

**DOCUMENTS**  
**RELATING TO RECONSTRUCTION**

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EDITED BY

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Morgantown, West Virginia

1904

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West Virginia University Documents  
Relating to Reconstruction. Edited  
by Walter L. Fleming, Associate  
Professor of History

No. I.

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The Constitution and the Ritual  
OF  
The Knights of the White  
Camelia

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PRICE, 15 CENTS

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MORGANTOWN, WEST VIRGINIA  
JANUARY, 1904

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## *Documents Relating to the History of Reconstruction*

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In this series of reprints will be reproduced documents illustrating the peculiar conditions, social, political and economic, that prevailed in the Southern states during Reconstruction. The first numbers will consist of documents relating to the Ku Klux Movement; following these will be published selections concerning the Freedmen's Bureau and the Union League; and finally several numbers illustrative of social and economic conditions under the "carpet-bag" governments will be printed. Newspaper files, public documents and pamphlets and manuscripts from private collections will furnish the material that is to be reproduced. Many of the documents are at present inaccessible to students who are not in reach of large libraries, and some of them have never been published. A special discount will be made on orders for class use.

One number will appear each month during the college year. The following is a tentative list of titles: 1. The Constitution and the Ritual of the Knights of the White Camella. 2. The Prescript of the Ku Klux Klan; The Revised and Amended Prescript of the Ku Klux Klan. 3. The Constitution of the White League, the Council of Safety and similar orders. 4. Ku Klux Orders, Warnings, etc. 5. The Constitution, Ritual and Catechism of the Union League. 6. Freedmen's Bureau Documents. 7. Schools and Churches During Reconstruction. Other titles will be added to the list and substitutions will be made. Correspondence is invited in regard to additions and substitutions. Address Walter L. Fleming, West Virginia University, Morgantown, W. Va.

Constitution and Ritual [of the Knights of  
the White Camelia] adopted at a General  
Convention held in the city of New Orleans,  
June 4, 1868.

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WALTER L. FLEMING

## THE KNIGHTS OF THE WHITE CAMELIA

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AFTER the destruction by Congress of the President's work of "restoration" in the South, the white people of that section stood listlessly aside to see how the plan of "reconstruction" would work. As soon, however, as the purpose of Congress was clearly understood and after a short experience of Reconstruction, the whites resolved in self defense to resist. And resistance was necessarily secret since open opposition of any kind would be considered rebellion. The secret and successful revolution (or, from the Southern point of view, conquest of revolution) that followed has been called the Ku Klux Movement. In this movement many secret organizations—hundreds perhaps—took part. The great majority of these bodies were of local extent only; several extended their operations over counties or even a state; the Ku Klux Klan (the Invisible Empire) planned to include the entire South; and the Knights of the White Camellia aimed to extend their organization over the entire United States. The last named order had a larger membership and embraced a larger territory than any other similar body. It began as a federation of local organizations that sprang up in Louisiana after the war, and was formally established on May 23, 1867, in New Orleans. A convention of the order met in New Orleans in 1868, framed an elaborate federal organization, and on June 4, promulgated a constitution and a ritual for the use of officers. The White Camellias\*, as they were usually called rapidly extended their rule throughout the states of the late Confederacy.

There were many reasons for this secret movement†: a "disordered society and a bewildered people;" corruption and tyranny in every department of government by the alien, renegade and negro; the bad influence of the teachings of Northern missionaries and teachers who worked among the black population, spreading what the negroes took to be doctrines of social equality; threats by the dominant party of confiscation; the insolent and lawless behavior of the blacks under the control of unscrupulous adventurers; the fear of negro insurrection; the operations of the Freedmen's Bureau and its ally and successor, the Union League, a Radical secret order controlling the blacks with an iron discipline; the constant use of Federal troops to uphold the plundering rulers, to disperse or influence legislatures and make arrests, and to surround the polls for the purpose of encouraging the blacks and intimidating the whites; frauds in elections committed by the alien rulers in order to

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\*Named from the white camellia or japonica, a well known flower in the Gulf States. A similar order in Mississippi bore the name "White Rose." Camellia is spelled as the members spelled the word. In Louisiana the French form was used.

†See article by W. G. Brown in the Atlantic Monthly, May, 1901, and also chapter IV of Brown's Lower South.

retain control in the South; the organization of negro militia when arms were refused to whites; and in general, the utter disregard of the interests of the intelligent and tax-paying part of the population. With a knowledge of these conditions, one may, after reading the declarations of the Invisible Empire and the Knights of the White Camella, understand what was in the minds of the Southern men who formed the secret orders which had for their purpose the destruction of the Reconstruction.

The various bodies that entered into the Ku Klux movement were not directly connected. In every part of the South where the conditions described prevailed the movement took form spontaneously. The White Camella absorbed smaller orders; local bands of regulators hearing of the White Camella took its name; other societies took part of the White Camella membership and imitated its methods; the White Brotherhood and the White League in Alabama, and the Council of Safety in South Carolina arose later than the White Camella and were modelled after it. The White Camella was a Black Belt organization, rarely having branches in white counties. Consequently, it did not encroach to any great extent upon the territory of Ku Klux Klan which operated principally in the white counties. On the borders the two orders sometimes existed side by side and cooperated in their work. No circles or councils were established in districts where they were not needed; and as soon as order and good government were restored in a county or a state, there the White Camella was disbanded. The stringent laws enacted against such organizations had little effect in breaking it up. It existed as long as the conditions that produced it existed. Its secrets were well kept and the general public never knew much more about it than the name.

The methods employed to enforce law and order were similar to those used by the Klan but were not borrowed from it; every person knew how to play upon the superstitious fears of the darkey. Silent horsemen covered with white sheets, rode through the neighborhood when the blacks were becoming turbulent; ghostly night riders called trembling negroes from their sleep and informed them that they were just from Hell, the fiery pit having frozen over to afford them passage on their way to warn the negroes of the consequences of bad conduct; not having had a drink since they were killed at Chickamauga or Shiloh they were thirsty and a rubber or raw-hide sack under the shroud enabled the ghosts to drink several gallons; effective use was made of human skulls, bags of cow bones, skeleton heads of horses and cows with live coals in eyes and nostrils; silent night parades and night drills of cavalry companies exercised a quieting effect upon the negroes for miles around. In the day time a silent band of whites at the polls so disturbed the blacks that few dared to "repeat." A threatening message sent to a carpet-bagger who had become unbearable was sufficient to cause him to resign or to sell his office. In extreme cases there were whippings and killings, but such instances were rare, simply because the milder methods were usually effective. The former commander of the Central Circle in Perry county, Alabama, says: "I have no knowledge of a single case of violence by the Camellas and I was in a position to know if there were

any. All we desired was to keep down lawlessness, and this was done by the methods described above. "Its organization and discipline were," he states, "as perfect as human ingenuity could have made [them]; four hours would have been ample time to secure the assemblage, at any central point, of a thousand resolute men who would have done the bidding of their commander whatever it might have been, yet in this time [three years] no single act of violence was committed on the person or property of a negro or alien by its order, or with its sanction or endorsement."<sup>\*</sup>

The authority of the commander was absolute, and his bidding was done by members unknown to the other members of the circle. The work for one community was performed by a circle from another community. In the Black Belt every white man of undoubted discretion was a member—judges, preachers, teachers, planters, etc. It was no credit to a man not to be a member, but very young men were advised not to join. The *personnel* of the membership was better than that of the Ku Klux Klan, and less violence was committed. The name and disguise of the Camellas were sometimes used by rascals and thieves, white and black, to cover their crimes. After the exodus of the carpet-baggers the order was gradually disbanded.†

The Constitution and the Ritual here reproduced were preserved by Dr. Reid, of Marion, Alabama, who, when the order was disbanded, buried his papers in the dirt floor of a smoke-house, and did not exhume them until 1900. The best preserved printed copies known to be in existence are those presented by Dr. Reid to the State Historical Society of Wisconsin. These have been examined for me by Mr. R. G. Thwaites, and do not differ from the ones here reproduced, except in the titles of officials. In the printed copies the titles of officers are not set out in full but are indicated by initial letters, and in the Wisconsin copies the initials are in several instances incorrect. Manuscript copies, and extracts and memoranda made by members serve to correct the printed editions and to furnish the full titles of officials. Dr. Reid has furnished me with a number of titles. The Constitution and the Ritual of the White Camella were never discovered and published in the newspapers as were those of several similar orders. They are here reprinted for the first time. To show the similarity of the secret orders the initiation oaths of the White Brotherhood and the Invisible Empire are also reprinted.

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<sup>\*</sup>Statement of Dr. George P. L. Reid, of Marion, Perry county, Alabama. See also Brown, Lower South, 212, 215.

†I am indebted to Dr. G. P. L. Reid, of Marion, Alabama, for much information in regard to the White Camella. Other ex-members have related to me their recollections of the order and its methods of operation. The Ku Klux Testimony gives but little information concerning this organization. But see Alabama Testimony, 9, 1282, 1283, and South Carolina Testimony, 23, 25, 102-105, 122. Coburn-Buckner Report (on Alabama in 1874,) 882, 883. The Children of Issachar (anonymous) published by Putnams, gives the popular outside conception of the White Camella. Brown's article in the Atlantic Monthly, May, 1901, reprinted in his Lower South, is the best account of the Ku Klux Movement and the conditions that caused it.

## **PREAMBLE.**

**WHEREAS**, Radical legislation is subversive of the principles of the Government of the United States, as originally adopted by our fathers:

And whereas, our safety and our prosperity depend on the preservation of those grand principles and believing that they can be peacefully maintained: Therefore, we adopt the following—

## **CONSTITUTION.**

### **Title I.—Division of the Order.**

**ART. 1.** This Order shall consist of a Supreme Council of the United States, and of Grand, Central and Subordinate Councils.

### **Title II.—Supreme Council.**

**ART. 2.** The Supreme Council shall be organized as soon as five States shall have established each a Grand Council.

**ART. 3.** This Council shall be composed of delegates from each State in which a Grand Council shall be established.

**ART. 4.** Each State shall send to the Supreme Council five delegates, whose appointment shall continue for one year, and who shall be elected, from their own bodies, by the several Grand Councils of the Order.

**ART. 5.** All P[ast] G[rand] C[ommanders] in good standing shall be ex-officio members of the Grand Council, and shall be entitled to all the rights and privileges of the members of that body.

**ART. 6.** The Supreme Council shall hold its sessions in the city of New Orleans, State of Louisiana, but may, by a vote of two-thirds of its members, change its place of meeting to any other city in the United States.

ART. 7. The Supreme Council shall be the head of the Order and the court of last appeal in all matters of disagreement, except in cases hereinafter specified. It shall make all laws for the general government of the Order; shall take cognizance of all acts, and shall be the arbiter of all disputes which may arise between the Grand and central councils of any State, and Grand Councils and their G[rand] C[ommanders].

ART. 8. The Officers of the Supreme Council shall be as follows: 1. S[upreme C[ommander], 2. S[upreme] L[ieutenant] C[ommander], 3. S[upreme] S[entinel], 4. S[upreme] C[orresponding] S[ecretary], 5. S[upreme] T[reasurer].

ART. 9. The officers of the Supreme Council shall be elected by ballot, and a majority of the votes shall be necessary to elect. If one candidate only be nominated for any office, he may be declared elected by acclamation.

ART. 10. In all elections where there shall be two or more candidates put in nomination, the S[upreme] C[ommander] shall appoint two tellers, who shall receive and count the votes.

ART. 11. No blank or double vote, or vote cast for other than the candidates regularly put in nomination shall be counted.

ART. 12. The Supreme Council shall hold an annual session in the city of New Orleans, or in such other place as may be designated according to Article 6 of this Constitution, the time to be fixed by the first Supreme Council.

Called sessions shall be held upon application of three Grand Councils; and the S[upreme] C[ommander], with the concurrence of the S[upreme] L[ieutenant] C[ommander], may, in all cases of emergency, convene the Supreme Council, giving to the several Grand Councils due and timely notice of such convocation.

ART. 13. The S[upreme] C[orresponding] S[ecretary], shall be a resident of the city in which the Supreme Council shall be located.

ART. 14. The S[upreme] C[orresponding] S[ecretary], with the concurrence of the S[upreme] L[eutenant] C[ommander], and the S[upreme] S[entinel], shall have the power to grant charters or dispensations, and to establish councils in the several States of the Union. He may also, with the concurrence of either of the above named officers, specially delegate a member of the Order to establish councils in those States in which there shall be no Grand Council; and the delegate so appointed shall administer the obligation, install the officers and do all acts necessary to organize such councils.

ART. 15. The S[upreme] C[ommander] shall issue the quarterly pass-word, giving notice to the G[rand] C[ommander] of each State, at least one month before the same is required to go into operation. He shall, also, select and make known, in the same manner, to the G[rand] C[ommanders] of the several States, a traveling pass-word, which shall not be changed during the space of one year. These pass-words to be transmitted in cypher only.

ART. 16. All correspondence between Supreme, Grand and central councils and between the officers thereof, shall be in cypher.

Communications between central and subordinate councils shall be verbal only.

ART. 17. The cypher of the order shall be fixed by the S[upreme] C[ommander], and transmitted to the G[rand] C[ommanders] of the several States, who shall make it known to the E[minent] C[ommanders] of the central councils under their jurisdiction.

This cypher shall be communicated to the officers only of the several Grand and central councils, and shall in no manner be given to the subordinate councils.

ART. 18. The Grand Council which shall be established in the State of Louisiana shall have all the powers of the Supreme Council until the five Grand Councils shall have been

formed in the United States, when they shall proceed to establish a Supreme Council, according to the provisions of the articles of this Constitution.

### **Title III.—Grand Councils.**

**ART. 19.** There shall be, in each State, a Grand Council, which shall be formed therein as soon as three central councils shall have been established within its limits.

This Council shall be composed of delegates from the several Counties or Parishes in which central councils shall have been established.

**ART. 20.** The number of delegates which each Central Council shall be entitled to send to the Grand Council shall be in the ratio of one delegate for every thousand members of the Order within its limits; *Provided*, That each central council shall be entitled to send at least one delegate to the Grand Council.

**ART. 21.** Each central council shall, at the time of the election of delegates, elect alternates who, in the absence of the regular delegates, shall act in their stead.

**ART. 22.** These delegates shall be elected by the several central councils, from their own members, on the first Monday in February of each year, and shall continue in office during one year.

**ART. 23.** All P[ast] E[minent] C[ommanders] in the State shall be ex-officio members of the Grand Council, and shall be entitled to all the rights and privileges of the other members of that body, except the right of voting.

**ART. 24.** The Grand Council of each State shall hold its session at the metropolis of the State.

**ART. 25.** The Grand Council shall be the head of the Order in the State in which it is formed. It shall have power to issue charters for the formation of new councils within its own State. It shall be the first court of examination in all

matters of dispute between central councils and their E[minent] C[ommanders]. It shall determine, without delay, all appeals made by a member from the decision of a central council.

It shall regulate the financial affairs of the Order within the State; and its orders and enactments, not inconsistent with this constitution and with the laws and orders of the Supreme Council, shall be binding on all central and subordinate councils of the State.

ART. 26. The first central council established in any State shall have all the powers of the Grand Council, until three central councils shall have been formed in the State, when they shall proceed to establish a Grand Council according to the provisions of articles 13, 14, 15, 16 and 17 of the constitution. But no State shall be entitled to representation in the Supreme Council until a Grand Council has been established therein.

ART. 27. A member of the Grand Council may be expelled from that body for sufficient cause, in accordance with the provisions of Title VII of this constitution; and the effect of such expulsion shall be to remand the expelled member for duty to the central council by which he was delegated.

ART. 28. At the first meeting of the Grand Council, it shall fix the time of holding its regular sessions, which shall not be oftener than once in every six months.

A called session shall be held on the application of three central councils, and the G[rand] C[ommander], with the concurrence of the G[rand] L[ieutenant] C[ommander], may, in case of emergency, convene the Grand Council, giving timely notice of such convocation to the several central councils.

ART. 29. The officers of the Grand Council shall be: 1. A G[rand] C[ommander] 2. A G[rand] L[ieutenant] C[ommander] 3. A G[rand] S[entinel] 4. A G[rand] C[orresponding] S[ecretary] 5. A G[rand] T[reasurer].

ART. 30. The officers of the Grand Council shall be elected in the manner prescribed by articles 9, 10 and 11 of this constitution for officers of the Supreme Council.

ART. 31. These officers may be chosen either from the body of the Grand Council or from among the members of the several central councils of the same State.

ART. 32. The G[rand] C[ommander] shall transmit the pass-word and traveling pass-word to the E[minent] C[ommander] of each central council, as soon as possible after having received it from the S[upreme] C[ommander].

#### **Title IV.—Central Councils.**

ART. 33. There shall be, in each county or parish, a central council, which shall be formed therein as soon as two or more subordinate councils shall have been established.

ART. 34. This council shall be composed of the C[ommander], L[ieutenant] C[ommander], and G[uard] for the time being, of the several subordinate councils in existence in the county or parish.

ART. 35. The central council shall hold its sessions at the seat of justice of the county or parish.

ART. 36. The central council shall be the head of the Order in the county or parish in which it is formed. It shall have the power to issue charters for the formation of new councils within its own county or parish, and also in other counties or parishes where no council is organized. It shall be the first court of examination of all matters of dispute between the subordinate councils and their C[ommanders], and it shall determine without delay all appeals made by a member from the decisions of a subordinate council.

It shall have the power to collect, from subordinate councils within its jurisdiction, ten per cent. of all moneys collected by them and shall preserve and expend the same for the good of the Order.

ART. 37. The first council established in any county or parish shall have all the powers of the central council, until two councils shall have been formed therein, when they shall proceed to establish a central council agreeably with the provisions of articles 33 and 34 of this constitution; but it shall not be entitled to send delegates to the Grand Council.

ART. 38. A member of the central council may be expelled from that body for a sufficient cause, in accordance with the provisions of Title VII of this constitution; and such expulsion shall have the effect of remanding the expelled member for duty to the council by which he was delegated, and to vacate the office which he shall hold in said council.

ART. 39. The central council shall hold monthly meetings, on such days as they may deem proper.

Called meetings shall be held upon application of one subordinate council. The E[minent] C[ommander], with the concurrence of the E[minent] L[ieutenant] C[ommander], may be, in cases of emergency, convene the central council, giving due notice of such convocation to the subordinate councils.

ART. 40. The officers of the central council shall be: 1. An E[minent] C[ommander], 2. E[minent] L[ieutenant] C[ommander], 3. E[minent] S[entinel], 4. E[minent] C[orresponding] S[ecretary], 5. E[minent] T[reasurer].

ART. 41. These officers shall be elected by the central council in the same manner as is provided for officers of the supreme Council, and shall hold their office during one year, unless removed by a majority vote of their own body, under the provisions of Title VII of this constitution

ART. 42. These officers may be chosen either from the body of the central council or from among the officers of several subordinate councils of the same parish.

ART. 43. The E[minent] C[ommander] shall transmit the pass-word and traveling pass-word to the C[ommander] of

each subordinate council as soon as possible after he shall have received the same from the G[rand] C[ommander].

### **Title V.—Councils.**

**ART. 44.** Councils may be formed when five candidates have been elected and initiated for that purpose in any council.

**ART. 45.** Councils may be established, in distant parts of the State, by a member of the Order specially delegated for that purpose by the G[rand] C[ommander] of the State; and the delegate so appointed shall initiate the requisite number of candidates, administer the obligations and install the officers.

**ART. 46.** Councils only shall have the power to initiate or receive members into the Order, except in cases provided for in articles 12 and 45 of this constitution.

**ART. 47.** The officers of a council shall be: 1. A C[ommander], 2. A L[ieutenant] C[ommander], 3. A G[uard], 4. A S[ecretary], 5. A T[reasurer].

**ART. 48.** These officers shall be elected in the manner prescribed for officers of the Supreme Council.

**ART. 49.** Elections for officers shall be held at the regular meeting preceding the first Monday of January of each year, and the officers elected shall remain in office during one year from that day, or until their successors shall be elected and installed.

**ART. 50.** At the first regular meeting of a council following an election of officers, the P[ast] C[ommander] shall install the C[ommander] elect, who shall afterwards install the other officers of the council.

**ART. 51.** All members shall be attached and shall belong to the council in which they shall be initiated, until transferred to some other council.

**ART. 52.** Councils in the same county or parish shall be designated by numbers, in the order in which they shall have been established.

ART. 53. Each council shall be divided into circles and groups. Each circle shall consist of five groups and a Grand Chief. Each group shall be composed of ten Brothers and a Chief.

ART. 54. All orders from the council or its officers, to be obeyed or executed by the body of its members, shall be transmitted through the Grand Chiefs to the Chiefs of Groups under their jurisdiction, who shall themselves transmit the same to the members of their respective Groups.

ART. 55. The Grand Chiefs and Chiefs shall be the commanders of their respective circles or Groups.

ART. 56. Immediately after the reception of this constitution by the several Councils of this Order, the C[ommanders] shall proceed to divide the members into circles and Groups, in the manner provided, taking care to make the assignments in the manner most effective.

ART. 57. As soon as a member shall have been initiated in a council, he shall be assigned to a Group and made acquainted with the Chief from whom he shall receive his orders.

ART. 58. The C[ommander] of each council shall have the power to appoint and remove the Grand Chiefs and Chiefs.

#### **Title VI.—Qualifications and Applications for Membership.**

ART. 59. No person shall be admitted into this Order who is not eighteen years of age and does not belong to the White race.

ART. 60. No qualification of citizenship shall be required.

ART. 61. No one shall be approached with regard to admission into this Order until he shall have been duly elected by the council in which it is proposed to initiate him.

ART. 62. The name of a candidate for admission shall be proposed and the vote upon his election shall be taken at one meeting, at least, preceding that at which the council shall initiate him.

The council, by a vote of two-thirds of the members present, may suspend this rule, so as to allow a candidate to be initiated at the same meeting at which he shall have been elected.

ART. 63. The vote upon the question of admission of candidates shall be by ballot.

ART. 64. If one adverse vote is cast against a candidate, the application made on his behalf shall be suspended until the next regular meeting of the council, when he shall be again balloted for, separately from the other candidates; and if, at this second ballot, two adverse balls shall appear against him, he shall be rejected.

ART. 65. There shall be no discussion on the question of admission of a candidate, and the member voting against one shall not be called upon to give any reasons for his vote.

ART. 66. A council may, at any time prior to the initiation and for cause shown, reconsider the vote by which a candidate was elected; and in such case, a new ballot shall be taken, either at the same or at a subsequent meeting.

ART. 67. It shall be the duty of the S[ecretary] of a council by which a candidate shall have been finally rejected to give immediate notice of such rejection to the E[minent] C[ommander] of the county or parish, who shall communicate the same to all the councils under his jurisdiction.

ART. 68. No candidate shall be initiated in any other council than that to which he was proposed and by which he was elected; *Provided*, That a candidate, who has been proposed to, and elected by, several councils, may be initiated in any one of those electing him.

ART. 69. No person residing in a county or parish where there shall be one or several councils of this Order, shall be elected or initiated in any other county or parish than that of his residence.

**Title VII.—Charges against Officers and Members.**

ART. 70. Whenever any charges involving removal or expulsion shall be made in writing against any officers of a subordinate council, or against any officer or member of the Supreme Council, or of a Grand or central council, a committee of five members shall be appointed for the purpose of investigating the same. The committee shall hear the evidence adduced, and shall report a full statement of the same to the council, who shall act upon their report and render their judgment at the meeting following that at which the report shall have been presented.

ART. 71. Pending this investigation the accused shall be suspended from the exercise of his rights, either as an officer or as a member.

ART. 72. The vote shall be taken upon each charge separately.

ART. 73. If a finding of guilty is voted, the vote shall immediately be taken upon the following modes of punishment, in the order hereinafter stated, viz:

1. Removal from office.
2. Expulsion from the Council.
3. Suspension from office.
4. Suspension from functions as a member of the Council.

ART. 74. It shall require a majority of the votes cast for a finding of guilty, a majority of three-fourths to expel, and a majority of two-thirds to suspend.

ART. 75. All votes on questions arising under the provisions contained in this Title shall be cast by secret ballot.

**Title VIII.—General Provisions.**

ART. 76. The Order shall not, as a body, nominate, adopt or support any candidate or set of candidates for any office of honor, profit or trust under the Constitution of the United States, or of any State, Parish, County or Municipal Corporation whatever.

ART. 77. All orders and correspondence shall be dated at M. C., and shall bear the year of the B——computing from the 23d of May, 1867, and counting said year as the first of the year of the era.\*

ART. 78. Each council shall have the right of establishing its own By-laws and Regulations, not inconsistent with this constitution.

ART. 79. The C[ommander] of each council shall report to the central council, during the first week of every quarter, the condition of his council. These reports shall be consolidated by the E[minent] C[orresponding] S[ecretary] of the central council, and a consolidated report thereof transmitted to the Grand Council, whose G[rand] C[orresponding] S[ecretary] shall prepare and transmit a similar consolidated reports to the Supreme Council.

ART. 80. The Officers of the Supreme, Grand and Central Councils shall only be known to their intimate subordinates and to the members of their respective councils.

ART. 81. The E[minent] C[ommanders] of the central councils shall be authorized to grant a dispensation from the oaths taken by members, when it shall be necessary to promote the objects of the Order.

### **Title IX.—Amendments of Constitution and Questions of Constitutionality.**

ART. 82. This constitution shall not be amended unless by a vote of two-thirds of the members of the Supreme Council; and amendments shall not go into effect until ratified by two-thirds of the Grand Councils of the order.

ART. 83. Whenever any resolution, order, by-law, decision or vote of a council shall be opposed by any two of its members, on the ground of its being in conflict with this constitu-

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\*Thus, the 20th of July, 1868, shall be the 20th day of the 7th month of the 2d year of the B. of the—

tion, the same shall be referred in writing to the council next superior in grade, who shall decide the question and remand it, with their decision in the premises.

The decision of a council on such a reference may also be revised by a superior council on the application of any two of its members.

### **Title X.—Ordinance.**

ART. 84. For the purpose of organizing the Order under this constitution, the several subordinate councils shall, on or before the first Monday of July, 1868, proceed to the election of the officers specified in article 47.

ART. 85. The officers of the subordinate councils constituting the several central councils shall, on the third Monday in July, 1868, meet and organize the respective central councils and elect their officers and delegates to the Grand Council.

ART. 86. The officers elected by virtue of the two preceding articles shall remain in force until their successors, to be elected at the first regular elections held under this constitution, shall have been installed.

ART. 87. The first Grand Council elected under this constitution shall meet in the city of New Orleans, on the second Monday in August, 1868, and organize in the manner herein provided for.

ART. 88. Until the first meeting of the first Grand Council established under this constitution, and the election of the first Grand officers, their respective powers and duties shall be vested in the following Provisional Grand Officers and Executive Committee:

- 1—\* \* Provisional G[rand] C[ommander]
- 2—\* \* Provisional G[rand] L[ieutenant] C[ommander]
- 3—\* \* Provisional G[rand] S[entinel]
- 4—\* \* Provisional G[rand] C[orresponding] S[ecretary]
- 5—\* \* Provisional G[rand] T[reasurer]

#### **COMMITTEE**

- 1—\* \*      3—\* \*      5—\* \*      7—\* \*
- 2—\* \*      4—\* \*      6—\* \*      8—\* \*

## RITUAL.

### Form of Initiation.

The candidate is introduced into the ante-room, where the G[uard] shall administer the following

#### Oath.

I do solemnly swear that I will true and faithful answers make to all questions which may be propounded to me, and that if, in the course of the proceedings which are about to take place, anything contrary to my views, feelings and principles should induce me to forego the purpose of joining this Association, I will always be under the most sacred obligation never to reveal or cause to come to the knowledge of any one, either by word, writing, sign, inference, or in any other manner, what I may see, hear, understand, or suspect, within this building, or in any other place, concerning this Association. And if I ever do violate this Oath, I consent to become an object of scorn to all men, and to deserve the lasting contempt of all the members of this Association.

The candidate is now blindfolded by the G[uard] and led to the door of the Council Chamber. The G[uard] shall give two raps on the door. The L[ieutenant] C[ommander] shall open the door, and, standing on the threshold, the following dialogue shall take place between him and the G[uard]:

L[ieutenant] C[ommander]—Who comes there? Ans.—G[uard]. A son of your race.

L[ieutenant] C[ommander]—What does he wish? Ans.—G[uard]. Peace and order; the observance of the Laws of God; the maintenance of the Laws and Constitution as established by the Patriots of 1776.

L[ieutenant] C[ommander]—To obtain this, what must be done? Ans.—G[uard]. The cause of our race must triumph.

L[ieutenant] C[ommander]—And to secure its triumph what must we do? Ans.—G[uard]. We must be united as are the flowers that grow on the same stem, and, under all circumstances, band ourselves together as brethren.

L[ieutenant] C[ommander]—Will he join us? Ans.—G[uard]. He is prepared to answer for himself, and under oath. L[ieutenant] C[ommander]—Let him enter.

The G[uard] shall then take the candidate by the right hand and conduct him into the presence of the C[ommander] who shall propound the following questions, each of which shall be answered in a manner satisfactory to the Council. Should the candidate fail to answer any of these questions satisfactorily, no further questions will be put to him, and he shall immediately be made to retire blindfolded and dismissed by the C[ommander].

Previous to propounding the questions the C[ommander] shall address the candidates as follows:

C[ommander]—My friends, it becomes my duty to propound to you certain questions which you are expected to answer truthfully; and your admission in the Order will depend on your replies.

### Questions.

(When several candidates are initiated together, the C[ommander] will take care to use the plural number whenever necessary. The answers shall be prompted by the C[ommander].

1. Do you belong to the white race? Ans.—I do.
2. Did you ever marry any woman who did not, or does not, belong to the white race? Ans.—No.
3. Do you promise never to marry any woman but one who belongs to the white race? Ans.—I do.
4. Do you believe in the superiority of your race? Ans.—I do.
5. Will you promise never to vote for any one for any office of honor, profit or trust, who does not belong to your race? Ans.—I do.
6. Will you take a solemn oath never to abstain from casting your vote at any election in which a candidate of the

negro race shall be opposed to a white man attached to your principles, unless or prevented by severe illness or any other physical disability? Ans.—I will.

7. Are you opposed to allowing the control of the political affairs of this country to go in whole or in part, into the hands of the African race, and will you do everything in your power to prevent it? A.—Yes.

8. Will you devote your intelligence, energy and influence to the furtherance and propagation of the principles of our Order? A.—I will.

9. Will you, under all circumstances, defend and protect persons of the white race in their lives, rights and property, against all encroachments or invasions from any inferior race, and especially the African? A.—Yes.

10. Are you willing to take an oath forever to cherish these grand principles, and to unite yourself with others who, like you, believing in their truth, have firmly bound themselves to stand by and defend them against all? Ans.—I am.

The C[ommander] shall then say: If you consent to join our Association, raise your right hand and I will administer to you the oath which we have all taken:

### Oath.

I do solemnly swear, in the presence of these witnesses, never to reveal, without authority, the existence of this Order, its objects, its acts, and signs of recognition; never to reveal or publish, in any manner whatsoever, what I shall see or hear in this Council; never to divulge the names of the members of the Order, or their acts done in connection therewith; I swear to maintain and defend the social and political superiority of the White Race on this Continent; always and in all places to observe a marked distinction between the White and African races; to vote for none but white men for any office of honor, profit or trust; to devote my intelligence, energy and influence to instil these principles in the minds

and hearts of others; and to protect and defend persons of the White Race, in their lives, rights and property, against the encroachments and aggressions of an inferior race.

I swear, moreover, to unite myself in heart, soul and body with those who compose this Order; to aid, protect and defend them in all places; to obey the orders of those, who, by our statutes, will have the right of giving those orders; to respond at the peril of my life, to a call, sign or cry coming from a fellow-member whose rights are violated; and to do everything in my power to assist him through life. And to the faithful performance of this Oath, I pledge my life and sacred honor.

The oath having been taken by the candidate, the C[ommander] shall now say:

Brother, by virtue of the authority to me delegated, I now pronounce you a Knight of the [White Camelia].

The blindfold is now removed from the new Brother, and the C[ommander] will instruct him in the principles of the Order; and after having concluded his charge, shall add: Brother, I now consign you to the L[ieutenant] C[ommander] of this Council, who will instruct you as to the signs and other means of recognition of this Association, and other details of its organization and order.

The L[ieutenant] C[ommander] shall now instruct the new Brother as to the sign, cry, dialogue, rap, pass-words, &c., &c., taking care to charge him particularly as to the circumstances and occasion of their use. He shall also inform him of the mode of initiation and other details of order which he is required to know.

### **Order of Business.**

The Order of Business, in the Councils of this Order, shall be as follows:

1. Initiation of Candidates.
2. Report of Committees, in the following Orders:
  1. Standing Committees.
  2. Special Committees.
  3. Unfinished Business.
  4. New Business.
  5. Proposal of Candidates.
  6. Remarks for the good of the Order.

### **Charge.**

(This charge should, whenever practicable, be committed to memory, so as to be delivered without reading from the book. Should there be but one person initiated, the singular should be substituted to the plural number used, whenever required.)

Brothers: You have been initiated into one of the most important Orders, which have ever been established on this continent: an Order, which, if its principles are faithfully observed and its objects diligently carried out, is destined to regenerate our unfortunate country and to relieve the White Race from the humiliating condition to which it has lately been reduced in this Republic. It is necessary, therefore, that before taking part in the labors of this Association, you should understand fully its principles and objects and the duties which devolve upon you as one of its members.

As you may have already gathered from the questions which were propounded to you, and which you have answered so satisfactorily, and from the clauses of the Oath which you have taken, our main and fundamental object is the **MAINTENANCE OF THE SUPREMACY OF THE WHITE RACE** in this Republic. History and physiology teach us that we

belong to a race which nature has endowed with an evident superiority over all other races, and that the Maker, in thus elevating us above the common standard of human creation, has intended to give us over inferior races, a dominion from which no human laws can permanently derogate. The experience of ages demonstrate that, from the origin of the world, this dominion has always remained in the hands of the Caucasian Race; whilst all the other races have constantly occupied a subordinate and secondary position; a fact which triumphantly confirms this great law of nature. Powerful nations have succeeded each other on the face of the world, and have marked their passage by glorious and memorable deeds; and among those who have thus left on this globe indelible traces of their splendor and greatness, we find none but descended from the Caucasian stock. We see, on the contrary, that most of the countries inhabited by the other races have remained in a state of complete barbarity; whilst the small number of those who have advanced beyond this savage existence, have, for centuries, stagnated in a semi-barbarous condition, of which there can be no progress or improvement. And it is a remarkable fact that as a race of men is more remote from the Caucasian and approaches nearer to the black African, the more fatally that stamp of inferiority is affixed to its sons, and irrevocably dooms them to eternal imperfection and degradation.

Convinced that we are of these elements of natural ethics, we know, besides, that the government of our Republic was established by white men, for white men alone, and that it never was in the contemplation of its founders that it should fall into the hands of an inferior and degraded race. We hold, therefore, that any attempt to wrest from the white race the management of its affairs in order to transfer it to control of the black population, is an invasion of the sacred prerogatives vouchsafed to us by the Constitution, and a viola

tion of the laws established by God himself; that such encroachments are subversive of the established institutions of our Republic, and that no individual of the white race can submit to them without humiliation and shame.

It, then, becomes our solemn duty, as white men, to resist strenuously and persistently those attempts against our natural and constitutional rights, and to do everything in our power in order to maintain, in this Republic, the supremacy of the Caucasian race, and restrain the black or African race to that condition of social and political inferiority for which God has destined it. This is the object for which our Order was instituted; and, in carrying it out, we intend to infringe no laws, to violate no rights, and to resort to no forcible means, except for purposes of legitimate and necessary defense.

As an essential condition of success, this Order proscribes absolutely all social equality between the races. If we were to admit persons of African race on the same level with ourselves, a state of personal relations would follow which would unavoidably lead to political equality; for it would be a virtual recognition of *status*, after which we could not consistently deny them an equal share in the administration of our public affairs. The man who is good enough to be our familiar companion, is good enough also to participate in our political government; and if we were to grant the one, there could be no good reason for us not to concede the other of these two privileges.

There is another reason, Brothers, for which we condemn this social equality. Its toleration would soon be a fruitful source of intermarriages between individuals of the two races; and the result of this *miscegenation* would be gradual amalgamation and the production of a degenerate and bastard offspring, which would soon populate these States with a degraded and ignoble population, incapable of moral and intellectual development and unfitted to support a great and powerful country.

We must maintain the purity of the white blood, if we would preserve for it that natural superiority with which God has ennobled it.

To avoid these evils, therefore, we take the obligation **TO OBSERVE A MARKED DISTINCTION BETWEEN THE TWO RACES**, not only in the relations of public affairs, but also in the more intimate dealings and intercourse of private life which, by the frequency of their occurrence, are more apt to have an influence on the attainment of the purposes of the Order.

Now that I have laid before you the objects of this Association, let me charge you specially in relation to one of your most important duties as one of its members. Our statutes make us bound to respect sedulously the rights of the colored inhabitants of this Republic, and in every instance, to give to them whatever lawfully belongs to them. It is an act of simple justice not to deny them any of the privileges to which they are legitimately entitled; and we cannot better show the inherent superiority of our race than by dealing with them in that spirit of firmness, liberality and impartiality which characterizes all superior organizations. Besides, it would be ungenerous for us to undertake to restrict them to the narrowest limits as to the exercise of certain rights, without conceding to them, at the same time, the fullest measure of those which we recognize as theirs; and a fair construction of a white man's duty towards them would be, not only to respect and observe their acknowledged rights, but also to see that these are respected and observed by others.

From the brief explanation which I have just given you, you must have satisfied yourselves that our Association is not a political party, and has no connection with any of the organized parties of the day. Nor will it lend itself to the personal advancement of individuals, or listen to the cravings of any partisan spirit. It was organized in order to carry

out certain great principles, from which it must never swerve by favoring private ambitions and political aspirations. These, as well as all sentiments of private enmity, animosity and other personal feelings, we must leave at the door before we enter this Council. You may meet here, congregated together, men who belong to all the political organizations which now divide, or may divide, this country, you see some whom embittered feuds and irreconcilable hatred have long and widely separated; they have all cast away these rankling feelings to unite cordially and zealously in the labors of our great undertaking. Let their example be to you a useful lesson of the disinterestedness and devotedness which should characterize our efforts for the success of our cause!

Brothers, I now consign you to the Lieutenant-Commander of this Council, who will instruct you as to the signs and other means of recognition of this Association and other details of its organization and order.

The Lieut[enant] Commander will now instruct the new Brothers as to the sign, grip, cry, dialogue, rap, pass-word, &c., taking care to charge them particularly as to the circumstances and occasion of their use. He will also inform them of the mode of initiation and other details of order which they are required to know



### **Initiation Oath of the White Brotherhood.**

You solemnly swear in the presence of Almighty God that you will never reveal the name of the person who initiated you; and that you will never reveal what is now about to come to your knowledge; and that you are not now a member of the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any other organization whose aim and intention is to destroy the rights of the South, or of the States, or of the people, or to elevate the negro to a political equality with yourself; and that you are opposed to all such principles: So help you God.

You further swear before Almighty God that you will be true to the principles of this brotherhood, and the members thereof; and that you will never reveal any of the secrets, orders, acts, or edicts, and that you will never make known to any person, not a member of this brotherhood, that you are a member yourself, or who are members; that you will never assist in initiating, or allow to be initiated, if you can prevent it, any one belonging to the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any holding radical views or opinions; and should any members of this brotherhood, or their families be in danger, you will inform them of their danger, and, if necessary, you will go to their assistance; and that you will oppose all radicals and negroes in all of their political designs; and that should any radical or negro impose on, abuse, or injure any member of this brotherhood, you will assist in punishing him in any manner the camp may direct.

You further swear that you will obey all calls and summonses of the chief of your camp or brotherhood; should it be in your power so to do.

Given upon this your obligation, that you will never give the word of distress unless you are in great need of assistance; and should you hear it given by a brother, you will go to his

or their assistance; and should any member reveal any of the secrets, acts, orders, or edicts of the brotherhood, you will assist in punishing him in any way the camp may direct or approve of: So help you God.—*Ku Klux Report, South Carolina Testimony*, p. 653.

### Oath of the Invisible Empire.

I, before the great immaculate God of heaven and earth, do take and subscribe to the following sacred binding oath and obligation: I promise and swear that I will uphold and defend the Constitution of the United States as it was handed down by our forefathers in its original purity. I promise and swear that I will reject and oppose the principles of the radical party in all its forms, and forever maintain and contend that intelligent white men shall govern this country. I promise and pledge myself to assist, according to my pecuniary circumstances, all brothers in distress. Females, widows, and their households, shall ever be specially in my care and protection. I promise and swear that I will obey all instructions given me by my chief, and should I ever divulge or cause to be divulged any secrets, signs or passwords of the Invisible Empire, I must meet with the fearful and just penalty of the traitor, which is death, death, death, at the hands of my brethren,—*Ku Klux Report, North Carolina Testimony: Court Proceedings*, p. 422.

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No. 2

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REVISED and AMENDED PRESCRIPT  
OF  
KU KLUX KLAN

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PRICE, 15 CENTS  
ANNUAL SUBSCRIPTION, ONE DOLLAR

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Morgantown, West Virginia  
February, 1904

## DOCUMENTS RELATING TO RECONSTRUCTION

In this series of reprints will be reproduced documents illustrating the peculiar conditions, social, political and economic, that prevailed in the Southern states during Reconstruction. The first numbers will consist of documents relating to the Ku Klux Movement; following these will be published selections concerning the Freedmen's Bureau and the Union League; and finally several numbers illustrative of social and economic conditions under the "carpet-bag" governments will be printed. Newspaper files, public documents and pamphlets and manuscripts from private collections will furnish the material that is to be reproduced. Many of the documents are at present inaccessible to students who are not in reach of large libraries, and some of them have never been published. A special discount will be made on orders for class use. Annual subscription. One Dollar.

One number will appear each month during the college year. The following is a tentative list of titles: 1. The Constitution and the Ritual of the Knights of the White Camella. 2. The Prescript of the Ku Klux Klan; The Revised and Amended Prescript of the Ku Klux Klan. 3. The Constitution of the White League, the Council of Safety and similar orders. 4. Ku Klux Orders, Warnings, etc. 5. The Constitution, Ritual and Catechism of the Union League. 6. Freedmen's Bureau Documents, 7 Schools and Churches During Reconstruction. Other titles will be added to the list and substitutions will be made. Correspondence is invited in regard to additions and substitutions. Address Walter L. Fleming, West Virginia University, Morgantown, W. Va.

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## KU KLUX KLAN.

The Ku Klux Klan was originated in 1866 in Pulaski, Giles county, Tennessee, by a number of young men who had served together in the Confederate army. It was, at first, purely a social organization for the purpose of affording amusement to the members who held secret meetings, wore disguises, called their officials by fantastic titles, and played pranks on the public. The initiation of new members afforded much diversion; some of the ceremonies closely resembled those of the well known college fraternity—Alpha Sigma Sigma—and one of the night games was much like "snipe hunting." The mystery that surrounded the operations of the Klan was alluring to the uninitiated and there were many applications for membership, and later for the formation of branch Klans or "Dens." In this way the organization spread rapidly among the towns of Tennessee, Alabama, Georgia, Mississippi, and the Carolinas. The Pulaski Klan, or Den, was considered headquarters, but the connection between the different Dens was very loose. With the spread of the order and the increase of membership its nature and aims gradually changed. Many persons joined the order believing that it had a serious purpose and could not forget their first impressions. Some joined it foreseeing the possible use that might be made of it. The Klan had not been long in existence when the mischievous members discovered its influence over the negroes who were terribly afraid of the sheeted ghosts. The need of such an organization in the disordered condition of society caused the Dens to begin to exercise the duties of a police patrol for regulating the conduct of impudent, thieving, and disorderly negroes and similar "loyal" whites who belonged to a secret political organization—the Union or Loyal League. The transition of the Dens from social organizations to bands of regulators was made the more easily because, in many parts of the South, there had been, since the surrender of the Confederate armies, bands of white men that served as neighborhood police or patrols keeping in check the plundering blacks and the lawless whites. These bands, absorbed into the Klan, completed the change in its objects and character, and thus ended its first period of existence. By the spring of 1867 the Ku Klux Klan had become a wide-spread, loosely organized body of regulators.

The second period of the Klan's existence began when, in April or May, 1867, in response to requests sent out by the Grand Cyclops of the Pulaski Den, delegates from the Dens of several states met in convention in Nashville for the purpose of consolidating the order and bringing the various Dens under better discipline. The Pulaski Den had not been able to exercise effective control over the other Dens, and violence and disorder had resulted. The convention promulgated a constitution for the order called the "PRESCRIPT OF \* \* \*" which centralized the administration and gave to the general officers the power of effective supervision over the Dens. Copies were sent to the officials of the various divisions who carried out the reorganization. Memphis was the headquarters of the new order, but when copies of the Prescript were sent out to officials there was no indication whatever of the origin on envelope or pamphlet. The original Prescript contains little besides details of organization; nothing concerning the objects of the order.

In 1868 there was issued a "REVISED AND AMENDED PRESCRIPT OF THE ORDER OF \* \* \*" which was printed secretly in the office of the *Pulaski Citizen*. This document is reproduced below. It is longer than the original Prescript and contains a general declaration of principles. The administration of the order was centralized still more and absolute authority was given to the chief officer,—the Grand Wizard—said to have been General N. B. Forrest. Most officers, formerly elective were now made appointive. About this time, the carpetbag legislatures of the Southern states began to pass laws making it a penal offense for the editor of a newspaper to publish Ku Klux notices and orders, and thus made it difficult to maintain communication between the various branches of the order. The Ku Klux Klan operated principally in the districts of the South where the whites were in the majority. In the hill and mountain country there were "torries" who during the war committed outrages upon Confederate sympathizers, and after the war continued to harass the people. To exterminate these outlaws became one task of the Klan. In some districts the Klan was simply an organization of the poorer white people for the purpose of driving the negro labor from the more fertile lands which they wanted for themselves. Other causes of the Ku Klux movement and the methods employed have been described in the first number of this series.\*

By 1869, the order had served its purpose and in many places its usefulness was at an end. The efforts made to destroy it had caused the

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\*No. 1. The Constitution and the Ritual of the Knights of the White Camella.

more violent spirits to get control of affairs in many Dens and outrages were committed. The order was used as an instrument in private quarrels. Outlaws found that the name and disguise of the order afforded them protection, and their crimes were done in its name. The best men began to desert, and the Grand Wizard issued a final decree in March, 1869, disbanding the order and directing the destruction of all papers, prescripts, and regalia belonging to the Klan. The members were ordered to desist from further meetings. Thus ended the second or political period of the Klan's existence. The order was strictly obeyed where received and the destruction of Klan property was practically complete. Already, after it had been made illegal to publish Ku Klux notices and orders, the Klan had begun to disintegrate, each Den becoming practically independent, and it is certain that, owing to the difficulty of communication, some remote Dens never received the order of disbandment.†

The third period in the history of the Ku Klux Klan began with the collapse in 1869 of the central administration. The Ku Klux movement now divided. On the one hand, the lawless and violent element committed many outrages, and the corresponding element in the Union League used the name and disguises of the Klan to hide its midnight maraudings. All outrages were attributed to the Ku Klux Klan. On the other hand, the spirit of resistance to oppression which caused the rise of the Klan still existed, and when the local conditions rendered it necessary the local Den revived and again did its work. The methods used during this period even by the best regulated Dens were harsher than before. There was less scaring of negroes and warning of obnoxious whites, and more beating and shooting of offenders. As long as the carpet-bagger was in the land controlling the negroes, Ku Klux bands were formed to protect the citizen against the results of his teachings. The Ku Klux Movement went under various names: The Invisible Empire, Ku Klux Klan, Constitutional Union Guards, Pale Faces, White Brotherhood, White League, Knights of the White Camellia, and there were scores of local orders. These organizations had no direct connection with each other and even in the Klan the union between Dens was loose, and the Prescript was often used only to furnish names for the officers. The spurious Dens were simply marauders, white and black, banded together for plunder and outrage, and it was said were usually Radicals. After the revolution lasting from 1874 to 1876 which secured the overthrow

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†The practice of issuing orders in military form was peculiar to the Klan, though local orders sometimes followed its example in this respect.

of the carpet-bag regime in the Southern states, the conditions which caused the movement no longer existed and the movement collapsed.\*

Of the original Prescript I know of but one copy in existence. It was given to me by the late Ryland Randolph of Birmingham, Alabama, and was reprinted in the September (1903) number of the Publications of the Southern History Association. During the reconstruction period Mr. Randolph was the editor of the Independent Monitor of Tuscaloosa, and Grand Giant of the Province in Tuscaloosa County. Before his death (1903) he gave me full information in regard to the Klan in Tennessee and Alabama. The order reproduced below was written by him. "The Revised and Amended Prescript" was not discovered by the various committees of investigation. In 1891, a copy was given to the library of the New York Southern Society by a lady in Nashville, and this copy came later into the possession of Columbia University. Only one other copy is known to have escaped destruction when the Klan disbanded. It was reproduced in facsimile in the American Historical Magazine, January, 1900. The same plates are used in making this reprint.

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\*J. C. Lester and D. L. Wilson, *Ku Klux Klan. Its origin, Growth, and Disbandment*, Nashville, 1884. J. M. Beard, *Ku Klux Sketches*, Philadelphia, 1877. W. G. Brown, *The Lower South in American History*, N. Y., 1902. *The Ku Klux Report*, 13 vols., Washington, 1872, gives many details, true and untrue, of the Ku Klux Movement, and reproduces a number of documents. Somers, *Southern States Since the War*, is an English traveller's account of the conditions in the South in 1870-71. Other accounts are given in the *Cambridge Modern History*, VIII, c. 20, by Theodore Clarke Smith; in *Wilson's History of the American People*, V, c 1; in *Andrews' U. S. in Our Own Time*, and in *Herbert's Solid South*.

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REVISED AND AMENDED

# PRESCRIPT

OF THE

## ORDER

OF THE

\*  
\* \* \*

— — —

*Damnant quod non intelligunt.*

## APPELLATION.

THIS Organization shall be styled and denominated, the Order of the \* \* \*.

## CREED.

WE, the Order of the \* \* \*, reverentially acknowledge the majesty and supremacy of the Divine Being, and recognize the goodness and providence of the same. And we recognize our relation to the United States Government, the supremacy of the Constitution, the Constitutional Laws thereof, and the Union of States thereunder.

### CHARACTER AND OBJECTS OF THE ORDER.

THIS is an institution of Chivalry, Humanity, Mercy, and Patriotism; embodying in its genius and its principles all that is chivalric in conduct, noble in sentiment, generous in manhood, and patriotic in purpose; its peculiar objects being

First: To protect the weak, the innocent, and the defenceless, from the indignities, wrongs, and outrages of the lawless, the violent, and the brutal; to relieve the injured and oppressed; to succor the suffering and unfortunate, and especially the widows and orphans of Confederate soldiers.

Second: To protect and defend the Constitution of the United States, and all laws passed in conformity thereto, and to protect the States and the people thereof from all invasion from any source whatever.

Third: To aid and assist in the execution of all constitutional laws, and to protect the people from unlawful seizure, and from trial except by their peers in conformity to the laws of the land,

### ARTICLE I.

#### TITLES.

SECTION 1. The officers of this Order shall consist of a Grand Wizard of the Empire, and his ten Genii; a Grand Dragon of the Realm,

and his eight Hydras; a Grand Titan of the Dominion, and his six Furies; a Grand Giant of the Province, and his four Goblins; a Grand Cyclops of the Den, and his two Night-hawks; a Grand Magi, a Grand Monk, a Grand Scribe, a Grand Exchequer, a Grand Turk, and a Grand Sentinel.

SEC. 2. The body politic of this Order shall be known and designated as "Ghouls."

## ARTICLE II.

### TERRITORY AND ITS DIVISIONS.

SECTION 1. The territory embraced within the jurisdiction of this Order shall be coterminous with the States of Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Missouri, Kentucky, and Tennessee; all combined constituting the Empire.

SEC. 2. The Empire shall be divided into four departments, the first to be styled the Realm, and coterminous with the boundaries of the several States; the second to be styled the Dominion, and to be coterminous with such counties as the Grand Dragons of the several Realms may assign to the charge of the Grand Titan. The third to be styled the Province, and to be coterminous with the several counties; *provided*, the Grand Titan may, when he deems it necessary, assign two Grand Giants to one Province, prescribing, at the same time, the jurisdiction of

*Amici humani generis.*

5

each. The fourth department to be styled the Den, and shall embrace such part of a Province as the Grand Giant shall assign to the charge of a Grand Cyclops.

