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THE BULLDOZERS

THE DEMOCRATIC CRIMES IN OUACHITA

Testimony of Hon. John T. Ludeling, Chief Justice of Louisiana, Before the Senate Investigating Committee, January 4, 1877.

John T. Ludeling, sworn and examined by the chairman.

Question—You are Chief Justice of Louisiana, I believe?

Answer—I am. If the committee will allow me, I have prepared my evidence in writing, and I will read it.

Question—Yes; after a few preliminary questions you can do so. Your home is where?

Answer—In Ouachita parish, near Monroe. I live within a half mile of Monroe, Ouachita parish.

Question—Have you been for a long time a resident of Louisiana?

Answer—I am a native of the State, and have resided in it all my life, excepting when absent at school.

Question—Were you in Ouachita parish during the late political canvass there, more or less?

Answer—Only during a portion of the time. I was there until about the middle of August, and then was absent until about the middle of October, when I returned, and I remained then until after the election.

The chairman—Now you may make any statement that you have to make touching the conduct of that canvass.

Witness—I will simply read what I have prepared, and will then answer any questions the committee may have to ask me.

The witness here read the following:

I reside near Monroe, in the parish of Ouachita; I am Chief Justice of this State. I was born in this State. Dr. B. H. Dinkgrave was my nephew. He lived in my house at the time he was murdered. He had been living with me many years. He was born in Ouachita parish. He had received a liberal education and had graduated at the medical college in this city. He was amicable and sociable in disposition, and he was generally respected and liked. He was very brave and courageous. He had been twice elected sheriff, and at the time of his death he was tax collector. He conversed with me about his affairs without reserve. In July or August last he frequently spoke to me of the threats he had been told Democrats had made against his life if he attempted to organize Republican clubs in Ouachita. At first he believed those threats were made merely to intimidate but after awhile he became satisfied that there was danger that the execution of threats might be attempted, and consequently he and other Republican leaders agreed to have club meetings only in the daytime. He seemed to be particularly impressed by what a personal friend (a friend of his boyhood who belonged to a rifle club) told him—"that he would be killed if he went to organize a club at Logtown, on the Ouachita river." His informant would not, or could not, tell him more than that he could not guard against the danger, except by desisting from organizing Republican clubs, as he would be killed by strangers or disguised persons. This information was imparted to him under the pledge of secrecy. When he told me of this he said he was troubled about it—he did'nt want to be killed; but still he couldn't brook the idea that he should not be able to act like a free man. He spoke to my son about having his life insured in favor of his wife, and said he would forfeit the policy after the election, if he were not killed by the bulldozers before, if he found the premium too heavy. The only danger he apprehended was from the bulldozers or members of the rifle clubs. Mr. Sam McEnery in his testimony has stated that "the prevalent belief is that the Wimberly difficulty caused Dinkgrave's death. Mr. Grady thinks so; so do Julius Ennemoser, Judge Robert Ray, James L. Ray, Republicans, and W. W. Farmer." Since the assassination of Mr. Dinkgrave, I have conversed on the subject of the assassination with all the persons above-named by Mr. Sam McEnery, except Mr. [illegible]. I do not know James L. Ray. I suppose he must have referred to either James S. Ray or James R. Ray, with both of whom I have talked on the subject, and not one of them ever intimated to me that he either believed or suspected that the Wimberly difficulty had anything to do with the murder of Dr. Dinkgrave. The idea conveyed to me by every one of them was that he believed Dr. Dinkgrave had been murdered on account of his influence and activity in organizing the Republican party in Ouachita, and because he was an obstacle to the success of the Democratic party in Ouachita. That is my opinion, and it is the opinion of his most intimate friends. I have been told that [illegible] Democrat remarked, when told that Dr. Dinkgrave had been murdered, that "he was damned glad of it;" another "that he must see about it;" another said if a single Democrat were injured in consequence of Dinkgrave's death, every white Republican in the place would be killed, and another remarked he was sorry for the family, but it was a good thing for the country. I am satisfied that the story that his murder was on account of the Wimberly difficulty was as deliberately concocted as was his assassination. Simultaneously with the announcement of his murder this story was telegraphed all over the country, and the Democrats generally have continued to repeat it. It is true Dr. Dinkgrave had the misfortune to kill John Wimberly, but it was so clear a case of self-defense that the wife of the deceased and his relatives residing in Ouachita told Dr. Dinkgrave they did not blame him, and I am told the widow voluntarily came to town to testify in his behalf. At the preliminary examination he was discharged, and he was never indicted, and all this occurred more than six years before his murder. In July or August prominent Republicans residing in Ouachita told me of their fears that Dr. Dinkgrave might be killed. These fears were based upon what they had heard about the threats against him, on account of his activity as a Republican. Among those who expressed their fears to me were James S. Ray, Judge R. Ray, Judge Baker, Mr. Ennemoser, Mr. Whited and Mr. Brewster. Another fact which shows that his murder was not the result of a private feud is that organized bodies of armed men were collected in and about Monroe on the night after his murder, and remained in and around Monroe several days after, and no serious effort was made to apprehend the