KU KLUX KLAN.

Appalling Record of Murder and Crime.

Four Murders, Thirty Whippings and Sixteen Other Horrible Outrages.

Summary of the Outrages Proven in the Court of Impeachment.

Origin and Present Aspect of the Chester Troubles.

RALEIGH, N. C., March 11, 1871.

The testimony for the Governor still continues to unfold the most startling records of crime ever known in the annals of a civilized community. Even the most extreme democrats acknowledge that the state of affairs in Alamance county, as developed by the testimony, is horrifying and appalling beyond conception. One fact is, however, noticeable that will operate against Governor Holden—that all the long list of crimes now developed were perpetrated a considerable length of time prior to the date of his first proclamation declaring Alamance county in

A STATE OF INSURRECTION;

and not a single outrage occurred between that date, March 9, 1870, and the 20th of June of the same year, when he brought Kirk and his troops into that county. The courts were open, the civil authorities in the full exercise of their functions, and the community in the most peaceful state it had been since the close of the war, when Kirk and his lawless rabble from East Tennessee were precipitated upon them. This looks bad for his Excellency, and gives color to the charge that the whole insurrectionary programme, Kirk war, and the arrest, tortures and imprisonment of the citizens of Caswell were all a part of a conspiracy to throw the State into actual insurrection, by which the President would be called upon to declare martial law, and thus defeat the August elections, when the conservatives gained such a signal triumph. About ninety of the Governor's witnesses have been examined so far, and

FOUR MURDERS

by the Ku Kluxes of Alamance have been proven. Besides these there were four others, the testimony in regard to which has been excluded because they did not occur within the limits of the counties alleged to have been in a state of insurrection. Those proven are:—Wyat Outlaw (colored), hung by the neck the night of the 26th of February, 1870, by a band of disguised mounted men, numbering about forty, in front of the Court House at Graham, the seat of Alamance county; William Puryear, a half-witted negro, was drowned one night in March, 1870, a large stone being tied to his feet, the charge against him being that he said he witnessed the hanging of Outlaw and knew the men who were present; Thomas J. Morrow and his brother-in-law, both colored, were taken some time in the fall of 1869 from their homes and families, and hanged by the neck, for alleged barn burning.

THE WHIPPINGS

and mutilations are numerous and now foot up the number of thirty. Jack Petillo, a negro, was badly whipped in December, 1869, and disabled for two weeks, during which time he was under the constant treatment of a physician. His house was afterwards torn down, and a gallows, gravestones and a placard were placed near it, as a threat against all colored republicans. Ivison Warren (negro) was whipped about the same time, though not so badly; but his skin was cut and bleeding. William F. Simpson (white) was whipped until the blood ran down from his back, for allowing a negro to live on his land and for cursing a party. Donaldson Worth (colored) was taken from his house on the last Saturday in January, 1870, tied to a tree and severely whipped; Samuel Garrison (negro) was forcibly taken from his house, was caught and struck several blows on the head while trying to escape, was bucked and then badly whipped, November, 1869; Daniel Jordan was severely whipped in the fall of 1869; William was whipped in October, 1869, receiving as many as seventy-five or eighty blows; Carter Cossy (colored) whipped in his shirt and drawers for alleged stealing of hogs, 1869; Caswell Holt (colored) whipped December, 1868, and his house was broken open and he was shot at December, 1869; Leonard Ripley (white) was whipped in Caswell county for living with free negroes; Jake Brannock (colored) was similarly chastised in same county; George Riply (colored) was whipped some two years ago and died soon afterwards; Simeon White (colored) was whipped March, 1870, for asserting his equality with the whites; John Durman (white) had his hair cut off and was whipped for keeping another woman, having a wife already; James Cole (white) was whipped January, 1870, for alleged insolence to white people; Henry Holt (colored) and wife were whipped in the fall of 1869; Green Lanford (white), seventy-one years old, was, with his wife, dragged from bed and whipped in his nakedness; James Corliss (white) and wife were whipped until both were all bloody in their night clothes; John Guy (white) whipped twice, January, 1870; Porter Mebane (colored) was stripped and whipped severely about same time for marrying a white woman; George D. Boon (white), whipped severely, March, 1869; Andrew Trollinger (colored), whipped in his own yard 29th October, 1869, for voting; his wife was whipped the same for interfering with Dr. Coble's practice; Jacob Murray (colored) whipped and his child killed by one of the Ku Klux, who tramped on it, about December, 1869; Damon Holk (colored), whipped about same time; Green Freeman, John Lynch, John Bason, Millie Alston, Joseph Harvey, Nelson Strond, Hamilton Brien, John Siddle and Sandy Jellars complete the whipped and scourged victims, each of whose tale would furnish a column of horror. Besides these there were sixteen others shot, beaten, mutilated and

