

NOON DESPATCHES

SPAIN'S PRIVATE SPECULATIONS—SPANISH MINISTER TROUBLES—RELIGIOUS EQUALITY IN SPAIN—COMMONWEALTH TRADES PATROL—NEW YORK, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 1871.

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LONDON, December 21.—The steamer Dolwara, which sailed this week from Liverpool for Calcutta, was totally lost, yesterday, off Sicily Island. All on board are supposed to have perished.

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HERNAN TAO A VOUCER REPEL—NEGRO KU KLUX IN ARKANSAS—PROGRESS OF THE MEXICAN REVOLUTION—TERRIBLE EARTHQUAKES—FATAL RAILROAD ACCIDENTS—CONGRESSIONAL, 40, 40.

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UNITED STATES CIRCUIT COURT—TRIAL OF KU KLUX CASES—CONTINUATION OF TESTIMONY IN CASE OF THOS. B. WHITESIDES, AND JOHN W. MITCHELL.

The court met at 11 A. M., Judges Bond and Bryan presiding. Maj. Hart submitted a certificate of the insanity of H. H. Kell, one of the prisoners in jail, signed by Drs. Darby, Talley and Gibbs, and applied for his release on bail. The court granted the petition, and accepted Elmore Kell and J. T. Kell as sureties.

The examination of witnesses for the prosecution was then resumed. The first witness put up was Mary Robinson. She said: I am living in three miles of Chester. I did live, until the 8th of March last, at Mr. Billy Wilson's, on Bullard's Creek, in York County. The Ku Klux ran me away from there. They visited my house three times. The first time they came was on Sunday night. I heard them shooting and hallooing up at my mother's house, and when I looked out of the door then, they were with my little son. I ran on before them, to make him show the way to my husband's house. I slipped out to one side in the woods. They came on, broke in my house, and searched it; took the gun and broke it. Then they went on to Jim Crosby's house, and I saw them break his gun, too. I knew one of them—John W. Mitchell—that's his name there, (pointing to the prisoner.) In about a month, they came back again. I was in the house with Mrs. Wilson, and didn't see them close, but they broke down my door, and tumbled everything about in the house. After a week, they came back again. I was in the house and opened the door for them. They rushed in, pointed pistols to my breast, and asked me where was my husband. I told them he had gone off for some white-oak. One of them ordered me to come and show him Mr. Billy Wilson's house. I went, and he took me off near the fence and tried to debauch me. He put his pistol to my head, and said he'd blow my head off. I told him very well I would rather die than be disgraced.

I would rather die than be disgraced. He then took me back to where the others were. They made me put my soap and whipped me. There were John and Ed. Leach and Joe Miller. Capt. John W. Mitchell stood off a piece and egged them on, saying, "Put it to her, boys; she's d—d stubborn." I recognized Dr. Tom Whitesides, too, and Mr. Watson, that married Joe Leach's daughter. They had no disguises. I have been knowing Dr. Thomas Whitesides a long time, and I belonged to John Mitchell.

Cross-examined—Two had gowns on—Dr. Whitesides and Mr. Watson—and horns on their heads, but no cover over the face. It was about the 1st of March. James Crosby was the next witness called. He said: I live on Dennis Crosby's place, in York County. Last March I lived at Billy Wilson's. The Ku Klux ran me away from there. They passed my house first and went on to John Thomson's, broke in his door, and I heard them shouting: "Shoot him, d—n him; shoot him!" Then I heard the sounds of the lash. Directly afterwards, they rushed up to my door and burst in. I got up and said good night, gentlemen. They replied: None of your good night here, God d—n you. Who are you? I said James Crosby. Well, what are you doing here on this d—d Radical's plantation? I told them I didn't think that ought to make any difference. They said, yes it does, and you'd go to leave here, too. Where's your gun? and, as they said this, they knocked me over the head with a stick and gave it to them. I got the stick on me at once and whipped me with it. They then made me break my gun all to pieces. They said, you tell the niggers that if any of them are caught on this d—n Radical's place, they will be hung. Then one said to me, dance, d—n you, dance. I could scarcely move my foot, but I jumped about all I knowed how. The men that whipped me were Dr. Whitesides, John W. Mitchell, Joe and Ed. Leach. I know Mr. Whitesides and Mr. Mitchell well. I recognized Joe and George Leach by their size, and I knew Dr. Whitesides by his size and by his neat track. I knew John Mitchell by his size. They had gowns on, and red scarfs over their faces; but I knew them by their size.