### ARTICLE III.

#### POWERS AND DUTIES OF OFFICERS.

##### GRAND WIZARD.

SECTION 1. The Grand Wizard, who is the supreme officer of the Empire, shall have power, and he shall be required to, appoint Grand Dragons for the different Realms of the Empire; and he shall have power to appoint his Genii, also a Grand Scribe, and a Grand Exchequer for his Department. and he shall have the sole power to issue copies of this Prescript, through his subalterns, for the organization and dissemination of the Order; and when a question of paramount importance to the interests or prosperity of the Order arises, not provided for in this Prescript, he shall have power to determine such question, and his decision shall be final until the same shall be provided for by amendment as hereinafter provided. It shall be his duty to communicate with, and receive reports from, the Grand Dragons of Realms, as to the condition, strength, efficiency, and progress of the Order within their respective Realms. And it shall further be his duty to keep, by his Grand Scribe, a list of the names (without any caption or explanation whatever) of the Grand Dragons of the different Realms of the Empire, and shall

6 *Quemcumque miseram videris, hominem scias.*

number such Realms with the Arabic numerals 1, 2, 3, etc., *ad finem*; and he shall direct and instruct his Grand Exchequer as to the appropriation and disbursement he shall make of the revenue of the Order that comes to his hands.

GRAND DRAGON.

SEC. 2. The Grand Dragon, who is the chief officer of the Realm, shall have power, and he shall be required, to appoint and instruct a Grand Titan for each Dominion of his Realm, (such Dominion not to exceed three in number for any Congressional District) said appointments being subject to the approval of the Grand Wizard of the Empire. He shall have power to appoint his Hydras; also, a Grand Scribe and a Grand Exchequer for his Department.

It shall be his duty to report to the Grand Wizard, when required by that officer, the condition, strength, efficiency, and progress of the Order within his Realm, and to transmit, through the Grand Titan, or other authorized sources, to the Order, all information, intelligence, or instruction conveyed to him by the Grand Wizard for that purpose, and all such other information or instruction as he may think will promote the interest and utility of the Order. He shall keep by his Grand Scribe, a list of the names (without caption) of the Grand Titans of the different Dominions of his Realm, and shall report the same to the Grand Wizard when required, and shall number the Domin-

*Magna est veritas, et prevalebit.* 7

ion of his Realm with the Arabic numerals 1, 2, 3, etc., *ad finem*. And he shall direct and instruct his Grand Exchequer as to the appropriation and disbursement he shall make of the revenue of the Order that comes to his hands.

GRAND TITAN.

SEC. 3. The Grand Titan, who is the chief officer of the Dominion, shall have power, and he shall be required, to appoint and instruct a Grand Giant for each Province of his Dominion, such appointments, however, being subject to the approval of the Grand Dragon of the Realm. He shall have the power to appoint his Furies; also, a Grand Scribe and a Grand Exchequer for his Department. It shall be his duty to report to the Grand Dragon when required by that officer, the condition, strength, efficiency, and progress of the Order within his Dominion, and to transmit through the Grand Giant, or other authorized channels, to the Order, all information, intelligence, instruction or directions conveyed to him by the Grand Dragon for that purpose, and all such other information or instruction as he may think will enhance the interest or efficiency of the Order.

He shall keep, by his Grand Scribe, a list of the names (without caption or explanation) of the Grand Giants of the different Provinces of his Dominion, and shall report the same to the Grand Dragon when required; and shall num-

ber the Provinces of his Dominion with the Arabic numerals 1, 2, 3, etc., *ad finem*. And he shall direct and instruct his Grand Exchequer as to the appropriation and disbursement he shall make of the revenue of the Order that comes to his hands.

GRAND GIANT.

SEC. 4. The Grand Giant, who is the chief officer of the Province, shall have power, and he is required, to appoint and instruct a Grand Cyclops for each Den of his Province, such appointments, however, being subject to the approval of the Grand Titan of the Dominion. And he shall have the further power to appoint his Goblins; also, a Grand Scribe and a Grand Exchequer for his Department.

It shall be his duty to supervise and administer general and special instructions in the organization and establishment of the Order within his Province, and to report to the Grand Titan, when required by that officer, the condition, strength, efficiency, and progress of the Order within his Province, and to transmit through the Grand Cyclops, or other legitimate sources, to the Order, all information, intelligence, instruction, or directions conveyed to him by the Grand Titan or other higher authority for that purpose, and all such other information or instruction as he may think would advance the purposes or prosperity of the Order. He shall keep, by his Grand Scribe, a list of the names (without cap-

*Quid faciendum?*

9

tion or explanation) of the Grand Cyclops of the various Dens of his Province, and shall report the same to the Grand Titan when required; and shall number the Dens of his Province with the Arabic numerals 1, 2, 3, etc., *ad finem*. He shall determine and limit the number of Dens to be organized and established in his Province; and he shall direct and instruct his Grand Exchequer as to the appropriation and disbursement he shall make of the revenue of the Order that comes to his hands.

GRAND CYCLOPS.

SEC. 5. The Grand Cyclops, who is the chief officer of the Den, shall have power to appoint his Night-hawks, his Grand Scribe, his Grand Turk, his Grand Exchequer, and his Grand Sentinel. And for small offenses he may punish any member by fine, and may reprimand him for the same. And he is further empowered to admonish and reprimand his Den, or any of the members thereof, for any imprudence, irregularity, or transgression, whenever he may think that the interests, welfare, reputation or safety of the Order demand it. It shall be his duty to take charge of his Den under the instruction and with the assistance (when practicable) of the Grand Giant, and in accordance with and in conformity to the provisions of this Prescript—a copy of which shall in all cases be obtained before the formation of a Den begins. It shall

further be his duty to appoint all regular meetings of his Den, and to preside at the same; to appoint irregular meetings when he deems it expedient; to preserve order and enforce discipline in his Den; to impose fines for irregularities or disobedience of orders; and to receive and initiate candidates for admission into the Order, after the same shall have been pronounced competent and worthy to become members, by the Investigating Committee herein after provided for. And it shall further be his duty to make a quarterly report to the Grand Giant of the condition, strength, efficiency, and progress of his Den, and shall communicate to the Officers and Ghouls of his Den, all information, intelligence, instruction, or direction, conveyed to him by the Grand Giant or other higher authority for that purpose; and shall from time to time administer all such other counsel, instruction or direction, as in his sound discretion, will conduce to the interests, and more effectually accomplish, the *real* objects and designs of the Order.

GRAND MAGI.

SEC. 6. It shall be the duty of the Grand Magi, who is the second officer in authority of the Den, to assist the Grand Cyclops, and to obey all the orders of that officer; to preside at all meetings in the Den, in the absence of the Grand Cyclops; and to discharge during his absence all the duties and exercise all the powers and authority of that officer.

*Dormitus aliquando jus, moritus nunquam. 11*

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GRAND MONK.

SEC. 7. It shall be the duty of the Grand Monk, who is the third officer in authority of the Den, to assist and obey all the orders of the Grand Cyclops and the Grand Magi; and, in the absence of both of these officers, he shall preside at and conduct the meetings in the Den, and shall discharge all the duties, and exercise all the powers and authority of the Grand Cyclops.

GRAND EXCHEQUER.

SEC. 8. It shall be the duty of the Grand Exchequers of the different Departments to keep a correct account of all the revenue of the Order that comes to their hands, and of all paid out by them; and shall make no appropriation or disbursement of the same except under the orders and direction of the chief officer of their respective Departments. And it shall further be the duty of the Exchequers of Dens to collect the initiation fees, and all fines imposed by the Grand Cyclops, or the officer discharging his functions.

GRAND TURK.

SEC. 9. It shall be the duty of the Grand Turk, who is the executive officer of the Grand Cyclops, to notify the Officers and Ghouls of the Den, of all informal or irregular meetings appointed by the Grand Cyclops, and to obey and execute all the orders of that officer in the control and government of his Den. It shall further be his duty to receive and question at the out-

12

*Quieta non movere.*

---

posts, all candidates for admission into the Order, and shall *there* administer the preliminary obligation required, and then to conduct such candidate or candidates to the Grand Cyclops, and to assist him in the initiation of the same.

GRAND SCRIBE.

SEC. 10. It shall be the duty of the Grand Scribes of the different Departments to conduct the correspondence and write the orders of the Chiefs of their Departments, when required. And it shall further be the duty of the Grand Scribes of Dens, to keep a list of the names (without any caption or explanation whatever) of the Officers and Ghouls of the Den, to call the roll at all meetings, and to make the quarterly reports under the direction and instruction of the Grand Cyclops.

GRAND SENTINEL

SEC. 11. It shall be the duty of the Grand Sentinel to take charge of post, and instruct the Grand Guard, under the direction and orders of the Grand Cyclops, and to relieve and dismiss the same when directed by that officer.

THE STAFF.

SEC. 12. The Genii shall constitute the staff of the Grand Wizard; the Hydras, that of the Grand Dragon; the Furies, that of the Grand Titan; the Goblins, that of the Grand Giant; and the Night-hawks, that of the Grand Cyclops.

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REMOVAL.

SEC. 13. For any just, reasonable and substantial cause, any appointee may be removed by the authority that appointed him, and his place supplied by another appointment.

ARTICLE IV

ELECTION OF OFFICERS.

SECTION 1. The Grand Wizard shall be elected biennially by the Grand Dragons of Realms. The first election for this office to take place on the 1st Monday in May, 1870, (a Grand Wizard having been created, by the original Prescript, to serve three years from the 1st Monday in May, 1867); all subsequent elections to take place every two years thereafter. And the incumbent Grand Wizard shall notify the Grand Dragons of the different Realms, at least six months before said election, at what time and place the same will be held; a majority vote of all the Grand Dragons *present* being necessary and sufficient to elect a Grand Wizard. Such election shall be by ballot, and shall be held by three Commissioners appointed by the Grand Wizard for that purpose; and in the event of a tie, the Grand Wizard shall have the casting-vote.

SEC. 2. The Grand Magi and the Grand Monk of Dens shall be elected annually by the Ghouls of Dens; and the first election for these officers may take place as soon as ten Ghouls have been initiated for the formation of a Den. All subse-

quent elections to take place every year thereafter.

SEC. 3. In the event of a vacancy in the office of Grand Wizard, by death, resignation, removal, or otherwise, the senior Grand Dragon of the Empire shall immediately assume and enter upon the discharge of the duties of the Grand Wizard, and shall exercise the powers and perform the duties of said office until the same shall be filled by election; and the said senior Grand Dragon, as soon as practicable after the happening of such vacancy, shall call a convention of the Grand Dragons of Realms, to be held at such time and place as in his discretion he may deem most convenient and proper. *Provided*, however, that the time for assembling such Convention for the election of a Grand Wizard shall in no case exceed six months from the time such vacancy occurred; and in the event of a vacancy in any other office, the same shall immediately be filled in the manner herein before mentioned.

SEC. 4. The Officers heretofore elected or appointed may retain their offices during the time for which they have been so elected or appointed, at the expiration of which time said offices shall be filled as herein-before provided.

## ARTICLE V

### JUDICIARY.

SECTION 1. The Tribunal of Justice of this Order shall consist of a Court at the Head-quar-

ters of the Empire, the Realm, the Dominion, the Province, and the Den, to be appointed by the Chiefs of these several Departments.

SEC. 2. The Court at the Head-quarters of the Empire shall consist of three Judges for the trial of Grand Dragons, and the Officers and attachés belonging to the Head-quarters of the Empire.

SEC. 3. The Court at the Head-quarters of the Realm shall consist of three Judges for the trial of Grand Titans, and the Officers and attachés belonging to the Head-quarters of the Realm.

SEC. 4. The Court at the Head-quarters of the Dominion shall consist of three Judges for the trial of Grand Giants, and the Officers and attachés belonging to the Head-quarters of the Dominion.

SEC. 5. The Court at the Head-quarters of the Province shall consist of five Judges for the trial of Grand Cyclops, the Grand Magis, Grand Monks, and the Grand Exchequers of Dens, and the Officers and attachés belonging to the Head-quarters of the Province.

SEC. 6. The Court at the Head-quarters of the Den shall consist of seven Judges appointed from the Den for the trial of Ghouls and the officers belonging to the Head quarters of the Den.

SEC. 7. The Tribunal for the trial of the Grand Wizard shall be composed of at least seven Grand Dragons, to be convened by the senior Grand Dragon upon charges being preferred against the

Grand Wizard; which Tribunal shall be organized and presided over by the senior Grand Dragon *present*; and if they find the accused guilty, they shall prescribe the penalty, and the senior Grand Dragon of the Empire shall cause the same to be executed.

SEC. 8. The aforesaid Courts shall summon the accused and witnesses for and against him, and if found guilty, they shall prescribe the penalty, and the Officers convening the Court shall cause the same to be executed. *Provided* the accused shall always have the right of appeal to the next Court above, whose decision shall be final.

SEC. 9. The Judges constituting the aforesaid Courts shall be selected with reference to their intelligence, integrity, and fair-mindedness, and shall render their verdict without prejudice, favor, partiality, or affection, and shall be sworn, upon the organization of the Court; and shall further be sworn to administer even-handed justice.

SEC. 10. The several Courts herein provided for shall be governed in their deliberations, proceedings, and judgments by the rules and regulations governing the proceedings of regular Courts-martial.

## ARTICLE VI.

### REVENUE.

SECTION 1. The revenue of this Order shall be derived as follows: For every copy of this Pre-

*!Dot Dewe Iris quoque facem.*

17

script issued to Dens, \$10 will be required; \$2 of which shall go into the hands of the Grand Exchequer of the Grand Giant, \$2 into the hands of the Grand Exchequer of the Grand Titan, \$2 into the hands of the Grand Exchequer of the Grand Dragon, and the remaining \$4 into the hands of the Grand Exchequer of the Grand Wizard.

SEC. 2. A further source of revenue to the Empire shall be ten per cent. of all the revenue of the Realms, and a tax upon Realms when the Grand Wizard shall deem it necessary and indispensable to levy the same.

SEC. 3. A further source of revenue to Realms shall be ten per cent. of all the revenue of Dominions, and a tax upon Dominions when the Grand Dragon shall deem it necessary and indispensable to levy the same.

SEC. 4. A further source of revenue to Dominions shall be ten per cent. of all the revenue of Provinces, and a tax upon Provinces when the Grand Giant shall deem such tax necessary and indispensable.

SEC. 5. A further source of revenue to Provinces shall be ten per cent. of all the revenue of Dens, and a tax upon Dens when the Grand Giant shall deem such tax necessary and indispensable.

SEC. 6. The source of revenue to Dens shall be the initiation fees, fines, and a *per capita* tax, whenever the Grand Cyclops shall deem such

18 *Cessante causa, cessat effectus.*

tax necessary and indispensable to the interests and objects of the Order.

SEC. 7. All the revenue obtained in the manner aforesaid, shall be for the *exclusive* benefit of the Order, and shall be appropriated to the dissemination of the same and to the creation of a fund to meet any disbursement that it may become necessary to make to accomplish the objects of the Order and to secure the protection of the same.

## ARTICLE VII.

### ELIGIBILITY FOR MEMBERSHIP.

SECTION 1. No one shall be presented for admission into the Order until he shall have first been recommended by some friend or intimate who is a member, to the Investigating Committee, (which shall be composed of the Grand Cyclops, the Grand Magi, and the Grand Monk,) and who shall have investigated his antecedents and his past and present standing and connections; and after such investigation, shall have pronounced him competent and worthy to become a member. *Provided*, no one shall be presented for admission into, or become a member of, this Order who shall not have attained the age of eighteen years.

SEC. 2. No one shall become a member of this Order unless he shall *voluntarily* take the following oaths or obligations, and shall *satisfactorily* answer the following interrogatories, while kneel-

*Cave quid dicis, quando, et cui.* 19.

ing, with his right hand raised to heaven, and his left hand resting on the Bible :

PRELIMINARY OBLIGATION.

“I —— solemnly swear or affirm that I will never reveal any thing that I may this day (or night) learn concerning the Order of the \* \* \*, and that I will true answer make to such interrogatories as may be put to me touching my competency for admission into the same. So help me God.”

INTERROGATORIES TO BE ASKED :

1st. Have you ever been rejected, upon application for membership in the \* \* \*, or have you ever been expelled from the same ?

2d. Are you now, or have you ever been, a member of the Radical Republican party, or either of the organizations known as the “Loyal League” and the “Grand Army of the Republic?”

3d. Are you opposed to the principles and policy of the Radical party, and to the Loyal League, and the Grand Army of the Republic, so far as you are informed of the character and purposes of those organizations ?

4th. Did you belong to the Federal army during the late war, and fight against the South during the existence of the same ?

5th. Are you opposed to negro equality, both social and political ?

6th. Are you in favor of a white man’s government in this country ?

20 *Nemo tenetur seipsum accusare.*

7th. Are you in favor of Constitutional liberty, and a Government of equitable laws instead of a Government of violence and oppression?

8th. Are you in favor of maintaining the Constitutional rights of the South?

9th. Are you in favor of the re-enfranchisement and emancipation of the white men of the South, and the restitution of the Southern people to all their rights, alike proprietary, civil, and political?

10th. Do you believe in the inalienable right of self-preservation of the people against the exercise of arbitrary and unlicensed power?

If the foregoing interrogatories are satisfactorily answered, and the candidate desires to go further (after something of the character and nature of the Order has thus been indicated to him) and to be admitted to the benefits, mysteries, secrets and purposes of the Order, he shall then be required to take the following final oath or obligation. But if said interrogatories are not satisfactorily answered, or the candidate declines to proceed further, he shall be discharged, after being solemnly admonished by the initiating officer of the deep secrecy to which the oath already taken has bound him, and that the extreme penalty of the law will follow a violation of the same.

FINAL OBLIGATION.

"I ——— of my own free will and accord, and in the presence of Almighty God, do solemnly swear or affirm, that I will never reveal to

*Deo adjuvante, non timendum.* 21

any one not a member of the \* \* \*, by any intimation, sign, symbol, word or act, or in any other manner whatever, any of the secrets, signs, grips, pass-words, or mysteries of the Order of the \* \* \*, or that I am a member of the same, or that I know any one who is a member; and that I will abide by the Prescript and Edicts of the Order of the \* \* \*. So help me God."

The initiating officer will then proceed to explain to the new members the character and objects of the Order, and introduce him to the mysteries and secrets of the same; and shall read to him this Prescript and the Edicts thereof, or present the same to him for personal perusal.

## ARTICLE VIII.

### AMENDMENTS.

This Prescript or any part or Edicts thereof shall never be changed, except by a two-thirds vote of the Grand Dragons of the Realms, in convention assembled, and at which convention the Grand Wizard shall preside and be entitled to a vote. And upon the application of a majority of the Grand Dragons for that purpose, the Grand Wizard shall call and appoint the time and place for said convention; which, when assembled, shall proceed to make such modifications and amendments as it may think will promote the interest, enlarge the utility, and more thoroughly effectuate the purposes of the Order

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ARTICLE IX.

INTERDICTION.

The origin, mysteries, and Ritual of this Order shall never be written, but the same shall be communicated orally.

ARTICLE X.

EDICTS.

1. No one shall become a member of a distant Den, when there is a Den established and in operation in his own immediate vicinity; nor shall any one become a member of any Den, or of this Order in any way, after he shall have been once rejected, upon application for membership.

2. No Den, or officer, or member, or members thereof, shall operate beyond their prescribed limits, unless invited or ordered by the proper authority so to do,

3. No member shall be allowed to take any intoxicating spirits to any meeting of the Den; nor shall any member be allowed to attend a meeting while intoxicated; and for every appearance at a meeting in such condition, he shall be fined the sum of not less than one nor more than five dollars, to go into the revenue of the Order.

4. Any member may be expelled from the Order by a majority vote of the Officers and Ghoul of the Den to which he belongs; and if after such expulsion, such member shall assume any of the duties, regalia, or insignia of the Or-

der, or in any way claim to be a member of the same, he shall be severely punished. His obligation of secrecy shall be as binding upon him after expulsion as before, and for any revelation made by him thereafter, he shall be held accountable in the same manner as if he were then a member.

5. Upon the expulsion of any member from the Order, the Grand Cyclops, or the officer acting in his stead, shall immediately report the same to the Grand Giant of the Province, who shall cause the fact to be made known and read in each Den of his Province, and shall transmit the same, through the proper channels, to the Grand Dragon of the Realm, who shall cause it to be published to every Den in his Realm, and shall notify the Grand Dragons of contiguous Realms of the same.

6. Every Grand Cyclops shall read, or cause to be read, this Prescript and these Edicts to his Den, at least once in every month; and shall read them to each new member when he is initiated, or present the same to him for personal perusal.

7. The initiation fee of this Order shall be one dollar, to be paid when the candidate is initiated and received into the Order.

8. Dens may make such additional Edicts for their control and government as they may deem requisite and necessary. *Provided*, no Edict shall be made to conflict with any of the provisions or Edicts of this Prescript

9. The most profound and rigid secrecy concerning any and everything that relates to the Order, shall at all times be maintained.

10. Any member who shall reveal or betray the secrets of this Order, shall suffer the extreme penalty of the law.

ADMONITION.

Hush! thou art not to utter what I am; be-  
think thee! it was our covenant!

REGISTER.

I.

- |               |                 |
|---------------|-----------------|
| 1. Dismal,    | 7. Painful,     |
| 2. Mystic,    | 8. Portentous,  |
| 3. Stormy,    | 9. Fading,      |
| 4. Peculiar,  | 10. Melancholy, |
| 5. Blooming,  | 11. Glorious,   |
| 6. Brilliant, | 12. Gloomy.     |

II.

- I. White, II. Green, III. Yellow, IV. Amber,  
V. Purple, VI. Crimson, VII. Emerald.

III.

- |               |               |
|---------------|---------------|
| 1. Fearful,   | 7. Hideous,   |
| 2. Startling, | 8. Frightful, |
| 3. Wonderful, | 9. Awful,     |
| 4. Alarming,  | 10. Horrible, |
| 5. Mournful,  | 11. Dreadful, |
| 6. Appalling, | 12. Last.     |

IV.

Cumberland.

L'ENVOI.

To the lovers of law and order, peace and justice, we send greeting; and to the shades of the venerated dead we affectionately dedicate the Order of the \* \* \*

*Resurgamus.*

## A KU KLUX ORDER.

[The Ku Klux order here reproduced is typical. It was first posted on the streets of Tuscaloosa, Ala., and later reprinted in the newspapers. It was at once an order and a notice to the members of the Klan, and a warning to offenders. Part of the order was in cipher, the rest was sheer nonsense, calculated to alarm the carpet-bagger and cause him to leave the country. It was rarely necessary to send more than one order to an obnoxious person].

### KU KLUX.

Hollow Hell. Devil's Den, Horrible  
Shadows. Ghostly Sepulchre.  
Head Quarters of the Immortal Ate  
of the K. K. K. Gloomy Month. Bloody  
Moon. Black Night. Last hour,

#### GENERAL ORDERS NO. 3.

Shrouded Brotherhood! Murdered heroes!

Fling the bloody dirt that covers you to the four winds! Erect thy Goddess on the banks of the Avernus. Mark well your foes! Strike with the redhot spear! Prepare Charon for his task!

Enemies reform! The skies shall be blackened! A single Star shall look down upon horrible deeds! The night owl shall hoot a requiem o'er Ghostly Corpses!

Beware! Beware! Beware!

The Great Cyclops is angry! Hobgoblins report! Shears and lash!  
Tar and Feathers! Hell and Fury!

Revenge! Revenge! Revenge!

Bad men! white, black, yellow, repent!

The hour is at hand! Be ye ready! Life is short! J. H. S. Y. W!!

Ghosts! Ghosts!! Ghosts!!!

Drink thy tea made of distilled hell, stirred with the lightning of heaven, and sweetened with the gall of thine enemies!

All will be well!!!

By order of the Great  
BLUFUSTIN

G. S.

K. K. K.

A true copy

Peterloo

P. S.

K. K. K.

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- |  |                        |
|--|------------------------|
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| 2. Engineering.  | 7. Music.              |
| 3. The Law.  | 8. Fine Arts.          |
| 4. Medicine.   | 9. Preparatory.        |
| 5. Agriculture, (including Dairying, Horticulture, Veterinary Science, etc.) | 10. Commercial.        |
|  | 11. The Summer School. |

**D. B. PURINTON, Ph. D., LL. D., President.**  
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One number will appear each month during the college year. The following is a tentative list of titles: 1. The Constitution and the Ritual of the Knights of the White Camelia. 2. The Prescript of the Ku Klux Klan; The Revised and Amended Prescript of the Ku Klux Klan. 3. The Constitution of the White League, the Council of Safety and similar orders. 4. Ku Klux Orders, Warnings, etc. 5. The Constitution, Ritual and Catechism of the Union League. 6. Freedmen's Bureau Documents. 7. Schools and Churches During Reconstruction. Other titles will be added to the list and substitutions will be made. Correspondence is invited in regard to additions and substitutions. Address Walter L. Fleming, West Virginia University, Morgantown, W. Va.

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WALTER L. FLEMING

## The Union League of America.

In 1862 when the outlook was gloomy for the Northern cause, the Union League movement began. Confederate victories in the field and Democratic successes in the elections, disaffection in the cities and in the West, the Southern sympathies of the upper classes of society, the hostility of the extremists of both parties to the administration,—all resulted in the low ebb of loyalty to the government and caused the formation of "Union Leagues" among those who were devoted to the Union and in favor of conquering the South. The movement began among those associated in the work of the United States Sanitary Commission. The first organization was probably in Ohio in September 1862; in December 1862, the Philadelphia Union League was organized; in January 1863, the New York Union League Club, and soon there were clubs in every part of the North. The "Loyal National League" of New York, a similar organization, was absorbed by the Union League which also acquired control of the "Loyal Publication Society."

The members were pledged to uncompromising and unconditional loyalty to the Union, and to the repudiation of any belief in states rights. The objects of the League were social as well as political; loyalty was to be made fashionable. Supplies were sent by the order to the soldiers in the field; negro troops were enlisted at its expense; teachers were sent South in the wake of the armies to educate the negroes; and negro refugees were cared for by its agents in the camps and in the North.

After the war the Union League began immediately to agitate for negro suffrage and white disfranchisement in the South, and for several years was foremost in demanding radical measures of reconstruction. To attain its purpose the League conducted a campaign of education, and before 1868 had distributed millions of political documents. The literature printed consisted principally of accounts of "Southern Atrocities." The Philadelphia League alone sent out between 1865 and 1868, 4,500,000 pamphlets.

In the disputes between the factions of Radicals in the South the League endeavored to act as arbitrator; in 1867 several of the Northern city leagues sent delegates to Virginia to reconcile the hostile factions of the "Unionists." The Southern "Unionists" who came North to attend the political conventions were entertained, their expenses paid, and their actions controlled by the Union League.

As early as 1863 the League was carried South among the disaffected Southern "Unionists," and it spread as the Federal armies occupied Southern territory. A few months after the close of the war the order extended throughout the South among the people of the white counties of the hill and mountain country. As long as the membership was entirely white, it consisted, in the South, of United States army officers, officials of the Freedmen's Bureau, the Union element in the border states, and the "loyalists," so-called, in the states of the lower South, with the civilians who followed the Federal armies to the South, and a few old Whigs. In the mountain districts of the South the membership in 1866 probably embraced 30 per cent. of the white population.

The League in the South tended to become a machine controlling the Radical party, while after a few years the northern Leagues disbanded or became social clubs. The eminently respectable members of the Union Leagues of New York, Philadelphia and other northern cities had little in common with the southern Leagues except radicalism. In 1868 the northern Freed men's Bureau agents, preachers, and teachers who controlled the order, began to admit negroes to membership. At first there were separate negro Councils as the local southern Leagues were now called, but soon negro members were admitted to white councils controlled by the carpet baggers. Before the end of 1867, all of the negro leaders were members and the mass of the black population organized in "Union Republican Clubs" for political control and instruction. The admission of negroes caused most of the native whites to desert at once. Henceforth the order consisted of few white leaders with a membership of blacks, principally local leaders, though every negro was considered an *ex colore* member. In every negro community there was a Council of the Union League; in each state there was a State Grand Council with headquarters at the State Capital, and the National Grand Council with headquarters in New York City.

During 1867 and 1868 the Loyal League, as it was popularly called, gave to the negroes an organization and a training that made it possible for a few alien leaders to control them and to vote them solidly for several years against the native whites. But for the strong organization and iron discipline of the order, the blacks would have been unable to vote or they would have been controlled and voted by the native whites, and thus the purposes of reconstruction would have been defeated.

The meetings of the Councils were held once a week in negro churches and school houses, around which armed guards were stationed; inflammatory speeches were made by carpet baggers and negro leaders; confiscation and division of property and social rights were promised; the blacks were taught to avoid the Southern whites in all relations, as natural enemies, and to look to the Northern whites alone as friends. The members went armed to the meetings and were there trained in military drill often after dark, much to the alarm of the whites in the community. In South Carolina the Loyal League was simply the negro militia. Military parades were frequently held. If a white person became obnoxious to the League, his buildings were likely to be burned. A prisoner in the dock had only to make the sign to be acquitted by a negro jury or magistrate. If a negro wanted to vote with the whites, the League forced him into line by fines, threats and beatings. Societies of negro women were formed under the guidance of the League, pledged to discard husbands or sweethearts who voted the Democratic ticket. Negro Democrats were expelled from their churches; the ministers sometimes ordered the women to leave their Democratic husbands. Later when the control of the League broke down, negro "bolters" became so numerous that they were often able to expel the Republican negroes from the churches. Nominations for office were made in the Councils and the members sworn to support the nominee. The members were forbidden to listen to speeches made by Democrats, or by the scalawags who, as a rule, did not belong to the order and who ran as independent candidates. By such methods a few white leaders succeeded in controlling absolutely the negro voters and had themselves elected to such offices as they chose.

The Union League was largely responsible for creating the conditions that led to the Ku Klux movement, and the Klan had much to do with breaking up the organization of the League. The dislike of the whites to the Union League was so great that the local bodies began to assume other names: "Red Strings" and "Heroes of America" in North and South Carolina, "Grant Rangers" in Georgia, "Alcorn Clubs" in Mississippi, "National Guards" in Alabama, etc.

By 1870 the organization was broken up in the South, most of the Councils that survived becoming simply Republican clubs. The discipline of the League was greatly missed after 1870 by the Radical leaders in the South who without its aid could no longer count upon the negro majorities. The permanent result of the work of the Union League in the South was the alienation of the races; this alone made it possible for outsiders to control the negro vote, and draw the color line in politics.

In the North the Union League was loosely organized; in the South there was an elaborate organization. There was a constitution for the National Grand Council, another for the State Grand Council, and a third for subordinate councils. The various constitutions appear to have been used only in the South. The national and state constitutions as they were in 1860, are here reprinted. The Ritual here given was not used in the North, and the Catechism was manifestly only for use among the freedmen\*.

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\*Bellows History of the Union League Club of New York; Chronicle of the Philadelphia Union League; Reports of Union League Club of New York; Century Magazine, vol. VI, pp. 404, 449; Gulf States Magazine, September, 1903; Ku Klux Report, 13 vols., *passim*; Herbert, Solid South; Brown, Lower South, c. 4.; Lester and Wilson, Ku Klux Klan.

## Constitution of the National Council of U. L. A.

### ARTICLE I.—NAME.

This organization shall be known as the "Union League of America."

### ARTICLE II.—OBJECT.

The object of this organization shall be to preserve liberty and the Union of the United States of America; to maintain the Constitution thereof and the supremacy of the laws; to sustain the Government and assist in putting down its enemies; to protect, strengthen, and defend all loyal men, without regard to sect, condition, or race; and to elect honest and reliable Union men to all offices of profit or trust in National, State, and local government; and to secure equal civil and political rights to all men under the Government.

### ARTICLE III.—ORGANIZATION.

This organization shall consist of a national council and one council for each State and Territory and for the District of Columbia, and of such subordinate councils as may by them be established, under regulations not inconsistent with this constitution.

The national council shall be composed of representatives elected by the several State, Territorial, and District councils, and shall have the general superintendence of the League.

The officers and executive committee, designated in the fifth article of the constitution, shall be ex-officio members of the national council; but without a right to vote, unless elected representatives in accordance with Article 4th.

### ARTICLE IV.—RATIO OF MEMBERSHIP.

The representatives from the State and Territorial councils shall correspond in number with the respective representation of the States and Territories in the two Houses of Congress; and any member of the Union League of such States, Territories, or District shall be eligible to the position. They shall be elected annually, and shall be entitled to admission into the national council upon the presentation of certificates signed by the president and secretary of the State or Territorial council by which they may be elected.

The District council of the District of Columbia shall be entitled to one representative.

**ARTICLE V.—OFFICERS.**

The officers of the national council shall be elected by ballot annually, to serve until their successors are chosen, and shall consist of a president, two vice-presidents, a recording and corresponding secretary, chaplain, marshal, treasurer, and sergeant-at-arms, with an executive committee, to consist of seven members, resident in the State of New York, or convenient thereto, and one member in each State, Territory, and District, together with the president, vice-presidents, treasurer, and secretaries as ex-officio members. And any number by them designated shall constitute a quorum.

**ARTICLE VI.—DUTIES OF OFFICERS.**

The president shall preside at the meetings of the council. In his absence one of the vice-presidents shall preside, and at other times they shall perform such duties as shall be required of them. The recording secretary shall keep a full and perfect record of the proceedings of the council, and prepare all charters and dispensations. The correspondence of the council shall be prepared by the corresponding or recording secretary, and shall be over his signature or that of the president. Minutes of all correspondence shall be kept by the recording secretary, in a book procured for that purpose.

The treasurer shall receive all moneys, and keep an accurate record of the same.

**ARTICLE VII.—DISBURSEMENT OF FUNDS.**

All disbursements of funds shall be made by the treasurer, by direction of the executive committee, on orders drawn by the recording secretary, and signed by that officer and the president or one of the vice-presidents.

**ARTICLE VIII.—EXECUTIVE COMMITTEE.**

All questions relative to the operations and extensions of the organization shall be referred to the executive committee, and shall be primarily acted upon by it.

**ARTICLE IX.—CHARTERS.**

All charters for State and Territorial councils and for the District of Columbia shall emanate from the national council. The national council shall also issue charters for subordinate

councils in localities where State, Territorial, or District councils may not exist.

Charters shall be issued over the seal of the council, and shall be signed by the president and recording secretary. No charter shall be granted except in open council or by the executive committee, and upon the application of nine or more members of the League or of a subordinate council. Charters for a State, Territorial, and District councils may be revoked by the national council or by the executive committee for cause, after due notice, and an opportunity to be heard on the question of such revocation.

State and Territorial councils, and the council of the District of Columbia or their executive committees, may for cause, provide for the revocation of the charter of any subordinate council issued by them in accordance with the provisions of this section.

#### ARTICLE X.—FEES.

The fee for a charter, dispensation, and the rituals necessary for a State, Territorial, or District council shall be twenty-five dollars, and for a subordinate council five dollars, to be paid to the treasurer of the national council.

#### ARTICLE XI.—DISPENSATIONS.

Dispensations for the establishment of councils shall be granted in the same manner as charters. But no person shall be allowed a dispensation except upon the recommendation of a subordinate council, or of at least a two-thirds vote of the members present at the meeting at which the application therefor may be acted upon.

#### ARTICLE XII.—QUALIFICATIONS FOR MEMBERSHIP.

All loyal citizens of the age of eighteen years and upwards are eligible for membership of this League; also aliens who have declared their intention to become citizens.

No member of this League shall be absolved from the obligation imposed in its ritual.

#### ARTICLE XIII.—BUSINESS DEMANDING SPECIAL ATTENTION.

All matters not provided for in this constitution, and demanding at any time immediate attention, may be fully acted on by the executive committee at any regular meeting, or at special meetings, of which due notice shall be given.

**ARTICLE XIV.—REPORTS OF STATE AND TERRITORIAL COUNCILS.**

State and Territorial councils shall report yearly to this council. These reports shall include an exact statement of the number of councils, their location, membership, officers, and such other particulars as may be deemed important to a correct and full knowledge of the condition of the League.

The secretary of this council, and each State, Territorial, and District council, shall once in each month transmit to the national council, and to each State, Territorial, and District council, one copy of all blanks, circulars, pamphlets, and publications of their respective councils issued during the preceding month, to the end that all such information may be generally diffused.

**ARTICLE XV.—ANNUAL MEETING.**

The annual meeting of the national council shall be held on the second Wednesday of December of each year, at which time the officers in the national council shall be elected by ballot, each representative having one vote, and majority of all the votes cast shall be necessary to a choice.

**ARTICLE XVI.—BOOKS AND BLANKS.**

The national council shall provide all charters, blanks, and other forms, together with the books and seals necessary for the working of the order; and State, Territorial, and District councils shall be supplied therewith at the cost thereof.

**ARTICLE XVII.—STATE COUNCILS.**

The State and Territorial councils, and the council for the District of Columbia, shall be composed of delegates elected by the subordinate councils within their jurisdiction respectively, under such regulations as may be prescribed by said councils.

**ARTICLE XVIII.—ADMISSION AND TRANSFER OF MEMBERS.**

State, Territorial, and District councils may make regulations, conformable to this constitution, concerning the admission to and the transfer of members from subordinate councils, and upon such subjects as the national councils may allow or prescribe.

**ARTICLE XIX.—ELECTION OF MEMBERS.**

No person shall be elected to any subordinate council

except by three-fourths of all the members present and voting. Each council shall provide that a certain number of trials may be had, not exceeding three, and only one at the same meeting. A person rejected may be again proposed at the expiration of three months. If again rejected, he shall not be proposed until the expiration of six months.

Every person shall be initiated in a council of his own township, district, city, or ward, or in a council nearest his residence; provided there is an active working council therein. A person rejected in a regular council, or admitted in violation of this rule, shall not be allowed the privileges of membership until his disability is removed.

The provisions of this article relative to initiations and rejections shall be subject to such modification as the councils of the States, Territories, and District of Columbia may respectively prescribe.

ARTICLE XX.—EXPULSION OF MEMBERS.

Any council may expel a member for violating his obligation, or for disloyal or dishonorable conduct, after giving the accused one week's notice and a full and fair hearing before the council, by a majority of the members present and voting at any regular meeting. Immediately after such expulsion notice shall be given to the recording secretary of the State council, who shall notify all the subordinate councils in the State of the fact.

ARTICLE XXI.—CONFLICTING STATE ORGANIZATIONS.

If two or more State organizations exist in any State, the president and executive committee of the national council may call a convention in such State on a basis that will secure equal representation to their several subordinate councils; and in the event of a failure of the separate organizations to consolidate under this constitution, the national executive committee shall determine which, if either, of the State councils shall be recognized as the regular organization.

ARTICLE XXII.—ALTERATION OR AMENDMENT OF THE CONSTITUTION.

This constitution may be altered or amended by a two-thirds vote of all the member of the national council present at its annual meeting, or by a national convention of the League, to be called by the president, upon application to him therefor from not less than five State councils

## Constitution of Alabama State Council.

### I.—NAME.

This organization shall be known as the "State Council of the Union League of America," for the State of Alabama.

### II.—OBJECT.

The object of this council shall be to preserve liberty and union of the United States of America; to maintain the Constitution thereof and the supremacy of the laws; to sustain the Government and assist in putting down its enemies; to protect, strengthen, and defend all loyal men, without regard to sect, condition, or race; and to elect honest reliable Union men to all offices of profit or trust in National, State, and local governments; and to secure equal civil and political rights to all men under the Government.

### III.—ORGANIZATION.

This organization shall consist of one State council, and such subordinate councils as may be established by the State council.

### IV.—STATE COUNCIL.

The State council shall be composed of representatives from the several councils of the State, each of which shall be entitled to such representatives as may by law be established.

Any delegate unable to attend may appoint a substitute, who shall be authorized to act as such delegate at all meetings of the council for the current year. Members present may fill vacancies.

The State council shall have the general superintendence of the League throughout the State, with power to make all rules, regulations and orders necessary to effect the designs of the League, provided the same do not conflict with this constitution or the constitution of the national council.

### V.—OFFICERS.

The officers shall consist of a president, first and second vice-presidents, recording and corresponding secretaries, chaplain, treasurer, marshal, sergeant-at-arms, and a State executive committee, who shall hold office until their succes-

sors are chosen. The offices of recording and corresponding secretaries may be filled by the same person.

#### VI.—DUTIES OF OFFICERS.

**President.** The president shall preside at the meetings of the council, and perform such other duty as may be necessary for the good of the order.

**Vice Presidents.** In case of the absence, illness, or other disability of the president, a vice-president in the order elected shall act as president pro tem.

During the absence of the president from the general office, the vice-president, in the order elected may perform the duties assigned the president.

The recording secretary shall keep a perfect record of the proceedings of the State council, prepare all charters and dispensations, and perform such other duties as the executive committee may direct.

The corresponding secretary, during the absence of the recording secretary, shall perform the duties of that officer.

The correspondence shall be prepared by either secretary, over his proper signature, and minutes thereof shall be kept by the recording secretary in a book set apart for that purpose.

The treasurer shall receive all moneys and keep an accurate account of the same; he shall make disbursement thereof on the warrant of the chairman of the executive committee, or of an auditing committee.

The duties of the marshal, sergeant-at-arms, and chaplain shall remain as prescribed in the ritual.

#### VII.—EXECUTIVE COMMITTEE.

The executive committee shall consist of two members from each judicial district in the State, to be chosen, if possible by the members present from the several judicial districts, together with the president, vice-president, treasurer, and recording and corresponding secretaries. It shall hold regular monthly meetings, of which a full record shall be kept, open to the inspection of members of this State council; it shall have power to appoint sub-committees of its own body; to remove any officer of the State council, or any member of its own body, for neglect of duty, or for malfeasance in office; and to fill any vacancies thus made until the next ensuing

meeting of the State council, and during the recess of the State council, to transact all the necessary business thereof; to it shall be referred all questions relative to the extension and operations of the League; and such number shall constitute a quorum as it shall provide.

VIII.—ANNUAL MEETING.

The annual meeting of the State council shall be held on the —, at —, unless otherwise ordered by the State council. At this meeting all officers of the State council and representatives to the National council shall be elected by ballot. Each representative shall have one vote, and a majority of all the votes cast shall be necessary to a choice.

IX.—SPECIAL MEETINGS.

Special meetings may be ordered by the executive committee at any time. Notice thereof shall be mailed to the members of the State council ten days prior to the holding of such meeting.

X.—QUORUM.

—members present at any meeting shall constitute a quorum for the transaction of business; any less number may adjourn from day to day.

XI.—HEADQUARTERS.

The State council shall keep an office in—, where the executive committee may meet and the routine business be transacted.

XII.—REVENUE.

The executive committee shall make such provisions for the procurement of necessary funds as it shall deem just and equitable, and for the general welfare of the order.

XIII.—BOOKS, BLANKS, ETC.

The State council shall provide all charters, rituals, blanks, &c., necessary for the working of the order, and all councils within the State shall be supplied therewith at the cost thereof.

XIV.—ESTABLISHING COUNCILS.

The president shall have power to establish councils throughout the State. A county deputy shall be appointed by the president of of the State council in each county of the

State, who shall be a resident of the county in which he acts, and whose action shall be confined to his own county; and the executive committee shall have power, in its discretion, upon the nomination of the president, to appoint one or more general State deputies, with authority to establish councils, and to do such other duties pertaining to the advancement and harmonious working of the League in this State as the president shall deem necessary; and such State deputies may be paid for their services and necessary expenses; the amount of which shall be determined by the executive committee. All county deputies may appoint as many assistants as the president shall approve; and all deputies and their assistants may be suspended by the president and removed by the executive committee for inefficiency or other cause.

#### IV.—CHARTERS.

All charters within this State shall emanate from the State council and shall be granted only upon application of eight or more members of the League, on the approval of a person duly authorized to institute such council; they shall be issued over the seal of the council, and signed by the president and recording secretary. No council shall have power to initiate members until after it has received its charter, nor shall any charter be issued until the charter fees are paid. Charters may be revoked by the executive committee for cause, after due notice and an opportunity to be heard on the question of revocation.

#### VI.—CHARTER FEE.

The fee for a charter, dispensation, rituals, &c., necessary for a subordinate council shall be ten dollars, which shall be paid to the person establishing the council, and by him paid to the treasurer of the State council.

#### XVII.—QUALIFICATIONS FOR MEMBERSHIP.

All loyal citizens of the age of eighteen years and upward are eligible for membership in this League; also aliens who have declared their intention to become citizens. No member of this League shall be absolved from the obligations imposed in its ritual.

#### XVIII.—ELECTION AND INITIATION OF MEMBERS.

No person shall be elected to any subordinate council ex-

cept by three-fourths of all the members present and voting. Each council shall provide that a certain number of trials may be had, not exceeding three, and only one at the same meeting. A person rejected may be again proposed at the expiration of three months. If again rejected, he shall not be proposed until the expiration of six months. Candidates for admission may be initiated within three months after their election, and not afterwards unless re-elected.

A person rejected in a regular council, or admitted in violation of this rule, shall not be allowed the privileges of membership until this disability is removed.

#### XIX.—TRANSFERS.

Members in good standing may be transferred on certificate from one council to another, and no applicant by certificate shall be rejected, except by three-fourths of all the members present and voting.

#### XX.—REPORTS.

Subordinate councils shall, on the first days of January, April, July, and October, report to the secretary of State council the number of members admitted during the preceding quarter, changes in officers, and such other information as may be desired. Like reports shall be made to the county deputy.

#### XXI.—CONSTITUTIONS AND BY-LAWS.

The State council, or the executive committee, shall provide a form of constitution and by-laws for the government of subordinate councils.

#### XXII.—AMENDING CONSTITUTION.

This constitution may be altered or amended by a two-thirds vote of all the members of the State council present at any regular or special meeting: Provided, all alterations or amendments shall first be submitted to and ratified by the national council of the national executive committee.

#### INSTRUCTIONS TO DEPUTIES.

1. When you desire to establish a council of the U. L. A. at any point, go there or send an assistant. Assemble nine or more loyal men, explain to them the objects, and, as far as you think proper, the principles of the Union League of America. If they consent to become members, initiate them.

After you have given them the secret-work, take the chair; state to them the number and names of the officers they have to elect. You will then have them proceed to an election to fill the different offices from among the men initiated.

2. After the officers are elected, you will request nine or more of the members to sign an application for a charter. This application and the fee of ten dollars, you will forward to the secretary of the State council, who will send a charter and the necessary books, blanks, &c. to the president of the new council.

3. If you are unable to attend the organization of a council, you may deputize and send an assistant, being responsible for his prompt report.

4. Instruct the councils that they should hold their meetings once in each week, and that they should follow the ceremony as nearly as possible. Advise them to enlist all loyal talent in their neighborhood, and that they have speaking whenever they can.

5. You will perceive that the success of the councils which you establish will depend in great measure upon the men who are its founders, and who may be elected to fill its offices. They should not only be prudent, vigilant, energetic and loyal, but they should be men who possess the confidence of their fellow-citizens.

6. You should establish councils in each election precinct. These councils should not only have distinctive names, but be regularly numbered.

7. It is important that each council be at once put in communication with the State and national councils. Through these sources the members of the League will be supplied with documents.

## The Ritual of the Union League.

[Thomas M. Owen, Esq., Director of the Department of Archives and History of Alabama, furnishes me with the Ritual here reprinted. It appears to have been adopted in 1866 or 1867; it was printed in the Nashville Union and Dispatch in July, 1867, and in the Montgomery Daily Advertiser, July 19, 1877. A revised Ritual was published in 1870 and reprinted in the Ku Klux Report, South Carolina Testimony, pp. 949,952. Col. H. A. Herbert in the preparation of the chapter on Alabama in "The Solid South" (1889) used a third form of the Ritual, which I have been unable to locate.]

### FORM OF COUNCIL OFFICERS AND THEIR STATIONS.

The officers of the Council of the U. L. A. are: A President, Vice President, Assistant Vice President, Treasurer, Secretary, Marshal, Herald, Sentinel and Chaplain. The P. occupies the principal station in the room; V.P. and A.V.P., at the opposite end and in front of the P.T. at the left hand of P.; Sec. at the right hand of the P.; M. near the V.P.; H. within the inner door; S. within the outer door, and the Chaplain at the centre of the room, on the right.

### EMBLEMS.

Altar, Holy Bible, Declaration of Independence; United States Constitution; Flag of the Union; Censer of Incense; Sword; Gavel; Ballot Box and Sickle; Shuttle; Anvil; and other emblems of industry.\*

### OPENING A COUNCIL.

(The P. assumes the chair and gives one rap with the gavel.) P. I am about to open this council. If there are any persons present not members of the Union League of America, they will please retire to the ante-room. The officers will take their respective stations.

[The door is closed.]

P. Mr. Marshal, you will satisfy yourself that all present

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\* The Ritual of 1870 reads: Altar, Holy Bible; an American flag and as many symbols of industry as may be convenient such as a small anvil shuttle or sickle. If possible, let a copy of the Declaration of Independence and of the Constitution of the United States be displayed on the altar. Let the American flag be spread on the altar with an open Bible resting upon it.

are duly qualified and report. [The M. makes a careful examination and reports.] †

P. I proclaim this council open for the transaction of such business as may be lawfully brought before it. [Members respond,] "So be it." P. The Marshal will drape the altar. The M. will then proceed to place the flag, etc., upon the altar, the books being open and the sword laid across them. These must so remain while the C. is in session, and will be left in the care and custody of such officer as the P. shall direct during the adjournment. Each C. should purchase these articles for its use.

#### ORDER OF BUSINESS.

1. Calling the roll of officers. 2. Reading the minutes of preceding meeting, and approval of the same. 3. Examination of candidates elected by the A. V. P and M. Initiations. 4. Election of officers at such meetings as the same may properly occur. 5. Propositions for membership, and balloting for candidates. 7. Report of committee. 8. Unfinished business. 9. New business and the good of the order.

#### INITIATION.

P. The Marshal will proceed to the ante-room and ascertain if there are any candidates awaiting admission into our League, and instructing the Sentinel to admit no persons except members, until those in waiting have passed into the council room, or departed thence. The Marshal will then report the names of applicants. P. The Secretary will read the list of names. [The Secretary reads them ] P. Mr. Secretary, have the names of these gentlemen being duly pre-

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† The Ritual of 1870 reads: If it be not imprudent, let a verse or more of some patriotic ode be sung, after which the chaplain shall offer prayer, in the following form:

#### PRAAYER

Let us pray? Eternal God, Supreme Architect and Ruler of the Universe! We humbly beseech Thy protection for the loyal people of the United States of America, and more especially for the members of this patriotic organization. Wilt Thou be pleased to direct and prosper all our consultations to the advancement of Thy glory and the honor and welfare of this nation. Aid and assist the Government in so fixing the foundations thereof that peace, happiness, truth, liberty, justice, and brotherly love may prevail for all time. Save us, we pray Thee, from foreign foes and domestic traitors. Unite us in love for our common country,—attach us to the great principles of the Constitution—fill us with reverence for Thee, and may Thy Good Spirit guide, strengthen, and comfort us, now and forever. Amen?

presented in open council and balloted for and elected? [The Secretary will answer according to the facts.] The Assistant Vice President, with the Marshal as a witness, will retire to the ante-room and make known to the candidates the object of this League, and propound to them the necessary interrogations, as provided in the ritual. [The A. V. P. and M. retire to the ante-room, when the A. V. P. makes known the following:]

OBJECT OF THE LEAGUE.

A. V. P. GENTLEMEN: I am directed to state to you the object of this organization. It is to preserve liberty, perpetuate the Union of the United States of America, maintain the supremacy of the laws and constitution thereof against enemies, foreign and domestic, to secure the ascendancy of American institutions on this continent, to protect, defend and strengthen all loyal men and members of the Union League of America in all their rights of person and property, to demand the elevation and aid in the education of the labor and laboring men of the whole country, to make our councils for the prompt and proper instructions of all men in the duties of American citizenship, and for the inculcation of sentiments of true charity and brotherly affection among the members of our order. Having informed you of the purposes of our order, I now expect from you a promise of secrecy before proceeding farther. Have I your solemn pledge to keep secret whatever may transpire in your presence? Answer must be in the affirmative. To the questions now propounded you will answer upon your honor and under your pledge of secrecy. 1st Do you fully subscribe to the principles, set forth in the Declaration of Independence? Answer—. 2d. Do you acknowledge that your first and highest allegiance under God is due to the government of the United States of America? Answer—. 3rd. Are you willing to pledge yourself to resist to the utmost extent of your power, all attempt to subvert or overthrow the government of the United States? Answer—. 4th. Will you strive to the extent of your ability for the maintenance of liberty; the elevation of labor; the education in the responsibilities and duties of American citizenship of all the people of this country; the practice of a true friendship and charity towards each and all of the order, of which you are about to become a member, and for the

election or appointment to all places of public trust of such men only as are reliable supporters of these principles and measures? Answer—. 5th. Are you willing, and do you desire to bind yourself by a solemn oath to the maintenance of the principles and policy indicated in the interrogatories to which you have now affirmatively replied? Answer—. 6th. Do you pledge your honor that you will obey all rules and orders of the Union League of America which shall not conflict with your lawful rights and privileges as a loyal citizen, and keep inviolate all secrets and ceremonies of the league, when communicated to you as such? Answer—. (Should the candidates answer all the foregoing questions in the affirmative, the A. V. P. shall report to the P. and C. as follows:) A. V. P. Mr. President, I have made the proper examination, and find all the candidates worthy and willing to proceed. (Unless the report is objected to by the Marshal or other person, the President will direct as follows:) P. The Marshal will conduct the candidates to our council. (The Marshal, coming to the door with candidates, makes the usual alarm.) II. Who comes under the private signal of our league? M. Candidates, who, having been duly elected and examined, desire admission to our loyal band. H. Mr. President, the Marshal announces candidates, who, having been duly elected and examined, desire admission to our loyal band. P. The loyal and worthy are always welcome. Admit them. (The door is opened, and candidates, preceded by the M., enter in double file, arm in arm, and passing around the altar are presented in front of the P's chair. As they enter the door the P. gives three raps with the gavel, which will call up the C. The President rising, the M. will introduce the candidates by name. While the candidates are coming in and taking their places around the altar, the P. may direct the C. to sing a verse or more of some patriotic song, "Hail Columbia," "Star Spangled Banner," which may be printed on the cards for the C. By a signal from the P. the members take their seats during the delivery of the address.) M. Mr. Vice President I have the pleasure of presenting these candidates for membership in our Union League.

