you have with Shotwell at the time he gave you the oath? About an hour.

He gave you the oath in writing? Yes, sir.

Did that make you a chief? Yes, sir, he appointed me chief on that occasion.

Mr. Depriest, were you the chief of the Den? Yes, sir.

Did you ever initiate any one? Yes, sir.

Did you tell them what Shotwell told you? Yes, sir, I told them it was not the intention of the order to raid and whip.

Did you initiate Geo. Harrell? No, sir.

Did he belong to your Den? No, sir.

Do you see any of those men who belonged to your Den? No, sir, I don't know that there is any member here; Doggert was a member, but he was not in it.

Was F. A. Shotwell in it? No, sir.

Adolphus Depriest? No, sir.

Amos Owens? No, sir.

Calvin Teal? Yes, sir.

Did you give him those instructions? Yes, I suppose I did.

Was Mr. Tanner? Yes, sir.

Did you give him those instructions? I swore him in, and never saw him any more; I reckon I gave them to him at the time I swore him in.

Who were they? Wm. Teal, Wm. McIntire and Davids.

Did they go raiding at all? No, sir.

Did any of them secede? Yes, sir.

Why did they? It was told to me, because I would not allow them to raid.

Under what name did they form? Burnt Chimney.

You took the oath to obey all commands? Yes, sir.

Who was your superior? Mr. R. A. Shotwell.

They were all bound to obey Capt. Shotwell? Yes, sir.

Did they raid—if so, where? (Answer lost.)

What raids? There had been some raids on Red River.

Who were they on? One of them on Maize, (a colored man,) and his family.

What did they do with him and his family? They whipped his daughter.

This raid was in the southern part of the county? Yes, sir.

Were there any others in the county? Yes, sir, there were several down there.

How many men were there in your organization? Between four and five hundred.

How many Dens? Some eight or ten.

Hor many in each Den? Some forty or fifty.

I understood you to tell Mr. Strong just now that this organization was to advance the Democratic party only through lawful means; now, by what means did you advance that party? I said, by lawful means.

But you were bound to obey all orders, either lawful or unlawful, were you not? Yes, sir.

You were to obey all instructions? Yes, from the chief.

Whether lawful or unlawful? Yes, sir.

Did the organization extend beyond Rutherford county? I have not been out of the county to ascertain the fact.

Where did Collins live? At Shelby.

What was your purpose did you say? Well, sir, to get men in by intimidation or otherwise, and swear them, and get their votes in that way.

Did you swear that these raids were made by mean low down and reckless men? Yes, sir, reckless men.

By low down men? I don't know about that sir.

Were they irresponsible men? I don't know as I can say so; they were mostly by young men who wanted fun.

Ever upon their own hook? Well, sir, I think it was often done upon their own hook.

Did I understand you to say there were four or five hundred of the brothers? Well, I can't say there is so many. I know of over a hundred.

Can you tell why it was done on the yonng men's own hook? They wanted some fun, and get a party and go raiding, I said it was done by the young Chiefs and young men.

Were the Chiefs young men? Yes, sir.

Were there not some from good respectable families? Yes, sir, generally very respectable.

Are you a member of the Church? No, sir.

You are opposed to raiding? Yes, sir.

You find trouble in getting about do you not? Yes, sir.

Mr. Shotwell came to you and told you he wanted some more raiding done? I don't know that he came to me, I went to town to see him about forming a den.

What passed about raiding? We talked about some raids in the Southern part of the county, where a young man was shot.

Was he killed? No, sir.

Was he a raider? Yes, sir.

Who was that? I don't recollect.

Was he a North Carolinian. Yes, sir.

What else? We then talked about it, when he told me he wanted me to help stop the raiding.

TESTIMONY OF M. M. JOLLY.

Counsel for the United States:

Are you a North Carolinian? Yes, sir, of Rutherford county.

Did you belong to the Invisible Empire? Yes, sir.

Was Webster your Chief? Yes, sir.

Who was the Grand Monk? A. S. Simmons.

Who was the Grand Turk? J. P. Goode.

Who were the Night Hawks? Myself and Ed. Cooley.

When did you join? Last January 1871.

Have you ever been on a raid? Yes, sir.

Where? I have been on several; I was on one against a man by the name of Nolan, near the border of North Carolina; one on Lizzie Sparks, one on Ben. Phillips, and another on Gillespie and Beasley.

Can you mention any other? Yes, sir, the raid on Rutherfordton.

Were you on that raid? Yes, sir.

How many were going out? There would be different members.

About what number? From eight to fifteen.

How many were at Rutherfordton? About seventy-five, altogether, and seven or eight from our den.

How were you apprised of the fact that there was to be a raid on Rutherfordton? I was going from town and heard of it, but I knew it before that.

How long before that? Monday or Tuesday.

How long before Mr. Justice made his speech against the ku klux? It was some time.

Who spoke of this raid? Mr. Webster, J. D. Goode, George Holland, Richard Haines, and —— Haines, were together, and Mr. Webster said there must be a raid made.

Did you hear Mr. Shotwell say anything about it? Yes, sir, they did not tell me to do anything.

That was on Tuesday, I understand, Mr. Jolly, late in the day? Yes, sir.

But, they told you they were going to raid? Yes, sir; they said they were going to make a raid on Mr. Justice.

When did you hear of it again? It was on Thursday.