OTHERWISE MALTREATED,

whose names are as follows:—Henry Holt (colored) shot at three times the night Outlaw was hung; Eli Outlaw and family, shot at and driven from their home, having to spend the night in the woods; Andrew Murray (white) run off from his home by threats of death; John Shatterlo's house was shot at repeatedly; Jemima Phillips (colored), beaten and stamped when Outlaw was hung; Joseph McAdams (white) found coffin at his door with threatening placard on it; James C. Remstaff threatened with death if he did not leave the county; visited the second time and again threatened; Senator Shoffner threatened with death and his murder attempted; George D. Boon, postmaster, threatened by three coffins with terrible inscriptions; John Alred's house was visited and he was threatened to have his throat cut if he did not change his politics; Mary Gatlins, a lewd white woman had her house pulled down to the bottom log; Alfonso had a withe put round his neck, and he was made to pray. These are nearly all the outrages yet proven. The following is a continuation of the testimony of some of the most important witnesses yet examined:—William R. Albright, the most respectable of the Governor's witnesses, who was a magistrate in Alamance county testified to the unsettled and alarming state of affairs in that county during the latter part of 1868 and 1869; he was intimidated in the discharge of his official duties by the mysterious operations of the Ku Klux; he appealed to the Governor for troops to protect the lives of republicans, and the Governor sent a force of militia, under command of one Captain Boster; these were afterwards relieved by United States troops; witness was appointed a brigadier general of militia for the purpose of forming one of the

MILITARY COURTS MARTIAL

which was ordered by the Governor to try the citizens arrested by Kirk at Yanceyville; witness issued several papers exempting certain persons from arrest under the authority of his commission as a brigadier general, but when Bergin came to the county he did not regard these papers, and witness ceased to issue them; witness was initiated into the Union League by Governor Holden before his election as Governor; Wyat Outlaw, the negro who was hung at Graham, was present at the meeting when he was initiated; John Stockard, a member of the Ku Klux, told witness he had once ridden twelve miles to save his life, and for that reason he demanded that witness would do his best for him when he needed it; on this account witness, in his capacity as brigadier, issued him papers exempting him from arrest, but Bergin arrested Stockard notwithstanding.

AN OFFICIAL K. K.

The Sheriff of Alamance county, Albert Murray, testified that he had been a member of the White Brotherhood, but that he dissolved his connection with it after the passage of a law prohibiting persons going in disguise.

J. A. J. Patterson, a witness for the Governor, testified that he was chief of an organization in Alamance county known as the Constitutional Union Guards—a separate though a similar organization to the White Brotherhood. He initiated five camps or Klans, and was First South Commander; some three weeks before last August the commanders had a meeting and declined to disband the organization; witness received a letter that

SHOFFNER WAS TO BE HUNG

on a certain night; there was nothing in the paper about the body, but he thought the messenger who brought the letter said it was to be boxed up and sent to Governor Holden (Shoffner was a republican member of the Legislature and supposed author of the insurrectionary act); the order for Shoffner's execution was signed with two letters and one figure, "Chief of Orange;" witness did not know what those figures were; the oath of the organization required them to resist any forcible attempt to deprive them of their constitutional or legal rights, by force if necessary; but it did not require us to resist by force or otherwise the State or federal governments, the reconstruction measures, or the fourteenth or fifteenth amendment; we disbanded after the passage of the legislative acts prohibiting persons going in disguise.

THE KU KLUX DISGUISE.

John W. Long, a most notorious character in this State, a witness for the Governor, testified that he resided in Alabama, but had left Alamance county, in this state, last summer. He had been a member of the White Brotherhood, and produced in the Senate chamber the usual disguise worn by members of that organization when on their midnight raids. This consisted of a long white gown, reaching near the ankles, and buttoning tight round the neck, with loose sleeves. Then there was a white cap, which, when drawn over the face and down to the neck, had holes for the eyes and mouth. Round the eyeholes and mouth were red marks, and it had a long protuberance or snout, which was colored, for the nose, while it towered far above the head, with two projecting horns from the forehead and a spiral tassel, which shook with each movement of the person. The witness put it on and made one of the

MOST HIDEOUS

spectacles ever witnessed, and one which was well calculated to terrify timid persons at night out of their very senses. The testimony of this witness, which was, however, impeached by himself, conflicts materially with that of other witnesses with regard to the

OATH OF THE ORGANIZATION.

They were required under all and any circumstances to keep the secrets of the body, to prevent negroes from elevating themselves to an equality with white men, to overthrow the republican party, to go around disguised and frighten the negroes and keep them away from the polls. Members were to be protected at all hazards, and they were, if possible to get on the juries and bring in false verdicts whenever a member was on trial, and when on the witness stand they were required by the obligation to swear in favor of a brother and to obey all orders of the camps. Witness was present, in accordance with the instructions of the camp, at the whipping of Tom Sellars. They gave him

TWO LICKS APIECE,

which was their orders. When we got back to the camp after disposing of Sellars we talked about Corsay, who was a member of the organization, but he had been talking too much, and it was proposed to put him out of the way, as

DEAD MEN TELL NO TALES.