The next witness was Charles Leach, colored. He said: I live on Madison Smarr's plantation, on Bullard's Creek, in York County; have lived in York County five years. I voted last fall, and voted for Mr. Wallace. The Ku Klux came to my house on Monday night, shortly after Christmas. I heard them shooting at Berry's about an hour before. I had given them out and was asleep when they broke into my house, roused me from sleep, and commenced cursing me for a d—n Radical. I told them yes, I was a Radical, and belonged to the League; but hadn't attended much, because I didn't see any sense in it. I told them I hadn't stolen anything, nor meddled with any white man, and that I had a paper in my pocket to show what sort of a man I was. They asked if it was from Governor Scott? I said no. They took it, read it, and pronounced it right. They then went out, and I thought I was safe; but they called me to the door, and told me to bring a light. I went with a light. They snatched it out of my hand, and commenced whipping me over my head, and on my back. They cut me all into whelps from my haunches up. I wasn't able to work well for a long time. There were some thirty or forty of them, with horns and gowns on.

Cross-examined—I know Dr. Whitesides well. He is regarded as a good and kind man among the colored people. I do know of his helping some with corn. I got a bushel of his corn myself. It was after New Year's day, and the same night that Press Holmes and Jerry Thompson were whipped. I didn't recognize any of the party. Mr. Mitchell was always thought very well of by the colored people. Eliza Leach, colored, was the next witness called. She said: I am the wife of Charles Leach, and live at Madison Smarr's place, in York County. I remember when the Ku Klux came to visit my husband; it was on a Monday night, not long after Christmas. Witness then went on in the description, varying in material point from her husband. The prosecution closed their examination in chief with this witness. Mr. Melton proposed to put the defendant, John W. Mitchell, on the stand, but the Court refused, on the ground that the accused was not competent to give testimony in the United States Court.

Mr. W. C. Whitesides was then put upon the stand and testified as follows: I know Charles W. Foster, and was with him in the jail at Yorkville. I heard him say, there, that he was mistaken in the name of the man who was with Mr. Whitesides. He said that he (Dr. Whitesides) was not on the raid against Charles Leach, Pressley Holmes, Jerry Thompson, and the others whipped the same night; and that he (Foster) had made a mistake in giving his name to Col. Merrill and would correct it. Mack Aroby, John Miller and Robert Higgins were present and heard him say so. I heard Dr. Whitesides call out to him as he was leaving the jail and tell him to fix that thing. He said he was going to Col. Merrill to do it. Foster was in jail about a week. Questioned by Mr. Melton—I heard of the raid on Leach, Charley Good, and the others, the day after it occurred. I was living at my father's; twelve miles from Yorkville, three miles from Wylie's store and about seven miles from where Charley Leach lived. I saw John W. Mitchell the night that Leach, &c., were whipped, at my father's; he came for my brother, Dr. Thos. Whitesides, to go to see his mother; he got there some time after dark. My brother was not at home, and he went on up to Dr. Darwin's, where my brother was. Some time afterwards I saw him, Dr. Darwin and my brother pass on down the road. It was nine miles from there to Capt. Mitchell's house. The next day I heard of the raid on Charles Leach and others. Cross-examined—I am a brother of Dr. Whitesides. I was never a member of the Ku Klux Klan. Capt. John Mitchell said that his mother was ill the night he came for my mother, and he got 9 o'clock when they passed back with Dr. Darwin. I didn't see them again that night. I don't know if my brother was the regular family physician of Capt. Mitchell, but he attended frequently. I was a prisoner at Yorkville when I heard the conversation of Charles W. Foster, in which he said that he had been mistaken in giving the name of Dr. Whitesides to Col. Merrill as one of the party on the Charles Leach raid.

John Miller—I know Charles W. Foster. I heard him say, in the jail at Yorkville, that he had been mistaken in implicating Dr. Whitesides, and I heard him reply to Dr. Whitesides, and I heard him go out of jail, that he would correct it. Cross-examined—I never saw Col. Merrill so. I said that I had been at a meeting. The Ku Klux had been raiding round the country, and had been twice at my house to see me. I heard they were suspicious of me, about my getting a colored man the place of captain of the road. A cousin of mine told me I had better attend a meeting. I attended twice at Sharon Church. I was never sworn in, nor on a raid. I did not go from the church to Mr. S. G. Brown's. I was not on the raid when they made Charley Russell dance. The way I came to go to the second meeting was, that I was advised to do it by my cousin, Fols Miller, in order to keep out of danger from the Ku Klux. I thought I could just go to the meeting, but wouldn't be obliged to go on any raids. Robert Higgins—I know W. C. Whitesides, and saw him in jail at Yorkville. I heard him say, talking to J. O. Whitesides and me, that he was mistaken in implicating Dr. Whitesides in the Charley Good and Leach raid.

