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Bellamy

CONTESTED ELECTION CASE

OF

OLIVER H. DOCKERY vs. JOHN D. BELLAMY,

FROM THE

SIXTH CONGRESSIONAL DISTRICT OF THE
STATE OF NORTH CAROLINA.

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1899.

CONTESTED ELECTION CASE

OF

OLIVER H. DOCKERY vs. JOHN D. BELLAMY,

FROM THE

SIXTH CONGRESSIONAL DISTRICT OF NORTH CAROLINA.

NOTICE OF CONTEST.

Hon. JOHN D. BELLAMY, *Wilmington, N. C.*

SIR: This is to notify you that as the nominee of the Republican and Populist parties opposing you in the recent election I shall contest the validity of your election to the Fifty-sixth Congress of the United States from the Sixth Congressional district of the State of North Carolina, composed of the counties of Anson, Brunswick, Columbus, Mecklenburg, New Hanover, Pender, Robeson, Richmond, and Union, upon the ground hereinafter set forth.

I do not claim that I was elected to said seat in said Congress by the ballots actually cast for me and those tendered for me and unlawfully rejected by the officers of the election, but I allege that you are not elected and that you are not entitled to said seat in Congress, in that the conditions existing in said district prior to, at the time of, and subsequent to the so-called election—conditions brought into existence and maintained by partisan supporters of yourself—were such as violated, ignored, and outraged the constitutional rights of the electors of said district to such an extent as to render said election a farce, a mockery, and a fraud.

That for months before the election and continually after said election it was openly and unblushingly asserted by your partisan press, your speakers, and your partisan supporters, many of whom belonged to that organization known as the "Red Shirts" and the "White Government Union" organizations, which are a threat to constitutional liberty and free government, that they intended to carry said election at all hazards and by whatever means became necessary for the accomplishment of their purpose.

That in pursuance of this plan they armed themselves with pistols, rifles, and other deadly weapons and interrupted and dispersed political gatherings and whipped and even killed citizens who dared to stand upon their rights, and by such methods kept away from the polls a large number of electors and thus deprived me of thousands of votes and prevented my election. That in the various precincts in the county of Anson there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts in the county of Brunswick there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts of the county of Columbus there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts of the county of Mecklenburg there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts in the county of New Hanover there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts in the county of Pender there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts in the county of Robeson there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts of the county of Richmond there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the returns from said county.

That in the various precincts of the county of Union there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of yourself as to avoid and set aside the return from said county.

O. H. DOCKERY.

Served December 31, 1898.

ANSWER TO NOTICE OF CONTEST.

Hon. O. H. DOCKERY.

SIR: In reply to a notice served on me on the 31st ultimo, stating that you shall contest the validity of my election to the Fifty-sixth Congress from the Sixth Congressional district of North Carolina, without waiving the objection that the allegations contained in your notice are so lacking in specific and detailed statement as not to demand answer on the part of this respondent, in reply thereto this respondent alleges:

1. That as you state in said notice that you do not claim to have been elected, therefore this respondent alleges that you have no right to contest his election under the law.

2. That at said election the respondent was fairly and honestly elected; that he received an actual majority in said district of 5,853 votes; that the returns of said election were duly canvassed, as by law required, by the various precinct and county officers and the result duly certified to the secretary of state, who duly canvassed the same and declared the result and duly certified the election of this respondent to the governor, as required by law, who issued his commission to this respondent.

3. That respondent denies that "the conditions existing in said district prior to, at the time of, and subsequent to said election (although respondent fails to see how subsequent conditions can affect this controversy) were such as violated, ignored, or outraged the constitutional rights of the electors of said district to such an extent as to render said election a farce, a mockery, and a fraud," or to any extent whatever; and respondent denies that any partisan or other supporters of respondent in said election brought about any conditions that prevented a full and fair election in said district. And respondent further denies all and every other allegation set out in said notice, and he especially denies that the "White Government Union" and "Red Shirts" were organizations which were or are a "threat to constitutional liberty or free government," or that they "whipped or killed citizens who dared to stand upon their rights;" that respondent denies that the said Dockery was deprived of thousands of votes or of the votes of any of the electors in said district who desired to vote for him, or that his election was prevented as alleged by him.

4. That respondent denies that there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Anson County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Anson at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

5. That respondent denies there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Columbus County as to avoid and set aside the returns from said county; but he avers there was no irregularity, fraud, violence, or intimidation in the county of Columbus at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

6. That respondent denies there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Mecklenburg County as to avoid and set aside the returns from said county; but avers that there was no irregularity, fraud, violence, or intimidation in the county of Mecklenburg at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

7. That respondent denies that there were such irregularities, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Brunswick County as to avoid and set aside the returns; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Brunswick at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

8. That respondent denies there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of New

Hanover County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of New Hanover at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

9. That respondent denies that there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of himself in Pender County as to avoid and set aside the returns from said county; but he avers there was no irregularity, fraud, violence, or intimidation in the county of Pender at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

10. That respondent denies that there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Robeson County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Robeson at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

11. That respondent denies that there was such irregularity, fraud, violence, and intimidation on the part of partisan supporters of himself in the various precincts of Union County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Union, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

12. That respondent denies that there was such irregularity, fraud, violence, or intimidation on the part of partisan supporters of himself in the various precincts of Richmond County as to avoid and set aside the returns from said county; but he avers that there was no irregularity, fraud, violence, or intimidation in the county of Richmond at said election, but that the same was fairly and honestly conducted, and four out of the six judges of election in each precinct were partisan supporters of O. H. Dockery.

13. That there was no such organization known as the "Red Shirts" in any county; but that certain individuals, constituting a small number, in 3 precincts out of nearly 200 precincts wore a uniform consisting of a red shirt, but it had no illegal object or purpose, but was simply a uniform for a legal political club.

That the Sixth Congressional district of North Carolina is composed of nine counties and extends over an area over 250 miles in length and an average of about 35 miles in width.

That so remote are the sections from one another that what occurs in one section is hardly known in another, and it is next to impossible for any political acrimony, if any existed, to be felt or to have an influence beyond the particular neighborhood in which it existed.

Respondent rests the validity of his election:

First. Upon the ground that the election was fairly and honestly conducted, the whole machinery of which was under the control, management, and supervision of officers of election appointed by law, four out of six of said officers in each precinct being partisan supporters of yourself as respondent's opponent, and that respondent received a majority of the votes by 5,853.

Second. That if there were local disturbances and it affected any votes whatever, it was confined to a few precincts and could not and did not affect the general result.

Third. That the vote was the largest ever cast in this district in the history of the State, and being what is termed an off year, is conclusive proof that the will of the electors was freely registered and declared, and that, too, of no uncertain result in respondent's favor, by a majority of 5,853,

JNO. D. BELLAMY.

Served January 21, 1899.

Q. What was their demeanor?—A. Well, I suppose the crowd was there to look on; there were between 9 and 12 policemen there.

Q. Can you account for so large a number of policemen there when you seemed to be impressed with the idea that the election was being so nicely conducted and everything working off in such unusually and remarkably fine trim and style; now will you explain that to me, sir?—A. I could not say what they were there for.

Q. Can you explain to me why yourself and one other, you a Pop-Democrat and he a Democrat straight, were the only poll holders left on this peaceful scene?—A. Don't know how to answer that question.

Cross-examination:

Q. Mr. Benton, you say that you were one of the judges of election and that you voted a split ticket, and that it is true that the light was turned over, but do I understand you to say that at no time during that time was the storehouse in which the election was held ever dark?—A. There was just a little oil on the floor burning, that was all.

Q. This room in which the election was held was a small room, was it not, Mr. Benton?—A. Yes, sir.

Q. You stated to Mr. Spears that there were from 9 to 12 policemen around this voting precinct, and if these policemen were not appointed under the Wright administration, which was a Republican administration, and if these policemen were not Populist and Republicans.—A. Yes, sir; they were Populist and Republicans, the biggest part of them.

Redirect examination:

Q. What is the size of that house or room in which this election was held?—A. Sixteen by twenty.

Q. What time did this police force arrive on the scene?—A. There all day, the biggest portion of them.

Q. Did they undertake to prevent the disturbance testified to?—A. No, sir; there were two of them in the store right along with the crowd. I could tell one of their names, but the other I don't know.

J. F. BENTON.

Subscribed and sworn to before us this 20th day of April, 1899.

[SEAL.] T. E. WALLACE,
[SEAL.] JNO. J. FOWLER,
Notaries Public.

At five minutes to 11 o'clock p. m. Thursday, April 20, 1899, the court adjourned until 9 o'clock a. m. Friday, April 21, 1899.

According to adjournment court opened at 9 o'clock a. m. Friday, April 21, 1899, when the following witnesses were called and examined:

GEORGE BATES, being duly sworn, deposes and says:

(The contestee, appearing through his counsel, objects to the further examination of witnesses upon the ground that the ninety days allowed by law for the taking of depositions in this cause has expired; further, the statutes prescribed that the examination of witnesses shall be concluded within ninety days, and this being the 21st day of April and it being conceded that the answer of the contestee was filed or served on the 21st day of January, and any testimony taken on the 21st day of April, which is to-day, will not be taken within ninety days. The contestee further says that this examination should not be proceeded with and protests against any further proceeding as being contrary to law and a useless consumption of the time of the contestee and his counsel. The contestee expressly reserves this point and does not waive this objection by being present at this proceeding and cross-examining witnesses.)

Q. What is your name, age, and place of residence and business?

(The contestant, through his counsel, admits that the examination of Bates, witness on the stand, is introduced for examination on this Friday, April the 21st, 1899.)

A. My name is George R. Bates; age, 42 years; 1122 Market street is my residence; dairy business is my occupation.

Q. Were you present at the election occurring on the 8th day of November, 1898, in the city of Wilmington, and did you vote in your precinct on that day, and did you hold any official position as an officer of that election? If so, state what it was, naming your precinct and ward.

(Objected to by counsel for contestee.)

A. I was present on election day of 8th of November. I held a position as registrar in the fifth division of the First Ward, and I voted in that election.

Q. Were you present during the day of election named, acting in your official capacity as registrar; and if so, relate all things showing the conduct of that election, including anything of an unusual character occurring before or after the closing of the polls and before the completion of the count?

(Objected to by counsel for contestee.)

A. I was present at that election and acted in the capacity as registrar, and we had a quiet election all day. Everyone that wanted to vote came and voted. There was a great many from other wards down there, and just before the polls closed there was a crowd came into the polling place and sat down, and as we counted the ballots when it came to W. J. Davis's name they objected to counting those, because they were in the wrong box, as they claimed. We proceeded then and counted the balance of the votes, and as we could not make up the returns they concluded that they would count Davis's vote, and as we started to count there was a push and the lamps were turned over and the store was in darkness except the oil that was burning on the floor. We then got candles and proceeded to count the Davis vote, which we did. And after we had counted them Mr. Davis got more votes by nearly two hundred than there were people registered in the precinct, and after the lamp was blown out the crowd all tied handkerchiefs on their arms and went through the store with pistols and guns.

Q. Was this crowd that you speak of composed of white men or colored men, and were they Democrats or Republicans, and why and how was it that the lights were put out?

(Objected to by counsel for contestee.)

A. The crowd were white men, and as far as I know they were Democrats, and the light was put out by someone pushing another against the table where the lamps were.

Q. Was there or was there not a complete extinguishment of the lights in the house at the time of the counting of the vote?

(Objected to by counsel for contestee.)

A. At no time when the votes were counted was the store in darkness.

Q. To what extent were you in darkness; or in other words, had you light sufficient to proceed with the counting?

(Objected to by counsel for contestee.)

A. I suppose we were only in darkness two or three minutes, and there was no time but what we could see to count the votes.

Q. What do you estimate the number of this crowd you speak of to have been?

(Objected to by counsel for contestee.)

A. I suppose between twenty-five to thirty-five people.

Q. What was the number, if any, of the crowd outside that appeared to have a common purpose with the crowd of twenty-five or thirty-five that you speak of as being in the house?

(Counsel for contestee objects to the question for the reason that it is leading and supposes or suggests that the witness has said that there was a common purpose between the crowd on the outside and the crowd on the inside, and that there was a crowd outside.)

A. I suppose there was between a hundred and a hundred and fifty.

Q. Mr. Bates, go on and state whether there was, to your knowledge, great political excitement during the time for the registration of voters in your precinct, and whether or not the demeanor of the Democrats of the city of Wilmington was such as to and did inspire fear and terror upon the part of the Republican voters, largely colored, of the city of Wilmington, or confidence and satisfaction upon their part?

(Objected to by counsel for contestee.)

A. I heard a great deal of talk about it, that they would not register on account of losing their positions.

Q. Mr. Bates, is it not a fact that the anxiety, fear, and terror among the colored people, largely the Republican voters of the city of Wilmington, was very great, exceeding that of any occasion in your knowledge?

(Objected to by counsel for contestee.)

A. Yes, sir; it was.

Q. Is it not a fact within your own knowledge that the political and racial feeling existing in the city of Wilmington just previous to the election was so great as to inspire apprehension in the minds, not only of the colored people, but of the white Republican leaders and certain conservative Democratic leaders and represenative men as to result in an arrangement, agreement, and compact by and between such leaders as to effect an arrangement for the expressed purpose to avoid bloodshed if not murder that prevented the running of a county ticket upon the part of the Republican party in the county of New Hanover, and if you have not such knowledge by being a party to this agreement have you not information from Republican and Democratic sources, reliable and to yourself satisfactory, of the truth thereof?

(Counsel for the contestee objects to the question as being leading and irrelevant

to this cause and assumes the state of facts that has not yet been proven. Counsel for contestee further objects to the witness detailing facts which came to him from various sources and is nothing but loose talk if he has been so informed, and counsel for the contestee insists that the contestant put witnesses on the stand who know of their own knowledge of any compact or agreement, if such was entered into.)

A. I understood that there was an agreement made by which there would be no Republican county ticket run for the reasons assigned.

Q. Is it not a fact within your knowledge that the Republican party of New Hanover County had no candidate for sheriff, no candidate for clerk, no candidate for treasurer, no candidate for register of deeds, no candidate for coroner, and no candidate for any of the three offices for commissioner of the county of New Hanover, and also no candidates for members of the house of representatives of the general assembly of North Carolina, standing for election on November 8, 1898?

(Objected to by counsel for contestee.)

A. Yes, sir; I know that they had no ticket for any of those offices.

Q. Do you not know of your own knowledge that the Republican party in the county of New Hanover had no colored candidate for any office standing for election November 8, 1898?

(Objected to by counsel for contestee, being irrelevant and the useless consumption of time, in that it makes no difference either to the contestant or contestee whether a candidate for office is black or white.)

A. Yes, sir; I know that they had no candidates—colored.

Q. Is it not a fact within your own knowledge or known to you by a common rumor satisfactory to you of its reliability and truth that the intense political and racial feeling existing previous to and at the election occurring November 8, 1898, culminated and resulted in the destruction of the printing press and office containing same of one Manly, an armed revolution resulting in the change of the city government of the city of Wilmington effected in the short space of an hour or two on one night by which the Republican administration was evicted from office and a Democratic administration inducted in office for the city of Wilmington, N. C., a bloody riot in which a number of colored people were shot down and murdered because of the fact that they were colored people and Republicans in politics?

(Counsel for contestee objects, for the reason that the question calls for a conclusion of the witness and not for a fact within his personal knowledge. Counsel for the contestee insists that it is for the House of Representatives of the United States to reach conclusions in this contest and not for witnesses; that the witness should detail the fact instead of detailing a conclusion; further, that the question calls for facts and circumstances and conclusions of things transpiring after the day of election, and further, that the question is incompetent and leading.)

A. Yes, sir; I know that the press and part of the building was destroyed of one Manly. Yes, sir; I know that the city government was changed in a night. I don't know that it was changed by an armed revolution or not. Well, to my own knowledge, I don't know how it was changed. I only know what others said. I just heard that the Wright board was advised to resign, which they did, and the Democrats took charge of the city hall. I heard that colored people were shot down, but I don't know they were shot down because they were colored people or not. I think it was started from the colored man shooting one white man. That was what started the riot, I think.

Q. About how many were killed in that riot, according to your own knowledge or reliable undisputed information which you may have?

(Counsel for contestee object to the witness stating what other people have told him, or stating what he has heard as being hearsay, and insists that the contestant should put witnesses on to prove facts and not rumors and such evidence as hearsay.)

A. I seen three that were killed in the riot; that is all I seen.

Cross-examination:

Q. Mr. Bates, will you state whether any policemen were at the polls that night.—A. Yes, sir; I seen one in there.

Q. About the time of the disturbance referred to was there a policeman in there?—A. No, sir; I never saw any.

Q. Can you state more particularly how that lamp was knocked over than you have stated? Was it knocked over by design or by some accident?—A. It was knocked over by design.

Q. Did a man have a fit there at the time?—A. Where—in the building? No, sir; I never saw a man have a fit in the building.

Q. Had you counted the Congressional box before this disturbance occurred?—A. Yes, sir; we had counted all except the Davis count.

Q. Was the registration very full in that precinct?—A. Mr. McKoy, I could not answer that question, for the simple reason that it was the first time I was ever registrar there, and there was a good many of the precinct parts taken off and added to that precinct to make it larger.

Q. Do you know how many registered in that precinct, white and black?—A. Between 300 and 350, I think.

Q. How many of these were white?—A. I think about 25 or 30.

Q. Did all, or nearly all, of those who registered vote?—A. Very n early all, sir.

Q. How near?—A. I could not tell how many; not many, I suppose.

Q. Do you know of any person prevented from registering during the time of registration in your ward—I mean unlawfully?—A. What do you mean by unlawfully?

Q. You have a copy of the election law, and do you mean to state that you excluded people from registering who were entitled to register under that election law?—A. No, sir; I never stopped anybody from registering.

Q. Mr. Bates, did you read the Chadbourn letter?—A. No, sir; never saw it before now.

Q. Do you recognize this paper?—A. Yes, sir.

Q. The number and date of issue?—A. This is the Wilmington Messenger, dated Tuesday, October 18th, 1898.

Q. Mr. Bates, did you ever hear of such a letter being written by Chadbourn discussed?—A. I heard that Chadbourn wrote two letters, one contradicting the other.

Q. What was the substance of it?—A. I could not tell you.

Q. Mr. Bates, who received the majority of votes cast for the Congressional ticket in your precinct, Mr. Bellamy or Mr. Dockery?—A. Mr. Dockery received the majority.

Q. Was such returns made from your precinct as to show that Dockery had received the majority of votes cast at that precinct?—A. Yes, sir; I think the returns was made that way.

Q. Do you recollect the vote that Dockery received?—A. Do not.

Q. Mr. Bates, what Davis did you make reference to? (Question is withdrawn.)

Q. Mr. Bates, were these negroes killed before or after the election?—A. Killed after the election; those I saw.

Q. Did you hear of any fight or row on election day?—A. No, sir; I did not.

Q. Was it not an unusual quiet election day up to and including the time of closing the polls?—A. Yes, sir; it was.

Q. And you state that nothing occurred until after the counting the Congressional box and up to the time when you were counting the State senatorial box, which was the last box?—A. No, sir; I did not say that. We started to count that box and got as far as Davis's ticket, when some of the crowd in the building objected to that being counted. We set that box aside and went on and counted the balance of the votes.

Q. What box?—A. The box with Davis's tickets in it.

Q. Was that the box that contained the State senatorial ticket, that you set aside?—A. It was the box that contained the judicial ticket and the crowd objected to it on account, as they claimed, that the Davis ticket had no business in that box, and it was marked on that box to put it in there.

Q. What is your politics?—A. I am a Republican.

Q. How many political parties have you belonged to?—A. I never belonged to but one, sir.

Q. Did you vote the Greenback ticket?—A. No, sir; I did not.

Q. Were you appointed as a Populist or Republican registrar?—A. I was appointed as a Populist registrar.

Q. Was there also a Republican registrar appointed in that precinct?—A. Yes, sir.

Q. Did not you know that you were appointed as a Populist?—A. Yes, sir; I did.

Q. Did you not represent yourself to the power appointing you as a Populist?—A. No, sir; I did not.

Q. Did you not have it done?—A. No, sir; I did not.

Q. Did you not know, when you were appointed, that you were appointed to serve as a Populist registrar and acted in that capacity as such?—A. Yes, sir; I did.

Q. Were you not asked if you would serve in that capacity before your appointment?—A. Yes, sir; I was asked.

Q. By whom?—A. By Mr. Melton.

Q. Did not Melton inform you that it would be stated that you were a Populist in order to procure your appointment?—A. Yes, sir; he did.

Q. Did you not take the oath of office as a Populist?—A. Did I take the oath of office as a Populist? Yes, sir.

Q. Did you ever hear of a newspaper called the Record?—A. Yes, sir; I have heard of such a paper.

Q. Did you ever hear of an article published in that paper in regard to the white race?—A. Yes, sir; I read it in the Star once or twice.

Q. We present you with this copy of the Star and ask you to examine and state if this is the letter?—A. Yes, sir; this is the same thing.

Q. You note that this article has an affidavit attached, before Col. John D. Taylor. With regard to this letter being a true copy of the letter in the Record, was your answer yes?—A. Yes, sir.

(Here the counsel for contestee offers and introduces a copy of the Wilmington Messenger, of date October 18, 1898, as evidence, and marked Exhibit "C" of this taking of testimony.

I would like also to introduce the Wilmington Messenger of date October 18, 1898, containing the resolutions of the Chamber of Commerce and the letter of Mr. Wm. H. Chadburn in the same paper and marked Exhibit "D" of this taking of testimony.)

Redirect examination:

Q. By whom were you appointed registrar of election in and for your precinct for the election referred to?

(Objected to by counsel for contestee.)

A. I was appointed by Judge W. S. O'B. Robinson.

Q. Speaking of the interference and objection of the counting of the box containing the Davis ticket, was such objection made by the poll holders or this crowd of strange visitors.

(Objected to by counsel for contestee.)