Another member said he should be talked to, which was at length agreed to; Jim Albright was there that night, and he brought an order from his camp to whip Caswell Holt (colored) and we were to do it; he was whipped as the order directed; the next meeting witness attended was a county meeting, held near Haw river, when some two or three hundred men were present, and

ALL THE CHIEFS;

the object was to find out the strength of the order in the county; there were between four hundred and six hundred men in the county in the organization, probably seven hundred; it was then determined they should make a raid through Graham that night, which they did, though they disturbed nothing; the object of the meeting succeeding was to determine what should be done with Caswell Holt finally; it was first proposed to whip him, which was voted down, next to hang him, but this was objected to as causing too much excitement; then it was agreed to

DROWN HIM,

and witness was selected to carry the order for his execution to Camp No. 10, of which Fawcett was the chief; he delivered it, and Fawcett said it should be done the following Friday night, but he saw him, and Fawcett said that Jacob A. Long had ordered it to be stopped; Long was chief of the organization in the county, and he, for some reasons, prevented the killing of Caswell Holt; about February or March there was a county meeting held at which a few of the chiefs were present, and it was then decided to have no more whippings and not to interfere with matters

TOO SMALL FOR HANGING;

when we were to take hold of a case in the future it was to be either hanging or drowning; after that Daniel Worth's schoolhouse was burned; George Trollinger told me to come to his barroom that night, as he had something particular on hand, and he wanted some men who did not have so much cowardice as others; witness did come back, and he said we must burn the schoolhouse; witness objected, but Trollinger said that he must do it—the Camp had decreed it; and — and myself then got a can of kerosene oil and some matches and went over; witness was put to watch while others set the house on fire; before he put the oil on the house witness said, "For God's sake, do not burn that house!" and he replied that he would do it in

SPITE OF GOD OR THE DEVIL;

he then squirted oil over the ceiling, floor and walls of the house and struck a match, but it went out; witness again asked him not to burn the house; he replied that he would, struck another match, applied it, and the building was

SOON IN FLAMES;

we ran back to Trollinger's barroom, and soon the cry of "fire" was raised, and we ran back and helped to pull down the fence round the house. It was burned because it was a colored school. Andrews and Fogleman told me they carried the coffin to McAdams' house, and that they got Nathan Trollinger to run his knife through his privates several times. Witness did not know how long the organization lasted. He only remained in it about one year, when he got in a fuss with Andrews, after which he was bluffed out of it. He made an expose of the order last summer, and then had to leave Alamance county for fear his life would be taken. Witness left the organization in May or June, 1869, and all the outrages he mentioned occurred prior to that time. After some further cross-examination, in which the witness impeached himself and acknowledged that he compromised a theft suit the court adjourned.

ORIGIN AND PRESENT ASPECT OF THE CHESTER TROUBLES.

The Town Patrolled Regularly at Night by Armed White Citizens—How and Why Arms Were Placed in the Hands of the Negroes—Singular Organization of the Militia—The Officers Without Commissions—War of the Ku Klux—The Outrage at Rock Hill—State Arms Broken Up—Whipping of a Negro Militia Man—Political Persuasions of the Ku Klux—The Recent Troubles—Conflicting Statements of the Number of Killed and Wounded—The Route to Yorkville—The Disarming of the Negroes.

CHESTER, S. C., March 12, 1871.

There is still a great deal of excitement in this community, resulting from the recent hostile demonstrations made by the negro militia upon this village. Armed patrols guard the town and suburbs at night, questioning every one found out after a certain hour as to his or her particular business that required them up when all good citizens should have retired. These patrols are composed exclusively of whites, armed with revolvers. Last night I took a stroll through the town as late as eleven o'clock. I had not proceeded far when I was accosted by two men with revolvers in their hands, who said:—

"Where are you going this time of night?"

"Where I please."

"Are you a stranger here?"

"Yes."

"Well, then, you must know that it is against orders for anybody to be abroad after ten o'clock, unless on important business."

"My business is to see the state of the town, and satisfy myself whether there is any civil law or order here. I am a Northern man."

"Then, if that be the case, you can go along."

I had scarcely walked 200 yards before two more armed men accosted me and a similar conversation ensued, my first interrogators never losing sight of me until I had reached the second party, and they likewise keeping me in view until the beat of another watch was reached. This will serve to show the state of alarm and uncertainty that prevails here owing to the unsettled state of affairs that exists, which has, beyond a question of doubt, resulted from the armament of the negro militia. These arms were placed in the hands of the negroes by the Governor and State radical authorities prior to the fall elections, and for the purpose, it is said, of enabling the negroes to defend themselves at the polls, where it was anticipated intimidation and violence would be resorted to by the whites. In view of this action large quantities of the same kind of arms, known as the

WINCHESTER SIXTEEN SHOOTER RIFLE,

were also purchased and brought her by the whites, who, though they did not carry them openly to the polls, had them conveniently located in case of an attack by the negroes—the latter having them in companies stacked in full view of each voting place. A strange feature, too, in connection with this armed militia organization is that, though the negroes are regularly organized, armed and equipped, with their captains, lieutenants and noncommissioned officers, none of these officers can be found who have authenticated