ADDRESS.

V. P. Gentlemen (or Sir), We rejoice that you have come

forward voluntarily to unite with us. The cause we advocate is that of our country. Banded together for the purpose of perpetuating the liberties for which our fathers fought we have sworn to protect them. In time of peril to our government and the Union, it became the sacred duty of all true patriots to unite their efforts for the preservation of constitutional freedom, and in thwarting the designs of traitors to destroy the tree of liberty, planted by our patriotic fathers, and watered by their blood. Neither domestic traitors nor foreign foes must be permitted to destroy this nation, nor to circumscribe the influence and progress of American institutions on this continent. The first grand purpose of our organization has been accomplished, through the combined efforts of our order and the gallantry, and perseverance of our citizen soldiers, to whom our grateful acknowledgments and continued appreciation is ever due. The legitimate fruits of this triumph are yet to be secured in the complete ascendancy of the true principles of popular government; the establishment of equal liberty; the elevation and education of the toiling masses of the republic; the preservation of the national honor and faith; the inculcation of a brotherly affection and true charity towards all; the complete and final overthrow at the ballot-box, as in the field, of the oligarchy of political leaders, who sought to ruin when they could not rule, and through whose errors and wrongs our country has been baptized in blood; the establishment here of an asylum for the distressed of other lands, and of a beacon light so prominent and enduring as to be seen by all nations for all time, and so unerring as to guide all people to the certain possession of national and true liberty. By means of this Loyal League these grand purposes may be realized. We ask none of you to join us who have not the noble sentiment of patriotism deeply implanted in their hearts, for such only are capable of rising above the level of the mere partisan, and claiming and defending the boon of freedom from its intrinsic value. It is to sustain the government and the principles and policy we have indicated, that we are united, and for this purpose you are required to take a solemn obligation, which I assure you does not in any way conflict with the duties you owe to yourself, your country, your family or your God. With this assurance are you willing to take such an obligation? (Answer to be in the affirmative.)

V.P. Candidates will please turn and approach the altar. (Here the P. calls up the C. in four raps, in couplets, and says:) P. The Chaplain will now invoke the blessing of Almighty God upon our undertakings.

PRAYER.

Eternal God! Supreme Architect and Ruler of the Universe! we humbly beseech thee to protect the loyal people of the United States, and especially the members of this patriotic organization. Wilt thou be pleased to direct and prosper all our consultations to the advancement of Thy glory, the honor and welfare of Thy people; and may all things be ordered and settled by the co-ordinate branches of our government, upon the best and surest foundations, so that peace and happiness, truth, liberty and justice, may be established among us for all generations. Save us, we pray Thee, from foreign foes and domestic traitors, and make us all faithful and true to the noble cause of constitutional liberty which Thou hast graciously committed to our care. Be pleased to guide and direct us as thou didst our forefathers. With the strength of Thy Almighty arm Thou didst uphold and sustain them through all their fiery trials and at the last didst crown them with victory. May we be united in love for our common country, imbued with sentiments of liberty, attached to the principles of the constitution, filled with reverence for Thy Holy Law, and may Thy good spirit, strengthen and comfort us, now and forever. Amen. (Here, after darkening the room, the M. lights the fire of liberty, to burn during the administration of the obligation; the members will be notified to join hands in a circle, around the candidates and the altar—the P. stepping within the circle. When there are more candidates than can reach the flag or Bible, they should be divided and obligated by sections. The P. then continues as follows:)

Now place your left hand on the national flag and raise your right toward heaven, repeating after me the following obligation:

OBLIGATION.

I, (repeat your name after mine,) do solemnly swear (or affirm) in the presence of God and these witnesses, that I will never voluntarily bear arms against the United States,

while I am a citizen thereof; that I will support, protect and defend the constitution and the government of the United States and the flag thereof, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will also defend this State against any invasion, insurrection or rebellion, to the extent of my ability. This I freely pledge without mental reservation or evasion. Furthermore that I will do all in my power to elect true and reliable Union men and supporters of the government, and none others, to all offices of profit or trust, from the lowest to the highest, in ward, town, county, State and General government. And should I ever be called to fill any office, I will faithfully carry out the objects and principles of this League. And further, that I will protect, aid and defend all worthy members of the U. L.; and that I will never make known in any way, to any person or persons not members of the U. L., any of the signs or passwords, proceedings, debates or plans of this or any other C. under this organization, except when engaged in admitting new members into this L. (Place your right hand upon the Holy Bible.) And with my hand upon the Holy Bible, Declaration of Independence and the constitution of the United States of America, under the seal of my sacred honor, I acknowledge myself firmly bound and pledged to the faithful performance of this my solemn obligation. So help me God. (Response by the members.)

TO THIS WE PLEDGE OURSELVES.

P. Gentlemen, around you is a band of brothers, alike sacredly pledged. This circle is never to be broken by treachery. (Response by the members:) "Never." P. Brothers will you enlarge your circle to admit new members? (Response:) "We will." P. Prepare then for accessions to your ranks. P. With clasped and uplifted hands repeat after me the

FREEDMAN'S PLEDGE.

To defend and perpetuate freedom and the Union I pledge my life, my fortune and my sacred honor. So help me God. [Then follows a song. The members of the Council will now take their places before the Altar.]

CHARGE.

The oath you have now taken of your own free will and

accord, cannot now be violated without leaving the stain of perjury on your souls. You have declared that under God, your first and highest allegiance is to the government of the United States. You have taken such an oath of allegiance upon the Holy Bible, Constitution and Declaration of Independence, lying within the folds of the flag of the Union. This contains the enduring records of our rights and privileges. The symbols of industry which greet you upon the altar, are to remind you of one of the main purposes of our order, and to represent the foundation on which our institution rests. To strengthen and elevate this, is to add to the grandeur and durability of the structure we uphold. The flag is the ensign of our American nationality—the visible emblem of the sovereignty of the Union. Its stars represent the sister States; its stripes, the thirteen original States; its colors, courage, purity and truth. The Bible contains man's moral code and principles of his religious faith; points out his dependence on the Author of his being; his duty to his fellow creatures; the reward of virtue and the punishment of vice. The Declaration of Independence declares as self-evident truths, that all men are created equal—that they are endowed by their Creator with inalienable rights to life, liberty and the pursuit of happiness. It denies the despot's dogma of the "Divine rights of kings," to rule over mankind. It asserts that governments derive their just powers from the consent of the governed, and solemnly affirms the right of the American people to govern themselves as a free and independent nation. The Constitution is an instrument reducing to practice the precepts of the declaration. It is liberty regulated by law—It defines and circumscribes the powers and duties of the national government. It was ordained by the fathers, "in order to form a more perfect Union, establish justice, to insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessing of liberty to themselves and their posterity." The sword is a weapon of protection and defense. By it and the aid of Divine Providence the independence of the American people was obtained. With it we may defend the rights and liberties belonging to a free and loyal people, jealous of their country's glories, greatness and grandeur. Lastly, the light you behold burning upon the altar is emblematical of the

sacred fires of liberty that burn forever in the breast of all true patriots. We inculcate the spirit and arts of peace as essential to national happiness and prosperity; but when foreign foes or treacherous hands conspire to rob us of our national inheritance, let a million gleaming swords leap from their rests and turn every way to guard the temple of our liberties. (Here the M. instructs the new members in the signs, etc.,\* When these have been imparted, the P. may give a short history of the origin and history of the organization. He should caution them not to use the signs too often or incautiously. It is enjoined on each officer to commit to memory his initiatory ceremony. The council rooms should be made attractive by emblems and ornaments, and by a supply of reading matter. If any person belonging to the order cannot read, he must be instructed.)

[In the Ritual of 1870 the initiatory ceremony was changed somewhat. The most interesting part is given below:]

#### INITIATION.

Previous to initiations, it shall be the duty of the M. to inform the P. if any are in attendance for initiation.

P.—Brethren! I am about to proceed with the ceremony of initiation. The S. will read the names of those entitled to admission.

This having been done—

P. These have been found worthy. The V. P. will retire and prepare the candidates.

The V. P. retires and approaches the candidates.

V. P.—Gentlemen! Your presence here is a token that you know the objects of this association. Do you give me your word of honor, in the presence of God and this witness, that you will keep secret all you see and hear, unless authorized to reveal the same by competent authority?

Being answered affirmatively—

V. P.—Prepare, then, for introduction to the society of the loyal and patriotic men of the nation.

The V. P. then returns to the council and announces:

V. P.—Mr. P., I find the candidates worthy and willing to proceed.

P.—The V. P. will conduct the candidates to the council.

The V. P. retires to the ante-room. Candidates range themselves behind the V. P., who advances to the inner door and makes the usual alarm.

M.—Who comes here under the private signal of our League?

V. P.—Candidates who, having been duly elected and examined, desire admission to our loyal band.

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\* [To pass yourself as a leaguer, when questioned, give the "Four I's." as follows: right hand raised to Heaven, thumb and third finger touching their ends over the palm and announce "Liberty." Bringing the hand down over the shoulder, pronounce "Lincoln." Dropping the hand open at your side, pronounce "Loyal." With your hand and fingers downward in the chest, the thumb thrust into the vest or waistband, across the body, pronounce "League."]

M.—Mr. President the V. P. announces candidates who, having been duly elected and examined, desire admission to our loyal band.

P.—The loyal and worthy are always welcome. Admit them. (Three raps)

The M. opens the door. Candidates, led by the V. P., enter and are arranged in front of the altar. The council form a circle with clasped hands, the P. standing before the altar.

A patriotic ode may here be sung.

P.—Worthy sons of America! we bid you welcome. This circle of freedom and equal rights now encircling you must never be broken by treachery.

Council responds—

C.—Never!

P.—Our cause is a noble one. It is that of our country. None need fear exposure of purposes. Yet, for the more complete success of our patriotic mission, you are now required to take upon yourself a serious and binding obligation, which I assure you does not conflict in any way with the duties you owe to yourself, your country, or your God. With this assurance on my part are you willing to proceed?

Being answered in the affirmative—

Before you are the national flag and the open Bible—fit symbols of civil and religious liberty. Place your left hand thereon and raise your right hand towards Heaven, and repeat after me the following.

#### OBLIGATION :

I, (each repeating his own name,) with an uplifted hand, in the presence of God and these witnesses, do solemnly swear, without reservation of any kind, that I will support, protect and defend the Constitution and Government of the United States of America, one and indivisible, and the flag thereof, against all enemies, foreign and domestic; that I will vote only for those who advocate and support the great principles set forth by this League, to fill any office of honor, profit, or trust in either the State or General Government, and if I am ever called to fill an office, I will faithfully carry out the principles set forth by this League. And further, that I will protect and defend all worthy members of the Union League of America; and that I will never, in any manner or form, divulge or make known, to any person or persons not worthy members of this organization, any of the signs, passwords, grips, proceedings, designs, debates, or plans of this or any other council of this organization, unless authorized so to do by competent authority. And further that I will aid and defend the working men of the nation, and in all lawful methods endeavor to secure to them the right to labor and enjoy the full fruit of their labor; and that I will not countenance or employ any one who is in any manner hostile to the working men of the nation. And with my hand on the Holy Bible and flag of the United States of America, I acknowledge myself firmly bound and pledged to the faithful performance of this, my solemn obligation, so help me God!

Respond by the members—

Hail! worthy and true!

P.—Take your place in this sacred circle formed to perpetuate freedom and government. We trust every added link will make stronger the chain which binds us together.

(Candidate is received as one of the circle.)

Now, joined in one harmonious band, pledged to sustain principles at once noble and holy, raise your united hands towards Heaven, and repeat with me

#### THE FREEMAN'S PLEDGE.

To defend and perpetuate freedom and the Constitution, the supremacy of law, and the inherent rights of civil and religious freedom; and to accomplish the objects of this organization, I pledge my life, my fortune, and my sacred honor.

(Circle is broken and council resume their seats.)

P.—Now take your place before the altar, while I communicate to you the secret-work of our organization.

Note.—This must be communicated verbally.

The secret-work having been communicated, the P. shall deliver the

#### ADDRESS.

GENTLEMEN:—This organization was formed during the first year of the late rebellion. All will remember the discouragements of that year and the consequent reaction of the public mind, as evidenced in the elections held in the autumn of 1862. Fears were justly entertained then that the enemies of our flag and country would obtain control of the lower house of our National Legislature, prevent the further prosecution of the war, and attempt a permanent dismemberment of our glorious Union. In this crisis of our nation's history eleven persons met by appointment in the city of Cleveland, Ohio, and formed the nucleus of the body which has since been so gloriously known as the Union League of America. This was in November, 1862; the work of organization spread rapidly; and in May following the National Council met for the first time, with eighteen states fully represented. From this memorable period the League has continued to gain strength, until it has extended its beneficent sway over the entire Union. From Maine to Florida, and from the Atlantic to the Pacific, our organization counts its members by millions. Our first grand purpose has been happily accomplished. Our flag floats over the entire Union. But the legitimate fruits of the war for the Union are to be secured in the complete ascendancy of the true principles of popular government—equal liberty, education and elevation of the workingmen of the nation and the security of all by means of elective franchise. It is as true now as in the former times that "eternal vigilance is the price of liberty." Placed as sentinels on the outer wall, our councils will ever remain the guardians of the nation's liberties. To sustain these principles and this wise policy you have joined our fraternity. Let no temptation swerve you from the path of wisdom and patriotism. Guard well the priceless treasure of American citizenship, and scorn all the wiles of those enemies who seek to overthrow our institutions founded on an OPEN BIBLE and the flag of the Union. In joining this council you are only on the threshold of this Glorious Temple of Liberty. Before you is a path lit up with the brilliant radiance of a hundred victories. Be faithful to what has already been imported, and ere long you shall ascend higher and join the society of those who, having served with honor the probation of our first degree, have been admitted to the Inner Sanctuary of the Union League of America

[Candidates then take their seats in the council.]

## Loyal League Catechism.

[The document printed below was circulated in 1867-8 among the negroes of the South through the Union or Loyal League, the "machine" that conducted the "Republican Clubs" as training schools for the future voters. The "Dialogue" was in the hands of every Radical who could read and the negroes were drilled in its principles. It was popularly known as the "Loyal League Catechism." The Conservatives complained that under the franking privilege of Radical congressmen, thousands of the catechisms were sent on from Washington to influence the negroes against the southern whites. I am indebted to Thomas M. Owen, Esq., Director of the Department of Archives and History of Alabama, for an authenticated copy of the Catechism. It was also printed in the Selma (Ala.) Daily Messenger, July 19, 1867, and in a Nashville paper.]

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## The Position of the Republican and Democratic Parties.

A DIALOGUE BETWEEN A WHITE REPUBLICAN AND A COLORED CITIZEN, PUBLISHED BY THE UNION REPUBLICAN CONGRESSIONAL COMMITTEE, WASHINGTON, D. C.

The following is a dialogue between a newly enfranchised freedman and a sound Radical Republican. The new-made voter is seeking light upon the subject of his political duties, and his Radical friend gives him plain facts, and demonstrates clearly with which party he and all like him should act. It would be well for colored voters generally to seek out some tried Radical friend and question him upon all subjects about which they have no doubt. The dialogue is submitted with the hope that the facts set forth therein will remove doubts from the minds of many who have been unable to receive proper information upon the position in which they should stand at this time:

### The Dialogue.

QUESTION. With what party should the colored man vote?

ANSWER. The Union Republican party.

Q. Why should the colored man vote with that party?

A. Because that party has made him free and given him the right to vote.

Q. Was Mr. Lincoln a Republican?

A. He was a Republican President.

Q. Are all the Republicans in favor of universal freedom?

A. They are.

Q. What is the difference between Radicals and Republicans?

A. There is none. The word Radical was applied to the Republican party by its enemies, and has been accepted by it.

Q. The Radicals and Republicans are then one and the same party?

A. They are, and they are all in favor of freedom and universal justice.

Q. What is the meaning of the word Radical as applied to political parties and politicians?

A. It means one who is in favor of going to the root of things; who is thoroughly in earnest; who desires that slavery should be *abolished*, that every disability connected therewith should be *obliterated*, not only from the national laws but from those of every State in the Union.

Q. Is Mr. Sumner a Republican?

A. He is and a Radical, so are Thad. Stevens, Senator Wilson, Judge Kelley, Gen. Butler, Speaker Colfax, Chief Justice Chase, and all other men who favor giving colored men their rights.

Q. To which party do the friends of the colored men in Congress belong?

A. To the Republican Party.

Q. What is a Democrat?

A. A member of that party which before the rebellion sustained every legislative act demanded by the slaveholders, such as the Fugitive Slave Law, and the attempt made to force slavery upon the Western Territories.

Q. What was the position of the Democratic Party during the war?

A. It opposed the war; declared Mr. Lincoln's management of it a failure; resisted every measure in Congress looking to emancipation, and denounced the Government for arming colored men as soldiers.

Q. What has that party done since the surrender of the rebels?

A. It has sustained Mr. Johnson in his efforts to restore your old masters to power in the country, and opposed every

act for your benefit which the Republican Congress has adopted.

Q. Is it known by any other name?

A. It is known as Conservative, Copperhead and rebel. Under each name it is still the same enemy of freedom and the rights of man.

Q. Would the Democrats make slaves of the colored people again if they could?

A. It is fair to presume they would, for they have opposed their freedom by every means in their power, and have always labored to extend slavery.

Q. Would Democrats allow colored men to vote?

A. No! They have always opposed it in Congress and in the various State Legislatures.

Q. Who abolished slavery in the District of Columbia?

A. A Republican Congress and Abraham Lincoln, a Republican President.

Q. Who freed the slaves of the South?

A. Abraham Lincoln, the Republican President, by proclamation.

Q. Who passed the Freedman's Bureau Bill?

A. A Republican Congress by more than a two-thirds vote over the veto of Andrew Johnson, the leader of the Democratic or conservative party.

Q. Who gave us the Civil Rights Bill?

A. The same Republican Congress.

Q. What party gave us the right to vote?

A. The Republican party.

Q. What has the Democratic, Conservative or Copperhead party ever done for the colored people?

A. It has tried to keep them in slavery, and opposed giving them the benefit of the Freedman's Bureau and Civil Rights Bills, and the right to vote.

Q. Why cannot colored men support the Democratic party?

A. Because that party would disfranchise them, and, if possible, return them to slavery and certainly keep them in an inferior position before the law.

Q. With whom do the disloyal white men of the South desire the colored men to vote?

A. With Democratic party.

Q. Would not the Democrats take away all the negro's rights?

A. They would.

Q. Then why do they pretend to be the best friends of the colored men?

A. Because they contend that they are fitted only for slavery, or an inferior position, and are happier in either condition.

Q. How would it suit them to be served in the same manner?

A. They would not endure it. They call themselves a superior race of beings, and claim they are born your rulers.

Q. Why do they not do unto others as they would be done by?

A. Because they are devoid of principle, and destitute of all sense of justice where the colored man is concerned.

Q. Do all white people belong to a party which would treat us in that way?

A. They do not. There are many who have stood up nobly for your rights, and who will aid you to the end; indeed, all the Republicans are such.

Q. To what party do the people of the South belong?

A. The larger portion belong to the Democratic party.

Q. Are the slave holders and the leaders of the rebellion members of that party?

A. They are, and would not regard you as having any right if they were in power.

Q. The colored men should then vote with the Republican or Radical Party?

A. They should, and shun the Democratic party as they would the overseer's lash and the auction block.

Q. Has the Republican party ever deceived the colored people?

A. It has not. While the Democratic party has always been opposed to their freedom, their education, and their rights to vote, the Republican party has always been their friend.

Q. To what party do the leading colored men belong?

A. Without exception they belong to the Republican party.

Q. What are the most prominent principles advocated by the Republican party?

A. Equal rights before the law and at the ballot box for all men without regard to race or color; that is, that every man shall have the same rights and liberties as any other man.

Q. Does not the Military Reconstruction Act secure to us these rights?

A. Yes, but you may yet be deprived of them if your enemies get into power.

Q. What would the people think if the colored men voted with the Democratic party?

A. The people of the North would think that they did not fully understand their own rights nor the duties devolving on them; and the people of the South would proudly say, "We have always told you that the negro did not wish to be free."

Q. What use has been made of the money which the colored people of the Southern States have paid as taxes?

A. It has been used to establish schools for *white* children; to pay the expenses of making and executing laws in which the colored men have had no voice, and in endeavoring to have the Supreme Court set aside the law which gives you the right to vote.

Q. What! are the Democrats using my own money to take away my rights?

A. They have always done so, and will continue to while they remain in power.

Q. Can this be right?

A. It can not, but it is what you have always received, and such treatment as you will continue to receive from the Democratic party.

Q. Some people say if we vote against the white of the South it will make them our enemies and we will be destroyed. Is it so?

A. This will not be the case, because they will try to befriend you to secure your vote.

Q. But they say we will be discharged from work if we dare vote the Republican ticket. Will they do that?

A. You should remember that your labor is worth just as much to the man who employs you as his money is to you.

Q. You would advise us then to disregard these threats and vote with the Republican party?

A. Most certainly I would. Had you not rather suffer, or even starve to death, than to aid a party to re-enslave you? Remember your former condition and avoid a return to chains and slavery. "Give me liberty or give me death."

Q. The white people South say the Republicans of the North do not care for the colored men only so far as they can use them to continue in political power. Is that true?

A. It is not.

Q. What is the reason that several of the Northern States do not give us the right to vote?

A. Chiefly because they have in the past been controlled by the Democratic party. In the Western States where what are called the "Black Laws," exist, which forbid colored people to live there, there are large bodies of whites who moved originally from the slave States, and carried the hatred and prejudices of slavery with them.

Q. What has the Republican party done in these States about such laws?

A. Tried to abolish them as fast as it gained power. It publicly advocates their repeal.

Q. Well, I am satisfied. You have clearly shown me my duty, and I shall impart the information to my people.

A. Let me say to you further, that the Democratic party will use all means to get the colored people to put it in power again, but you must remember what has been its past record, and see to it that you do not trust it in the future. In order that you may work to the best advantage for the success of the party which has been and still is your true friend, you should have an organization, or association, where you can bring together your people, and such white men as belong to the Republican party. You want to be so organized that you will act as one man, lest your enemy gain the victory. You should organize Union Leagues and Republican Clubs. Here is a Constitution for a Union Republican Club. You can take this and call together some of your Republican friends, have them sign it, and elect the officers provided therein. Then hold a meeting once in each week, talk these matters over, read newspapers and documents to those who cannot read, and take such measures as will result in conveying to every colored man the correct view of his duties at this time. This is the Constitution of which I speak: [Then follows a simple constitution for a political club.]

## Resolutions of the Alabama Grand Council of the Union League, April, 1867.

[The Grand Council that passed these resolutions soon after the enactment of the reconstruction laws was composed almost entirely of men who had come into the state after the war. There were several native whites, but already the native Republicans were beginning to desert the order on account of the admission of negroes. Practically all the members were elected to the constitutional convention after the close of which they again resolved themselves into a Grand Council and nominated one another to office. General Meade strongly objected to the character of the nominees made by the League. It was a general custom of the Radicals to re-enfranchise such ex-Confederates as were willing to accept the terms offered in the third and fourth paragraphs of the resolutions. The sixth paragraph refers to the statements of Secretary of the Treasury McCulloch and the Post Master General that not enough capable "loyalists" could be found in the South to fill the federal offices. The resolutions were printed in the Montgomery papers and are also in McPherson's Reconstruction, 249-250.]

*Resolved,* That the Alabama Grand Council of the Union League of America return thanks to the Congress of the United States for its patriotic action in affording to all the people an opportunity, on fair terms, to re-organize the government of the State, to put her destinies into the hands of true Union men, and to unite her again to her sister States by the only enduring bond of unswerving loyalty.

2. That we hail with joy the recurrence to the fundamental principle on which our forefathers achieved their independence—"that all men are created equal;" that we welcome its renewed proclamation as a measure of simple justice to a faithful and patriotic class of our fellow-men, and that we firmly believe that there could be no lasting pacification of the country under any system which denied to a large class of our population that hold upon the laws which is given by the ballot.

3. That while we believe that participation in rebellion is the highest crime known to the law, and that those guilty of it hold their continued existence solely by the clemency of an outraged but merciful Government, we are nevertheless willing to imitate that government in forgiveness of the past and to welcome to the Republican Union party all who, forsaking entirely the principles on which the rebellion was

founded, will sincerely and earnestly unite with us in establishing and maintaining for the future a government of equal rights and unconditional loyalty.

4. That we consider willingness to elevate to power the men who preserved unswerving adherence to the Government during the war as the best test of sincerity in professions for the future.

5. That if the pacification now proposed by Congress be not accepted in good faith by those who staked and forfeited "their lives, their fortunes, and their sacred honor" in rebellion, it will be the duty of Congress to enforce that forfeiture by the confiscation of the lands, at least, of such a stiff-necked and rebellious people.

6. That the assertion that there are not enough intelligent loyal men in Alabama to administer the government is false in fact, and mainly promulgated by those who aim to keep treason respectable by retaining power in the hands of its friends and votaries.

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## Treatment of Negro Bolters

TESTIMONY OF A NEGRO BOLTER: I visited this county and Bullock Lee and Chambers counties [making speeches] on the democratic side—they shot at me and Martin Van Buren [another bolter] twice and we didn't make a speech. Up in Chambers county we were lightly interrupted by five colored men, one by the name of Bryant. We wanted to give him time to speak and relate why he thought it was right to have a colored society and a white society; that a negro man could not keep his wife if he was a democrat; and young colored women in that society had to take a pledge not to marry a democratic negro. The president of the society, his name was Treadwell, was an ex-member of the legislature. The preacher of the church, he stopped the secretary from his office salary because he was a democrat, and stopped another man from being deacon of the church because he was a democrat. He put it to a vote and silenced him from his membership—expelled him from the church. I belong to the Baptist church and am not properly treated; I have almost quit going to church on that account. My minister thinks that a negro being a democrat cannot be reality, and ought to be silenced from everything of colored worship. I made a speech—the colored people told me that if they had their own way they would shoot my head right square off. I was down to Hickory Bend where I taught a school, and Mr. Booker Nettles advised the colored people to take their children from a democratic negro

teacher. Asa Barbour, a colored man, did the same and made it a part of his speech. I then had twenty-one pupils in my school, and the next morning I hadn't but eleven left, and they came and told me the reason they had taken them from me. They just broke up my school.

**TESTIMONY OF A NEGRO REPUBLICAN:** We don't like to have any communion with them [negro democrats] at all. As soon as we find one out we don't have him around us. We don't have much to say to them. We pass them and have nothing to do with them because they have left their right place. If he is with the white democrats here, of course he is against us. A colored man in my estimation cannot be a sincere democrat. This last election the democrats bought in so many that they broke the republicans down. They bought a great many with a drink of whiskey.

**TESTIMONY OF CÆSAR SHORTER,** democrat, formerly a slave of Gov. Shorter, of Alabama: They talked about hanging me; they said they would rather hang me than anything else, and I thought once or twice they would get at it. They didn't let me speak. I didn't find but one colored republican that day. We toted a double-barrelled shot gun and had to hide. He had to be fastened up in the depot house all the morning because a man who toted a double-barrelled shot gun threatened to kill him. He said (to me) "My friend, you are in a damn bad place." I told him I was in a free country, and I thought my behavior ought to carry me along. He said, "Damn you, you had better keep your eyes open." And when night come I took to my hole, and when the cars come, I got on the cars and they brought me home."—*House Report No. 262, 43 Cong., 2 Session, pp. 295, 309, 336.*

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## Public Frauds in South Carolina

In South Carolina during the years 1868-1876, carpetbag and negro rule was at its worst. No other Southern States, except Louisiana,—and on a smaller scale, Mississippi, Florida and Arkansas—suffered as did South Carolina. The blacks formed the majority of the population; in 1867, the registration of voters showed 46,346 whites and 78,982 blacks. The prominent whites were disfranchised. The convention of 1868, usually known as the "Black and Tan" contained 63 illiterate blacks and 34 whites. There were no Democrats and no men of character or experience, most of the whites being adventurers from the North. The first reconstructed legislature contained 21 Democrats and 136 Republicans; in the lower House were 48 whites and 76 negroes and in the Senate, 24 whites and 9 negroes. The next legislatures contained a larger proportion of blacks, that of 1870 having in the lower House 80 negroes and 44 whites and in the Senate 11 negroes and 20 whites.

From 1868 to 1872 the Governor was Gen. R. K. Scott, a Federal army officer from Ohio, who had come into the State with the Freedmen's Bureau. In 1872, F. J. Moses, Jr., a native scalawag was elected. From 1868 to 1872 Moses had been Speaker of the House and had assisted to engineer most of the frauds. In 1874, D. H. Chamberlain, of Massachusetts, a "reform" Republican formerly an officer of a negro regiment, and later attorney general, became governor. The State was bankrupt when Chamberlain came in and he could spend but little money. He gave a fairly decent administration, and in 1876 was displaced by general uprising of the whites who put in General Wade Hampton, a well known Confederate cavalry officer.

During the carpetbag regime the State was plundered principally by the operation of cliques of State officers and members of the legislature. These cliques were known as the "Bond Ring," headed by Governor Scott, the "Legislative Ring," controlled by Speaker, later Governor, Moses, and the "Printing Ring" in which Moses and Chamberlain were leading spirits. The State bonded debt increased from about \$1,000,000 in 1867 to more than \$18,000,000, in 1872. Besides, the burden of taxation was heavy, increasing from \$400,000 in 1860 levied on \$490,000,000 to \$2,000,000 in 1871 levied on \$184,000,000. Much land was forfeited for taxes,—343,971 acres in one year.

After the overthrow of carpetbag rule an investigation of the frauds committed was made by the State government. Only the most flagrant cases were investigated. There was little or no testimony taken except that of Republicans, all of whom seemed perfectly willing to confess what they had done. Numerous reports were made, but the principal ones related to the following subjects: (1) Sup-

plies; (2) Public Printing; (3) Pay Certificates; (4) Hardy Solomon's Claim; (5) The Swindle of the Greenville and Columbia Railway Company; (6) The Impeachment Swindle; (7) Blue Ridge Scrip, Validating Act, Financial Settlement; (8) Ku Klux and Miscellaneous; (9) Penitentiary and Orphan Asylum Frauds; (10) Sinking Fund Frauds, Etc.; (11) Pafferson's Election to the U. S. Senate. In all these reports consisting principally of testimony and vouchers fill 937 pages. They were printed separately, also in the Reports and Resolutions of the South Carolina Assembly, 1877, and finally in a separate volume. All of these are very rare now; it is a tradition in South Carolina that the Republicans purchased and destroyed all that could be obtained. It has been denied that authentic records of the frauds existed.\*

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## Supplies

[Under the disguise of Supplies, the commonest frauds were perpetrated. Each State official and member of the Legislature had his private bills paid by the State. Double the amount necessary to pay these private bills was usually appropriated by the legislature. The conspirators known as the "Legislative Ring" divided the excess. One senator said: "South Carolina has no right to be a state unless it can take care of its statesmen." Supplies were usually classified as follows: Sundries, stationery, refreshments, furniture, carpeting, jewelry, and rents. See Fraud Report, 1-208.]

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[Woodruff had been Clerk of the Senate.]

### ROOMS OF SPECIAL INVESTIGATING COMMITTEE

COLUMBIA, S. C., July 16th, 1877.

Josephus Woodruff, having been duly sworn, further deposes and says:

Under the head of supplies was embraced anything that a Senator chose to order. Orders were generally given through the Clerk, and the accounts rendered against the Clerk of the Senate. At first these orders were moderate and included only such necessary articles as stationery and postage stamps, but

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\*For conditions in South Carolina during Reconstruction see Pike, Prostrate State; Bancroft, Negro in Politics; Allen, Chamberlain's Administration; Chamberlain, Reconstruction in South Carolina, in the Atlantic Monthly, 1901; Ku Klux Report, vols. III, IV., V.; Herbert, Solid South, 85-111; Andrews, United States in Our Time, chapters V., VI., VIII; Somers, Southern States, 37-61; South Carolina Women in the Confederacy, 376-385.

they generally increased until they assumed gigantic proportions. The accounts were rendered and made payable out of the Senate contingent fund. From the commencement of my official career the Committee to audit and control the contingent expenses of the Senate always claimed the right to order what they pleased and include in their reports, under the names of "sundries and others," their personal accounts. The practice became so general as to embrace nearly every Republican and some Democratic Senators and the accounts ordered to be paid without inquiring or a dissenting voice.

The reports usually read as follows: "The Committee on Contingent Accounts and Expenses of the Senate, to whom was referred sundry contingent accounts against the Senate, or Clerk of the Senate, have considered the same, and recommend that they be paid." They were generally regarded as privileged matters. The Senate Rule requiring all reports to lie over one day for consideration was almost always suspended in these cases and the report considered immediately. They were agreed to, the accounts ordered to be paid and endorsed: "Ordered paid. J. W. C. S." Certificates for the various amounts were drawn accordingly. Senators would leave their accounts with the Chairman of the Committee on Contingent Accounts, and when personal bills were settled in this way they were returned to Senators receipted. The largest bills were rendered for refreshments, including the best liquors and cigars, which were served to Senators and their friends in a room next to the office of the Clerk of the Senate. The refreshment room was kept open and was accessible at all times. It was visited daily by State officials, Senators and Representatives, Judges, lawyers, editors and reporters of newspapers and citizens generally, irrespective of party, who discussed matters, State and national, in the most amiable manner over a sparkling glass of champagne or favorite wine or choice cigars. I do not drink or smoke, and at the commencement I stipulated with Mr. Leslie, then Chairman of the Committee on Contingent Accounts, that in no event was I as Clerk to be held responsible individually for these refreshments. My porter, Louis Grant, was kept in constant attendance on the refreshment room, generally from 12 M., when the Senate met, to 2 and 3 o'clock next morning. This matter, like others,

gradually assumed the largest proportions. Orders were given for liquors and cigars, which were sent to the hotels and residences or boarding houses of Senators and their friends, and enormous bills rendered accordingly. Of these I usually had no knowledge. But whenever I sent an order of my own for any special occasion outside I paid for them invariably with my own funds. In this way I secured the passage of many charters for citizens of Charleston and elsewhere gratuitously.

In the commencement of this business the members at first gave the merchants of Columbia for goods purchased from them orders to the Clerk to deduct the amount from their pay. The orders soon largely exceeded their pay and the accounts were then included in the reports of the Committee on Contingent Accounts to be paid out of the Senate contingent fund. Pay certificates for accounts audited and passed were issued to the merchants for almost every description of merchandise.

During Mr. Parker's term of office and part of Mr. Cardozo's up to the time of specific appropriations, certificates for stationery, which included nearly everything, and for other accounts, were issued to such an extent that they were sold on the street at twenty and sometimes as low as ten and fifteen cents on the dollar.

Contingent account certificates for various amounts were frequently drawn to the order of the Clerk of the Senate and turned over to the Chairman of the Committee on Contingent Accounts for collection and distribution. As these transactions became common the Senators claimed that all their expenses should be paid by the State, or, in the language of Mr. Leslie, "the State had no right to be a State unless it could pay and take care of its statesmen." Gratification certificates, issued without any consideration but for the use of Senators, also became frequent. But I desire to submit to the Committee checks and other papers showing that I endeavored to discharge my duties as correctly as possible under the circumstances.

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Testimony of Lewis Grant, porter, in charge of "refreshment room:"

A part of my duty was to attend to the refreshment room

adjoining the room occupied by the Clerk of the Senate. I generally opened the room at 8 o'clock in the morning and kept it open from 2 to 4 next morning. During that time some one was constantly in the room, eating, drinking or smoking. Senators, members of the House and State officers and Judges and editors of influential newspapers were constant visitors; not an hour in the day, and but few at night, but what some one of them were there drinking and smoking. Many of the Senators and members would come to the room before breakfast, hunting a drink or "eye-opener." I cannot estimate the amount drank on an average every day, but several gallons, with a considerable amount of wine, porter, ale, &c., included. We kept the best article all the time; the Senators and members would complain if any but the best of cigars and wines and liquors were furnished them. I remember many times to have had on hand what I considered very good cigars and liquors, but they would complain. I found it hard to keep a sufficient amount of cigars on hand to supply their demands, from the fact that the Senators and members on leaving would generally fill one or two of their pockets. I have seen men assembled in bar rooms drinking and carousing, but I never saw anything to equal the refreshment room of the Senate for drinking, smoking and talking. Sunday was no exception to the rule. Often, after they would drink heavy, many of them would lie down on the sofas and sleep until next morning. I remember often when the call of the Senate was made that the members would be in the refreshment room drinking. I thought it impossible for men to drink so much whiskey and attend to any business. I remember that a large majority of the men who assembled at the room were Republicans, though some Democratic Senators and some few from the House were there. Senator Holcombe and Biemann and Representative Smith were on hand every day, and often two or three times; Senator Wilson also. They also brought their friends to drink with them. The Senate refreshment room was where the members met to talk over the various jobs that were under consideration and make arrangements as to how they would vote on them. When some of them would leave they would put a bottle of champagne in their pockets. The room was kept open and refreshments received from the time I was appointed porter. I occupy the same position now, but since Governor Hampton took

charge of the State House no refreshments have been served; that business has been stopped.

[In one session the "supplies" amounted to \$350,000; \$125,000 of which was spent in keeping up the "refreshment room," where officials and their friends were supplied free of cost. This room was kept open for 18 to 20 hours a day for six years." "Refreshments" were also sent to the houses of the members and even to their country homes when the Legislature was not in session.]

COLUMBIA, S. C., 1871.

Mr. JOSEPHUS WOODRUFF, [Clerk of Senate]

Bought of GEORGE SYMMERS,  
Commission Merchant,

Wholesale and Retail Dealer in

CROCERIES, PROVISIONS, WINES, LIQUORS, CIGARS, &c.

Feb. 25.	1 case champagne, W. E. H., Senator (W. E. Holcombe, sent to Columbia Hotel) .....	\$ 50.00
Feb. 25.	1 box cigars, \$10; 2 gallon whisky, \$16, W. E. H., (Senator W. E. Holcombe, sent to Columbia Hotel) .....	26.00
Feb. 27.	3 dozen ale, \$10.50; 2 dozen porter, \$7.....	17.50
Feb. 27.	Discount of draft .....	35.00
Feb. 27.	1 gallon best brandy, \$20; 1 gallon best sherry, \$12, for W. E. H., (Senator W. E. Holcombe, Columbia Hotel) .....	32.00
Feb. 27.	2 boxes cigars, \$12.50-\$25; two demijohns, \$1.50, for W. E. H., (Senator W. E. Holcombe, Columbia Hotel) .....	26.00
Feb. 26.	1 gallon whisky, \$7; 1 box cigars, \$12.50....	19.50
Feb. 28.	1 case champagne, \$50; 3 boxes cigars, \$15-\$45 .....	95.00
Feb. 28.	2 gallons whisky, \$8-\$16; 1 gallon sherry, \$12, (Senator D. Biemann) .....	28.00
Feb. 28.	1 gallon brandy, \$20; jug and demijohn, \$2, (Senator D. Biemann) .....	22.00
		<hr/> \$351.50

COLUMBIA, S. C., February 15, 1873.

Mr. J. WOODRUFF, for Senate,

Bought of GEORGE SYMMERS,

Commission Merchant,

Wholesale and Retail Dealer in

CROCERIES, PROVISIONS, WINES, LIQUORS, CIGARS, &c.

1873

Jan. 29.	1 gallon whisky, \$7; 1 case champagne, \$45..	52.00
Jan. 29.	1 y. a. cheese, \$3.50; (30) 4 dozen quarts lager, \$7-\$28 .....	31.50
Jan. 30.	1 box cigars, \$10; 1 case wine, \$45 .....	55.00
Jan. 31.	4 dozen Bass ale, \$3.50-\$14; matches, \$50c..	14.50
Feb. 1.	6 boxes cigars, \$10-\$60; cheese, \$1.25; crack- ers, \$1.25 .....	62.50
Feb. 1.	1 dozen ale, \$3.50; 1 dozen porter, \$3.50; 1 jar ginger, \$3; (Green) .....	10.00
Feb. 1.	½ gallon c. whisky, \$1.50; 1 bottle wine, \$2; (Hollingshead) .....	3.50
Feb. 1.	3 bottles wine, \$6; 1 box cigars, \$9; (Robert- son) .....	15.00
Feb. 4.	4 dozen ale, \$3.50-\$14; 1 gallon c. whisky, \$3.	17.00
Feb. 4.	matches, 40c.; (5) 1 gallon c. whisky, \$3....	3.40
Feb. 5.	1 pineapple cheese, \$2.50; 5 pounds crackers, \$1.25 .....	3.75
Feb. 5.	3 boxes cigars, \$10-\$30; (6) 1 gallon whisky, \$7 .....	37.00
Feb. 5.	1 pineapple cheese, \$2.50; 6 boxes sardines, \$1.80 .....	4.30
Feb. 5.	2 boxes cigars, \$10 .....	20.00
Feb. 7.	bill of merchandise to Lee .....	284.39
Feb. 7.	1 gallon whisky, \$7; 1 gallon c. whisky, \$3; 1 cheese, \$2.50 .....	12.50
Feb. 7.	2 bottles champagne .....	7.00
Feb. 8.	1 box, 6 pounds candles, \$2.40; 1 gallon c. whisky, \$3 .....	5.40
Feb. 8.	1 pine a. cheese, \$1.75; 5 pounds crackers, \$1.25 .....	3.00
Feb. 8.	1 box cigars, \$10; 3 dozen ale, \$3.50-\$10.50..	20.50

Feb. 10.	3 gallons whisky, \$7-21; 2 gallons sherry, \$14	35.00
Feb. 10.	2 boxes cigars, \$20; 1 gallon whisky, \$7.....	27.00
Feb. 11.	1 gallon whisky, \$7; pounds cheese, \$1.63; crackers, \$1.25 .....	9.88
Feb. 11.	2 dozen porter, \$7; 3 bottles maraschino, \$4- \$12; (Robertson) .....	79.00
Feb. 11.	3 bottles curacoa, \$12; 1 case champagne, \$45; (Robertson) .....	57.00
Feb. 12.	1 gallon whisky, \$7; 1 dozen boxes matches, 40c .....	7.40
Feb. 12.	1 cask, 8 dozen porter, \$3.50; (Lee) .....	28.00
Feb. 13.	1 gallon c. whisky, \$3; 10 pounds crackers, 25c-\$250 .....	5.50
Feb. 13.	6 boxes sardines, \$1.80; 6 pounds cheese, \$25c-\$1.50 .....	3.50
Feb. 13.	3 pounds Schwitzer cheese, 40c-\$1.20; (14) 1 gallon whisky, \$7 .....	8.20
		<hr/>
		\$861.52

Received payment by order of State Treasurer.

GEO. SYMMERS.

Per Roy.

COLUMBIA, S. C., December, 14, 1872.

Mr. JOSEPHUS WOODRUFF,

Bought of GEORGE SYMMERS,

Commission Merchant,

Wholesale and Retail Dealer in

CROCERIES, PROVISIONS, WINES, LIQUORS, CIGARS, &c.

1872

Sept. 13.	2 barrels flour, \$13-\$26; 1 barrel pearl grist, \$10 .....	\$ 36.00
Sept. 13.	286 pounds sugar, 16c-\$45.76; 12 pounds ham, \$3 .....	48.76
Sept. 13.	30 pounds B strips, 22c-\$6.60; 30 pounds bacon, 20c-\$6 .....	12.60
Oct. 13.	3 pounds green tea, \$2.50-\$7.50; 8 bottles	

	W. sauce, \$50c.-\$4 .....	11.50
Sept. 13.	25 pounds coffee, \$35c.-\$8.75; 25 pounds bet- ter, 50c.-\$12.50 .....	21.25
Sept. 13.	100 pounds lard, 20c.-\$20; 1 pound broma, \$1 .....	21.00
Sept. 19.	54 pounds hams, 25c.-\$31.50 .....	13.50
Nov. 7.	1 gallon M. C. whisky, \$7; 1 box cigars, \$8..	15.00
Nov. 14.	1 gallon M. C. whisky, \$7; 1 gallon best brandy, \$18 .....	25.00
Nov. 14.	1 case champagne, \$45; 1 case Imperial brandy, \$30 .....	75.00
Nov. 14.	3 boxes cigars, \$30; 20 pounds Java coffee, \$2	32.00
Nov. 14.	6 pounds granulated sugar, \$1; 2 pounds B crackers, 40c .....	1.40
Nov. 14.	1 dozen matches, 40c.; 1 gallon demijohn, 75c	1.15
Nov. 15.	5 pounds cheese, 25c.-\$1.25; (20) 1 gallon alcohol, \$6 .....	7.25
Nov. 20.	1 box wax candles, \$60c.-\$3.60; 3 boxes sar- dines, 50c.-\$1.50 .....	5.10
Nov. 21.	1 box cigars, \$18; (22) 1 gallon whisky, \$7..	25.00
Nov. 25.	1 gallon M. C. whisky, \$7; 3 boxes cigars, \$30	37.00
Nov. 26.	1 gallon M. C. whisky, \$7; 1 gallon sherry, \$7.	14.00
Nov. 28.	1 case extra Imperial champagne .....	45.00
Nov. 28.	1 box cigars, \$10; 1 gallon best brandy, \$18, (Senator B. F. Whittemore) .....	28.00
Nov. 28.	1 gallon sherry, \$7; 6 bottles ale, \$1.75, (Senator B. F. Whittemore) .....	8.75
Dec. 2.	1 gallon whisky, \$7; 1 case champagne, \$45..	52.00
Dec. 2.	3 boxes cigars, \$10-\$30; 1 dozen matches, \$40.	30.40
Dec. 5.	1 gallon whisky, \$7; 1 gallon sherry, \$7; 3 boxes cigars, \$30 .....	44.00
Dec. 5.	1 case champagne, \$45; 1 dozen matches, 40c.	45.40
Dec. 5.	3 pounds crackers, \$75c.; 3 pounds cheese, 75c .....	1.50
Dec. 5.	1 gallon C. whisky, \$3; 1 box cigars, \$10, (Senator J. Hollingshead) .....	13.00
Dec. 5.	1 gallon M. C. whisky, (Senator J. Hollings- head) .....	7..00
Dec. 5.	100 pounds crushed sugar, \$20; 200 pounds bacon, 15c.-\$30, (Senator F. Arnim).....	50.00

Dec. 5.	1 barrel buckwheat, \$16; 40 pounds candles, 25c.-\$10, (Senator F. Arnim) .....	26.00
Dec. 5.	100 pounds lard, \$20; 78 pounds ham, 25c.-\$19.50, (Senator F. Arnim) .....	39.50
Dec. 5.	12½ pounds smoked salmon, \$5; 43 pounds crackers, 20c.-\$8.60, (Senator F. Arnim)..	13.60
Dec. 6.	2 gallons M. C. whisky, \$14; 1 gallon brandy, \$18, (Senator W. E. Holcombe) .....	32.60
Dec. 6.	1 box cigars, (Senator W. E. Holcombe) ....	10.00
Dec. 6.	1 quart oysters, 50c.; (7) 1 gallon M. C. whisky, \$7 .....	7.50
Dec. 7.	1 gallon sherry, \$7; 1 box cigars, \$10.....	17.00
Dec. 10.	1 gallon sherry, \$7; 1 gallon M. C. whisky, \$7.	14.00
Dec. 11.	1 box cigars, \$10; 1 gallon whisky, \$7; 1 gallon C. whisky, \$3, (Senator J. Hollingshead) ....	20.00
Dec. 11.	1 bottle brandy, \$4; (12) 2 gallons whisky, \$7-\$14 .....	18.00
Dec. 12.	1 gallon sherry, \$7; 1 box cigars, \$10; matches, 40c.....	17.00
Dec. 13.	1 gallon sherry, 7; 1 gallon whisky, \$7.....	14.00
Dec. 13.	1 dozen ale, \$8.50; 1 dozen champagne, \$22.50	26.00
		<hr/>
		\$99.56

[On the original bill only the initials of the person supplied were given. The full names were given by Hardy Solomon, who sold the supplies. Note the dates of this bill and the one following. Evidently, here is fraudulent duplication.]

March 13.	Sundries, for W. G. (Gurney) .....	\$ 25.25
March 14.	1 cask porter, for R. (Lieutenant Governor A. J. Ransier) .....	36.00
March 14.	1 cask ale, for R. (Lieutenant Governor A. J. Ransier) .....	36.00
March 14.	500 cigars for R. (Lieutenant Governor A. J. Ransier) .....	100.00
March 14.	6 cases champagne, for R. (Lieutenant Governor A. J. Ransier) .....	240.00

March 14.	1000 cigars, for R. (Lieutenant Governor A. J. Ransier) .....	200.00
March 16.	1 case champagne, for R. (Lieutenant Governor A. J. Ransier) .....	40.00
March 16.	1 case brandy .....	40.00
March 18.	1 case brandy .....	40.00
March 18.	1 box cigars .....	20.00
March 28.	1 gallon r. whicky (A. J. Ransier) .....	7.00
March 28.	1 box cigars (A. J. Ransier) .....	20.00
March 13.	1 bottle b cherries .....	200.00
		<hr/>
		\$806.25
Credit by settlement .....		\$806.25

March 14.	500 cigars (A. J. Ranier) .....	\$ 100.00
March 14.	6 cases champagne (A. J. Ransier) .....	240.00
March 14.	1000 cigars (P) .....	80.00
March 14.	500 cigars (R. K. Scott) .....	100.00
March 14.	2 cases brandy (R. K. Scott) .....	80.00
March 16.	1 case champagne (R. K. Scott) .....	40.00
March 16.	2 cases brandy .....	80.00
March 16.	2 gallons sherry (J. L. Neagle) .....	20.00
March 18.	1 case brandy (J. L. Neagle) .....	40.00
March 18.	4 cases champagne (J. L. Neagle) .....	160.00
March 18.	2 boxes cigars .....	40.00
March 18.	500 cigars (A. J. Ransier) .....	100.00
March 18.	1 case brandy (A. J. Ransier) .....	40.00
March 28.	1 gallon r. whisky (A. J. Ransier) .....	7.00
March 28.	1 box cigars .....	20.00
March 28.	1 bottle b. cherries .....	2.00
		<hr/>
		\$1641.00

[An order from the Clerk of the House to a merchant to send supplies to a member of the Legislature.]

2 boxes cigars, (good).  
1 box wine.  
½ dozen dried tongues.  
3 hams.  
\$2 worth of oranges.  
Send to S. J. Lee, at Aiken, by Express.

---

HARDY SOLOMON,  
Wholesale and Retail Dealer in  
FAMILY GROCERIES

Also

FOREIGN AND DOMESTIC LIQUORS OF THE  
BEST BRANDS CONSTANTLY ON HAND.  
MAIN STREET.

COLUMBIA, S. C., March 7, 1874.

THE STATE OF SOUTH CAROLINA,

Bought of HARDY SOLOMON.

To sundries supplied to Senate, per order . . . . . \$ 689.00  
To amount of account previously rendered . . . . . 561.00

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\$1250.00

Received pay certificates in settlement.

R. J. DONALDSON.

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[Fine liquors were purchased in Philadelphia and New York.]

PHILADELPHIA, November 22, 1873.

THE STATE OF SOUTH CAROLINA,

Bought of M. KUHN & BRO.,

IMPORTERS OF WINES, BRANDIES, GINS, &c., &c.

No. 305 RACE STREET.

To amount before rendered . . . . . \$1686.00

Extract from report of Committee:

We find that there has been paid out within four years for furniture alone over two hundred thousand dollars, and of this amount Mr. Berry and Mr. Fagan, furniture dealers, testify that at the present time there is at the State House only seventeen thousand seven hundred and fifteen dollars' worth, appraised at the prices charged for it, a list of which was sworn to by them and is attached to their evidence. This includes \$325 worth of furniture purchased by Attorney General Melton and paid for by him out of his contingent fund, and at this time is in the Attorney General's office. Mr. Berry says he furnished a large number of Committee rooms outside of the State House, as well as bed rooms. He remembers furnishing the rooms occupied by W. J. Whipper, T. Hurley, T. B. Johnson, J. E. Green and others, and some of the rooms he furnished as often as three times. He also furnished rooms at Mrs. Randall's for Speaker Moses. Traded furniture to members for pay certificates, and furnished almost all the offices in the State Houses every session! In continuation he states that he furnished at least forty bed rooms, but does not know who occupied them all or what became of the furniture. He was paid for it in legislative pay certificates.

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[Jones had been Clerk of the House.]