A. Objection was made by the visitors.

Q. Did you or did you not inform Mr. Melton that you were a Republican and not a Populist when he approached you to serve as a registrar of election? And if so, state.—A. When Mr. Melton came to me and asked me to serve as a Populist; I told him that I was a Republican, and he told me that made no difference; if I would serve as a Populist it would be doing a great favor for him.

(The counsel for contestee being desirous of subjecting the witness to another cross-examination, and the notaries being appealed to, decided that he was not entitled to a cross-examination of the redirect testimony.

To which the counsel for the contestee excepts.)

GEO. R. BATE.

Subscribed and sworn to before us this 21st day of April, 1899.

[SEAL.] T. E. WALLACE,
[SEAL.] JNO. J. FOWLER,
Notaries Public.

Upon the conclusion of the testimony of the foregoing witness, the following papers marked Exhibit "C[1]" and Exhibit "D,[1]" the same being copies of the Morning Star of Tuesday, October 18, 1898, and the Wilmington Messenger of the same date respectively, were offered in evidence and are hereunto attached.

Court took a recess at 1.20 p. m. to meet at 3 o'clock p. m.

According to adjournment, court met at 3 o'clock, Friday, April 21, 1899, when the following witnesses were called and examined.

A. LOCKAMY, being duly sworn, deposes and says:

(Counsel for contestee protest against the examination of this witness for the reason that no notice has been served upon the contestee or on his counsel notifying them that this witness will be examined. And here again enter the same protest as was entered yesterday evening and placed on file and marked Exhibit A.

The witness, A. Lockamy, is introduced on April 21, 1899.)

Q. What is your name, age, and place of residence?—A. A. Lockamy is my name; 58 years of age; 801 Third st., Wilmington, N. C.

Q. Were you present in Wilmington during the months of October and November, 1898, and what was your business, if so, here during that period?

(Objected to by counsel for contestee.)

A. Yes, sir; I was on police duty.

Q. Were you a regular policeman in the service of the municipal government of the city of Wilmington during the month of October and a part of November, 1898?

(Objected to by counsel for contestee.)

A. I was not regular. I was on police duty, but was not a regular policeman.

Q. Were you on duty on the day of the riot in the city of Wilmington, November 10, 1898?

(Objected to by counsel for contestee.)

A. Yes; I was.

Q. Mr. Lockamy, please go on and relate all the facts that you observed to have occurred on the day of the riot, November 10, 1898, in the city of Wilmington, that relates to any disturbances or breaches of the peace on said day occurring?

[1] Omitted in printing.

(Objected to by counsel for contestee upon the ground for reason that incidents occurring or alleged to have occurred on November 10, 1898, has nothing to do with this contest, and breaches of the peace is no evidence of an irregularity or intimidation, or any other matter connected with the election held on the 8th day of November, and for the reason that it is incompetent, irrelevant, and immaterial.)

A. Well, I was on duty on Fourth street that morning in Brooklyn, which is a part of the city of Wilmington. Well, my instructions that morning was not to try to arrest anybody that day, but to keep as good order as I could, and look out for those two bars that was over on Fourth street in Brooklyn; they were to be opened that day at 8 o'clock, and I was there. And there came on a bunch of men with their guns, and they were gone, I suppose, fifteen or twenty minutes, and they sent for me to go to them, and I went to them and asked them what they wanted, and they told me they wanted me to move those colored people off of them corners, and I went and moved them off of one corner. I went across and tried to move them off of the other, and they told me they shouldn't move and shouldn't go anywhere, and I left them and went back across to the men who had the guns, and they asked me what they were saying to me, and I told them that they told me that I might go to hell, or where I pleased; that they were not going anywhere; that they did not need me over there, no how. And as I passed these men and they asked me what it was they were saying to me, and I told them what they said, and they said they would move them, and I just had passed the men going back down to my stand at Boesch's; then the shooting commenced.

Q. Did the firing seem to have opened from the crowd you last passed or not?

(Objected to by counsel for contestee upon the grounds for it is not for this witness to say what seemed, but what occurred; further, that the question is directed to matters occurring two days after the election, and the question is incompetent and irrelevant and immaterial.)

A. Of course; yes, all I could hear.

Q. Mr. Lockamy, was that firing the beginning of the shooting and mob work resulting in the killing of persons in Wilmington on that day?

(Objected to by counsel for contestee for the same reason as assigned to the last question.)

A. The first shooting I heard that day.

Q. Was it not conceded generally, and is it not known to you, that there was the beginning of the mob in its work of shooting and killing on that day of the riot in the city of Wilmington?

(Objected to by counsel for contestee upon the same grounds as preceding questions, and the additional ground that it makes no difference to the contestee or contestant what this witness may regard as a concession of certain facts, as they are all denied in the answer to the notice of contest.)

A. The first shooting I heard, that is all I can tell; that is the first I know, the first shooting done over there.

Q. Did or did not the shooting and killing by the mob begin there at the place mentioned by you on the morning of the 10th day of November?

(Objected to by counsel for contestee for the reason that if counsel had a chain around the witness's neck he could not lead him any more successfully, and that the question is absolutely incompetent, irrelevant, and immaterial. Counsel for the contestant having amended his question, counsel for the contestee still insists that it is leading and irrelevant.)

A. It did commence there, the men that were killed that day.

Q. Do you know how many men were killed in the city of Wilmington on the day of the riot, November 10, 1898?

(Objected to by counsel for contestee, as the question being incompetent, irrelevant, and immaterial.)

A. Do you mean to my own knowledge? There was two killed there; I know I saw that many.

Q. Was those killed white or black?

(Objected to by counsel for contestee upon the grounds that it is incompetent and immaterial.)

A. Colored.

Q. How many were reported to have been killed that day?

(Objected to by counsel for contestee.)

A. Coroner gave in 7, I think.

(Counsel for the contestee objects to the answer for the reason that the coroner's report is the best evidence as to what it contains.)

Q. How many are reported to have been killed that day?

(Objected to by counsel for contestee as being incompetent.)

A. Well, I told you that the coroner said 7; on the inquest he said 7.

(Same objection to the answer by counsel for contestee as to that of the preceding answer.)

Q. Mr. Lockamy, I did not ask you what the coroner stated, as you must know from my having repeated the question to you. Now please state what was reported generally in the city of Wilmington as the number of persons killed here on that day of the riot that occurred November 10, 1898?

(Objected to by counsel for contestee for the reason that the question is leading and asks for rumor when there has been no proof of a substantial nature how many were killed, if any, and what the rumors are; and further, that it is leading, irrelevant, and immaterial and hearsay.)

A. Well, now, you want me to state hearsay; well, now, I heard several reports; why, yes; some said 10, some said 15, but I don't know some had more than that; I don't know how many they had; I know I heard two or three reports, but on the inquest report the doctors and coroners could not parade but 7.

Q. Was the crowd spoken of by you as demanding the dispersion of the two crowds of colored people white or black men, and armed or unarmed?

(Objected to by counsel for contestee.)

A. They were white men, and armed.

Cross-examination:

Q. Did you not state, on your direct examination, that there were two crowds of colored men on Fourth street at the place you speak of occurred, and that the shooting began, as far as you could ascertain, simultaneously from both sides, and then after changed your answer to that question? Answer yes or no, please.—A. No; I did not say that it was on both sides.

Q. Did you not state that it began at once?—A. Yes.

Q. Now, which crowd was it that told you you could go to hell or go home?—A. Colored people.

Q. Where did you go?—A. Went on about my business.

Q. Under whom were you appointed a policeman, or special policeman, the Republican board or Democratic board?—A. Republican board.

Q. And you state that the Republican board of aldermen, or the Republican mayor, or your superior Republican officer instructed you to make no arrests on that day?—A. That is what he done.

Q. Who was that?—A. Chief Melton.

Q. He was chief of police of the city of Wilmington, was he not, at that time?—A. Yes.

Q. And you state that you were unable to disperse the two crowds of colored men in that vicinity?—A. I scattered one crowd, but the other I could not.

Q. Why did you not scatter the other crowd?—A. There was too many of them.

Q. Were they defiant to your authority or not?—A. They would not leave when I told them. They said they would not do it. They said they were not going anywheres.

Q. Did you have your official badge in sight, showing you were an officer of the law?—A. I did.

Redirect examination:

Q. At what time did this opening of fire by the mob occur on November 10, 1898; before or after the destruction of Manly printing press and office?

(Objected to by counsel for contestee on the grounds that it is immaterial, irrelevant, and incompetent, in that it involves matters occurring subsequent to an election determined on the 8th day of November, 1898; and further, in that it had no political significance whatever; and for further reason that there was nothing new drawn out by counsel for contestee in their cross-examination calling for an explanational reply on redirect.)

A. Afterwards; I suppose it was about 11 o'clock—in the neighborhood of 11 o'clock.

A. LOCKAMY.

Sworn and subscribed to before us the 21st day of April, 1899.

[SEAL.] T. E. WALLACE,
[SEAL.] JNO. J. FOWLER,
Notaries Public.

CHARLES H. WHITE, being duly sworn, deposes and says:

(Counsel for contestee protest against the examination of this witness, for the reason that no notice has been served upon the contestee or on his counsel, notifying them that this witness will be examined, and here again enter the same protest as was entered yesterday evening and placed on file and marked Exhibit "A."

The witness, Chas. H. White, is introduced on April 21, 1899.)

Q. Witness, what is your name, age, place of residence?—A. Charles H. White; 39; 903 Market street, Wilmington, N. C.

Q. Did not other Populists in the county follow the example of the Populists on these election boards and also vote with the Democrats?—A. I know of no other Populists in the county that voted with the Democratic member of the board.

Q. I mean, did not other Populists in the county follow the example of those on the election board and vote the Democratic ticket?—A. I know of only one Populist on the election board who voted with the Democratic member, and if his example was followed by any great number of Populists on the day of election I am not in a position to know it.

Q. Then I understand you to say that the Populists who voted with the Democrats were, in your opinion, only those who happened to be members of the various precinct boards of election?—A. I did not make that statement.

Q. You stated in response to Mr. Dockery that you declined to give the names of the Democrats in Maxton who threatened you, as you testify, because you would not say anything that would bring into disrepute the names of a single citizen of Maxton. Do you not think that it would be better to give the names of the one who made the actual threat than to cast a slur upon the entire community?—A. I have never stated that I was threatened. I stated that white men had told me that they would carry the election or kill every negro, but I did not take it as a personal threat to me. As to singling out any particular man from among the rest, that would be impossible. All thought alike and acted alike in that campaign.

(All the above questions in the recross-examination are objected to upon the ground given in the objection to the first one.)

Redirect:

Q. Have you intended to convey in any part of your examination the idea that the intimidation practiced in the county of Robeson was practiced by the precinct election boards as constituted in the manner above described by you?

(Question objected to as leading.)

A. Decidedly not.

R. B. RUSSELL.

Sworn to and subscribed before me this 19th day of April, 1899.

[SEAL.] E. J. BEST, *Notary Public.*

J. R. MELTON, being duly sworn, deposes and says:

(Counsel for contestee objected to the examination of this witness because he was not beyond the reach of a subpœna, and that his testimony should be taken within the limits of the Sixth Congressional district, and upon the further grounds that five days' notice of the taking of his deposition was not given the contestee.)

Q. What is your name and occupation?—A. J. R. Melton is my name; I have no steady occupation at this time.

Q. What is your politics and place of residence?—A. My politics—I am a Populist; I reside at Magnolia, N. C.

Q. What is your age?—A. Fifty years old next October.

Q. How long have you resided at Magnolia?—A. Nearly four weeks.

Q. Where did you reside during the campaign of 1898 and on election day of that year?—A. Wilmington, N. C.

Q. How long had you resided at Wilmington, N. C.?—A. I have lived there all my life with the exception of five years and then within 5 miles of that city.

Q. What position, if any, did you hold during the last campaign?—A. I was the chief of police of the city of Wilmington.

Q. Will you state the character and nature of the campaign by the Democratic party in the county of New Hanover during the campaign of 1898?

(Counsel for contestee objects to the question because it calls for the opinion of the witness and not for facts within his knowledge.)

A. The campaign was very aggressive, using shotguns, rifles, and threats, and were threatening to use them, in order to carry the election.

(Answer objected to.)

Q. Will you state what you know of the use of shotguns and rifles in New Hanover County during the campaign?—A. I know they were used, and carried on the street during the daytime, but not as numerous as at night. For several days before the election they were on every corner of the city and in the hands of men on every corner of the central part of the city, from about 8 o'clock at night until daylight in the morning, and the Republicans were generally excited and terrorized; and numbers of them said they were not going to vote; that they thought more of their lives than they did of their politics. That's the most I can think of at this time on that line. That's all I can think of now.

(Answer objected to as being hearsay evidence and not stating any specific facts.)

Q. Will you state the nature of the threats made against the Republican voters.

(Counsel for contestee objects to the witness stating anything upon hearsay and anything not within his own personal knowledge.)

A. I know that I received several letters and know of several others that received crossbones, and other things, that said if anything happened they might get killed. These were little pamphlets, with crossbones and skulls, notifying them if there was any trouble with the negroes they would get killed.

Q. Were threats communicated to any of the Republicans generally in any other manner?

(Counsel for contestee objects to the question.)

A. I received verbal communications from friends that I was liable to be killed, and received communications from others that I did not know whether they were friends or not.

Q. Were threats communicated through Democratic papers of that city?

(Question objected to by contestee.)

A. They were.

Q. Will you state the nature of some of these threats?

(Question objected to.)

A. There was in the Wilmington Messenger a report of a speech of Colonel Waddell, which was about as bad as I saw; in which he stated that they would carry the election, or should carry the election, if it was necessary to blockade the Cape Fear River with dead bodies. I don't remember the exact words but that was the effect of it. The paper published daily threats: I don't remember the nature of them. They were all on the line of carrying the election, regardless of cost, and they were going to carry it anyway. I haven't seen those papers any time lately and I can't recall it.

Q. Will you name the Democratic papers published in the city of Wilmington that contained these threats?—A. The Dispatch and the Messenger were the worst.

Q. You identify these copies of the Wilmington Messenger as the Messenger published in Wilmington to which you referred. Published on the following dates: October 2, October 4, October 11, October 14, October 12, October 13, October 15, October 18, October 19, October 20, October 21, October 23, October 25, October 26, October 27, October 28, October 29, and October 30. Introduced as Exhibit B, for articles marked therein and such articles introduced as evidence in this case.—A. Yes, sir, I do.

Q. Do you know that the Messenger was entensively read in New Hanover and the surrounding country?—A. Yes, sir; I do.

Q. In the Messenger of October 15 you see at the top in bold letters at the head of each colum the expression, remember the six; what was your understanding in that section, as the meaning of that?

(Question objected to.)

A. My understanding and the understanding generally was that that Big Six represented six of us that was to be killed. The governor was one of them, Z. Z. French one, W. H. Chadbourn one, F. W. Foster was the fourth, C. B. Lockey the fifth, and J. R. Melton the sixth, that composed the Big Six. Mr. Chadbourn written one open letter describing the situation down there that didn't seem to give much pleasure to the Democrats, and from some cause or other, he written the second letter refuting in a large measure what he had written in the first, then they reduced the Big Six to the Big Five, and Mr. Chadbourn was an immune from the slaughter. He was not to be killed any more.

(Answer objected to.)

Q. Is the figure Big Five on the front page of the Messenger of October 20 the figure referring to the Big Five after Chadbourn's second letter?—A. That ends my answer to the Big Five business. So for as I know.

(Answer objected to by contestee.)

Q. Is the letter published in the Messenger of October 12 on the fourth page with W. H. Chadbourn's name, the first letter to which you refer as having been written by Mr. Chadbourn?—A. Yes, sir.

Q. Is the second letter to which you refer as having been written by W. H. Chadbourn, the one published in the Messenger of Saturday October 22, on page 7?—A. Yes.

Q. Examine Exhibit C and state if the same is a copy of the reply of Senator J. C. Pritchard to the first letter of W. H. Chadbourn testified to by you above.

(Contestee objects to this question.)

A. Yes, this is a copy. [Contestant exhibits Exhibit C in this cause.]

(Contestee objects to this evidence.)

Q. Does the article on page 4, third column, of the Messenger of October 15, headed "Remember the six leading Republicans" refer to the six Republicans whom you have named in connection with your explanation of the meaning of the Big Six?

(Question objected to.)

A. Yes, sir; this represents the Big Six. It so states in the article that it represents the Big Six.

Q. Is the speech to which you referred as having been made by Col. A. M. Waddell in which he stated that they would carry this election if they had to dam up the

Cape Fear with dead bodies the one printed on page 5 of the Messenger of October 25?—A. Yes, sir; that is the speech I referred to.

Q. Will you state, so far as you know, about the number of guns including rifles, etc., in use, or brought into the city of Wilmington during the last campaign?

(Counsel for contestee objects to the witness giving his opinion in answer to this question and insists that he confine his answer to facts within his knowledge.)

A. It was variously estimated at from 2,000 to 3,000. I saw myself as many as 1,500, I know, in one day; in one crowd going to the burning of the record office—in different crowds all going in that direction.

(Contestee objects to the answer of witness because it relates to a time after the election.)

Q. Were these guns in the city before the election?—A. They were, I think. I am sure they were.

Q. In whose hands were these guns?—A. Generally in the hands of Democrats. I saw none in the hands of Republicans.

Q. Was there during the campaign a band of Red Shirts calling themselves "Rough Riders?"—A. There was two separate sets of organizations—the Red Shirts one and the Rough Riders the other.

Q. Did at any time previous to the day of election these organizations parade the streets of Wilmington?—A. They did on one occasion; I didn't see them out but once in a body; I saw them separate very often.

Q. As chief of police of the city of Wilmington, did your officers of the city make frequent reports to your office?—A. Yes, sir.

Q. These reports wereput on record in your office, were they not?—A. Not always.

Q. What information was reported to your office by your deputies as to the rioting conduct of these armed men in parts of the city?

(Question objected to.)

A. It was reported on the day the Red Shirts and Rough Riders had the parade, and were shooting along the street, and shooting into houses, they shot into a fellow's house by the name of Dixon Toomer and into a colored schoolhouse in Cambell Square—public schoolhouse.

Q. Who was the captain of this Red Shirt brigade?—A. Theodore Swan was captain of the Red Shirts, I think; and Mike Dowling was captain of the Rough Riders.

Q. Were any threats made directly against your life?—A. Not directly in person until the day of the riot. Then several passed along by the city hall and said they are going to get me and kill me—just passing, going and coming; I didn't pay much attention to it.

Q. Did any colored people come to your office and report to you as chief of police prior to the election that these organized bands had done them violence?

(Question objected to as hearsay.)

A. They did. A few days before election there came two colored men up there to the city hall and reported that they had been assaulted by the Rough Riders and Red Shirts with swords, or a sword, and they showed marks of violence on their persons. They went home and were soon confined so they could not get out to swear out a warrant. You have to swear out a warrant to arrest a man without you see him commit the offense. The officer didn't see this and did not make an arrest. Couldn't arrest on hearsay evidence.

Q. Was an appointment made for public speaking in the city of Wilmington just prior to the election by Senator J. C. Pritchard, Senator Marion Butler, Governor D. L. Russell, and Oliver H. Dockery?—A. There was.

Q. Was this appointment filled?—A. It was not.

Q. If not, why not?—A. The reason it was not filled, the Democrats said they should not speak in Wilmington. They said if they did there would be bloodshed.

(Answer objected to.)

Q. After all this intimidation and acts of violence which you have detailed, what action did the governor of North Corolina take in the matter?—A. I don't know; there was no county ticket put out.

Q. You were one of the leaders and constantly in consultation with the other leaders of the Fusion party in that district, were you not?—A. Yes, sir.

Q. Will you state from your knowledge why there was no Fusion county ticket put out in New Hanover County?

(Question objected to.)

A. We had a conference on that matter, and it was said that if the Democrats would pledge they would give us a fair election and in order to prevent bloodshed they give up their county ticket.

Q. Were threats made by the Democrats that if the Republicans and Populists dared put out candidates against the Democratic candidates there would be bloodshed?

(Question objected to as leading.)

A. They did.

Q. Were these threats largely instrumental in controlling the action of the Fusionists in not putting out a ticket?

(Question objected to.)

A. I think they were largely so.

Q. Can you tell about how long before the election that this decision was reached by the Republicans and Populists?—A. I don't remember exactly; a week or ten days, though it might have been longer or might not have been so long.

Q. After this decision on their part, did not acts of violence and conduct of intimidation on the part of Democrats continue up to and even after the election?

(Question objected to as leading.)

A. Yes, sir; more after than before.

Q. After the surrender of the Republican leaders in New Hanover County in deciding not to put out a ticket, didn't the Democrats become more emboldened and violent than before?

(Question objected to as leading.)

A. They did.

Q. About this time, to wit, October 26, did not the governor issue a proclamation, reciting these acts of violence, not only in the county of New Hanover, but in all the border counties along the southern borders of this State; and is not this proclamation the one published in the Messenger of October 26, on the first page?—A. Yes; that is the governor's proclamation.

Q. As chief of police of the city of Wilmington you inspect and regulate the conduct of all the citizens of that city, do you not? In other words, you make frequent rounds of the city?—A. My duty as chief of police is to become familiar with the city, and to enforce such ordinances as were passed by the board of aldermen or to be enforced.

Q. I want to ask you if at any time prior to, on the day of election, or succeeding the election, there came under your observation any conduct of any nature, on the part of Republican or Populist voters, white or colored, which led you to even suspect that there was any movement, organized or otherwise, on the part of these voters to do any violence whatever to person or property?

(Question objected to because it is leading and suggestive, and for the further reason because it inquires of matters occurring after the election which are not pertinent to this controversy.)

A. I never saw any evidence of the Republicans or Populists, white or colored, of any disposition to injure anybody. They were excited, scared, and their only object seemed to be to keep from getting hurt themselves, if possible.

Q. Do you not know it to be a fact that this fear of violence on the part of the Republicans deterred many within your own knowledge from registering in your county?

(Question objected to as leading and suggestive.)

A. I know that a great many of them came to me, especially colored people, and said they were not going to vote or register; that they thought more of their lives than they did of their votes or politics. It was generally reported that if a man registered he would be discharged. Mr. Chadbourn was charged with sending out his man, John Webber, to notify them he would discharge them. I don't know that that was positively so.