What did you hear then? Mr. Goode told me to get ready and go on the raid; it was to be Sunday night.

What was Goode? He was Grand Turk.

What did you do in connection with that? He wanted me to go and summons some men.

Did you go? No, sir; I went around to Holland's on Saturday, but could not talk with him, and afterwards went on to the tax-payers Convention.

Did you go on the raid? Yes, sir.

Did you hear anything about it at the gathering, at the tax-payers Convention? Yes, sir.

Who did you hear? Mr. W. C. S. Wood.

Who else? Mr. Webster.

Who else? I don't recollect.

At whose house? Mr. Thoms'.

Did he know anything about it? No, sir.

You went home then? Yes, sir.

Where were you Saturday night? At home.

Counsel:

Go on sir and tell all about the raid. Well, sir, I met a party from our den, about a mile and a half from home, a little before sunset, J. D. Goode, G. F. Goode, Tom Haines and Hobin Jenkins.

Where is Mr. Jenkins? I can't tell you.

Is he not at home? No, sir.

How long since he has been home? I cannot tell.

Where is Thos. Haines? I think he has left sir.

When did he leave? Not long after the raid.

Where is Goode? Gone off. I met Clayton Camp also.

Go on sir.

We went on and met some others.

How far did you live from Rutherfordton?

You met some others? Yes, sir; Alfred Harris, Thomas Tate and Charlie Tate.

Where are they? Thomas Tate is here, the others I don't know where.

Any other name? Thomas Davis and Mathew Burke.

Where does Burke live? In South Carolina. Also met Wm. Webster and Edward Cooley.

Where is Cooley and Webster? Gone.

Did they go a short time after the raid? Webster did.

Were there any others? That's all I can recollect now.

Were they all in disguise? Some of them were.

Were you? No, sir; we went on and got there first. They belonged to Horse Creek Den, that was in South Carolina.

How long did you stay there? Some fifteen minutes.

How many were there along? Some thirty.

How far did you go then? About two miles from town.

Where did you go then? To Cox's Shop.

What did you do there? We stayed and got with another crowd.

Did you know them? No, sir.

Were the disguised? Yes sir.

Did you know any of them? One of them.

Who was he? Randolph Shotwell.

How many were they altogether?—About seventy-five.

Did you hear Shotwell say anything? He said Mr. Justice must be hung, and asked the crowd who would pull the rope. Some of them said they would shoot him.

How long did you remain there?—About an hour or two.

Mr. Shotwell with you when you got to the Den? Yes, sir.

Did you need any guides? We knew the way ourselves.

I understood you to say you knew Mr. Shotwell? Yes, sir.

Did you go in town with them? No, sir.

Where did you go then, if you did not go in town? I remained outside.

Did you hear anything while they were gone? I heard the firing and banging of guns.

How long were they gone? About an hour or two.

Did they have an axe along? Yes, sir; they bought an axe at Scott's.—Scott's was the other side of town.

What did Shotwell have to do with it? Nothing.

How long were they gone in the town? I think an hour, or an hour and a half.

Did they bring any body with them? Mr. Justice.

How far were you from town? Three or four hundred yards.

Why did they take off Mr. Justice? For being a Radical. He did not stay close to me but a few minutes.

Was he wounded? Not that I could tell.

Was it raining? Yes, sir.

Did he have on anything? He had on his underclothes.

Why did you raid on Mr. Justice?—Because he was a Radical.

Did your Chief tell you the reason?—No, sir.

Judge Brooks:

State why you went? I was ordered to go.

Was there any reason? I did not hear of any.

Was there any stated to the crowd at that night? No, sir.

At any time? That day I was in town and heard Webster talk about it; he had made a speech against Ku Klux. I don't know exactly.

Where did you meet? In the woods.

How often did you meet? About once every two weeks.

Would they be fully attended? Some times they were.

You were always ready to go on raids? Yes, sir.

Did Mr. Webster go? Yes, sir.

How many went of Ball Rock Den? About thirty.

Can you tell anything that took place when they got back from town with Justice, when they reproached him for being a Radical? No, sir.

You say you only stayed there a few minutes; where did you go? I went to my horse.

How many did go along to bring Justice? About eight or ten.

Did they hang him up? Not that I know of.

They didn't kill him? No sir; I don't know why.

Mention the names of those persons you knew of as having been on the raid. Alfred Harris, Robert Scrugs, Tom. Davis, Matthew Burke, Tom. Tate, Charlie Tate, —— Edwards, Habeus Jenkins, Ed. Cooley, Tom. Harris, Wm. Holt, Wm. Webster, J. D. Goode, Clayton Camp, G. S. Goode.

Was Holland one? No, sir.

Did he go at all? Never went to town.

Where did you see him? Once at my father's.

What reason did he give for not going? He had a boil on his leg.

He told you that was the reason he didn't go? Yes, sir.

Where did he leave the crowd? He left the crowd before I got back. I went home a while.

You say he went home. Well, what did he do with his horse? He gave it to Holt, who asked to go; his mule went too.

CROSS EXAMINATION.—You say this was a very dark night? Yes, sir.

Raining? Part of the time.

Where did you first see R. A. Shotwell? At Cox's Shop.

Did you know him? Yes, sir.

How long did you know him? About twelve months.

How long did you know him at that time? About nine months.

How far did you live from him?—About three miles.