assassins. Mr. McEnery says in his testimony that in "1872 a justice of the peace below Monroe committed a negro to the jail in Monroe, in default of bail. Nine or ten negroes met the constable and effected a rescue. They were indicted and one was convicted, and the rest obtained a change of venue to Caldwell. B. H. Dinkgrave was sheriff, and refused to put them in jail. Judge Ray fined him $50. A rule was taken with the object of dismissing him from office or fining him for neglect of duty." The *facts* in regard to this matter are these: A justice of the peace had committed a colored man to jail in default of bail, and he had placed him in the custody of a private person who was not a constable, as stated, to be carried to Monroe. Meeting a number of persons on the way they told him that Mr. Rauls (I think), the person having the accused in custody, was not an officer, and had no right to take him to jail. The prisoner then refused to go on with him. An affidavit was made against those persons and Dr. Dinkgrave arrested them. After hearing the facts and knowing the parties, he permitted them to remain at home till the meeting of court, which was to be in two or three days, I believe, on their promise to report to him on the first day of court. They did report at his office on the first day of the district court, and they remained under his control in attendance on the court. The rule was taken against the sheriff, notwithstanding the accused were then in attendance on the court, and they had been present since the commencement of court. If Dr. Dinkgrave erred in this matter, which I doubt, he erred on the side of mercy, and it is difficult to imagine why the matter has been alluded to by Mr. McEnery. I will state here that Mr. James D. McEnery, the elder brother of Mr. Sam McEnery, was one of the parties who defended Dr. Dinkgrave, and he considered it a gross outrage against Dr. Dinkgrave that anything was done in that case against him. Mr. McEnery is reported as having testified as follows: "Mr. Grady refused to put a box at Bayou de Siard, where there was a large Democratic colored population; his list of constables was composed of bad characters, notorious for their turbulent disposition; Mr. Stubbs and I remonstrated, as these men were likely to provoke a difficulty, and suggested other names of colored Republicans; except one, which he agreed to appoint, he appointed his own; said that Chief Justice Ludeling had told him that if he did not fix things as he wanted he would be held personally responsible." This statement, in so far as it relates to me, is false. I have been told that a letter of Mr. McEnery was published in a Cincinnati newspaper, in which he stated that the only case of bulldozing he knew of was the case of the Radical Chief Justice of the State intimidating the supervisor of registration in Ouachita. I have not seen the article, but this, I am informed, is the substance of it. The statement is false. Mr. Grady has told me he had seen the article, and that it was not true. Some days before the election I happened to go to the law office of Judge Ray, where I met Mr. Brewster, Mr. Hamlet, Mr. Gorham and others, and they were dissatisfied with the action of Mr. Grady, who, they feared, was acting in the interest of the Democrats, and they proposed to have him removed. I remonstrated against this action, believing Mr. Grady to be a firm and honest man. The immediate cause of their complaint was that he would not tell them where he intended to establish polling places as they wanted them. At their request I spoke to Mr. Grady to learn what election precincts he intended to establish. I informed him why I spoke to him on the subject. He showed me a list of the places fixed by him for holding the election, and he said he had fixed all the polling places suggested by both parties, except one in the island, suggested by Mr. Hamlet, and one on Bayou de Siard, suggested by the Democrats. I then suggested that instead of three there should be four boxes in Monroe, to afford ample facilities for voting, as I supposed a greater number of persons would vote at Monroe than usual. At first he thought four boxes at Monroe would not be necessary, but finally he agreed that it would be safest to have four boxes. Our interviews were of the most amicable and friendly character. In the issue of the *Telegraph*—a Democratic newspaper published in Monroe—immediately preceding the election, the editor stated that Chief Justice Ludeling had insisted upon having four boxes in Monroe, and had threatened to hold Mr. Grady *personally* responsible if he failed to comply with the request. The article went on to state that the plan of the Radicals was to mass the negroes in Monroe and vote them like sheep, but that they (the Democrats) had the means to prevent this and that they would do it. I called Mr. Grady's attention to this article. He said it was not true, and that he would have Mr. McCranie to correct the statement. In consequence of this discovery of the Radical plan, I presume, a Democratic meeting, which had been advertised for Saturday, the fourth of November, at Monroe, was indefinitely postponed, and armed men in large numbers were ordered out to patrol the country and picket the roads leading to Monroe, to prevent the colored voters from going to Monroe to vote, and they did prevent numbers from going to Monroe to vote. Had the meeting aforesaid been held, many colored voters would in all probability have marched and voted in Monroe. I am amazed at the statements of witnesses that the rifle clubs had no connection with politics. Before the [illegible] Hough told me Mr. Sam McEnery had told him so, and that he had heard it from other Democrats. The rifle clubs were organized early in July. I heard the beating of their drums frequently at night in July and August before I went North. When I returned in October I was told by numbers of persons, both white and colored, that the members of those clubs had been riding about the country at night, visiting the cabins of Republicans and threatening them with violence if they did not attend Democratic meetings and join Democratic clubs, and in some instances inflicting injuries upon their persons.