(Answer objected to.)

Q. What reason did the report say Mr. Chadbourn give for his advice why they should not register and vote?

(Question objected to as double hearsay.)

A. That if they did they would be killed.

Q. Was there any trouble in Wilmington on the night preceding the election?—A. Not that I know of. There was trouble the night following the election at one polling place, Tenth and Princess streets; the night while they were counting the vote.

(Latter part of answer objected to as a voluntary statement by witness, not responsive to the question, and as to a matter occurring subsequent to the election which is not pertinent to this controversy.)

Q. Was there any trouble on the night of the election at any of the polling places in your city, before the count of the vote was completed?—A. I got an official report. I had eight or ten officers at Tenth and Princess. We anticipated trouble there. Those officers, when they came in, reported that before the vote was counted they crowded into the house, the polling place, blew the lamps out, and then had them ousted—threw them out the rooms; they muffled the electric lights in the neighborhood, and that there was 100 or 200 men around, with their Winchester rifles, in the dark; that when they got through and got straight again they found that the ballot boxes had been stuffed; one of them showed about twice as many votes as was cast in the precinct for that candidate.

(Answer objected to as hearsay.)

Q. Was not the election machinery of New Hanover County the last election in the hands of the Democrats?—A. I think it was. I think the chairman of board of county commissioners, the clerk of the court, and the register of deeds appointed the poll holders and the registrars; and the chairman of the board of county commissioners and the clerk of the superior court were Democrats; the register of deeds was Republican, which would give the Democrats two to one.

Q. Will you state whether or not there was any trouble in the city of Wilmington on the day after the election?

(Question objected to, because matters occuring subsequent to the election are not material to this controversy.)

A. The town was fairly quiet on Wednesday, after the election.

Q. Had the excitement of the previous two weeks subsided by the second day after the election?

(Question objected to as immaterial.)

A. It seemed to have broken out anew on Thursday, that day, and there was more trouble than at any time before. That was the day of the burning of the Record building, and the day of the massacre, or riot, whatever you call it.

Q. Did you see the burning of the Record building?—A. I did not; I saw the smoke of it.

(Question objected to as immaterial.)

Q. Did you see the crowd as it went to the building?

(Question objected to as immaterial.)

A. I saw the crowd, or a part of the crowd, going to the Record building—about 1,000 or 1,500 of them going in that direction. They were going for an hour or more, passing. They were all armed.

Q. Did their conduct seem to be that of peaceable, law-abiding citizens?

(Question objected to as immaterial and leading.)

A. They seemed to be very much excited—going in a big hurry.

Q. After they had completed their work at the Record building, what then transpired?

(Question objected to as immaterial.)

A. They seemed to spread out in small squads all over the city. In crowds of fifteen and twenty and thirty; all through the central part of the city. The next report I received was from an officer that there had been a riot over the railroad and a lot of men killed. The officer didn't know how many.

(Answer objected to as hearsay.)

Q. Was this the day the crowd went to the city hall?

(Question objected to as immaterial and leading.)

A. It was.

Q. Will you state what took place there?

(Question objected to as immaterial.)

A. We had gotten word at the city hall that they were coming over and demand the offices, and take them by force; if we didn't resign, they would take them by force. That evening, about half-past 4, there came in a crowd of citizens to the city hall; the old board of aldermen were then in session, and immediately when the citizens came in, they had come evidently for the purpose of resigning, and proceeded to resign, one at the time, and there would be a new alderman elected and sworn in as fast as one would resign, until they concluded the resignation and filling of the board. Mr. Rountree invited me out into the chamber of the board of finance, and said that he would advise me to resign; that he thought he had control over men, but he had just learned that he could not do anything with the men, meaning the Democrats; that he had no control over them, and they would not listen to him, and he would not be responsible for the consequence, and he advised me to resign, and I did so. At that time there was from one to two hundred armed men with Winchesters in the city hall and the corridors, that came in immediately behind the citizens' committee, as they called it. I resigned, and made a turnover to the new chief, which they elected immediately. I am ahead of my story a little. I told Mr. Rountree, inasmuch as I could not get officers enough to restore order in the city, that the citizens that ought to be law abiding, but were lawbreakers, that I would resign over to the weaker and let them take it, and I knew they could get force enough to restore order. Then, following my resignation, the mayor resigned, and I went home, and that about ends that day.

Q. Do you know who was the leading spirit in the crowd that burned the Record office?

(Question objected to as immaterial.)

A. The officers reported that Col. A. M. Waddell led the crowd in burning the Record office.

Q Do you know who was the leader of the crowd that went to the city office to demand the resignation of the city officers?

(Question objected to as immaterial.)

A. I don't. They didn't come there and demand; they served verbal notice that they were coming at 4, and they come soon after 4—about half past 4. They just crowded over the railing, and come pellmell; and the old board proceeded to resign, and that ends that. I have been over that before.

Q. Was Col. A. M. Waddell in that crowd?—A. Yes; he was foremost in that crowd.

Q. Did all the city officers resign?—A. Not that evening. The mayor, and myself, and the aldermen resigned.

Q. When the mayor resigned who assumed the authority of mayor?

(Question objected to as immaterial.)

A. Colonel Waddell.

Q. Is Colonel Waddell the same man who made the speech during the campaign, in which he stated that they would carry this election if they had to dam up Cape Fear with dead bodies?—A. Yes, sir.

(Question objected to as immaterial.)

Q. Did the rest of the officers resign on the next day?—A. Not that I know of personally.

Q. How were the officers who filled the position made vacant by the resignation of yourself, the mayor, and the aldermen selected?

(Question objected to as immaterial.)

A. The body of men called the citizens' committee would place in nomination a name for alderman of their body to fill the place made vacant by the resignation of the Republican officer. That mode was continued until the board was refilled to the capacity of ten; and they elected Colonel Waddell mayor, the aldermen, and also elected E. G. Parmelee chief of police, and he went to work and swore in 200 special policemen, or claimed to have done that. I do not know whether he did or not.

Q. Were these men in the crowd of armed men who went to the city hall and demanded the offices?

(Question objected to as immaterial.)

A. They were not armed at that time, but they had been during the day; that is, the citizens' committee. There was quite a lot of them in the city hall at that time, back of the railing—the armed men were.

Q. When you resigned and left the city hall you stated that you went to your home. Was any other effort to do violence against you made after that?

(Question objected to as immaterial.)

A. Not that I know of that night. There was on the next day, Friday.

Q. Will you state what that was?—A. On Friday morning after breakfast I went down to the city hall to make my final turnover to the new chief of police, and while there I was showing the janitor some impounded stock, stock that was in the city pound, that had been kept overtime, and should be advertised for sale; and while I was out there I found they hadn't been fed the previous day. I was showing the new janitor where the feed was and directing him how to feed them, and a man by the name of C. H. Gilbert and L. H. Bryan happened around there, and about that time they rushed a mob around there on me with Winchesters, and said they wanted myself and Gilbert. I said "All right, for what; where is your authority?" They wanted me to go over to Squire Fowler's—John J. Fowler's—and in less time than I have been telling it I suppose there was 300 around me. We went over to Fowler's. I asked him what he wanted with me, and he advised us to go on and do whatever they said; said he had no warrant, and no use for us, nothing against us, and they marched us then up Market street to the armory, and stopped us there a few seconds, and some soldiers come out of the armory and joined in the crowd and marched us up near Seventh and Market; left us there for some considerable time, ten minutes maybe, under guard; came back and marched us out Market street near the national cemetery and put us under guard, ten or twelve men guarding. Kept us there till about a quarter after 1 or to 1—about 1 o'clock. When we got out there we found R. H. Bunting, United States commissioner. At 1 o'clock, or just about 1, they moved us from there back down Market street to the armory again of the Wilmington Light Infantry, and marched us into the yard of the armory, and brought us out dinner, consisting of sandwiches, oysters, and coffee. I drank some coffee; the other fellows eat something, I believe. I repeatedly asked what they were going to do, what they wanted, to which I would get no answer. Just before 2 o'clock we received orders to fall in again, and they marched down Market street, and they marched us up Front street, amid yells and hisses of the exasperated mob, to the Wilmington and Weldon Railroad depot, forced us on the train, and sent us to New Berne; then they wired ahead of us to New Berne; the contents of the wire I don't know what it was, but at any rate a committee met us and refused to allow us to stop in New Berne. They hurried us along as fast as possible, and I got mad; I had rather die, but the chief of police told us to go on; I knew him; I was personally acquainted; he said he was unable to protect us; that he was hourly expecting a similar trouble to that we had in Wilmington. We went to Norfolk, by boat to Elizabeth City and by rail to Norfolk, and met with some little abuse in

Norfolk; went from Norfolk to Washington, and had no more trouble with the mob after that.

(Answer objected to.)

Q. Have you ever returned to Wilmington since then?—A. No, sir.

Q. During that entire time were you notified of any charges having been made against you?

(Question objected to as immaterial.)

A. No, sir; I was not notified of any charges against me.

Q. On the march to which you have referred, was any violence attempted against your person or any indignities heaped upon you?

(Question objected to as immaterial.)

A. We were cursed, going on, * * * and one thing and another, and after I crossed Princess street going up to Front street, a man run up to me with a rifle; he had on a special police badge and was in the act of punching me in the temple with it, or shooting me, I don't know; he looked very angry, and the sergeant who was in charge of the squad of men that was marching us, whose name is A. P. Adrian, he run over aside of me and punched him off with his sword and says, "None of that." After we got in the car at the depot there came a large muscular kind of a looking fellow in there, cursed Commissioner Bunting very severely, and told him a d—n * * * that if he ever returned to Wilmington he would kill him God d—n him, and come along and paid about the same compliments to myself and Gilbert; that's about all. They taken the pleasure of marching me right in front of my wife and children.

(Answer objected to.)

Q. Do you know of any colored man who was a candidate for office in the county of New Hanover at the last election?—A. I can't reeall him; they run no county ticket.

Cross-examination by CONTESTEE:

Mr. Melton, you say that you reside in Magnolia, Duplin County, N. C.?—A. Yes, sir; I am there at present.

Q. How far is Magnolia from Willard, in Pender County, and on the Wilmington and Weldon Railroad?—A. I don't know exactly; probably 15 or 20 miles.

Q. Is Pender County in the Sixth Congressional district?—A. I don't know, I think it is; I don't hardly know, though, I be dogged if I do.

Q. Don't you know in what Congressional district Pender County is?—A. It used to be in the Third; I think it is in the Sixth, but I will not swear anything about it.

Q. Would it not have been more convenient for you to have gone to Willard than to come to Raleigh?—A. Yes, sir; and I had preferred to have went, if I had had my say so about it.

Q. You say that you have resided in Wilmington all your life with the exception of five years, and during those years that you resided in New Hanover County, within 5 miles of Wilmington?—A. Yes, sir; I said that, but I was mistaken though, I forgotten when I was a boy I went up in Pender in 1865, January, and stayed there until 1869. I had forgotten it.

Q. You said in your direct examination that you were chief of police of the city of Wilmington during the last campaign?—A. Yes, sir.

Q. How many negro policemen were there, during that period, in the city?—A. Ten, I think, sir.

Q. And how many white policemen were there?—A. Sixteen privates and 3 sergeants, captain, and lieutenant; 21, I think.

Q. You also stated in your direct examination that you were one of the leaders of the Fusion party in New Hanover County?—A. I said that I was a Populist and led my people in the campaign.

Q. I presume then, that you took some interest in the political campaign and kept yourself advised as to its progress and conduct?—A. I did as best I could on local matters around home there.

Q. What was the aggregate vote cast for Congressman in the county of New Hanover in 1896?—A. I don't remember, sir.

Q. Was there not in the election for that year a total vote of 5,428 cast in the Congressional election, of which Lockhart, Democrat, received 2,210, and Martin, Fusionist, 3,217?—A. I don't remember.

Q. What was the total vote cast in the Congressional election of 1898, in the county of New Hanover?—A. I don't remember what the total vote was in 1898 nor 1896.

Q. Was it not 5,370, of which Bellamy, Democrat, received 2,817 and Dockery, Fusionist, 2,553?—A. Mr. Dockery, from the election until I left Wilmington I had as much as I could think of.

Q. Do you not know that usually in New Hanover County a smaller vote is cast in off years, that is, years in which there is no Presidential election, than in years when there is a Presidential election?—A. That is always so.

Q. I ask you if New Hanover County didn't go Democratic in the elections of 1890 and 1892?—A. Yes, sir; it was so declared.

Q. In 1894 was there not in New Hanover County a Democratic clerk of the superior court, a Democratic register of deeds, and one Democratic member of the legislature elected?

(Objected to as immaterial.)

A. Yes, sir; there was a Democratic clerk and a Democratic member of the legislature; that was the year the Democrats and Republicans fused.

Q. Who did they fuse against?

(Objected to as immaterial.)

A. I think the regular Democrats fused against the silver forces.

(Objected to as immaterial.)

A. I don't know who were the leaders of it, they were raising Cain there all the time, and I don't know—Mr. John J. Fowler was their candidate for sheriff and Mr. John Harr—I don't remember—I was anti-Democratic and I don't remember exactly.

Q. I ask you if Mr. Harr in that election was not the regular Democratic candidate for register of deeds, and was he not elected?

(Objected to as immaterial.)

A. I don't remember; I think he was, yes. I am not positive, I did not charge my memory, but in 1894 there were but two Democrats elected—Herbert McClammy and John D. Taylor; I think Mr. Harr was elected.

Q. You said something, Mr. Melton, in your direct examination about certain ballot-box stuffing at a precinct in the city of Wilmington, in the election of 1898, at the corner of Tenth and Princess streets. Did you state anything in respect to that matter of your own knowledge?—A. I made that statement as I received it from the officers. I——

Q. So, then, you knew nothing about it of your own knowledge?—A. I knew nothing about that of my own knowledge; I stated that in the outset.

Q. Who was the registrar at that box?—A. Geo. W. Bates was one of the registrars.

Q. Who were the other two?—A. W. G. Wright, one of them, and I don't know the name of the other.

Q. What was their politics?—A. Wright was a Democrat, Bates a Populist, and the other man—a colored man—a Republican in politics.

Q. I ask you if one of these registrars didn't tell you that there was no tampering with the ballot box at that precinct in which the Congressional vote was cast?

(Objected to on ground of hearsay.)

A. Yes; Bates told me that the box was not tampered with. I never said the Congressional box was tampered with.

Q. Mr. Melton, was not every Republican vote, except one negro, cast at that box for Congress cast for Mr. Dockery?—A. I don't know.

Q. Were you not so informed?—A. No, sir.

Q. What was the number of negroes registered at that precinct?—A. I don't remember that, sir.

Q. Can you not approximate the number?—A. Well, I suppose there was 250 or 260, somewhere like that; I won't be positive.

Q. I ask you if Mr. Dockery did not receive over 300 votes at that box?—A. I don't remember.

Q. Did not Mr. Bellamy receive at that box less than 25 votes?

(Objection by contestant because the records are the best evidence.)

A. I don't remember what Mr. Bellamy got.

Q. If Mr. Bellamy received at that box less than 25 votes and Mr. Dockery received over 300, when according to your estimate there were only 250 or 260 negroes registered there, does not that tend to show that if any stuffing was done it was done in the interest of Mr. Dockery, and by an election board the majority of whom were Fusionists?

(Counsel for contestant objects to question.)

A. I don't know anything about that; I was asked by Mr. Busbee to approximate it, and I told him 250 or 260.

Q. Mr. Melton, do you not know that there was no charge of intimidation of any sort or any irregularity at any precinct in New Hanover County in regard to the election of Congressman?

(Objection by contestant to the question.)

A. No, sir; I don't know that. You seem to lose sight of the fact that I left Wilmington on Friday, and that my opportunities for knowing these things were limited after that. If I had stayed there I might have known.

Q. I ask you whether or not from Tuesday, the day of election, until Friday, when you bade goodbye to Wilmington, you heard of any charge of irregularity in in regard to the Congressional election?

(Counsel for contestant objects, because the question causes the witness to give an answer which is purely hearsay.)

A. I can't say that I did.

newspapers for the detection and apprehension of the men who were committing these acts of incendiarism?

(Counsel for contestant objects to the question because immaterial and irrelevant.)

A. I remember something about that; yes, sir.

Q. Did not the insurance companies threaten to cancel their policies upon property in the city if steps were not taken by the municipal authorities to stop this incendiarism.

(Counsel for contestant objects as immaterial.)

A. I don't remember that.

Q. Did you not as chief of police take enough interest in the protection of the property of the city from fire to remember what was done to prevent this incendiarism?

(Counsel for contestant objects.)

A. I took enough interest that I sat up all night for many nights myself to try to catch the fire bugs, but I don't remember that notice that he speaks of.

Q. Did you ever catch one?—A. Well, we caught one; he is in the penitentiary now; I don't know whether he was a fire bug or not.

Q. Was not this one whom you mentioned caught by the detective and not by the police authorities of the city?

(Counsel for contestant objects as immaterial.)

A. Caught by the police authorities. I was absent from the city, but he was caught by the police authorities.

Q. Which policeman apprehended him?

(Contestant objects.)

A. Thomas Lawson; I think he is the man that captured him.

Q. Was not John D. Ballamy, Democrat, and C. P. Lockey, Republican, both lawyers, employed by the city authorities to prosecute these cases of incendiarism?

(Contestant objects as immaterial.)

A. I don't remember whether they were or not. I had nothing to do with employing the counsel.

Q. Do you not know that the warrant which was issued by Bunting, justice of the peace, and upon which the man to whom you refer was arrested was issued upon the affidavit of the detective to whom I have referred.

(Objection by contestant as immaterial.)

A. I don't know that; I was in Washington, N. C., when that arrest was made, and all that I know was what I learned when I returned. I think Lawson claimed to have arrested him.

Q. Please state how many fires occured in the city of Wilmington or near the city between October 15, 1897, and November 1, 1898.

(Counsel for contestant objects as immaterial.)

A. I don't remember; it was not my business to keep record of fires, the chief of fire department did that.

Q. Please state what fires occurred between the dates mentioned within your knowledge and memory.

(Counsel for contestant objects as immaterial.)

A. I don't remember.

Q. Can you not remember some?—A. There was several little fires; I don't remember; I didn't tax my mind with it.

Q. Can you not remember one?

(Contestant objects as immaterial.)

A. A fire on Twelfth and Orange, or near there.

Q. Did not Robinson & King's wharf property burn during that period, and was the fire not attributed to an incendiary?

(Counsel for contestant objects as immaterial.)

A. I knew it burned, and was due to an incendiary.

Q. Did not the Caldwell wharf burn during that time between Ann and Nun streets, and was not that fire attributed to an incendiary?

(Counsel for contestant objects as immaterial.)

A. I don't remember the time, but I remember it was along about the time of Robinson & King, and it was due to incendiary, is my recollection about it; I didn't tax my mind.

Q. Do you not remember that during that time that there were two large fires across the river in one night in which thousands of barrels of rosin and a vessel were destroyed, and which fires were attributed to incendiarism.

(Counsel objects as immaterial.)

A. Yes, sir; I remember that time; I don't remember the date. From that fire we were led to suspect Howley because he was watching that vessel.

Q. Do you not remember that during the time mentioned a large schoolhouse for white children between Chestnut and Mulberry streets, costing over $20,000, was burned, and that this fire was attributed to an incendiary?

(Counsel for contestant objects as immaterial.)

A. I remember very well that fire; I don't remember the date.

Q. Do you not remember the other large schoolhouse for white children, near corner of Fifth and Ann streets, was at some time prior to the burning of the other schoolhouse destroyed by fire?

(Counsel objects as immaterial.)

A. Yes, sir.

Q. Do you not remember in connection with this last-mentioned fire that on Ann street there was found where wood—kindling wood—had been put underneath the house for the purpose of burning it; and that this happened after the schoolhouse had been rebuilt; and that on this last occasion the fire was extinguished before the house was again destroyed?

(Counsel objects as immaterial.)

A. I don't remember that. I remember watching, and did on Seventh street, and kept men there for ten or twelve days. I don't know that was the fire you were referring to.

Q. Do you not remember that during that time a fire occurred near your own premises, and that you had to jump from your window in order to escape?

(Counsel objects as immaterial.)

A. I remember my house got burned—the house I lived in.

Q. Do you not also remember that during the time mentioned there were other fires in the city besides those I have specifically inquired of?—A. There were a good many fires; yes, sir.

(Objected to by contestant.)

Q. Do you not think that there was well-founded cause for the apprehension that existed in the city on account of these incendiary fires.

(Counsel for contestant objects, because the opinion of the witness is asked, and not facts upon which to base such opinion.)

A. At the time we were having these incendiary fires and so many fires we had a special fire department—a voluntary department. After they did away with the voluntary department and established a pay fire department—it was several months before the election—we had comparatively no more fires, and there was no need for the apprehension for fires at the time there was so much guns and holding up in the city of Wilmington.

Q. Do you not think that one basis of the apprehension of the public in respect to their property was on account of the alleged inefficiency of the city police department?—A. I don't know; it might have been. I don't know what their opinions were.

(Objection as immaterial.)

Q. Do you not remember that certain negroes in the spring of 1898 shot into a hospital in the northeastern part of the city with guns and pistols and afterwards destroyed it by fire, and that the city police at the time, or some of them, were present, protesting against it?

(Counsel for contestant objects as immaterial.)

A. I don't remember that.

Q. I allude to the house the city rented from W. H. Chadbourn for a hospital. Do you not remember something in regard to that occurrence? And if you do, please state what you do remember.

(Counsel objects as immaterial.)