A. O. Jones, being recalled says:

The estimates for appropriations and the disbursements of the contingent fund of the House were regulated by the Committees on Ways and Means and Contingent Accounts and Expenses. I had no control over the matter. I kept the records filed, whatever vouchers were left with me, and issued pay certificates in payment of accounts passed by the House, or upon the order of the Speaker, or upon the orders of the Chairmen of Committees when approved by the Speaker. The supplies furnished under the head of "Legislative Expenses," "Sundries" and "Stationery" included refreshments for Committee rooms, groceries, clocks, horses, carriages, dry goods, carpets, furniture of every description and miscellaneous articles of merchandise for the personal use of the members. Four-fifths of the orders were given through

the Sergeant-at-Arms, the most extravagant of which were, perhaps, for renting or furnishing rooms outside of the State House as "Committee rooms" and for refreshments furnished the various Committees. I considered the expenditures wantonly extravagant, but found it useless to remonstrate. A great many of the names used in the accounts were probably "myths." Those which I knew to be otherwise were mostly merchants of the city of Columbia, who, perhaps, furnished supplies of some kind, for which they rendered accounts, but made enormous additions to their prices to cover loss by reason of the uncertainty of having the pay certificates which they received from the House paid at the Treasury. Had I ventured to place any impediment in the way of the issue of these certificates, I would have been compelled to resign. At the session of 1873-74 I incurred the enmity of many members because of my refusal to allow my name to be used or to commit my self personally to favor the passage of a Bill which was introduced for the payment of a large number of these questionable accounts.

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Testimony of John Williams, Sergeant-at-arms:

It was a part of my duty, under a resolution of the House, to purchase supplies for the House of Representatives by order of the Speaker. I purchased supplies while F. J. Moses, Jr., was Speaker. I purchased in that way a lot of furniture from M. H. Berry, Committee room furniture, consisting of chairs, tables, washstands. While Moses was Speaker I purchased some bed-room sets and delivered them at the buildings of Mr. Greenfield, at the corner over Mr. Muller's store. I furnished eight rooms. Two of them were occupied by Gen. W. J. Whipper; two others by W. H. Jones, from Georgetown; two others by Benjamin Byas; two others by S. J. Lee. There were eight rooms or more; they had the whole building occupied. James A. Bowley had a room there. I delivered those bed-room sets to the parties named while Moses was Speaker, and furnished their rooms with carpets also and all conveniences generally. I do not know what became of the furniture. . . . I know that he furnished a great many stoves to the Committee rooms and to individual members, who claimed that they used their rooms for Committee purposes. I don't know what became of the stoves; when I would call on the

members for them they would tell me it was none of my business, and when we would meet again the same rooms would be re-furnished with stoves, carpets and furniture. I cannot undertake to explain the accounts of Mr. M. H. Berry, a dealer in furniture. I know that large quantities of furniture were furnished by Mr. Berry each session; that as soon as the General Assembly adjourned the furniture disappeared, and that I was compelled, under the order of the Speaker or some Committee Chairman, to refurnish all the rooms as soon as the Legislature met. These rooms were outside of the Capitol building. I know that Sperry, a member from Georgetown county, obtained an order for furniture. I was told that it was my business to furnish the rooms; that after that I had nothing more to do with them or the furniture in them; consequently it was, in my opinion, stolen by parties who had charge of it.

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[Leslie was a negro Senator. Similar private bills for 18 Senators and 15 Representatives were regularly paid.]

COLUMBIA, S. C., December 11, 1869.

Hon. C. P. LESLIE,

Bought of M. H. BERRY,

Manufacturer and Dealer in

ALL KINDS OF FURNITURE, CHAIRS, MATTRESSES,

CHILDREN'S CARRIAGES, WAGONS, &c. . . . .

Plain Street, Next Door to J. & T. R. Agnew.

Aug. 23.	To marble top bureau, \$40; saloon table, \$2.50 . . . . .	\$ 42.50
Aug. 23.	To walnut towel rack, \$2; hanging pictures, \$2	4.00
Aug. 30.	To hanging pictures . . . . .	2.00
Sept. 14.	To hanging 12 pictures . . . . .	3.00
Oct. 16.	To 6 brace arm walnut chairs, \$7. . . . .	42.00
Oct. 16.	To 2 walnut tete-a-tetes, \$35 . . . . .	70.00

Nov. 13.	To fine walnut chamber suit.....	235.00
Nov. 20.	To 1 cotton mattress .....	20.00
Nov. 10.	To 1 cot and mattress .....	8.00
Dec. 11.	To 4 double spring mattresses, \$33.....	132.00
		\$686.00
	Credit by cash .....	\$100.00
		\$586.00

[Hayne was a white Senator.]

COLUMBIA, S. C., February 4, 1873.

J. WOODRUFF, (for C. D. Hayne),

Bought of J. H. KINARD,

Wholesale and Retail Dealer in

DRY GOODS, MILLINERY, CARPETINGS,

OIL CLOTHS, FANCY GOODS, &c. . . .

(First Door South Columbia Hotel.)

Jan. 21.	2 honeycomb quilts, \$1.50 .....	\$ 3.00
Jan. 27.	1 honeycomb quilt .....	2.50
Jan. 27.	1 honeycomb colored quilt .....	4.00
Jan. 27.	2 pair blankets, \$10.....	20.00
Jan. 27.	1 shawl .....	10.50
Jan. 27.	1 dozen dollies .....	1.25
Jan. 27.	½ dozen towels, \$3.50 .....	1.75
Jan. 27.	½ dozen towels, \$4.50.....	2.25
Jan. 27.	1 tablecloth .....	2.50
Jan. 27.	5 damask, \$1.25 .....	6.25
Jan. 27.	2½ yards wine cloth, \$1.50 .....	3.75
Jan. 27.	2½ yards wine cloth, \$1.27.....	4.38
Jan. 27.	27½ yards longcloth, 25c. ....	6.88
Jan. 27.	26 yards curtain damask, \$1.50.....	39.00
Jan. 27.	2 hassocks, \$2 .....	4.00
Jan. 27.	1 rug .....	2.50
Jan. 27.	12 yards pillow casing, 25c. ....	3.00

Jan. 27.	40 yards shirting, 62½c. ....	25.00
Jan. 27.	2 pair window shades, \$6 .....	12.00
Jan. 30.	Making 8 pair sheets, 50c. ....	4.00
Jan. 30.	Making 6 pair pillow cases, 50c. ....	3.00
Jan. 31.	33½ yards Brussels carpet, \$2. ....	66.50
Jan. 31.	1 piece binding and flax .....	1.00
Jan. 31.	Making 33½ yards, 12½c. ....	4.18
Jan. 31.	19 yards Brussels, \$2. ....	38.00
Jan. 31.	Making 19 yards, 12½c. ....	2.37
Jan. 31.	Thread .....	.50
Jan. 31.	15 yards ingrain carpet, \$1.50. ....	22.50
Jan. 31.	Making 15 yars, 10c. ....	1.50
Jan. 31.	12 yards three-ply carpeting, \$2 .....	24.00
Jan. 31.	Making 12 yards, 10c. ....	1.20
Jan. 31.	16 yards ingrain carpeting, \$1.25 .....	20.00
Jan. 31.	Making 16 yards, 10c. ....	1.60
Jan. 31.	Flax .....	.50
Jan. 31.	14 yards three-ply carpeting, \$2 .....	28.00
Jan. 31.	Making 14 yards, 10c. ....	1.40
Jan. 31.	1 piece binding .....	.50
		<hr/>
		\$375.26

COLUMBIA, S. C., ....., 18...

JOHN WILLIAMS, Sergeant-at-Arms,

Bought of J. H. & M. L. KINARD,

Wholesale and Retail Dealers in

DRY GOODS, CARPETING, OIL CLOTHS, WINDOW SHADES  
AND FANCY GOODS.

First Door South of Columbia Hotel.

1870

Nov. 26.	1 comb and brush .....	\$ 2.75
Nov. 29.	½ dozen towels, \$6 .....	3.00
Nov. 29.	3 L. C. handkerchiefs, 25c.-75c., and 3 at 37½c.-\$1.13 .....	1.88
Nov. 29.	5 yards brown homespun, 10c. ....	.50

Dec. 1.	½ dozen towels, \$6	3.00
Dec. 1.	4 hair brushes, \$1	4.00
Dec. 1.	4 dressing combs, 75c.	3.00
Dec. 2.	1 bottle extract	1.25
Dec. 2.	1 bottle cologne	2.50
Dec. 2.	1 valise	9.00
Dec. 5.	50 yards cocoa matting, \$1.25	62.50
Dec. 12.	100 yards cocoa matting, \$1.25	125.00
Dec. 13.	3 wood boxes, \$1	3.00
Dec. 14.	1 dozen linen collars	3.00
Dec. 3.	1 pair suspenders	.75
Dec. 3.	1 stereoscope	1.50
Dec. 3.	1 portemonnaie	2.00
Dec. 3.	Matting, tacks and hammer	1.25
Dec. 3.	1 skirt, \$5.50; 1 shawl, \$7; 1 set, \$6	18.50
Dec. 3.	1 set	12.00
Dec. 16.	1 pair gloves, \$2.50; 2 hair brushes, \$1-\$2	4.50
Dec. 16.	2 combs, 75c.-\$1.50	1.50
Dec. 19.	1 job lot soap, \$1.75; 1 boulevard, \$4.50	6.25
Dec. 21.	1 pair blankets	12.00
Jan. 5.	1 pair corsets	3.00
		<hr/>
		\$287.63

[Most of the furniture purchased was sent to private houses.]

COLUMBIA, S. C., January 13, 1872.

STATE OF SOUTH CAROLINA,

Bought of M. H. BERRY,

Manufacturer and Dealer in

ALL KINDS OF FURNITURE, CHAIRS, MATTRESSES, CHILDREN'S CARRIAGES, WAGONS, &c.

Main Street, next door to R. & W. C. Swaffield.

1870

Dec. 21.	½ dozen best crimson plush sofas	\$ 1,200
Dec. 21.	1-12dozen best crimson plush sofas, large	200
Dec. 21.	1-12 dozen large Gothic chairs, plush	100
Dec. 21.	2-12 dozen small Gothic chairs, plush	160

Dec. 21.	12 dozen best leather seat walnut chairs .....	2,500
Dec. 21.	8 dozen best cane seat walnut chairs .....	1,440
Dec. 21.	1-12 dozen extra silk rep lounge .....	125
Dec. 21.	1-12 dozen extra silk rep chair .....	75
Dec. 21.	1-3 dozen extra silk rep high back arm .....	500
Dec. 21.	1-12 1-12 dozen self-back washstands, large...	75
Dec. 21.	1-12 dozen shelf commode to match .....	50
Dec. 21.	1 dozen marble washstands .....	600
Dec. 21.	1 dozen marble commodes to mach .....	500
Dec. 21.	1 dozen hat rack and umbrella stands .....	360
Dec. 21.	5 2-3 dozen best walnut desks, extra locks.....	3,560
Dec. 21.	1 dozen library book cases .....	1,075
Dec. 21.	1-12 dozen large library book cases, extra ....	175
Dec. 21.	1-3 dozen oval library tables, carved legs.....	1,250
Dec. 21.	¼ dozen office desks .....	250
Dec. 21.	¼ dozen wardrobes .....	300
Dec. 21.	1½ dozen cane seat swivel office chairs .....	200
Dec. 21.	1 dozen French lounges, green reps .....	720
Dec. 21.	1-6 dozen striped best silk reps .....	250
Dec. 21.	¼ dozen folding chairs .....	100
Dec. 21.	Upholstering Speaker's desk .....	100
Jan. 20.	Fitting up Committee rooms .....	1,500
		<hr/>
		\$17,465

[Only a few extracts of this bill are given.]

NEW YORK, December 6, 1871.

STATE OF SOUTH CAROLINA, (For State House),

Bought of NICOL & DAVIDSON,

New York, 686 Broadway.

Paris, Rue D'Hauteville, 35

Successor to

E. V. Haughwout & Co.,

China, Glass, Plated Ware, Bronzes, Mirrors, Clocks, Chandelliers.

1 large carved walnut time-piece for Hall of Rep's.....\$ 600.00

1 large carved walnut time-piece, for rotunda ..... 600.00

52 cuspadores, richly decorated and marked House of Representatives . . . . .	468.00
3 tulip toilet sets, 11 pieces, green, and marked House of Representatives . . . . .	236.25
1 fine black Belgian marble clock with best French movement, No. 6629 . . . . .	112.50
1 fine black Belgian marble clock with best French movement, No. 6624 . . . . .	105.00
1 fine black Belgian marble clock with best French movement, No. 6626 . . . . .	135.00
1 fine black Belgian marble clock with best French movement, No. 6630 . . . . .	135.00
1 fine black Belgian marble clock with best French movement and figure, No. 6956 . . . . .	210.00
1 fine black Belgian marble clock with best French movement, Speaker's room, No. 7295 . . . . .	187.50
99 cuspadores richly decorated and marked House of Representatives . . . . .	891.00
3 pitchers, maroon, N. 388, marked House of Representatives . . . . .	33.75
6 cuspadores, maroon, Speaker's room, china . . . . .	54.00
3 toilet sets, eleven pieces, and jars, green, and marked House of Representatives . . . . .	236.25
22 cuspadores, richly decorated, and marked House of Representatives . . . . .	198.00
21 cuspadores, richly decorated, marked House of Representatives . . . . .	189.00
5 walnut and gilt mantel mirrors for Committe rooms . . . . .	2,137.50
1 walnut and gilt mantel mirror for Speaker's room, carved, with palmetto, shield and eagle . . . . .	960.00
<b>Total . . . . .</b>	<b>\$28,486.03</b>

Hon. [Senator] Lawrence Cain, deposeth on oath as follows:

When the ninety thousand dollar furniture claim of J. B. Dennis was before the House of Representatives he took me into the Speaker's room one day and told me there was a little margin in it, and if I would support it and use my influence for it he would give me one hundred and fifty dollars. I went on until

the next session and Dennis had given me nothing, and one day I met him near the State House and reminded him that he had not done as he promised me, and said: "Look here, I am hard up, and if you will give me fifty dollars will call it square." I got into his buggy with him, and we rode up to the Carolina National Bank and he got the fifty dollars and gave it to me.

[The furniture bills amounted to about \$40,000; the legislature appropriated \$92,000. The surplus was divided as shown below.]

Testimony of General John B. Dennis, who purchased the furniture:

Witness says he does not remember exactly how the certificates were divided out, but remembers that Jervey, the step-father of the Levy-Jervey resolution, had twenty-one hundred dollars, representing that he was to divide it between himself, T. A. Davis, W. C. Glover, J. J. Hardy, P. P. Hedges, Abram Smith, J. W. Lloyd, J. A. Bowley and Orlando Levy, all members from Charleston County, except Bowley.

Humbert, of Darlington, received a certificate of, he thinks, an even thousand dollars, which he represented that he was to divide with himself, Alfred Hart, S. J. Keith, S. Sanders, J. Long, Frank Adamson, John F. Herndon, Hastings Gantt, R. Tarleton and Fortune Giles.

Asbury L. Singleton, of Sumter, received a certificate for eleven hundred and fifty dollars, representing that it was to be divided between himself, E. Cain, H. C. Corwin, E. Ferguson, R. Gaither, S. Garey, A. S. Holmes, Barney Humphries, S. Milton, William Littlefield, J. P. Singleton, Alfred Moore, E. M. Sumter and Jared Warley.

H. Hunter, of Charleston, demanded and received for himself a certificate for seven hundred and fifty dollars.

B. Byas, received for himself, as Chairman of the Committee, a certificate or certificates amounting to the sum of twelve thousand three hundred and nineteen dollars and fifty cents.

J. H. White received a certificate for two hundred and fifty dollars for himself.

W. H. Gardiner received a certificate for fifteen hundred dollars for himself.

B. G. Yocum received a certificate for himself for one thousand five hundred dollars.

W. J. Whipper received a certificate for himself for three thousand dollars.

A. O. Jones received a certificate for himself for one thousand dollars.

W. H. Jones received a certificate for himself for sixteen hundred dollars.

Joe Crews received a certificate for himself for three thousand dollars.

Lawrence Cain received a certificate for himself for five hundred dollars, which witness says, "he bought of Cain afterwards."

P. J. O'Connell received a certificate for one thousand dollars. He (O'Connell) was known at that time as the Captain of a band of legislators calling themselves the forty thieves.

B. A. Nerland received a certificate for one hundred dollars.

C. J. Andell received a certificate for five hundred dollars.

B. F. Berry received a certificate for one hundred dollars.

J. D. Boston received a certificate for two hundred and fifty dollars.

William Dannerly received a certificate for fifty dollars.

Michell Goggins received a certificate for one hundred dollars.

S. J. Keith received a certificate for one hundred dollars.

William Kennedy received a certificate for one hundred dollars.

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From report of the Committee:

We know of no better method of illustrating the reckless expenditure of money for this class of supplies than by referring to the accounts rendered, some of which will be found appended to the evidence, and we call attention to accounts designated Exhibits W 2 and W 3 in Woodruff's evidence where it is shown that on March 4th, 1872, Solomon furnished the Senate \$1,631 worth of wines and liquors, and on the 7th day of same month \$1,852.75 worth, aggregating \$3,483.75. This amount was purchased for the Senate within three days. Large amounts were furnished the House at the same time, and to the Senate during same week, by other parties, all of which is shown by the vouchers. We also call attention to accounts in the evidence of A. O.

Jones, designated as numbers 28, 29, 30, 31 and 32, where it is shown that Mr. Solomon alone furnished the House with \$5,877.15 worth of wines and liquors within two months. Mr. Solomon says he had no difficulty in making collections while they did business with him. Thus it clearly appears that bills contracted for the gratification of our "statesmen" were promptly paid, while the vilest criminals were pardoned to keep them from starving and turned loose upon an outraged people. The unfortunate inmates of the Lunatic Asylum were at the same time suffering from want of proper food and clothing; the free schools were closed and teachers unpaid.

From report of the Committee:

We insert a literal copy of one of the bills found among the vouchers of the Clerk of the Senate:

COLUMBIA Feb. 22th 1872

Gov. A. J. RANSIEER

To JOE TAYLOR	Dr.
For licuors and segars and other Articulars .....	\$280.00
Recuieved paymen	JOE TAYLOR

[Literature was regularly supplied to the few who desired reading matter.]

J. WOODRUFF, For C. D. H., (Senator C. D. Hayne),

To BRYAN & McCARTER,	Dr.
1 Jack Hinton .....	\$ .75
1 Arthur O'Leary .....	.75
1 Charles O'Malley .....	.75
1 After Dark .....	.75
1 Stolen Mask, 25c.; 1 Queen's Revenge, 75c.....	1.00
1 Hide and Seek, 75c.; 1 Lights Afoot, 50c.....	1.25
1 Mad Minktor, 50c.; 1 Dead Secret, 50c.....	1.00
1 Man and Wife .....	1.00
1 Vicar of Bullhampton .....	1.25
1 Phineas Phin .....	1.25
1 Wardens .....	.75
1 Dictionary .....	6.83

\$17.33

[Gold pens and pocket knives were purchased in quantities for the use of the members of the Legislature.]

COLUMBIA, S. C., December, 1872.

Mr. A. O. JONES, Clerk House Representatives,

Bought of ISAAC SULZBACHER,

Dealer in

WATCHES, JEWELRY, SILVERWARE, SPECTACLES, ETC.

Main Street, next to Columbia Hotel.

To 20 gold rubber pens, \$10 .....\$200.00

CHARLESTON, S. C., January 21, 1871.

STATE OF SOUTH CAROLINA,

Bought of AUGUSTUS H. HAYDEN,

Importer and Dealer in

WATCHES, JEWELRY, MILITARY GOODS, HOUSE FURNISH-

ING AND FANCY ARTICLES.

272 King Street, Corner of Hasel.

5 call bells .....\$112.00

(Note.—The above has been raised from \$12 to \$112 by inserting the figure 1.)

COLUMBIA, S. C., December, 1871.

Mr. JOSEF WOODRUFF,

Bought of ISAAC SULBACHER,

Dealer in

WATCHES, JEWELRY, SILVERWARE, SPECTACLES, ETC.

Main Street, next to Columbia Hotel.

To 30 gold pens .....\$300.00

To 8 dozen knives, at \$48.....384.00

\$684.00

Extracts from report of the Committee:

We append statements of prices paid for articles by our legislators in 1869-70 and 1871-72. The contrast will show a rapid development of taste cultivated at the expense of principle.

1869-70	1871-72
\$5 clocks.	\$600 clocks.
40 cent spittons.	\$8 cuspadores.
\$4 benches.	\$200 crimson plush sofas.
Straw beds.	Sponge mattresses and oriental pillows.
\$1 chairs.	\$60 crimson plush Gothic chairs.
\$4 pine tables.	\$80 library tables.
25c hat pegs.	\$30 hat racks.
\$8 desks.	\$50 desks.
\$10 office desks.	\$80 to \$175 office desks.
50c. coat hooks.	\$100 wardrobes.
Cheap matting.	Body Brussels carpeting.
Clay pipes.	Finest Havana cigars.
Cheap whisky.	Champagne.
\$4 looking glasses.	\$600 mirrors.
\$2 window curtains.	\$600 brocatel curtains, lambrequins, &c.
\$5 cornices.	\$80 walnut and gilt cornices.

Extract from report of the Committee.

We feel that this report would be incomplete if we failed to present to the General Assembly the list of articles bought and paid for by the State for the use of her "statesmen." It has been accurately copied from the various accounts turned over to your Committee by the Clerks of the Senate and House of Representatives.

REFRESHMENTS, WINES, AND LIQUORS.

Heidsick champagne, green seal do., vin imperial do., Verzenay do., Moët and Chandon do., scuppernong, sparkling Moselle,

Catawba, Chateau la Rose claret, Chateau La Fitte claret, imperial pale sherry, best Medeira, port and malaga wines, black-berry wine, finest otard-du-puy brandy, finest French cognac do., Baker, cabinet, rye, Bourbon, nectar and corn whiskies, Holland gin, Jamaica rum, cases of Hostetter's Indian, Kerr's, Russian, boker, St. Domingo and wine bitters, Congress water, best bottled ale, lager and porter, sarsaparilla, Curacoa, maraschino, ale by the cask.

#### CIGARS AND TOBACCO.

Imported Brevas, Partagas, Espanolas, Espanola Londres, Conchas, Live Indian, Pantillo, Espanola Conchas, finest plug tobacco, finest cut chewing tobacco, Durham and best smoking tobacco.

#### REFRESHMENTS, GROCERIES AND DELICACIES.

Best Westphalia hams, Bologna sausages, bacon strips, diamond hams, Java and Rio coffee, pineapple, Edam, Switzer and English cheese, gilt edge butter, sardines, smoked and canned salmon, smoked beef and buffalo tongues, canned oysters and lobsters, fresh Norfolk oysters, deviled ham, black and green teas, French chocolate, olive oil, catsups, Worcester and pepper sauces, imported mushrooms, preserved ginger, Guava jelly, pickles, brandy cherries and peaches, lemon syrup, assorted extracts, sea foam, citron, assorted nuts, lemons, oranges, wax and adamantine candles, Colgate, fancy and toilet soaps, starch, table and Liverpool salt, kerosene oil, bacon, sides and shoulders, English mustard, vinegar, mackeerel, concentrated lye, Orleans and fancy syrups and molasses, assorted English crackers and biscuits, condensed milk, parlor matches, Irish potatoes, leaf lard, assorted pepper, sugar, flour and pearl grist.

#### FURNITURE.

Finest walnut office chairs, office desks, continental chairs, washstands, hat racks, marble top washstands, wardrobes, library tables, marble top sideboards, book cases, hair seat rocking chairs, large and small easy chairs, marble top bureaux, saloon tables, bedsteads, opera chairs, leather seat chairs, cane seat chairs, stuffed back chairs, stuffed back arm chairs, commodes, umbrella stands, large library books cases, small library book cases, oval library tables with carved legs, red rep lounges, green rep lounges, finest plush velvet teete-a-tetes, finest walnut

fancy rep tete-a-tetes, large and small Gothic chairs, Prescott arm chairs, extra large striped rep Prescott arm chairs, green rep French lounges, large shelf-back marble top washstands, counter desks, hat stands, marble top tables, crimson plush sofas, large looking glasses, superior refrigerators, large willow chairs, towel racks, folding chairs, fine coffin, fine cradle, bed lounges, fancy fire screens, extra large and heavy cotton mattresses, extra large and heavy feather beds, extra large and heavy feather bolsters, extra large and heavy feather pillows, double spring mattresses, cot and mattresses, sponge pillows, sponge bolsters, sponge mattresses, gilt mantel mirrors.

#### FURNISHINGS.

Finest English tapestry Brussels carpeting, English body Brussels carpeting, three-ply ingrain carpeting, English velvet rugs, English velvet door mats, English thread door mats, English oilcloths, English velvet hassocks, cocoa mats, cocoa matting, rich heavy cornices, satin delaine curtains, lambrequins, window shades and fixtures, large cords and tassels, gimps, brocatel curtains and trimmings, gold bound shades and spring rollers, white and checked mattings, dry goods, finest French velvets, extra fine large gray hair cloth, silk damask, linen damask tablecloth, linen damask wire cloth, Irish linens, billiard tablecloths, linen towels, woolen blankets, linen d'oylies, linen napkins, imported flannels, imported insertions, imported edgings, finest dress goods—all kinds, honeycomb quilts, Marselles quilts, shawls, linen sheeting, linen pillow casing, linen shirting, cotton shirting, sheeting, cotton pillow casing, imported kid gloves, ladies' satchels, men's white and brown hosiery, linen cambric handkerchiefs, ladies' hoods, cambrics, ribbons of all qualities, fine plaid goods, extra long bath towels, pieces of crepe, scissors, skirt braids and pins, baize, spool cotton, prints, tooth brushes, hair brushes, heavy combs, flax, buttons, whale-bone, gingham, hooks and eyes, boulevard skirts, bustles, extra long stockings, chingnons, palpitators, garters, chemises, under vests, parasols, sun umbrellas.

#### CLOTHING.

In general assortment and variety.

#### JEWELRY AND FANCY GOODS.

Gold watches and chains, rich sets gold jewelry, diamond

rings, diamond pins, gold locket, gold charms, gold finger rings, gold necklaces, gold pencil cases, gold pens, gold breastpins, ivory-handled knives and forks, pen and pocket knives, tea spoons, table spoons, table forks, call bells, extra fine table castors, rich toilet sets, pocket pistols, Japanned tea trays, cuckoo clocks, extra fine Belgian marble mantel clocks, French China vases, French artificial flowers, ladies' fine work boxes, finest colognes, French extracts, bottles Florida water, gold and rubber pens and holders, pocket books, stereoscopes and views, writing desks, ladies' portemonnaies, French mantel clocks, key rings, tape measures, feather dusting brushes, plated spoons, baskets, Webster's Unabridged Dictionary, latest and most expensive library works, drop lights, sixty-four light chandeliers, twenty-seven light chandeliers, six light chandeliers, five light chandeliers, four light chandeliers, four light bracket chandeliers, fine cornices with gilt eagles, fine shields with coat of arms.

#### CROCKERY AND GLASSWARE.

Champagne glasses, salt cellars, cup plates, decanters, tumblers, ornamental, cuspadores, extra fine punch mugs, fancy granite chamber sets, fancy lamps, wash basins, soap boxes and trays, French China coffee cups, French dinner sets, French China cups and saucers, French China candlesticks, fine glass globes, all sizes, decorated spittoons, decorated tulip toilet sets, decorated tulip oval pitchers, rich cut goblets with monograms.

#### PRINTING MATTER, &c.

Warrants of arrest, recognizances, summonses, election tickets, contracts, articles of agreement, lodge circulars, visiting cards, diaries, Morocco memorandum books, perpetual calendars, packages finest initial note paper, reams Junata paper, scrap books, envelopes, ink, mucilage, wall paper, bordering, lead pencils, ruling pens, paper weights, letter clips, bill files, rubber bands, paper cutters, sponge cups, envelope openers, inkstands, ink vents, slate pencils, rulers, magic ivory, leather and black pencils.

#### STOCK, &c.

Fine horses, mules, carriages, buggies and harness.

#### SUNDRIES.

Egg coal, cords oak wood, cords light wood, andirons, fenders, shovel and tongs, grate baskets, stoves, pipes, coffee biggins,

tea pots, sauce pans, cooking stoves and utensils, tin buckets, tin cases, blacking, blacking brushes, jugs, bags, demi-johns, lead pipes, lanterns, brooms, fruit jars and elastics, kegs, wash tubs, wash boards, cork screws, slop pails, dusters and dust pans, foot tubs, manilla paper, hand saws, files, axes, water coolers, granite chambers, bed pans, coffee mills, axe helves, stove polish.

## Public Printing

[The "Printing Ring" was composed principally of State officials, headed by Governor Scott, Treasurer Parker, Attorney General Chamberlain, and a few members of the Legislature. The two printing companies—the South Carolina and the Republican—and the Republican newspapers were owned or controlled by the Ring. But those members not in the Ring sold their votes to it for high prices. Fraud Report, 213-383.]

[Cost of public printing: Comparative Statistics.]

Extracts from report of Committee:

Session of 1868-69 .....	\$ 21,124.00
Session of 1869-70 .....	45,000.00
Session of 1870-71 .....	152,465.00
Session of 1871-72 .....	173,000.00
Session of 1872-73 .....	450,000.00
Session of 1873-74 .....	385,000.00
Session of 1874-75 .....	50,000.00
Session of 1875-76 .....	50,000.00

Total cost from 1868 to 1876..\$1,326,589.00

Total cost from 1790 to 1868.. 609,000.00

Showing an excess of cost for printing during eight years of Republican administration over the seventy-eight previous years of .....\$717,589.00

Average cost of printing under Republican administration per year .....\$165,823.00  
Average cost of printing under old regime per year.. 7,807.00

Cost of printing under Hampton administration one year .....	6,178.00
Amounts appropriated session of 1872-73, Republican administration .....	\$450,000.00
Total for twenty-five years, "old regime." (1840-1866) .....	\$278,251.00
Excess of cost of printing for one year of Republican administration over that of the old regime for twenty-five years .....	\$171,749.00
Total for fifteen months under Republican administration .....	\$835,000.00
Cost of printing for seventy-eight years under old regime.	<hr/>
	\$226,600.00
Excess of cost of printing under Republican administration for fifteen months over that of old regime for seventy-eight years, as above.....	\$226,000.00
Cost of printing per month under Republican administration .....	\$ 55,666.00
Cost per month under Hampton administration.....	514.80

[The persons named below were not in the "Printing Ring" and their support had to be purchased. Woodruff, Clerk of the Senate, furnished the cancelled checks to the Investigating Committee. This list is only one of many.]

Governor F. J. Moses .....	\$20,000.00
J. L. Neagle .....	40,000.00
Melton & Chamberlain .....	10,000.00
F. L. Cardozo, (Treasurer) .....	12,500.00
Senator B. F. Whittemore .....	5,000.00
Senator R. Smalls .....	5,000.00
Senator Y. J. P. Owens .....	5,000.00
Senator W. B. Nash .....	5,000.00
Senator S. A. Smalls .....	2,500.00
Senator S. E. Gallard .....	500.00
Senator W. R. Jervey .....	300.00
Senator J. L. Jamison .....	200.00

Senator E. E. Dickson .....	200.00
Senator H. J. Maxwell .....	1,000.00
Senator W. H. Jones .....	500.00
Senator J. H. White .....	150.00
President R. H. Gleaves .....	300.00
Senator J. M. Smith .....	300.00
Senator W. E. Holcombe .....	250.00
Senator W. E. Johnston .....	500.00
Senator A. J. Ransier .....	500.00
Judge R. B. Carpenter (loan) .....	1,000.00
Senator H. C. Corwin .....	300.00
Senator George F. McIntyre .....	200.00
Senator C. Smith .....	500.00
Senator J. L. Jamison (second check) .....	100.00
Senator John Lee .....	100.00
Senator S. Ford .....	50.00
Senator J. Lee (Second check) .....	100.00

COLUMBIA, S. C., October 10, 1877.

Personally appeared F. J. Moses, who, on oath, deposes and says:

When, as Governor, I approved the large Printing Bill for the Republican Printing Company, during the session of 1872-73, I received from Mr. Woodruff the sum of fifteen thousand dollars, I think. The money was paid in a check drawn by LeGrand Benedict in favor of Hardy Solomon, and the sum of money was turned over to Messrs. Seibels & Ezell as the first payment on the purchase of the Preston mansion.

From the testimony of Woodruff:

Mr. [Senator] Leslie told me that the friends in the Senate thought, as the [public printing] was a matter of Senate patronage, they should have a percentage of the profits from the printing. In order to carry out the wishes of the friends, Mr. Leslie proposed that pay certificates for various amounts, ranging from three to five thousand dollars, for current printing be drawn, and one-third or one-fourth of the amount realized be given to the Chairman or some member of the Committee on Printing for division amongst the friends, including some fifteen or sixteen Senators.

[Extracts from Woodruff's diary.]

My Dear Josephus:

This is the most interesting feature of the legislative session. [A printing bill.] Shove it through the House in the same happy way, and there will be a Christmas turkey and trimmings for both you and

Yours, truly,

F. W. DAWSON.

Saturday, February 8, 1873.

Paid Sulzbacher \$160. Gave Jamison check for \$100. If we are voted \$50,000 for permanent printing we can get along. The friends ought not press us too closely. Moses, Chamberlain, Neagle and \_\_\_\_\_ are a hard set—all dead beats. Received consignment of champagne and sherry from Charleston. Will send some to Senator Maxwell. The bill amounts to \$321. Good gracious!

[Besides public advertising, each Republican newspaper was supported by subscriptions as shown below.]

COLUMBIA, S. C., January 7th, 1873.

Mr. J. WOODRUFF, [Clerk of Senate.]

To "THE DAILY HERALD," Dr.

Corner of Main and Gervais Street.

Jan. 7.	For subscription to January 7th, 1874, for thirty-three Senators, at \$7 .....	\$ 231.00
Jan. 7.	For subscription to January 7th, 1874, for one hundred and twenty-four Representatives, at \$7 .....	868.00
		<hr/>
		\$1,099.00

## The Impeachment Swindle

[Legislative investigation had shown that Governor Scott, Treasurer Parker and Attorney Chamberlain had illegally issued several millions of State bonds. Impeachment proceedings were begun against Scott with a view, not of convicting him, but of forcing him to distribute larger sums of money among the Legislators. John J. Patterson, later United States Senator, led in the impeachment movement. W. J. Whipper, a negro, was leader in the House. Fraud Report, 583-607.]

### Testimony of Treasurer Parker:

Governor Scott expressed himself to me daily, and frequently several times daily, almost up to the day of voting upon the resolution of impeachment in his case, that he should prove victorious, and that too without the use of a single dollar. But as the time drew near for a vote he grew exceedingly anxious about the matter; his fears were greatly aroused, and he became almost frantically excited, and I have the best reason in the world to believe that John J. Patterson used every means to alarm him, and he (Patterson) told him unless he paid a large sum or money to the members of the Legislature he would be surely impeached. I know from his (Patterson's) statements to me that he so informed him, and he frequently said to me that he knew such would be the result unless Scott paid for it. Governor Scott's statements to me were finally to the same effect, and he also said that he knew Patterson was doing all in his power to alarm him and increase his anxiety, and that Patterson begged him (Scott) to place money in his hands to buy those who were determined to vote for his impeachment. He finally succeeded in obtaining from Governor Scott his signature to three warrants or orders, on the Governor's printed forms or blanks, upon what was known as the "Armed Force Fund," leaving the amounts to be filled in by him, Patterson. Both Governor Scott and Patterson informed me of this transaction and agreement almost immediately, probably within a half hour after it was made, each coming to my office and telling me of it. The Governor insisted that they should be paid

when presented, and he said: "I don't know what amount he will want, I hope not a very large amount, but I suppose the scoundrel will make it as large as he can," and he denounced him roundly even after entering into the arrangement with him, for he believed, and so did I, that he (Patterson) had done all in his power to put up the impeachment job against him. I always advised the Governor not to pay a dollar to the Legislature, and said that I did not believe it necessary to do so, but he said at last that he "knew better; that the Legislature and those who had urged them on were determined to do it unless they got the money; that it was a job for that purpose;" and added, "while I hate to do it, (denouncing Patterson, Bowen, Whittemore and the Legislature generally), I will not suffer impeachment if it takes every dollar there is in the State Treasury." I consented to pay the warrants. I thought at the time it would be a great calamity to have the Governor impeached as could occur—a much greater calamity than the expenditure of the money could be. The Governor was exceedingly severe upon Patterson, whom he denounced as one of the chief conspirators against him, and whom he was well satisfied had advised members of the Legislature to vote for impeachment unless they were paid not to do it. I was perfectly satisfied at the time, by the conduct of Patterson, that Governor Scott's fears were well grounded. I had not a doubt of it, as I said before I consented to pay the warrants. They were filled out by Patterson or his agent, I don't know who, after leaving Governor Scott's hands, before coming into mine, and when they did come into my possession as State Treasurer, for the respective amounts of \$10,600, \$25,545 and \$12,500, making a total of \$48,645, were paid.

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Testimony of Speaker, late Governor, Moses:

Scott and his friends begged that I would devise a plan by which he (Whipper) could be ruled off the floor and the House brought to a vote on the resolution of impeachment, as they felt that they had secured votes enough to defeat the measure. After searching the authorities I resolved on a plan by which the desired end could be achieved, but I communicated it to no one, save perhaps a very few,—not even to Scott, simply telling him

that I would carry out his purpose. I sent for S. J. Lee, a member of the House, and gave him a memorandum on paper of the consecutive points I wished him to make, on which I was to rule as Speaker, and told him how to meet any objections that were made. The points were made as I wished, and I made the rulings on them (in accordance with parliamentary law) by which Whipper was forced to yield the floor and the House was brought to a vote and the scheme for impeachment was defeated. For the part I took in saving him from impeachment I was to receive from Scott \$15,000, which sum was not paid in accordance with his promise, but afterwards indirectly reached me in a kind of settlement of the matter to which Scott agreed, and which is recounted in another portion of my statement. From conversations I have held with members of the House and with Scott, Parker, Neagle, Patterson and Worthington, I have always been perfectly satisfied that Scott defeated the plan of impeachment by a free use of money, which was raised on the armed force warrants, familiarly known as the "Mooney, Leggett and Wilson" warrants, and by which the votes of the members were purchased. Patterson and Worthington were the principal lobbyists for Scott, and each of them asked me to send them whatever men I thought could be purchased to cast their vote against impeachment.

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## Militia Frauds

[Governor Scott enrolled 96,000 negroes, practically all the negro voters, into militia regiments. The enrollment cost \$200,000. The two or three white companies were ordered to disband. The Secretary of War furnished 10,000 Springfield muskets to arm this militia. The object was to carry the campaign of 1870, and no secret was made of the fact. Fourteen regiments were placed on a war footing. Scott spent \$374,000 State funds in securing his election, most of it going to agents who posed as militia officers. Fraud Report, 667-738.]

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Testimony of L. T. Levin, an official in the Adjutant General's office:

The entire militia, as organized and armed, was composed of colored men, with the exception of a few white officers. During the year 1870 there was organized fourteen full regiments,

of nearly one thousand men to each regiment. There was issued to the above regiments seven thousand rifle muskets (breech-loading) with the necessary equipments, consisting of bayonets, scabbards, cartridge boxes, &c., also a large number of Winchester rifles, including ammunition. The enrollment of the militia was accomplished at a large expense to the State. The real object of the enrollment was to give employment to the different local leaders, while they were, in reality, organizing the party for the coming campaign. The number of enrolled militia was ninety-six thousand, 58,000 between the ages of 18 and 30, and 38,000 between the ages of 30 and 45. At one time there were two or three white companies armed by the Governor, but the colored militia became so much dissatisfied, on account of these few white companies receiving arms that Governor Scott issued an order calling in the arms in their hands. At least two-thirds of the amount paid on account of the militia was a huge fraud upon the State, and for no consideration, except for political services rendered.

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[Moses, the Speaker of the House, also acted as Adjutant and Inspector General of South Carolina. Springfield muskets received from Washington were made into breechloaders. The changes cost in all \$180,750—the guns were not worth \$40,000—but the State paid \$250,000 for the changes. In addition 1,000 Winchester rifles were purchased at \$38 each. All of these arms went to the negroes and had disappeared by 1876.]

#### Testimony of F. J. Moses, Jr.:

I entered into a contract with one Pond to change five thousand muskets to breech-loaders, of the Remington pattern, for nine dollars for each gun so changed, and with the Roberts Breech-Loading Company to change five thousand muskets to breech breech-loaders of the Roberts pattern, and to pay them \$8.85 for each gun so changed. For each arm changed and altered I was to receive one dollar as a royalty, aggregating \$10,000 on the entire transaction. Under the contract the money was to be paid by H. H. Kimpton, the Financial Agent of the State. Kimpton informed me that it would be some time before the money would be paid, and offered me seven thousand dollars in cash for the royalty. This I accepted, and Kimpton

paid me the money. I have no means of knowing whether he paid me in the State's money or not, but always supposed he did.

John B. Hubbard says:

As Chief Constable I was ordered by Governor Scott to appoint certain Deputy Constables on my force as Captains over the State Guards or militia stationed and under full pay in several counties in the State. Captain Mann was in charge at Abbeville and J. Ward Hayward at Edgefield. I think Captain Jackson was in command a portion of the time. They were all Northern men and brought here by Governor Scott. I was ordered to assist the militia organization every way possible. The object was to have an active and efficient corps of organizers in the field. I knew that the militia was organized and armed for political purposes. It was understood that by arming the colored militia and keeping some of the most influential officers under pay that a full vote would be brought out for the Republicans and the Democracy or many of the weak-kneed Democrats intimidated. At the time the militia was organized, there was, comparatively speaking, but little lawlessness. The militia being organized and armed caused an increase of crime and bloodshed in most of the counties in proportion to their numbers and the number of arms and amount of ammunition furnished them.

YORKVILLE, S. C., June 25th, 1870.

Captain JOHN B. HUBBARD, Chief Constable, Columbia, S. C.

DEAR CAPTAIN: I am visiting some of the Leagues and intend to try and get into the convention and be elected to the Legislature. The Democrats are quiet now, but playing possum. Some of them say they intend to organize all over the State against Scott's militia. I have it from good authority that the whites are receiving guns through the merchants and are secretly organizing. We can carry the county if we get constables enough by encouraging the militia and frightening the poor white men. I am going into the campaign for Scott. I hear Hannibal White and some of the colored men are opposed to him. Will keep you posted.

Respectfully yours,

J. W. ANDERSON,  
Deputy Constable.

## Pay Certificates

[Pay Certificates were simply orders on the Treasurer given by the President of the Senate or the Speaker of the House, or by both together, for the salaries of members, porters, pages, etc. Certificates were issued not only to members, but to political friends of members. Most of them were issued to fictitious persons and cashed by the members. In one session 8 porters were employed and certificates issued to 238; 10 messengers were in actual service and certificates issued to 140 at one session and 212 at another; 8 laborers were employed and 159 certificates were issued; 5 to 10 pages, and 124 certificates. During one session pay certificates amounted to \$1,168,255, all of which except \$200,000 was robbery. Moses, the Speaker of the House, testified that he had issued \$30,000 in pay certificates to John J. Patterson, later United States Senator, who was not a member of the Legislature, and that Patterson had given him \$10,000. When these certificates could not be cashed at the State Treasury, the County Treasurers, were ordered to cash them and turn them in as cash to the State.—Fraud Report, 389-519.]

Woodruff, Clerk of the Senate, wrote the pay certificates, and issued them for the Senate, while Jones, Clerk of the House, distribute the House quota.

### Testimony of Woodruff:

I did not regard myself as responsible for the issue of pay certificates. Their steady increase induced the Clerks to seek legal advice. It was held that the Clerk's signature was a mere attestation of the genuineness of the signature of the presiding officers; that their duty was to obey orders. Acting under this advice, I drew certificates, whenever ordered by proper authority, without question. It was also urged that it was a race between a bond ring composed of a limited number and the Legislature, as to who should have the most from the receipts of taxes and sale of bonds, and that the greatest good could be accomplished by distributing the money to the greatest number—the members of the General Assembly. . . . Previous to the session of 1873-74 the number and pay of officers, attachees, clerks and laborers was limited only by the pleasure of the presiding officers and members of the General Assembly, and the issue of pay certificates unlimited. Nearly every one who told a case of distress from Ku Kluxism or of suffering on account of their politics was given a pay certificate. In addition to this, the Senate con-

tingent account swelled to an enormous amount through the system then inaugurated of furnishing liquors, wines, cigars, groceries, jewelry, and almost every conceivable article, under the head of stationery and sundries. . . . . I knew that a large number of the certificates issued were in fictitious names and drawn for the benefit of State officials, as well as for the presiding officers and members of the two houses. . . . . The issue of joint certificates, in amounts ranging from five hundred to five thousand dollars, and given to State officials, presiding officers and members of the two houses as gratification, was resorted to as the best method of harmonizing "the friends," as the leaders were then called. . . . . When joint certificates were drawn in fictitious names I often suggested that the name used should have the initials reversed of the real name of the party for whom such certificate was issued. . . . . It was often the case that pay certificates of this class were issued not only for unnecessary articles in the usual course of legislation, but frequently as a bonus or gratification to some Senator for his personal use.

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[When a member wanted extra pay certificates he furnished a list of bogus names to the Speaker, who then ordered the Clerk to make out certificates for the persons named. A fictitious endorsement was then forged and the certificates cashed.]

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DEAR JONES—Please fix the within for our friend Hurley.

"Sincerely,  
"MOSES."

Hurley writes:

"Frank, these are the cusses; make an order to A. O. Jones.

"T. H."

Charles Rede, Messenger.

"John B. Turner, Clerk.

"Amos Baimis, Clerk.

"David D. Cooper, Messenger.

"Andrew Smith, Messenger.

"Elias Woodrow, Clerk."

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DEAR OSCEOLA—Please make out a certificate for my pet.

"Sincerely yours,

"F. J. M."  
Digitized by Google

[A pay certificate.]  
No. 0304 B.

HOUSE OF REPRESENTATIVES.

COLUMBIA, S. C., March 13, 1872.

The State Treasurer will pay to the order of Mr. Andrews six hundred and forty-two dollars for pay as clerk in the House of Representatives for 107 days.

\$642.

F. J. MOSES, JR.,

Speaker House of Representatives.

Attest:

A. O. JONES, Clerk,

(Endorsed: County Treasurer, Sumter, please pay and turn in as cash; N. G. Parker, State Treasurer, per John L. Little, Clerk. F. J. Moses, Jr., and the figures 1880.)

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## Bond and Railroad Frauds

[In 1863, the State endorsed the bonds of the Blue Ridge Railroad for \$4,000,000 and the Greenville and Columbia for \$2,000,000. The State owned a controlling interest in the roads, and the "Bond Ring" consisting of Gov. Scott and other officials and John J. Patterson bought at a secret sale for \$59,669.50 the State's share valued at \$433,906.00. And the matter was so arranged that H. H. Kimpton, the State financial agent in New York, paid for the State's share for the "Bond Ring," in State funds. Thus the State not only lost its railroad property, but paid in cash for the privilege of losing. The next thing done was to bribe the Legislature to release the roads from all liability for the \$6,000,000 in bonds. Fraud Report, 563-576, 613-647.]

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VICE PRESIDENT'S OFFICE,

GREENVILLE AND COLUMBIA RAILROAD COMPANY,

COLUMBIA, S. C., March 4, 1872.

Hon. NILES G. PARKER, State Treasurer, South Carolina:

Please deliver to H. H. Kimpton "revenue bond scrip" due the Blue Ridge Railroad Company according to Act passed March 2, 1872, amounting to one hundred and fourteen thousand two hundred and fifty dollars, at par, upon the following conditions: That forty-two thousand and eight hundred and fifty-seven dollars of said scrip, at par, is to be used for paying the expenses

of passing through the House of Representatives Bills styled "A Bill relating to the bonds of the State of South Carolina" and "Bill to authorize the Financial Board to settle the accounts of the Financial Agents." Now, if these above named Bills are passed and become laws, this order for forty-two thousand eight hundred and fifty-seven dollars in scrip, at par, is to be paid said Kimpton; and if not passed, then this order for that amount to be void and the scrip is not to be delivered. Also, that seventy-one thousand four hundred and fourteen dollars of scrip, at par, you shall deliver to said Kimpton if said Bills become laws, and provided that he shall pay the sum of fifty thousand dollars, the proceeds of said scrip at seventy cents on the dollar, in paying the expenses already incurred in passing through the Senate the Bill known as "Bill to relieve the State of all liability on account of guaranty of Blue Ridge Railroad bonds, &c.," passed March 2, 1872, which said expenses said Kimpton has contracted to pay; and if said Kimpton fails or refuses to pay said amounts in defraying said expenses, (when required by me), then this order to be void. If said conditions are complied with and the amount of scrip delivered to said Kimpton, he is not to be held liable for or to account for its value. The above two sums of \$42,589 and \$71,414 in scrip, at par, make up the amount of scrip first mentioned in this order.

JOHN J. PATTERSON,  
President Blue Ridge Railroad Co., in S. C.

Niles G. Parker, [formerly Treasurer] being sworn, says:

At the time the settlement was made with the Financial Board and Kimpton, he (Kimpton) received a due bill for about \$39,000 from the Financial Board as the balance of commission due him. This, according to our agreement, would be divided equally between Chamberlain, Kimpton and myself; and just before Chamberlain addressed his communication to the public in the Summer of 1874 concerning the charges made against him with reference to the public debt and other matters connected with Governor Scott's administration, he promised me by the side of his sick bed in his own house that if I would permit that letter which he had prepared to go before the public without contradiction and he should be nominated and elected as Gov-

error I should be paid my share of the \$139,000, as expressed in said due bill, and that too at an early day.

Testimony of Senator W. B. Nash:

Afterwards I saw Leslie in one of these rooms and he handed me a smaller package, about the shape of a brick, which I took and carried home, and on examination found that it contained about five thousand dollars in money. I will not be positive, but I think that the sum of \$30,000 was to be distributed among the members of the Senate Committee on Finance, and there was some feeling afterwards about some rumors that Owens and Whittemore had got more than other Senators. At the meeting alluded to, when the bundles were produced, I think some one was absent who was of the party interested and who was expected, but cannot remember which one it was. I have one of the Blue Ridge scrip now for \$5,000 which was given me in connection with these matters, in addition to the \$5,000 testified to above. I was supporting these Bills because I thought, after hearing arguments of these men, that it was right, and I merely took the money because I thought I might as well have it and invest it here as for them to carry it off out of the State.

Niles G. Parker, [formerly Treasurer] on oath, deposes as follows: I know that Kimpton [formerly State Financial Agent] used the proceeds of bonds belonging to the State to secure the passage of other Bills which he was interested in, to-wit, the Sterling Loan Bill, the Bill to authorize the Financial Agent to pledge bonds for State loans, the Sinking Fund Bill, the Bill for the payment of interest in gold, and the Bill to issue bonds for the relief of the Treasury. I know he paid out of the proceeds of the sale of State bonds the money for a share and a half, as it was called, of Greenville and Columbia Railroad stock, — a share, including assessment of \$4,000, immediately payable, being \$24,000. This was for J. L. Neagle, Comptroller General. He also paid for one share of like value for Joseph Crews, member of the Legislature. He was Chairman, I think, of the Committee on Railroads in the House of Representatives. He also paid for one quarter share, being \$6,000 for F. L. Cardozo.

This Kimpton subsequently took for himself, as he did Crew's. He also paid for two, or two-and-a-half, shares for George W. Waterman, for Governor Scott, of like value. He paid for two shares of like value for himself, and, so far as I know, and believe, he paid for one-half share for D. H. Chamberlain, of the value of \$12,000.

[General] John B. Dennis, [a carpetbagger] being duly sworn, was asked if he ever knew of Patterson paying any money to Speaker Moses to influence or secure legislation. Says that at the commencement of the session of 1870-71 it was common talk that Patterson had paid Speaker Moses \$25,000 to have him appoint his Committees in the interest of the measures that he, (Patterson), Kimpton and what was known as the ring were interested in. Moses never denied it when spoken to about it by Hurley, and Patterson always laughed about it as a high price for Frank Moses. One night this,—he thinks it was the Greenville Consolidation Bill,—Frost and Bosemon were fighting it hard, making one dilatory motion after another, until it seemed as if they never could be got out of the way. The Speaker was recognizing either of them that would call his attention, to the exclusion of any one else or every one else, so that they (Frost and Rosemon) really thought that the Speaker was with them and in favor of defeating the Bill. At this time, when the case for him seemed hopeless, Patterson came to witness and said: "Go ask that damned scoundrel (meaning Speaker Moses) how much he wants." He went and asked the speaker as requested by Patterson, and the Speaker replied: "Ten thousand dollars over and above everything," meaning \$10,000 over or besides the \$25,000 before spoken of, which he had received for the appointment of the Committees. He carried the message to Patterson, and Patterson said "Tell him all right; he shall have it."

Testimony of ex-Speaker and ex-Governor Moses:

That at the first session of the House of Representatives, during which W. J. Whipper was Chairman of the Committee either on Railroads or on Ways and Means, the corporation of the Greenville and Columbia Railroad, (consisting of John J.

