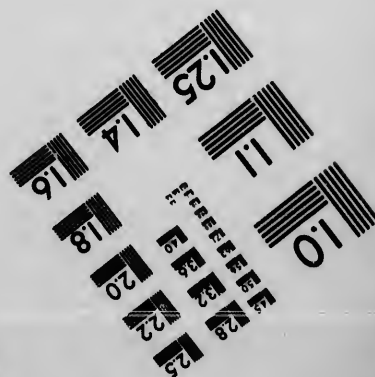
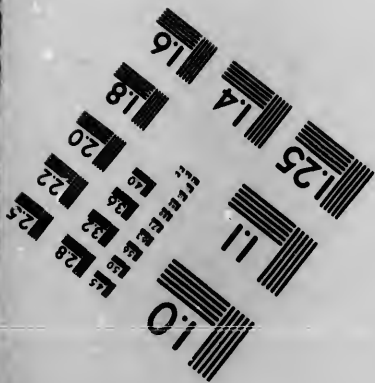
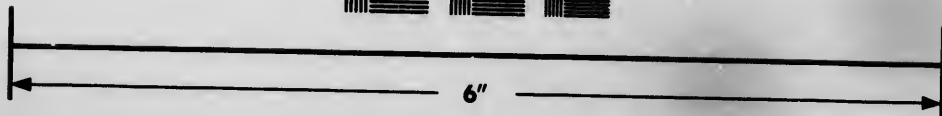
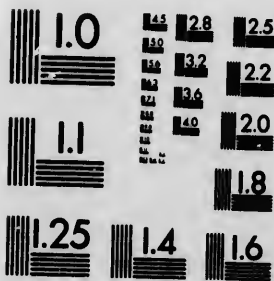