A. They had rented this house from Mr. Chadbourn for a smallpox pesthouse. The people in that vicinity, both white and colored, were greatly distressed at putting a pesthouse right to the north of them, and the prevailing winds of the winter coming from the north, and got mad, and said it should not be put there, law or no law. I sent a couple of officers out there, about as good as I had, one a colored and one a white, both good officers, one an extra good one. After supper I went out there myself to survey the ground. I don't know how many people was there, around. It was dark and apparently there was 500 people, white and colored, but more colored than white. Everywhere you go you run on some of them, with their guns, but insisting that the pesthouse should be removed from there. I didn't stay long. I knew a great many over there. It was near where I used to butcher, and I knew a good many of the older ones then. Lots of the younger ones I didn't know. I advised them to go home quietly and used my influence to get the pesthouse away from there. They seemed to be very mad, but not boisterous. They didn't seem to be satisfied and commenced to branch off, ten or twelve in a squad, and didn't act like they were going home, acted stubborn, so I went on up and told the officers to look out, and went to Seventh street and saw a crowd coming and concealed myself to know what they were talking about, and heard them say "the damned pesthouse." About 20 in that crowd. I didn't know any of them, and heard them say, "We will bust up the plugs and start a fire somewhere else." Then I hurried right back to the building and told the officers to go and protect the nearest plugs on

Sixth and Harnet and Seventh and Bladen. I told them one to go to each plug, one to Sixth and Harnet and one to Seventh and Bladen. In case fire broke out, I had taken the precaution to have the men, two on beat 12 and two men on beat 11, to respond to the fire quickly, and protect the hose and not let them be cut. It would take between a quarter and half mile of hose to reach the plug from the house, and I instructed those men to shoot or capture anyone who approached those plugs in any violent manner to break them up. We hadn't got hardly to the plugs before they had set the old barn afire. That was the way that was done. I was choosing between two evils, whether I could take care of the bigger part of the city. Whether I should let them fire the city, somewhere else to attract the fire department and then lose that building and have no water to fight fire with, and as soon as the fire broke out we sent in the alarm immediately, and followed the hose and protected the hose. The whole affair was a mere claptrap.

(Counsel for contestant objects to answer because immaterial, irrelevant, and foreign to the issues in this contest, and ask that the same be stricken from the record.)

Q. Do you call an occurrence like that, resulting in mob violence and the destruction of a house by fire, claptrap?

(Counsel for contestant object to question.)

A. I didn't call it; I said it was a claptrap of an old building—an old hull.

Q. Was it not a new house, built within two years, with an old store in the rear of it?

(Objection by contestant.)

A. It was not. It had been standing there fifteen years or more to my knowing.

Q. You say that neither you nor any of your policemen was present when the house was fired?—A. No, sir; we were not. If there was any policeman there I don't know it.

Q. And you say that the reason you did not remain there to protect that property was because if you did you apprehend that the hose would be cut and that other incendiary fires would be started at other points in the city?

(Objection by contestant.)

A. No, sir; I didn't say that; I said that I overheard a crowd of twenty or more talking on Seventh and Nixon streets. I was concealed on the opposite side of the street under a tree, and I overheard them say that they would cut up the plugs and start a fire somewhere else. I came to the conclusion that if they interfered with the water supply and the fire did start we would have no means to fight it. I went right back to the building and sent these two officers to the nearest two plugs, one at each plug, and was going myself to get more officers to watch the building. I had rather lost the building than the water supply of the city. Of the two evils, I had rather than have the water supply cut off from the city I had lost that building, but I was trying to save both. It was inside of less than ten minutes from the time we left that building was afire. Then it was when the fire department came, the men—from 11 and 12—according to orders reported to the fire, and was instructed to string out and protect the hose and not let them cut it.

Q. So, then, I understand you to say that in leaving this house to be fired you thought it best to do so in order to protect the balance of the city?—A. Well, not exactly; I didn't expect it to be burned, but it might be, but I knew if they tampered with the water supply that it would be impossible for us to fight fire, and I thought it better to protect the water supply first and get more help to protect the old hospital, because it was not of much importance.

Q. And while you were protecting the water supply the house was fired?—A. Yes, sir.

Q. During this time where was the rest of the police force besides you and the two policemen you mentioned?

(Contestant objects as immaterial.)

A. They were on their various beats. Those men had to be taken from their regular beats; I had to double beats to get these two.

Q. You say that you butchered in the vicinity where that house was located, and that you knew all the people in the neighborhood or most of them?

(Objected to as immaterial.)

A. Yes; I knew a good many of the older people, and there were lots of the younger people I didn't know, but they knew me.

Q. State the names of some of the persons whom you saw there at that time.

(Contestant objects to question as immaterial.)

A. I don't remember any one man I could find I knew. It was dark as thunder—very dark.

Q. Were not most of them negroes.

(Objection.)

A. Yes, sir.

Q. Were not they armed?

(Contestant objects.)

A. Yes, sir.

Q. Did you ever, as chief of police, make any effort to ascertain who were in that mob and fired that house?

(Contestant objects as immaterial.)

A. Yes, sir; I did everything I could.

Q. Could you not ascertain the name of a single person who was in the crowd.

(Contestant objects as immaterial.)

A. I couldn't ascertain the names of any that night.

Q. Did you afterwards ascertain the names of any persons who were in the crowd that night?

(Contestant objects.)

A. One fellow would say, "Well, I seen so and so going that way."

Q. Give me the name of any person who was in the crowd that night.

(Contestant objects as immaterial.)

A. I saw a colored woman in the crowd that night. Her name was Williams. I saw her on Nixon street; I tried to get her to give me the names of others there, but she said she did not know any of them.

Q. Did you make any endeavor to prosecute anyone for being concerned in the crime that was committed that night?

(Contestant objects to the question as immaterial.)

A. I tried to find out who to prosecute. I could not get no evidence against anyone.

Q. Do you mean to say that as chief of police, with the policemen and the police machinery under your control, you were not able to obtain any evidence as to a single person in a crowd of 500 who committed that outrage?

(Contestant objects as immaterial.)

A. I could have found out names of parties in that crowd, but would that have been any evidence that they fired that building because there was somebody out there that night?

Q. During the time I have mentioned, from October 1, 1897, to November 1, 1898, were not burglaries constantly committed in the city of Wilmington, and without detection or conviction of the burglars?

(Contestant objects as immaterial.)

A. There was some burglaries committed and some burglars convicted.

Q. State the names of the burglars arrested during that period by your police department and convicted.

(Objection by contestant.)

A. I can't recall any name that was arrested and convicted by the police department. There was a set arrested and went into Mr. June Davis's, but I think that was before that time.

Q. Can you not remember the name of any burglar that your department arrested during the time mentioned?—A. I can't now remember; I can't remember a great many names. I don't charge my memory with names. I don't expect to have to answer such questions.

Q. Do you not remember that during the year 1898, mainly in the summer of that year, the following houses in the city, among others, were burglarized: Mr. T. M. Emerson, Mayor Harris, Mayor Fishplate, Junius Davis, A. J. Powers, Carl Polvovoigt (twice), Mr. Summerill, Mrs. Bappler?

(Objection by contestant because immaterial.)

A. I remember that they were reported as burglarized. I watched those houses with all the force that I had to spare. I give all the attention to those houses that I could with the force I had to spare. In the summer there is from 100 to 200 families that go to watering places and summer resorts. Those houses were left unprotected. I had sixteen officers on duty at night and eight in the day. Eight of those men were on duty down in the business portion of the city, principally on Water, Front, and Second streets; eight had the balance of the city to watch, which comprised about, I reckon, thirty-nine fortieths of the corporate limits of the city. I had to protect the business interests.

Q. So then, during your administration as chief of police, it was wise for a property holder to see to the protection of his own property instead of trusting to the police department, was it not?

(Objection by contestant.)

A. You will see when these people go off this summer the same thing will happen again.

Q. Were there not several burglaries committed right in the neighborhood of the city hall while you were chief of police?

(Objected to as immaterial.)

A. I think there was.

Q. Was anyone of the burglars arrested by your department?—A. Not that I know of; I can't recall any now. They were principally boys—little fellows.

Q. Was not a burglar—a negro man—arrested by Mrs. Bappler and another lady with her, and carried by them to the city hall after they had called in a policeman, after they had arrested the burglar, to aid them in carrying him to the city hall?
(Contestant objects as immaterial.)
A. Yes, sir; there was a boy claimed to be arrested by Mrs. Bappler or in her house, sent for an officer, and he brought him to the station house and locked him up.
Q. Was not this boy a grown man?—A. No, sir.
Q. How old was he and how large?
(Objection.)
A. I judge he was about 16, maybe 17, and would weigh 115 pounds.
Q. And did you not discharge him upon his own recognizance?
(Contestant objects.)
A. The mayor ordered me to recognize that boy in the sum of $50, with a man that was there by the name of Sampson, which was the boy's father (so I learned).
Q. Was not Sampson utterly insolvent?
(Objected to.)
A. I don't know anything about that.
Q. Did you require him to justify when he went on the burglar's bail bond?
(Objection by contestant.)
A. The mayor didn't tell me to justify him; he told me to recognize the boy with his father. I did that.
Q. Was Sampson a negro and the boy's father?
A. He was a negro and I suppose the son of the man that I recognized him with by order of the mayor. He was not marked arrested for burglary, he was marked arrested on suspicion.
Q. Was not that rather meager security to turn a man loose on who had been arrested for a capital felony?—A. I didn't know when I recognized him he was charged with a felony, and had I known it, having been ordered by the mayor, I should have accepted his bond as he told me.
Q. Was the mayor one of those who resigned after the election and left the city?—A. He resigned when I did, and I heard had left the city. I haven't seen him since.
Q. Do you know Mr. W. H. Chadbourn?—A. Yes, sir.
Q. Is he not a life-long Republican?—A. I don't know about that.
Q. Has he not been a Republican for years past?—A. He has been considered a Republican.
Q. Is he not at present postmaster of the city of Wilmington, appointed by President McKinley?—A. I think he is.
Q. Do you not know he is?—A. I do not, except from hearsay; I believe he is.
Q. Was he not postmaster during the campaign of 1898?
(This question and the preceding question objected to inapt time.)
A. Yes, sir.
Q. Is he not a man of high character and integrity, truthful, and reliable?
(Objection to question by contestant as immaterial and that this is not the proper way to prove the character.)
A. I decline to answer; I am not here on character.
Q. Why do you decline to answer my question; do you mean to say that Mr. Chadbourn is a man of bad character?
(Objection by contestant.)
A. I decline to answer you again.
Q. Are you unwilling to testify to the good character of a man like Mr. Chadbourn?
(Question objected to.)
A. I decline to answer.
Q. In your direct examination you spoke of two letters which were written during the campaign of 1898 by Mr. W. H. Chadbourn, and which are set out in Exhibit B. Please examine the issue of the Wilmington Messenger of date October 18, 1898, which constitutes part of Exhibit B, and state if the second letter written by Mr. Chadbourn is not as follows:

"WILMINGTON, N. C., *October 18, 1898.*

"Senator J. C. PRITCHARD:

"DEAR SIR: Since writing you on September 26 events have taken place in this community which necessitates some further explanation on my part in order to put myself right before the community here and also to correct any mistaken impression I may have made in your mind.

"For the sake of any fancied political advantage I can not afford to make a one-sided presentation of the situation in this city and county, and by naming only the white officials and leaving out the colored doubtless some advantage has been taken and a false color given to the actual situation, to which the business people and taxpayers, regardless of party, have made serious objections.

"As a matter of fact, there are in this county thirty-six colored magistrates and a colored register of deeds and various other minor officials, besides some Presidential appointees, and the property owners, taxpayers, and business men seriously object to this state of affairs, and there now exists here the most intense feeling against any sort of negro domination.

"There is a greater feeling of unrest and uncertainty about the maintenance of order than I have ever seen, and many, even the most conservative, feel that a race conflict is imminent, than which nothing could be more disastrous, not only to this city and county, but to the party in the State, and rather than have riot, arson, and bloodshed prevail here, I, Republican though I am, advise giving up the local offices in this county, as there are no national political principles involved in this contest.

"I had thought at first that it was merely the usual political cry and the fight for the offices, but I am now convinced the feeling is much deeper than this, as it pervades the whole community, and there seems to be a settled determination on the part of the property owners, business men, and taxpayers that they will administer city and county government.

"Your friend,

"W. H. CHADBOURN."

(Contestant objects and protests that contestee ought not be allowed to repeat long letters as the above when the same is already in evidence.)

A. I think it is.

Q. In writing that letter, did Mr. Chadbourn state the truth, or did he state a falsehood?—A. I decline to answer that.

Q. Do you not know that the statements made by Mr. Chadbourn in that letter are true?—A. I decline to answer.

Q. Do you know Mr. James H. Chadbourn, a director in the National Bank of Wilmington, and who was during the campaign of 1898 president of the Chamber of Commerce of the city of Wilmington and treasurer of the county of New Hanover?—A. Yes, sir; I know him when I see him; I have known him since he was a boy.

Q. Is he not a man of high character, truthful and reliable?—A. Mr. Busbee, the whole family of Chadbourns, who are great friends of mine, but I don't intend to answer any character question if I can avoid it.

Q. Do you decline to testify to the good character of James H. Chadbourn, who, I believe, has jr. to his name?

(Contestant objects.)

A. I decline to answer.

Q. What are his politics?—A. Some say he is a Republican and some say he is not; I don't know.

Q. Was he not a Republican during the campaign of 1898, and the Republican treasurer of New Hanover County?

(Objected to as immaterial.)

A. I don't know, sir. He was treasurer. I never heard him express his political sentiments and never saw him cast a vote.

Q. Was he not elected as treasurer of the county on the Republican ticket?

(Question objected to.)

A. No, sir.

Q. I repeat the question. Was he not, in 1896, elected on the Republican ticket as treasurer of the county?

(Objected to as immaterial.)

A. I don't know that he was. He was not.

Q. What ticket was he elected on in 1896?

(Objected to.)

A. I don't think he was elected on any ticket, sir.

Q. Was he county treasurer in 1898?—A. I think he was, sir.

Q. If he was not elected county treasurer on any ticket, how came he to be holding the office?—A. He was filling the unexpired term of his uncle, and elected by the county commissioners.

Q. Was he not elected treasurer of the county by a Republican board of county commissioners?—A. I don't know that he was.

Q. Who constituted the board of county commissioners that elected him?

(Objection by contestant.)

A. F. H. Dempsy, Jordan Nixon, and F. W. Foster.

Q. Were they not Republicans?—A. I think not.

Q. Wasn't Foster a Republican and Jordan Nixon also a Republican, and Dempsey a Populist who acted with the Republicans?—A. Col. Roger Moore and Mr. Alexander were Democrats on that board; that I neglected to state. Nixon and F. W. Foster, Republicans, and Dempsy, Populist.

Q. What is the character of Thomas W. Strange?—A. Good, so far as I know.

(Question objected to.)

Q. And of F. W. Kurchiner?—A. Never heard anything against Mr. Kurchiner's character.

Q. And W. R. Kenan?—A. Never heard Mr. Kenan's character discussed.

Q. And T. C. James?—A. I have made a mistake by answering the character of these gentlemen, and I shall decline to answer the character any more. I know nothing against him.

Q. Do you think you make a mistake in testifying to the good character of men when you are asked questions as to their character in a judicial proceeding?—A. I decline to answer.

Q. Then I understand that you will decline to answer any other question as to the character of the gentlemen whose names are signed to the resolutions of the Chamber of Commerce of Wilmington, which are printed on the sixth page of the Wilmington Messenger of date October 18, 1898, which constitutes part of Exhibit B, offered in evidence by contestants?—A. I decline to answer.

Q. Has anybody at any time suggested to you that you decline to answer these questions?—A. No, sir.

Q. I call your attention to the resolutions of the Chamber of Commerce, which appears, as I have stated, in the Wilmington Messenger of October 18, as follows:

"At the regular monthly meeting of the Chamber of Commerce, held Thursday, October 6, the following resolutions were unanimously adopted:

"*Be it resolved by the Chamber of Commerce,* That the political situation in this city and county is a menace to the peace and order of the community, in which property has no protection and the life of a citizen no security; that the feeling of unrest and apprehension following upon an incompetent public service, which, while it exacts tribute in taxes, offers no immunity from danger to the property or person of the citizen, is detrimental to every business interest, arrests enterprise, hampers commerce, and repels capital which might otherwise find investment in our midst. That such commercial stagnation and social disorder are the logical outcome of a condition which finds the control of government in the hands of corrupt and incompetent men whose authority fails to inspire fear in the worst element of our population as it does to command the respect of our best citizens; that this lawless and wholly irresponsive element, fortified by the conscience that the authorities are either impotent or unwilling to impose restraint upon them and protect life and property, convert liberty into license, perpetrate outrage on every hand, disturb the peace of the community, and offer indignities to our white women which have culminated in instances of personal violence to them on our streets, and in an attack on the virtue of the womanhood of our southland by the negro editor of the infamous daily record.

"*Resolved,* That in view of these intolerable conditions, it is the sense of this meeting that it is the duty of every good citizen to exert his utmost influence and personal effort to effect results which will restore order, protect property, and give that security to our lives and our homes which obtained only in civilized community.

"*Resolved,* That this chamber is sensible that its province is commercial and not political, and the intention or desire to enter the sphere of politics is distinctly disclaimed, but the conditions confronting us and calling for solution are commercial and social, and not political; and as citizens and business men, with the one desire to promote the prosperity, peace, and happiness of the community, we declare to the world that these blessings are not possible under government by the present political régime, whose existence and power are predicated on the blind adherence of the negro element of our population, which, taken as a whole, with some worthy exceptions, are under the most absolute bondage and domination of a few designing men of the white race, who, for selfish ends, play upon their prejudices to array them against order and good government.

"James H. Chadbourn, jr., president; Col. Thos. W. Strange, Col. F. W. Kurchner, Capt. W. R. Kenan, Capt. T. C. James, Col. Walker Taylor, ex-Mayor F. H. Fishplate, H. K. Nash, N. Jacobi, M. W. Jacobi, Geo. Harriss, Geo. Harriss, jr., Samuel Northrope, W. H. Northrope, Thos. G. Bagley, I. W. Hicks, P. B. Manning, P. Pearsall, W. M. Eworth, T. W. Clawson; John L. Cantwell, secretary; W. H. Northrope, jr., Gabriel Homes, H. C. McQueen, C. C. Covington, J. H. Boatwright, John S. Armstrong, Wm. A. French, Walker L. Parsley, J. Allen Taylor, Hugh MacRay, F. H. Steadman, F. L. Huggins, John K. Williams, J. S. Stevenson, Geo. Rountree, R. M. Sweet, J. B. Mercer, W. J. Martin."

I ask you if the names signed to those resolutions do not comprise some of the largest property holders and most prominent and reputable citizens of Wilmington, both Republican and Democrat?

(Contestant objects to question for the reason that there is no evidence that any such resolutions as set forth in the above question were ever passed by the Chamber of Commerce of Wilmington.)

A. I decline to answer that, sir.

Q. I ask further if the men whose names are signed to those resolutions are not men of as high character as live anywhere on this earth?—A. I decline to answer that question, sir.

Q. I ask you further if the facts set forth in these resolutions were not true?—A. I decline to answer that, sir.

Q. I ask you further if the action of the chamber of commerce in this respect was not justified and required by the conditions then prevailing in the city of Wilmington?—A. I don't know that it was.

Q. Were not the statements made in the resolution true?—A. To that question I refuse to answer.

Q. If the statements made in the resolutions were true, were not the resolutions necessary?—A. To that question I refuse to answer.

Q. Did you know a negro named Manly, who was the editor of a paper published in Wilmington?

(Contestant objects to question as immaterial.)

A. Yes, sir.

Q. Was he active in Republican politics in the city of Wilmington?

(Contestant objects.)

A. I never saw him in a political meeting (as I ever saw).

Q. Do you remember a certain article published in his paper, which created great excitement in the city of Wilmington and elsewhere in the State?

(Question objected to by contestant.)

A. Yes, sir; I remember seeing an article in his paper that there was a great deal of turmoil about and editorial writing throughout the State, and it was generally thought, among the Republicans and Populists, that the Democratic party or leaders hired him to write the editorial.

Q. Did not Manly denounce as a lie the suggestion or intimation that he had been hired by the Democratic party, or by any Democrat, to publish the article in question?

(Objected to.)

A. I don't remember ever seeing that in his paper. I don't say he didn't do it; in fact, I never had much to do with that fellow, anyway.

Q. Is the article in controversy the same article that is copied in the Wilmington Messenger of October 18, 1898, on page 6, as follows:

"We suggest that the whites guard their women more closely, thus giving no opportunity for the human fiend, be he white or black. You leave your goods out of doors and then complain because they are taken away. Poor white men are careless in the matter of protecting their women, especially on farms. They are careless of their conduct toward them, and our experience among the poor white people in the country teach us that the women of that race are not any more particular in the matter of clandestine meetings with colored men, than are the white men with colored women. Meetings of this kind go on for some time, until the woman's infatuation or the man's boldness bring attention to them and the man is lynched for rape. Every negro lynched is called a big, burly, black brute, when in fact many of those who have thus been dealt with had white men for their fathers, and were not only not black and burly, but were sufficiently attractive for white girls of culture and refinement to fall in love with them, as is well known to all."

Is that the article that was published by Manly in his paper, and which created the excitement mentioned?—A. That reads very much like it; I presume it is the same.

Q. Do you not think that that article, published in a Republican paper, edited by Manly, would naturally cause the white men of Wilmington to make a supreme effort to restore the government of white men to their city and county?—A. I think that if Manly did not get a good round price for that editorial he ought to be put in the asylum for crazy. I don't believe there was a hundred men in my county that didn't condemn that, regardless to race, color, or politics.

Q. Will you please name any man who ever made the allegation that Manly was paid to publish that article?—A. I thought he was paid myself. The reason I thought so was the Democratic party permitted that paper to issue daily, from the 17th day of August or thereabouts up to the election.

Q. Did you think that, on account of that article, the paper ought to have been suppressed or destroyed, and that the people of Wilmington were to be blamed because its publication was permitted to continue?—A. The Democratic party permitting that paper to run, led myself and others, quite a lot of them, to believe that that was such a good campaign document that they didn't desire the suppression of that paper.

Q. You say "led you and others." Who, besides yourself, did you ever hear say Manly had been paid to publish that article?—A. Well, I can't remember names; but I heard numbers and numbers say so. I can't remember names. Didn't take any notice of the names. I saw it in the public press—newspapers. I saw it in papers, I think, in papers from Wake County referred to it that Manly was paid. It

was common to hear it remarked that Manly was paid for that editorial. I heard it time and again.