Patterson, John L. Neagle, R. K. Scott, N. G. Parker, D. H. Chamberlain and Reuben Tomlinson and others) were very anxious to obtain control of the House Committees, as also they were to pass certain Bills through the House. First one, then the other of them consulted with me about the matter, (I remember John J. Patterson and J. L. Neagle principally), and finally they offered me \$25,000 if I would assist them as Speaker in passing their Bills, and also give them the roll of the House and let them make up the Committees just as they desired. Most of them talked with me about the matter, but as well as I can remember Kimpton was the first spokesman whom they selected to make me the offer. I announced the Committees as they made them up, and I also assisted them in passing their Bills. At that time I owed Kimpton \$13,000 borrowed money, to secure the repayment of which I had given him a mortgage on a tract of land I owned in Clarendon county, and when I made the above named arrangement with the railroad company Kimpton claimed I should be willing to take the mortgage I had given him dollar for dollar as a part of the \$25,000. I consented to this, and the mortgage was delivered to me, duly canceled, and the rest of the money was paid me. I do not remember who paid me in person, but the money came to me on account of the agreement I have narrated, and was neither paid to me by Patterson, or Kimpton, or Parker, or Neagle. I remember that Neagle was a prominent party in consulting with me as to the appointment of the Committees. I remember that it was while the Bill to which I refer above was hanging in the balance in the House of Representatives, one night, Patterson sent Dennis up to the Speaker's stand with a message to me, saying that if I would push the Bill through that night he (Patterson) would pay me individually \$10,000. I either sent back word to him, or told him in person, that he must reduce the promise to writing. He did put it in writing, and it was entrusted to Joseph Crews as my friend and held by him until the Bill was passed.

## The Judiciary

[The Printing Ring sometimes needed decisions of the Court. These extracts from the diary of Woodruff, who had charge of "conscience" money will show how the decisions were obtained.]

Thursday, July 2, 1874.

Saw Wright. He wanted me to raise him \$2,500, and said he would give me the decision by 6 o'clock if I would get that amount for him. He suggested I should try ex-Governor Scott, but it was no go. Scott said he did not want the mandamus unless it could be issued for legislative expenses as well as for Frazee, Rose and the printing company. Went back and told Judge Wright so. Wright asked me to telegraph for Jones, and I did so, but failed to bring him. Very much troubled about mandamus.

Friday, July 3, 1874.

Met Judge Wright again today, and told him I was unable to raise the money. He urged me to another trial. Found it was nothing but a strike of the Judge to get money in advance of the decision, but if the Judge can't trust us we ought not to trust him. Cardozo thought it was a monstrous thing for a Court to act so, but it's hard to beat such a monstrosity as Cardozo. I believe he is in concert with Wright to get our money and then file an opinion against us. Governor Moses wanted \$50 for 4th of July, but I could not raise it for him.

Tuesday, July 7, 1874.

Met Judge Wright in street car today and had a short interview. Could not give him any assurance of money. Feel indifferent as to whether Mandamus is granted or not.

Thursday, July 9, 1874.

Met Judge Wright this morning. He said he had the decision in his pocket and would let me have it on my giving him the money. Told him I was not able to make the ripple. He thought if I went to Columbia it might be done. There may be some

game up, and if so I must try to steer clear. I know Cardozo wants, or appears to want to catch Judge Wright. He will not do it with my assistance.

COLUMBIA, S. C., August, 1878.

F. J. Moses, being recalled, says:

In the case of William Whaley vs. Bank of Charleston, it was known that there was a disagreement between Judge Moses and Judge Willard; consequently it became very important to secure Judge Wright, so as to have a majority of the Court. D. H. Chamberlain, one of the attorneys for Whaley, came to me and requested that I would see Judge Wright and ascertain how much would be demanded for his concurrence with the Chief Justice. I neglected to do so at the time. Within a day or two Chamberlain wrote me a note, of which the following is a copy:

S. W. MELTON.

D. H. CHAMBERLAIN.

MELTON & CHAMBERLAIN,

Law Office,

COLUMBIA, S. C., April 6, 1874.

DEAR GOVERNOR. Please arrange that matter at 2,000 or 3,000 as may be necessary. Let me know exactly what is needed after your interview and I will be on hand. I will call at your office 11:30 a. m. Don't delay the matter.

Yours,

CHAMBERLAIN.

I immediately called on Judge Wright in reference to the matter, and he asked a few days within which to determine; finally he agreed to concur with the Chief Justice on payment of \$2,500 by Chamberlain. I delivered his message to Chamberlain, whereupon he gave two several notes, payable to myself, that were to be paid Wright, one for 1,500 and one for \$1,000. I collected the amounts of the notes, less the discount, and then borrowed the entire sum from Wright. I discounted one of the notes to C. C. Puffer, and the other to J. S. Fillebrown or T. B. Johnston from Sumter. Puffer discounted the larger note. I turned the letter from Chamberlain over to T. C. Dunn, who was opposing Chamberlain, in the presence of John B. Dennis and Thomas S. Cavender, and took receipt from Dunn for it.

## Patterson's Election to the United States Senate.

[An example of the methods used by John J. Patterson to secure election to the United States Senate.]

### Testimony of Abram Dannerly:

Patterson said he was a candidate for the United State Senate and hoped I would vote for him. I told him I hadn't made up my mind. He told me that if I voted for him I wouldn't regret it; that he would give me some money if I voted for him, as he saw I was needy. He said he had \$50,00 or \$60,000 to spend on the election, and that if I didn't believe it to go to Worthington, who was his agent. Jamison was standing about ten steps off and called to him, and said something to Patterson, and then Patterson called me up, and we then went to Hardy Solomon's Bank and saw a man named Jacobs, and Patterson got fifty dollars from him and gave it to me. Jamison and myself then left the bank, but before leaving Jamison counted the money and each of us took half of it. I was boarding with J. L. Jamison, and we went up to Patterson's rooms, over Fine's, that night, and Patterson and Worthing were there and Patterson told me that if I would vote for him I would get four hundred dollars, and he told me then, and afterwards at different times, to electioneer and get as many to vote for him as I could, as he heard I was pretty good at electioneering, and told me to tell the members that he would pay them. He did not name any particular amount that he would pay. On the morning of the election I saw General Worthington at Fine's, and he said that I must be sure to vote for Patterson, and get all I could to vote for him, and that he would see that I got the four hundred dollars. After the election, the day after, General Worthington handed me twenty-five dollars in the State House, on the lower floor, near the statue of Washington. I was very angry about it, and told him then, and afterwards, that what I got didn't amount to anything. About two weeks after the election I and Robert Tarleton, from Colleton went to Patterson's house to see him, as Tarleton said Patterson owed him some money, too, for voting for him. We saw Patterson and told him that we had

come for what he had promised, and he said that Mackey and Whittemore and some one else was there and he was busy, but offered us some liquor and cigars and went up stairs, saying he would see us again. I have never met him but once since, and neither Patterson nor Worthington ever paid me any more money on the election.—Fraud Report, 910.

(Signed.)

His  
ABRAM X DANNERLY.  
mark.

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### Council of Safety

After the elections of 1870 in South Carolina, a conference of leading men, members of the Union Reform party, feeling that the white people were in imminent danger from outrage by the blacks, drew up a plan of organization for protection in case of an outbreak of the negroes. This plan or constitution was published at the Columbia Phoenix office, and was distributed throughout about two-thirds of the counties of the State by E. W. Seibels, the secretary and treasurer of the Union Reform party. A copy of the plan was secured by the Charleston Daily Republican and reprinted in its columns. It was also copied in the Columbia Daily Union. Both of these were radical papers. A pamphlet copy was put in evidence before the Ku Klux Committee by Seibels. Ex-Governor J. L. Orr expressed the opinion that there was a widespread organization based on this constitution, but Seibels maintained that in only three counties—Lexington, Sumter and Orangeburg—had he heard of councils formed according to the plan set out by him. He sent, he said, several copies of the pamphlet to some leading man in each of twenty counties. Seibels denied that the proposed order had any political object; it was only for protection of the whites.

An organization formed under the constitution of the Council of Safety would resemble somewhat both the order of the Knights of the White Camelia and the organization of the Union Reform party of South Carolina in 1870. In both of the latter bodies the subordinate divisions were called councils; the plan of the Council of Safety was drawn up by the executive committee of the Union Reform party at a session held after the defeat of their party in the fall of 1870; the administration of the Council of Safety bears a marked resemblance to that of the White Camelia; and finally, the Council of Safety was originated and extended by officials of the Union Reform party, which was then dissolved.\*

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\*The text of the constitution is found in the Ku Klux Report, South Carolina Testimony, 23-25. See also pp. 2, 3, 102-105, 122, 320.

## Constitution of The Council of Safety

### I.—NAME.

Council of Safety.

### II.—OBJECTS.

The objects of this organization are, first, to preserve the peace, enforce the laws, and protect and defend the persons and property of the good people of this State; and, second, to labor for the restoration of constitutional liberty, as taught by our forefathers, and to reform abuses in the Government, State and National.

### III.—HOW EFFECTED.

Its operations shall be two-fold:

1. Political, social, and moral, under the forms of established laws.
2. Physical, according to the recognized principles of the law of self-defense.

### IV.—OF COUNCILS.

1. There shall be in every county, (the city of Charleston for this purpose being considered a county) one council in each beat-district, composed of approved white men above the age of eighteen (18) years. They shall be known by the letters of the alphabet.

2. Each council shall be subdivided into four or more sub-councils, to consist of (as near as may be) of not less than ten men each, reference being had in such subdivisions to the protection of neighborhoods.

3. After the first organization of a council of not less than ten counselors, members shall only be admitted by a vote of two-thirds of those present, at a council meeting, after having been proposed by one counselor and recommended by another. A person once rejected shall not again be proposed for membership without one month's notice at a regular meeting, and by a two-thirds vote of those present at a regular meeting.

4. Before his introduction, an applicant for membership shall give the following pledge, in the presence of five counselors:  
"I pledge you my honor as a man that I shall never reveal anything that I now know, or that hereafter may come to my

knowledge, respecting the council or the organization of which it may become a part, unless I shall become a member thereof, and be permitted to do so by the rules, regulations, and usages of the councils; so help me Almighty God."

5. Having taken such pledge, he shall be introduced by the five attesting counselors and be received by the council standing, and at the dictation of the superior officer present shall repeat the following pledge:

"In the presence of Almighty God, and these gentlemen, I renew my pledge of secrecy to this council and its associates; and further promise and affirm that I will be true and faithful to the Council of Safety, its subordinates and counselors, and obey all its rules and regulations, orders and edicts, coming to my knowledge, and consistent with the articles of the constitution (II. and III.) as read in my hearing, while I continue a member thereof; so help me Almighty God."

He shall then be enrolled by a member, and in all proceedings of the council shall be known and designated by his number. The number of a counselor shall never be changed.

6. A counselor shall remain a member until honorably or dishonorably discharged by vote of a majority of his council, or the order of the executive board.

#### V.—OFFICERS.

1. The officers of a council shall be a chief counselor, a first assistant chief, and a second assistant chief, (who shall take precedence in the order in which they are named,) a scribe and bursar, who shall hold office during good behavior, but subject to removal by a majority of the council, at a regular meeting, upon cause shown, and after a month's notice to the delinquent. But the executive board may at any time suspend any officer until he may be tried.

2. The chief counselor shall preside over the council when assembled, and enforce the rules and preserve order with the aid of the assistant chiefs.

3. The assistant chiefs shall aid the chief in enforcing the rules and preserving orders, and in his absence preside in the order of their precedence.

4. If neither chief nor assistant chief be present at any meeting, a chief pro tempore will be chosen by the counselors present, who shall discharge the duties of the office.

5. The scribe shall keep a record of all that may be written, and extend all orders, notices, or summonses.

6. The bursar shall receive and disburse all funds, as may be directed by the council, and keep a true account of the same.

7. Each sub-council shall elect a sub-chief, who shall discharge the duties of chief counselor in his sub-council when assembled, and at the council meetings assist in preserving order and enforcing the rules. He shall also extend all orders, notices, and summonses to his sub-council when required.

#### VI.—OF GENERAL COUNCILS.

1. There shall be a general council in each county, to consist of two delegates from each council, which shall meet monthly, or on the order of the chief at the county-seat, or other convenient place, to consider and determine all matters pertaining to the safety of the county within the scope of this constitution and under the rules that may be adopted.

2. The general council shall continue in office for one year; but delegates shall be subject to the instructions of their respective councils from time to time, and may be removed by them for cause, after a hearing.

3. The general council shall appoint a general chief and two assistants, a scribe, and bursar, whose precedence and duties shall be as prescribed for similar officers of councils.

4. All communications to and from the supreme council and the councils shall pass through the chief, or other presiding officer of the general council.

5. The general council, or, upon emergency, the chief, or other presiding officer thereof, may assemble any or all the councils under its jurisdiction, and direct their operations.

6. The general councils shall be numbered and so designated in alphabetical order.

#### VII.—OF GRAND COUNCILS.

1. There may be assembled from time to time, at the request of a general council or upon emergency by the council, at some convenient place in each congressional district, a grand

council, to consist of two delegates from each general in such congressional district, to consider and determine such matters as appertain to the general safety of the territory within their jurisdiction.

2. They shall appoint such officers as are provided for general councils, who shall exercise within their respective spheres similar duties and authority, to hold office until such grand council shall be dissolved by its own action or by the direction of the supreme council.

#### VIII.—THE SUPREME COUNCIL.

1. The supreme council shall consist of (2) delegates from each general council, to hold office for one year, but subject to removal for cause by the supreme council, or by the general council by which they are delegated. Said delegate shall be subject to instructions from their respective general council from time to time.

2. The supreme council shall elect a supreme chief and two assistants, who shall exercise in the supreme council all the duties pertaining to the like offices in the general and other councils, and shall have the right to assume the same duties over any and all the councils assembled on any emergency in the order of their precedence. The supreme council shall also elect a scribe and bursar, who shall discharge the duties proper to their respective offices for the supreme council.

These officers shall continue in office for one year, and until their successors shall be appointed, but shall be liable to be removed for cause by a vote of a majority of the supreme council, after a month's notice, and may in like manner be suspended from office after charges made, pending the hearing.

3. There shall be an executive board chosen by the supreme council, to consist of the officers and ten members thereof, who shall exercise all the general and ordinary powers of that body in the intervals of its meetings, and may convene the same, or the general or other councils, whenever they may deem it expedient.

4. The supreme chief may, upon a sudden emergency, exercise alone any of the powers of the executive board, but shall in such case immediately assemble the board and submit such action for their approval.

5. The supreme council alone shall have power to determine from time to time the political action to be pursued by the council, so far as that action may concern the State at large, but the same shall be concurred in by a majority of the general council before it shall become binding on the counsellors; but no council or counselors shall pursue a course in opposition to any action proposed by the supreme pending its consideration by the general councils. Changes in the constitution shall be made only in like manner, by the proposal of the supreme council and the concurrence of the general councils.

6. The supreme council shall prescribe the general rules for the government of all the councils, from time to time, and shall take such measures as the public safety may require. It may call assemblages of any or all of the councils at such time and place as it may deem proper, and shall have to disperse or control the action of assemblages of councils whenever the public safety may require. It shall prescribe as often as necessary, a countersign and response, and other means whereby a counsellor may distinguish his fellows by day or by night, and also a general system of alarms. Any of these may be temporarily changed, if necessary, by any of the councils, but such change and the reason which justify it shall be immediately communicated to the executive board for its action.

7. Each general council shall have the power to adopt any regulations for its own management, or take such action within the limits of its own jurisdiction, not affecting the good people of other counties, which it may deem proper, provided that the same be not in conflict with this constitution, or the powers and authority herein delegated elsewhere.

#### IX.—OF FUNDS.

1. The councils shall contribute to the general fund five cents per month for each member, to be sent through the bursar of the general councils to the bursar of the supreme council. Any council failing to comply with this article may be disbanded by the supreme council.

2. The county fund shall be regulated and disposed of by the general councils.

MEETING OF SUPREME COUNCIL.

1. The first meeting of the supreme council shall be called whenever twenty general councils may communicate with the person from whom this constitution is obtained, and, when convened by a notice from him, may organize and appoint the times and places of future meetings.

2. Each general council will communicate with the person indicated as soon as organized.

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## A Local Ku Ku Klux Constitution

The following document is probably the constitution of a local body formed in imitation of the genuine Ku Klux order. Numerous bodies were so formed, having no connection with the original society. It was claimed, and it is possible, that this document was a forgery by the Radicals. When the Ku Klux Committee was making investigations, numerous forged documents were offered to them. From internal evidence I am led to believe that this paper is an imperfect transcript of the constitution of one of the numberless local secret societies of the time. Compare the Revised and Amended Prescript of Ku Klux Klan in No. 2 of this series and the original Prescript in the Southern History Association Publications, September, 1903. The text of the constitution here reprinted is found in the Ku Klux Report, North Carolina Testimony, 414, and South Carolina Testimony, 1636.

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### CONSTITUTION.

Article I. This organization shall be known as the—Order, No. . . . —of the Ku Klux Klan of the State of South Carolina.

Article II. The officers shall consist of a cyclops and a scribe, both of whom shall be elected by a majority vote of the order, and to hold their office during good behavior.

Article III., Section 1. It shall be the duty of the C. to preside in the order; enforce a due observance of the constitution and by-laws, and an exact compliance to the rules and usages of the order; to see that all the members perform their respective duties; to appoint all committees before the order; inspect the arms and dress of each member on special occasions; to call meetings when necessary; draw upon members for all sums needed to carry on the order.

Section 2. The S. shall keep a record of the proceedings of the order; write communications notify other Klans when their assistance is needed; give notice when any member has to suffer the penalty for violating his oath; see that all books, papers or other property belonging to his office, are placed beyond the reach of any one not a member of the order. He shall perform such other duties as may be required of him by the C.

Article IV., Section 1. No person shall be initiated into this order under eighteen years of age.

Section 2. No person of color shall be admitted into this order.

Section 3. No person shall be admitted into this order who does not sustain a good moral character, and who is in any way incapacitated to perform the duties of a Ku Klux.

Section 4. The name of a person proposed for membership must be proposed by the committee appointed by the chief, verbally, stating age, residence, and occupation; state if he was a soldier in the late war, his rank, whether in the Federal or Confederate service, and his command.

Article V., Section 1. Any member who shall offend against these articles, or the by-laws shall be subject to be fined and reprimanded by the C., as two-thirds of the members present at any regular meeting may determine.

Section 2. Every member shall be entitled to a fair trial for any offense involving reprimand or criminal punishment.

#### BY-LAWS.

Article I., Section 1. This order shall meet at \_\_\_\_\_.

Section 2. Five members shall constitute a quorum, provided the C. or S. be present.

Section 3. The C. shall have power to appoint such members of the order to attend the sick, the needy, and those distressed, and those suffering from radical misrule, as the case may require.

Section 4. No person shall be appointed on a committee unless the person is present at the time of appointment. Members of committees neglecting to report shall be fined 30 cents.

Article II., Section 1. Every member, on being admitted, shall sign the constitution and by-laws and pay the initiation fee.

Section 2. A brother of the Klan wishing to become a member of this order, shall present his application with the proper papers of transfer from the order of which he was a member formerly, shall be admitted to the order only by a unanimous vote of the members present.

Articles III., Section 1. The initiation fee shall be \_\_\_\_\_.

Article IV., Section 1. Every member who shall refuse or neglect to pay his fine or dues shall be dealt with as the chief thinks proper.

Section 2. Sickness or absence from the country or being engaged in any important business shall be a valid excuse for any neglect of duty.

Article V., Section 1. Each member shall provide himself with a pistol, Ku Klux gown and signal instruments.

Section 2. When charges have been preferred against a member in proper manner, or any matters of grievance between brother Ku Klux are brought before the order, they shall be referred to a committee of three or more members, who shall examine the parties and determine the matters in question, reporting their decision to the order. If the parties interested desire, two-thirds of the members present voting in favor of the report, it shall be carried.

Article VI., Section 1. It is the duty of every member who has evidence that another has violated Article II. to prefer the charges and specify the offense to the order.

Section 2. The charge for violating Article II. shall be referred to a committee of five or more members, who shall as soon as practicable, summon the parties and investigate the matter.

Section 3. If the committee agree that the charges are sustained, that the member on trial has intentionally violated his oath, Article II., they shall report the fact to the order.

Section 4. If the committee agree that the charges are not sustained, that the member is not guilty of violating his oath or Article II., they shall report to that effect to the order and the charges shall be dismissed.

Section 5. When the committee report that the charges are sustained, and the unanimous vote of the members is given thereof, the offending person shall be sentenced to death by the chief.

Section 6. The person, through the cyclops of the order of which he is a member, can make application for pardon to the Great Grand Cyclops of Nashville, Tennessee, in which case execution of the sentence can be stayed until pardoning power is heard from.

Article VII., Section 1. Any member who shall betray or divulge any of the matters of the order shall suffer death.

Article VIII, Section 1. The following shall be the rules of any order to any matter herein not provided for; shall be managed in strict accordance with the Ku Klux rules.

Section 2. When the chief takes his position on the right, the scribe, with the members forming a half-circle around them, and at the sound of the signal instrument there shall be profound silence.

Section 3. Before proceeding to business, the scribe shall call the roll and note the absentees.

Section 4. Business shall be taken up in the following order:

1. Reading the minutes.
2. Excuse of members at preceding meeting.
3. Report of committee of candidates for membership.
4. Collection of dues.
5. Are any of the order sick or suffering?
6. Report of committees.
7. New Business.

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## The '76 Association

[The preamble of the constitution will show that the '76 Association was similar in purpose and spirit to the other secret societies of the Ku Klux period. This society seems never to have spread beyond Louisiana. Some of the prominent members were: Braxton Bragg, Cadmus Wilcox, Dabney H. Maury, Dr. Alfred Holt, S. B. Buckner, Wm. M. Randolph, Rev. B. M. Palmer, and R. Morrison. These names are taken from the membership lists for 1869, the year of the foundation of the order. The constitution was printed in New Orleans.]

## PREAMBLE.

To oppose by all peaceful and lawful means in our power, the usurpations of the Radical Party.

To uphold the principles of the United States Constitution as established and interpreted by its framers.

To vindicate the history of the South from the malignant and systematic assaults and aspersions of the Press, Pulpits, and Politicians of the Radical Party.

To place before the world the true position of the South during the recent war, and her conditions at the present time.

To form a nucleus around which the true men of the South may rally in contending for these great ends.

To promote the material interests of the South.

And, further, as an auxiliary to this association, to establish and maintain in the City of New Orleans, a newspaper which shall be devoted to the advancement, advocacy, and dissemination of the principles.

We, the undersigned do form ourselves into an association, and adopt the following [Constitution of the '76 Association, a simple society constitution].

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## A Case of Extreme Discipline

There came a parcel of gentlemen to my house one night— or men. They went up to the door and ran against it. My wife was sick. I was lying on a pallet with my feet to the door. They ran against it and hallooed to me, "Open the door quick, quick, quick." I threw the door open immediately—right wide open. Two little children were lying with me. I said, "Come in, gentlemen." One of them says, "Do we look like gentlemen?" I says, "You look like men of some description; walk in." One says, "Come out here; are you ready to die?" I told him I was not prepared to die. "Well," he said, "you time is short; commence praying." I told him I was not a praying man much, and hardly ever prayed; only a few times; never did pray much. He says, "You ought to pray; your time is short, and now commence to pray." I told him I was not a praying man. One of them held a pistol to my head and said, "Get down and pray."

I was on the steps, with one foot on the ground. They led me off to a pine tree. There was three or four of them behind me, it appeared, and one on each side, and one in front. The gentleman who questioned me was the only man I could see. All the time I could not see the others. Every time I could get to look around they would touch me with a pistol on the other side. They would just touch me on the side of the head with a pistol, so I had to keep my head square in front. The next question was, "Who did you vote for?" I told them I voted for Mr. Turner— Claudius Turner, a gentleman in the neighborhood. They said, "What did you vote for him for?" I said, "I thought a good deal of him; he was a neighbor." I told them I disremembered who was on the ticket besides, but they had several, and I voted the ticket. "What did you do that for?" they said. Says I, "Because I thought it was right." "They said, "You thought it was right? It was right wrong." I said, "I never do anything hardly if I think it is wrong; if it was wrong I did not know it. That was my opinion at the time, and I thought every man ought to vote according to his notion." He said, "If you had taken the advise of your friends you would have been better off." I told him I had. Says I, "You may be a friend to me, but I can't tell who you are." Says he, "Can't you recognize anybody here?" I told him I could not; "In the condition you are in now I can't tell who you are." One of them had a very large set of teeth; I suppose they were three-quarters of an inch long; they came right straight down. He came up to me and sort of nodded. He had on speckled horns and calico stuff, and had a face on. He said, "Have you got a chisel here I could get?" I told him I hadn't, but I reckoned I could knock one out, and I sort of laughed. He said, "What in hell are you laughing at? It is no laughing time." I told him it sort of tickled me, and I thought I would laugh. I did not say anything then for a good while. "Old man," says one, "have you got a rope here, or plow-line, or something of the sort?" Itold him, "Yes; I had one hanging on the crib." He said, "Let us have it." One of them says, "String him up to this pine tree, and we will get all out of him. Get up, one of you, and let us pull him up, and he will tell the truth." I says, "I can't tell you anything more than I have told. There is nothing I can tell you but what I have told you that you asked me." One man

questioned me all this time. One would come up and say, "Let's hang him a while, and he will tell us the truth;" and another then came up and said, "Old man, we are just from hell; some of us have been dead ever since the Revolutionary war." Another one said, "We have heard your conversation for the last six months. I came up from under your kitchen floor just this night, and I have heard you conversation a good while." I was not scared, and said, "You have been through a right smart experience." "Yes," he said; "we have been through considerable experience." One of them says, "We have just come from hell." I said, "If I had been there I would not want to go back." One says, "Have you heard a wild goose holler lately?" I said, "I heard one the other night." Said he, "That is one of us coming over and looking down to see what you have been doing this time." I said, "You must fly then." He says, "When we start we can go a long ways." And then said, "How far is it to Osheville?" I said, "About sixty miles." He said, "How for to Spartanburgh?" I says, "Ten miles." He says, "We have got to go to Spartanburg to-night, and from there to Asheville before daylight;" it was then about 2 o'clock. I says, "You have a long trip," and laughed. He says, "What in hell are you laughing at?" "Why," said I, "by your going such a trip." He says, "This is no laughing time." I says, "If anything tickles me I always laugh, no matter how it is." Then they made me get down on my knees and told me to pray. I told them I was not a praying man, and didn't feel like it, and could not pray. Another put a pistol to my head and says, "Get down." I got down on one knee. I said, "I can't pray." One of them said, "Let us shoot him." Some six or seven of them pointed pistols at me, and I thought they were going to shoot. They said, "Commence praying; your time is short." I said, "I can't pray." They let me stand on my knee some time; one said something to the rest, and they went off to the others; one spoke to the others in some kind of Dutch talk—I could not understand it—and they all consulted together, and came back to me and said, "Old man, which would you rather have; six hundred lashes over your shirt, or five hundred lashes without your shirt, or to be shot or hanged?" Says I, "Gentlemen, I have no choice; if you are going to do either one, either one will do me; do it now and make an end of me. But what have

I done?" "You have done a d—d sight," one said. I said, "I don't know what it is. I do not trouble anybody. You can't bring anything against me by my neighbors. There is a heap of neighbors around me, and they all know me, and they can bring nothing against me. I was always said to be a good boy by Dr. Vernon that raised me." He says, "Who says so but you?" I says, "Anybody will say so." One of them says, "He has got a d—d good influence. Didn't you bribe anybody to go your way?" Says I, "No, sir." "How did you vote?" I told him I voted for Mr. Turner. I did not say anybody else but Mr. Turner all the time. He said several times, "Who else?" I never said anybody but Mr. Turner. He says to me, "Have you given advise to anybody to vote your way?" I said, "No, sir; I will tell you what I have done. I was with the parties the same day of the election, and I asked the boys how they were going to vote, and I said to them, won't you vote for Mr. Turner? and ain't you going to vote for Mr. Turner? but I could not make them do it." He says, "You have had a good influence; we must correct you a little." I told him I did not think that was any harm at all. He says, "We consider that it is." I thought they were not going to trouble me all this time. I thought it did not look so. I still kept in good spirits and laughed occasionally. They all left me but two—one by my side and another in front. They all got together again and consulted, and one says, "Let's go." I was standing, and one says, "Come, old man, come with us." I did not know what they were going to do with me. They went on with me thirty or forty steps from the house where we were standing, close to the house. Right in the road one says, "Jerk me a limb off that tree." One ran and jerked a limb off—a pretty heavy one, with two prongs to it. He says, "Pull off your shirt." "What for?" says I. "Pull off your shirt," he says; "don't you ask me anything." I didn't pull it off. "If you don't pull it off," says he, "I will shoot you in a minute. I will shoot a hole through you big enough for a rat to go through." I just turned it over my head. I had on only my drawers and my shirt. Then they hit me thirteen of the hardest cuts I ever got. I never had such cuts. They hit me right around the waist and by my hip, and cut a piece out about as wide as my two fingers in one place. I did not say a word while they were whipping, only

sort of grunted a little. As quick as they got through they said, "Go to your bed. We will have this country right before we get through; go to your bed," and they started away. One of them says, "Look here, what are you going to say when anybody asks you about this?" "What can I say, sir?" He says, "What are you going to say? I says, "I will have to say something." "Are you going to tell that we have been here?" I says, "What else can I say?" "Can't you tell a lie," says he, "and say nobody has been here?" Say I, "That would not be right." Can't you do it?" I told him I could do it. He said, "Just let us hear of this thing, and when we come back we will not leave a piece of you." That was the end of it. They left then, and got on their horses and went away.—Ku Klux Report, South Carolina, Testimony, 411.

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## The Freedmen's Bureau

The Bureau of Freedmen, Refugees, and Abandoned Lands was created by an act of Congress, approved March 3, 1865. On July 16, 1866, a supplementary act passed over the President's veto extended the Bureau for two years. July 6, 1868, a third act extended it for one more year in the unreconstructed states. A fourth act, on July 25, 1868, provided for the discontinuance of the Bureau after January 1, 1869, except as to the educational and bounty divisions. Finally, on June 10, 1872, an act abolished the Bureau after June 30, 1872, and turned its affairs over to the Secretary of War for settlement.

From 1861 to 1865 the Federal government had to provide in some way for the numerous blacks who crowded into the Union lines. The policies pursued were various and conflicting. Some commanders put the refugee negroes to work on fortifications or about the camps; others concentrated them in camps or colonies under the supervision of army officers, usually chaplains; all of them gave supplies to the negroes. The Treasury Department had control of property confiscated under the acts of Congress, and its agents employed freedmen to cultivate the plantations; many colonies of blacks were thus established. Numerous Freedmen's Aid Societies in the North cooperated with the government in looking after the negroes in the camps and colonies. There was in the War Department an unofficial "Department of Negro Affairs," which also attended to matters relating to negroes. Neither the War Department nor the Treasury was responsible for all that pertained to the blacks; first one and then the other seemed to be in control. Practically all of the camps, plantations, colonies, and communities failed because of incompetent and corrupt agents in charge.

The Freedmen's Bureau Act transferred the entire control of the blacks to a bureau of the War Department. It was to attend to all matters relating to white Union refugees, confiscated property, and negroes. At the head of the Bureau was the Commissioner, General O. O. Howard, with an assistant commissioner in each state. In practice, the Bureau was independent of, or rather superior to, the military and provisional civil administration in the South; it was in reality a complete government with almost despotic powers over the 4,000,000 blacks of the South; it removed them entirely from the control of the civil government and subordinated the civil government to itself. Its principal legal activities were in relief work, education, regulation of labor, and administration of justice.

In the relief work it spent about \$2,000,000 for hospitals and dispensary service among the Freedmen; about \$4,500,000 was expended

for food and clothes, 21,000,000 rations being distributed; something more than \$1,500,000 was expended in transporting 30,000 negroes, 4,000 white refugees, 4,000 teachers and missionaries, and 2,000 officials. Upon negro education the Bureau expended about \$5,200,000, principally in aid of the schools established by benevolent societies from the North. The whole field of labor legislation was covered. The Bureau regulated contracts, wages, hours, rations, clothing, and quarters; it classified laborers and forbade certain kinds of work; it required medical attendance for laborers and education of negro children; certain methods of renting were forbidden. In all that related to labor the Bureau was supreme. The Bureau courts had jurisdiction over all cases that arose among the blacks or between black and whites. They enforced the regulation of the Bureau, supervised the civil courts from which cases relating to negroes were often removed and the decisions of which were often set aside. Civil officials obnoxious to the Bureau were removed by military authority.

The income of the Bureau was derived from the sale of confiscated Confederate and private property, from fees, rents, taxes, bounty funds, gifts from individuals and associations, and from appropriations by Congress. The aggregate expenditure that may be accounted for was about \$20,000,000; in addition there were immense sums that were never carried on the books—probably \$20,000,000 more—in Confederate property, gifts, fees, and bounty funds. Nearly 1,000,000 acres of land belonging to private individuals had to be restored, but not before much of it had been given, leased or sold to freedmen.

As to the necessity for the Bureau opinions do not agree; it is generally agreed that it was not well administered and that the results of its work were too often not good. It was based on suspicion of the good faith of the whites and the presumption that whites and blacks were enemies. The higher officials were generally good men, some of the best being General Wager Swayne in Alabama, General J. S. Fullerton in Louisiana and District of Columbia, and General Schofield in Virginia. Others who stirred up strife between the races were Whittlesey of North Carolina, Chaplain T. W. Conway of Louisiana, T. W. Osborne of Florida, Scott in North Carolina, Fiske in Tennessee and Kentucky, and Sheridan in Louisiana. The superintendents and agents were generally inferior men—the hangers-on of the armies. The success or failure of the Bureau in a community depended on character of the agent in charge.

Much the most important work accomplished by the Bureau was to relieve the destitute whites, Union and Confederate, in the poorer counties. In the white districts the destitution was general and much suffering was relieved. In the great majority of the black communities there was at the end of the war no destitution, and had the negroes stayed at home and worked there would have been little want, but the distribution of rations caused them to crowd into the towns, and much suffering and disease resulted. In the later years of the Bureau rations were used simply as a means of organizing a

black political party. The labor regulations were, as a rule, good in theory but absurd in practice and the planters were forced to neglect or evade them, or cease to plant. The Bureau finally stopped trying to regulate labor. Extravagant claims were made for Bureau schools, but in fact its principal work was to aid the schools established by the benevolent societies from the North or by individuals. The 2,000 schools claimed were often only Sunday Schools and few of any kind were wholly controlled by the Bureau. The education given the negro was not suited to his needs, and the doctrines of social and political equality taught in some of the schools aroused the opposition of the whites. The principal negro colleges of the South have developed from some of the stronger church schools aided by the Bureau. The abuses in the administration of justice were flagrant, and the petty oppression practiced made the Bureau hated by the whites. The negroes, as often as the whites, were cheated and blacked-mailed by the agents, who were often purchased by the planters. The effect on the state government was to weaken and in places practically to destroy its administration.

From the beginning the Bureau entered politics and used its influence to build up a radical party. The Bureau officials in their political activities formed the white membership of the Union League and carried into execution the Reconstruction Acts. With the organization of the carpetbag government most Bureau officials secured office, and the institution was discontinued. (1)

(1) The only good account of the Bureau is by Paul S. Pierce, *The Freedmen's Bureau*, published by the University of Iowa. See also Garner's *Reconstruction in Mississippi*, c., and the articles referred to in Poole's Index. The government publications contain the official reports and regulations. The *Ku Klux Report* and the various other reports on conditions in the South contain much that relates to the institution.

The Freedmen's Savings and Trust Company (Freedmen's Savings Bank) was a private institution but conducted principally by officials of the Bureau. Well conducted it would have proven of great benefit to the negroes; but the management was corrupt and inefficient and the enterprise failed after a few years, many of the depositors losing their savings. (2)

(2) On the Freedmen's Savings Bank see Williams, *History of the Negro Race*, Hoffman's *Race Traits and Tendencies*, Fred Douglas, *Autobiography*, and the United States Government Documents.

# I. Laws Establishing The Bureau

## First Freedmen's Bureau Act

Approved March 3, 1865.

AN ACT to establish a bureau for the relief of freedmen and refugees.

[1] \* \* \* there is hereby established in the War Department, to continue during the present war of rebellion, and for one year thereafter, a Bureau of Refugees, Freedmen, and Abandoned Lands, to which shall be committed, as hereinafter provided, the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel states, or from any district of country within the territory embraced in the operations of the army, under such rules and regulations as may be prescribed by the head of the bureau and approved by the President. The said bureau shall be under the management and control of a commissioner, to be appointed by the President, by and with the advice and consent of the Senate, \* \* \* the commissioner, and all persons appointed under this act, shall before entering upon their duties, take the ["Iron-clad" test oath, prescribed by Act of July 2, 1862]. \* \* \*

Sec. 2. \* \* \* the Secretary of War may direct such issues of provisions, clothing and fuel as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen, and their wives and children, under such rules and regulations as he may direct.

Sec. 3. \* \* \* the President may, by and with the advice and consent of the Senate, appoint an assistant commissioner for each of the States declared to be in insurrection, not exceeding ten in number, who shall, under the direction of the commissioner, aid in the execution of the provisions of this act; \* \* \* [salary of civilian officials fixed, but] any military officer may be detailed and assigned to duty under this act without increase of pay or allowances. The commissioner shall, before the commencement of each regular session of Congress, make full report of his proceedings, with exhibits of the state of his accounts, to the President, who shall communicate the same to Congress, and shall also make special reports whenever required to do so by the President or either house of Congress; and the assistant commissioners shall make quarterly reports of their proceedings

to the commissioner, and also such other special reports as from time to time may be required.

Sec. 4. \* \* \* the commissioner, under the direction of the President, shall have authority to set apart, for the use of loyal refugees and freedmen, such tracts of lands within the insurrectionary states as shall have been abandoned, or to which the United States shall have acquired title by confiscation or sale, or otherwise; and to every male citizen, whether refugee or freedman, as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years at an annual rent not exceeding six per centum upon the value of such land as it was appraised by the state authorities in the year eighteen hundred and sixty for the purpose of taxation; and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the commissioner may by regulation prescribe. At the end of said term, or at any time during said term, the occupants of any parcels so assigned may purchase the land and receive such title thereto as the United States can convey, upon paying therefor the value of the land as ascertained and fixed for the purpose of determining the annual rent aforesaid.

Sec. 5. \* \* \* all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.—Statutes-at-Large, XIII., 507; Congressional Globe; McPherson, Reconstruction, 40.

## Supplementary Freedmen's Bureau Act

Passed Over President's Veto, July 16, 1866.

AN ACT to continue in force and to amend "An act to establish a Bureau for the relief of Freedmen and Refugees," and for other purposes.

[1] \* \* \* the act to establish a Bureau for the relief of Freedmen and Refugees, approved March third, eighteen hundred sixty-five, shall continue in force for the term of two years from and after the passage of this act.

Sec. 2. \* \* \* the supervision and care of said bureau shall extend to all loyal refugees and freedmen, so far as the same may be necessary to enable them as speedily as practicable to become self-supporting citizens of the United States, and to aid them in making the freedom conferred by the proclamation of the Commander-in-Chief, by emancipation under the laws of the States, and by constitutional amendment, available to them and beneficial to the Republic.

Sec. 3. \* \* \* the President shall, by and with the consent of the Senate, appoint two assistant commissioners, in addition to those authorized by the act [of March 3, 1865] \* \* \*

and each of the assistant commissioners of the bureau shall have charge of the district containing such refugees or freedmen, to be assigned him by the Commissioner, with the approval of the President. And the Commissioner shall, under the direction of the President, and so far as the same shall be, in his judgment, necessary for the efficient and economical administration of the affairs of the bureau, appoint such agents, clerks and assistants as may be required for the proper conduct of the bureau. Military officers or enlisted men may be detailed for service and assigned to duty under this act; and the President may, if in his judgment safe and judicious so to do, detail from the Army all the officers and agents of the bureau; but no officer so assigned shall have increase of pay or allowance. \* \* \* And it shall be the duty of the Commissioner, when it can be done consistently with the public interest, to appoint, as assistant commissioners, agents, and clerks, such men as have proved their loyalty by faithful service in the armies of the Union during the rebellion. And all persons appointed to service under this act and the act [of March 3, 1865] shall be so far deemed in the military service of the United States as to be under the military jurisdiction and entitled to the military protection of the Government while in the discharge of the duties of their office.

Sec. 4 \* \* \* the officers of the Veteran Reserve Corps or of the volunteer service, now on duty in the Freedmen's Bureau as assistant commissioners, agents, medical officers, or in other capacities, whose regiments or corps have been or may hereafter be mustered out of service, may be retained upon such duty as officers of said bureau, \* \* \* and the Secretary of War shall have power to fill vacancies until other officers can be detailed in their places without the detriment to the public service.

Sec. 5. \* \* \* the second section of the Act [of March 3, 1865] shall be deemed to authorize the Secretary of War to issue such medical stores or other supplies and transportation and afford such medical or other aid as may be needful for the purposes named in said section: Provided, That no person shall be deemed "destitute," "suffering," or "dependent upon the Government for support," within the meaning of this act, who is able to find employment, and could, by proper industry and exertion, avoid such destitution, suffering, or dependency.

Sec. 6. \* \* \* Whereas, [certain lands confiscated under the acts of Congress or sold for taxes by the United States tax commissioners] were in part sold [in 1863] by the said tax commissioners to "heads of families of the African race," \* \* \* and whereas, under the said instructions, the said tax commissioners did also set apart as "school farms" certain parcels of land \* \* \* Therefore. \* \* \* the sales made to "heads of families of the African race," under the instructions of President Lincoln to the United States direct tax commissioners for South Carolina, are hereby confirmed and es-

published; and all leases which have been made to such "heads of families" by said direct tax commissioners, shall be changed into certificates of sale in all cases wherein the lease provides for such substitution; and all the lands now remaining unsold, which come within the same designation, \* \* \* shall be disposed of according to said instructions.

Sec. 7. \* \* \* all other lands [acquired in similar manner by the United States in South Carolina] shall be disposed of in parcels of twenty acres, at one dollar and fifty cents per acre, to such persons, and to such only, as have acquired and are now occupying lands under and agreeable to the provisions of General Sherman's special field order, dated at Savannah, Georgia, January sixteenth, eighteen hundred and sixty-five, and the remaining lands, if any, shall be disposed of in like manner to such persons as had acquired lands agreeably to the said order of General Sherman but who have been dispossessed by the restoration of the same to former owners: Provided, That the lands sold in compliance with the provisions of this and the preceding section shall not be alienated by their purchasers within six years from and after the passage of this act.

Sec. 8. [Certain confiscated lands to be sold and the proceeds applied to education.]

Sec. 9. \* \* \* That the assistant commissioners for South Carolina and Georgia are hereby authorized to examine all claims to lands in their respective States which are claimed under the provisions of General Sherman's special field order, and to give each person having a valid claim a warrant upon the direct tax commissioners for South Carolina for twenty acres of land; and the said direct tax commissioners shall issue to every person, or to his or her heirs, but in no case to any assigns, presenting such warrant, a lease of twenty acres of land, as provided for in section seven, for the term of six years; but at any time thereafter, upon the payment of a sum not exceeding one dollar and fifty cents per acre, the person holding such lease shall be entitled to a certificate of sale of said tract of twenty acres from the direct tax commissioner or such officer as may be authorized to issue the same; but no warrant shall be held valid longer than two years after the issue of the same.

Sec. 10. [Provides for surveys of confiscated lands.]

Sec. 11. \* \* \* restoration of lands occupied by freedmen under General Sherman's field order \* \* \* shall not be made until after the crops of the present year shall have been gathered by the occupants of said lands, nor until a fair compensation shall have been made to them by the former owners of such lands, or their legal representatives, for all improvements or betterments erected or constructed thereon, and after due notice of the same being done shall have been given by the assistant commissioner.

Sec. 12. \* \* \* the Commissioner shall have power to

seize, hold, use, lease, or sell all buildings, and tenements, and any lands appertaining to the same, \* \* \* formerly held under color of title by the late so-called Confederate States, and not heretofore disposed of by the United States, and any buildings or lands held in trust for the same by any person or persons, and to use the same or appropriate the proceeds derived therefrom to the education of the freed people; and whenever the bureau shall cease to exist, such of said so-called Confederate States as shall have made provision for the education of their citizens without distinction of color shall receive the sum remaining unexpended of such sales or rentals, which shall be distributed among said States for educational purposes in proportion to their population.

Sec. 13. \* \* \* the Commissioner of this bureau shall at all times co-operate with private benevolent associations of citizens in aid of freedmen, and with agents and teachers, duly accredited and appointed by them, and shall hire or provide by lease, buildings for purposes of education whenever such associations shall, without cost to the Government, provide suitable teachers and means of instruction; and he shall furnish such protection as may be required for the safe conduct of such schools.

Sec. 14. \* \* \* in every State or district where the ordinary course of judicial proceedings has been interrupted by the rebellion, and until the same shall be fully restored, and in every State or district whose constitutional relations to the Government have been practically discontinued by the rebellion, and until such State shall have been restored in such relations, and shall be duly represented in the Congress of the United States, the right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, and the acquisition, enjoyment, and disposition of estate, real and personal, including the constitutional right to bear arms, shall be secured to and enjoy by all the citizens of such State or district without respect to race or color, or previous condition of slavery. And whenever in either of said States or districts the ordinary course of judicial proceedings has been interrupted by the rebellion, and until the same shall be fully restored, and until such State shall have been restored to its constitutional relations to the Government, and shall be duly represented in the Congress of the United States, the President shall, through the Commissioner and the officers of the bureau, and under such rules and regulations as the President, through the Secretary of War, shall prescribe, extend military protection and have military jurisdiction over all cases and questions concerning the free enjoyment of such immunities and rights; and no penalty or punishment for any violation of law shall be imposed or permitted because of race, or color, or previous condition of slavery

other or greater than the penalty of punishment to which the white persons may be liable by law for the like offense. But the jurisdiction conferred by this section upon the officers of the bureau shall not exist in any State where the ordinary course of judicial proceedings has not been interrupted by the rebellion, and shall cease in every State when the courts of the State and the United States are not disturbed in the peaceable course of justice, and such State shall be fully restored in its constitutional relations to the Government, and shall be duly represented in the Congress of the United States.

Sec. 15. \* \* \* all officers, agents, and employes of this bureau, before entering upon the duties of their office, shall take the ["ironclad" test oath of July 2, 1862].—Statutes-at-Large, XIV., 173; Congressional Globe, 39 Cong., 1 Sess., Pt. 5, Appendix, 366; McPherson, Reconstruction, 149.

## 2. Veto Messages of the President

### Message of President Johnson to the Senate

February 19, 1866.

\* \* \* I share with Congress the strongest desire to secure to the freedmen the full enjoyment of their freedom and property and their entire independence and equality in making contracts for their labor, but the bill before me contains provisions which in my opinion are not warranted by the Constitution and are not well suited to accomplish the end in view.

\* \* \* The agent who is thus to exercise the office of a military judge may be a stranger, entirely ignorant of the laws of the place, and exposed to the errors of judgment to which all men are liable. The exercise of power over which there is no legal supervision by so vast a number of agents as is contemplated by the bill must, by the very nature of man, be attended by acts of caprice, injustice, and passion. \* \* \*

The trials having their origin under this bill are to take place without the intervention of a jury and without any fixed rules of law or evidence. \* \* \* No previous presentment is required nor any indictment charging the commission of a crime against the laws; but the trial must proceed on charges and specifications. The punishment will be, not what the law declares, but such as a court-martial may think proper; and from these arbitrary tribunals there lies no appeal, no writ of error to any of the courts in which the Constitution of the United States vests exclusively the judicial power of the country. \* \* \*

I cannot reconcile a system of military jurisdiction of this kind with the words of the Constitution which declare that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of the grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger," and that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed." The safeguards which the experience and wisdom of ages taught our fathers to establish as securities for the protection of the innocent, the punishment of the guilty, and the equal administration of justice are to be set aside, and for the sake of

a more vigorous interposition in behalf of justice we are to take risks of the many acts of injustice that would necessarily follow from an almost countless number of agents established in every parish and county in nearly a third of the States in the Union, over whose decisions there is to be no supervision or control by the Federal courts. The power that would be thus placed in the hands of the President is such as in times of peace ought never to be intrusted to any one man.

If it be asked whether the creation of such a tribunal within a State is warranted as a measure of war, the question immediately presents itself whether we are still engaged in war. \* \*

\* At present there is no part of our country in which the authority of the United States is disputed. Offenses that may be committed by individuals should not work a forfeiture of the rights of whole communities. The country has returned, or is returning, to a state of peace and industry, and the rebellion is in fact at an end. The measure, therefore, seems to be as inconsistent with the actual conditions of the country as it is at variance with the Constitution of the United States. \* \* \* I am not, therefore, able to discern in the condition of the country anything to justify an apprehension that the powers and agencies of the Freedmen's Bureau, which were effective for the protection of freemen and refugees during the actual continuance of hostilities and of African servitude, will now, in a time of peace and after the abolition of slavery, prove inadequate to the same proper end. If I am correct in these views, there can be no necessity for the enlargement of the powers of the Bureau, for which provision is made in the bill. \* \* \*

The Congress of the United States has never heretofore thought itself empowered to establish asylums beyond the limits of the District of Columbia, except for the benefit of our disabled soldiers and sailors. It has never founded schools for any class of our own people, not even for the orphans of those who have fallen in defense of the Union, but has left the care of education to the much more competent and efficient control of the States, of communities, of private associations, and of individuals. It has never deemed itself authorized to expend the public money for the rent or purchase of homes for the thousands, not to say millions, of the white race who are honestly toiling from day to day for their subsistence. A system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution; nor can any good reason be advanced why, as a permanent establishment, it should be founded for one class or color of our people more than another. Pending the war many refugees and freedmen received support from the Government, but it was never intended that they should thenceforth be fed, clothed, educated, and sheltered by the United States. The idea on which the slaves were assisted to freedom was that on becoming free they would be a self-sustaining population. Any

legislation that should imply that they are not expected to attain a self-sustaining condition must have a tendency injurious alike to their character and their prospects. \* \* \*

The fifth section of the bill proposes to take away land from its former owners without any legal proceedings being first had, contrary to the Constitution which declares that no person shall "be deprived of life, liberty, or property with out due process of law."

\* \* \* It will tend to keep the mind of the freedman in a state of uncertain expectation and restlessness, while to those among whom he lives it will be a source of constant and vague apprehension. \* \* \*

He is in a portion of the country where his labor cannot be spared. Competition for his services from planters, from those who are constructing or repairing railroads, and from capitalists in his vicinity or from other States will enable him to command almost his own terms. He also possesses a perfect right to change his place of abode, and if, therefore, he does not find in one community or State a mode of life suited to his desire or proper remuneration for his labor, he can move to another where his labor is more esteemed and better rewarded. In truth, however, each State, induced by its own wants and interests, will do what is necessary and proper to retain within its borders all the labor that is needed for the development of its resources. The laws that regulate supply and demand will maintain their force, and the wages of the laborer will be regulated thereby. There is no danger that the exceedingly great demand for labor will not operate in favor of the laborer.

Neither is sufficient consideration given to the ability of the freedmen to protect and take care of themselves. It is no more than justice to them to believe that as they have received their freedom with moderation and forbearance, so they will distinguish themselves by their industry and thrift, and soon show the world that in a condition of freedom they are self-sustaining, capable of selecting their own employment and their own places of abode, of insisting for themselves on a proper remuneration, and of establishing and maintaining their own asylums and schools. It is earnestly hoped that instead of wasting away they will by their own efforts establish for themselves a condition of respectability and prosperity. It is certain that they can attain to that condition only through their own merits and exertions.

In this connection the query presents itself whether the system proposed by the bill will not, when put into complete operation, practically transfer the entire care, support, and control of 4,000,000 emancipated slaves to agents, overseers, or task masters, who, appointed at Washington, are to be located in every county and parish throughout the United States containing freedmen and refugees. Such a system would inevitably tend to a concentration of power in the Executive, which would enable him, if so

disposed, to control the action of this numerous class and use them for the attainment of his own political ends.

I cannot but add another very grave objection to this bill. The Constitution imperatively declares, in connection with taxation, that each State shall have at least one Representative, and fixes the rule for the number to which, in future times each State shall be entitled. It also provides that the Senate of the United States shall be composed of two Senators from each State, and adds with peculiar force "that no State without its consent, shall be deprived of its equal suffrage in the Senate." \* \* \* At the time, however, of the consideration and passing of this bill there was no Senator or Representative in Congress from the eleven States which are to be mainly affected by its provisions. The very fact that reports were and are made against the good disposition of the people of that portion of the country is an additional reason why they need and should have representatives of their own in Congress to explain their condition, reply to accusation, and assist by their local knowledge in the perfecting of measures immediately affecting themselves. \* \* \*

It is plain that an indefinite or permanent exclusion of any part of the country from representation must be attained by a spirit of disquiet and complaint. It is unwise and dangerous to pursue a course of measures which will unite a very large section of the country against another section of the country, however much the latter may predominate. Under the political education of the American people the idea is inherent and ineradicable that the consent of the majority of the whole people is necessary to secure a willing acquiescence in legislation.—Messages and Papers of the President, VI, 398.