COMMISSIONS

from the Governor, and it is almost safe to say that no official record of the organization of the militia can be found. It appears that the arms were sent here to be used for political purposes, placed in the hands of the negroes with supplies of ammunition, and they allowed to organize, elect their officers and carry out the orders of such white men as became attached to the radical party purely from mercenary motives. The excitement of the elections over, it was believed the negroes would be disarmed, but such was not the case. Every township in each county had its negro militia company, with its irresponsible and, in the majority of cases, ignorant officers, who drilled them and had their regular public parades, a

STANDING MENACE

to the whites. Outrages by these armed bands became of such frequent occurrence that life and property in most neighborhoods where the negroes were controlled by bad and unprincipled men were unsafe, and consequently a counter organization was gotten up among the whites, which many take to be a branch of the well-known

KU KLUX KLAN.

This organization, at first one having for its object public safety and the defence of life and property, as it grew older became gradually aggressive and more dangerous to the public peace than were the negroes. It is said to have been first introduced here from East Tennessee or Western North Carolina about one year ago, and since then, as the times became exciting and political feeling ran high, it has grown to be a most formidable and extensive order in this State. Investigations of an unofficial character made to the present have utterly failed to show which of the two—the negro militia or the Ku Klux—are responsible for the recent troubles and pitched battles in this and adjoining counties. Both political parties charge it on the other, and both make out such a clear case that it is almost impossible to decide which is culpable short of a regular official examination of all parties concerned. The negroes, with some degree of credibility, state that the whole of the troubles originated in the

WHIPPING AND BREAKING UP

of the arms of members of the militia companies. For the past month or two, and since the outrages in Union county began, it seems to have been a determined object on the part of the Ku Klux to wage war on the militia and to destroy their arms whenever and wherever found. Every place where arms of the State were known to have been stored has been visited by this band of midnight marauders, habited in their mysterious and hideous costume, and the arms either carried off or destroyed. At Rockhill, at a depot on the Charlotte, Columbia and Augusta Railroad, adjoining this county, a body of disguised men, numbering some seventy-five, came there about three weeks since and left five cases of State Winchester rifles

A MASS OF DEBRIS

on the floor of the storeroom. The watchman says he was aroused by a loud knocking at the door, which he opened, and was at once seized by a man, who commanded him, with a pistol at his breast, to remain quiet. About twenty-five men then rushed in, all wearing disguises, and they asked him where were the State arms. In a state of perfect terror he pointed out five cases piled one on top of the other. These were quickly broken open with an axe and as quickly broken up, the accoutrements being cut in pieces and thrown over the floor. The captain of the band then commanded him to go to the barroom of the place and bring them whiskey, but before he went on this errand they left the depot, locked the door and gave him the key. He returned with a gallon of whiskey and they again entered the depot and completed their work of spoliation. Though there were barrels of whiskey and large quantities of provisions and goods there they never touched anything but the arms. When these were all destroyed they left, and commanded him to follow them. He went, and was almost terrified lest they should take a notion to hang him. When about five hundred yards from the depot they came to another large body of men, who were stationed across the road, and horses were tied along the fence for a considerable distance. Here they drank the whiskey, after which the captain or leader gave the order to mount. He was then ordered to return to the depot, and to whistle as he went. This injunction he strictly obeyed, and the last words he heard came from the captain, who said, "Now, boys, hurry up;

WE MUST BE across THE LINE

by sun up." From this latter expression it is inferred that the Ku Klux engaged in this outrage were from North Carolina, as the county of York, where it occurred, adjoins Mecklenburg county in that State. Certain it is that they came from another county; but whether from Union in this State, or from this county, or from one in North Carolina, cannot be definitely settled. It is strongly surmised, however, that it was the same band that has since taken so prominent a part in the difficulties in this county. Abner Holly, a powerfully built and stalwart black negro, who is one of the most intelligent among them I have seen, states that he was brutally whipped on Thursday night last, two weeks ago, just previous to the recent disturbances, and that the

BLOOD SPIRTED FROM HIS BACK

every lick. In his own graphic language they came in and dragged him out of the bed where his wife was and hallooed and caverted around like so many devils. There were twenty-five of them. They took his Winchester rifle down from where it was hanging and asked him, "Do you see this?" and with that they smashed the breech off on the hearth. The man then picked that up and said, "Do you see where this is going?" and he threw the breech behind the fire. The barrel was then mutilated and broken. They spoke to him and said they had nothing against him, but that he was a d—n radical and a meelish. The principal one whooped and shook his horns in his face, while he presented a pistol at his breast and told him that he had voted for that

D—N SCOUNDREL SCOTT, AND

Grant, too, and they would show that he must do so no more, or they would put him up the spout. "We paid for your damned Winchester rifles, and we have the right to destroy them. We don't want any more of the damned radicals you put in office, who only want to make money out of your votes. You must vote the way the white people vote, or not vote at all. We have to pay the taxes, and we want men who will make honest and fair laws and levy taxes under which we can live, and if this is not done we will make the county