It is difficult to conceive how badly intimidated the Republicans of Ouachita were about the middle of October, when I returned home. Most of them were afraid to tell of the outrages that had been perpetrated, except after exacting a promise that they should not be brought into trouble. No Republican ticket for parochial officers had been nominated at that period, and I was told it was because of the troubles in the parish and the belief that the Republicans would not be allowed to vote freely, and this was in a parish that had given a Republican majority of about 900 at the last election, and the registration for 1876 showed an increased colored vote, notwithstanding the fact that when Dr. Dinkgrave was murdered, on the thirtieth of August, clubs had been organized in every ward in the parish, and the Republican party then was thoroughly organized. In the latter part of October the Republicans nominated candidates for the parochial offices. Mr. Barrington had been very anxious to be nominated for Representative. He was nominated, and the day after he informed the leading Republicans that he would not be a candidate because he had been threatened with violence. He finally concluded to be a candidate. In September I was informed that Mr. Ennemoser, a Republican, and clerk of the District Court, had determined to leave Monroe because he feared injury would be done him; that after he had purchased his railroad ticket Colonel R. Richardson and Dr. Aby called on him and gave him assurances of protection from harm if he remained, but intimated that they would not be responsible for what might happen if he attempted to leave. This information was imparted to me by a friend to prevent me from returning to Ouachita before the election. When I returned home I found that Mr. Ennemoser was badly frightened, and I think he is still so much intimidated that he could not be easily induced to tell what he knows, notwithstanding he is a Republican and an honest man.

Question—Did you know the former judge, Crawford?

Answer—Yes, sir; very well; intimately.

Question—What was his first name?

Answer—Thomas; I knew him intimately.

Question—Do you know in what manner he lost his life?

Answer—He was assassinated when going to court.

Question—When going from his home to hold court where?

Answer—In Franklin parish.

Question—Who else, if anybody, was assassinated at that time?

Answer—Mr. Harris, the district attorney.

Question—For the same district?

Answer—Yes, sir; and in company with Judge Crawford.

Question—Do you know a man by the name of Wisner?

Answer—Yes, sir.

Question—John H. Wisner?

Answer—Yes, sir.

Question—Where did he reside?

Answer—He was sheriff of the parish of Ouachita at the time of his death.

Question—When did his death take place?

Answer—About dates I will not be positive; I think about 1870; I think that is the time.

Question—Was Wisner killed?

Answer—Wisner was assassinated.

The chairman—I do not put these in as if they were political murders.

Senator Saulsbury—I think it very proper that that should be mentioned, because from the record they would appear to have been political murders.

The chairman—I do not understand them to have been political murders.

By Senator Saulsbury—Question—Do you know who was the murderer of Wisner?

Answer—No, sir. I don't know the individuals who did it; it was done by a number of persons, so I have been told, who came there at night—a mob.

Question—Was it regarded as a murder which was prompted by any political motives?

Answer—It has been my opinion, and, I think, the opinion of the community generally, that Mr. Wisner was killed in order to get the key of the jail, to rescue a person who was under arrest for having been implicated or charged with assassinating a number of negroes some time before, and to get some witnesses out who were also in jail, being kept there to be protected, or being kept there to be made to testify in this case.

Question—Was it or was it not one of those cases—unjustifiable, of course—where mobs take into their hands the rescuing of prisoners from a jail, who are in the custody of the sheriff, either for the purpose of releasing them, or for the purpose of executing them, under what is generally termed lynch law?

Answer—Yes, sir; it was a mob gathered there to rescue one of their associates, who was in jail under a charge of having murdered a number of negroes.

Question—Do you know what the political opinions of Judge Crawford and District Attorney Harris were?

Answer—Yes, sir; Judge Crawford was a Republican; Mr. Harris had acted with the Democratic party at that election, but had been voted for largely by Republicans, and he was holding a commission under Governor Kellogg.

Question—Was or was not the assassination of those gentlemen, in the estimation of the public, and in your own opinion, prompted by any political motives?

Answer—In the estimation of the public, as far as I have been able to understand it, there were two opinions. The Republicans believed generally that it was on account of their politics, because they held commissions from Governor Kellogg, who was supposed to be a usurper by the Democrats. That is my opinion.

Among the Democrats the belief was that it was in consequence of the prosecution of some criminal who had made his escape. That is what I have understood from them. I will state why I tell you what my opinion is. Judge Crawford had repeatedly told me and others that he was afraid to hold court in that parish; that his life was threatened, and I laughed at it; so did Judge Ray and others. We thought that he was needlessly alarmed, but he told us that he knew the condition of that parish better than we did, and it appears that he did know it better than we did.

Question—In what parish was he assassinated?

Answer—In Franklin parish.

Question—Would it not be exceedingly strange that parties prompted by political motives should assassinate members of their own party?

Answer—Yes, sir.

Question—Mr. Harris was a member of the Democratic party?

Answer—No. I have said that he had been voted for by Republicans, and that he held a position under Governor Kellogg. It was understood and reported that all who held positions under Kellogg would be treated like the Radicals.

Question—Was he, or was he not, an enemy of the Democratic party?

Answer—Well, he was.

Question—He was supported and voted for by the Democrats?

Answer—Yes; but he was appointed by Governor Kellogg.

Question—Was, or was not, Judge Crawford a man who was respected by Democrats as well as Republicans in his office?

Answer—I think he was. He was a man who deserved the respect of every one.