## Message of President Johnson to the House of Representatives

July 16, 1866.

\* \* \* The only ground upon which this kind of legislation can be justified in that of the war-making power. The act of which this bill is intended as amendatory was passed during the existence of war. By its own provisions it is to terminate within one year from the cessation of hostilities and the declaration of peace. It is therefore yet in existence, and it is likely to continue in force as long as the freedmen may require the benefit of its provisions. It will certainly remain in operation as a law until some months subsequent to the meeting of the next session of Congress, when, if experience shall make evident the necessity of additional legislation, the two Houses will have ample time to mature and pass the requisite measures.

\* \* \* Now, however, war has substantially ceased; the ordinary course of judicial proceedings is no longer interrupted; the

courts, both State and Federal, are in full, complete, and successful operation, and through them every person, regardless of race and color, is entitled to and can be heard. The protection granted to the white citizen is already conferred by law upon the freedmen; strong and stringent guards, by way of penalties and punishments, are thrown around his person and property, and it is believed that ample protection will be afforded him by due process of law, without resort to the dangerous expedient of "military tribunal," now that the war has been brought to a close. The necessity no longer existing for such tribunals which had their origin in the war, grave objections to their continuance must present themselves to the minds of all reflecting and dispassionate men.

\* \* \* By the laws of the United States and of the different States competent courts, Federal and State, have been established and are now in full practical operation. By means of these civil tribunals ample redress is afforded for all private wrongs, whether to the person or the property of the citizen, without regard to race or color. I feel assured that it will be better to trust the rights, privileges and immunities of the citizens to tribunals thus established, and presided over by competent and impartial judges, bound by fixed rules of law and evidence, and where the right of trial by jury is guaranteed and secured, than to the caprice or judgment of an officer if the Bureau, who it is possible, may be entirely ignorant of the principles that underlie the just administration of the law. There is a danger, too, that conflict of jurisdiction will frequently arise between the civil courts and these military tribunals, each having concurrent jurisdiction over the person and the cause of action—the one judicature administered and controlled by civil law, the other by the military.

Recent developments in regard to the practical operations of the Bureau in many of the States show that in numerous instances it is used by its agents as a means of promoting their individual advantage, and that the freedmen are employed for the advancement of the personal ends of the officers instead of their own improvement and welfare, thus confirming the fears originally entertained by many that the continuation of such a Bureau for any unnecessary length of time would inevitably result in fraud, corruption, and oppression.—Messages and Papers of the President, VI, 422.

### 3. Official Regulations

#### Sherman's Special Field Orders

Headquarters Military Division of the Mississippi,  
In the Field, Savannah, Ga., Jan. 16, 1865.

I. The islands from Charleston, south, the abandoned rice fields along the rivers for thirty miles back from the sea, and the country bordering the St. John's river, Florida, are reserved and set apart for the settlement of the negroes now made free by the acts of war and the proclamation of the President of the United States.

II. At Beaufort, Hilton Head, Savannah, Fernandina, St. Augustine, and Jacksonville, the blacks may remain in their chosen or accustomed vocations, but on the islands, and in the settlements hereafter to be established, no white person whatever, unless military officers and soldiers, detailed for duty, will be permitted to reside; and the sole and exclusive management of affairs will be left to the freed people themselves, subject only to the United States military authority and the acts of Congress. By the laws of war and orders of the President of the United States the negro is free, and must be dealt with as such. He cannot be subjected to conscription or forced military service, save by the written orders of the highest military authority of the department, under such regulations as the President or Congress may prescribe. Domestic servants, blacksmith, carpenters, and other mechanics, will be free to select their own work and residence, but the young and able-bodied negroes must be encouraged to enlist as soldiers in the service of the United States, to contribute their share towards maintaining their own freedom, and securing their rights as citizens of the United States.

Negroes so enlisted will be organized into companies, battalions and regiments, under the orders of the United States military authorities, and will be paid, fed, and clothed according to law. The bounties paid on enlistment may, with the consent of the recruit, go to assist his family settlement in procuring agricultural implements, seed, tools, boots, clothing and other articles necessary for their livelihood.

III. Whenever three respectable negroes, heads of families, shall desire to settle on lands, and shall have selected for that purpose an island or a locality clearly defined, within the limits above designated, the inspector of settlements and plantations will himself, or by such subordinate officer as he may appoint, give them a license to settle such island or district, and afford them such assistance as he can to enable them to establish a peaceable agri-

cultural settlement. The three parties named will subdivide the land, under the supervision of the inspector, among themselves and such others as may choose to settle near them, so that each family shall have a plot of not more than forty (40) acres of tillable ground, and when it borders on some water channel, with not more than 800 feet water front, in the possession of which land the military authorities will afford them protection until such time as they can protect themselves, or until Congress shall regulate their title. The quartermaster may, on the requisition of the inspector of settlements and plantations, place at the disposal of the inspector one or more of the captured steamers, to ply between the settlements and one or more of the commercial points heretofore named in orders, to afford the settlers the opportunity to supply their necessary wants, and to sell the products of their land and labor.

IV. Whenever a negro has enlisted in the military service of the United States he may locate his family in any one of the settlements at pleasure, and acquire a homestead and all other rights and privileges of a settler, as though present in person. In like manner negroes may settle their families and engage on board the gunboats, or in fishing, or in the navigation of the inland waters, without losing any claim to land or other advantages derived from this system. But no one, unless an actual settler as above defined or unless absent on government service, will be entitled to claim any right to land or property in any settlement by virtue of these orders.

V. In order to carry out this system of settlement, a general officer will be detailed as inspector of settlements and plantations, whose duty it shall be to visit the settlement, to regulate their police and general management, and who will furnish personally to each head of a family, subject to the approval of the President of the United States, a possessory title in writing, giving as near as possible the description of boundaries, and who shall adjust all claims or conflicts that may arise under the same, subject to the like approval, treating such titles altogether as possessory. The same general officer will also be charged with the enlistment and organization of the negro recruits, and protecting their interests while absent from their settlements, and will be governed by the rules and regulations prescribed by the War Department for such purposes.

VI. Brigadier General R. Saxton is hereby appointed inspector of settlements and plantations, and will at once enter on the performance of his duties. No change is intended or desired in the settlement now on Beaufort island, nor will any rights to property heretofore acquired be affected thereby.

By order of Major General W. T. Sherman.

L. M. DAYTON,  
Assistant Adjutant General.

Ho. Ex. Doc No. 11, 39 Cong., 1 Sess.

## Labor Regulations for Mobile, Alabama

May, 1865.

Laborers will be allowed and encouraged to make voluntary contracts either with their former masters, or any other person wishing to employ them. These contracts will be submitted to the Superintendent of Freedmen, and if found by him to be fair and honest, will be by him approved and registered. A register of unemployed persons is kept at the Freedmen's Bureau, and any person wishing laborers can obtain them on applying there, at the following rates per month:

Male hands, first class.....	\$10.00
Male hands, second class.....	8.00
Male hands, third class.....	6.00
Female hands, first class.....	10.00
Female hands, second class.....	8.00
Female hands, third class.....	6.00
Boys under 14 years of age.....	3.00
Girls under 14 years of age.....	2.00

Colored persons showing that they have trades which will support them, will be allowed to work at the following rates per day:

Male and Female hands, first class.....	\$2.50
Male and Female hands, second class.....	2.00
Male and Female hands, third class.....	1.50

Mechanics will always receive not less than \$5 per month in addition to first class rates.

These "classes" will be determined by merit and on agreement between the employer and employee. The money wages will be paid quarterly, as follows: On the 1st day of July, 1st day of October, 1865, and the final payment on or before the date of expiration of contract.

All contracts will be for, from not less than three months to the balance of this year, and must secure to the laborer, in addition to the pay, just treatment, wholesome food, comfortable clothing, quarters, fuel and medical attendance.

No contract will be considered binding, nor the person be recognized as employed, unless said contract is registered and signed by both parties at the Freedmen's Bureau; this being done, a certificate of employment will be given. The same certificate will be furnished officers' colored servants presenting the certificate of the officer employing them. And to colored employees in the different departments of the army, provided their name is on the copy of the roll required by General Field Orders No. 28, Army and Division West Mississippi.

The laborers must understand that it is for their own interest to do their work faithfully, and that the Government, while it will protect and sustain them against ill-treatment, will not

countenance idleness and vagrancy, nor support these who are capable of earning an honest living by industry. When they have once selected, they must fulfill their contract, and will not be allowed to leave their place of employment (except in cases when they are permitted so to do by the Superintendent), and if they do so leave without cause and without permission, they will forfeit all wages earned to the time of abandonment, and be otherwise punished as the nature of the case may require. Wages for the time lost will be deducted in case of sickness, and both wages and rations where the sickness is feigned for purposes of idleness, proof of which will be the certificate of the Medical Officer in attendance, and in cases of feigned sickness, or refusal to work according to contract, when able to do so, such offender will be reported to the Superintendent, and put upon forced labor on the public works without pay.

A reasonable time having been given for voluntary contracts to be made, any colored person found without a certificate of employment will be furnished work by the Superintendent, who, supplying the different Departments of the Army with the number required, will organize the remainder, and the aged, infirm and helpless, into Home Colonies, and put them on plantations.

Employers and their agents will be held to rigid accountability for their conduct toward the laborers, and any cruelty, inhumanity or neglect of duty will be summarily punished.

Officers of the different Staff Departments requiring colored laborers will apply at the Freedmen's Bureau, and no "pressing" of colored persons or their property will be allowed, without authority from that office.—Montgomery Daily Mail, May 12, 1865.

## Rules and Regulations for the Assistant Commissioners

May 30, 1865.

Bureau of Refugees, Freedmen, and Abandoned Lands,

Washington, May 30, 1865.

I. The headquarters of the Assistant Commissioners will, for the present, be established as follows, viz: For Virginia, at Richmond, Va.; for North Carolina, at Raleigh, N. C.; for South Carolina and Georgia, at Beaufort, S. C.; for Alabama, at Montgomery, Ala.; for Kentucky and Tennessee, at Nashville, Tenn.; for Missouri, and Arkansas, at St. Louis, Mo.; for Mississippi, at Vicksburg, Miss.; for Louisiana, at New Orleans, La.; for Florida, at Jacksonville, Fla.

II. Assistant Commissioners, not already at their posts, will make all haste to establish their headquarters, acquaint themselves with their fields, and do all in their power to quicken and direct the industry of refugees and freedmen, that they and their communities may do all that can be done for the season, already so far advanced, to prevent starvation and suffering, and promote

good order and prosperity. Their attention is invited to Circular No. 2, from this Bureau, indicative of the objects to be attained.

III. Relief establishments will be discontinued as speedily as the cessation of hostilities and the return of industrial pursuits will permit. Great discrimination will be observed in administering relief, so as to include none that are not absolutely necessitous and destitute.

VI. Every effort will be made to render the people self-supporting. Government supplies will only be temporarily issued to enable destitute persons speedily to support themselves, and exact accounts must be kept with each individual or community, and held as a lien upon their crops. The ration for the destitute will be that already provided in General Orders No. 30, War Department, series 1864. The commissioners are especially to remember that their duties are to enforce, with reference to these classes, the laws of the United States.

V. Loyal refugees, who have been driven from their homes will, on their return, be protected from abuse, and the calamities of their situation relieved as far as possible. If destitute, they will be aided with transportation, and food when deemed expedient, while in transitu, returning to their former homes.

VI. Simple good faith, for which we hope on all hands from those concerned in the passing away of slavery, will especially relieve the Assistant Commissioners in the discharge of their duties toward the freedmen, as well as promote the general welfare. The Assistant Commissioners will everywhere declare and protect their freedom, as set forth in the proclamations of the President and the laws of Congress.

VII. In all places where there is an interruption of civil law, or in which local courts, by reason of old codes, in violation of the freedom guaranteed by the proclamation of the President and laws of Congress, disregard the negro's right to justice before the laws in not allowing him to give testimony, the control of all subjects relating to refugees and freedmen being committed to this bureau, the Assistant Commissioners will adjudicate, either themselves or through officers of their appointment, all difficulties arising between negroes themselves, or between negroes and whites or Indians, except those in military service, so far as recognizable by military authority, and not taken cognizance of by the other tribunals, civil or military, of the United States.

VIII. Negroes must be free to choose their own employers, and be paid for their labor. Agreements should be free, bona fide acts, approved by proper officers, and their inviolability enforced on both parties. The old system of overseers, tending to compulsory unpaid labor and acts of cruelty and oppression, is prohibited. The unity of families, and all the rights of the family relation, will be carefully guarded. In places where the local statutes make no provisions for the marriage of persons of color, the Assistant Commissioners are authorized to designate officers

who shall keep a record of marriages, which may be solemnized by any ordained minister of the gospel, who shall make a return of the same, with such items as may be required for registration at places designated by the Assistant Commissioner. Registrations already made by the United States officers will be carefully preserved.

IX. Assistant Commissioners will instruct their receiving and disbursing officers to make requisitions upon all officers, civil or military, in charge of funds, abandoned lands, &c., within their respective territories, to turn over the same in accordance with the orders of the President. They will direct their medical officers to ascertain the facts and necessities connected with the medical treatment and sanitary condition of refugees and freedmen. They will instruct their teachers to collect the facts in reference to the progress of the work of education, and aid it with as few changes as possible to the close of the present season. During the school vacation of the hot months, special attention will be given to the provision for the next year.

X. Assistant Commissioners will aid refugees and freedmen in securing titles to land according to law. This may be done for them as individuals or by encouraging joint companies.

XI. This bureau being in the War Department, all rules and regulations governing officers under accountability for property apply as set forth in the revised regulations of the army. All other persons in the service of the bureau are also subject to military jurisdiction.

XII. Assistant Commissioners will require regular and complete reports from their subordinates, and will themselves report quarterly, as directed by law, and correspond frequently with this bureau, directing to the Commissioner in person.

O. O. HOWARD,

Major General, Commissioner Bureau of Refugees, Freedmen, &c.

Approved June 2, 1865.—Ho. Ex. Doc. No. 11, 39 Cong., 1 Sp. Sess.

## Instructions to Assistant Commissioners & Other Officers

July 12, 1865.

Bureau of Refugees, Freedmen, and Abandoned Lands.

Washington, July 12, 1865.

Each Assistant Commissioner will be careful, in the establishment of sub-districts, to have the office of his agent at some point easy of access for the people of the sub-district.

He will have at least one agent, either a citizen, military officer, or enlisted man, in each sub-district. This agent must be thoroughly instructed in his duties. He will be furnished with the proper blanks for contracts, and will institute methods adequate to meet the wants of his district in accordance with the rules of this bureau. No fixed rates of wages will be prescribed

for a district, but in order to regulate fair wages in given individual cases the agent should have in mind minimum rates for his own guidance. By careful inquiry as to the hire of an able-bodied man when the pay went to the master, he will have an approximate test of the value of labor. He must of course consider the entire change of circumstances, and be sure that the laborer has due protection against avarice and extortion. Wages had better be secured by a lien on the crops or land. Employers are desired to enter into written agreements with employes, setting forth stated wages, or securing an interest in the land or crop, or both. All such agreements will be approved by the nearest agent, and a duplicate filed in his office. In case there should be no agent within reach, the nearest postmaster will forward the duplicate of contracts direct to the Assistant Commissioner for the State.

Attention is specially called to section 4 of the law establishing the bureau, with regard to setting apart land to "every male citizen, whether refugee or freedman," &c., and the same arrangement is recommended, when it can be effected, between private parties. Already many farmers have rented lands to freedmen and refugees. This course is a recognition of the general principle in the law.

In order to enforce the fulfilment of contracts on both contracting parties, the Commissioner of the bureau lays down no general rule, the Assistant Commissioner must use the privileges and authority he already has. Provost courts, military commissions, local courts, where the freedmen and refugees have equal rights with other people, are open to his use. In the great majority of cases his own arbitrament, or that of his agent, or the settlement by referees, will be sufficient.

No Assistant Commissioner, or agent, is authorized to tolerate compulsory unpaid labor, except for the legal punishment of crime. Suffering may result to some extent, but suffering is preferred to slavery, and is to some degree the necessary consequence of events.

In all actions the officer should never forget that no substitute for slavery, like apprenticeship without proper consent, or peonage, (i. e., either holding the people by debt, or confining them, without consent, to the land by any system,) will be tolerated.

The Assistant Commissioner will designate one or more of his agents to act as the general superintendent of schools (one for each State) for refugees and freedmen. This officer will work as much as possible in conjunction with State officers who may have school matters in charge. If a general system can be adopted for a State, it is well; but if not, he will at least take cognizance of all that is being done to educate refugees and freedmen, secure proper protection to schools and teachers, promote method and efficiency, correspond with the benevolent

agencies which are supplying his field, and aid the Assistant Commissioner in making his required reports.

Surgeon C. W. Hornor, chief medical officer of the bureau, will have the general supervision of medical matters connected with refugees and freedmen.

The Assistant Commissioners will instruct their medical officers, as they have instructed other officers, to make the medical department self-supporting as far as possible.

All public addresses of a character calculated to create discontent are reprehensible; but the Assistant Commissioner and his agents must explain, by constant recapitulation, the principles, laws, and regulations of this bureau to all parties concerned. It is recommended to the Assistant Commissioners to draw up in writing a careful summary to be publicly and privately read by agents throughout their respective districts.

O. O. HOWARD,

Major General, Commissioner.

Ho. Ex. Doc. No. 11, 39 Cong., 1 Sess.

## Instructions to Bureau Agents in Louisiana

Headquarters Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana,

New Orleans, Dec. 4, 1865.

The following rules for the interpretation of contracts between employers and freedmen are announced:

I. Bank forms will be distributed from this office for the purpose of securing uniformity in contracts and to indicate the matters concerning which the parties shall contract. Beyond this the bargains must be entirely voluntary and unconstrained.

Laborers shall choose their employers, and it is their privilege, as well as their duty, to obtain the best terms they can for their services.

All contracts for labor should be made in triplicate, and should be approved by the agent of this bureau for the parish in which the parties reside; one copy to be retained by the employer, and the other two copies sent to this office—one to be forwarded to Washington.

Contracts made otherwise than as thus prescribed will not be regarded as binding by the Bureau, nor as meriting its interference to enforce them, unless for the protection of the laborer.

II. As far as practicable, all the members of the same family should contract conjointly for their labor, so that the number of useful hands and the number of infirm who have to be supported may be regarded in fixing the rate of pay. The labor of minor children to be contracted for by their parents or guardian, and, in the absence of either, by the agent of this bureau.

III. The monthly wages must be a just compensation for the labor required to be performed.

IV. Twenty-six days, of ten hours each in summer, and nine hours in winter, between the hours of daylight and dark, shall be considered a month.

V. Any work in excess of this will be considered as extra labor, and six hours will be considered as an equivalent for a day's work, and fractional parts of the six hours will be paid for at the same rate.

VI. Laborers working extra time will be allowed a half ration extra for each and every six hour's labor performed.

VII. In addition to the monthly wages paid to laborers, good and wholesome rations, comfortable clothing and quarters, medical attendance and just treatment, and the opportunity for instruction of children will be furnished free of charge; but the rations, clothing and quarters, fuel, and all other privileges granted by the employer, are part of the consideration which he pays for the services of the laborer, and are as really and fully wages as the money contracted to be paid, and are always taken into the account in fixing the amount of money wages to be paid.

VIII. The Sabbath day being set apart for the worship of God, no laborer will be required to perform any work on that day, except works of necessity or mercy.

IX. The ration furnished to laborers shall be as follows: One peck of cornmeal and five pounds of pork or bacon per week, and the money value of this ration will be taken into the account in fixing the rate of wages to be paid.

X. The allowance of clothing will be two summer and one winter suit for each laborer or member of the family, or clothing may be commuted at the rate of three dollars per month for first-class hands, two and one-half dollars per month for second and third-class hands, and one and one-half dollars per month for children, at the option of the laborer.

XI. Quarters shall be such as to protect the laborer and his family from the inclemency of the weather, and must contain accommodations for cooking, and, in addition, one-half acre of land, contiguous to the houses, will be set apart for each family for garden purposes.

XII. Should the contracting parties prefer it, the laborers can engage to furnish their own food and clothing, their wages to be regulated accordingly. These supplies may be purchased from the employer, who must, if he undertakes to supply his hands, in all cases, keep a regular book account for each hand, and sell at usual market rates, which accounts must be open at all times to the inspection of the agents of this bureau. This mode of contract is recommended to the freedmen. Should they desire to contract for a certain portion of the crop, they can do so, and the employer, in all contracts of this kind, will be required to comply with section XVII of this circular, and also to pay over to the agent of this bureau one-twentieth of the value of the laborer's share of said crop monthly, or whenever demanded, for

school purposes; this estimate to be based on the average production of the land under cultivation.

XIII. Five per cent. of the monthly wages of the laborers will be retained in the hands of the employer, and paid over, when demanded to the agent authorized to receive it, to be used for the purpose of sustaining schools for the education of the children of the freedmen, and for no other purpose; and if not demanded for the purpose designated during the year, the amount so retained will be paid over to the laborer at the settlement of his account. One-half of the balance of the monthly wages will be paid to the laborer on the last day of each month, and the remaining one-half will be retained by the employer until the contract is fulfilled, when it will be paid over to the laborer.

XIV. Should the laborer refuse to do the work contracted for, or should he leave the plantation or place on which, or employer for whom, he has engaged to work, for the purpose of avoiding labor, without just cause or provocation, which will be determined by the agent of the bureau for the parish in which he resides, upon application—and failure to make application for redress by the laborer will be considered as prima facie evidence against him—he shall forfeit all wages that may be due him at the time of leaving to his employer; and should he refuse after having voluntarily entered into an agreement to labor, or fail to comply with, and be governed by, such ordinary and reasonable rules as may be adopted by his employer for the systematic carrying on of his business, or fail in any way to be a good and faithful laborer, according to his contract, or be wanting in due respect and obedience to his employer or his family, in the performance of his or their duties, he may be discharged, and obliged to remove his family from the premises of his employer, by application to the agent of this bureau for the parish in which he resides. For failure to be at the appointed place of labor at the usual hour of commencing work, unless in case of sickness, the employer may deduct twice the amount of money wages for the time lost, to compensate for clothing and rations, as well as lost time.

XV. Planters and others employing labor will, when the nature of their business requires that work be performed at night and on Sundays, during certain periods, distinctly specify in the contract that the employes agree to do such work at such times as it may be required—the consideration for which must be distinctly stated in the agreement.

XVI. No restraints or disabilities shall be imposed upon freedmen that are not imposed upon white men. They are amenable to the same laws, and can only be restrained in the free exercise of their rights and privileges by reason of a violation of the laws of the land, as made and provided for the government of white men.

XVII. Should the agent deem it necessary, he will require

the employer to give security that the requisite amount of provision to furnish the laborers with the specified ration shall be on hand on the plantation from month to month for issue or sale to the laborers and their families, as the terms of their contract may require. The rations and clothing specified in the order will be the minimum that will be regarded by the bureau as sufficient food and comfortable clothing.

XVIII. Employers can adopt rules for systematizing the work on their plantations or elsewhere, which rules and regulations shall be read in the presence of the laborers previous to contracting, and which, if assented to, shall be made part of the agreement, and be binding upon both parties. And the parties may agree upon a system of fines for violation of these rules, which fines shall constitute a fund to be distributed among the laborers who have not been delinquent; and in case there are none such, to be paid over to the agent of this bureau, to be applied to the support of the freedmen's school.

XIX. All crops and property on any plantation where laborers are employed will be held to be covered by a lien against all other creditors to the extent of the wages due employes, and such lien will follow such crops and property in any and all hands until such labor is fully paid and satisfied.

XX. For the purpose of reimbursing to the United States some portion of the expenses of this system, and of supporting the aged, infirm, and helpless, the following tax will be collected:

From each planter, for every hand employed by him between the ages of eighteen and fifty, one dollar per annum.

This sum will be payable and collected on the first day of June next, and will be paid over to the superintendent of freedmen for disbursement.

By order of Brevet Major General A. Baird, United States volunteers, assistant commissioner, Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana.—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

## Bureau Courts in Alabama

Office Assistant Commissioner, State of Alabama,  
Bureau of Refugees, Freedmen, and Abandoned Lands,  
Montgomery, Ala., Aug. 4, 1865.

\* \* \* The code under which the local courts of this State are at present acting excludes the testimony of the persons contemplated in this order. Exclusive jurisdiction, therefore, in the cases above enumerated within this State, is vested in the assistant commissioner of this bureau. That officer is unwilling to establish throughout Alabama courts conducted by persons foreign to her citizenship and strangers to her laws; and fair administration of justice can be otherwise served. Therefore, until further orders, the judicial officers and magistrates holding office

by appointment of the provisional governor of Alabama are hereby designated as the agents of this bureau for the administration of justice in the cases above mentioned. They will take for their method of procedure the laws now in force in this State, except so far as those laws make a distinction on account of color. The counties adjoining the Tennessee river being temporarily attached to another, are exempt from the operation of the order. Each officer on assuming jurisdiction will signify to the assistant commissioner his acceptance of the same. He will receive the support of the military authorities whenever needful. Process will be in the same name and form as under the existing provisional government. In addition to the usual costs, they will assess in civil cases a proper charge for adjudication, and in criminal cases which are not flagrant, fines. From this fund they will be reimbursed in proportion to their salaries. They will allow to juries and executive officers the same fees as in other cases. Further instructions will be sent them from this office.

Failure to signify acceptance, or evident denial of justice, will be followed by revocation of the appointment herein conferred, and the substitution of martial law in the district where it shall occur. All good citizens are invited to give to this order the prevalence and support that is indispensable to the public peace and the security of property and life.

By order of Brigadier General Wager Swayne.

CHARLES A. MILLER,  
Major and A. A. A. G.

—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

## Instructions to Agents in Virginia

Richmond, Va., Sept. 19, 1865.

Reports having been received at these headquarters that the freedmen in some parts of the State refuse to enter into just and reasonable contracts for labor, on account of the belief that the United States government will distribute lands among them, superintendents and agents of this bureau will take the earliest opportunity to explain to the freedmen that no lands will be given them by the government; that the government has but a very small quantity of land in the State—only enough to provide homes for a few families, and that this can only be secured by purchase or lease. They will also explain to them the advantages of at once entering into contracts for labor for the coming year, and that the system of contracts is in no way connected with slavery, but is the system adopted by free laborers everywhere. It is believed that the renting of small tracts of land by the farmer to his laborers would be mutually beneficial. The laborer's interest in his crops and improvements would attach him to the plantation, counteract any temptation to break his contract, and

by furnishing employment for the more dependent members of his family, increase their contentment and their comforts.

The plan of renting lands on shares to the freedmen has been successfully tried in some parts of the State, and is believed to be worthy of a more extended trial. Superintendents will counsel with and assist both parties in making either of the above arrangements.

O. BROWN,

Colonel and Assistant Commissioner.

—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

## Bureau Circulars

Bureau of Refugees, Freedmen, and Abandoned Lands,  
Headquarters Assistant Commissioner, State of Virginia,

Richmond, Va., Oct. 21, 1865.

Complaints having been made to these headquarters that the freedmen, learning that they are to be dispossessed at the expiration of their lease owing to the restoration of the land to its former owner, are destroying the fencing, wood and timber on the land, you will therefore use such means as you may command for the protection of the fencing, wood and timber on the farms in your districts.

By order of Colonel O. Brown, Assistant Commissioner.—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

Some dissatisfaction in the article of wages exists with a late circular issued, just prior to Christmas, from the headquarters of the Freedmen's Bureau in this State. This circular, while not expressly commanding any schedule of wages, suggests a tariff in such manner as, to the minds of the freed people, will doubtless be taken as equivalent to an order to that effect. These suggestions mentioned from \$180 to \$156 per annum for males, and from \$96 to \$120 for females, according to the scene of labor, the southwestern portion of the State ranking higher; food and lodging, in all cases, superadded. Now, it is claimed that these rates are fully one hundred per cent. too great, that being the amount of advance on former wages, when the full labor of each hand could be secured. Should contracts not be made voluntarily by the 10th of this present month, it is further declared that freed people will have such arrangements made for them, in case ability otherwise to support themselves cannot be made apparent. While on this subject, it is curious to remark how men of every class here, civilian or official, and of every diversity of opinion on other matters regarding the blacks, unite in considering it a necessity they should be enforced to make contracts. The bureau circulars on the topic always take this view, and the matter is viewed from the same standpoint by the State law commission.—From a Georgia correspondent of the National Intelligencer.,

(Dated Augusta, Ga., January 6, 1866).—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

\* \* \* Every just encouragement will be rendered the planter to assist him to adapt himself to the new condition of labor. It is essential for his success to accord to the negro all the rights of a freedman, and to meet him in the true spirit of justice and kindness; then there will be no difficulty to control the labor. The day of the lash and corporeal punishment is past, and must give way to law and moral power, man must learn to govern himself before he can expect to govern others; let every one practically realize that slavery is dead, past resurrection, and adverse to the spirit of the age and the decrees of a free people; therefore, let no man be deceived.—From Circular No. 1, Oct. 12, 1865, of General E. M. Gregory, Assistant Commissioner for Texas, Galveston.—Ho Ex. Doc. No. 70, 39 Cong., 1 Sess.

## Instructions from a Bureau Educator

Vicksburg, Miss., Oct. 24, 1865.

The opposition to the education of the colored people, so generally manifested by the white population of this State, is very much to be regretted, and it ought to be met by the officers of the Freedmen's Bureau with all appropriate measures. This opposition appears in so many forms that it is impossible to give instruction that will suit every case in detail, but some general principles may be set forth that ought to guide sub-commissioners in this part of their duty. This is the object of the present circular.

It is natural that a master race should despise those who have been degraded by bondage. This contempt is coupled with hatred of escaping slaves. We see these feelings now operating against those whom you are appointed to protect. You may meet them by argument. Take pains to show the people that it is neither right nor wise to oppose the efforts that are made to elevate the freedmen. They have to care for themselves hereafter; and to prevent them from gaining knowledge, by means of which to protect themselves from imposition and fraud, is a wrong which no one will defend in argument, and no one will practice, except such as desire to cheat, oppress, and misuse them. You can also show that it is unwise to repress the efforts of the colored people to rise. It is for the safety and interest of the whole community to have the laboring population, that is and must be free, well informed. The colored people certainly will not consider them to be friends who oppose their being taught, who throw difficulties in the way of their obtaining school-rooms, who deprive them of the use of places which have heretofore been accorded to them. They cannot feel attached to people who act upon the monstrous proposition that negroes may be justly deprived of property and privileges which a white man can legally enjoy.

There are places where the white fear, or profess to fear a probable negro insurrection, and they object to schools as likely to produce that evil. Such persons should be told that opposition may lead to violence, while kind treatment cannot. If negroes are treated as if they have no rights which white men are bound to respect, what wise man will answer for the consequences? Despair is often neither gentle nor wise, and it may drive the colored people into vagrancy and robbery. Let the negroes have the simple rights of humanity, and there is no danger. Most likely only those neighborhoods fear insurrection where there is already the determination to oppress the colored people, and conscience awakens fear of probable opposition. Press upon white communities the wisdom of conceding at once to the colored people the use of rooms for schools which they have assisted to build, finish, or furnish. The legal title may be in the white trustees; law may give the negroes no remedy when deprived of an equitable share in the use of the property; but it will be wise to give them frankly whatever white men in their places might justly claim. To refuse will not conduce to peace, nor promote industry, nor make the buildings claimed secure.

You may also call the attention of the white people to the fact that the officers of the Freedmen's Bureau stand as disinterested persons between the parties in this matter. While you do not partake of the prejudices of the whites, you are equally free from a corrupt bias towards the blacks, because you have no material interest connected with them. Show that you have no selfish reason for upholding their rights, but only do it conscientiously as a matter of official duty, accordant with simple right. You have not to spend your lives and make your places in this community, and the character of the laborers cannot affect your interests. But the interests of the people of this State are to be seriously affected by it. Your disinterested position ought to give you power in inculcating right ideas.

You will examine all cases in which schools are oppressed and the colored people complain of being deprived of rights in buildings, and apply such remedy as may be in your power. Report all such cases, whatever may be your action, to the acting assistant commissioner of your district for the information of this office.

By order of Colonel Samuel Thomas, Assistant Commissioner for the State of Mississippi.

JOSEPH WARREN,  
Chaplain, State Superintendent of Education.

—Ho. Ex. Doc No. 70, 39 Cong., 1 Sess.

## 4. Official Reports

### Report of General Grant to President Johnson

\* \* \* I did not give the operations of the Freedmen's Bureau that attention I would have done if more time had been at my disposal. Conversations on the subject, however, with officers connected with the bureau lead me to think that in some of the States its affairs have not been conducted with good judgment or economy, and that the belief, widely spread among the freedmen of the Southern States, that the lands of their former owners will, at least in part, be divided among them, has come from the agents of this bureau. This belief is seriously interfering with the willingness of the freedmen to make contracts for the coming year. In some form the Freedmen's Bureau is an absolute necessity until civil law is established and enforced, securing to the freedmen their rights and full protection. At present, however, it is independent of the military establishment of the country, and seems to be operated by the different agents of the bureau according to their individual notions. Everywhere General Howard, the able head of the bureau, made friends by the just and fair instructions and advice he gave; but the complaint in South Carolina was, that when he left things went on as before. Many, perhaps a majority, of the agents of the Freedmen's Bureau advise the freedmen that by their own industry they must expect to live. To this end they endeavor to secure employment for them, and to see that both contracting parties comply with their engagements. In some instances, I am sorry to say, the freedmen's mind does not seem to be disabused of the idea that a freedman has the right to live without care or provision for the future. The effect of the belief in division of lands is idleness and accumulation in camps, towns, and cities. In such cases I think it will be found that vice and disease will tend to the extermination, or great reduction of the colored race. It cannot be expected that the opinions held by men at the South for years can be changed in a day; and therefore the freedmen require for a few years not only laws to protect them, but the fostering care of those who will give them good counsel, and on whom they can rely.

The Freedmen's Bureau, being separated from the military establishment of the country, requires all the expense of a separate organization. One does not necessarily know what the other is doing, or what orders they are acting under. It seems to me

this could be corrected by regarding every officer on duty with troops in the Southern States as agents of the Freedmen's Bureau, and then have all orders from the head of the bureau sent through department commanders. This would create a responsibility that would secure uniformity of action throughout all the South; would insure the order and instructions from the head of the bureau being carried out; and would relieve from duty and pay a large number of employes of the Government.—Sen. Ex. Doc. No. 2, 39 Cong., 1 Sess.; McPherson, Hist. of Recon., 68.

### Testimony of Chaplan T. W. Conway, Ex-assisstant Commissioner for Louisiana

I should expect in Louisiana, as in the whole southern country, that the withdrawal of the Freedmen's Bureau would be followed by a condition of anarchy and bloodshed, and I say that much in the light of as large an experience upon the subject as any man in the country. I have been in the army since the 19th of April, 1861; I have been over the whole country, almost from Baltimore to the Gulf. I was one of the first who held any official position in regard to the freedmen, and I am pained at the conviction I have in my own mind that if the Freedmen's Bureau is withdrawn the result will be fearful in the extreme. What it has already done and is now doing in shielding these people, only incites the bitterness of their foes. They will be murdered by wholesale, and they in their turn will defend themselves. It will not be persecution merely; it will be slaughter; and I doubt whether the world has ever known the like. These southern rebels, when the power is once in their hands, will stop at nothing short of extermination. Governor Wells himself told me that he expected in ten years to see the whole colored race exterminated and that conviction is shared very largely among the white people of the south. It has been threatened by leading men there that they would exterminate the freedmen. They have said so in my hearing. In reply I said that they could not drive the freedmen out of the nation, because, in the first place, they would not go; and for another reason, that they had no authority to drive them out; and for a third reason, that they were wanted in the south as laborers. To that they replied, that, if necessary, they would get their laborers from Europe; that white laborers would be more agreeable to them; that the negro must be gotten rid of in some way, and that, too, as speedily as possible. I have heard it so many times, and from so many different quarters, that I believe it is a fixed determination, and that they are looking anxiously to the extermination of the whole negro race from the country. There is an agent here now, with letters from the governor of Louisiana to parties in New York, with a view of entering at once upon negotiations to secure laborers from various parts of Europe. There are other parties endeavoring to get

coolies into the south, and in various places there are immense efforts to obtain white labor to supplant that of the negro. It is a part of the immense and desperate programme which they have adopted and expect to carry out within the next ten years. It is the same determination to which I referred in my report. I said the negro race would be exterminated unless protected by the strong arm of the government; no weak arm will do. The strongest arm of the government is needed to shield them. The wicked work has already commenced, and it could be shown that the policy pursued by the government is construed by the rebels as not being opposed to it.—Report of Joint Com. on Reconstr., (1866), Pt. IV, 82.

## Report of Gen. J. S. Fullerton of Louisiana

December 2, 1865.

\* \* \* I thought it to be of the utmost importance that the freedmen should work during the coming year, not only for their own benefit, but for the good of the planters and the country at large. It is also necessary that they should do so in order to give the denial to the prophecy of those friends of slavery who continually insist that the negro will not work if free. The result has proved that the address was timely. I ordered that it should be read on each plantation in the State, and that printed copies of the same, should also be left thereon.. Many of the freedmen having been thus plainly informed of what is expected of them, soon showed a disposition to work under contracts for the next year, and the planters, acting under the belief that the evil complained of would, in a great measure no longer exist, at once commenced to engage their services. The scarcity of labor and the large profits that can be made on the crops of Louisiana have caused a great demand for labor in that State. All of the able-bodied freedmen, if they will consent to work can obtain employment at good wages, and there will still be room for many more laborers. Many planters called on me during the last week of my stay in the State to obtain information as to how and where they could obtain hands, and offered for them good inducements. I could direct them where to go for this purpose, but some went to Texas and some to Mississippi.

In my administration of freedmen's affairs in Louisiana I acted upon the broad democratic idea that there should be the same code of laws for all; that every exceptional law or regulation for the black man is but a recognition of the spirit of slavery. The steps that I took were necessary to annihilate the distinction of that caste which sprung from slavery. Laws of the State made to govern the white man, while the freedman was in a state of slavery, surely could not be too hard upon him when freed and admitted to the benefits and penalties of the same. But there were men who had such a tender regard for the freedmen, that

while they were willing that they should accept the benefits of State laws, cried down as an outrage any attempt to render him liable to the penalties of the same. Thus when I attempted to show officially that the freedmen could be arrested as vagrants, or apprenticed, in accordance with the laws that were equally binding upon all free persons, these men were ready to express great indignation at the wickedness and enormity of such proceedings. The idea was constantly held out to the freedmen that they were a privileged people, to be pampered and petted by the government, and the effect was most pernicious. It not only gave them expectations that could not be realized, but prevented them from securing civil rights that the laws of the State conferred upon them. It also appeared to me that there was not a sufficient effort made in this State to harmonize capital and labor. The acts of a few local agents of the bureau were such as to destroy the confidence that should exist between these planters who were endeavoring to give free labor an impartial trial, and the freedmen who worked in their fields. These acts were done through a mistake notion of kindness to the blacks. \* \* \*

\* \* \* I believe that the freedmen of Louisiana are in a better condition than those in any other State embraced within the operations of this bureau. There is not among them an able-bodied man who cannot get employment and good wages. The planters of the State are very desirous of restoring their fortunes by cultivating the fields. Large profits can be made on the staple crops, and for this reason they can give good wages. The freedmen generally know this fact, and will not, therefore, work for a pittance. More than a majority of them obtained employment last year when but a small portion of the fields were cultivated, and we have but to consider the fact that the most of the planters now desire to raise sugar and cotton to form a judgment of the demand for labor for the coming year. Before the war four hundred thousand (400,000) hogsheads of sugar and an equal number of barrels of molasses were made in Louisiana. This year's crop of cane will not yield over twelve thousand (12,000) hogsheads of sugar and fourteen thousand (14,000) barrels of molasses. Then nine-tenths of the arable land of Louisiana were under cultivation in cane, cotton, and corn; this year there has not been over one-fifth. It was impossible for me to arrive at anything like the proportion of acres that will be planted the next season, but as there is nothing now to fear from the accidents of war, there will be a large increase over the proportion of last year.

There is a growing disposition on the part of the planters to act justly and fairly toward the freedmen, and to secure to them the exercise of their legal rights. This may be because they know that their former slaves are now free, and that it will be impossible again to reduce them to slavery in any shape or form; that they are the only sugar and cotton workers that they can at

present procure, and that it is necessary to secure for them such rights in order to make them willing and competent workers. They are also showing a disposition to accord the freedmen those opportunities of educating their children which they have not heretofore possessed, for it is becoming evident to them that free labor flourishes best in those places where schools abound. The enmity against the black race in the south comes principally from the poor whites. For those of them who do work fear the competition of black labor, and nearly all of them, having before them the fear of "negro equality," do what they can to oppose their freedom, and the working of the free labor system. But the war has not left enough of this class in Louisiana to exert any considerable influence.

It is not true that there are great numbers of freedmen being murdered by the whites in Louisiana. During the month that I remained in the State but one case of this kind was presented to the bureau, so far as I now recollect. This was the case of a freedman who had been shot and wounded by a white man, and the offender when arrested claimed that the freedman had first fired at him. That there are many cases of outrage that are never heard of is most true, but from all that I have learned, I do not believe that society in this respect is more demoralized at present in Louisiana than in some States further north, as represented by the public press. By telling only the bad acts that have been committed, and giving these as an index of society, any large community could be pictured as barbarous.

These remarks are not made as in any manner apologizing for that class of whites who have sunk so low in the scale of humanity as to maltreat the black man because he has been made free, and because they hate a nigger. But I cannot make an impartial report of facts unless I show both sides of the picture. We must look at the matter as it exists, and not give ear to one set of complaints only, nor allow our preconceived opinions and prejudices to blind us and prevent us from correctly exercising our judgment.

Free labor will be a success in Louisiana. The only concern the planters at present appear to have on this question is, "will the freedman fulfill his contract for work if we fully and fairly carry out our part of the agreement." They will not work next year as well as we may desire, but better than we have a right to expect. Men who have been suddenly freed, entertaining some false notions of freedom, and in some cases acting under bad counsel of both friends and enemies, are not apt to be at once energetic workers. Gradually the planters and freedmen begin to understand that for the present each is dependent upon the other. The planter must have their labor, and the freedmen must have the planter's wages, until they can procure property of their own. I speak advisedly when I say that in five years from now, unless some new element of discord intervenes, the

freedmen will work as well and will be in as prosperous condition as any person can desire; and the rich and beautiful plantations of Louisiana will be far better cultivated and more profitable than ever in the past.—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

## Report of General Wager Swayne, Assistant Commissioner for Alabama

January 31, 1866.

\* \* \* On [January 15, 1866] the legislature reassembled. The palpable failure, when it last adjourned, of the attempt to depart from the standard of "equal rights before the laws," so long established here, and the wonderful abatement of doubt and dread which the freedmen themselves effected during the holidays by going quietly to work, had wrought a marked change in the public mind. The governor had no hesitation in vetoing the objectionable measures, declaring that he would set his seal to no bill which did not deal alike with all men whose circumstances were the same. The vetoes were sustained in both houses. A bill has been introduced, and will pass, applying this qualification to all laws in force, and repealing all inconsistent with it; and as the legislature long ago directed the governor to appoint a commission to codify the criminal laws, it is supposed their report, which is next week to be presented, will be in consonance with this view. Indeed, I trust the extended discussion this proposition has had in this State has given it such a footing that it can never be dislodged.

One of the governor's veto messages, however, requires especial notice. In returning the labor contract bill, he states that in his opinion no remedy is necessary for violation of contracts beyond that of damages, which the common law affords. As to freedmen this is practically no remedy at all, except where unpaid wages have accrued. Indeed, it points to an abandonment of the contract system.

This statement is worthy of profound consideration. It did not emanate from me, yet I may now say that I concur in it. I found the contract system established here, practically and in orders. The planters liked it, and so vigorously demanded contracts that there was danger they would not undertake to plant at all without them. Idleness was extremely prevalent, and contracts might answer to restrain this disposition. "Labor regulations" were therefore issued from this office. But it has all the while been my opinion that the freedmen would be found to be best governed by the same measures as are most effectual with ourselves, and only injured by artificial regulations. The true incentives to labor in the free States are hunger and cold, and it was only injurious expectations of parcelling out at Christmas

that made freedmen evade these, in some measure, until Christmas came. This artificial barrier removed, normal relations were immediately established. The true security of labor, also in the free States, is that whenever the laborer finds himself illtreated, or his wages insufficient or unsafe, he can quit without having to account to anybody. This is more and better than all laws. And the demand for labor will, I think, keep the freedom secure here in this particular. It certainly makes him so now.

Contracts imply bargaining and litigation, and at neither of these is the freedman a match for his employer; nor do I think he can be made so, except through an ever present competition, to which he can appeal. Undoubtedly his credulity will be somewhat used to victimize him just now; but, besides the statement that he who has but one thing to dispose of soon learns to do it to the best advantage, and that even ourselves were obliged to meet this same experience in our boyhood, certain untilled plantations on all sides give emphatic warning that Nemesis does not overlook the matter.—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

## Report of General Clinton B. Fisk, of Kentucky and Tennessee

January and February, 1866.

I have the honor to report progress in Kentucky. My "circular" and "address to the freedmen" were both well received by a large majority of the people. There are some of the meanest unsubjected and unreconstructed rascally rebellious revolutionists in Kentucky that curse the soil of the country. They claim now that although the amendment to the Constitution forever abolishing and prohibiting slavery has been ratified, and proclamation thereof duly made, yet Congress must legislate to carry the amendment into effect, and therefore slavery is not dead in Kentucky. Others cling to the old barbarism with tenacity, claiming that the government must pay Kentucky for her emancipated slaves. There are few public journals in the State which afford great comfort to the malcontents, but the majority of the people of Kentucky hail the dawn of universal liberty, and welcome the agency of the bureau in adjusting the new relations arising from the total abolition of slavery. I have succeeded in obtaining the services of many first-class judicious popular citizens to act as superintendents at the important points. The "Blue Grass" region is in the best of hands. General Hay, at Hopkinsville, was a bad failure. He has been removed. I have consulted General Palmer in the appointment of every agent. I return to Kentucky on the 10th instant, by invitation of the governor, and shall meet the principal planters of the State at Frankfort, in convention, on the 11th. I hope to do good unto them, and make the bureau a blessing to all Kentucky. \* \* \*

\* \* \* For narrating at a freedmen's commission anniversary meeting in Cincinnati, on the 18th ultimo, what I had myself seen of brutalities in the "Blue Grass," I have been denounced in the Kentucky legislature as a liar and slanderer. A committee has been appointed to investigate the matter. I have furnished them the name of witnesses, and requested that their powers be enlarged, and they authorized to investigate the condition of the freedmen throughout the State; but I have good reason for believing that the committee will simply make a report that General Fisk is a great liar, and should be removed from office, etc. It is well to remember that a more select number of vindictive, pro-slavery, rebellious legislators cannot be found than a majority of the Kentucky legislature. The President of the United States was denounced in the Senate as a worse traitor than Jefferson Davis, and that, too, before the bureau tempest had reached them.

The entire opposition is political, a warfare waged against loyalty, freedom, and justice.

### Report from General Tillson, of Georgia

\* \* \* The fact is becoming more and more evident that hereafter labor and not cotton is to be king. Please mark the prediction. If the government will only continue to stand by the freed people in their just rights simply, then, by the operations of laws infinitely more potential and certain in their execution than those of Congress, the negro is to be master of the situation, and those who in times past practiced cruelty upon him, or who now hate, despise, and defame him, are to be a financially ruined people. To-day the men who have been cruel to their slaves cannot hire freed people to work for them at any price. Fortunes in the future are for those only whom the freed people can trust and for whom they will work—not for the proud and haughty owner of land merely. Land, good land, will be plenty, a drug in the market; labor will be the difficult thing to obtain, and the friends of the freed people, especially the northern man, can alone command it. Entre nous, I think I see the end, and I predict that Providence is not done dealing with this people. I believe their hate, cruelty, and malice are yet to bear more and very bitter fruit, and that by natural and irresistible laws the old-time southerner is to become entirely harmless in his impotent rage, or extinct. But we shall see.

Pray keep the President posted, and do not let him be deceived by these selfish falsehoods about the price of labor. I can prove that I am right, out of the mouths of the best men in this State. Not to sustain my action will do me no harm. I could simply resign, and I should feel it my duty to do. If the government is to be disgraced, some other instrument must be found; but it would do immense mischief to the freed people.—From a letter

of General Tillson, Assistant Commissioner of Georgia, to Gen. O. O. Howard, Jan. 23, 1866, referring to complaints about the obstruction of the Bureau in labor contracts.—Ho. Ex. Doc. No. 70, 39 Cong., 154 Sess.

## Report of General T. W. Osborne, of Florida

December 31, 1865.

The belief among the colored people that lands and stock were to be divided among them by the government has been gradually giving way, though reluctantly and the final disappointment to them will not be very great. Yet they have generally declined to make contracts for the ensuing year till after New Year's. I learn that in the last few days many have made contracts, and the prospects are favorable for the future. The high price of cotton is inducing planters to offer good wages for the next year's labor. Average wages will be twelve dollars a month for first-class hands, and these graded according to the capacity of the employes for labor. I have reason to believe that comparatively few freed people will be on public charity next year.

Self-interest among the planters is doing much for these laborers. The people at large show a spirit of dislike or hatred to the freedmen that is hard to account for. The feeling among the little planters, lawyers, the members of the present legislature, the croakers and other small fry, is contemptible. While the substantial planters have a degree of consideration for the former slaves that could hardly be expected. They are paying quite well for this year, and offering good wages, quarters, and rations for the next, with the privilege of the laborer to keep his family with him at little expense. The little men quite generally attempt to hire single men, or reject those who have families from the plantation. The competition for labor in this State will compel these matters to remedy themselves.—Ho. Ex. Doc. No. 70, 39 Cong. 1 Sess.

## Report of Bureau Agent, in Prince William County, Virginia

\* \* \* I have the honor to report, \* \* \* that there is a good understanding between whites and blacks generally, but the feeling of the blacks is that of distrust of the whites, and that of the whites is "you are my niggers by right; you ought to be my slaves, and then you would be happy; but see what a condition you are in now. You have no master to look after you, etc., etc. But if these d——d Yankees ever leave us, we will see what will then be." The blacks look to us to protect them from outrage, and are industrious, contented, and self-supporting.

The whites fear us and hurrah for the "President's policy," which, they say, will restore them "as they were" and "leave

them to manage the nigger," instead of us, who "don't understand him." I have no particular suggestions to make. Things are going on as well as could reasonably be expected, taking all things into account.—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

## Report of an Assistant Superintendent, in Virginia

February 28, 1866.

\* \* \* I have the honor to report: \* \* \*

I have associated with me a worthy magistrate, who I believe means to be just. We do not disagree. The third member chosen by the freedmen declined, from prudential reasons, to sit. I discourage litigation, the tendency being to widen the breach between whites and blacks. It is one of the unpardonable sins for a "nigger" to complain to the "Yankees," and terrible threats are muttered against him. The people are poor, and can ill afford to pay costs. The principal claims for the blacks are for labor between the date of "Lee's surrender and Christmas." Where they were fed and clothed, well treated, and felt they could leave at any time, I have allowed them but little, unless something has been said in regard to competent wages, for said period. I allow witnesses nothing, and generally make the costs of a suit \$2.50.

\* \* \*

The purpose of a majority of the whites is to keep the freedmen intimidated, and they succeed; but few of the latter who come to me for redress dare convey my summons to the defendant. The customary reply to a request to act as messenger is, "He shoot me, sartain sure." After leaving the employ of any one of the whites, the freedman, in many instances, dare not return for his humble wardrobe or stock of house-keeping articles. The women are more courageous than the men. Many of the farmers pursue a suicidal policy in his intimidation, and, ere long, will be left without a single laborer, and then say the "nigger won't work." There is quite a mania among the negroes of the interior to hang around the oyster-beds and fisheries, and to cut wood and "maul" rails in the Dismal swamp; consequently, on Saturday night and Sunday, Suffolk is full of them. I believe, in proportion to the whites, they are two to one. Here they are a helpless and selfish set; as a class, they are like the man who, after being aided to get out of the mire, asks his deliverer to clean the mud from his clothes. I cannot induce them to make the least effort in the matter of schools, although anxious to send their children, provided they are not required to contribute a cent. I had great difficulty in finding one of them unselfish enough to board, at any price, a colored teacher recently arrived. They do not want the trouble.

\* \* \*

On the Holy-Neck Chapel road, about twelve miles from Suf-

folk, the Society of Friends have a colored school, of from 50 to 108 scholars, with two teachers. In my next monthly report report I hope to add to the list one of about the same number here. The Friends, in opposition to the African Methodist Society, insisted on the right of patronage to this school. Things are somewhat delayed; but I trust Miss Snicely will soon have all requisites for a successful school on hand, and enable me to give an encouraging account of the rising generation of freedmen in this town. I can learn of no other schools in the country; but there are other localities where they can be started under favorable auspices, and I propose calling the attention of the Friends to the subject.