HOT AS HELL

for every d——d nigger of you. This the negro related with a good deal of humor, and he seemed to enjoy it as he went on. He said the men must have known him well from the way they talked, for one of them said, "Let us hurry up;

SILVEY IS IN THE FAMILY WAY,

and this might scare her, and perhaps hurt her," meaning his (Holly's) wife. Nobody could have known that fact unless they were quite intimate with Holly and his family; but he could recognize none of them, even by their voices, which were well disguised. Jim Wilkes, who is another robust black young man, not so intelligent as Abner Holly, was the captain of the militia company at Carmel Hill, which caused all the recent difficulties. He made a statement of the whole affair to Captain B. B. Keeler, Company I, Eighteenth infantry, and your correspondent. Of course he charges the first attack to have been made upon his sentinel, instead of (as has already been reported in the HERALD) the sentinel firing upon a party of passing whites. He proved himself a

BAD OFFICER,

for he frequently admitted that in the main engagement which occurred on Wednesday last in Baton Rouge township, near New Hope church, eight miles northwest of here, he did not see "de inimy, but dat de privates did." His account of the series of disturbances does not materially differ from that already reported in the HERALD, except that he does not show how many were

KILLED AND WOUNDED

in the several engagements that ensued, of his own command, notwithstanding that he did command on the battle field. This remains still an unsettled question. Various reports coming from both sides state that few men were killed in the fight on Wednesday, but that in the route and pursuit that followed a large number of negroes were "lost by the wayside." How true this is I cannot say. The negroes place their loss at some five or six, while I have heard whites say that they are satisfied as many as twelve or fifteen were killed and buried near Mount Hope church, the scene of Wednesday's battle. Out of about one hundred negroes under arms and all of whom were furnished ammunition by one Major Reister, the county clerk and commandant of the militia, about twenty reached Yorkville, where they were required to lay down their arms, and, for safety to themselves, the Sheriff put them in jail. On the next day they were taken to the United States camp and there they remained until yesterday, when they left and returned here, without any molestation whatever. Everybody, both negroes and whites, state that the above-mentioned Major Reister, an

ADVENTURER FROM BALTIMORE,

of German origin, is the main cause of all the troubles. He has repeatedly ridden into office on the votes of the negroes, has been their commander-in-chief in the county for a long period, and, by inflammatory speeches and bad advice, has kept the negroes constantly on the verge of a collision with the whites. His wife's family here admit that he is a most disreputable character, with whom they exceedingly regret their connection. Twice he broke faith with the whites during the late troubles, and instead of allowing the negroes to go home and disband he kept them here, furnished them ammunition and finally brought on the collisions that took place. The hotel where I now write is riddled with bullet holes from the fire of the negroes, who were intrenched at the turn-table near Reister's residence on Tuesday morning last.

THE DISARMING OF THE NEGROES

has been progressing under the supervision of one Captain Kennedy, an aid of the Governor, and today a squad of United States troops were despatched to Rossville to have the moral aid of their presence where a large company were to be required to surrender their Winchesters. There are now three companies of United States troops quartered here, under command of Brevet Major B. B. Keeler, as follows:—Company I, commanded by Captain Keeler; Company H, Captain McLaughlin; Company B, Lieutenant Durham, all of the Eighteenth infantry. Company D, under command of Lieutenant Canton, is at Rockhill. Everything is quiet, but there is still some excitement.

STREET CAR SLAUGHTER.

A Child Three Years Old Run Over in Fourth Street.

Coroner Young yesterday morning commenced an investigation in the case of Honora Leahey, the little girl (whose parents live at 186 West Fourth street) who was killed corner of Barrow and Fourth street on Friday last by being run over by car No. 39 of the Bleecker street line of cars, of which David D. Long was conductor and James Ashley driver. It is alleged that while the child, only three years of age, was at play in the street she attempted to cross in front of the horses and in doing so was knocked down and run over before the driver could stop the car. There was some misunderstanding as to who removed the child from under the car, the conductor claiming to have done so, while two others said they were the persons who took the little girl from under the wheels. In order to procure further testimony Coroner Young adjourned the investigation till next Saturday morning.

CARBOLIC ACID AGAIN.

Another Poisoning Case—Fatal Result.

It is only a few days since that the HERALD contained a report of the fatal poisoning of a lady in New Chambers street by swallowing a quantity of carbolic acid in mistake for brandy, and now another case has been brought to light.

Sergeant Tynan of the Twenty-first precinct, yesterday informed Coroner Hermann that Annie Rider, an Englishwoman, thirty-two years of age, employed as domestic in the family of Mr. J. R. Lee, living at No. 104 East Thirtieth street, had died suddenly, as was believed from drinking a solution of carbolic acid in mistake for liquor.

THE COURTS.