Cross-examined—The witness declined to answer whether he was a member of the Klan, or a captain, or was on the Jim Williams raid. Dr. Robert B. Darwin—I live in York County, am a practicing physician; Dr. Whitesides is also. I remember the night that Charley Good, Charley Leach, Jerry Thompson, &c., were whipped. I saw Dr. Whitesides that night at my home. Capt. John Mitchell came for him, and myself, to go to see old Mrs. Mitchell. We went to her house about 8 o'clock at night, and got to Capt. Mitchell's about 10. Mrs. Mitchell was very ill; she was having attacks of opium inflammation of the bowels. Dr. Smarr was the regular physician of Mr. Mitchell; but when Dr. Smarr was away or couldn't attend, myself or Dr. Whitesides was called in. Dr. Whitesides and myself stayed all night and until breakfast next morning. We sat up all night, very nearly; I laid down about 4 o'clock in the morning. The patient was in a large room, and there were a good many sitting up. There were Mrs. Howe and her daughter Sally, Mrs. Whisonant, Capt. Mitchell, Dr. Whitesides, myself, and one or two more. John Mitchell's is about eight miles from my house. Mrs. Mitchell was very ill. Capt. John Whitesides sat up all night, and so did Dr. Whitesides. My attention was frequently called for by the patient during the night. I heard of the Ku Kluxing the next morning, after breakfast. James Mitchell, a younger son of Capt. Mitchell, had been to the post office, and heard of the whipping of Jerry Thompson, Pressley Holmes and Charley Leach. Cross-examined—I was never a member of the Ku Klux Klan, nor did I ever so confess to Col. Merrill. I was casually at a meeting once. I don't know that you could call it a Ku Klux meeting. It was a neighborhood meeting, called to consult means of defence against the incendiary fires that had become frequent. I know that the evening I was called to visit Mrs. Mitchell was the 9th of January, because I kept a record on my books. John Mitchell was present all night, sitting up with his mother.

Mrs. Mary Howe was next called. She said—I reside in York. I remember of being of the raid on Leach. I was sent for because Mrs. M. had been taken very ill. I got there about sundown. Dr. Thomas Whitesides and Dr. Darwin attended that night. They got there about 10 o'clock. Captain John Mitchell had gone for them. Dr. Darwin, Dr. Whitesides, Mrs. John Mitchell, Captain Mitchell, Mrs. Whisonant, myself, my daughter Sallie and my son Julius sat up all night. It was Wednesday night, the 9th of January. After breakfast, next morning, I heard of the whipping of Charley Leach, Press. Holmes and Jerry Thompson. Sammy Mitchell told us of it; he had been over to the post office, and heard it from Mrs. Smith. The post office was on Thompson's place, where Jerry Thompson was whipped. Cross-examined—I remember the date by circumstances; I can't exactly say when New Year's day was on Sunday. Mr. Pressley Holmes was next called. He said: I live in York County. I am a sister of Capt. John W. Mitchell. I recollect my mother's illness; she had spasms; she had been illing for several days, but was taken violently ill on Monday afternoon, and Capt. John Mitchell went for a doctor. He returned with Dr. Whitesides and Dr. Darwin, about 10 o'clock at night. Several sat up that night. There were my sister-in-law, Mrs. John

THE DEFENCE

Butler Askew, colored—I live in York County, and know Major Guyton. He never gave me any warning about the Ku Klux coming on me. They did raid me on once. It was on the 3d of February last. There were five of them. They jerked me out of my house; made me take off my shirt, and whipped me. I know Major Guyton's politics. He voted the Democratic ticket all the time until the last election. He voted the Radical ticket that time, but he told me afterwards that he was sorry he ever did it. I am too young to vote myself.