Question—It has been testified here that there was no political significance attached to the death of these gentlemen?

Answer—That was the opinion of certain persons; I know that among a very large number of his friends the opinion is that he was assassinated on account of his politics.

Question—Such, I believe, was not the opinion of Mr. Gorham, who testified in reference to this matter?

Answer—It is the opinion of his brother; it is the opinion of his most intimate friends; and I was, I suppose, one of his most intimate friends and knew more than anybody else about what the feeling against him was, or as much as any one else.

Question—Do you know of any facts which lead you to such a conclusion?

Answer—No; I know of no facts except what he stated to me before his assassination.

Question—What he stated to you is not a fact, is it?

Answer—It is a fact that he stated it to me, I had no acts to judge from.

Question—A statement of an opinion would not be a fact or circumstance which could be used as evidence in the prosecution of a party charged with a crime?

Answer—No sir.

Question—You state that armed men were ordered out to prevent colored people from coming to Monroe a day or so before the election?

Answer—I so understood.

Question—I was going to ask you if you knew anything about it?

Answer—I will state in answer to that that I was told—

Question (interposing)—I want your knowledge about this; not what you were told.

Answer—I want to state my knowledge in connection with what I was told. I was told that these men had been out in my lane; that there were a number of them in the lane separating my place from the neighbor, some distance down the lane and at the mouth of the lane. I was told that by my servants when I first got up in the morning. I went out and inquired of the servants living in the lane if they had seen any persons riding there that night. They had seen them, they stated, but they had not gone sufficiently near to identify them. The servants could not tell who they were. There were a number of men riding and armed. The servants then told me where they had stopped, and I then went to the mouth of the lane and found where they had burned a portion of the pickets that I had around my trees, having used them for the purpose of kindling a fire, and I found that their horses had stood there, for I saw where they had stamped there, and I saw a piece of a rope.

I afterward heard in town, and I do not believe that it was ever doubted or questioned that these men were not only there but all over; that they were everywhere around the town. A number of colored persons from my plantation came in on Monday, and told me that some of them had difficulty in getting through, and others had not been able to get through. Those who got through told me that others had been compelled to go back. Those are the grounds upon which I make the statement that there were armed men there, and that a cordon of armed men was around Monroe. I was also informed of that fact by one of the officers at Monroe—Lieutenant McCawley. That is the information on which my statement is based.

Question—It is not from personal knowledge then?

Answer—No, sir.

Question—You not only stated that there were large numbers of armed men placed around the town (which you now say was a statement made upon information and not upon personal knowledge), but you also stated that a large number of colored people were prevented from coming into Monroe.

Answer—Yes, sir.

Question—Do you know that as a fact from your own knowledge?

Answer—I know it from having been told so by colored men, who said they could not come into town, and were compelled to go back?

Question—That is also a matter of information?

Answer—Certainly; it is upon information that I got from them.

Question—It is not a matter within your own personal knowledge?

Answer—Only in that way.

Question—How many men came into town, do you know, from this information?

Answer—I can not undertake to give the number. There were five or six from my plantation who came and told me about their having been driven back; four or five men; and others told me that colored men were prevented from coming in, without stating the number.

Question—Did the men who told you that they had been driven back fail to vote, or did they vote somewhere?

Answer—They voted the Democratic ticket; they voted at the colony. They stated to me that they voted the Democratic ticket and against their will; that they were afraid to vote otherwise.

Question—Do you know whether they did vote the Democratic ticket?

Answer—Only from what they told me.

Question—You stated that you suggested that there should be four boxes in Monroe?

Answer—Yes, sir.

Question—I will ask you this question, whether that suggestion was not made because you knew that there had been an effort made to procure the colored people to come to Monroe to vote?

Answer—Yes, sir; there had been an effort made. That is, the speakers had from the stands urged the negroes to come to Monroe to vote as that was a place at which they might vote safely, and I believed they would come there if they had an opportunity, and I believed that they would vote there freely, and if they voted they would vote the Republican ticket.

Question—You stated in you testimony something in reference to the character of the constables at Grady's schoolhouse—

Witness (interrupting)—No, you misunderstood me. I said I knew nothing about the character of those constables, but that Mr. Grady requested me to state that he had appointed none but the best men he could find; that there were none of a notorious character. That was his statement. I do not know the constables. I stated distinctly that I did not know them. Mr. Grady was anxious that I should make that statement, he supposing that I knew them. I did not know them. I have been absent from Monroe a great deal, and I do not know these constables, but Mr. Hardy is acquainted with them.

Mr. [illegible]—I have got their names here and I [illegible].

Witness—Mr. Hall is acquainted with them, and Mr. Dinkgrave and Mr. McEnery are acquainted with them.

Question—In speaking of the unfortunate assassination of Mr. Dinkgrave you referred to several gentlemen, to whom Mr. McEnery had also referred, as believing that his murder was in consequence of a difficulty that he had with a member of the Wimberly family. You state in reference to those gentlemen referred to by Mr. McEnery that not one of them intimated to you that Dr. Dinkgrave was murdered by Wimberly. I do not question the correctness of what you state, but I ask you this: Whether it may not be true that those gentlemen stated precisely to Mr. McEnery what he stated in evidence, and yet they failed to intimate to you any opinion of the same kind?