Q. Name one man whom you heard say so.—A. I have answered that question.

Q. Name the newspaper in which you saw the statement made that Manly was paid to publish that article.—A. I am not positive, but it was either the Home Rule, or the Progressive Farmer, or the Caucasian, or some little paper; I don't know which.

Q. Can you not be more definite than that?—A. No, sir; I read a good many papers and I could not remember which one I saw it in; but I know I saw it a good many times, but I know I heard it.

Q. Did not the negro ministerial unions in Wilmington, Lake Waccamaw, and Fayetteville indorse the article by resolution?

(Contestant objects to question as immaterial to the issues involved in this case.)

A. They might have; I don't know for certain; I don't remember.

Q. Did you not see in the Wilmington daily papers that the ministerial union at Wilmington had indorsed it?—A. No. sir; I say they may have done it; I don't remember seeing it in the paper; they may have done it.

Q. Did not on the night of the day on which the Messenger first published the article, or on the night afterwards, a mob of negroes numbering some 1,200 or 1,500, and armed with guns and pistols, assemble at or near the building in which Manly's paper was published, for the purpose of protecting him from an apprehended attack?

(Question objected to.)

A. I never met any armed body of negroes, or never saw any at that place armed with guns or pistols, or anything like that number.

Q. Did not, within your knowledge, a large number of negroes assemble at or about the time mentioned at or near the house where Manly's paper was published?

(Question objected to by contestant.)

A. It was a week or more after that article was published—longer, not shorter, if anything; and I received the report at the city hall from the captain of the police that there was a mob or a large crowd of negroes in front of the Record office. I said, well, captain, why didn't you disperse them? He said, well, I did try to disperse, but they didn't seem willing to do so; and says I, well, I will go down and disperse them. I taken an officer with me. I had an officer down there in consequence of an application that Manly had made to the mayor for protection to his office, in consequence of a letter he had received through mail, that they were threatening to burn his office or kill him, or something or other. I don't remember exactly what. I went down and took the man on the adjoining beat, and drove the crowd off the street, dispersed them, and returned to the city hall. I saw no guns, no arms of any kind, except sticks; occasionally a fellow had a stock piece of wood or box.

Q. Were not many of the negroes the same negroes who had guns and pistols on the night when the hospital was burned?—A If they were I didn't know them. I knew some of the darkies who were down there that night—18 and 20 years old—crap shooters and reckless kind of negro boys, and I had several in the guardhouse, and one of them in particular had just got out of the guardhouse that day.

Q. Mr. Melton, do you know F. W. Foster?—A. Yes, sir; I have been seeing him for the last twenty-five years.

Q. Is he a man of good character?

(Contestant objects as immaterial and foreign to the issues involved in this contest.)

A. I decline to answer that, sir.

Q. What were his politics in 1898?—A. Some said he was a Democrat, and some Republican.

(Objected to.)

Q. Tell me one man who you ever heard say he was a Democrat.—A. Well, I don't remember who I heard say so. It was a common thing that he was working with the Democrats, though he claimed to be a National Republican.

Q. If such talk was so common, as you say, surely you can remember the name of one man—just one—who said he was a Democrat.

(Objected to.)

A. I can't call to mind any particular man now.

Q. Was he not elected on the Republican ticket as chairman of the board of county commissioners in 1896, and was he not such chairman during the campaign of 1898, until the courts made a decision that he could not hold two offices, to wit, chairman of the board of commissioners and chairman of the county board of education?—A. I think so, sir.

Q. Did he not vote the Republican ticket in 1898?—A. Not that I know of; I never saw him cast a vote in my life.

Q. Do you not know, or have you not heard the fact, that he voted for Mr. Dockery and against Mr. Bellamy?—A. No, sir; I never heard.

Q. And you say you are not willing to say that he is a man of good character?—A. I won't answer that question.

Q. Have you ever read a letter written by Mr. Foster, or rather a statement made

by him to a reporter of the Wilmington Messenger, which appeared in that paper on October 21, 1898, on page 8?

(Contestant objects to the question.)

A. I read a letter at one time, written by Mr. Foster, in the Messenger, I think; I think he signed it; I don't know whether he wrote it or not; his name was signed to it.

Q. Were the statements made by Mr. Foster in that letter, or interview, true or false?

(The interview of Mr. Foster is here handed the witness as it appears in Exhibit B, at the witness' request.)

(Question objected to.)

A. I have not had opportunity to read the sense of that article enough to answer.

Q. Have you not just this moment read it?—A. I run over it, but my glasses don't suit my eyes and I can't see very well through them; and before I would pass upon the validity of an article of that kind I would like to read it carefully.

Q. As it is now the hour at which we have agreed to adjourn until to-morrow, I will be obliged if you will read the article mentioned and in the morning inform me whether the statements contained in it are true or false.

At 11 o'clock p. m., April 20, court takes a recess to 8.30 April 21.

Court met April 21, at 8.30 a. m., pursuant to recess taken April 20.

Q. Have you read the statement of Mr. Foster since last night?—A. I have.

Q. I now repeat my question. Are his statements true or false?—A. Some of it is true; the bulk of it I don't know whether it is or not.

Q. Please state which of his statements are not true.—A. I don't know which are not true; I know what is true.

Q. You stated on your direct examination that in a speech made by former Congressman A. M. Waddell, and printed in the Wilmington Messenger of October 25, 1898, which constitutes a part of Exhibit B, that he said that they would carry the election if it was necessary to blockade the Cape Fear River with dead bodies. I now hand you his speech, as reported in said paper, and ask you to point out to me any statement by Colonel Waddell in regard to carrying the election.—A. If you remember my statement, I said it was about the purport of the language; I didn't know exactly; don't remember the exact words.

Q. Do you mean, then, to say that you desire to withdraw your statement that Colonel Waddell said that they would carry the election as you stated?—A. I mean to let statement stay just as I made; but I didn't mean to pretend to quote Colonel Waddell's language exact.

Q. Then I ask you if you were not in error when you stated that Colonel Waddell said that they would carry the election as you said?—A. Colonel Waddell said, "I mean the governor of this State, who is the engineer of all the deviltry and meanness." And his language is, "Let them understand, once for all, that we will have no more the intolerable conditions under which we live. We are resolved to change them if we have to choke the current of the Cape Fear with carcasses. The time for smooth words has gone by; the extremest limit of forbearance has been reached. Negro domination shall henceforth be a shameful memory to us; be everlasting warning to those whoever seek to revive it again. To this declaration we are irrevocably committed, and true men everywhere will hail that with a hearty amen."

Q. I again ask you to point out in Mr. Waddell's speech where he said anything about carrying the election, or admit that you are in error when you stated that he did say so.—A. Colonel Waddell was making a political speech in the way of carrying the election when he made the remark that they would choke the Cape Fear with carcasses.

Q. I ask you if you did not testify on your direct examination that you did not hear Colonel Waddell's speech, but only saw it as printed in the paper?—A. I think I said that, sir.

Q. Then I again ask you to point out to me in the paper where he said anything as to carrying the election.—A. I think it's in the article, but I don't care to go through it.

Q. I ask you if the intolerable conditions to which Colonel Waddell alluded were not the local conditions which then existed in that section of the State, the misgovernment of the city of Wilmington and the county of New Hanover, the failure of the authorities to protect person and property, the numberless fires and burglaries which are committed in the city of Wilmington, the utter inefficiency of the local police officers, the universal protest against the condition of things from every law-abiding person in the community, the insults and outrages made and committed by negroes upon white women, all of which produced a sentiment which was expressed in statements of Mr. Chadbourn, the Chamber of Commerce, Mr. Foster, and Colonel Waddell. I ask you if these were not the intolerable conditions to which Colonel Waddell had reference?—A. I think the biggest object Colonel Waddell had was to

get a position and office. He had been out of public life for a long time, and that was his opportunity to put himself before the people and pose as a patriot, thereby getting to the feed trough.

Q. Do you think that Colonel Waddell's only motive in speaking of the "unspeakable crime" and in denouncing the article published by Manly was to secure some office for himself?—A. No, I don't think that. Every good citizen condemns Manly's article, be he white or black, Republican, Populist, or Democrat, as also they do for the nameless crime against the fair sex.

Q. So then, in that respect, you think that Colonel Waddell's speech was honestly and truthfully made?—A. As regards that one particular, that last question? Yes; as regards the Manly letter.

Q. Do you think his speech was honest in regard to the conditions resulting in the city from the numberless fires and burglaries?—A. I think that Colonel Waddell's motive was to get a position.

Q. Do you not think that, independent of the election, the conditions would have changed if the mayor and yourself and the police force then in power had resigned and turned the local government over to others?—A. I think the Democratic press would have failed to note any shortcomings in their party administration of city and county affairs; and if things hadn't improved—crimes hadn't diminished—the public would never have known it.

Q. Do you not know that as soon as the local government was changed that the intolerable conditions of which Colonel Waddell spoke were ended?

(Objected to for the reason that the question assumes that intolerable conditions existed, and there is no evidence of that fact.)

A. I do not know that the conditions have changed anything beyond the officers having changed.

Q. Notwithstanding the opinion of contestant's counsel as to what constitutes intolerable conditions, I ask you if upon the change of the local government, if fires and burglaries and insults of white women by police officers did not cease?

(Objected to.)

A. I don't know that they have. I never knew of a white woman being insulted by a police officer.

Q. Did you not hear of the following occurrences while you were chief of police, namely: A daughter of Mr. Henry Strouss was thrown off or shoved off the sidewalk by negroes and struck over the head with an umbrella; a daughter of the Rev. Dr. Hoge, pastor of the First Presbyterian Church, was shoved up against a fence by negroes on Third street and seriously bruised? I mention these incidents as samples.

(Objected to as immaterial.)

A. I never heard of Mr. Henry Strouss's daughter being shoved off the sidewalk or being struck over the head with an umbrella. I saw an account in some paper about some young lady being shoved off the sidewalk on Seventh street, but I don't recollect any name. To-day was the first time I heard of Dr. Hoge's daughter being shoved. I did hear that Dr. Hoge was in the riot with his gun.

Q. So, then, your ears were open to hear that Dr. Hoge participated in the preservation of good government in the city, and your ears were shut against hearing anything concerning an assault by negroes upon his daughter?

(Objected to by contestant as immaterial and a statement of facts that did not exist.)

A. No, sir; my ears were not closed for anything. I tried to hear all I could.

Q. Was not this the same Dr. Hoge who recently received a call to the pulpit of the Presbyterian Church in New York, made vacant by the resignation of the Rev. Dr. John Hall?—A. I don't know, sir.

Q. You stated a moment ago that you saw an account in some paper about some young lady being shoved off the sidewalk. Did you make any effort as chief of police to ascertain the name of the lady or name of the negroes committing the assault and to bring the latter to trial for the offense?—A. I did.

Q. What effort did you make?

(Objected to by contestant.)

A. Sent an officer in the neighborhood where they reported that it was committed to find out who the lady was, and find out who it was that assaulted her; and my recollection is that he couldn't ascertain the name of the lady and nobody knew who the party was that shoved her off the sidewalk, and said it was a very trifling matter.

Q. Who reported the matter to you in the beginning?—A. I got it from the newspaper.

Q. Was not the name of the lady published in the newspaper?—A. Not in the paper I saw it in. I never read it in a newspaper.

Q. What paper did you read it in?—A. I don't remember.

(Contestant objects.)

Q. Do you mean to say that the police authorities under your command at that

time were unable to discover the name of a lady upon whom an assault was committed in broad daylight upon a public street?

(Objected to.)

A. They reported to me they couldn't find out the lady's name or who assaulted her.

Q How did it happen that everybody in the city knew the name of the lady, that her name was published in the newspapers, that the incident was denounced in public speeches during the campaign, and that you and your police officers were utterly unable to discover her?

(Objected to, as the same assumes to be true the fact that did not exist.)

A. I don't know that that was so.

Q. What effort did you personally make to find out who she was?—A. I didn't make any personal effort. I sent an officer up to investigate the matter in the neighborhood.

Q. Did it not occur to you that when you found that your police officers were unable to obtain any information about an outrage of that character that the duty devolved upon you as chief of police to make some investigation yourself?

(Objected to.)

A. I thought that the assaulted or aggrieved party, if they felt any interest in the matter or aggrievance in the cause, that the lady or her friends would make a report at the office and assist me in finding him.

Q. Did you think that the duty of discovering and arresting an offender of that character devolved upon the person who was assaulted and not upon the police force?

(Objected to.)

A. Police generally expect, when they go out to make an arrest, that first there must be something reported—somebody has done something and that somebody looks like something. If that lady or her friends had come to the city hall and described the party that assaulted her, naming somebody possibly that she knew that was in that neighborhood, it would have greatly aided the police in bringing the guilty parties to justice, but there was no report of that matter made at police headquarters; I only acted on what I saw in the papers.

Q. In speaking of police methods as you do, you mean the methods that then prevailed in the city of Wilmington?—A. I mean the methods that generally prevailed at police headquarters.

Q. Do you know W. B. Troy?

(Objected to.)

A. I don't know that I do.

Q. Do you know Preston Cumming?

(Objection.)

A. Yes, sir.

Q. I mean the W. B. Troy whose name is signed to the following affidavit, which appears in the Wilmington Messenger of date October 29, 1898, which constitutes part of Exhibit B, to wit:

"Personally appeared before me, Preston Cumming, a notary public, of the city of Wilmington, State of North Carolina, W. B. Troy, formerly of Columbus County, N. C., now of 303 East North avenue, Baltimore, Md., who, being duly sworn, said:

"'That on the 24th day of October, 1898, I was on the Carolina Central Railroad train at Laurinburg, N. C., and heard O. H. Dockery say to a negro man who got on the train at Laurinburg: "My old pistol has not been loaded for twenty years, but it is loaded now. We are going to have trouble. Arm yourself and go armed."

"'W. B. TROY.'

"Subscribed and sworn to before me this 28th day of October, A. D. 1898.

"PRESTON CUMMINGS, *Notary Public.*"

I ask you if you saw that in the paper and if you know that the negroes in Wilmington took the advice of their Congressional candidate?

(Objected to.)

A. I saw that article in the paper. I don't know whether any negro took the advice of Mr. Dockery or not; I never saw any evidences of it.

Q. Do you know Mr. William E. Worth, one of the leading business men in the city of Wilmington?—A. Yes, sir; I know Mr. Worth.

Q. Is he not a man of the highest character?—A. Mr. Worth is a man I think a great deal of. I am not going to testify as to character.

(Question objected to.)

Q. I call your attention to a letter from Mr. Worth to Dr. G. M. Chapman, published in the Wilmington Messenger of October 25, 1898, which constitutes part of Exhibit B, in which Mr. Worth says:

"MY DEAR SIR: I find your letter of the 11th here on my return this a. m., and while I have very pressing matters that need my attention, I deem this matter of

such importance that I shall answer your letter first. The two negroes, Lee and McAlister, certainly live here, and at the address given in the letters lives McAlister. They certainly applied to the Odell Hardware Company at Greensboro for the twenty-five Winchester rifles. There is but one construction that can be put upon this action. The negroes are not overburdened with money, and as these rifles cost about $13 each they must have relied upon some other source than their own to get the money to pay for them. Up to the time of their applying for the rifles there had been but very little talk of trouble, and nothing done by the whites to cause them, the negroes, to fear any trouble."

I ask you if the facts stated by Mr. Worth are not true?

(Question objected to by contestants.)

A. I don't know whether they are true or not.

Q. I ask you if you would not take any fact deliberately stated by Mr. Worth to be the truth?

(Objection.)

A. I wouldn't doubt Mr. Worth's statement on anything, but I don't know anything about that matter.

(The contestee puts in evidence especially the remainder of Mr. Worth's letter as it appears in Exhibit B.

The contestant objects to contestee putting in evidence a letter reported to have been written by Wm. E. Worth at this date, as the time for contestee to introduce evidence in this cause has passed.)

Q. Were you in Wilmington on election day?—A. Yes, sir.

Q. Was not the election quiet and peaceable?—A. I didn't visit the polling places but very little that day; we were anticipating trouble and did not know where. I spent most of my time that day with an extra force of men, in order to lead any emergency. I was at the polls where people voted, colored people, and went away, particularly.

Q. I did not ask you what you anticipated; I asked you whether there was any trouble or disorder at any precinct in the city during the day that you heard of or saw?—A. There was no disorder that I heard of. What intimidation was used was before the election, not during election day.

Q. Were you intimidated?—A. No, sir.

Q. Did you vote?—A. I did.

Q. Were any of the men whom you mentioned in your direct examination as the Big Six intimidated?—A. I don't know; I think they were, some of them.

Q. Which ones?—A. Well, Mr. Chadbourn seemed to be excited over the matter prior to the election.

Q. Who intimidated Chadbourn?—A. I don't know; the Democratic party, I reckon.

Q. Did he vote?—A. I don't know whether he did or not.

Q. Do you not know that all the Big Six voted?—A. No, sir; I don't know that. I heard that Mr. Foster and Mr. Chadbourn were going to vote the Democratic ticket.

Q. Do you not know that both Mr. Chadbourn and Mr. Foster voted for Dockery?—A. I do not know that.

Q. And do you not know that the other three of the Big Six also voted for Dockery?—A. I do not know how the others voted; I know how I voted.

Q. Do you know that 98 per cent, or about that, of the negro vote was cast and without any difficulty or trouble?—A. I do not know that, sir.

Q. Will you give me the name of a single person in Wilmington who was prevented from casting his vote as he desired?—A. I don't know any names; I heard of lots of people didn't vote; I didn't make any notes; I didn't expect to have to testify.

Q. Was any report made to you during the day of election of any effort upon the part of anyone to hinder or prevent any person from voting?—A. I don't remember that there was.

Q. If any such effort had been made it would naturally have been reported to you, would it not?—A. No, sir.

Q. To whom would such report have been made?—A. They generally make those reports to the leaders in the different parties, just like the Republicans did two years ago. They then had Colonel Waddell hired to attend elections and see that men voted correctly.

Q. Were the party leaders charged with the preservation of order in the city, or did that duty devolve upon the police department?—A. In all elections where there is a controversy at the polls the reports are generally made to party leaders. They generally have their attorney visit the polling places and adjust matters and permit the party to vote or not, as the case may require. Mr. Bellamy knows all about it—he has visited them.

Q. Was it not the duty of the police department to prevent disorder and trouble at the polling places, if any was threatened?—A. Not only at the polling places but anywhere in the city.

them do? I do not ask what you heard; I want to know what you know of your own knowledge.—A. I saw those people were a square and a half from me; I don't know how many there were—possibly 75 or 100; I didn't count them, or attempt to count them; they were riding along, and I didn't see any disorder.

Q. Was not Theodore Swann, captain of the Red Shirts, a Populist?—A. No, sir; I don't think he was a Populist; he was a Democrat who claimed to be a Populist.

Q. Do you not remember that in a proceeding before Judge Robinson instituted by the Republicans to remove Swann as a registrar, that Swann swore that he was a Populist, and that the judge ordered that he be retained as a Populist registrar?—A. No, sir; I do not know that.

Q. Did you not hear that the judge had retained him as a registrar?—A. I know that he was retained as a registrar, and performed the duties. I did not know that he swore he was a Populist, but it would not surprise me for him to swear to anything, for that matter.

Q. Did not Swann and other Populists in Wilmington accuse you of selling out the Populists and going over to the Republicans?—A. I think, probably, they did; they would accuse me of anything that Mr. Bellamy would direct them to, probably, or the Democratic leaders.

Q. Would they do that on account of the influence that Mr. Bellamy had over them, or on account of your general character?—A. They would do that because they were Democrats claiming to be Populists; because they could serve the Democratic party, their party, much better claiming to be Populists.

Q. You mean to say, then, that they had formerly been Populists, but in the last campaign were acting with the Democrats?—A. I mean to say that I don't believe they ever had been Populists.

Q. Did they not act with the Populist party in 1896?—A. I don't think they did.

Q. How then did they ever come to be known as Populists?—A. Because they claimed to be Populists, as I assigned a while ago, because they could render greater service claiming to be Populists, getting in as poll holders and registrars, giving the Democrats to the other one.

Q. Do you mean to say that that is the way the Populist in Wilmington acted in the last campaign?—A. I mean to say that the Democratic party don't reward the Republican party with office. Mr. Theodore Swann was rewarded with an office under the Waddell administration immediately after he had taken charge, and I will venture the assertion that there is not a true and tried Populist holding an office under the Democratic régime anywhere.

Q. Did not Swann and the other Populists to whom you allude support Martin for Congress in 1896?—A. If they did, I don't know it. I don't believe they did.

Q. Did they not profess to do so in that campaign?—A. I don't remember hearing them declare themselves. I am sure I never heard Theodore Swann so declare himself.

Q. If they did support Martin in 1896 and Bellamy in 1898, does not that to some extent account for the change of the Congressional vote in New Hanover?—A. That would make a change of 10 or 12 votes.

Q. Do you mean to say that there were only 10 or 12 Populists in the county?—A. I mean to say there was only 10 or 12 of that crowd, those Democratic Populists.

Q. Give me the names of those who, as you say, constitute "that crowd?"—A. There was Theodore Swann, Sylvester Bryan, a fellow by the name of Bell, and Archie King, and Joe King. I know them all, but I can't recall their names.

Q. Was L. R. Mason one?—A. L. R. Mason was a good Populist, but they got him fooled up over there about their church, and he mixed religion and politics. They either mixed their religion and politics or couldn't separate them.

Q. Was J. W. Taylor one?—A. He was one of their crowd; yes, sir.

Q. Did not J. R. Canandy and J. C. Waltham belong to the crowd?—A. Yes, sir; they were Democrats.

Q. And C. L. Frost?—A. Yes, sir.

Q. Now I ask you if Joseph M. King, L. M. Mason, J. W. Taylor, J. R. Canady, J. C. Waltham, C. L. Faust, S. J. Bryan, and F. F. Bell did not constitute the People's party central committee of New Hanover County?—A. I don't know as they did. They might have had a central committee among themselves. They had an organization of their own.