I have many aggravated reports from Gates county, North Carolina. No doubt there should be an energetic, courageous officer at Gatesville, aided by a small force. I have recently reported some cases to the authorities at Raleigh. \* \* \*

## Report on Colonization

The colonization of freed people by themselves, in large numbers, so far as the experiment has been tried in Florida has proved a failure. General Ely's colony, the only one of any magnitude brought to the State within the year, through want of discipline and general mismanagement, barely held together for the period of three months. No effort was spared by the Bureau to give the scheme a thorough trial. Soon after the colony arrived at New Smyrna, the point of its destination, rations were furnished, and a competent bureau officer placed in charge. Already the predatory disposition of the men had filled the surrounding country with alarm; no cattle or hogs were secure for miles around; and the colony seemed in a fair way for a speedy relapse into a state of barbarism. So long as the government would supply rations there was little or no disposition to work; and it was only after the utter impracticability of the scheme became manifest that the colony was permitted to dissipate itself through the adjacent country, the able men and women, for the most part obtaining good contracts for plantation labor in the counties of Marion, Sumpter and Orange. Many of the old, infirm and children were left on the original site of the colony. These continued a charge upon the bureau until a recent date. Few of them now remain, and those are mostly settlers, who have industriously cultivated their lands from the beginning.—Extract from the report of John T. Sprague, Assistant Commissioner for Florida, cited in the Howard Investigation.—Ho. Rept. No. 121, 41 Cong., 2 Sess., p. 486.

## 5. Confiscation: "Forty Acres and a Mule"

### Views of the Ku Klux Committee

There has been much exaggeration of the action of the Government in confiscating rebel property. The proposition to seize the lands of leading rebels and divide them among the landless poor had at one time some support, and there is no doubt that in 1865 a general impression existed at the South that such a policy might be adopted. This arose from the order of General Sherman relative to the lands of the "Sea Islands" and the coast within tide-water, and from the statements of rebel leaders and newspapers, as the war drew to a close, that it was the purpose of the United States Government to divide lands and goods among the negroes. These statements were made to stimulate the flagging spirit of the people. The negroes heard and were inclined to believe them, by their sense of justice, which suggested that as their labor had produced the greater part of the property, they should have a portion. Hence the idea was wide-spread and common among them that each head of a family would have "forty acres and a mule."

When the policy of the Government became settled, and the whites saw that their property was not taken, but many estates which had been abandoned by their owners and seized by the government were returned in better condition than they would have been had they been left wild and uncultivated, the subject became a jest, and the freedmen were joked out of their fancy, and this the more readily after sharpers had swindled some of them by selling tokens—"pre-emption rights"—for their homesteads, in the form of tri-colored stakes, to stake them off with.—*Ku Klux Rept.*, (Majority), 217.

### Instructions to Bureau Officials

Whereas a large amount of land in the State of Virginia, and in other States that have been in insurrection, has been abandoned by disloyal owners and is now being cultivated by freedmen; and whereas the owners of such lands are attempting to obtain possession of them, and thus deprive the freedmen of the fruits of their industry, it is ordered that all abandoned lands in said States now under cultivation by the freedmen be retained in their possession until the crops now growing shall be secured for their benefit, unless full and just compensation be made for their labor and its products and for expenditures.

The above order will not be so construed as to relieve disloyalty; and the application for the restoration of their lands, by this class of persons, will in no case be entertained by any military authority.—Howard's Circular, May 22, 1865.—Ho. Ex. Doc. No. 11, 39 Cong., 1 Sess.

\* \* \*

It is frequently reported to the Commissioner and his agents that the freedmen have been deceived as to the intention of the government.

It is said that the lands will be taken from the present holders and be divided among them next Christmas or New Year. The impression, wherever it exists, is wrong. All officers and agents of this bureau are hereby directed to take every possible means to remove so erroneous and injurious an impression. They will, further, endeavor to overcome other false reports that have been industriously spread abroad with a purpose to unsettle labor and give rise to disorder and suffering. Every proper means will be taken to secure fair written agreements or contracts for the coming year, and the freedmen instructed that it is for their best interests to look to the property-holders for employment.

The Commissioner deprecates hostile action, and wishes every possible exertion made to produce kind feeling and mutual confidence between the blacks and the whites.—Howard's Instructions, Nov. 11, 1865.—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

\* \* \* Unfortunately, there is a widespread belief among the freed people of this State that at Christmas there is to be a distribution of property among them, and under this impression they are refusing to make contracts for the coming year. All officers and agents of this bureau are directed, and other officers of the army throughout the State are earnestly requested, to exert themselves to convince the freed people that they are utterly mistaken, and that no such distribution will take place at Christmas, or at any other time, and to induce them to enter into contracts now, that they may not, at the end of the year, be in a condition to entail severe suffering on themselves, their families, and upon the community.—Circular No. 2, Oct. 3, 1865, of Gen Davis Tillson, Assistant Commissioner for Georgia.—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

## Sale of Painted Sticks to Freedmen

I can tell you from what I know and have seen myself, and also from what negroes have told me, that they have been promised lands and mules—forty acres of land and a mule \* \* \* Many an old negro has come to me and asked me about that thing. I can illustrate it by one little thing that I saw on a visit once to Gainesville, Sumter county. At a barbecue there I saw a man who was making a speech to the negroes, telling them what good he had done for them; that he had been to Washington City

and had procured from one of the Departments here certain pegs. I saw the pegs. He had about two dozen on his arm; they were painted red and blue. He said that those pegs he had obtained from here at a great expense to himself; that they had been made by the Government for the purpose of staking out the negroes' forty acres. He told the negroes that all he wanted was to have the expenses paid to him, which was about a dollar a peg. He told them that they could stick one peg down at a corner, then walk so far one way and stick another down, then walk so far another way and stick another down, till they had got the four pegs down; and that, when the four pegs were down, the negroes' forty acres would be included in that area; and all he had to say to them was, that they could stick those pegs anywhere they pleased—on anybody's land they wanted to, but not to interfere with each other; and he would advise them, in selecting the forty acres, to take half woodland and half clear; that nobody would dare to interfere with those pegs.—John G. Pierce in Ku Klux Report, Alabama Testimony, 319.

### Deed for land, given with painted sticks

Office of the Bureau of Freedmen and Abandoned Land.

Granby, Alabama, 9 Jan., 1866.

Know all men by these presents, that a naught is a naught, and a figure is a figure; all for the white man, and none for the nigure. And whereas Moses lifted up the serpent in the wilderness, so also have I lifted this d——d old nigger out of four rollers and six bits. Amen. Selah!

Given under my hand and seal at the Corner Grocery in Granby, some time between the birth of Christ and the death of the Devil.

NIX-CUM-ROUSE.

—Children of Issachar, p. 22.

## 6. Opinion in Regard to the Bureau

### Testimony of a Friend of the Bureau

I will state to you the process through which my mind went upon the subject of the Freedman's Bureau. At first I was very much averse to the Freedmen's Bureau. I thought it was a bad piece of machinery, and calculated to do a great deal of wrong. My feelings and political convictions were the same then as now. But now, from close observation, I am satisfied that the Freedman's Bureau did a great deal of good; that is to say, it brought men face to face with the difficulties that surrounded them, and made them solve them in a manner they would never otherwise have adopted. I have witnessed that in the improvement of the feeling of the whole community, which has been revolutionized on the subject of the employment of laborers and the treatment of laborers, and mainly through the instrumentality of the Freedmen's Bureau. At first I thought it was a great evil—an unmitigated evil. I am satisfied now that it did a great deal of good, whether it did harm or not. Perhaps it did harm also, because there is always some evil in everything. But whether it is wisest and best for the Government, with the strong hand, to reach down into these states and correct these evils, or leave them to correct themselves, I confess is a problem about which my mind hesitates. When I witness the state of things that exists in some portions of this State, I sometimes think it would probably be better that it should be corrected by the strong hand. The truth about it is as I understand the situation in some counties, the better class of men are overawed, and are really powerless; they are made really to foster the very things they despise and would put down.—Ku Klux Report, Georgia Testimony, 527.

### Governor Patton to the People of Alabama

We all know of the great destitution in our State which followed the close of the war. The crop of 1865, from well-known causes, was lamentably short, and this naturally prolonged the destitution through the year 1866. There was so much suffering that it became a matter of absolute necessity to adopt some plan of relief. It is but simple justice to say that in our extreme destitution we found most timely relief at the hands of the General Government. In the course of the years 1866 and 1867 supplies were furnished from that source to the value of more than

a million of dollars. In addition to this relief, large and generous donations in money and provisions were made by individuals and charitable associations. These donations were placed at the disposal of the governor, and distributed according to his best discretion.—Extracts from Patton's address to the people of Alabama, July 10, 1868, Ku Klux Report, 216.

## Testimony of Daniel Taylor

Question. Was there not a failure of crops for three years after the war, and a great deal of destitution among the negroes?

Answer. Yes, sir; but the negroes that would go and settle down on plantations and work and stay there always had plenty to eat. The white man who employed them felt bound to keep them in plenty to eat and good clothes to wear when they would stay with them; but if a man was trying to make a negro work, and talked a little short to the negro, he would pick up and go somewhere else, very often when a man had made preparations to go on; and when they left it would sometimes leave him a little scanty.

\* \* \*

Q. Did not the Freedmen's Bureau feed a great many white people?

A. Yes, sir; and caused them to do without a great deal of labor that they could have got before that. The negroes would quit and go off for this Bureau when they should have had a dependence in the country. They depended upon the Bureau for rations.

Q. Were there not many cases where the employers cheated the negroes out of their labor?

A. That has been said, but I do think the case was that the negroes cheated the others out of their work. In my honest opinion, the truth is, the negroes cheated the farmers out of their labor. The planters had nothing to pay them with. The negroes generally hired for a part of the crop, and then fed themselves. The negroes were to pay for their provisions out of their part of the crop and they did not go on making their crop, so that their part of the crop was not sufficient to pay the owner the amount that was due him for the land and stock and the advance. None of the farmers, or few of them, are making anything now. I think they are every day losing ground ;that is my experience; not getting pay for their lands or stock either.—Ku Klux Report, Alabama Testimony, 1132.

## Testimony of General Wright of Augusta

[The negroes] were taken possession of by a class of men who went down there connected in some way with the Freedmen's Bureau; they swarmed all over the country. The white people were sore, intensely sore, at the results of the war, at losing

their slaves, and they shrank back and had nothing to say to the negroes. That course of conduct on their part enabled these men to go on and obtain the confidence of the negroes; they made the negroes believe that unless they banded themselves together and stood up for their rights, the white people would put them back into slavery. But the reign of that class of people in our State is over—past and gone. Those men came there and fastened themselves upon every community, and when the election for members of the legislature came on they were themselves elected. I can give you an instance right there, within a stone's throw of where I live, of a man by the name of Captain Richardson, who went down there is the Bureau. He lived in Augusta, and was elected a member of the legislature from the county of Hancock, way up in the interior of the State; he perhaps never was in that county in his life. There was a man by the name of J. Mason Rice, who came out in the Bureau, and lived in Augusta; he was elected a representative of the county of Columbia. A man of the name of Sherman came down there, not in the Bureau, but as a developer. He bought a piece of land near Augusta, and worked it for a while, and then had to give it up. He ran for the place of senator in the district composed of Wilkes, Jackson, and Columbia. Wilkes is the county in which Toombs lives. This man ran for senator, and was elected there. There was Rice, elected as a member from Hancock county, and he never was in that county; and Sherman was elected as senator from Wilkes, Lincoln, and Columbia counties, and so far as I know, he has never been in either one of them. A man by the name of Claiborn, a Baltimore negro, came down to Augusta with the Bureau, and was elected a member of the legislature from Burke county. He served until a few months before the close of the legislature, when he was killed by a negro in the capital.

Question. Does your law require the representative to live in the county he claims to represent?

Answer. Yes, sir; but the Republicans had a majority there, and they permitted any one to take his seat who had the returns; and when they really did not get a majority of the votes, Mr. Hulbert, who was the head man of the registration, fixed up the votes, cooked them up for them, and they were admitted. We were entirely powerless there.

Question. That class of men control the votes of the colored people?

Answer. Implicitly.

Question. Was any such thing as promises of land and other property ever made to the negro?

Answer. The negroes said so. Up to the latter part of 1868 the negroes believed that by voting they were going to get a division of the land and stock of the country. These carpet-baggers would go down there and actually sell stakes to them. That is almost too improbable for belief; but these rascals would go

down there and sell painted stakes to these negroes, and tell them that all they had to do was to put down the stakes on their owner's farms, and forty acres of land would be theirs after election. You could see them all over the country. The negroes said they gave a dollar apiece for those stakes. They were very ignorant, or they would not have believed such things; but they did believe it, and, I have no doubt, implicitly.

Question. That belief has passed away?

Answer. Yes, sir.

Question. And the scepter has departed from them?

Answer. Yes, sir; the colored people understand this thing now; the negroes and the whites are in thorough understanding with each other. The negroes vote now with their old owners; they did so at the last election. Their owners would fix up their teams and wagons, haul them to the place of election, and supply them with tickets to vote. The negroes are now tired of the carpet-baggers.—Ku Klux Report, Georgia Testimony, 272.

### Testimony of Mr. Sayre

When the agents first came there, after the occupation of the country by General Smith's army, \* \* \* they established a Freedman's Bureau. They notified everybody that they must employ their freedmen, and that all their contracts must be submitted to the inspection of the Freedmen's Bureau; that no man would be allowed to employ freedmen unless their contracts were submitted to an approved by that Bureau. \* \* \* they listened to every sort of tale that any dissatisfied negro might choose to tell; they would send out and arrest white men, bring them in under guard, try them, and put them in jail. They got hold of alpnations \* \* \* what they call refuges for freedmen. It was announced that if the freedmen got dissatisfied they could enter there, and be fed and clothed, and taken care of. In that way a large number of negroes were enticed away from plantations where they had been living, and they flocked to these places. Hundreds of them died from neglect. The impression was produced upon the negro that the white man who had been his master was his enemy, and that these men were his peculiar friends; that they had nothing to expect from them and through their old masters. They then commenced the establishment of these Loyal Leagues, into which they got almost every negro in the country. They would send their agents \* \* \* from plantation to plantation, until I expect there was hardly a negro in the whole country who did not belong to the League. In that way a want of confidence was produced between the negro and the white man, and a feeling of confidence between the negro and the agents of this Bureau. It has been a very troublesome thing to counteract that; but it has been so far counteracted now that the negro has confidence in the white man in everything but

politics; I do not think he has much confidence in the white man about politics yet, but I think that feeling is done away with to a great extent.. They would tell all sorts of tales before elections; they would send regular orders to the League members on the plantations to go and vote. I have been told that order extended to negroes from fifteen years and upwards. Negroes themselves have told me that they voted the Republican ticket for the reason that they were informed by those men that, if they did not do it, they would be put back into slavery, and their wives made to work on the road. It had such an effect that a gentleman in Montgomery told me that some of his own former slaves came back to him after the election and said, "Well, massa, what house must I go into? I understand that the Democrats have succeeded, and that we are slaves again."

\* \* \*

Question. Speaking of the distrust between the two races in Alabama, you say it commenced after the organization of the Freedmen's Bureau there, did you not?

Answer. Yes, sir.

Q. Were the negroes and whites in perfect accord and harmony before the organization of the Freedmen's Bureau?

A. I think they were; I never heard of any trouble between them.

Q. Did they agree politically before that?

A. I do not speak politically at all.

Q. Well, I want to know about that.

A. I do not think the negroes had any politics until the Freedmen's Bureau was established there.

Q. Do you think the negroes would have acted with the Democratic party, if the Freedmen's Bureau had not been established there?

A. I think they would have acted with whatever party the whites acted with; my own idea is that as many of the whites in 1865 would have acted with the Republican party as with the Democratic party.

Q. Do you mean that the establishment of the Freedmen's Bureau made white people turn Democratic?

A. It had a tendency to drive them off from the Republican party, and for the reason that the Freedmen's Bureau was supposed to be one of the means of that party for the purpose of creating distrust between the negroes and the white people.—Ku Klux Report, Alabama Testimony, 357, 371.

## Testimony of General W. H. Forney

I will state to you another reason why I think it [Ku Klux Klan] originated. Immediately after the surrender, and when the Bureau was established through our country, it was right difficult for some men to realize the fact that their slaves did not belong

to them. A colored man would work for them, but when the negro would say something they did not like, probable the white man would slap him as usual. The negro would report that to the officer of the Bureau, and he would immediately have the man seized, carry him up there and the matter would undergo an investigation; probably they would send him some fifteen or twenty miles. Now the class of negroes that did that were generally very bad, lazy, indolent ones. I am inclined to think that a good many persons thought they would band together and be a kind of patrol for that class. I think that was about the original cause of the patrol, where the Bureau-men would invariably, or nearly invariably, believe the colored man, when you probably never could tell the real truth, or how the thing originated. I know that in my county the Bureau-men, or military men, would have some of the best citizens taken up on some tale of a negro; that they would send for them some fifteen or twenty miles. The negro would perhaps say that he had not settled with him for his work; that would have to undergo a regular settlement. Sometimes this officer would make a man pay something, and again they would discharge him. I think that this thing was started pretty much to frighten that class of negroes.—Ku Klux Report, Alabama Testimony, 477.

## Views of the Minority of the Ku Klux Committee

The enormous oppressions, extortions, and the flagrant misrule of the local governments set up and maintained over these people are not by any means the only grievances which they have been compelled to submit to; even while the Federal Government was administering their affairs through direct agencies from Washington, they were oppressed and plundered by the Freedmen's Bureau agencies, by the cotton thieves, and the military, to an extent only exceeded by the carpet-bag local government which superseded them.

First, as to the Freedmen's Bureau and its operations. By this act, four millions of negroes became the pupils, wards, servitors, and pliant tools of a political and extremely partisan agency, inimical and deadly hostile to the peace, order, and best interests of southern society. Under the workings of the reconstruction and Freedmen's Bureau acts the foundations of social and political order were uprooted and overturned; the former master became the slave, and the former slave became the master, the elector, the law-maker, and the ostensible ruler. The agents of the Freedmen's Bureau were, as we have shown before, generally of a class of fanatics without character or responsibility, and were selected as fit instruments to execute the partisan and unconstitutional behests of a most unscrupulous head. Thus, the negroes were organized into secret political societies known as Loyal Leagues, in which organizations they were taught that their

former owners were their worst enemies, and that to act with them, politically or religiously, would certainly result in their re-enslavement. A regulation of this Bureau required all agreements for service between whites and blacks to be signed and witnessed in the presence of, and left in the custody of the agent. It was a common practice, after a planter or farmer had contracted in the required form with the freedmen for the year, had his crops planted and in process of cultivation, that his negro laborers would suddenly strike for higher wages. Nothing but the intervention of the Bureau agent could induce them to return, and that inducement could only be effected by the planter or farmer paying to the agent from ten to twenty dollars per head. This sum was simply a perquisite of the agent, and when paid, the negro always returned to his labors, though not receiving a cent of additional compensation. It was frequently the case that the same planter or farmer would have to compensate the Bureau agent from two or three times during one year, or lose his crops. This system of ingenious blackmailing produced no little irritation, and frequently total bankruptcy of the planter. These Bureau agents had authority to order the arrest and imprisonment of any citizen on the single statement of any vicious negro; and if any resistance was made to the mandates of the Bureau agent, the post commandant, or military governor, was always ready to enforce it with a file of bayonets. Many of the agents of the agents of the Bureau were preachers, and had been selected as being the most devout, zealous, and loyal of that religious sect known as the Northern Methodist Church.

The negroes were told in the Leagues that, although they had been married according to the plantation custom for forty or fifty years, as freedmen they must procure a license from the [Bureau] court and be remarried. This injunction was most scrupulously obeyed, and by this means the missionaries and preachers made large sums of money, which was thus frequently extorted from old, poor, and ignorant negroes, who had grandchildren and great-grandchildren.—Ku Klux Report, (Minority), p. 441.

## Correspondence from the N. Y. Tribune

Captain Glavis's district includes the counties of Johnston, Wilson, Wayne, Greene, Sampson, and Lenoir. He has his headquarters at Goldsboro, and visits each county at least once a week. There is no civil law, and he has to act as judge, jury, magistrate, sheriff, and everything else in these six counties. There is a certain day called "court day" fixed for each county. Yesterday was court day in Wilson county, and at the captain's invitation I accompanied him. After breakfast the captain, with the assistance of two clerks, began his court. There were about five hundred people of all colors and classes waiting for a hear-

ing. They come in, state their cases, and are disposed of in quick order; it taking all day, however, to get through. It is hardly possible to give you a full idea of the nature of the business these people transacted. The negroes generally come to get hired out, or bound out if under age, to make complaint against their former masters for wages retained, for rations, and the settlement of all disputes. Rations are rarely given except in very urgent cases; and no negro can make complaint to the Bureau unless he or she had made some contract for support for the ensuing year. This is a good rule, and compels the unwilling and lazy to work. Thus, you see, all the stuff about the Freedmen's Bureau being a refuge for indo'ent negroes is so much falsehood. All contracts for labor are made through the bureau, or else they are not valid in case of a disagreement between the parties. Consequently there are always a large number of planters constantly besieging the bureau for laborers. Yesterday Captain Glavis signed no less than forty contracts between planters and negroes. The contracts are printed in blank, and set forth the duties and requirements of each party. The most important one is that the employer shall do all in his power to promote the establishment of schools for the employe's children. Quite a number of children are bound out also. When a man wants a child bound to him he is rigidly examined by the captain, and must show that he is a citizen of good character, and must promise to treat the child while with him as it should be, and when it becomes free must give it clothing, a Bible, and a sum of money. Most of the complaints yesterday were made by negroes against their former masters for wages. It they have a contract the captain hears the case and give the complainant an order to the person complained of, requiring said person to settle with said complainant, or appear on next court day to show reason for refusal. In case of a non-settlement both parties appear, their evidence is taken, and the captain decides to the best of his ability. Some cases are so complicated, and the parties concerned so unprincipled, that it requires the wit of a Philadelphia lawyer to arrange wages. A couple of negroes brought complaint against an old planter, a former master, for wages. Planter was ordered for trial, the case was heard, and it was clearly proven that the negroes were entitled to their wages. The planter, when he found that he had lost the case and would have to pay, presented to the captain a long list of charges for various things obtained from him by the negroes. The list was read over to the negroes, and the latter objected to portions of it. For instance, they were charged for two pair of pantaloons when they received only one pair; for four pair of shoes instead of two; for twenty pounds of bacon instead of ten, and a large doctor's bill. The unreconstructed and high-toned planter was sure this bill of charges would balance accounts with the "infernal niggers"; but the captain asked him to take off his hat, hold up his right hand, and swear before

Almighty God that every item charged was correct. Planter hesitated—he was old and tottering—and commenced to deign to ask his “niggers” if “they were sure it was only one pair instead of two pairs they received,” and so on. He wouldn’t swear to the list of charges, and the case was dismissed, the planter being ordered to pay the negroes their wages, and also to pay a fine for an attempt to swindle. This is a type of the thousands of cases that come before the bureau. It will give you an idea of the immense amount of work that is to be performed by the persons in charge of the bureaus.—New York Tribune, Feb. 3, 1866, reprinted in Report of Joint Committee on Reconstruction, (1866), Pt. II., 194.

### Opinion of John Minor Botts, of Virginia

I think that one of the great difficulties in Virginia, in regard to the colored people, arises from the organization of the Freedmen’s Bureau—not that the Freedmen’s Bureau is not in itself a proper, and perhaps in some localities an indispensable institution, but that it stands very greatly in need of reformation. \* \* \* in its administration, and in its offices. I have heard of a great many difficulties and outrages which have proceeded \* \* \* if the truth had been represented to me, from the ignorance and fanaticism of persons connected with the Freedmen’s Bureau, who do not understand anything of the true relation of the original master to the slave, and who have, in many instances, held out promises and inducements which can never be realized to the negroes, which have made them entirely indifferent to work, and sometime illbehaved. On the other hand, there are many persons connected with the Freedmen’s Bureau who have conducted themselves with great propriety; and where that has been so there has been no trouble between the whites and blacks that I know of.—Report of the Joint Committee on Reconstruction, (1866), Pt. II., 123.

### Opinion of General John Tarbell, U. S. Army

In respect to the freedom of speech sometimes indulged by people in the south, I may say that they think they have well grounded complaints against the Freedmen’s Bureau; and I do not think their criticism upon that bureau are in every instance dictated by motives of disloyalty. I do not mean to say what proportion of the officers of that bureau are incompetent or corrupt, but that there are many such I have no doubt. In such districts there has been a good deal of complaint, and to a casual observer their comments might be ascribed, perhaps, to motives of disloyalty; but a more careful attention to the subject satisfied me that their complaints were well grounded in a great many cases, for indistricts where they had upright, intelligent, and im-

partial officers of the bureau, the people expressed entire satisfaction. They stated to me that where they had such officers, and where they had soldiers who were under good discipline, they were entirely welcome, and indeed they were glad to have their presence—in some cases approving the action of bureau officers in punishing white men for the ill-treatment of colored people, saying that the officers were perfectly right. In other districts, I am satisfied that it often occurred that bureau officers, wanting in good sense, would show a decided partiality for the colored people, without regard to justice. I am satisfied, also, there were districts where the planters would insure the favor of the bureau officers to them by paying them money; and while they were glad to have their favor, still they would condemn such officers and in such districts there was dissatisfaction.—Report of Joint Committee on Reconstruction, (1866), Pt. III., 156.

### Opinion of James D. B. De Bow, Editor of De Bow's Review

I think if the whole regulation of the negroes, or freedmen, were left to the people of the communities in which they live, it will be administered for the best interest of the negroes as well as of the white men. I think there is a kindly feeling on the part of the planters towards the freedmen. They are not held at all responsible for anything that has happened. They are looked upon as the innocent cause. In talking with a number of planters, I remember some of them telling me they were succeeding very well with their freedmen, having got a preacher to preach to them and a teacher to teach them, believing it was for the interest of the planter to make the negro feel reconciled; for, to lose his services as a laborer for even a few months would be very disastrous. The sentiment prevailing is, that it is for the interest of the employer to teach the negro, to educate his children, to provide a preacher for him, and to attend to his physical wants. And I may say I have not seen an exception to that feeling in the south. Leave the people to themselves, and they will manage very well. The Freedmen's Bureau, or any agency to interfere between the freedman and his former master, is only productive of mischief. There are constant appeals from one to the other and continual annoyances. It has a tendency to create dissatisfaction and disaffection on the part of the labor, and is in every respect in its result most unfavorable to the system of industry that is now being organized under the new order of things in the south. I do not think there is any difference of opinion upon this subject.—Report of Joint Committee on Reconstruction, (1866), Pt. IV., 134.

## 7. Freedmen's Savings Bank

### Information printed on the covers of Freedmen's Savings Bank Book.

A man who saves ten cents a day every day for ten years, will have, if he puts it at interest at six per cent.—

In 1 year he will have.....	\$ 36.99
In 2 years he will have.....	76.20
In 3 years he will have.....	117.81
In 4 years he will have.....	161.94
In 5 years he will have.....	208.74
In 6 years he will have.....	258.42
In 7 years he will have.....	311.13
In 8 years he will have.....	367.03
In 9 years he will have.....	426.37
In 10 years he will have.....	489.31

"I consider the Freedmen's Saving and Trust Company to be greatly needed by the colored people, and have welcomed it as an auxiliary to the Freedmen's Bureau."—Maj. Gen. O. O. Howard.

'Tis little by little the bee fills her cell;  
And little by little a man sinks a well;  
'Tis little by little a bird builds her nest;  
By littles a forest in verdure is drest;  
'Tis little by little great volumes are made;  
By littles a mountain or levels are made;  
'Tis little by little an ocean is filled;  
And little by little a city we build;  
'Tis little by little an ant gets her store;  
Every little we add to a little makes more;  
Step by step we walk miles, and we sew stitch by stitch;  
Word by word we read books, cent by cent we grow rich.

This is a benevolent institution. All profits go to the depositors, or to educational purposes for the freedmen and their descendants.

The whole institution is under the charter of Congress, and received the commendation and countenance of the President, Abraham Lincoln. One of the last official acts of his valued life was the signing of the bill which gave legal existence to this bank.—Ho. Misc. Doc. No. 16, 43 Cong., 2 Sess., pp. 83, 85.

## Benefits of the Freedmen's Savings Bank

The Savings and Trust Company for freedmen, chartered by Congress last winter and placed under your advisement, has gone into successful operation in nearly all the States south, and promises to do much to instruct and elevate the financial notions of the freedmen. The trustees and friends of the institution believe that the industry of these four millions furnishes a solid basis for its operations. Pauperism can be brought to a close; the freedmen made self-supporting and prosperous, paying for their educational and Christian institutions, and helping to bear the burdens of government by inducing habits of saving in what they earn. That which savings banks have done for the working men of the north it is presumed they are capable of doing for these laborers. I was privately and publicly told that the freedmen welcomed the institution. They understand our explanations of its meaning, and the more intelligent see and appreciate fully its benefits. Calls were made upon me at all large towns for branches of the bank. In fifteen of the more central places, viz., Washington, Mobile, Richmond, Norfolk, Newbern, Wilmington, Charleston, Beaufort, Savannah, New Orleans, Vicksburg, Huntsville, Nashville, Memphis, and Louisville, such branches were established. Most of these begin to make returns.—From Report, January 1, 1866, of J. W. Alvord, Inspector of Bureau Schools.—Ho. Ex. Doc. No. 70, 39 Cong., 1 Sess.

## Investigation of the Bank by Congress

Unanimous Report, May 19, 1876.

As a befitting introduction to their report your committee offer the following brief account of the origin, structure, and early history of the institution commonly known as the Freedman's Bank, from which it is believed that if not originally conceived in fraud it will be easy to discern how naturally it degenerated into a monstrous swindle and justifies a suspicion that it was, almost from the start, merely a scheme of selfishness under the guise of philanthropy, and to its confiding victims an incorporate body of false pretenses. While the civil war was still in progress it had occurred to some of the generals of the Federal armies that depositories for receiving and keeping the pay and bounties of the colored Union soldiers would be a convenient and necessary provision for their benefit, and accordingly military savings banks were established at Norfolk, Va., and at Beaufort, S. C. They seemed to have been well-timed and suitable to the object in view, as the colored soldiers eagerly availed themselves for depositing therein such portions of their pay and bounties as

they did not need for their own immediate use, and large sums were found to have accumulated in them when hostilities ceased. From some cause or other, but doubtless by the death of many, the dispersion of the survivors, and the prevailing ignorance of the class of depositors, this money remained uncalled for, and (allowing for some speculation) for the most part a profitless incumbrance to the stakeholders. To utilize this fund and to collect and turn to profit the large sums still due and to be paid by the Government seemed to have led to the conception of the idea of a Freedman's Savings and Trust Company, ostensibly for the benefit of "persons lately held in slavery," but, as the sequel proves, for their spoliation and robbery. The Freedman's Bureau, so redolent of evil under specious guise, and an adept in the ways and means of squandering money, readily supplied the personal agencies for the undertaking. Of these the chief and founder of the so-called Freedmen's Bank was one John W. Alvord, an attache of the bureau, and superintendent of its educational department. This man, who had been anything but a success, abounding in pious platitudes about the good of mankind in general, but with a keen eye to the main chance at the same time, having proved a failure in both lay and clerical pursuits in other sections, now turned his benevolent regards to the confiding and ignorant black element of the South. He got up the charter for the bank, a charter so singular in its array of high and eminent names for corporators, for its business organization, whereby nine out of fifty trustees were constituted a quorum, and so utterly and entirely without safeguards or protection for those who were to become its patrons and depositors that it is hard to believe that its author, whatever might have been his other deficiencies, did not thoroughly understand how to organize cunning against simplicity and make it pay for the pleasure of being cheated. As no intentional injustice is designed by your committee in their search for and exposure of the men who are responsible for the outrages perpetrated upon the colored people by the bank, we desire to say right here that many of the distinguished and eminently worthy gentlemen who figure in the charter never gave the use of their names and never accepted or undertook to execute the trust it created. They were thrust in for appearance sake and to make the delusion attractive and complete. Some who really believed in the good professions of the projectors of the scheme and its adaptability to promote the welfare of those for whose benefit it was apparently intended, and who at first took seats at the board of trustees, quickly vacated them in disgust, and the whole management soon devolved, as was manifestly the intention that it should do, upon a cabal in Washington, consisting of a small minority of the acting trustees.

Theoretically the design and the structure of the bank were admirable. The pecuniary benefit of the freedmen, and the moral and social advantages which attend upon material pros-

perity, were the avowed objects. The various benefits of this beneficent scheme were so divided and allotted out to boards and committees as seemingly to insure efficiency and fidelity in the officers and agents, and proper guarantees to depositors. But the human instrumentalities on which the system depended for its successful operation were lamentably defective. As before said, the law lent no efficacy to the moral obligations assumed by the trustees, officers, and agents, and the whole concern inevitably became as a "whited sepulcher," "fair on the outside, but within, full of dead men's bones," rottenness, and corruption. The inspectors provided by the by-laws were of little or no value, either through the connivance and ignorance of the inspectors or the indifference of the trustees to their reports, \* \* \* The committee of examination \* \* \* were still more careless and inefficient, while the board of trustees, as a supervising and administrative body, intrusted with the fullest power of general control over the management, proved utterly faithless to the trust reposed in them. Everything was left to the actuary and finance committee. Such was the practical working of the machine. \* \* \*

\* \* \* But they, the depositors, were of small account \* \* \* compared with the personal interest of the political jobbers, real-estate pools, and fancy-stock speculators, who were organizing a raid upon the freedmen's money and resorted to an amendment of the charter to facilitate their operations. The District [of Columbia] government, too, came in to hasten and profit by the work of spoliation thus inaugurated. Its treasury was wholly unequal to the task of sustaining the magnificent expenditures of the board of public works, presided over by H. D. Cooke, and controlled by Mr. A. R. Shepherd. Some exchequer must be found to advance upon the depreciated bonds and worthless auditor's certificates of the District, or the contracts must fail, and the speculators of the pool and of Shepherd and his friends in out-of-the-way and unimproved town lots come to grief. This mass of putridity, the District government, now abhorred of all men, and abandoned and repudiated even by the political authors of its being, was represented in the bank by no less than five of its high officers, viz, H. D. Cooke, George W. Balloch, Wm. S. Huntington, D. L. Eaton, and Z. B. Richards, all of whom were in one way or other concerned in speculations more or less dependent for a successful issue on sustaining the contractors under the board of public works, and a free use of the funds of the Freedman's Bank. They were high in power, too, with the dominant influence in Congress, as the legislation they asked or sanctioned and obtained, fully demonstrated. Thus it was that without consulting the wishes or regarding the interests of those most concerned—the depositors—the vaults of the bank were literally thrown open to unscrupulous greed and rapacity. The toilsome savings of the poor negroes, hoarded and

laid by for a rainy day, through the carelessness and dishonest connivance of their self-constituted guardians, melted away—vanished into thin air in the form of millions of so-called assets, on which by no possible contingency can fifty cents on the dollar be ever realized to the unfortunate victims of heartless duplicity and misplaced confidence. The wolves literally became the pastors of the flock, and, without compunction or remorse, devoured the younglings committed to their care. In the foregoing narrative your committee have necessarily, though somewhat incidentally, touched upon and pointed out the prime, but remote and indirect, causes of the failure of the Freedman's Bank—which was the utter and complete omission to provide in the law of its organization any safeguards for the protection of the depositors, who were encouraged and invited to trust their millions to its keeping.

\* \* \* Your committee call attention to the books of the bank. Their condition indicates a settled purpose, running through a series of years, to muddle and confuse accounts so as to make them unintelligible. But whether through design or not, such is the result. If nothing more than an occasional mistake or slight "irregularity" occurred, it might be set down, perhaps, to the inexperience of the book-keepers or the want of clerical force to write up the books properly without imputing very great harm to any one. But it is far otherwise. The books are mutilated and defaced—leaves cut out in some places and firmly pasted together in others—without proper indexes to guide and direct the searcher into their hidden mysteries—abounding in false entries and forced balances, altogether exhibiting a labyrinth of winding and never-ending perplexity and contradictions that defy the scrutiny of the sharpest experts. \* \* \* And now, taking a retrospective glance over the events of the last ten years, in which this Freedman's Bank looms up conspicuously, we are led to believe that no race or kindred among all the generations of men have so thoroughly sounded the depths of the philosophy expressed in the prayer, save me from my friends, as those "persons lately held in slavery" at the South, a people over whom more crocodile tears have been shed, on whom more imposition practiced, and for whom less real sympathy felt by their professed friends, than any other known to history—a people almost literally stabbed under the fifth rib with a hug and a salutation "How is it with thee to-day, my brother?" In regard to this bank, the grossest deception was practiced upon them. They were told it was a Government institution, and its solvency and safety guaranteed by the United States. Missionaries, of whom the chief was Alvord, perambulated the South mixing religion, politics, education, and teaching the blacks how "to toil and to save," and then trust their hard-earned savings to Alvord and his associates to invest them, not until, however, they had levied toll for their services in bestowing such inestimable benefits, and for their disinterested labors and sacrifices.

Full of gratitude to the Government for his emancipation, the negro was easily approached by, and gave unheeding to, any adventurer who declared himself his friend and professed a desire to aid his moral, intellectual, and social elevation, provided he belonged to the party of the administration. He believed and was deceived, trusted and was betrayed. Taught, to his ruin and that of the whites among whom he lives and moves and has his being, and between whom and himself there must be mutual trust and confidence before prosperity can be restored to his section, to hate and distrust the "old master classes," he is now derided by his old friends for his credulity, \* \* \* and told that those who dragged him out of slavery have by that one act canceled every obligation to deal with him on principles of common honesty. Upon no one of the originators and trustees of the bank did so great responsibility rest as upon John W. Alvord, but yet he permitted all the misdoings described in this report to go on from year to year without any vigorous protest or effort to correct them, and, so far from giving warnings to those who had so trusted the concern through his persuasion, he helped to keep up the delusion by praising it, enlarging upon its benefits, giving assurances of its stability, and soliciting increase of depositors and deposits. \* \* \*

Ho. Rept. No. 502, 44th Cong., 1st Sess.

## An Act to Incorporate the Freedmen's Savings and Trust Company

March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Peter Cooper, William C. Bryant, A. A. Low, S. B. Chittenden, Charles H. Marshall, William A. Booth, Garritt Smith, William A. Hall, William Al'en, John Jay, Abraham Baldwin, A. S. Barnes, Hiram Barney, Seth B. Hunt, Samuel Holmes, Charles Collins, R. R. Graves, Walter S. Griffith, A. H. Wallis, D. S. Gregory, J. W. Alvord, George Whipple, A. S. Hatch, E. A. Lambert, W. G. Lambert, Roe Lockwood, R. H. Manning, R. W. Ropes, Albert Woodruff, and Thomas Denny, of New York; John M. Forbes, William Claffin, S. G. Howe, George L. Stearns, Edward Atkinson, A. A. Lawrence, and John M. S. Williams, of Massachusetts; Edward Harris and Thomas Davis, of Rhode Island; Stephen Colwell, J. Wheaton Smith, Francis E. Cope, Thomas Webster, B. S. Hunt, and Henry Samuel, of Pennsylvania; Edward Harwood, Adam Poe, Levi Coffin, J. M. Walden, of Ohio, and their successors, are constituted a body corporate in the city of Washington, in the District of Columbia, by the name of the Freedmen's Savings and Trust Company, and by that name may be sued in any court of the United States. \* \* \*

Sec. 5. \* \* \* the general business and object of the corporation hereby created shall be, to receive on deposit such sums of money as may, from time to time, be offered therefor, by or on behalf of persons heretofore held in slavery in the United States, or their descendants, and investing the same in the stocks, bonds, Treasury notes, or other securities of the United States.

Sec. 11. \* \* \* in the case of the death of any depositor, whose deposit shall not be held upon any trust created pursuant to the provisions hereinbefore contained, or where it may prove impossible to execute such trust, it shall be the duty of the corporation to make diligent efforts to ascertain and discover whether such deceased depositor has left a husband, wife, or children surviving, and the corporation shall keep a record of the effects so made, and of the results thereof; and in case no person lawfully entitled thereto shall be discovered, or shall appear, or claim the funds remaining to the credit of such depositor before the expiration of two years from the death of such depositor, it shall be lawful for the corporation to hold and invest such funds as a separate trust fund, to be applied, with the accumulations thereof, to the education and improvement of persons heretofore held in slavery, or their descendants, being inhabitants of the United States, in such manner and through such agencies as the board of trustees shall deem best calculated to effect that object: Provided, That if any depositor be not heard from within five years from that date of his last deposit, the trustees shall advertise the same in some paper of general circulation in the state where the depositor was last heard from; and if, within two years thereafter such depositor shall not appear, nor a husband, wife, or child of such depositor, to claim his deposits, they shall be used by the board of trustees as hereinbefore provided for in section \* \* \* Ho. Mis. Doc. No. 16, 43 Cong., 2 Sess. p. 85.

**Table Showing the Relative Business of the Company for Each Fiscal Year.**

For year ending Mch. 1	Total amount of deposits	Total amount of drafts	Balance due Depositors
1866 .....	\$ 305,167.00	\$ 105,883.58	\$ 199,283.42
1867 .....	1,624,853.33	1,258,515.00	366,338.33
1868 .....	3,582,378.36	2,944,079.36	638,299.00
1869 .....	7,257,798.63	6,184,333.32	1,073,465.31
1870 .....	12,605,781.95	10,948,775.20	1,657,006.75
1871 .....	19,952,647.36	17,497,111.25	2,455,836.11

—Ho. Misc. Doc. No. 16. 43 Cong., 2 Sess. p. 91.

**Amount of Deposit at the Various Branches of the Freedman's Savings and Trust Company.**

February 14, 1874, date of failure of Bank.

Branches.	Deposits.	Branches.	Deposits.
Alexandria, Va.....\$	21,584	Montgomery, Ala....\$	29,743
Atlanta, Ga.....	28,404	Natchez, Miss.....	22,195
Augusta, Ga.....	96,882	Nashville, Tenn.....	78,525
Baltimore, Md.....	303,947	New Berne, N. C....	40,621
Beaufort, S. C.....	55,592	New Orleans, La....	240,006
Charleston, S. C....	255,345	New York, N. Y....	344,071
Columbus, Miss....	18,857	Norfolk, Va.....	126,337
Columbia, Tenn....	19,823	Philadelphia, Pa....	84,657
Huntsville, Ala....	35,963	Raleigh, N. C.....	26,703
Jacksonville, Fla....	22,022	Richmond, Va.....	166,000
Lexington, Ky.....	34,193	Savannah, Ga.....	153,425
Little Rock, Ark....	17,728	Shreveport, La....	30,312
Louisville, Ky.....	137,094	Saint Louis, Mo....	58,397
Lynchburg, Va.....	19,967	Tallahassee, Fla....	40,207
Macon, Ga.....	54,342	Vicksburg, Miss....	104,348
Memphis, Tenn.....	96,755	Washington, D. C...	384,789
Mobile, Ala.....	95,144	Wilmington, N. C...	45,223
		Total .....	\$3,299,201

—Ho. Misc. Doc. 16, 43 Cong., 2 Sess. p. 61.

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# West Virginia University

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*Announcements of the facilities and courses in the following departments may be had by writing to the President:*

- |  |                        |
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| 4. Medicine.   | 9. Preparatory.        |
| 5. Agriculture including<br>Dairying, Horticulture, Veterinary Science, etc. | 10. Commercial.        |
|  | 11. The Summer School. |

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D. B. PURINTON, Ph. D., LL. D., President  
MORGANTOWN, WEST VIRGINIA.

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(2) The Constitution of the Council of Safety.  
(3) A Local Ku Klux Klan Constitution.  
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ANNUAL SUBSCRIPTION, EIGHT NUMBERS, ONE DOLLAR

## The "Black Codes" of 1865-1866

The so-called "Black Laws" were passed during the fall and winter of 1865-1866 by the legislatures of the former Confederate States. The purpose of these laws was to incorporate into the social order the three and a half millions of blacks, lately slaves, now free, ignorant, helpless, brutal, demoralized and dangerous. For these people no laws existed. Those on the statute books applied only to whites or to free negroes under a slavery regime. The most important provisions of the laws relating to freedmen were as follows: Definition of persons of color, citizenship conferred on the negro, right to hold property and to testify in court, regulations concerning apprenticeship, contracts, marriages, family relations. In general the object of the laws was to force the negro to have a home and employment, to compel him to fulfill contracts, to protect him in person and property, to give him a standing in court and a legal position in the social order, to regulate morals and conduct, to strengthen family relations, to protect the whites from lawless blacks, to provide for the orphans, the sick, the aged and the poor, and, with some exceptions, to extend to the blacks the laws relating to the whites. These exceptions were more or less stringent regulations believed to be necessary for the proper control of the demoralized negroes. Some of these laws provided heavier penalties for blacks, others inflicted heavier penalties upon whites. The principle was that the races were unlike and unequal, and needed, in some matters, different legislation. Many of the laws were modeled upon the regulations of the Freedmen's Bureau, but from a different point of view.

Northern politicians severely criticised this legislation, and it has been put forward as an excuse for the radical measures of the Thirty-ninth Congress. As a matter of fact, the radical leaders had matured their plans before the passage of the laws, but the latter served as a convenient issue in the campaign. The criticisms were as follows: the laws were "framed with malignant cunning" for the purpose of re-enslaving the blacks; they were intended as "an easy way back to slavery," etc. It was assumed that the southern whites and the blacks were necessarily hostile to each other and that the former would execute justly no laws that related to the latter. The spirit and the purpose of the laws were entirely misunderstood.

None of these laws containing distinctions made on account of color was ever enforced, and during the next two years they were repealed.\* Only the most stringent of the laws are here printed.

\*The best accounts of these laws are: Burgess, *Reconstruction*, pp. 42-45; Garner, *Reconstruction in Mississippi*, pp. 109-121; Rhodes, *History of the United States*, vol. 4, pp. 555-566. Partisan and incorrect accounts which will show the nature of the agitation against the laws are found in Blaine, *Twenty Years in Congress*, vol. 2, pp. 98-107, and McCall, Thaddeus Stevens, pp. 250-255; Cox, *Three Decades of Federal Legislation*. Comparisons of the "Black Laws" with similar legislation of the northern and southern states are found in Herbert, *Solid South*, pp. 31-36, and Garner, *Mississippi*, p. 119.

## NORTH CAROLINA

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### Report of the Committee Appointed to Prepare Laws Relating to Freedmen, January 22, 1866.

\* \* The committee are aware that the great and radical changes occasioned by emancipation, in the fixed habits and customs of the people, cannot be truly estimated at once; and therefore they forbear, as much as possible, to speculate by legislative anticipation, for such changes as may even probably become necessary in the course of time. They deem it the more prudent course to proceed now by new laws only so far as the way appears to be clear. They prefer to let the common law apply its flexible rules for human conduct to the new state of things, rather than frame for it rigid and perhaps misconceived legislation.

The general assembly will perceive that we have omitted all such punishments as the involuntary hiring out of persons of color, and also of whipping them, except in cases where white persons are thus punished.

Public whipping is a species of punishment which ought rarely to be inflicted on any one whom it is the purpose of the law to reclaim from crime. The culprit thus punished becomes utterly degraded in public esteem; and it would be wonderful if he did not become so in his own. A freeman thus degraded, loses all incentive to virtue; and so far as his example can extend as a parent or otherwise, he inculcates all his vices in those around him.

It may be said, with perfect truth, that there are comparatively few of the slaves lately freed who are honest; but this vice now so prevalent among them may be traced to other and more probable causes than any natural depravity peculiar to the negro race, which by some physiologists, are declared to be naturally destitute of moral principles in a greater degree than any other people yet known. The committee have not regulated their code by this doctrine. And if it were true, there is but the greater necessity for correcting the natural obliquity by proper civil institutions wisely administered. That the race is not beyond the reach of a proper moral training, is evident from the many examples among them of sobriety, industry, and honesty. If it owed its depravity to the vicious nature peculiar to the race, we ought to be able by this time to trace some steps of improvement in the mixture of its blood with that of other races of men.

The committee have not discovered, nor has it been maintained, that the mixed-blooded slave has been elevated in the moral virtues of the white race as he advanced toward it in color. It may not be

amiss to remark that the punishment by hiring is rather of modern date. The first enactment to this effect was in 1831, and its constitutionality was seriously questioned by eminent lawyers, though settled by an able court.

Your honorable body will perceive, also, that we recommend that the courts should be carefully opened to the negro race, for protecting their persons and property, and all the rights of freemen, by being heard as witnesses whenever their rights are in controversy.

The enactment recommended allows their evidence in civil cases only where the rights of person or property of persons of color would be precluded by the judgment or decrees made in those cases. And in criminal cases, only where the violence, fraud, or injury charged to have been done by or on them is put directly in issue.

If the testimony is to be admitted at all, it ought to be extended to such cases. The effect of thus limiting it will not deny them any advantages, but, on the contrary, will secure to them the most perfect protection that human evidence can afford. Beyond the accomplishment of this object we have not felt ourselves authorized to go. The result of allowing it to this extent will be, that when colored persons are parties they may call to the witness stand the whole population of the land not rendered incompetent by want of understanding, interest, or religious unbelief; while in cases where white persons alone are parties, white persons only will be competent witnesses.

The committee will proceed to give some of the reasons which have induced them to recommend the reception of the evidence of negroes, as provided in Section II:

*First. The present helpless and unprotected condition of the race demand it.*

Their condition of personal security is greatly changed. Prior to emancipation they were grouped on farms which they seldom left, and were overlooked by their masters or overseers, surrounded by families of white children.

They were not only watched by the whites to preserve the discipline necessary for servitude, and to prevent spoliations, but were cared for and protected as property. It was the slave-holder's interest to prevent, and when committed, to punish, any injuries done to the persons of their slaves. The interest of one slave-holder was the interest of all; so that their security was guaranteed by the common interest of the wealthiest and most powerful men in the country, and of course, of all their kindred and adherents, among whom, generally, were their poorest white neighbors. Thus the person of the slave (without reckoning the feelings of humanity which have generally characterized the slave-holders of this State) became the subject of general protection by every class of white men, and any outrage on his person was a general cause for common vindication. With this shield of security, the white aggressor was checked in his violence; and if not, his detection was almost sure. These sources of personal security are all removed by emancipation,

and without the capacity to bear evidence, he stands in numerous cases utterly defenceless, except by opposing force to force against every species of outrage offered to himself or to his family, whether in his presence alone, or under the eye of other colored persons. If he should submit to the violence, and suffer the most grievous wrongs, there is no one who can be heard in his behalf; and he could expect, from his submission, nothing less than a repetition of his unredressed wrongs.

If he should oppose force to force in the justest cause, whatever might be the result, his mouth and the mouths of all colored witnesses would be closed.

It is a truth not less obvious than established by all experience, that breaches of the peace always decrease in proportion to the facility and impartiality with which the violator is brought to justice. Citizens will not readily avenge themselves when the sword of the law is at hand to do for them; but when the law is powerless, from whatever cause, the hand of private violence will be sure to come to the aid of self-defence. It is, therefore, clear that by protecting the person of the negro, we shall most certainly protect the person of the white man. If the former may be outraged in his own domicile or secret places, or along the highway in open day with impunity, because he may be incompetent to testify to the wrong, he will turn from the door of the court-house and seek his redress elsewhere, and in a way, too, that will likewise shut the mouth of him who may witness the act. Let no one suppose such a result improbable, if the great and just law-giver of the Jews has himself set the example to an enslaved people.

*Secondly. That admission of such evidence is necessary to secure the colored people in their rights of property.*

While in slavery they had no property. What was set apart for their use belonged to their masters, and was under his protection. In their new state they enter on the broad ground of citizenship, and become actors in all the departments of social life. They are allowed to trade with the white man in every article of property; to possess and cultivate lands, and, by all wise means, should be encouraged to habits of industry and a desire for honest acquisition.

The protection of a man's honest gains should ever be, after the protection of his person, the next great policy of a wise Commonwealth. If the property which a negro shall own, his cattle, his money, may all be carried off, yea, his very house robbed of its furniture, and his person of his valuables, by abandoned white men, and he shall be unable to bring the robbers to justice because the witnesses are colored, can the race feel any ardent disposition to labor for themselves? On the contrary, will they not feel doubly tempted by such want of security for their own property to become depredators themselves, especially when they reflect that it is the white man's policy which thus exposes them to licentious white men? But, besides such glaring cases of public wrongs which will

go unredressed by excluding their evidence, there are many of a more private nature which depraved white men would perpetrate on them or procure to be done by their negro associates, as their instruments. Already the wicked white man and corrupt dependent negro have banded together in lawless thefts and frauds on industrious and peaceful citizens, both white and black; and the white associate, if negro evidence shall be excluded, will stand secure in his villainy behind his colored friend.

The calamity to public virtue and private rights would be incalculable if those who were injured could not testify against the perpetrator of the crime. How shocked would every citizen of North Carolina feel if the legislature should enact that no person assaulted and beaten, no one whose property was stolen, no one robbed, and no one ravished, should bear evidence of the crime? The exclusion of negro evidence places that race in just such a condition.

The committee are of opinion that the protection of person and property imperiously demands that the evidence of colored persons be admitted for that purpose, unless it should be excluded upon some ground of public policy still higher than such as favors its introduction. We have heard of but one that is plausible, and that is the general falsity of such evidence. No one pretends that it is universally false. It is urged, however, that, for the greater part, the evidence is not reliable, and, if universally believed, would produce far more wrong than right.