Answer—I do not believe it, from the character of those men. I do not think that they would tell two stories. It is possible, of course.

Question—I do not understand you to say that they expressed any opinion to you on the subject?

Answer—Yes, sir, they did. I stated that they did express the opinion that they believed, as I believe, that his assassination had been occasioned on account of his activity in organizing the Republican party. If they have ever stated otherwise to any one else they have told two stories, and I do not believe they would. Many of them are here in town to testify for themselves. Mr. James S. Ray is here, and I believe is summoned. Mr. M. J. Grady is here in the room.

Question—The Mr. Grady you refer to is the recorder, is he not?

Answer—I have spoken to both the Messrs. Grady. M. M. Grady is the recorder; M. J. Grady is here.

Question—Do you, or do you not, know who it was that assassinated Dr. Dinkgrave?

Answer—No, I do not. I do not know the individual who did it. I stated my opinion as to the cause of his assassination.

Question—Was Dr. Dinkgrave a gentleman respected by the community in which he lived?

Answer—None more so; he was a gentleman.

Question—Was he, or was he not, respected among Democrats as well as Republicans?

Answer—He was until this election. I do not know what may have been their feeling during this election.

Question—Do you know of any ill-feeling manifested toward Dr. Dinkgrave by any prominent citizen of his neighborhood?

Answer—Yes, sir, I do. He had a difficulty on politics with Mr. Cobb, and he was threatened, as I have stated in my testimony; and the information came to me in the manner that I have stated. I was not there at the time, but when this reported shooting by persons into houses below town occurred, I was told that Mr. Dinkgrave gave as a reason for not carrying a gun, after this assassin had been discovered lying about the woods and about my house, that he thought it would excite the community against him, and he did not wish to create any disturbance there. He knew the condition in which the people were, and he did not wish to do anything that would be calculated to give an excuse for an outbreak.

Question—What is Mr. Cobb's character? I know nothing about him.

Answer—Mr. Cobb is a lawyer, who is frequently intoxicated, and when intoxicated he is violent. He is a very strong Democrat and partisan.

Question—I do not know anything about Mr. Cobb, but I want the facts to come out. Do you believe Mr. Cobb is a man capable of premeditating, with deliberation and malice aforethought, the assassination of anybody?

Answer—I did not intend to intimate in the slightest degree that Mr. Cobb had waylaid Dr. Dinkgrave, and I do not believe he did. You asked me if I knew of any difficulty Mr. Dinkgrave had had on account of politics, and I stated yes.

Senator Saulsbury—I do not want the inference deducible from that testimony.

Witness—No, sir; I do not wish it to be so. I do not believe Mr. Cobb would assassinate any person.

Question—You are acquainted in the parish in which you reside, of course. I know but little of the people in your parish, but I have seen some of the witnesses here. I want to ask whether Mr. David Faulk is a man of character and respectability in his community?

Answer—Mr. David Faulk is a very violent man. I prefer not to testify in relation to the character of my fellow citizens, but if I am compelled to do it I shall tell what my opinion is. Mr. Faulk is a very violent man, particularly in matters connected with politics.

Question—Do you know of any acts of violence that he has ever committed?

Answer—I have heard of a great many; of his declarations, not of his acts.

Question—Do you know of any assaults committed by him; has he ever been arraigned in the courts of the parish?

Answer—I do not know that he has been arraigned. His sons have been arraigned. His sons, or rather his relatives or nephews, were fugitives from justice, charged with the assassination of these negroes, from which resulted the assassination of Wisner. Mr. Faulk himself was implicated, or charged with being connected with it. But as I stated before, I would prefer not to be asked as to the character of my fellow citizens.

Question—Is it customary for judges of the Supreme Court of this State to take part in the management of a political canvass?

Answer—I do not know what the practice is. I think it is not unusual for Democrats to do it; but I have never done it. I have never taken any active part in politics. The only instance in which I ever interfered in any manner was in this interview with Mr. Grady, and in attending a little caucus meeting at which the parish ticket was nominated at Ouachita. Those are the only instances in which I have ever taken an active part in politics.

Question—Did I understand you to express the opinion that the assassination of Mr. Dinkgrave was brought about by the Democratic party of Ouachita parish?

Answer—I did not use that expression. I said this (perhaps it means the same thing): that his death was occasioned on account of his activity as a Republican in organizing the Republican party, and because he was an obstruction to the success of the Democratic party in that parish. That is my opinion.

Question—Do you mean to express, by that, the opinion that the Democratic party did it?

Answer—I mean to express by that that some portion of the Democratic party intended to assassinate him to get rid of him; I don't know that they were all of them implicated in it; I believe that some portion of the party was.

Question—Were you one of the defendants in the case of Jackson against Ludeling, reported in the Twenty-first Wallace?

Answer—I was.

Senator Saulsbury—That will do.