Q. Did they not as such central committee of the People's party issue an address which was published in the Wilmington Messenger October 29, 1898, which is part of Exhibit B?—A. I have no doubt they did. They may have issued a hundred addresses. They were issuing addresses all the time. I don't know how many.

Q. You stated in your direct examination that an appointment for speaking by Senator Pritchard, Senator Butler, Governor Russell, and Mr. Dockery was not filled. I ask you if that speaking was not abandoned by agreement between the merchants and business men of Wilmington and Governor Russell?—A. I know it was not filled. I don't know why. If it was by any agreement, I have no knowledge of it.

guilty and taken an appeal to the criminal court. Before court convened I was mobbed out of Wilmington. Mr. Bellamy defended Branch in that case—Mr. John D. Bellamy.

Q. Was he acquitted?—A. Not before the magistrate. I don't know in the court. Probably he was. There was nobody there to appear against him, I don't reckon.

Q. Did you not arrest Branch on that occasion simply because he refused to speak to you and without any warrant?—A. I arrested him for cursing me and abusing me.

Q. Do you not think that the police department of the city of Wilmington was improved by your resignation?—A. I do not.

Q. Does not everybody else in Wilmington think so besides yourself?—A. I don't think they do.

Redirect examination:

Q. You stated in your cross-examination that you had under you ten negro policemen. State what the duties of these negro policemen were and your instructions to them.—A. I tried to keep them on the hills as much as possible, among their own color, and my instructions were not to arrest white men if they could avoid. Let the white men arrest the white men.

Q. State if under a Democratic administration of the city of Wilmington if negro policemen were ever employed.—A. There was one negro policeman on the force during the whole of the Democratic administration of the city of Wilmington. His name was March Walker, and he couldn't write his name, so they say.

Q. You stated in your cross-examination that there were a number of fires in Wilmington while you were chief of police of that city. Now state how long before the election was it these fires occurred.—A. The bulk of those fires occurred in 1897, prior to the establishing by the city government of a paid fire department. After the establishment of a paid fire department, which was some time in the latter part of April or the 1st of May, we had comparatively few fires in the city of Wilmington.

Q. After the city began to pay the fire department you say there were comparatively few fires?—A. Yes, sir; that's what I said.

Q. Do you know who burnt the boat and rosin mentioned by you in your cross-examination?—A. Suspicion pointed to one Fred Howley, an ex-Democratic policeman.

Q. Where is he now?—A. In the State penitentiary.

Q. You stated in your cross-examination that there was some burglaries in the city of Wilmington during the time you were chief of police. Please state the population of Wilmington and if the burglaries that occurred during that time were unusual in number for a seaport town of the population of Wilmington.—A. I don't think the number of burglaries were much in excess of former years. When people leave their houses to go to watering places and summer resorts, these burglaries have commonly been committed during that season of the year and generally committed by a class of small boys, white and colored, principally colored. But the summer and fall of 1898 being an election year and the tremendous hard fight made by the Democratic party, those burglaries were somewhat magnified and published to some extent more than other years. As soon as the owners or occupants of those buildings returned to their homes, those burglaries measurably ceased. The population is variously estimated at from 25,000 to 27,000.

Q. Were there any burglaries in the city just prior to the election of 1898?—A. I don't know that there were; I don't remember now.

Q. When was the pesthouse burned; how long before the election?—A. The pesthouse was burned some time in February, about nine or ten months previous to the election.

Q. State if during the time the fires occurred in Wilmington and the burglaries mentioned by you if men armed with rifles and shotguns paraded the streets.—A. They did not.

Q. When was the first that you saw men armed with rifles and shotguns parading the streets of Wilmington?—A. I don't remember the date, but some time in the latter part of September or October, 1898, was when I seen the rifles generally, people toting them to and fro.

Q. Did this continue up to the day of the election of 1898?—A. Yes, sir; it did.

Q. Were these men who were armed and who paraded the streets just prior to the election and up to the election paid by the city of Wilmington or employed by them to protect that city against fires and burglaries?—A. They were not paid by the city government and were not employed by them. They were not out by authority of the city government.

Q. State what course the Republican executive committee of New Hanover County took in regard to the editorial of Manly, editor of the Record.—A. They met, the executive committee did, and condemned the article and the editor of the Record.

Q. When was that article written and how long did Manly remain in the city of Wilmington after it was written?—A. He remained in Wilmington, issued his paper

Q. Were not the two nominees of the Democratic party for the house of representatives, Mr. Peschau and Mr. Kerr, withdrawn from the ticket after consultation between Governor Russell and certain Democratic merchants in Wilmington, and Mr. Rountree and Mr. Willard put on the ticket in their places upon the agreement and understanding that if that was done no Republicans would be nominated for the house?—A. I know they were taken down after having been nominated and had made a portion of the canvass. Mr. Peschau had been speaking around.

Q. Was not the agreement to the effect that if the Democrats would take down Peschau and Kerr, who were in favor of impeaching Governor Russell, and nominate Rountree and Willard in their places, who were acceptable to Governor Russell, that the Republicans would not nominate any members of the house or county officers?—A. I don't know anything about any agreement. If there was such an agreement I was not a party to it and knew nothing about it. I know they were taken down and Mr. Willard and Rountree were put up on the Democratic ticket.

Q. Was not what I have asked you universally understood in the county?—A. I don't know that it was; there was some talk about taking them down and some said Governor Russell had something to do with it. I don't know anything about that part of it.

Q. Did anything that was agreed upon and done in respect to the legislative and county ticket have any effect upon the Congressional vote?—A. It might have. I think it would. You would be able to get out a larger ticket for the county than you would for the Congressman and State senator.

Q. Do you not know that the aggregate Congressional vote in 1898 was only 58 votes less than the Congressional vote in 1896, which was a Presidential year?—A. I do not know that, sir

Q. Well, if that is true, then the arrangement in regard to the county and legislative ticket did not materially affect the Congressional vote?

(Question objected to.)

A. Not unless there was an increase in the voting strength of the county by immigration and young men coming of age.

Q. Do you not know that one reason that influenced the Republicans, especially Governor Russell, to agree to such arrangement was to swell the vote for Mr. Dockery, by separating it from any county contest, and thereby aid in defeating Mr. Bellamy, to whom he was bitterly opposed?—A. No, sir; I do not.

Q. You do not say that such was not the fact?—A. I say I know nothing of it.

Q. You stated in your direct examination that many colored people stated to you that they were not going to register or vote. Give me the names of any negroes who did not register because they were afraid to do so.—A. I don't remember names. Some colored people. I did not tax my memory, never expecting to be questioned on the matter.

Q. You said in your direct examination that you were induced to leave Wilmington. I ask you how many times have you been charged with crime before a justice of the peace or other court and what were the charges?—A. I was charged once with making a false arrest, one that I made under telegram from the governor of South Carolina and the governor of North Carolina.

Q. What was the name of the party?—A. Robert Daniel.

Q. Were you not convicted of that offense in the criminal court of New Hanover and fined $100 and costs?—A. I was convicted, but not fined $100 and costs.

Q. What was the sentence of the court?—A. My recollection is $40 and the cost, and half the fine remitted, and I paid $20 and the cost, is my recollection.

Q. Was not Mr. Daniel a young man raised in the city of Wilmington and well known there and entirely unconnected with any charge against any person in South Carolina?—A. It so turned out that he was, but he had recently been in South Carolina, and my wire ordered the arrest of Robert Daniel and I arrested him. I was ordered to hold him.

Q. Were you not while chief of police a frequenter of the barroom of one Isaac Rhodes, where you constantly or frequently played cards?—A. I went to Rhodes's saloon sometimes. I might have played a few games of cards there—not for any consideration—just for amusement—while waiting for somebody or something.

Q. Did you not while chief of police have a row with one Branch in Rhodes's barroom, growing out of the fact that he refused to speak to you?—A. No, sir.

Q. Did you have any altercation with Branch in said barroom?—A. I did not. I placed him under arrest for abusing me while I was there on business. I found out afterwards that it was because I had made his little boy pay 25 cents for impounding a jackass or a jenny ass—I don't know which it was—while I was there on some business with Mr. Rhodes. He was a butcher, and I had hogs in the pound, and he owed me some pound fees and I went down there to collect them. Mr. Rhodes was engaged in a game of cards, and while waiting for him to get through Branch came in and commenced abusing me—cursing me. I placed him under arrest and carried him to the station house. He gave bond, and the next day swore the case away from the mayor. Went before a justice of the peace and was found

daily up to a week or thereabouts before the election. The article was written on the 17th of August, I think, or published then. The paper continued to issue after Manly left, I think, up to the burning of the press.

Q. Who supported the Record, published by Manly, during this time?—A. It was supported, or its largest advertisements were from Democrats. I remember having seen Mr. Rivenbark and also Mr. J. H. Reeder advertising. I know them two. They are both Democrats.

Q. Resolutions were read to you on your cross-examination which were purported to have been signed by persons who signed their names Col. Thos. W. Strange, Col. F. W. Kurchner, Capt. W. R. Kanan, Capt. T. C. James, and a number of others whose names were read to you. You stated that you declined to answer whether the statements made in these resolutions were true or not. Now state why you declined to answer that question.—A. I have a family in Wilmington, a wife and children, and I didn't want to do anything that would bring about any personal controversy.

Q. What is the politics of the men whose names appear at the bottom of said resolution?—A. They are Democrats, all except possibly one; I don't know what his politics is. There may be more than one.

Q. State if these men took any part in the campaign of 1898.—A. Yes, sir; several of them were active in the campaign—most of them.

Q. On your cross-examination you declined to answer the question whether the statements made by W. H. Chadbourn in his second letter to Senator J. C. Pritchard were true or false. Now state why you declined to answer that question.—A. Mr. Chadbourn is a man I personally like and I didn't want to charge his article as being false, and for that reason I thought I would evade it and avoid hurting his feelings.

Q. You declined on your cross-examination to testify as to the general character of W. H. Chadbourn and those who signed what purported to be a resolution of the Chamber of Commerce of Wilmington, and as to the general character of a number of others. Now state why you declined to answer those questions.—A. The reason I declined to do that is, I have a family in Wilmington, a wife and children, and they have had trouble enough; for that reason I don't want to speak about no one to get into any personal controversy.

Q. I ask you if the statements made by Senator J. C. Pritchard in reply to W. H. Chadbourn's second letter were not true, and if the matters discussed in the letter by him were not in all respects a true exposition of the political situation in North Carolina and the Sixth Congressional district?—A. I thought when I first read that letter it was. I think so yet.

Q. Were the statements made by A. M. Waddell as to the political conditions that existed in Wilmington prior to the election, which speech was reported in the Wilmington Messenger, true or false?—A. In a great many instances they were magnified and others they were false. Some few remarks might have been true.

Q. You stated in your cross-examination that Dr. Hoge, the pastor of the Presbyterian Church of Wilmington, was one of the rioters who was present at the burning of the Record office, did you not?—A. No, sir; I didn't say he was present. I heard he was in the riot.

Q. I ask you if the Presbyterian Church of the city of New York of which Dr. John Hoge has been pastor, which church had called the Rev. Hoge to take charge of that church as pastor, did not cancel their call of the said Hoge and refuse to receive him as pastor of that church because of the part he had taken in the Wilmington riot, and in advising the use of shotguns, and if this fact was not published in the papers of this State?—A. I don't know. I haven't been in the State until quite recently. I saw some account of that in some paper, but I don't know what paper it was; or I heard some one talking about it. I don't read the State papers much.

Q. The attorney for contestee seemed to criticise you and the police officers under you in his questions for not arresting somebody that had pushed somebody off the street in the city of Wilmington when no police officer was present. Now state if you ever make arrests in minor offenses of this character without a warrant based upon an affidavit, unless some officer is present when the offense is committed?—A. We never do. Sometimes we swear out a warrant—which I should have done in that case if I could have found the party—upon information received, but no policeman can make an arrest on hearsay evidence, and are instructed not to do it without a warrant.

Q. I ask you if an officer under the laws of the State of North Carolina has any right to make an arrest in a case of simple assault unless upon a warrant based upon an affidavit when the officer is not present and sees the assault?—A. They have not.

Q. You say in this case that, after inquiry, you could not find out the name of the party assaulted nor the party assaulting?—A. That is right; I could not.

Q. You stated in your cross-examination that Joseph M. King, L. M. Mason, J. W. Taylor, J. R. Canady, J. C. Waltham, C. L. Faust, S. J. Bryan, and F. F. Bell might have had a central committee among themselves. Now, state if they were the cen-

tral committee of New Hanover County of the People's Party, duly appointed by the People's Party?—A. They were not recognized by a large majority of the Populists in New Hanover County; outside of L. M. Mason they were not recognized as even being Populists.

Q. I ask you if the purpose of Governor Russell in advising the taking down of the local Republican ticket was not for the purpose of restoring quiet and good order?—A. That was generally thought the cause of it.

J. R. MELTON.

Sworn to and subscribed before me this April 21st, 1899.

[SEAL.] E. J. BEST, *Notary Public.*

W. J. HARRIS, being duly sworn, deposes and says:

Q. Please state your name, age, and residence.—A. Got no home; I was run away from it. My name is W. J. Harris; my former home was Wilmington, N. C.; my age is 50 years the 9th of next June.

Q. What is your politics?—A. I was borned and bred a Republican.

Q. Where were you during the campaign of 1898 and on the election day of that year?—A. In New Hanover County, of this State.

Q. What official position did you hold, if any, on election day?—A. I was unfortunately enough to be one of the poll holders of the First Ward of the first precinct in the city of Wilmington.

Q. State the character and nature of the campaign waged by the Democratic party in the Sixth district of North Carolina and in New Hanover County in 1898.

(Question objected to, as witness has not qualified himself by stating that he knows anything about the campaign.)

A. I dispute the contradiction; I know all about it; and furthermore I can almost tell you of the hatching of the Red Shirts. Well, in the first place, in regard to intimidation I, for one, was right smartly intimidated, and I don't know the names of others, but know the Republican voters and Populists that failed to vote and some voted the Democratic ticket. Populists voted the white supremacy ticket through fear, or at least that is what he told me—he was the last man I spoke to in Wilmington. Well, I am a little ahead of my story right now. Well, as I said just now I was ahead, I am going to say this: Us we Republicans was so demoralized that we could hardly get a quorum, except on the first meeting, and I went to headquarters according to the agreement and understanding I would find probably the man that lit the lights. Well, everything looked very gloomy, and they would talk about guns, and I would say to them, "Put some sand in your craw, there is talk of guns, but it is all a bluff, and don't be afraid." If I told one that, I told a thousand. Well, I went to the party leaders, and they seemed to be torn and wrecked in mind. A more stronger and resolute set of people—for that matter you may put the ladies along with them—they made efforts to intimidate us in a slight way by remarks and tell me individually to come over and be a white man. My reply to them was, that I am as white as any of you, and furthermore what would you think of me if I was to vote the Democratic ticket. We have enough Benedict Arnolds in the Republican party now. They would say, Did you see Chadbourn's letter?

(Witness, here speaking to contestee's counsel, says: "Well, if I am suiting you I want to change my evidence."

Counsel for contestant says that witness did not say that he would change his evidence, but that statement is the understanding of the counsel for contestee and made a part of the record at their dictation.

Counsel for contestee says that the notary in making the above entry states accurately the language that fell from witness's lips.)

WITNESS. With all due respect to Mr. Busbee and Mr. Bellamy, but I emphatically say that they are laboring under a mistake.

Q. I mean by my question the methods employed by the Democratic party in New Hanover County and the Sixth Congressional district in their campaign of 1898.—A. Well, they done so much I hardly know what they done. In the first place, the county commissioners seemed to pick out men as Republicans and Populists that did not fill the bill. At the polling place where I was at as a registrar the Populist, or in other words those that represented the Populist party, were as strong Democrats as ever I saw; and the gentlemen that was to represent the Republican party as judge, he failed to attend on challenge day, trial day, and election day.

Q. You state in your answer to my two last questions above the Democrats made efforts to intimidate and did intimidate; now state any acts on the part of the Democrats or the leaders of the Democratic party calculated to intimidate and which did intimidate the Republican vote.—A. They just simply say that they are going to carry this election let it cost what it may, and everybody, it seems like, has lost their heads, in the Democratic party. It looked to me—and talk about being intimidated, I aint very big, but long about election time, the way they would

Q. And I understand you to say that no reports of any trouble or disorder was made to you by any of your officers?—A. Yes, sir; I said that, during the voting period. I had reports after the close of the polls.

Q. You stated in your direct examination that you received certain little pamphlets with crossbones and skulls; do you know by whom they were sent?—A. No, sir.

Q. You also stated that you received verbal communications from friends that you were liable to be killed; please state the names of your friends who made such communications to you.—A. They bound me in secrecy that I was not to divulge their names and I promised I would not do it.

Q. How can we prove that they were altogether in error unless you give us their names?—A. I don't know how you are going to prove it.

Q. You also stated that threats were communicated through Democratic papers?—A. Yes, sir.

Q. Please state what threats were made by any Democratic paper to prevent any person from voting.—A. I don't remember the copies of the paper nor reading what paper it was in. That was common that they were going to carry the election. I don't remember the exact language, but then the papers were full of just such stuff as that. Men were refused the right to register. If they registered they were threatened to be discharged and were discharged, so they said.

Q. Give me the name of any person who was prevented from registering or from voting on account of any threat contained in any Democratic paper or otherwise.—A. I don't know that I can give you names. I don't remember the names of the colored people, but it was said that Captain Boatwright and Mr. Jacobi and some of the employees of the Wilmington and Weldon Railroad yard were discharged for voting.

Q. I asked you if every one of those persons, if any such there were, did not vote after having registered?—A. I don't know whether they did or not.

Q. Can you give me the name of anyone of them who did not vote?—A. I don't know their names; don't remember their names.

Q. You stated in your direct examination that your understanding and the general understanding the Big Six were to be killed; please tell me who stated any such thing to you or to any other person?—A. It was stated to me, but I am bound not to tell it. The man that told me about it belonged to the White Government Union and I was pledged not to give it away. He was a responsible man and good citizen, and my friends and I have a wife and children in Wilmington, and were they not there I would not give them away.

Q. How can I show the erroneous nature of your testimony unless you give me these names?—A. That is your affair not mine.

Q. Do you think it my affair to give evidence which is only within your own knowledge?—A. I don't know.

Q. Was any effort made during the campaign to interfere in any way with the registration or voting of anyone of the Big Six?—A. Not that I know of.

Q. You stated in your direct examination that you knew yourself of as many as 1,500 guns in one crowd in one day going to the burning of the Record office. I ask you if that was not after the election?—A. Yes, sir.

Q. What was the Record office?—A. A small wooden building on Seventh street, between Church and Nunn streets.

Q. I mean what paper was published there, and by whom?—A. They said the Record was published there by a colored man by the name of Manly—a mulatto fellow.

Q. Was that the paper in which the article which you denounce in your evidence was published?—A. It was.

Q. You stated that these guns were in the city before the election; how do you know that?—A. I had seen from time to time before the election the same parties that I saw that day with guns just like they had that day, on the 10th of November, previous to the election.

Q. Were not these the guns that had been procured by the property owners of the city for the purpose of enabling them to guard their property against incendiaries and burglars?—A. I don't know that they were.

Q. What was the character of the persons who were present at the destruction of the Record office; were they not very largely the leading citizens of the city of Wilmington, including clergymen, merchants, lawyers, doctors, and mechanics?—A. They consisted of the leading citizens of the city of Wilmington, and down to the lowest classes.

Q. In regard to that transaction, and in regard to the matter that led up to it, were your sympathies with Manly or with the citizens who participated in the affair?—A. Manly never had any sympathy from me at no time after writing that editorial.

Q. You stated that there was an organization of Red Shirts and of Rough Riders during the campaign and you saw them parade the streets on one occasion; how many persons were in each organization when you saw them parade, and what did you see

them do? I do not ask what you heard; I want to know what you know of your own knowledge.—A. I saw those people were a square and a half from me; I don't know how many there were—possibly 75 or 100; I didn't count them, or attempt to count them; they were riding along, and I didn't see any disorder.

Q. Was not Theodore Swann, captain of the Red Shirts, a Populist?—A. No, sir; I don't think he was a Populist; he was a Democrat who claimed to be a Populist.

Q. Do you not remember that in a proceeding before Judge Robinson instituted by the Republicans to remove Swann as a registrar, that Swann swore that he was a Populist, and that the judge ordered that he be retained as a Populist registrar?—A. No, sir; I do not know that.

Q. Did you not hear that the judge had retained him as a registrar?—A. I know that he was retained as a registrar, and performed the duties. I did not know that he swore he was a Populist, but it would not surprise me for him to swear to anything, for that matter.

Q. Did not Swann and other Populists in Wilmington accuse you of selling out the Populists and going over to the Republicans?—A. I think, probably, they did; they would accuse me of anything that Mr. Bellamy would direct them to, probably, or the Democratic leaders.

Q. Would they do that on account of the influence that Mr. Bellamy had over them, or on account of your general character?—A. They would do that because they were Democrats claiming to be Populists; because they could serve the Democratic party, their party, much better claiming to be Populists.

Q. You mean to say, then, that they had formerly been Populists, but in the last campaign were acting with the Democrats?—A. I mean to say that I don't believe they ever had been Populists.

Q. Did they not act with the Populist party in 1896?—A. I don't think they did.

Q. How then did they ever come to be known as Populists?—A. Because they claimed to be Populists, as I assigned a while ago, because they could render greater service claiming to be Populists, getting in as poll holders and registrars, giving the Democrats to the other one.

Q. Do you mean to say that that is the way the Populist in Wilmington acted in the last campaign?—A. I mean to say that the Democratic party don't reward the Republican party with office. Mr. Theodore Swann was rewarded with an office under the Waddell administration immediately after he had taken charge, and I will venture the assertion that there is not a true and tried Populist holding an office under the Democratic régime anywhere.

Q. Did not Swann and the other Populists to whom you allude support Martin for Congress in 1896?—A. If they did, I don't know it. I don't believe they did.

Q. Did they not profess to do so in that campaign?—A. I don't remember hearing them declare themselves. I am sure I never heard Theodore Swann so declare himself.