Jackson Downen, colored, was next called. He said—I live at Madison Smarr's place, in York County. I know Major Guyton. He never warned me of the Ku Klux. They did raid me on a month after Christmas. They came to my house at night. My dog bayed them and they shot him, but didn't kill. They then broke in my house and took me out. They said: You are a Radical, ain't you? I said: Yes, sir; I am a Radical. You belong to the League? Yes, sir. Bill Kell's League? Yes, sir. They then piled on me, and gave me about 100 lashes over my shirt. They were all disguised in gowns, and some had long horns on their heads. They told me to tell my folks that if there was so much as a chicken coop burnt in that neighborhood, they should kill ten d—n Radical niggers.

Charles M. Foster, white, recalled—Milton Watson brought me orders to go on the Charley Good raid. He bore a rowed up my Ku Klux gown and mask to me. I took them, and made the others by Mrs. Rice Leach, Miss Jerusha Moss and Miss Watson made up the

gowns, &c. I left them all at Watson's, and went on by home to get a saddle ready for Dr. Whitesides, which I did; and when they came up, I put it on my horse, or rather mare. We rode on then towards the ferry. When on the way, Dr. Whitesides asked me why I didn't bring some whiskey. I said: Why didn't you order some? Afterwards, I told him I did have a little, and I pulled out a flask, and we took a drink. I had a conversation with Dr. Whitesides since I have been in the city of Columbia about my testimony. I met him in front of a restaurant. He asked me in to take a drink, which I did; and he asked me into the back yard, and wanted to know if I was going to come right up against him. I told him to wait till I got on the stand, and then he would hear. A friend of his (Lawson Davis) came to me afterwards about the same thing. I had a conversation with Capt. Mitchell, and other, in Yorkville, in reference to what I had disclosed to Col. Merrill. I told that I had made a clean breast of the thing. Capt. Mitchell said yes, if you had stayed for me, I know something about that visit of the Ku Klux to Capt. John Mitchell's in Chester county. There was a stranger in the neighborhood who was suspected of being a Ku Klux spy. Sam. Roberts and some others from Union were in search of him. They found him at Capt. Mitchell's, and reported that he was all right. Sam. Roberts and his party were members of Parker's Klan, in Union. Some of them left their disguises with me at the grocery when they came off the search after the supposed spy. I gave the disguises personally to Capt. Mitchell, and he sent them over to Parker in Union. I drank a great deal of whiskey while in jail at Yorkville, and I don't know but that I have had something about my having been erroneously implicated. Dr. Whitesides in the raid. I don't recollect of telling him, or went out of the gate of the jail, that I would go to Col. Merrill and correct it. I think he said that I was going to Col. Merrill; but my brother can tell you what I said; he was there and knows.

Kirkland Gunn was next called, and said: I did see John W. Mitchell at Barksley Hill the night we met to make the raid on Bill Kell. Capt. Mitchell rode up with a bag; the bag would hold about twenty-five pounds of cotton. He said I have some cotton here to take to the grocery and trade for whiskey. It was the bag in which the gowns, &c., were kept, I think. At least, I saw Capt. Mitchell put one of the disguises in it. I am so awfully colored, said: I live at Fairfield, in York County. The Ku Klux whipped me on the same night they whipped Jerry Thompson, Pressley Holmes, Charley Good and Dr. Darwin. It was about the 25th, 26th or 27th of January. Elias Ramsay deposed as follows: I know Robert Higgins. He was a member of the Ku Klux Klan; he was elected chief of the order at Sharon Church. I saw him, too, on the raid when Jim Williams was killed. I know John Miller, too, and I saw him at the meeting at Sharon Church. John Robertson, colored, was sworn, and said: I live in Chester County, now; last winter I was living at Billy Wilson's, in York. I left there on the 6th March. I met Dr. Whitesides at Chester, about three weeks ago; he told me howdy, and said he was glad to see me; he spoke about his trial here and said if you d—d niggers don't take me out of this county, I'm gone up. I never heard him make any threats against the witnesses.

Mrs. Billy Wilson was the next witness, but she gave no new points, except to fix the date of the first raid on her husband on the 26th of January. The testimony closed here. The grand jury found true bills in the following cases: The United States vs. George Turner, Elijah Ross Sapaugh, Henry Sapaugh, Robert Moss, Berter Moore, Walker Moore, Claiborne Hopper, David Ranssner, Joseph Leekie, Washington Anthony, Dr. Bell, Robert Bell, Knatt Paffry, Richard Paris, Miner Paris, John Gaffry, Wm. Gaffrey, Michel Gaffrey, William Ross, Rufus Ross, Don Wiley, John Wiley, Wallace Wiley, James Robinson, Walker Dawson, Reuben Gofford, Wm. Wortly, Jas. Osborne, Newton Osborne—conspiracy against Thos. Roundtree.