Witness—I wish to make a statement in regard to that. I was the defendant in that case, and I was one of six persons who purchased that road at a public sale. The decision of the State courts—two district courts and twice in the Supreme Court—decided that that sale was a valid sale. The Circuit Court of the United States decided that that sale was a valid sale, and that the charges made against me and my associates were utterly unfounded. The Supreme Court of the United States reversed that judgment and commented severely upon me. They charged that I, with my associates, had purchased a railroad 190 miles in length, fully equipped with rolling stock, warehouses, depots, etc., with several hundred thousand acres of land, with a stock subscription to the amount of $300,000 or $400,000, and mortgage debts to the amount of $40,000 or $50,000, and stated that I had purchased that road for $50,000. The Supreme Court stated that the mere statement, the mere narrative of that fact, showed that a gross wrong had been done.

The truth is that there never was such a road in the State of Louisiana. The road that we purchased—and the evidence shows it—was the ruins of a road which had never been more than seventy-three miles in length. Mr. McEnery, who is present, knows it, and every man in this room and in this State, who is at all acquainted with the facts, knows that there never had been a road there more than seventy-three miles in length, and that when I bought it in 1866 it was an utter wreck. There was not a depot, there was not a bridge, there was not a sound tie on it. The rails had been taken from the track, and in many places had been washed off; and the road had trees growing upon it—saplings as large as my leg. The stock subscriptions and mortgage debts were worthless, as the evidence shows, and not one cent thereof was ever collected, and the land grant was forfeited in June, 1866, about three months after the purchase, and the condition of the grant was that the lands should only be acquired as the road was completed in sections of twenty miles. Forty odd witnesses testified to these facts and no one in the country where the property is situated contradicted them. The evidence is abundant upon this question. The brother of Mr. McEnery, and Mr. McEnery himself, and all the lawyers and merchants in that country, all the preachers and all the intelligent men in that country testified, and there was not a single solitary person who testified, and who was acquainted with the value of the road, who fixed the value at over $75,000, the value at which it had been appraised, and two-thirds of which we bid.

That is the statement of the case. The differences between the statement of the court and the facts are as different as day is from night. How the court fell into that error I can not conceive. The attention of the court was called to it, and without granting a re-hearing, they amended the decree so as to direct the lower court to allow us the value of improvements put upon the road, according to the laws of Louisiana. This, under the laws of Louisiana, will give us the price of the workmanship and value of the materials, with interest, amounting to about $800,000.

It was further stated in that case that the sale was not valid, because one of the mortgagees—Mr. Gordon foreclosed the mortgage, and was a mortgagee, and was therefore a trustee—could not buy, which is an absurdity. One-One-half of the titles of the property in Louisiana have been acquired in just that way, by the foreclosure of the mortgage, and the holder of one of the installments of that mortgage buying the property at that sale. There are no trustees. Mr. McEnery is a lawyer and knows that. This gentleman, Mr. Austin, is a lawyer and he knows it; and every lawyer in the State of Louisiana knows that it is a fact. Yet it was upon that fact that the Supreme Court said there was no authority in the parties to buy that road. The validity of this sale was passed upon twice by the District Court of the State and twice by the Supreme Court of the State, and all of said courts decided in favor of defendants, and the United States Circuit Court, in an elaborate opinion, vindicated the defendants from every charge of illegality or wrong. This sale was made in 1866, two years before I was on the bench, and the decisions in the State courts were made before my appointment to the bench.

I have been made the victim—I trust by an error on the part of the Supreme Court. I would not suppose that any other motive could have influenced them; but that they have erred egregiously is beyond doubt.

If there is any other act of my life that you can bring forward, and which you wish to question me about, I shall be pleased to have you do so. I have yet to find the man who can point to an act in my life that an honest and honorable man would be ashamed of.

By the chairman—Question—Who were your associates in that purchase?

Answer—George C. Waddell, a brother-in-law of this gentleman [Major E. S. Austin, who was present], a prominent Democrat; Mr. Frank P. Stubbs, a prominent Democrat, who has been before this or some other committee; a Mr. Baker; a Mr. Gordon, another prominent Democrat of that country; Mr. Pinckard, a Democrat and prominent gentleman, who is now dead; Charles W. Phillips was nominally a purchaser, though he was not otherwise interested; a Mr. Crossley, another Democrat, who was, like Mr. Phillips, a nominal purchaser. He was not largely interested. His name was put in in order to make the sixteen, and in order to organize the company. None of these gentlemen have ever been abused. I have been the only one.

Question—I asked you some time ago about the death of Wisner. I forget whether I asked what office Wisner held.

Answer—He was sheriff of the parish of Ouachita at the time that he was assassinated.

Question—Was he also jailer, or had he custody of the jail.

Answer—Ex-officio; yes, sir.

Question—Was any other person killed at the same time?

Answer—I think a witness who was in jail was killed; I think that was so.

Question—Do you remember the name of the witness?

Answer—I do not. It was a colored man who had been shot and had made his escape and who was put in jail for the purpose of protection, so that he could be on hand when the trial came on.

Question—Was anybody released from the jail?

Answer—Yes, sir; the accused was released—the man charged with the assassination of those negroes on the road.

INSURANCE.

NEW ORLEANS INSURANCE COMPANY.

CORNER OF CANAL AND CAMP STREETS.

Established in 1805.