Q. If they did support Martin in 1896 and Bellamy in 1898, does not that to some extent account for the change of the Congressional vote in New Hanover?—A. That would make a change of 10 or 12 votes.

Q. Do you mean to say that there were only 10 or 12 Populists in the county?—A. I mean to say there was only 10 or 12 of that crowd, those Democratic Populists.

Q. Give me the names of those who, as you say, constitute "that crowd?"—A. There was Theodore Swann, Sylvester Bryan, a fellow by the name of Bell, and Archie King, and Joe King. I know them all, but I can't recall their names.

Q. Was L. R. Mason one?—A. L. R. Mason was a good Populist, but they got him fooled up over there about their church, and he mixed religion and politics. They either mixed their religion and politics or couldn't separate them.

Q. Was J. W. Taylor one?—A. He was one of their crowd; yes, sir.

Q. Did not J. R. Canandy and J. C. Waltham belong to the crowd?—A. Yes, sir; they were Democrats.

Q. And C. L. Frost?—A. Yes, sir.

Q. Now I ask you if Joseph M. King, L. M. Mason, J. W. Taylor, J. R. Canady, J. C. Waltham, C. L. Faust, S. J. Bryan, and F. F. Bell did not constitute the People's party central committee of New Hanover County?—A. I don't know as they did. They might have had a central committee among themselves. They had an organization of their own.

Q. Did they not as such central committee of the People's party issue an address which was published in the Wilmington Messenger October 29, 1898, which is part of Exhibit B?—A. I have no doubt they did. They may have issued a hundred addresses. They were issuing addresses all the time. I don't know how many.

Q. You stated in your direct examination that an appointment for speaking by Senator Pritchard, Senator Butler, Governor Russell, and Mr. Dockery was not filled. I ask you if that speaking was not abandoned by agreement between the merchants and business men of Wilmington and Governor Russell?—A. I know it was not filled. I don't know why. If it was by any agreement, I have no knowledge of it.

Q. Were not the two nominees of the Democratic party for the house of representatives, Mr. Peschau and Mr. Kerr, withdrawn from the ticket after consultation between Governor Russell and certain Democratic merchants in Wilmington, and Mr. Rountree and Mr. Willard put on the ticket in their places upon the agreement and understanding that if that was done no Republicans would be nominated for the house?—A. I know they were taken down after having been nominated and had made a portion of the canvass. Mr. Peschau had been speaking around.

Q. Was not the agreement to the effect that if the Democrats would take down Peschau and Kerr, who were in favor of impeaching Governor Russell, and nominate Rountree and Willard in their places, who were acceptable to Governor Russell, that the Republicans would not nominate any members of the house or county officers?—A. I don't know anything about any agreement. If there was such an agreement I was not a party to it and knew nothing about it. I know they were taken down and Mr. Willard and Rountree were put up on the Democratic ticket.

Q. Was not what I have asked you universally understood in the county?—A. I don't know that it was; there was some talk about taking them down and some said Governor Russell had something to do with it. I don't know anything about that part of it.

Q. Did anything that was agreed upon and done in respect to the legislative and county ticket have any effect upon the Congressional vote?—A. It might have. I think it would. You would be able to get out a larger ticket for the county than you would for the Congressman and State senator.

Q. Do you not know that the aggregate Congressional vote in 1898 was only 58 votes less than the Congressional vote in 1896, which was a Presidential year?—A. I do not know that, sir

Q. Well, if that is true, then the arrangement in regard to the county and legislative ticket did not materially affect the Congressional vote?

(Question objected to.)

A. Not unless there was an increase in the voting strength of the county by immigration and young men coming of age.

Q. Do you not know that one reason that influenced the Republicans, especially Governor Russell, to agree to such arrangement was to swell the vote for Mr. Dockery, by separating it from any county contest, and thereby aid in defeating Mr. Bellamy, to whom he was bitterly opposed?—A. No, sir; I do not.

Q. You do not say that such was not the fact?—A. I say I know nothing of it.

Q. You stated in your direct examination that many colored people stated to you that they were not going to register or vote. Give me the names of any negroes who did not register because they were afraid to do so.—A. I don't remember names. Some colored people. I did not tax my memory, never expecting to be questioned on the matter.

Q. You said in your direct examination that you were induced to leave Wilmington. I ask you how many times have you been charged with crime before a justice of the peace or other court and what were the charges?—A. I was charged once with making a false arrest, one that I made under telegram from the governor of South Carolina and the governor of North Carolina.

Q. What was the name of the party?—A. Robert Daniel.

Q. Were you not convicted of that offense in the criminal court of New Hanover and fined $100 and costs?—A. I was convicted, but not fined $100 and costs.

Q. What was the sentence of the court?—A. My recollection is $40 and the cost, and half the fine remitted, and I paid $20 and the cost, is my recollection.

Q. Was not Mr. Daniel a young man raised in the city of Wilmington and well known there and entirely unconnected with any charge against any person in South Carolina?—A. It so turned out that he was, but he had recently been in South Carolina, and my wire ordered the arrest of Robert Daniel and I arrested him. I was ordered to hold him.

Q. Were you not while chief of police a frequenter of the barroom of one Isaac Rhodes, where you constantly or frequently played cards?—A. I went to Rhodes's saloon sometimes. I might have played a few games of cards there—not for any consideration—just for amusement—while waiting for somebody or something.

Q. Did you not while chief of police have a row with one Branch in Rhodes's barroom, growing out of the fact that he refused to speak to you?—A. No, sir.

Q. Did you have any altercation with Branch in said barroom?—A. I did not. I placed him under arrest for abusing me while I was there on business. I found out afterwards that it was because I had made his little boy pay 25 cents for impounding a jackass or a jenny ass—I don't know which it was—while I was there on some business with Mr. Rhodes. He was a butcher, and I had hogs in the pound, and he owed me some pound fees and I went down there to collect them. Mr. Rhodes was engaged in a game of cards, and while waiting for him to get through Branch came in and commenced abusing me—cursing me. I placed him under arrest and carried him to the station house. He gave bond, and the next day swore the case away from the mayor. Went before a justice of the peace and was found

guilty and taken an appeal to the criminal court. Before court convened I was mobbed out of Wilmington. Mr. Bellamy defended Branch in that case—Mr. John D. Bellamy.

Q. Was he acquitted?—A. Not before the magistrate. I don't know in the court. Probably he was. There was nobody there to appear against him, I don't reckon.

Q. Did you not arrest Branch on that occasion simply because he refused to speak to you and without any warrant?—A. I arrested him for cursing me and abusing me.

Q. Do you not think that the police department of the city of Wilmington was improved by your resignation?—A. I do not.

Q. Does not everybody else in Wilmington think so besides yourself?—A. I don't think they do.

Redirect examination:

Q. You stated in your cross-examination that you had under you ten negro policemen. State what the duties of these negro policemen were and your instructions to them.—A. I tried to keep them on the hills as much as possible, among their own color, and my instructions were not to arrest white men if they could avoid. Let the white men arrest the white men.

Q. State if under a Democratic administration of the city of Wilmington if negro policemen were ever employed.—A. There was one negro policeman on the force during the whole of the Democratic administration of the city of Wilmington. His name was March Walker, and he couldn't write his name, so they say.

Q. You stated in your cross-examination that there were a number of fires in Wilmington while you were chief of police of that city. Now state how long before the election was it these fires occurred.—A. The bulk of those fires occurred in 1897, prior to the establishing by the city government of a paid fire department. After the establishment of a paid fire department, which was some time in the latter part of April or the 1st of May, we had comparatively few fires in the city of Wilmington.

Q. After the city began to pay the fire department you say there were comparatively few fires?—A. Yes, sir; that's what I said.

Q. Do you know who burnt the boat and rosin mentioned by you in your cross-examination?—A. Suspicion pointed to one Fred Howley, an ex-Democratic policeman.

Q. Where is he now?—A. In the State penitentiary.

Q. You stated in your cross-examination that there was some burglaries in the city of Wilmington during the time you were chief of police. Please state the population of Wilmington and if the burglaries that occurred during that time were unusual in number for a seaport town of the population of Wilmington.—A. I don't think the number of burglaries were much in excess of former years. When people leave their houses to go to watering places and summer resorts, these burglaries have commonly been committed during that season of the year and generally committed by a class of small boys, white and colored, principally colored. But the summer and fall of 1898 being an election year and the tremendous hard fight made by the Democratic party, those burglaries were somewhat magnified and published to some extent more than other years. As soon as the owners or occupants of those buildings returned to their homes, those burglaries measurably ceased. The population is variously estimated at from 25,000 to 27,000.

Q. Were there any burglaries in the city just prior to the election of 1898?—A. I don't know that there were; I don't remember now.

Q. When was the pesthouse burned; how long before the election?—A. The pesthouse was burned some time in February, about nine or ten months previous to the election.

Q. State if during the time the fires occurred in Wilmington and the burglaries mentioned by you if men armed with rifles and shotguns paraded the streets.—A. They did not.

Q. When was the first that you saw men armed with rifles and shotguns parading the streets of Wilmington?—A. I don't remember the date, but some time in the latter part of September or October, 1898, was when I seen the rifles generally, people toting them to and fro.

Q. Did this continue up to the day of the election of 1898?—A. Yes, sir; it did.

Q. Were these men who were armed and who paraded the streets just prior to the election and up to the election paid by the city of Wilmington or employed by them to protect that city against fires and burglaries?—A. They were not paid by the city government and were not employed by them. They were not out by authority of the city government.

Q. State what course the Republican executive committee of New Hanover County took in regard to the editorial of Manly, editor of the Record.—A. They met, the executive committee did, and condemned the article and the editor of the Record.

Q. When was that article written and how long did Manly remain in the city of Wilmington after it was written?—A. He remained in Wilmington, issued his paper

daily up to a week or thereabouts before the election. The article was written on the 17th of August, I think, or published then. The paper continued to issue after Manly left, I think, up to the burning of the press.

Q. Who supported the Record, published by Manly, during this time?—A. It was supported, or its largest advertisements were from Democrats. I remember having seen Mr. Rivenbark and also Mr. J. H. Reeder advertising. I know them two. They are both Democrats.

Q. Resolutions were read to you on your cross-examination which were purported to have been signed by persons who signed their names Col. Thos. W. Strange, Col. F. W. Kurchner, Capt. W. R. Kanan, Capt. T. C. James, and a number of others whose names were read to you. You stated that you declined to answer whether the statements made in these resolutions were true or not. Now state why you declined to answer that question.—A. I have a family in Wilmington, a wife and children, and I didn't want to do anything that would bring about any personal controversy.

Q. What is the politics of the men whose names appear at the bottom of said resolution?—A. They are Democrats, all except possibly one; I don't know what his politics is. There may be more than one.

Q. State if these men took any part in the campaign of 1898.—A. Yes, sir; several of them were active in the campaign—most of them.

Q. On your cross-examination you declined to answer the question whether the statements made by W. H. Chadbourn in his second letter to Senator J. C. Pritchard were true or false. Now state why you declined to answer that question.—A. Mr. Chadbourn is a man I personally like and I didn't want to charge his article as being false, and for that reason I thought I would evade it and avoid hurting his feelings.

Q. You declined on your cross-examination to testify as to the general character of W. H. Chadbourn and those who signed what purported to be a resolution of the Chamber of Commerce of Wilmington, and as to the general character of a number of others. Now state why you declined to answer those questions.—A. The reason I declined to do that is, I have a family in Wilmington, a wife and children, and they have had trouble enough; for that reason I don't want to speak about no one to get into any personal controversy.

Q. I ask you if the statements made by Senator J. C. Pritchard in reply to W. H. Chadbourn's second letter were not true, and if the matters discussed in the letter by him were not in all respects a true exposition of the political situation in North Carolina and the Sixth Congressional district?—A. I thought when I first read that letter it was. I think so yet.

Q. Were the statements made by A. M. Waddell as to the political conditions that existed in Wilmington prior to the election, which speech was reported in the Wilmington Messenger, true or false?—A. In a great many instances they were magnified and others they were false. Some few remarks might have been true.

Q. You stated in your cross-examination that Dr. Hoge, the pastor of the Presbyterian Church of Wilmington, was one of the rioters who was present at the burning of the Record office, did you not?—A. No, sir; I didn't say he was present. I heard he was in the riot.

Q. I ask you if the Presbyterian Church of the city of New York of which Dr. John Hoge has been pastor, which church had called the Rev. Hoge to take charge of that church as pastor, did not cancel their call of the said Hoge and refuse to receive him as pastor of that church because of the part he had taken in the Wilmington riot, and in advising the use of shotguns, and if this fact was not published in the papers of this State?—A. I don't know. I haven't been in the State until quite recently. I saw some account of that in some paper, but I don't know what paper it was; or I heard some one talking about it. I don't read the State papers much.

Q. The attorney for contestee seemed to criticise you and the police officers under you in his questions for not arresting somebody that had pushed somebody off the street in the city of Wilmington when no police officer was present. Now state if you ever make arrests in minor offenses of this character without a warrant based upon an affidavit, unless some officer is present when the offense is committed?—A. We never do. Sometimes we swear out a warrant—which I should have done in that case if I could have found the party—upon information received, but no policeman can make an arrest on hearsay evidence, and are instructed not to do it without a warrant.

Q. I ask you if an officer under the laws of the State of North Carolina has any right to make an arrest in a case of simple assault unless upon a warrant based upon an affidavit when the officer is not present and sees the assault?—A. They have not.

Q. You say in this case that, after inquiry, you could not find out the name of the party assaulted nor the party assaulting?—A. That is right; I could not.

Q. You stated in your cross-examination that Joseph M. King, L. M. Mason, J. W. Taylor, J. R. Canady, J. C. Waltham, C. L. Faust, S. J. Bryan, and F. F. Bell might have had a central committee among themselves. Now, state if they were the cen-

tral committee of New Hanover County of the People's Party, duly appointed by the People's Party?—A. They were not recognized by a large majority of the Populists in New Hanover County; outside of L. M. Mason they were not recognized as even being Populists.

Q. I ask you if the purpose of Governor Russell in advising the taking down of the local Republican ticket was not for the purpose of restoring quiet and good order?—A. That was generally thought the cause of it.

J. R. MELTON.

Sworn to and subscribed before me this April 21st, 1899.

[SEAL.] E. J. BEST, *Notary Public.*

W. J. HARRIS, being duly sworn, deposes and says:

Q. Please state your name, age, and residence.—A. Got no home; I was run away from it. My name is W. J. Harris; my former home was Wilmington, N. C.; my age is 50 years the 9th of next June.

Q. What is your politics?—A. I was borned and bred a Republican.

Q. Where were you during the campaign of 1898 and on the election day of that year?—A. In New Hanover County, of this State.

Q. What official position did you hold, if any, on election day?—A. I was unfortunately enough to be one of the poll holders of the First Ward of the first precinct in the city of Wilmington.

Q. State the character and nature of the campaign waged by the Democratic party in the Sixth district of North Carolina and in New Hanover County in 1898.

(Question objected to, as witness has not qualified himself by stating that he knows anything about the campaign.)

A. I dispute the contradiction; I know all about it; and furthermore I can almost tell you of the hatching of the Red Shirts. Well, in the first place, in regard to intimidation I, for one, was right smartly intimidated, and I don't know the names of others, but know the Republican voters and Populists that failed to vote and some voted the Democratic ticket. Populists voted the white supremacy ticket through fear, or at least that is what he told me—he was the last man I spoke to in Wilmington. Well, I am a little ahead of my story right now. Well, as I said just now I was ahead, I am going to say this: Us we Republicans was so demoralized that we could hardly get a quorum, except on the first meeting, and I went to headquarters according to the agreement and understanding I would find probably the man that lit the lights. Well, everything looked very gloomy, and they would talk about guns, and I would say to them, "Put some sand in your craw, there is talk of guns, but it is all a bluff, and don't be afraid." If I told one that, I told a thousand. Well, I went to the party leaders, and they seemed to be torn and wrecked in mind. A more stronger and resolute set of people—for that matter you may put the ladies along with them—they made efforts to intimidate us in a slight way by remarks and tell me individually to come over and be a white man. My reply to them was, that I am as white as any of you, and furthermore what would you think of me if I was to vote the Democratic ticket. We have enough Benedict Arnolds in the Republican party now. They would say, Did you see Chadbourn's letter?

(Witness, here speaking to contestee's counsel, says: "Well, if I am suiting you I want to change my evidence."

Counsel for contestant says that witness did not say that he would change his evidence, but that statement is the understanding of the counsel for contestee and made a part of the record at their dictation.

Counsel for contestee says that the notary in making the above entry states accurately the language that fell from witness's lips.)

WITNESS. With all due respect to Mr. Busbee and Mr. Bellamy, but I emphatically say that they are laboring under a mistake.

Q. I mean by my question the methods employed by the Democratic party in New Hanover County and the Sixth Congressional district in their campaign of 1898.—A. Well, they done so much I hardly know what they done. In the first place, the county commissioners seemed to pick out men as Republicans and Populists that did not fill the bill. At the polling place where I was at as a registrar the Populist, or in other words those that represented the Populist party, were as strong Democrats as ever I saw; and the gentlemen that was to represent the Republican party as judge, he failed to attend on challenge day, trial day, and election day.

Q. You state in your answer to my two last questions above the Democrats made efforts to intimidate and did intimidate; now state any acts on the part of the Democrats or the leaders of the Democratic party calculated to intimidate and which did intimidate the Republican vote.—A. They just simply say that they are going to carry this election let it cost what it may, and everybody, it seems like, has lost their heads, in the Democratic party. It looked to me—and talk about being intimidated, I aint very big, but long about election time, the way they would

guy me, I didn't feel much bigger than my thumb, not only me, but everything that was connected with the Republican party. I have heard them make different remarks about the chief of police, Mr. Bryan, the superintendent of the streets, and the mayor, and in fact anyone that was anyways inclined to be a Republican.

Q. Will you quit generalizing and give any specific acts on the part of the Democratic party, or the leaders of that party, during the campaign of 1898, calculated to intimidate and which did intimidate the Republican vote?—A. Well, there was threats made about different ones if they even registered that they would lose their jobs, and you could see guns carried around.

Q. Did they arm themselves with guns?

(Objected to as leading.)

A. Well, if you had been there you would have thought so. Just after the election there was plenty of arms there, and in Democratic hands.

Q. State what the Democrats were doing armed in the campaign of 1898.

(Objection by contestee, because the witness has not said that the Democrats were armed until after the election.)

A. That's a mistake; they would have had to had them arms to have so many of them on election night, and before the election it was a common occurrence to see them carrying Winchesters around the streets. I should judge that they were carrying them home.

Q. Do you know anything of an organization known as "Red Shirts," and an organization known as "Rough Riders," in your county during the campaign of 1898?—A. Yes, sir; I known them so-called "Red Shirts" and "Rough Riders," and I have always thought that they were just a gang. You would thought they were a nice-looking set when they got down on Fourth street when they left that barbecue. On one occasion I happened to be down on Market and Front, and I thought they had been drinking fighting whiskey. I saw them knock down a couple of negroes, and it looked as if they were going to paint the town red that night. The night after the election they come and give me a salute of about 36 guns, but I didn't let them know I was there. When I got up next morning a fellow by the name of Mr. Chadwick, he said, "Well, my God, man, I thought you were shot all to pieces." I says, "No, I am still in the ring;" but I didn't go out, and the next night they give me about 12, I think. A little ahead of my story again. You can imagine what kind of a reign of terror it was and how I felt. When I left my home that morning I says, "Annie," that was my wife, I says, "In case them fellows kill me you tell them to trot me down to the undertaker's shop, and if I come home wounded just tell them you ain't got no money to pay doctor bills and to send me to the hospital," but I still lived; but the night of the election I thought the old boy was gone. We had quite a little controversy in regards to counting the votes, and I was the only Republican that stayed there and stuck it out. I had a gentleman there to help me a little while, and I says to him, "Where are you going?" He says, "I am going home," says, "you don't know what I know." So, somehow another—I don't want to mention names, because we have always been as friends—but by some means there was 25 tickets put into a box; I saw a hand and peculiar kind of movement going on, and I was expecting something all the time.

(Contestee's counsel objects to the foregoing answer.)

Q. In behalf of what party did the Red Shirts and Rough Riders work?—A. It was Democrats and white supremacy. Some of them wore two buttons.

Q. State the number of Red Shirts and Rough Riders that you know who operated in Wilmington.—A. I should judge from that parade that there were probably 100.

Q. State the methods advised by the Democratic press in your district to carry the election in '98.

(Question objected to because not within witness's knowledge.)

A. Well, the papers was full of it all the time, of letters, and about this thing and that thing and the other thing.

Q. What was the "this thing and that thing and the other thing" you speak of in your answer above?—A. Well, I couldn't—in fact, I couldn't quote anything that I saw in the paper right now, but everything was in them was so hot and disgusting to Republicans that I just couldn't read them.

Q. Please state the substance, if you can, of the general tenor of the editorials and letters in the newspapers.

(Objected to because the witness has just said he could not quote them and that he just could not read them.)

A. In other words—well, it was just to down the Republicans and weaken them and to buoy up all of the Democrats, as far as I read of them.

Q. Do you know the effect of the use of rifles and shotguns by the Democrats and the effect of the Red Shirts and Rough Riders and the other methods employed by the Democratic party upon the Republican organization of New Hanover County?—A. It had a big effect.

Q. What was the effect?—A. Just had everything their own way, and later on they used them and did some shooting with them.

Q. What effect did it have upon the Republican organization of New Hanover County, if any?—A. It had such an effect that there was no ticket put out on account of the rumors, and we couldn't organize. You couldn't get them together. The leaders that we had—Mr. Chadbourn got weak-kneed; he crawfished. Mr. Foster, Mr. Fred Rice—and we were just completely torn up. Speak of having speeches. I go to Mr. G. V. French and others. I say, "Why don't you have somebody here? Why don't you do so and so?"—telling them that the opportunity, in my opinion, of doing anything and putting off so long; that if they didn't watch, they would beat us; which they did. I put the blame of losing New Hanover County on Mr. Chadbourn, Fred Rice, and Mr. Foster. When we were organized and those men were in the party and stood up like men, we could carry the county easy; and by their going back on us and the Red Shirts flying about and the guns it just got the Republican voters so that they were afraid to register and come up to vote.