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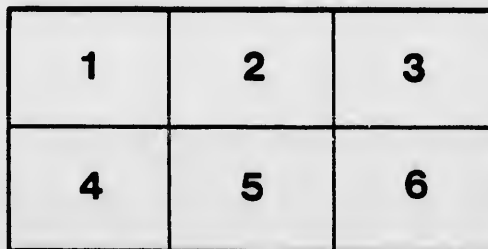
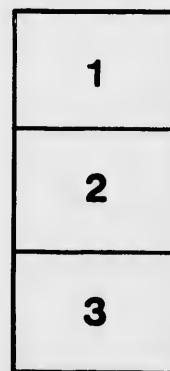
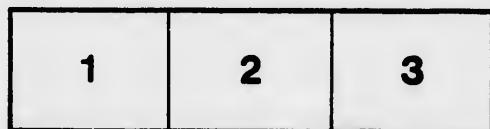
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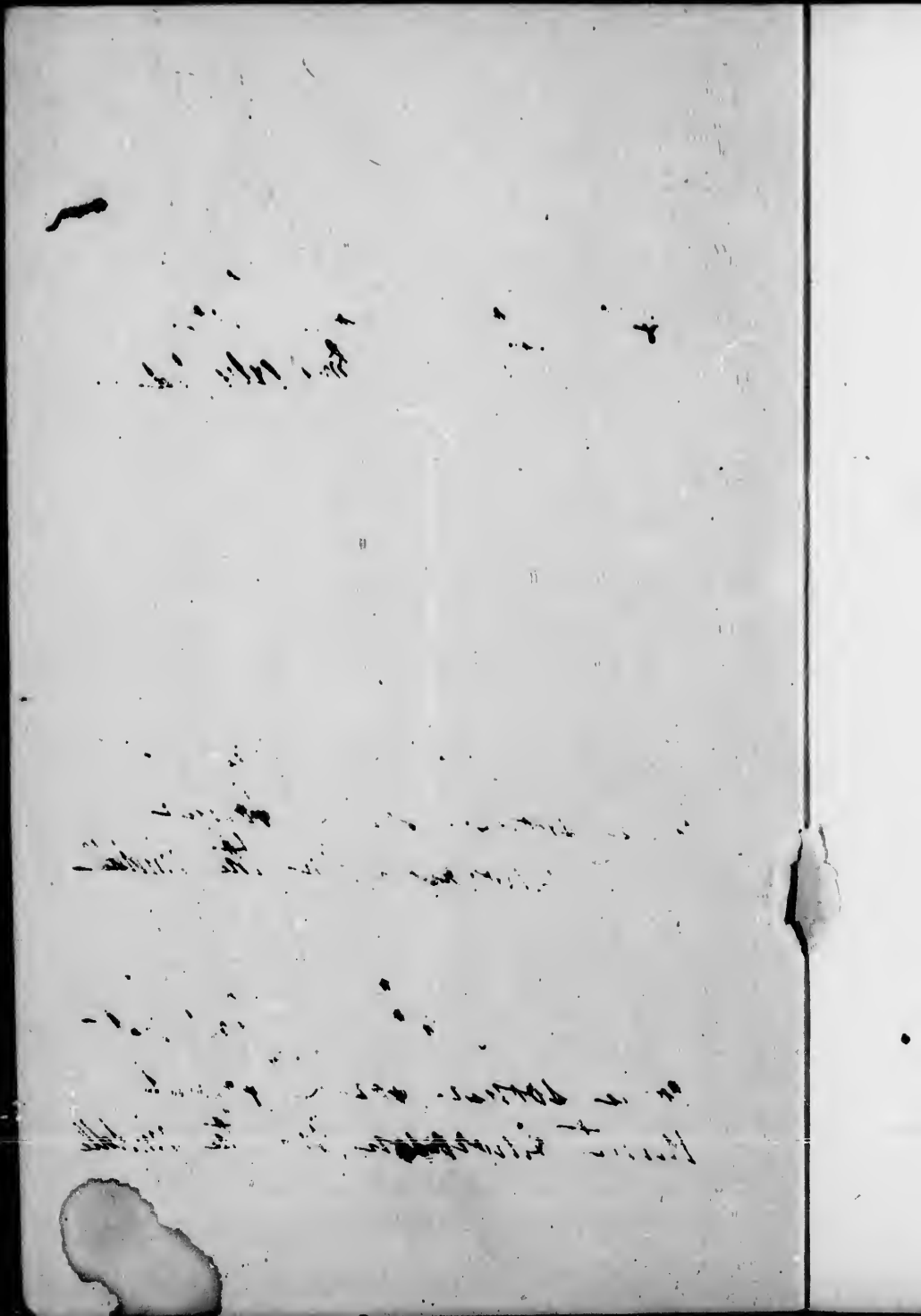
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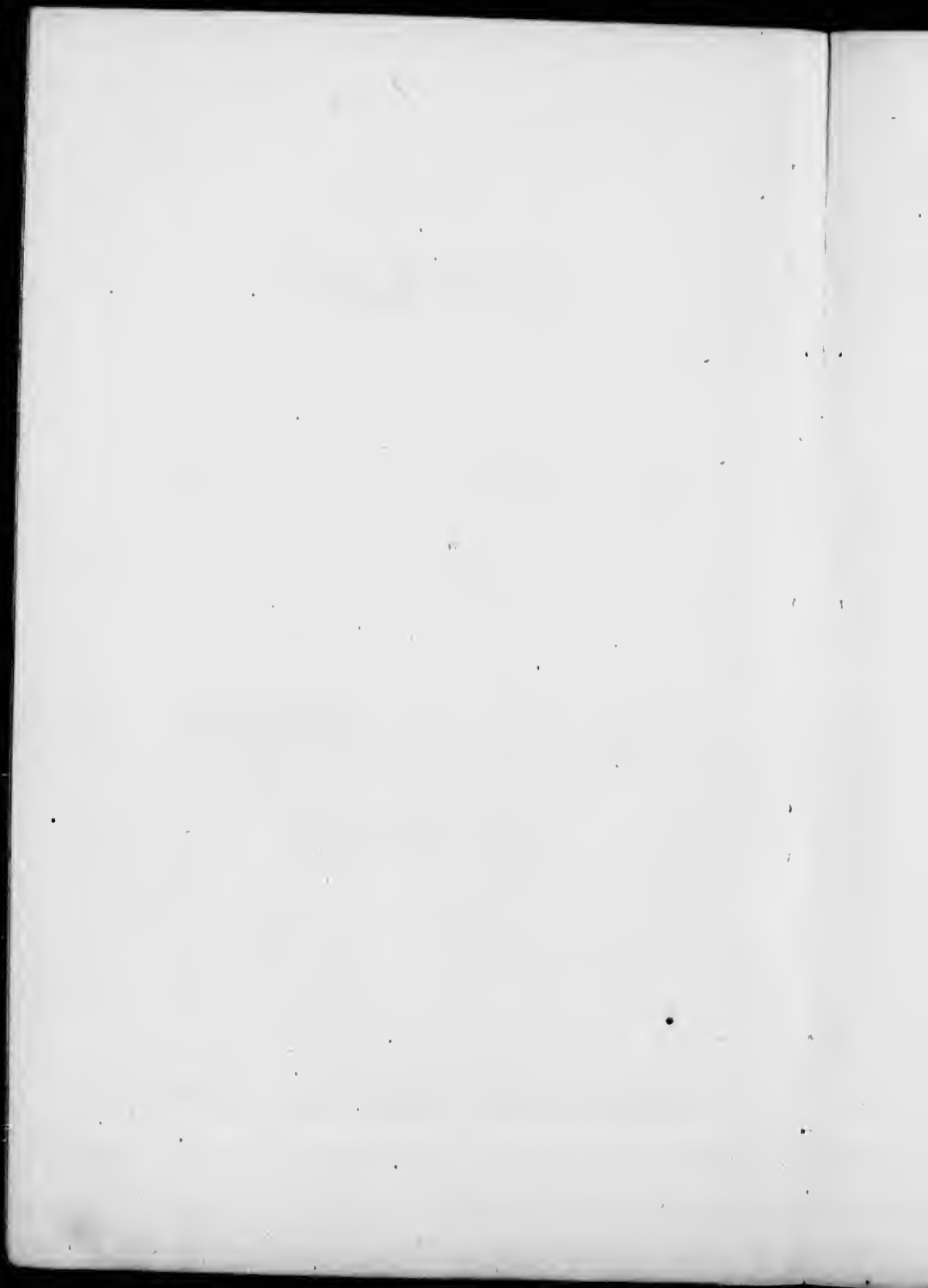
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A
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DR. BRATTON'S CASE.