Capital........................ [illegible]

Assets at fair market value........... [illegible]

Income for the year 1876................ [illegible]

This company insures fire, marine and river risks; issues marine policies, payable in London or [illegible] case of loss.

J. TUYES, President.

A. SCHREIBER, Vice President.

J. W. HINCKS, Secretary.

Directors.

Ernest Merilh,	A. M. Stockton,
Placide Forstall,	A. Schreiber,
E. Gally,	J. Tuyes,
Charles Lafitte,	W. A. Bell,
W. Van Benthuysen,	B. Pargo,
Placide Peuson,	D. R. Bogard. [illegible]

LEGAL NOTICES.

IN THE DISTRICT COURT OF THE UNITED STATES.

DISTRICT OF LOUISIANA.

IN THE MATTER OF JOHN J. WIBB, individually and as a member of the firm of W[illegible] Semple, bankrupt.

In Bankruptcy—No. 1458.

THE CREDITORS OF THE ABOVE ESTATE are hereby notified that a second and third general meeting of the creditors will be held at the office of C. S. Kellogg, Esq., one of the registers in bankruptcy, Customhouse building, at the [illegible] New Orleans, on the twentieth day of January, 1877, at twelve o'clock M., at which time I will apply for a settlement of my account and [illegible] discharge from all liability as assignee.

de3 ja9 JOHN FAHEY, Assignee.

IN THE DISTRICT COURT OF THE UNITED STATES.

DISTRICT OF LOUISIANA.

IN THE MATTER OF SAMUEL E. MOORE—[illegible]rupt.

In Bankruptcy—No. 1543.

THE CREDITORS OF THE ABOVE ESTATE are hereby notified that the second general meeting of the creditors will be held at the office of J. Ward Gurley, Jr., Esq., one of the registers in bankruptcy, No. 47 Camp street, in the city of New Orleans, on the twenty-sixth day of January, 1877, at 3 P. M.

1-9 14 D. WEBSTER, Assignee.

THE STATE OF LOUISIANA.

FIFTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

HARRIET DREYFUS VS. ISAAC C. LEVI, Her Husband—No. 7621.

I HEREBY CERTIFY THAT ON THE TWENTY-second day of November, 1876, judgment rendered in this court in the entitled [illegible] the words and figures following, to wit: Harriet Dreyfus vs. Isaac C. Levi, her husband, No. 7621.

In this case, the court considering the [illegible] has produced due proof in support of her [illegible] the law and evidence being in her favor, [illegible] dered, adjudged and decreed that the [illegible] by default herein entered on the [illegible] instant be now confirmed and made final, [illegible] cordingly that there be judgment in favor [illegible] riet Dreyfus, and against Isaac C. Levi, [illegible] band, decreeing a dissolution of the community [illegible] acquets and gains heretofore existing [illegible] the said parties; that the said plaintiff be [illegible] is hereby authorized to conduct and carry [illegible] separate business from that of her said husband [illegible] as a public merchant, and that defendant [illegible] costs of suit.

Judgment signed November 27, 1876.

E. NORTH CULLOM, [illegible]

In testimony whereof I have hereunto [illegible] hand and affixed the seal of the said court [illegible] city of New Orleans, on this sixth day of [illegible] ber, in the year of our Lord one thousand [illegible] hundred and seventy-six, and the one [illegible] and first year of the Independence of the [illegible] States.

PAUL T. ABALL[illegible], Deputy [illegible]

d-30 ja16 29

MONITION.

STATE OF LOUISIANA.

SIXTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

THE STATE OF LOUISIANA TO WHOM [illegible] presents shall come, greeting: Whereas [illegible] Alexandra Mavrogordato, wife se[illegible] property from her husband Alexander Mi[illegible] ato, having purchased at a sale made by [illegible] sheriff of the parish of Orleans the property [illegible] inafter described, has applied to this court [illegible] office of the clerk whereof the deed of sale [illegible] corded on the thirty-first day of October [illegible] deed book No. [illegible], for a monition [illegible] tisement in conformity with sections [illegible] of act No. 16 of the General Assembly of [illegible]

Now, therefore, ye, and all persons [illegible] herein, who can set up any right, title [illegible] in and to the property hereinafter described [illegible] consequence of any informality in the [illegible] or judgment of the court under [illegible] sale was made, or any irregularities or [illegible] in the appraisements and advertisements [illegible] or manner of sale, or for any other defect [illegible] ever, are hereby cited and admonished [illegible] of the State of Louisiana, and of the Sixth [illegible] Court for the parish of Orleans, to show cause [illegible] in thirty days from the day this monition [illegible] inserted in the public papers, why the [illegible] made should not be confirmed and homologated.

The property was sold by the [illegible] aforesaid, for the price of Two thousand [illegible] cash, to Polyxene Alexandra Mavrogordato [illegible] fourteenth day of October, 1876, under [illegible] fieri facias, following a judgment rendered [illegible] suit entitled Polyxene A. Mavrogordato [illegible] ander Michel Agelasto, her husband, [illegible] the docket of this court.