Sentences Upon Counterfeiters—Letter Stealers, Perjurers and Illegal Voters—Fraudulent Bankruptcy—Diamond Smuggling—Riding on Car Front Platforms—Captain Peabody Again in Court.

UNITED STATES CIRCUIT COURT.

Sentences Upon Prisoners.

Judge Woodruff sat yesterday morning at the usual hour.

Counsel for the government moved that the prisoners who had been convicted should be brought forward for sentence.

PERJURY.

James O'Neill had pleaded guilty to an indictment charging him with perjury. It appeared that he committed the offence for the purpose of procuring the discharge of a prisoner accused of crime. Judge Woodruff remarked that perjury, he was sorry to say, was of frequent occurrence and had become a crying evil in the community. The efforts of the officers of justice to detect and punish it had been often frustrated. He would do all he could to suppress this class of crime. The prisoner, he understood, had a large family—nine children—and this consideration weighed with the Court in passing a lighter sentence than might otherwise have been the case. Sentence, two years in Albany Penitentiary at hard labor and to pay a fine of $100.

FRAUDULENT VOTING.

William Quirke, found guilty of fraudulent voting for a member of Congress in Westchester county at the last election, was next sentenced. It was stated that the prisoner had been drugged, and while in that condition was induced by some persons to vote, utterly unconscious of what he was doing. He had served in the war on the Union side without any complaint being made against him. Judge Woodruff said that the offence committed by the prisoner struck at the freedom and foundation of our national institutions and deserved to be punished severely; but, in consideration of the facts stated, the sentence upon the prisoner would be only six months' imprisonment, with the costs of the prosecution.

EMBEZZLING LETTERS IN THE POST OFFICE.

Wroch Radosavlywitz, pleaded guilty of embezzling letters from the Post Office. It appeared that on the breaking out of the civil war the prisoner was a first lieutenant in the Austrian service. With the aid of Mr. Motley, who was then Minister to the Imperial Court of Vienna, Radosavlywitz obtained his discharge and came to this country, bringing with him 428 recruits. With these he joined the army of the Union and was soon promoted to a captaincy. In consideration of these facts the court pronounced the mitigated sentence of three years' imprisonment.

John T. Lawrence, embezzling letters in the Post Office; sentence, two years' imprisonment.

Joseph Hartnett, embezzling letters in the Post Office; sentence, ten years' imprisonment.

COUNTERFEIT MONEY

Lewis Meyer, for having had in his possession counterfeit money with intent to pass the same, was sentenced to three years' imprisonment at hard labor in Albany Penitentiary, and pay a fine of $100.

Lewis Selner, found guilty of dealing in counterfeit money, was next sentenced. The Judge said he had received a letter from the sister of the prisoner asking for mercy upon her brother. He was sorry that considerations for his sister had not operated upon the prisoner's mind before he committed the offence for which he was now about to be punished. The sentence of the Court was that the prisoner should be imprisoned eight years at hard labor and pay a fine of $500.

INCITING TO MUTINY ON BOARD SHIP.

Peter Johnson, John Peterson and Charles Thompson, found guilty of inciting a revolt on board the ship Shatamuc, were each sentenced to two years' imprisonment at hard labor in the Albany Penitentiary.

COUNTERFEITING.

The Court resumed the trial of Alexis Nicolai, a Russian, who was indicted for engraving, or causing to be engraved, a lithographic stone, and printing therefrom fraudulent fifty cent currency stamps. The prisoner was convicted and remanded for sentence, which will be pronounced to-day.

The Court then adjourned.

THE INDICTMENT AGAINST GENERAL JORDAN.

Mr. B. K. Phelps, counsel for General Jordan, who is indicted for fitting out an expedition in this city for aid of the Cubans, contrary to the neutrality laws, having applied to the Court to know when the General could be tried, the Judge said he would not sit longer in the present term; but a jury would be in attendance on Monday next, and if a judge could be got from some other district the trial might come on then.

UNITED STATES COMMISSIONERS' COURT.

Alleged Fraudulent Bankruptcy.

Before Commissioner Betts.

The United States vs. Adolph B. Herman and Herman Herman.—The defendants had been charged with concealing a portion of their assets in a bankruptcy proceeding, and also with swearing falsely to a statement to the effect that Herman Herman had lost about $61,000 in Wall street speculations. The examination into the facts of this case has been going on at intervals during the past ten months. Yesterday the Commissioner rendered a decision, holding the defendants to await the action of the Grand Jury.

The Alleged Diamond Smuggling Case.

It will be remembered that some few months ago a young man—Augustus Charles Radcliffe—was arrested in this city on a charge of smuggling diamonds, worth $25,000 or $30,000, from London, where his father is said to be extensively engaged in the diamond business. Yesterday Radcliffe, with his counsel, had an interview with the United States District Attorney. Subsequently Radcliffe appeared before Commissioner Davenport and gave bail in the sum of $1,500 for his liberation.

Marshal Sharpe's Office.