Q. State, if you know, whether the Republicans registered and on election day come up to the polls and voted and worked for their party as they had in the elections prior to 1898.—A. No, sir; they did not. Furthermore, I should term it snap judgment on them on challenge day. There was an old lady in there with her son. She wanted to prove he was old enough to vote. I says to the chairman, "Suppose we try this man first, so this old woman can go home." He says, "That's all right. We will 'tend to that toreckly." And when the hour of 10.05 arrived he got up there and read the names off, and every man that was not there; shut the book. I says, "Gentlemen, that's not right nor fair. I expect to go to Washington on that load of polls, and," says I, "John D. Bellamy will never take his seat in Washington if you are going to act that way. If you are going to beat us, beat us fair."

Q. Then you do not think that the vote cast in Wilmington and New Hanover County was a true expression of the will of the people?

(Objection by contestee.)

A. To a certain class it was, but to others it was not. No; for I told them all we wanted was a fair chance; but I didn't think they were going to bring guns out and scare them off like they did, and talk about discharging them, and so on. Well, I want to cut this as short as I can, and I want to relate a little something another about them 25 tickets that was over and above the count. We had quite a to do there about it, and eventually some of them would say, "To hell with it, we are going to have it anyhow." Every one of them abused the governor. Mr. Dockery and I got a few lines too, but I just stuck up, and in order not to have any fuss I told them if they would take off fifteen I would take ten, and after a long controversy there, everything getting to a fever heat, I says to an old gentleman that seemed to be the coolest man in the house—Mr. Gansey [I goes up to him, lays my hand out like that]—"I will leave it to this gentleman, what he says;" and finally he said that Harriss was right, and then they cooled off, and I signed the documents. By the way, I would like to finish this first. It happened in the box the votes for State senator, and not in the Congressional box. Well, after we got through counting them tickets, of course I had an invitation to go with them to the court-house, but such a time I knew it was pretty squally out there. Well, I says, "Old boy, brace up." I knew I didn't have no protection whatever. After we came out the war begun. I goes pretty close to the boxes, but I didn't take anyone, thinking that I could have all I could do to get there myself. I came out of the door. It looked to me like old men, young men, boys, would get in front of me and try to hinder me from going either way. Some would put out their foot and try to trip me up. I had gone then, I suppose, 50 feet, and some would say, "Kill the d—— * * *" Others would say, "Oh, no; not yet." Some say, "Hit him on the head with a brick;" others say, "Oh, no; not yet." Some would say, "Shoot him." Well, eventually we got to the court-house, and I thought I would get out then, and it looked like as if they were going to take me off somewheres. About that time Mr. Theodore Swann, he come in, and they say to him in the court room, "How did they go?" Says, "We carried them; we can carry it any time if it was not for them d—— white-livered * * *" About that time they were in a little kind of a wrangle, talking. I gets a move on myself, and I was not long getting to the city hall, and a few little fragments were in the city hall, and they told me, "You can just consider yourself and us as prisoners of war." Well, it was so uncomfortable outdoors that night with the Red Shirts; some called them militia, too. They were all round, you know, with guns. Along about 5 o'clock in the morning I gets home. Well, I thought the war was over. I come down the street, and I sees one of the city officers. I says, "I don't believe this thing is over with yet." So I takes it on myself to look around, and I goes up to a place on Front street, and I says, "How you feeling?" Oh, he says he was on duty all night; says he was out guarding; the negroes going to rise. I says, "The negroes going to rise? I haven't heard no such talk," I says. "Furthermore, I don't believe you seen one last night." I was there inquiring to see what was going on. By and by Frank's brother comes up, and they get to talking, you know, and I happened—but I ain't much of an eavesdropper, but I happened

to hear that; that's what I was looking for, you know. I heard him say to his brother, he says, "Them New York paper men left here in disgust," or words to that effect; said they thought they were going to have something to report; but, he says, "You wait; to-morrow will be the day;" and, sure enough, it was.

Q. State if there was any talk that Red Shirts would come from the South Carolina line, or from outside the city?

(Question objected to.)

Q. State anything you may know of people from outside the city coming into the city.—A. One of as nice little men and a gentleman told me that they were looking for parties both ways. Well, I thought he told the truth. This was after the election—election night.

Q. State, if you know, who the "Big 6" mentioned in the Wilmington Messenger were, and what was to be done with them.—A. Well, there was so many papers going on that I didn't pay much attention to it, but I know the men. G. Z. French was one, Dr. Wright, Bill Chadbourn, Lockey, and Chief Melton. Names kind of slip my memory; Foster was the other man. Well, it seems as though some of them was very badly frightened. Well, it was generally understood that they were to be shot.

Q. Why to be shot?—A. I don't know of any other reason, only for doing what the President of the United States done, and that was work for the interest of the Republican party.

Q. How come the "Big 5," described by the Wilmington Messenger?—A. Because Mr. Chadbourn got weak-kneed, and, you may say, in a manner turned Democrat, indirectly if not directly. It seems on challenge day that Mr. Chadbourn give his Democrat emyloyees the use of his horse and buggies, or registration and challenge day together, you might say, and I don't think there was many of us Republican voters registered or tried to vote; furthermore, I heard one of his——

Q. Did Senator Pritchard, Senator Butler, Governor Russell, and O. H. Dockery, the contestant in this cause, make an appointment to speak in Wilmington just before the election of 1898?—A. Yes, sir.

Q. Did they fill their appointment?—A. They did not, nor I don't blame them.

Q. Why not?—A. Well, if I had been either one of them I would not have done it, on account of the threats and everything like that. Mr. Dockery was there at Wilmington, but it looked so dangerous that he failed to make any speech, and was advised not to.

(Answer objected to.)

Q. Why was he advised not to speak by the Republicans?

(Objected to.)

A. Do him bodily harm, or some way or another.

Q. Did he make a speech in the city of Wilmington at any time during the campaign of 1898, or did he speak in any part of New Hanover County during that campaign?—A. Don't think he did—not in any part of the county.

Q. Were you in the city of Wilmington the day the Record office was burned?—A. I was.

Q. State who the leader of the crowd that burned the building was.—A. I saw Colonel Waddell going that way, but so many around it I couldn't say whether he led them or not.

Q. What was the character of the crowd that burned that building?—A. Well, I should pronounce them Democrats; a mob of Democrats.

Q. State all that they did on that day, as you now recollect.

(Objected to.)

A. I will answer that when they left the Record office I see them heading down Seventh street. I walked up pretty sharp to get out the way. I went to Red Cross, takes Sixth street on my way home. About the time I got nearly to the corner of Fourth and Swann it just sounded to me like a battle was going on. The mob then was between Hornet and Bladen; somewhere about there. It was most too hot there for me to stay, and I goes in my house and goes to the window and looks out, and I saw one man fall just this side of Will Turley's place. They kept on shooting, and that's the last I know of that day.

(Answer objected to because it relates to matters that occurred after the election.)

Q. What became of you after the election?

(Question objected to.)

A. Well, on the 11th I thought things had cooled off; I slips in a roundabout kind of a way until I come to Princess street and there I goes to the city hall. I looks in the mayor's office; I saw such a gang in there I didn't go in. I went over to the treasurer's office then and they told me there to get away and hide just as soon as I could, for a few days anyhow. I sees a sergeant; he tells me what they done to Chief Melton and Charlie Gilbert, and he says, "For God Oh Mightie's sake get away from here just as quick as you can." Well, I saw how things was and I thought it my duty to go and tell what Republican friends I had the dangers. I done it, and

through all the cursing and slurs I managed to get home. About that time my wife had just come from her cousin's, and there was a young friend of mine that came up and says, "Mr. Harris, I got bad news to tell you." I says, "Spit it out," I says, "no time to be scared now." "Well," he says, "they are coming up here right now, a big army; going to run you out just the same as they did Chief Melton." So I goes in the house, shakes hands with my wife, kisses her, bids this young friend good-bye, and I started. I weren't happy either. Well, I knew I weren't going to be scared. I gets out on the corner where I could kinder see if them Red Shirt fellows was coming, and I got in conversation with some of my Democrat friends and I saw a squad, and I just bid him good-bye, too. I didn't know what was coming. I meets up with a gentleman a little farther on. I didn't go right straight. I says, "Won't you come and take a walk?" We got out on the edge of town. I says, "Well, how did you vote?" "Why," he says, "I had to vote white supremacy. Always had been a Populist before." When we got out to what they called the Y my troubles commenced again. This gentleman that was with me says, "What do you think by shooting that way?" I says, "Come on, don't look back." We got on a little slant of a hill. He says, "Let's set down here."

Q. Please state what became of you after the election. I don't care anything about the conversation you relate, but state what became of you after the election.

(Question objected to as immaterial to this controversy, and a repetition of the question just asked.

Counsel for contestant asks the second question for the purpose of directing the witness as to what the question was and in order that immaterial matter may not be set up in his answer.)

A. For information, do you mean the night after the election? Well, I was home two nights after the election and the next place I stopped at was the county home. I saw Mr. Watson there and then from there to Rocky Point; stopped at Rocky Point a few days; stopped in Goldsboro about an hour, I reckon; then I came to Raleigh. From Raleigh to Greensboro and from there to Randolph County; from there to Raleigh now.

Q. Have you been in the city of Wilmington since you left there just after the election?—A. No; nor I am not a going until things cools down to what it is now.

Q. State where your wife and children are.—A. My wife is in Wilmington.

(Question objected to.)

Cross-examination:

Q. Mr. Harriss, did you vote in the last election?—A. I did.

Q. Did you vote the Republican ticket?—A. I did.

Q. You were not sufficiently intimidated to keep you from voting?—A. No; but I done it in this way: I put it off until the last thing, and they told me the Republican party was dead, I says, "Gentlemen, you see how these look" (had the Republican ticket in my hand), says, "Be kind enough to put that in the box there, and if the Republican party dies I will die with it."

Q. You said that during the campaign the Democrats in Wilmington, including ladies, would guy the Republicans; is that so?—A. I found it so by my own relations.

Q. Didn't your wife guy you in that way?—A. Well, I think that is a very absurd question to put to a man.

Q. Haven't you said that she was a Democrat, and in favor of white supremacy?—A. Perhaps I have, but there is no need for it to go on record.

Q. Please give me the names of any persons who were prevented from registering or voting in the last election.—A. Well, I did have the names of several, but I lost my book. I can't recollect names but I can recollect faces.

Q. Can you not give me the name of any persons who were so prevented?—A. No, sir; but I am confident that there were a lot of them who did not vote, because of the intimidation.

Q. Then I understand you to say that you do not know, as a fact, that anyone was intimidated, but that you supposed it was so?—A. I will say this, they were either bought off, scared off, or something was the matter with them that they stayed off from the polls and did not vote.

Q. Give me the name of one man who stayed off from the polls, as you say.—A. Well, it is like I tell you, I don't know the names; but for information for yourself and Mr. Bellamy you can find out by going around Chadbourn's mill, if I understand things right.

Q. Do you mean William H. Chadbourn?—A. I don't know anything about Wm. H. Chadbourn, it is Chadbourn's mill. I mean to say that I don't know whether Wm. Chadbourn owns any interest in the mill.

Q. You were a poll holder at the first precinct of the First Ward in Wilmington. What was the number of the negroes registered at that box?

(Question objected to because the record is the best evidence.)

A. I never taxed my mind with anything like that.

Q. How many negroes registered at that box failed to vote?—A. Quite a number, to the best of my knowledge.

Q. Can you approximate the number?—A. No, sir.

Q. Was there not a full negro vote at that box, and did they not vote the regular Republican ticket?—A. All the negroes but one or two or three voted the Republican ticket that voted.

Q. Were you at the precinct during election day?—A. Yes, sir; I was there.

Q. Was there any intimidation attempted there that day by any person?—A. Not that I saw. I did not go outdoors.

Q. Did you hear of any outdoors?—A. No, sir; I did not hear of any on that day. All the intimidation that I saw was before the election.

Q. What intimidation did you see before the election?—A. Well, it was just this; those Red Shirts, and such carrying on as they had, and the remarks generally, and from what you could hear in the newspapers. You could hear people reading and talking about what they were going to do, and various things they did to weaken Republicans. I got some little grit, but they certainly weakened me.

Q. You spoke in your direct examination of the Benedict Arnolds in the Republican party. Did you refer to William H. Chadbourn, Fred Rice and F. W. Foster, and James H. Chadborn, jr.?—A. I think if the cap will fit them they had just as well wear it as any one I know of.

Q. I did not ask you about fitting caps but I asked you if you alluded to those gentlemen?—A. I have some respects for men's feelings and I don't want to hurt them.

Q. Can you not say whether or not you had reference to them?—A. I will say this, if they are not direct Democrats, that they are the greatest sympathizers with them of any men that I ever knew to call themselves Republicans.

Q. I ask you if the result of the election in New Hanover County was not largely attributable to the sympathy, as you say, of such men with the Democrats in the issues involved in the election?—A. With the way they acted, and the Winchester rifles, that is the principal cause of it.

Q. Did not the gentlemen whom you named sympathize with the Democrats on account of the effort they were making to restore decent and respectable government to the city of Wilmington?

(Objection by contestant.)

A. I don't know what their motive could have been, except cowardice.

Q. Did they not publicly assert that their motive was the one I have mentioned?—A. I fell out with them some time ago and do not try to keep track of them or their affairs, since they went back on our party.

Q. Who is W. H. Chadbourn, and what office does he now occupy?—A. He is postmaster at Wilmington.

Q. Who appointed him postmaster?—A. Well, the Republican party appointed him, of course. We took him to be a Republican.

Q. Has he not heretofore been the Republican collector of the port of Wilmington, and a Republican member of the State senate?—A. I don't recollect of it.

Q. Has he not for years been one of the leading Republicans of Wilmington?—A. Well, he was crowned with that honor.

Q. Is he not a man of high character?—A. I never inquired into his character.

Q. Has not Fred Rice for years been a leading Republican in Wilmington?—A. Well, the way Fred has acted, and for the respect of his father, I would rather not say anything about him.

Q. Is he not now the Republican deputy collector of Wilmington?—A. He is connected with the custom-house. I don't know how.

Q. Has he not been a State senator and alderman and city treasurer under the Republican party?—A. I believe he has.

Q. Has not Mr. Foster for years been a Republican leader in Wilmington?—A. He has been trying to be a leader.

Q. Is he not a man of character, a large property owner, and influential in the community?—A. I just tell you I don't know what kind of a man Foster is and his business.

Q. Is not James H. Chadbourn, jr., one of the wealthiest men in Wilmington, a director of the National Bank of Wilmington, recently county treasurer and a man of high character and influence?

(Question objected to by contestant.)

A. I never had much to do with Chadbourn; I don't know much about him.

Q. Was he not the Republican county treasurer during the last campaign?—A. He had been there a little while.

Q. Did not these gentlemen vote for Dockery in the last election?—A. I was not down at that precinct; I don't know what they done.

Q. Do you not think that the fact that these Republicans cooperated with the Democrats in the effort to get rid of the local government and conditions prevailing

in Wilmington last year, is strong evidence that those conditions were, in the language of Colonel Waddell, intolerable?

(Contestant objects to the question.)

A. I think we had a very good government there myself. Of course it was not to the wishes having so many colored policemen, because I am satisfied they had to do their duty in regard to patroling the city at night.

Q. Do you know whether or not there were numerous burglaries and incendiary fires in the city during the years 1897 and 1898?

(Contestant objects to the question as immaterial.)

A. It looked as though we had a heap of fires there at one time, but after we got a paid fire department it looked as though the fires about stopped—very seldom a fire. In regard to burglary, it has always been going on there.

Q. You stated in your direct examination that you saw a company of what you called Red Shirts and Rough Riders parade the streets one day when there was a Democratic barbecue. Did you ever see them at any other time?—A. Yes; I have seen them on several occasions, two and three at a time. The biggest bunch was at Dry Pond. I was afraid to go over, from what I could hear.

Q. What were they doing on these occasions when you saw one or two?—A. They were behaving pretty roughly.

Q. How?—A. They kept going up and down Front street and going to the headquarters.

Q. Where were the police while this was going on?—A. About as well to try to arrest the Cape Fear River as to do anything with that gang.

Q. Do you mean to say that the police, under their redoubtable chief, could not arrest one or two or three men who were acting roughly on the public streets?—A. After they were arrested they would be bailed out and then be worse than ever. As for the chief of police and policemen, I don't care where you bring your policemen from, or chief either.

Q. Do you mean to say that the police refused to arrest men who were behaving roughly on the streets because, if arrested, they would be bailed out?—A. They had arrested them and that was the result—they were bailed out; if you arrested some of them, what I saw would be like bees.

Q. You stated that you saw before the election some men on the streets who were going home with guns. You mean they had bought guns and were taking them home?—A. They were taking them home, or taking them somewhere. I never inquired.

Q. You stated that Senator Pritchard, Senator Butler, Governor Russell, and Mr. Dockery made an appointment to speak in Wilmington and did not do so. Do you not know that this appointment was canceled by the Republicans after a consultation between Governor Russell and the business men of the city?—A. There were a good many rumors going on at that time, but my opinion is that it was put off so long and so many threats that I think the leading Republicans of New Hanover County almost thought or did think it would be suicide for them to come there to speak.

Q. I did not ask you for your opinion, but I asked if the appointment was not canceled after a full conference between Governor Russell and a committee representing the business men of the city?—A. Directly, I know nothing of it; but as I stated before there were a great many rumors.

Q. You stated that you thought that Mr. Dockery did not speak in any part of the county. I ask you if it is not likewise a fact that Mr. Bellamy did not speak in any part of the county?—A. If Mr. Dockery spoke in the county I did not hear him; and as far as Mr. Bellamy is concerned he had plenty there to do the talking for him.

Q. Did you go outside of the county during the campaign?—A. I don't believe I went further than the cemetery during the campaign, that I can recollect of.

Q. Then your testimony only applies to what occurred in New Hanover County, and that you know nothing of what occurred outside the county except from hearsay?—A. That is about right. Since the election I have seen and talked with a great many people, both Democrats, Republicans, and Populists.

Q. What office did you hold under the last Republican board of county commissioners?

(Question objected to as immaterial.)

A. If you can call it an office, I had a little old picaunish job as standard keeper.

Q. Were you not discharged from that office by the Republican board of county commissioners?

(Question objected to as immaterial.)

A. Colonel Foster wanted to discharge me and wanted to give it to a Democrat. I held on to my position until they run him out. I finally resigned at the request of my bondsmen to Rodger Moore.

Q. What was the charge against you which induced this Republican board to elect another standard keeper?

(Contestant objects as immaterial.)

A. Doing the same as Mr. Foster did.

Q. What was that?
(Question objected to.)
A. I done like a great many other gentlemen—I drank a little too much whisky.
Q. Did you not fight against removal and refuse to deliver up the weights and measures to your successor?
(Objection by contestant.)
A. I did not consider that I had one.
Q. Did not the county commissioners employ counsel to get the weights and measures away from you?—A. I gave bond for the weights and measures; I had just as much right to hold possession of those tools for two years, or as long as my bond stood good.
Q. My question was, did not the county commissioners employ counsel to get the weights and measures away from you? Please answer that question.—A. The so called Republican county commissioners had Mr. Bellamy employed.
Q. Which Mr. Bellamy?—A. Marsburn Bellamy.
Q. In the language used by you on your direct examination was it "fighting whisky" that you drank?
(Question objected to.)
A. It was not fighting, but it might have had a little determination in it.
Q. Was not the charge against you habitual drunkenness?
(Question objected to.)
A. I never heard talk of any such thing until such times as they wanted to appoint me registrar.
Q. Was not W. H. Chadbourn a surety on your bond, and did you not deliver up the weights and measures because he directed you to do so when he was threatened with suit upon the bond?
(Objection by contestant.)
A. Dr. Wright was the man that talked to me; he was the man on my bond.
Q. I call your attention to an article in the Wilmington Messenger of date October 20, 1898, on page 8 at the head of second column, beginning Rep-Pop W. J. Harris. This paper constitutes part of Exhibit "B." Are you the Harris mentioned in that article?
(Objection by contestant.)
A. I don't know whether it makes any material difference, but for explanation I will say it was me.

W. J. HARRIS.

Sworn to and subscribed before me this April 21, 1899.
[SEAL.] E. J. BEST, *Notary Public.*

L. H. BRYANT, being duly sworn, deposes and says:

Q. Please state your name, age, and residence.—A. L. H. Bryant, 68 Magnolia, Duplin County.
Q. Please state your politics.—A. Populist.
Q. Where did you live during the campaign of 1898, and on election day of that year?—A. Wilmington, N. C.
Q. How long had you lived in that city?—A. Been living there thirty-two years with the exception away three years.
Q. Do you know the character of the campaign waged by the Democratic party in the Sixth Congressional district of North Carolina, and in New Hanover County in the year 1898, and the methods employed by them in said campaign?—A. No, sir.
Q. Do you know of any of the methods practiced by them in said campaign?
(Contestee objects to the question because witness has just said that he does not know.)
A. I don't know a thing in the world, but I saw four men coming from the railroad as carpenters; they had a 16 shooter a piece, and one of them came into my house and told me not to vote and not to go about the election, that's all I know.
Q. Do you know anything of an organization in the city of Wilmington during that campaign known as Red Shirts or Rough Riders?—A. I saw them one time eight or ten days before the election.
Q. Please state the conduct of the Red Shirts or Rough Riders you saw.—A. I only saw them one time, and I saw them coming down Market street, and I don't know what they done nor where they went to.
Q. Were they armed or not?—A. No, sir; they wasn't armed.
Q. Did you have any conversation with any Democrat prior to the election regarding guns?—A. No, sir; I did not, only these guns I spoke of first.
Q. State if you know whether Republicans were intimidated by any of the methods employed by the Democrats in the campaign of 1898.—A. I never heard it.
Q. Do you know of any other facts occurring before the election of 1898 that might be of benefit to the contestant in this cause?—A. I don't know of any.