Description of property as given in the [illegible] conveyance, viz:

Two lots of ground, with the buildings [illegible] provements thereon, situated in the [illegible] Faubourg, in the Sixth District of [illegible] City of Jefferson, in the square bounded [illegible] Charles and Prytania streets, Louisiana [illegible] and the property now or late of the [illegible] chaise, being lots Nos. 15 and 16, on a [illegible] Buisson, surveyor, dated May 19, 1866, [illegible] the office of O. Drouet, a notary public [illegible] and they measure each 31 feet 5 inches [illegible] Louisiana avenue, by a depth of 129 feet [illegible] parallel lines. Being the same property [illegible] by the defendant, Alexander M. Agelasto [illegible] made by the sheriff of the parish of [illegible] the sixth of February, 1870, in the suit of [illegible] eer M. Agelasto vs W. R. Mills, No. [illegible] docket of the Sixth District Court for the [illegible] Orleans.

New Orleans, November 24, 1876.

JOHN J. O'BRIEN, Clerk. A. SAUCIER, [illegible] de12 [illegible]

CIRCUIT COURT OF THE UNITED STATES.

FIFTH CIRCUIT AND DISTRICT OF LOUISIANA.

NOVEMBER TERM, A. D. 1876.

DANIEL WEAVER VS MRS. MARY C[illegible] et al.—No. [illegible]

New Orleans, Tuesday, January [illegible]

COURT MET PURSUANT TO ADJOURNMENT. Present the Hon. E. G. Billings, [illegible] On motion of Rouse & Grant, solicitors [illegible] plaintiff, and it appearing to the court [illegible] bill filed in this cause has for its object [illegible] closure of a mortgage lien and privilege [illegible] estate within this district, and that the [illegible] made return on the process of [illegible] herein, that the defendant herein, [illegible] Boykin, is not an inhabitant of, and [illegible] found within this district; it is therefore [illegible] that the said defendant, Mrs. Mary C. [illegible] appear, answer, plead or demur to the [illegible] said bill, on or before the first Monday [illegible] 1877, and that a copy of this order be [illegible] her personally, if practicable, and [illegible] be published once a week for six [illegible] weeks in the New Orleans Republican [illegible] paper published in the city of New Orleans [illegible] district, and that copies of the same [illegible] on John C. Jackson and Edward M. [illegible] the persons in possession of the mortgaged property.

I certify the foregoing to be a true copy [illegible] original record in this office. Witness [illegible] and seal of said court, at the city of [illegible] this ninth day of January, 1877.

ja7 law 6t E. R. V[illegible]N, Deputy [illegible]

THE STATE OF LOUISIANA.

SIXTH DISTRICT COURT FOR THE PARISH OF ORLEANS.

JEANNE L. GAILLEPIED, WIFE OF M[illegible] vs. Michel Valgnate, her husband—[illegible]

I HEREBY CERTIFY THAT ON [illegible] teenth day of November, 1876, [illegible] rendered in this court in the [illegible] suit, in the words and figures following [illegible] Jeanne L. Gailleried, wife of M. [illegible] Michel Valgnate, her husband—No. [illegible]

On motion of W. S. Murphy, of [illegible] plaintiff in this suit, on producing [illegible] due proof in support of her [illegible] the law and evidence being [illegible] plaintiff, it is ordered, adjudged [illegible] creed that the judgment by default [illegible] entered on the ninth instant be [illegible] and made final, and accordingly the [illegible] judgment in favor of plaintiff, Jeanne [illegible] Gailleried, wife of Michel Valgnate, [illegible] defendant, Michel Valgnate, her husband [illegible] ing the community of acquets and gains [illegible] existing between the said parties, and [illegible] separation of property between them [illegible]

It is further ordered that defendant [illegible] suit.

Judgment signed November 28, 1876. [illegible]

In testimony whereof I have hereunto [illegible] hand and affixed the seal of the said [illegible] city of New Orleans, on this twenty [illegible] November, in the year of our Lord [illegible] eight hundred and seventy-six.

de13 24 ja13 FRANK WALL, Deputy [illegible]

SUCCESSION NOTICES.

Succession of Pierre F. T[illegible]

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 39,344.—Notice is [illegible] to the creditors of this estate and to all persons herein interested to show cause [illegible] days from the present notification, [illegible] have or can, why the account [illegible] Maria Josephine Muneger, widow of [illegible] berg, testamentary executrix of the [illegible] not be homologated and approved, [illegible] distributed in accordance therewith.

By order of the Court.

de29 ja13 3t FRANK PAC[illegible]

Succession of Charles L[illegible]

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 38,799.—Notice is [illegible] to the creditors of this estate and to all persons herein interested to show cause [illegible] days from the present notification, [illegible] have or can, why the amended [illegible] by Francis Lanax, administrator [illegible] tate, should not be homologated and [illegible] the funds distributed in accordance [illegible]

By order of the Court.

de30 ja8 3t FRANK PAC[illegible]

Succession of Virginia Cath[illegible] Avery.

SECOND DISTRICT COURT FOR THE PARISH of Orleans, No. 39,183.—Whereas [illegible] has petitioned the court for letters [illegible] tration on the estate of the late [illegible] Catherine Burke, deceased, intestate [illegible] hereby given to all whom it may concern [illegible] cause within ten days why the petition [illegible] prayer should not be granted.

By order of the Court.

ja4 9 14 FRANK PAC[illegible]