THURSDAY'S PROCEEDINGS. The court met at 11 A. M. The defence in the case of Thos. B. Whitesides and John W. Mitchell resumed the examination of witnesses. Major Guyton, colored, was put upon the stand. He stated that he was a resident of York County; lived in the neighborhood of Capt. John W. Mitchell, and knew him well; that he was well liked by the colored people, and bore the character of a kind and considerate man towards them. He further testified that there was a general disturbance throughout the County, and that incendiary fires had been impudently engaged in a plot to burn a large number of houses. Further, that he himself had warned a number of men who were afterwards punished by the Ku Klux that they would endanger themselves by their violent conduct and language. The defence introduced rebutting testimony, as follows: Butler Askew, colored—I live in York County, and know Major Guyton. He never gave me any warning about the Ku Klux coming on me. They did raid me on once. It was on the 3d of February last. There were five of them. They jerked me out of my house; made me take off my shirt, and whipped me. I know Major Guyton's politics. He voted the Democratic ticket all the time until the last election. He voted the Radical ticket that time, but he told me afterwards that he was sorry he ever did it. I am too young to vote myself.

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Kirkland Gunn was next called, and said: I did see John W. Mitchell at Barksley Hill the night we met to make the raid on Bill Kell. Capt. Mitchell rode up with a bag; the bag would hold about twenty-five pounds of cotton. He said I have some cotton here to take to the grocery and trade for whiskey. It was the bag in which the gowns, &c., were kept, I think. At least, I saw Capt. Mitchell put one of the disguises in it. I am so awfully colored, said: I live at Fairfield, in York County. The Ku Klux whipped me on the same night they whipped Jerry Thompson, Pressley Holmes, Charley Good and Dr. Darwin. It was about the 25th, 26th or 27th of January. Elias Ramsay deposed as follows: I know Robert Higgins. He was a member of the Ku Klux Klan; he was elected chief of the order at Sharon Church. I saw him, too, on the raid when Jim Williams was killed. I know John Miller, too, and I saw him at the meeting at Sharon Church. John Robertson, colored, was sworn, and said: I live in Chester County, now; last winter I was living at Billy Wilson's, in York. I left there on the 6th March. I met Dr. Whitesides at Chester, about three weeks ago; he told me howdy, and said he was glad to see me; he spoke about his trial here and said if you d—d niggers don't take me out of this county, I'm gone up. I never heard him make any threats against the witnesses.

Mrs. Billy Wilson was the next witness, but she gave no new points, except to fix the date of the first raid on her husband on the 26th of January. The testimony closed here. The grand jury found true bills in the following cases: The United States vs. George Turner, Elijah Ross Sapaugh, Henry Sapaugh, Robert Moss, Berter Moore, Walker Moore, Claiborne Hopper, David Ranssner, Joseph Leekie, Washington Anthony, Dr. Bell, Robert Bell, Knatt Paffry, Richard Paris, Miner Paris, John Gaffry, Wm. Gaffrey, Michel Gaffrey, William Ross, Rufus Ross, Don Wiley, John Wiley, Wallace Wiley, James Robinson, Walker Dawson, Reuben Gofford, Wm. Wortly, Jas. Osborne, Newton Osborne—conspiracy against Thos. Roundtree.

THURSDAY'S PROCEEDINGS. The court met at 11 A. M. The defence in the case of Thos. B. Whitesides and John W. Mitchell resumed the examination of witnesses. Major Guyton, colored, was put upon the stand. He stated that he was a resident of York County; lived in the neighborhood of Capt. John W. Mitchell, and knew him well; that he was well liked by the colored people, and bore the character of a kind and considerate man towards them. He further testified that there was a general disturbance throughout the County, and that incendiary fires had been impudently engaged in a plot to burn a large number of houses. Further, that he himself had warned a number of men who were afterwards punished by the Ku Klux that they would endanger themselves by their violent conduct and language. The defence introduced rebutting testimony, as follows: Butler Askew, colored—I live in York County, and know Major Guyton. He never gave me any warning about the Ku Klux coming on me. They did raid me on once. It was on the 3d of February last. There were five of them. They jerked me out of my house; made me take off my shirt, and whipped me. I know Major Guyton's politics. He voted the Democratic ticket all the time until the last election. He voted the Radical ticket that time, but he told me afterwards that he was sorry he ever did it. I am too young to vote myself.

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THE DEFENCE

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