Mr. George B. Purvis has been appointed one of the deputies in Marshal Sharpe's office.

COURT OF COMMON PLEAS—TRIAL TERM—PART I.

Caution to Front Platform Riders.

Before Judge Loew and a Jury.

Henry Tregar vs. The Dry Dock, Broadway and Battery Railroad Company.—This was an action brought to recover $10,000 damages for an injury sustained by the plaintiff while riding on one of the defendants' cars under the following circumstances:—The plaintiff, who is a journeyman hatter by trade, between seven and eight o'clock on the evening of the 28th of April last, got on the front platform of the car on the corner of Broadway and Grand street for the purpose of proceeding to the Grand street ferry on his way to his home in Brooklyn. The car was crowded and a heavy rain storm prevailed at the time. A few minutes after the car moved from where he got on he was forced by the crowd off the front platform and under the fore wheel of the car, which crushed his right hand in such a way as to render amputation of three fingers necessary, and totally unfitting him to ply his avocation of hatter or to use his hand at all. The defendants' counsel moved to dismiss the complaint on the ground that no negligence on the part of the company had been proven, and that contributive negligence on the part of the plaintiff in getting on the front platform of an over crowded car was clearly shown. Judge Loew granted the motion and dismissed the complaint.

COURT OF COMMON PLEAS—SPECIAL TERM.

Decisions.

By Judge Robinson.

Chase vs. Higgins.—Motion granted.

McPartlin vs. Leavitt.—Motion granted, with ten dollars costs.

Mabry vs. Mason.—There does not appear to have been any wilful contempt, except to pay a debt, &c. Motion denied, with ten dollars costs.

By Judge Joseph F. Daly.

Malt vs. The Hudson River Railroad Company.—Judgment for plaintiff.

Parish et al. vs. Murston.—Motion granted.

In the Matter of the Lien of Richard H. Dorling.—Judgment ordered.

Benedict vs. The National Bank of the Commonwealth.—Order settled.

COURT OF COMMON PLEAS—GENERAL TERM.

Decision.

By Chief Justice Daly, Judge Larremore and Joseph F. Daly.

Caranagh vs. Meehan et al.—Judgment affirmed as a personal judgment against Meehan, and judgment reversed as against defendant Johnson.

Miller vs. Newman.—Judgment reversed.

Carman vs. Carman.—Judgment reversed, without prejudice to her right, to renew her application hereafter.

Fallen vs. Bartine.—Order affirmed.

Crowell vs. Crispin.—Judgment affirmed.

MARINE COURT.

A Caution to Car Conductors.

Before Judge Curtis.

Kezia Fleetwood vs. The Central Park, North and East River Railroad Company.—This was an act on to recover $1,000 for alleged damages incurred by the plaintiff while riding on the cars of the corporation sued. Mrs. Fleetwood was, on the 12th of September, 1870, thrown down from the rear platform of a Central Park car through the negligence of the conductor, who failed to stop the vehicle at the proper time and was severely injured internally and externally. The defendants denied all the allegations in the complaint. After a protracted trial before a jury a verdict in favor of the complainant in the sum of $325 was returned. A stay of thirty days was granted the defendants.

The Neptune Case Again.

The negro seamen, whose sufferings on board the Neptune have been fully detailed in these columns, appealed for judgment against Captain Peabody, the commander of that ship. The case was heard at considerable length, the Judge expressing his determination to see full and ample justice done the unfortunate seamen, and, at a late hour, the case was adjourned until this morning, when a decision will probably be arrived at.

Decisions.

By Judge Joachimsen.

Braughman vs. Hoven.—Judgment for plaintiff for $105 59, costs and allowance.

Badger vs. Leland.—Judgment for plaintiff for $977 85, costs and allowance.

Calicellisk Manufacturing Company vs. Milvern.—Judgment for plaintiff for $59 16 and costs.

Swift vs. Buell.—Judgment for defendant, with costs and allowance.

Buckman vs. Wrester.—Motion denied and case ordered to trial.

Raynor vs. Valentine.—Judgment for defendant.

Orders Granted.—Hilton vs. Witt, McAdam vs. Campbell, Ritter vs. Ordernell, Phillips vs. Briggs, Marenbotaur vs. Figure, Capen vs. Baxter.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT—Part 1.—Nos. 259, 2692, 21, 51, 57, 81, 1883, 95, 203, 355, 329, 585, 647, 105, 31, 45, 99, 571, 109, 113. Part II.—Nos. 42, 2162, 1338, 202, 5222, 2522, 1262, 192, 3062, 200, 186, 224, 36, 1442, 208, 228, 268, 646, 1992.

COMMON PLEAS—TRIAL TERM—Part 1.—Before Judge Loew.—Nos. 68, 557, 788, 325, 249, 604, 193, 678, 638, 733, 671, 157, 548.

COURT OF COMMON PLEAS—GENERAL TERM—Before Judges Daly, Robinson and Larremore.—Nos. 23, 9, 10, 11¾, 40, 51, 65, 91, 94, 97.