We are fully aware of a lamentable prevalence of this vice among the race. It is a natural offspring of their recent slavery and degradation. Forced to an involuntary servitude, and required to do many things against their will, without any apparent profit to themselves, it was natural for them to disobey if they found temporary ease in disobedience; and to avoid correction, it was equally natural for them to endeavor to escape it by falsehood. The vice of lying is and ever has been common to all people in slavery. Universal and unvarying truth is the highest and purest of all virtues; and if the most veracious persons only were competent witnesses, there would be many cases of the highest interest to the public without a single witness. Such a rule, however, has never marked the policy of justice in its investigation of facts.

It has been said that in a by-gone age the rules of evidence with us were framed rather to exclude falsehood than to admit truth; but even when these rules were administered in this spirit all persons above seven years old, of sufficient understanding, not religiously insensible to the obligations of an oath, nor parties directly interested in the cause, were competent witnesses, unless they had been rendered infamous by conviction of some infamous crime, and judgment rendered thereon. These were English rules of the common law; and so long as they prevailed there was no nation on the earth whose inhabitants were excluded as witnesses from English courts, it mattered not what was their color, crime, or religion. It is probable that at a very early period after the introduction of

African slavery into this State the slave was forbidden to testify against a white person, and it is probable also that the exclusion was soon extended to free persons of color. Slaves were not allowed to bear testimony against free persons of color until 1821.

The policy of excluding such testimony was founded on two considerations: First, the entire and absolute dependence of a slave on his master, and their social relation which rendered him unfit to bear witness for or against his master, or for or against any person to whom his master extended his favor or dislike. Besides this, the settled policy was to humble the slave and extinguish in him the pride of independence. This latter policy was extended in 1821 to the free negro, who, it was alleged, was greatly corrupting the slave by claiming superior privileges over him.

Emancipation having destroyed the distinction, all legislation concerning the colored race must be the same.

The rules regulating the admissibility of the evidence of white persons, with a few exceptions, remain with us as they were a century since. But all at once the slave has disappeared, and upwards of 300,000 free persons of color are added to the population; these, with those before existing, constitute one-third of our entire people. Shall they be admitted to the witness stand? If it ever was, it is certainly not now our policy to degrade them. On the contrary, our true policy is to elevate them in every way consistent with the safety and good government of the community. They must be educated out of their ignorance, and reformed out of their vicious habits.

If the admission of their evidence will not seriously endanger the administration of our laws, our manifest policy is to allow it; for nothing, in our opinion, tends more to inculcate a regard for truth than the almost unavoidable detection of falsehood, which occurs in judicial investigations before a jury, where the parties and witnesses are known, and their manner and conduct are scrutinized in the ordeal of trial.

If it be true that either the negro race or the negro in our midst, civilized as he is beyond his native condition, be so mendacious that he cannot be safely heard in our court of justice, it seems to us that it is one of your highest duties to exclude them as witnesses in all cases whatsoever, as well those in which they are the sole parties as those wherein one of the parties is a white man, and, above all things, not to allow persons of color to be convicted of capital felonies and deprived of life on such unreliable evidence. If to this suggestion it may be truly replied that he can be trusted when his own color is on trial, then it follows that he yet loves truth better than falsehood, unless he is seduced by his prejudices against the white man. Now, if this be so, this general characteristic of the race will soon develop itself, and thenceforth receive its just estimate at the hands of a white judge and a white jury. It is just to truth, however, for us to admit that neither during the wonderful and enduring conflict of arms, popularly announced in their very midst to be in behalf of their freedom, they did not exhibit,

nor since its termination have they exhibited, any decided marks of prejudice against their late masters.

It must be conceded by the opponents of such evidence that if strong prejudices be sufficient to exclude the testimony of witnesses, all experience teaches that public prosecutors, near kindred, and personal enemies, ought to be set aside as incompetent; and, if general corruption be also sufficient cause for exclusion, the man whose character for truth on oath is proved by all his acquaintances to be bad, ought no more to be heard in the ascertainment of facts than a negro. Yet in all these cases the witness is heard, subject to so many "grains of allowance" on account of his established and admitted infirmity as a jury may judge to be the proper measure. It is settled by our highest judicial tribunal that the testimony of a witness who commits a perjury, apparent to the jury in the very case in which he is examined, must nevertheless be weighed by the jury for what it is worth.

By the laws of all civilized Europe, regulating the competency of witnesses, none are excluded by reason of character, race, color, or religion. We ourselves admit the semi-barbarian of every continent and island; of every nation and tongue; of every religion—Christian, heathen, and pagan; and of every color and race, unless he may fall under the ethnological varieties of the human species denominated Negroes and Indians.

We are not prepared to admit, nor indeed do we believe, that the colored man in North Carolina is entitled to less credit on his Christian oath than the colored Musselman, or heathen of Asia or Egypt, or of other parts of Africa, is when sworn on his Koran or other symbols of religious reverence. And when we consider the many thousands in the State who are in full fellowship as Christians, though we are quite sensible of the general demoralization which pervades them as a class, we feel little dread for the consequences which may attend the admissibility of their evidence as reported.

In offering our reasons for allowing the evidence, we have conceded the general demoralization of the colored population; but we should do great injustice to many of them if we should close this report without excepting from the stigma hundreds who, throughout their lives have conducted themselves in a manner altogether becoming the best of citizens, and deserving the very highest praise. These are lights, indeed, to all others; and the consideration of respect in which they are held ought to stimulate and encourage others of their race to practice the virtues of honesty and truth, which have served to distinguish the few.

The committee hitherto have argued that if the proposed evidence be admitted, subject to the rules long established among us and derived from our English ancestors, the administration of justice will have little to apprehend from the depravity or prejudice of the witness. \* \* \* *Sen. Ex. Doc. No. 26, 39th Cong., 1st Sess., p. 52.*

## MISSISSIPPI.

AN ACT to regulate the relation of master and apprentice, as relates to freedmen, free negroes, and mulattoes.

[Approved November 22, 1865.]

Section 1. It shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties in this State, to report to the probate courts of their respective counties semi-annually, at the January and July terms of said courts, all freedmen, free negroes, and mulattoes, under the age of eighteen, in their respective counties, beats, or districts, who are orphans, or whose parent or parents have not the means or who refuse to provide for and support said minors; and thereupon it shall be the duty of said probate court to order the clerk of said court to apprentice said minors to some competent and suitable person on such terms as the court may direct, having a particular care to the interest of said minor: *Provided*, that the former owner of said minors shall have the preference when, in the opinion of the court, he or she shall be a suitable person for that purpose.

Sec. 2. \* \* \* The said court shall be fully satisfied that the person or persons to whom said minor shall be apprenticed shall be a suitable person to have the charge and care of said minor, and fully to protect the interest of said minor. The said court shall require the said master or mistress to execute bond and security, payable to the State of Mississippi, conditioned that he or she shall furnish said minor with sufficient food and clothing; to treat said minor humanely; furnish medical attention in case of sickness; teach, or cause to be taught, him or her to read and write, if under fifteen years old, and will conform to any law that may be hereafter passed for the regulation of the duties and relation of master and apprentice: *Provided*, that said apprentice shall be bound by indenture, in case of males, until they are twenty-one years old, and in case of females until they are eighteen years old.

Sec. 3. \* \* \* In the management and control of said apprentices, said master or mistress shall have the power to inflict such moderate corporal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law: *Provided*, that in no case shall cruel or inhuman punishment be inflicted.

Section 4. \* \* \* If any apprentice shall leave the employment of his or her master or mistress, without his or her consent, said master or mistress may pursue and recapture said apprentice, and bring him or her before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress; and in the event of a refusal on the part of said apprentice so to return, then said justice shall commit said apprentice to the jail of said county, on failure to give bond, to the next term of the county court; and it shall be the duty of said court at the first term thereafter to investigate said case, and if the court shall be of opinion that said apprentice left the employ-

ment of his or her master or mistress without good cause, to order him or her to be punished, as provided for the punishment of hired freedmen, as may be from time to time provided for by law for desertion, until he or she shall agree to return to the service of his or her master or mistress: *Provided*, that the court may grant continuances as in other cases: *And provided further*, that if the court shall believe that said apprentice had good cause to quit his said master or mistress, the court shall discharge said apprentice from said indenture, and also enter a judgment against the master or mistress for not more than one hundred dollars, for the use and benefit of said apprentice, to be collected on execution as in other cases.

Sec. 5. \* \* \* if any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice, or furnish him or her food or clothing without the written consent of his or her master or mistress, or shall sell or give said apprentice ardent spirits without such consent, said person so offending shall be guilty of a misdemeanor, and shall, upon conviction thereof before the county court, be punished as provided for the punishment of persons enticing from their employer hired freedmen, free negroes or mulattoes.

Sec. 6. \* \* \* it shall be the duty of all civil officers of their respective counties to report any minors within their respective counties to said probate court who are subject to be apprenticed under the provisions of this act, from time to time as the facts may come to their knowledge, and it shall be the duty of said court from time to time as said minors shall be reported to them, or otherwise come to their knowledge, to apprentice said minors, as hereinbefore provided.

Sec. 9. \* \* \* it shall be lawful for any freedman, free negro, or mulatto, having a minor child or children, to apprentice the said minor child or children, as provided for by this act.

Sec. 10. \* \* \* in all cases where the age of the freedman, free negro, or mulatto cannot be ascertained by record testimony, the judge of the county court shall fix the age.—*Laws of Mississippi (1865)*, p. 86.

AN ACT to amend the vagrant laws of the State.

[Approved November 24, 1865.]

Section 1. *Be it enacted by the legislature of the State of Mississippi*. That all rogues and vagabonds, idle and dissipated persons, beggars, jugglers, or persons practicing unlawful games or plays, runaways, common drunkards, common night-walkers, pilferers, lewd, wanton, or lascivious persons, in speech or behavior, common ralers and brawlers, persons who neglect their calling or employment, misspend what they earn, or do not provide for the support of themselves or their families, or dependents, and all other idle and disorderly persons, including all who neglect all lawful business, habitually misspend their time by frequenting houses of ill-fame, gaming-houses, or tippling shops, shall be deemed and con-

sidered vagrants, under the provisions of this act, and upon conviction thereof shall be fined not exceeding one hundred dollars, with all accruing costs, and be imprisoned, at the discretion of the court, not exceeding ten days.

Sec. 2. \* \* \* all freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawfully assembling themselves together, either in the day or night time, and all white persons assembling themselves with freedmen, free negroes or mulattoes, or usually associating with freedmen, free negroes or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, freed negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro or mulatto, fifty dollars, and a white man two hundred dollars, and imprisonment at the discretion of the court, the freed negro not exceeding ten days, and the white man not exceeding six months.

Sec. 3. \* \* \* all justices of the peace, mayors, and aldermen of incorporated towns, counties, and cities of the several counties in this State shall have jurisdiction to try all questions of vagrancy in their respective towns, counties, and cities, and it is hereby made their duty, whenever they shall ascertain that any person or persons in their respective towns, counties and cities are violating any of the provisions of this act, to have said party or parties arrested, and brought before them, and immediately investigate said charge, and, on conviction, punish said party or parties, as provided for herein. And it is hereby made the duty of all sheriffs, constables, town constables, and all such like officers, and city marshals, to report to some officer having jurisdiction all violations of any of the provisions of this act, and in case any officer shall fail or neglect any duty herein it shall be the duty of the county court to fine said officer, upon conviction, not exceeding one hundred dollars, to be paid into the county treasury for county purposes.

Sec. 4. \* \* \* keepers of gaming-houses, houses of prostitution, prostitutes, public or private, and all persons who derive their chief support in the employments that militate against good morals, or against law, shall be deemed and held to be vagrants.

Sec. 5. \* \* \* All fines and forfeitures collected under the provisions of this act shall be paid into the county treasury for general county purposes, and in case of any freedman, free negro or mulatto shall fail for five days after the imposition of any fine or forfeiture upon him or her for violation of any of the provisions of this act to pay the same, that it shall be, and is hereby, made the duty of the sheriff of the proper county to hire out said freedman, free negro or mulatto, to any person who will, for the shortest period of service, pay said fine and forfeiture and all costs: *Provided*, a preference shall be given to the employer, if there be one, in which case the employer shall be entitled to deduct and retain the amount

so paid from the wages of such freedman, free negro or mulatto, then due or to become due; and in case said freedman, free negro or mulatto cannot hire out, he or she may be dealt with as a pauper.

Sec. 6. \* \* \* the same duties and liabilities existing among white persons of this State shall attach to freedmen, free negroes or mulattoes, to support their indigent families and all colored paupers; and that in order to secure a support for such indigent freedmen, free negroes, or mulattoes, it shall be lawful, and is hereby made the duty of the county police of each county in this State, to levy a poll or capitation tax on each and every freedman, free negro, or mulatto, between the ages of eighteen and sixty years, not to exceed the sum of one dollar annually to each person so taxed, which tax, when collected, shall be paid into the county treasurer's hands, and constitute a fund to be called the Freedman's Pauper Fund, which shall be applied by the commissioners of the poor for the maintenance of the poor of the freedmen, free negroes and mulattoes of this State, under such regulations as may be established by the boards of county police in the respective counties of this State.

Sec. 7. \* \* \* if any freedman, free negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be *prima facie* evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto, or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent taxpayer to any one who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

Sec. 8. \* \* \* any person feeling himself or herself aggrieved by judgment of any justice of the peace, mayor, or alderman in cases arising under this act, may within five days appeal to the next term of the county court of the proper county, upon giving bond and security in a sum not less than twenty-five dollars nor more than one hundred and fifty dollars, conditioned to appear and prosecute said appeal, and abide by the judgment of the county court; and said appeal shall be tried *de novo* in the county court, and the decision of the said court shall be final.—*Laws of Mississippi (1865), p. 90.*

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AN ACT to confer civil rights on freedmen, and for other purposes.

[Approved November 25, 1865.]

Section 1. *Be it enacted by the legislature of the State of Mississippi,* That all freedmen, free negroes and mulattoes may sue and be sued, implead and be impleaded, in all the courts of law and equity of this State, and may acquire personal property, and chuses in action, by descent or purchase, and may dispose of the same in the same manner and to the same extent that white persons may: *Provided,* That the provisions of this section shall not be so construed as to allow any freedman, free negro or mulatto to rent or lease any

lands or tenements except in incorporated cities or towns, in which places the corporate authorities shall control the same.

Sec. 2. \* \* \* all freedmen, free negroes and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons: *Provided*, that the clerk of probate shall keep separate records of the same.

Sec. 3. \* \* \* all freedmen, free negroes or mulattoes who do now and have heretofore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes; and it shall not be lawful for any freedman, free negro or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free negro or mulatto; and any person who shall so intermarry shall be deemed guilty of felony, and on conviction thereof shall be confined in the State penitentiary for life; and those shall be deemed freedmen, free negroes and mulattoes who are of pure negro blood, and those descended from a negro to the third generation, inclusive, though one ancestor in each generation may have been a white person.

Sec. 4. \* \* \* in addition to cases in which freedmen, free negroes and mulattoes are now by law competent witnesses, freedmen, free negroes or mulattoes shall be competent in civil cases, when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants; also in cases where freedmen, free negroes and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants. They shall also be competent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedman, free negro or mulatto: *Provided*, that in all cases said witnesses shall be examined in open court, on the stand; except, however, they may be examined before the grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

Sec. 5. \* \* \* every freedman, free negro and mulatto shall, on the second Monday of January, one thousand eight hundred and sixty-six, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof as follows, to-wit: if living in any incorporated city, town, or village, a license from the mayor thereof; and if living outside of an incorporated city, town, or village, from the member of the board of police of his beat, authorizing him or her to do irregular and job work; or a written contract, as provided in Section 6 in this act; which license may be revoked for cause at any time by the authority granting the same.

Sec. 6. \* \* \* all contracts for labor made with freedmen, free negroes and mulattoes for a longer period than one month shall be in writing, and a duplicate, attested and read to said freedman, free negro or mulatto by a beat, city or county officer, or two dis-

interested white persons of the county in which the labor is to be performed, of which each party shall have one; and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer before the expiration of his term of service, without good cause, he shall forfeit his wages for that year up to the time of quitting.

Sec. 7. \* \* \* every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause; and said officer and person shall be entitled to receive for arresting and carrying back every deserting employe aforesaid the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery; and the same shall be paid by the employer, and held as a set-off for so much against the wages of said deserting employe: *Provided*, that said arrested party, after being so returned, may appeal to the justice of the peace or member of the board of police of the county, who, on notice to the alleged employer, shall try summarily whether said appellant is legally employed by the alleged employer, and has good cause to quit said employer. Either party shall have the right of appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer or otherwise disposed of, as shall be right and just; and the decision of the county court shall be final.

Sec. 8. \* \* \* upon affidavit made by the employer of any freedman, free negro or mulatto, or other credible person, before any justice of the peace or member of the board of police, that any freedman, free negro or mulatto legally employed by said employer has illegally deserted said employment, such justice of the peace or member of the board of police shall issue his warrant or warrants, returnable before himself or other such officer, to any sheriff, constable or special deputy, commanding him to arrest said deserter, and return him or her to said employer, and the like proceedings shall be had as provided in the preceding section; and it shall be lawful for any officer to whom such warrant shall be directed to execute said warrant in any county in this State; and that said warrant may be transmitted without endorsement to any like officer of another county, to be executed and returned as aforesaid; and the said employer shall pay the costs of said warrants and arrest and return, which shall be set off for so much against the wages of said deserter.

Sec. 9. \* \* \* if any person shall persuade or attempt to persuade, entice, or cause any freedman, free negro or mulatto to desert from the legal employment of any person before the expiration of his or her term of service, or shall knowingly employ any such deserting freedman, free negro or mulatto, or shall knowingly give or sell to any such deserting freedman, free negro or mulatto, any food, raiment, or other thing, he or she shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-

five dollars and not more than two hundred dollars and costs; and if the said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding two months' imprisonment in the county jail, and he or she shall moreover be liable to the party injured in damages: *Provided*, if any person shall, or shall attempt to, persuade, entice, or cause any freedman, free negro or mulatto to desert from any legal employment of any person, with the view to employ said freedman, free negro or mulatto without the limits of this State, such person, on conviction, shall be fined not less than fifty dollars, and not more than five hundred dollars and costs; and if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding six months' imprisonment in the county jail.

Sec. 10. \* \* \* it shall be lawful for any freedman, free negro, or mulatto, to charge any white person, freedman, free negro or mulatto by affidavit, with any criminal offense against his or her person or property, and upon such affidavit the proper process shall be issued and executed as if said affidavit was made by a white person, and it shall be lawful for any freedman, free negro, or mulatto, in any action, suit or controversy pending, or about to be instituted in any court of law or equity in this State, to make all needful and lawful affidavits as shall be necessary for the institution, prosecution or defense of such suit or controversy.

Sec. 11. \* \* \* the penal laws of this State, in all cases not otherwise specially provided for, shall apply and extend to all freedmen, free negroes and mulattoes.—*Laws of Mississippi (1865)*, p. 82.

## SOUTH CAROLINA

AN ACT to Establish and Regulate the Domestic Relations of Persons of Color, and to Amend the Law in Relation to Paupers and Vagrancy.

[December 21, 1865.]

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, as follows:

### HUSBAND AND WIFE.

I. The relation of husband and wife amongst persons of color is established.

II. Those who now live as such are declared to be husband and wife.

III. In case of one man having two or more reputed wives, or one woman two or more reputed husbands, the man shall, by the first day of April next, select one of his reputed wives, or the woman one of her reputed husbands; and the ceremony of marriage between this man or woman, and the person so selected, shall be performed.

IV. Every colored child, heretofore born, is declared to be the

legitimate child of its mother, and also of his colored father, if he is acknowledged by such a father.

V. Persons of color desirous hereafter to become husband and wife, should have the contract of marriage duly solemnized.

VI. A Clergyman, the District Judge, a Magistrate, or any judicial officer, may solemnize marriages.

VII. Cohabitation, with reputation or recognition of the parties, shall be evidence of marriage in cases criminal and civil.

VIII. One who is a pauper or a charge to the public shall not be competent to contract marriage. Marriage between a white person and a person of color shall be illegal and void.

IX. The marriage of an apprentice shall not, without the consent of the master, be lawful.

X. A husband shall not, for any cause, abandon or turn away his wife, nor a wife her husband. Either of them that abandons or turns away the other may be prosecuted for a misdemeanor; and, upon conviction thereof, before a District Judge, may be punished by a fine and corporal punishment, duly apportioned to the circumstances of aggravation or mitigation. A husband not disabled, who has been thus convicted of having abandoned or turned away his wife, or who has been shown to fail in maintaining his wife and children, may be bound to service by the District Judge from year to year, and so much of the profits of his labor as may be requisite, be applied to the maintenance of his wife and children; the distribution between them being made according to their respective merits and necessities. In like manner, a wife not disabled, who has been thus convicted, may be bound, and the proceeds of her labor applied to the maintenance of her children. In either case, any surplus profit shall go to the person bound. At the end of any year for which he was bound, the husband shall be discharged upon condition of his afterwards maintaining his wife and children. A like right a wife shall have, at the end of the year for which she was bound, on condition of her making future exertions to maintain her family.

XI. Whenever a husband shall be convicted of having abandoned or turned away his wife, she shall be competent to make a contract for service; and until he shall return to her or receive her back, she shall have all the rights, and be subject to all the liabilities, of an unmarried woman, except the right to contract marriage. When either husband or wife has abandoned the other in any district, and that other remains there, if upon the warrant or summons against the one charged of misdemeanor, under the section next preceding, there be a return by a sheriff or constable, under oath, that the accused has left the district, or absconds, so that there cannot be personal service, the prosecution may proceed as if the accused had been arrested, and, upon conviction, all the other consequences shall follow, except punishment, and that shall be reserved until the accused may be brought in to court, when an opportunity shall be given for disproving the truth of the return and setting aside the conviction.

## PARENT AND CHILD.

XII. The relation of parent and child, amongst persons of color, is recognized, confers all the rights and remedies, civil and criminal, and imposes all the duties that are incident thereto by law, unless the same are modified by this act, or some legislation connected herewith.

XIII. The father shall support and maintain his children under fifteen years of age, whether they be born of one of his reputed wives or of any other woman.

## GUARDIAN AND WARD.

XIV. The relation of guardian and ward, as it now exists in this State, with all the rights and duties incident thereto, is extended to persons of color, with the modifications made by this act.

## MASTER AND APPRENTICE.

XV. A child, over the age of two years, born of a colored parent, may be bound by the father, if he be living in the district, or in case of his death or absence from the district, by the mother, as an apprentice to any respectable white or colored person who is competent to make a contract; a male until he shall attain the age of twenty-one years, and a female until she shall attain the age of eighteen.

XVI. Illegitimate children, within the ages above specified, may be bound by the mother.

XVII. Colored children, between the ages mentioned, who have neither father nor mother living in the district in which they are found, or whose parents are paupers, or unable to afford to them maintenance, or whose parents are not teaching them habits of industry and honesty, or are persons of notoriously bad character, or are vagrants, or have been, either of them, convicted of an infamous offense, may be bound as apprentices by the District Judge, or one of the Magistrates, for the aforesaid term.

XVIII. Males of the age of twelve years, and females of the age of ten years, shall sign the indenture of apprenticeship, and be bound thereby.

XIX. When the apprentice is under these ages, and in all cases of compulsory apprenticeship, where the infant refuses consent, his signature shall not be necessary to the validity of the apprenticeship. The master's obligation of apprenticeship, in all cases of compulsory apprenticeship, and cases where the father or mother does not bind the child, shall be executed in the presence of the District Judge, or one of the Magistrates, certified by him, and filed in the office of the Clerk of the District Court.

XX. The indenture of voluntary apprenticeship shall be under seal, and be signed by the master, the parent and the apprentice,

attested by two credible witnesses, and approved by the District Judge, or one of the Magistrates.

XXI. All instruments of apprenticeship shall be executed in duplicate, one of which shall be retained by the master, and the other be filed in the office of the Clerk of the District Court. For the approval of an instrument of an apprenticeship, thus executed in duplicate, the master shall pay an aid of three dollars to the Magistrate, or District Judge, as the case may be.

XXII. The master or mistress shall teach the apprentice the business of husbandry, or some other useful trade or business, which shall be specified in the instrument of apprenticeship; shall furnish him wholesome food and suitable clothing; teach him habits of industry, honesty and morality; govern and treat him with humanity; and if there be a school within a convenient distance, in which colored children are taught, shall send him to school at least six weeks in every year of his apprenticeship, after he shall be of the age of ten years; *Provided*, that the teacher of such school shall have the license of the District Judge to establish the same.

XXIII. The master shall have authority to inflict moderate chastisement and impose reasonable restraint upon his apprentice, and to recapture him if he depart from his service.

XXIV. The master shall receive to his own use the profits of the labor of his apprentice. The relation of master and apprentice shall be dissolved by the death of the master, except where the apprentice is engaged in husbandry, and may be dissolved by order of the District Judge, when both parties consent, or it shall appear to be seriously detrimental to either party. In the excepted case, it shall terminate at the end of the year in which the master died.

XXV. In cases of the habitual violation or neglect of the duties herein imposed on the master, and whenever the apprentice is in danger of moral contamination by the vicious conduct of the master, the relation of master and apprentice may be dissolved by the order of the District Judge; and any person shall have the right to complain to the District Judge that the master does not exercise proper discipline over his apprentice, to the injury of his neighbors; and if, upon investigation, it shall be so found, the relation between the parties shall be dissolved.

XXVI. In case of alleged violation of duty, or of misconduct on the part of the master or apprentice, either party may make complaint to a Magistrate, who shall summon the parties before him, inquire into the causes of complaint, and make such order as shall be meet, not extending to the dissolution of the relation of the parties; and if the master be found to be in default, he shall be fined not exceeding twenty dollars and costs; and if the apprentice be in default, he may be corrected in such manner as the Magistrate shall order. A frivolous complaint made by either party shall be regarded as a default.

XXVII. In cases in which the District Judge shall order the apprentice to be discharged for immoderate correction, or unlawful

restraint of the apprentice, the master shall be liable to indictment, and, on conviction, to fine and imprisonment, at the discretion of the Court, not exceeding a fine of fifty dollars, and imprisonment of thirty days; and, also, to an action for damages, by the apprentice.

XXVIII. All orders made by a Magistrate touching the relation of master and apprentice shall be filed in the office of the Clerk of the District Court.

XXIX. A mechanic, artisan or shop-keeper, or other person who is required to have a license, shall not receive any colored apprentice without having first obtained such license.

XXX. At the expiration of his term of service, the apprentice shall have the right to recover from his master a sum not exceeding sixty dollars.

#### CONTRACTS FOR SERVICE.

XXXV. All persons of color who may contract for service or labor shall be known as servants, and those with whom they contract shall be known as masters.

XXXVI. Contracts between masters and servants, for one month or more, shall be in writing, be attested by one white witness, and be approved by the Judge of the District Court, or by a Magistrate.

XXXVII. The period of service shall be expressed in the contract; but if it be not expressed, it shall be until the twenty-fifth day of December next after the commencement of the service.

XXXVIII. If the rate of wages be not stipulated by the parties to the contract, it shall be fixed by the District Judge, or a Magistrate, on application by one of the parties, and notice to the other.

XXXIX. A person of color, who has no parent living in the district, and is ten years of age, and is not an apprentice, may make a valid contract for labor or service for one year or less.

XL. Contracts between masters and servants may be set aside for fraud or unfairness, notwithstanding they have been approved.

XLI. Written contracts between masters and servants shall be presented for approval within twenty days after their execution.

XLII. Contracts for one month or more shall not be binding on the servant, unless they are in writing, and have been presented for approval within the time aforesaid.

XLIII. For any neglect of the duty to make a contract as herein directed, or the evasion of that duty by the repeated employment of the same persons for periods less than one month, the party offending shall be guilty of a misdemeanor, and be liable, on conviction, to pay a sum not exceeding fifty dollars, and not less than five dollars, for each person so employed. No written contract shall be required when the servant voluntarily receives no remuneration except food and clothing.

XLIV. For the approval of contracts, the following sums, to be called aids, shall be paid to the District Judge, or the Magistrate, as the case may be, in cash, when the contract is approved; *Pro-*

*vided*, no aid shall be paid for any servant under twelve years of age:

For a contract of month or less, for each servant..	\$0 25
For a contract not exceeding three months and more than one month, for each servant.....	0 50
For a contract not exceeding six months and more than three months, for each servant.....	0 75
For a contract for one year, or any time more than six months, for each servant.....	1 00
For a contract for more than one year, for each year or part of a year over one year, for each servant .....	1 00

One-half of which aids shall be paid by the master, and one-half by the servant.

#### REGULATIONS OF LABOR ON FARMS.

XLV. On farms or in outdoor service, the hours of labor, except on Sunday, shall be from sunrise to sunset, with a reasonable interval for breakfast and dinner. Servants shall rise at the dawn in the morning, feed, water and care for the animals on the farm, do the usual and needful work about the premises, prepare their meals for the day, if required by the master, and begin the farm work or other work by sunrise. The servant shall be careful of all the animals and property of his master, and especially of the animals and implements used by him; shall protect the same from injury by other persons, and shall be answerable for all property lost, destroyed or injured by his negligence, dishonesty or bad faith.

XLVI. All lost time, not caused by the act of the master, and all losses occasioned by neglect of the duties hereinbefore described, may be deducted from the wages of the servant; and food, nursing and other necessaries for the servant, whilst he is absent from work on account of sickness or other cause, may also be deducted from his wages. Servants shall be quiet and orderly in their quarters, at their work, and on the premises; shall extinguish their lights and fires, and retire to rest at seasonable hours. Work at night, and outdoor work in inclement weather, shall not be exacted, unless in case of necessity. Servants shall not be kept at home on Sunday, unless to take care of the premises, or animals thereupon, or for work of daily necessity, or on unusual occasions; and in such cases, only so many shall be kept at home as are necessary for these purposes. Sunday work shall be done by the servants in turn, except in cases of sickness or other disability, when it may be assigned to them out of their regular turn. Absentees on Sunday shall return to their homes by sunset.

XLVII. The master may give to his servant a task at work about the business of the farm which shall be reasonable. If the servant complain of the task, the District Judge, or a Magistrate,

shall have power to reduce or increase it. Failure to do a task shall be deemed evidence of indolence, but a single failure shall not be conclusive. When the servant has entered into a contract, he may be required to rat himself as a full hand, three-fourths, half, or one-fourth hand, and according to this rate, inserted in the contract, shall be the task, and of course the wages.

XLVIII. Visitors or other persons shall not be invited or allowed by the servant to come or remain upon the premises of the master without his express permission.

XLIX. Servants shall not be absent from the premises without the permission of the master.

#### RIGHTS OF MASTER AS BETWEEN HIMSELF AND SERVANT.

L. When the servant shall depart from the service of the master without good cause, he shall forfeit the wages due him. The servant shall obey all lawful orders of the master or his agent, and shall be honest, truthful, sober, civil and diligent in his business. The master may moderately correct servants who have made contracts, and are under eighteen years of age. He shall not be liable to pay for any additional or extraordinary services or labor of his servant, the same being necessary, unless by express agreement.

#### CAUSES OF DISCHARGE OF SERVANT.

LI. The master may discharge his servant for wilful disobedience of the lawful order of himself or his agent; habitual negligence or indolence in business, drunkenness, gross moral or legal misconduct, want of respect and civility to himself, his family, guests or agents; or for prolonged absence from the premises, or absence on two or more occasions without permission.

LII. For any acts or things herein declared to be causes for the discharge of a servant, or for any breach of contract or duty by him, instead of discharging the servant, the master may complain to the District Judge, or one of the Magistrates, who shall have power, on being satisfied of the misconduct complained of, to inflict, or cause to be inflicted, on the servant, suitable corporal punishment, or impose upon him such pecuniary fine as may be thought fit, and immediately to remand him to his work; which fine shall be deducted from his wages, if not otherwise paid.

LIII. If a master has made a valid contract with a servant, the District Judge or Magistrate may compel such servant to observe his contract, by ordering infliction of the punishment, or imposition of the fine hereinbefore authorized.

#### RIGHTS OF MASTER AS TO THIRD PERSONS.

LIV. The master shall not be liable for the voluntary trespasses, torts or misdemeanors of his servants. He shall not be liable for

any contract of a servant, unless made by his authority; nor for the acts of the servant, unless they shall be done within the scope of the authority intrusted to him by the master, or in the course of his employment for the master; in which excepted cases the master shall be answerable for the fraud, negligence or want of skill of his servant. The master's right of self-defense shall embrace his servant. It shall be his duty to protect his servant from violence by others, in his presence, and he may render him aid and assistance in obtaining redress for injury to his rights of person or property.

LV. Any person who shall deprive a master of the service of his servant, by enticing him away, or by harboring and detaining him, knowing him to be a servant, or by beating, confining, disabling, or otherwise injuring him, shall be liable, on conviction thereof, to a fine not exceeding two hundred dollars, and not less than twenty dollars, and to imprisonment or hard labor, at the discretion of the Court, not exceeding sixty days; and, also, to an action by the master to recover damages for loss of services.

LVI. The master may command his servant to aid him in the defense of his own person, family, premises or property; or of the personal property of any servant on the premises of his master; and it shall be the duty of the servant promptly to obey such command.

LVII. The master shall not be bound to furnish medicine or medical assistance for his servant, without his express engagement.

LVIII. A master may give the character of one who has been in his service to a person who may make inquiry of him; which shall be a privileged communication, unless it be falsely and maliciously given. And no servant shall have the power to make a new contract, without the production of the discharge of his former master, District Judge or Magistrate.

LIX. Any person who shall wilfully misrepresent the character of a servant, whether he has been in his service or not, either for moral qualities, or for skill or experience in any employment or service, shall be liable to an action for damages by any one who has been aggrieved thereby.

LX. Upon the conviction of any master of larceny or felony, the District Judge shall have the right, upon the demand of any white freeholder, to annul the contract between such convict and his colored servants. If any white freeholder shall complain to the District Judge that any master so manages and controls his colored servants as to make them a nuisance to the neighborhood, the Judge shall order an issue to be made up and tried before a jury, and if said issue is found in favor of the complainant, the District Judge shall annul the contract between such master and his colored servant or servants, and in each of the cases above provided for, he shall not approve any subsequent contract between such person and any colored servant for two years thereafter.

## RIGHTS OF SERVANT AS BETWEEN HIMSELF AND MASTER.

LXI. The servant may depart from the master's service for an insufficient supply of wholesome food; for an unauthorized battery upon his own person, or one of his family, not committed in defense of the person, family, guests or agents of the master, not to prevent a crime or aggravated misdemeanor; invasion by the master of the conjugal rights of the servant; or his failure to pay wages when due; and may recover wages due for services rendered to the time of his departure.

LXII. The contract for service shall not be terminated by the death of the master, without the assent of the servant. Wages due to white laborers and to white and colored servants shall rank as rent does, in case of the insufficiency of the master's property to pay all debts and demands against him, but not more than one year's wages shall be so preferred. When wrongfully discharged from service, the servant may recover wages for the whole period of service according to the contract. If his wages have not been paid to the day of his discharge, he may regard his contract rescinded by the discharge, and recover wages up to that time.

LXIII. The master shall receive into his employment the servant with whom he has made a contract, but any of the causes which may justify him in discharging a servant shall justify him in refusing to receive him.

LXIV. The master shall, upon the discharge, or at the expiration of his term of service, furnish the servant with a certificate of discharge, and at the request of the servant, give him a certificate of character.

## MUTUAL RIGHTS OF MASTER AND SERVANT.

LXV. Whenever a master discharges a servant, the servant may make immediate complaint to a District Judge or Magistrate, and whenever a servant departs from his master's service, the master may make like complaint. In either case, the District Judge or Magistrate shall, by summons or warrant, have the parties brought before him, hear them and their witnesses, and decide as the sufficiency of the cause of his discharge or departure. This decision shall not affect or prejudice any further action on either side, but it may avail to restore the relation of master and servant between the parties, if that be ordered. If the servant be decided to have been unlawfully discharged, and should desire to return to service under his contract, the master shall be compelled to receive him, under the penalty of twenty dollars, in case of his refusal. If the master desire the return of the servant who has been decided to have departed without sufficient cause, the servant may be compelled, by fine and corporal punishment, to return to the service of the master, and perform his duties under the contract.

## RIGHTS OF SERVANTS AS TO THIRD PERSONS.

LXVI. The servant shall not be liable for contracts made by the express authority of his master.

LXVII. A servant shall not be liable, civilly or criminally, for any act done by the command of his master, in defense of the master's person, family, guests, agents, servants, premises or property. He shall not be liable, in any action *ex delicto*, for any tort committed on the premises of the master by his express command.

## HOUSE SERVANTS AND OTHERS NOT IN HUSBANDRY.

LXVIII. The rules and regulations prescribed for master and servant apply to persons in service as household servants, conferring the same rights and imposing the same duties, with the following modifications:

LXIX. Servants and apprentices employed as house servants in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day and night, and in all days of the week, promptly answer all calls and obey and execute all lawful orders and commands of the family in whose service they are employed.

LXX. It is the duty of this class of servants to be especially civil and polite to their masters, their families and guests, and they shall receive gentle and kind treatment.

## FOR ALL SERVANTS.

LXXI. In all contracts between master and servant for service, the foregoing regulations shall be stipulations, unless it shall be otherwise provided in the contract, and the following form shall be a sufficient contract, unless some special agreement be made between the parties:

## FORM OF CONTRACT.

I (name of servant) do hereby agree with (name of master) to be his (here insert the words "household servant" or "servant in husbandry," as the case may be), from the date hereof, at the wages of (here insert the wages, to be paid by the year or month); and in consideration thereof, I (name of master) agree to receive the said (name of servant) as such servant, and to pay him the said wages, this.....day of.....186.....

Witness: E. F.

I approve the above contract this.....day of.....186.....

G. H. (*Judge of the District Court, or Magistrate.*)

After the words "servant in husbandry" may be inserted, if it be required, the words "to be rated as full hand, three-fourths hand, half hand, or one-fourth hand," as the case may be.

A. B.

C. D.

## MECHANICS, ARTISANS AND SHOPKEEPERS.

LXXII. No person of color shall pursue or practice the art, trade or business of an artisan, mechanic or shopkeeper, or any other trade, employment or business (besides that of husbandry, or that of a servant under a contract for service or labor), on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any person, until he shall have obtained a license therefor from the Judge of the District Court; which license shall be good for one year only. This license the Judge may grant upon petition of the applicant, and upon being satisfied of his skill and fitness, and of his good moral character, and upon payment, by the applicant, to the Clerk of the District Court, of one hundred dollars, if a shopkeeper or peddler, to be paid annually, and ten dollars, if a mechanic, artisan or to engage in any other trade, also to be paid annually; *Provided, however*, that upon complaint being made and proved to the District Judge, of an abuse of such license, he shall revoke the same; *and provided, also*, that no person of color shall practice any mechanical art or trade unless he shows that he has served an apprenticeship in such trade or art, or is now practicing such trade or art.

LXXIII. For violation of the prohibition contained in the section next preceding, the offender, upon conviction thereof before the Judge of the District Court, shall pay, for each offense, a fine of double the amount of such license; one-half of which shall go to the informer, who shall be a competent witness.

## EVICTION OF PERSONS OF COLOR.

LXXV. Where, upon any farm or lands, there now are persons of color, who were formerly the slaves of the owner, lessee or occupant of the said farm or lands, who may have been there on the tenth day of November, eighteen hundred and sixty-five, and have been on said land for six months previous; and who are helpless, either from old age, infancy, disease or other cause; and who are unable, of themselves, and have no parent or other relative able to maintain them, and to provide other homes or quarters, it shall not be lawful for the present, or any subsequent owner, lessee or occupant, before the first day of January, in the year eighteen hundred and sixty-seven, to evict or drive from the houses which now are, or hereafter shall be, lawfully occupied by such helpless persons of color, such helpless persons, or any of them, by rendering such houses uninhabitable, or by any other means; and upon conviction of having done so, every such owner, lessee, occupant, agent or other person, shall be fined not exceeding fifty dollars, nor less than five dollars, for each person of color so evicted, and may be imprisoned, at the discretion of the Judge of the District Court, not exceeding one month.

LXXVI. But the owner, lessee, or occupant of such farm or lands

shall, nevertheless, have authority to preserve order and good conduct in the houses so occupied as aforesaid, and to prevent visitors and other persons from sojourning therein; and for insolence to himself or family, for theft or trespass committed by such persons of color, or any one of them, upon the premises, or for violation by them of his regulations for the preservation of order and good conduct, the prevention of visitors and sojourners therein, the owner, lessee, or occupant, may complain to the Judge of the District Court, or a Magistrate, who, upon finding the complaint well founded, may, according to the case, cause the immediate eviction of some or all of such persons of color, and their removal from the premises. After the period aforesaid, they may be ejected, as is hereinafter provided in case of intruders.

LXXVII. It shall be the duty of the Judge of the District Court, or of any Magistrate, on complaint made to him, that persons of color have intruded into any house or upon any premises, as trespassers or otherwise, or that they unlawfully remained therein without permission of the owner, on ascertaining the complaint to be well founded, to cause such persons to be immediately removed therefrom; and in case of the return of such persons, without lawful permission, the party so offending may be subjected to such fine and corporal punishment as the Magistrate or District Judge may see proper to impose.

LXXVIII. During the term of service, the house occupied by any servant is the master's; and, on the expiration of the term of service or the discharge of a servant, he shall no longer remain on the premises of the master; and it shall be the duty of the Judge of the District Court or a Magistrate, on complaint of any person interested and due proof made, to cause such servant to be immediately removed from such premises.

LXXIX. Leases of a house or land to a person of color shall be in writing. If there be no written lease, or the term of lease shall have expired, the person of color in possession shall be a tenant at will, and shall not be entitled to notice; and on complaint by any person interested to the Judge of the District Court, or a Magistrate, such person of color shall be instantly ejected by order or warrant, unless he produce a written lease authorizing his possession, or prove that such writing existed and was lost.

#### PAUPERS.

LXXXI. When a person of color shall be unable to earn his support, and is likely to become a charge to the public, the father and grandfathers, mother and grandmothers, child and grandchild, brother and sister of such person, shall, each according to his ability, contribute monthly, for the support of such poor relative, such sum as the District Judge, or one of the Magistrates, upon complaint to him, shall deem necessary and proper; and on failure to pay such sum, the same shall be collected by summary order or process.

LXXXII. In each Judicial District, except the Judicial District of Charleston, in which there shall be one Board for the District of Charleston, and one for the Election District of Berkeley, there shall be established a Board, to be known as the "Board of Relief of Indigent Persons of Color," which shall consist of a Chairman and not less than three, nor more than seven other members, all of whom shall be Magistrates of the district, and be selected by the District Judge.

LXXXV. A District Court Fund shall be established in each district to be composed of aids paid for the approval of contracts between master and servant, and of instruments of apprenticeship, and for licenses granted by the District Judge, all fines, penalties and forfeitures collected under order or process from the District Court, or a Magistrate of the district, fees for appeal from the District Judge, wages of convicts, and taxes collected under the order of the Board of Relief of Indigent Persons of Color.

LXXXVI. If the District Court Fund, after the payment of the sums with which it is charged, on account of the salary of the Judge of the District Court, Superintendent of Convicts, Jurors and other expenses of the Court, and of convicts, shall be insufficient to support indigent persons of color who may be proper charges on the public, the Board aforesaid shall have power to impose for that purpose, whenever it may be required, a tax of one dollar on each male person of color between the ages of eighteen and fifty years, and fifty cents on each unmarried female person of color between the ages of eighteen and forty-five; to be collected in each precinct by a Magistrate thereof; *Provided*, that the said imposition of a tax shall be approved in writing by the Judge of the District Court, and that his approval shall appear in the Journals of that Court.

XCII. The Board of Relief of Indigent Persons of Color shall determine the sum necessary for the support of each indigent person of color, who shall be deemed a proper charge on the public, the sum required by each precinct, the sum which shall be paid to each Magistrate to be disbursed by him, when reports from occupants as aforesaid shall be required, and when a tax shall be imposed. It shall direct the Magistrates respectively in the performance of the duties required of them in reference to paupers and the District Court Fund, and it shall report to the District Court all delinquencies and delinquents.

XCIV. On satisfactory information to the District Judge, or a Magistrate, that a person of color has removed from another district, and is likely to become a charge to the district into which he has removed, the District Judge, or the Magistrate, shall proceed against such person as a vagrant, and, on conviction, he shall be punished as such; *Provided, however*, that persons of color who were removed by their former masters from other districts, within the last five years, shall be allowed twelve months to return to the districts from which they were removed; and those who have been

separated from their families or relatives shall be allowed to return to them within twelve months.

VAGRANCY AND IDLENESS.

XCV. These are public grievances, and must be punished as crimes.

XCVI. All persons who have not some fixed and known place of abode, and some lawful and reputable employment; those who have not some visible and known means of a fair, honest and reputable livelihood; all common prostitutes; those who are found wandering from place to place, vending, bartering or peddling any articles or commodities, without a license from a District Judge, or other proper authorities; all common gamblers, persons who lead idle or disorderly lives, or keep or frequent disorderly or disreputable houses or places; those who, not having sufficient means of support, are able to work and do not work; those who (whether or not they own lands, or are lessees or mechanics), do not provide a reasonable and proper maintenance for themselves and families; those who are engaged in representing, publicly or privately, for fee or reward, without license, any tragedy, interlude, comedy, farce, play or other similar entertainment, exhibition of the circus, sleight-of-hand, wax works and the like; those who, for private gain, without license, give any concert or musical entertainment of any description; fortune-tellers, sturdy beggars, common drunkards; those who hunt game of any description, or fish on the land of others, or frequent the premises, contrary to the will of the occupants, shall be deemed vagrants, and be liable to the punishment hereinafter prescribed.

XCVII. Upon information, on oath, of another, or upon his own knowledge, the District Judge, or a Magistrate, shall issue a warrant for the arrest of any person of color known or believed to be a vagrant, within the meaning of this act. The Magistrate may proceed to try, with the assistance of five freeholders, or calling to his aid another Magistrate, the two may proceed to try, with the assistance of three freeholders, as is provided by the act of seventeen hundred and eighty-seven, concerning vagrants; or the Magistrate may commit the accused to be tried before the District Court. On conviction, the defendant shall be liable to imprisonment, and to hard labor, one or both, as shall be fixed by the verdict, not exceeding twelve months.—*The Statutes at Large of South Carolina, vol. XIII. (Dec., 1861 to Dec., 1866), pp. 269-285.*

## FLORIDA

AN ACT prescribing additional penalties for the commission of offenses against the State, and for other purposes.

[Approved January 15, 1866.]

Sec. 6. *Be it further enacted*, that if any person or persons shall assault a white female, with intent to commit a rape, or be accessary thereto, he or they shall, upon conviction thereof, suffer death.

Sec. 12. \* \* \* it shall not be lawful for any negro, mulatto, or other person of color, to own, use, or keep in his possession, or under his control, any bowie-knife, dirk, sword, firearms, or ammunition of any kind, unless he first obtain a license to do so from the Judge of Probate of the county in which he may be a resident for the time being; and the said Judge of Probate is hereby authorized to issue such license upon the recommendation of two respectable citizens of the county, certifying to the peaceful and orderly character of the applicant; and any negro, mulatto, or other person of color so offending, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall forfeit to the use of the informer all such firearms and ammunition, and, in addition thereto, shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, at the discretion of the jury.

Sec. 14. \* \* \* if any negro, mulatto, or other person of color shall intrude himself into any religious or other public assembly of white persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of white people, he shall be deemed to be guilty of a misdemeanor, and upon conviction shall be sentenced to stand in the pillory one hour, or be whipped not exceeding thirty-nine stripes, or both, at the discretion of the jury; nor shall it be lawful for any white person to intrude himself into any religious or other public assembly of colored persons, or into any railroad or other public vehicle set apart for the exclusive accommodation of persons of color, under the same penalties.—*Sen. Ex. Doc. No. 6, 39th Cong., 1st Sess., p. 174.*

## LOUISIANA

ORDINANCE relative to the police of recently emancipated negroes or freedmen within the corporate limits of the town of Opelousas.

[July 3, 1865.]

Whereas, the relations formerly subsisting between master and slave have become changed by the action of the controlling authorities; and ,whereas, it is necessary to provide for the proper police and government of the recently emancipated negroes or freedmen in their new relations to the municipal authorities:

Sec. 1. Be it therefore ordained by the board of police of the town of Opelousas, that no negro or freedman shall be allowed to come within the limits of the town of Opelousas without special permission from his employers, specifying the object of his visit and the time necessary for the accomplishment of the same. Whoever shall violate this provision shall suffer imprisonment and two days' work on the public streets, or shall pay a fine of two dollars and fifty cents.

Sec. 2. Be it further ordained, that every negro freedman who shall be found on the streets of Opelousas after 10 o'clock at night without a written pass or permit from his employer shall be im-

prisoned and compelled to work five days on the public streets, or pay a fine of five dollars.

Sec. 3. No negro or freedman shall be permitted to rent or keep a house within the limits of the town under any circumstances, and any one thus offending shall be ejected and compelled to find an employer or leave the town within twenty-four hours. The lessor or furnisher of the house leased or kept as above shall pay a fine of ten dollars for each offense.

Sec. 4. No negro or freedman shall reside within the limits of the town of Opelousas who is not in the regular service of some white person or former owner, who shall be held responsible for the conduct of said freedman; but said employer or former owner may permit said freedman to hire his time by special permission in writing, which permission shall not extend over twenty-four hours at any one time. Any one violating the provisions of this section shall be imprisoned and forced to work for two days on the public streets.

Sec. 5. No public meetings or congregations of negroes or freedmen shall be allowed within the limits of the town of Opelousas under any circumstances or for any purpose without the permission of the mayor or president of the board. This prohibition is not intended, however, to prevent the freedmen from attending the usual church services conducted by established ministers of religion. Every freedman violating this law shall be imprisoned and made to work five days on the public streets.

Sec. 6. No negro or freedman shall be permitted to preach, exhort, or otherwise declaim to congregations of colored people without a special permission from the mayor or president of the board of police, under the penalty of a fine of ten dollars or twenty days' work on the public streets.

Sec. 7. No freedman who is not in the military service shall be allowed to carry firearms, or any kind of weapons, within the limits of the town of Opelousas without the special permission of his employer, in writing, and approved by the mayor or president of the board of police. Any one thus offending shall forfeit his weapons and shall be imprisoned and made to work for five days on the public streets or pay a fine of five dollars in lieu of said work.

Sec. 8. No freedman shall sell, barter, or exchange any articles of merchandise or traffic within the limits of Opelousas without permission in writing from his employer or the mayor or president of the board, under the penalty of the forfeiture of said articles and imprisonment and one day's labor, or a fine of one dollar in lieu of said work.

Sec. 9. Any freedman found drunk within the limits of the town shall be imprisoned and made to labor five days on the public streets or pay five dollars in lieu of said work.

Sec. 10. Any freedman not residing in Opelousas who shall be found within the corporate limits after the hour of 3 p. m. on Sunday without a special permission from his employer or the mayor

shall be arrested and imprisoned and made to work two days on the public streets, or pay two dollars in lieu of said work.

Sec. 11. All the foregoing provisions apply to freedmen and freedwomen, or both sexes.

Sec. 12. It shall be the special duty of the mayor or president of the board to see that all the provisions of this ordinance are faithfully executed.

Sec. 13. Be it further ordained, that this ordinance to take effect from and after its first publication.—*Sen. Ex. Doc. No. 2. 39th Cong. 1st Sess., p. 92.*

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## ALABAMA

Sec. 61. *Marriages Between White Persons and Negroes.* If any white person and any negro, or the descendant of any negro, to the third generation, inclusive, though one ancestor of each generation be a white person, intermarry, or live in adultery or fornication with each other, each of them must, on conviction, be imprisoned in the penitentiary, or sentenced to hard labor for the county, for not less than two, nor more than seven years.

Sec. 62. *Same; Officer Issuing License, or Performing Marriage Ceremony.* Any Probate Judge, who issues a license for the marriage of any persons who are prohibited by the last preceding section from intermarrying, knowing that they are within the provisions of that section; and any justice of the peace, minister of the gospel or other person by law authorized to solemnize the rites of matrimony, who performs a marriage ceremony for such persons, knowing that they are within the provisions of said section, must, each, on conviction, be fined not less than one hundred, nor more than one thousand dollars; and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not less than six months.—*Penal Code of Alabama (1866), p. 31.*

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# West Virginia University

*Announcements of the facilities and courses in the following departments may be had by writing to the President:*

- |  |                        |
|--|------------------------|
| 1. Arts and Sciences.  | 6. Military.           |
| 2. Engineering.  | 7. Music.              |
| 3. The Law.  | 8. Fine Arts.          |
| 4. Medicine.   | 9. Preparatory.        |
| 5. Agriculture including<br>Dairying, Horticulture, Veterinary Science, etc. | 10. Commercial.        |
|  | 11. The Summer School. |

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**D. B. PURINTON, Ph. D., LL. D., President**  
MORGANTOWN, WEST VIRGINIA.

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