MARINE COURT—Part 2—Before Judge Curtis.—Nos. 5236, 5238, 5418, 4732, 5122, 5135, 5604, 5363, 5259, 5303, 5304, 5306, 5339, 5340, 5360, 5368, 5375, 5377, 5395, 5398, 5298, 5429, 5430, 5451, 5452, 5454, 5455, 5457, 5458, 5847, 5269. Part 3—Before Judge Joachimsen.—No. 5731.

SEEING THE AUDITOR.

Buying a Claim Against the United States and Getting One's Digits Burned—Relief Sought in Court, but Denied.

A case developing a queer state of facts, and in the development giving potent confirmation of the old apothegms regarding diamond cutting diamond and the necessary defilement ensuing from touching pitch, came up yesterday before Judge Sutherland, of the Supreme Court. The hinging point of the case was a claim against the United States, in which one party, evidently strongly doubtful in his own mind as to its ever being allowed, and which was its final disposition, made another party believe that it was going through all right, and succeeded in selling it to him for something over half its face, the latter party to pocket the difference in consideration of cash down. The

PARTIES TO THE SUIT

were Mr. John M. Shedd, a gentleman very well known in certain political circles in this city, who was the plaintiff, and the defendant, Richard R. Montgomery, also well known in certain circles in the national capital. The plaintiff sets forth in his complaint that on May 11, 1866, in the city of Washington, D. C., the defendant called on him and stated that he knew of a certain

CLAIM AGAINST THE UNITED STATES

for impressing into the service of the government, and loss while in such service, of the steamer Blue Wing No. 2. This claim was then in the hands of the Third Auditor and amounted to $20,000. It could be bought at a large discount. He proposed to the plaintiff to avail himself of the opportunity to make a good sum by its purchase. He urged this purchase strenuously, alleging that he had

INFLUENCE WITH THE THIRD AUDITOR,

and could get him to adjudicate upon the claim within ten days, and would guarantee the payment to him of the $20,000—the full amount of the claim—within a few weeks. All he asked the plaintiff to pay for the claim was $11,500. After the defendant had told this part of the story the plaintiff

MADE A PROPOSITION

that he would pay over the required $11,500, if the defendant would call and see the Third Auditor in person, and get him to examine the case of the claim thoroughly and carefully with him; and, after such examination, that the Third Auditor would assure him that the claim was a good and valid one, and further, that all the evidence was in his possession that possibly could be necessary to secure the payment of the claim, and still further, if the Auditor would promise him to make the claim a matter of special business and pass it with his approval within ten days and recommend its immediate payment, and finally, if the Auditor after these promises would allow him to take care of the claim, after having passed it to the Second Comptroller of the United States Treasury, and get the warrant for its payment. With this proposition terminated their first interview. On the succeeding day—so runs on the plaintiff's sworn recital of the facts—the defendant called on him again, and stated that he had

SEEN THE AUDITOR,

and that the latter had examined with him the claim, and promised to comply with all the propositions embodied in his (the plaintiff's) proposition. Believing these statements to be true, the plaintiff, on the 23d of May, paid $11,500 to the defendant. And now comes the

FINALITY OF THE STORY.

The plaintiff had parted with his money, as he alleges, on wholly fraudulent representations made by the defendant. On the 9th of July the said claim was rejected by the Third Auditor as unjust and invalid, and has not and never will be paid by the United States. The next thing was for the plaintiff to make efforts to get his money back, and he therefore brought suit against the defendant for its recovery, on the ground of fraud, with interest from the date of payment.

WHAT THE DEFENDANT SAYS.

His story has one merit at least—brevity. He denies, in the first place, each and every allegation set forth in the complaint charging fraudulent representations on his part; secondly, he avers that the plaintiff purchased the claim in violation of the laws of the United States, and knowing such purchase was in violation of such laws; and thirdly, he declares that the claim is a good and valid one. The

PROCEEDINGS IN COURT

were short, sharp and decisive. The plaintiff's counsel—Messrs. Edwards and Field—urged, with all the legal ingenuity at their command, that there was just and legal ground for the complaint, and that the defendant should be compelled to pay back the money he had fraudulently obtained from the plaintiff. They presented the affair as on a par with ordinary and common business transactions. The plaintiff believed that the parties holding the claim were willing to submit to heavy discount for ready cash. It was known that the government was proverbially slow in passing upon claims, and for this reason it was a very common practice to sell them. Defendant's counsel, Mr. Thayer, insisted that his client was blameless, and that the wrong, if there was any committed, was committed by the plaintiff. The Judge listened patiently to the argument on both sides, and then ordered the

DISMISSAL OF THE COMPLAINT.

The dismissal was ordered on the ground that it was clearly evident that the negotiation for the purchase of the claim grew out of expected irregular influence of an officer of the United States sitting in a *quasi* judicial capacity, and as such was against public policy, and that both were equally wrong, and that relief could not be asked in court.

BOARD OF HEALTH.

Smallpox Slightly on the