The Canadian Government having applied, through the British Minister at Washington, for the return of Dr. J. Rufus Bratton, as a man kidnapped from Canadian soil; and many idle rumors and false statements having been put forth as to the charges against this gentleman, and as to the circumstances under which he came into Canada; we deem it proper to disabuse the public ear, by putting forth an authentic history of his case, basing the main points of our statement on documents of a public character, and others on the testimony of reliable witnesses whom we can produce if needed.

We will first state that Dr. J. Rufus Bratton is a native of York county, in South Carolina, where his family have been settled for more than one hundred years; he inherited a good property, and had the largest practice as a physician for twenty miles around Yorkville, the county town; he was for four years a surgeon in the Confederate army, and had charge, at different times, of more than one large military hospital. He is forty-seven or forty-eight years of age, has a wife and six children, and is as highly esteemed and valued throughout his own county as any man in it.

We shall say little of the facts connected with the kidnapping of this gentleman; for, although the agent of the U. S. Government, who contrived and perseveringly carried out the plot, has adroitly slipped through the fingers of the law, his chief Canadian colleague has been tried, convicted, and sentenced to the penitentiary for a term of years.

The authorities of the U. S. and certain newspapers there have studiously ignored the political character of the charges against Dr. Bratton and the multitude of others in like predicament, seeking to have him confounded with the ordinary fugitives from justice frequently escaping across the frontier, and often rendered up under the extradition treaty. We undertake to prove that Dr. Bratton was, in Canada, a political refugee, and nothing more, and that the U. S. authorities, under the guise of seeking out an ordinary felon, seized the opportunity of kidnapping one whom they deemed a political offender, a conspirator, and rebel against its authority, a class who can only be reached by kidnapping, for governments do not surrender them to each other.

A stranger to the U. S. will better understand this case when we have explained some matters of law and jurisdiction peculiar to the U. S. and foreign to Canada.

When we put a lawyer from any one of the States into the witness box, if he be a man of capacity and experience in his profession, he will

be compelled to give, to the questions we should ask, the following answers :—

"I have known many men tried and convicted in my State (say New York or any other State) of murder, arson, burglary, and other felonies. Except where the charge was piracy, murder on the high seas, offences against the post office, and some few others which are placed by the Constitution under the especial jurisdiction of the U. S. courts,—except these, all crimes committed in the State against persons or property are tried by authority of the State, in the courts of the State, before a jury of the citizens of that State. If a man is hanged for a capital crime it is the State that hangs him. If the case calls for the exercise of the pardoning power the Governor of the State pardons him. But if the Governor refuse to exercise that discretionary power, and the President of the U. S. were to undertake to pardon him, the convict would be hanged with the pardon in his hand. It would be mere waste paper.

"If by the statutes of the State, a crime be punished by imprisonment, the convict is sent to a gaol or penitentiary belonging to the State, which claims no right to send a criminal beyond its bounds for imprisonment. On the other hand, when prisoners prosecuted in the courts of the U. S., such as pirates, for instance, are committed to a prison belonging to the State, they are admitted, not as a matter of right on the part of the U. S., but by consent of the State.

"It may be received as an established principle in the U. S. that the people of each State look to their own State government for protection from all those wrongs—whether against persons, property, or society—which governments find it necessary to punish. All these are made punishable by the statutes of each State, and come within the jurisdiction of its own courts, except those offences specially excepted to which we have already referred, as piracy, murder on the high seas, &c., which fall under the jurisdiction of the U. S. courts."

The testimony of the lawyer from the U. S., whom we have made our witness, will enable a foreigner the better to understand the "Act to Enforce the Provisions of the Fourteenth Amendment to the Constitution of the U. S.," commonly called the Ku-Klux Act, and to see that it is aimed at political offences exclusively.

We will not quote the whole Act, but merely extract the marrow of it :—

"Sec. 2. If two or more persons within any State or Territory of the U. S. shall conspire together to overthrow, or put down, or to destroy by force the government of the U. S., or to levy war against the U. S., or to oppose by force the authority of the government of the U. S., or by force, intimidation, or threats to prevent, hinder, or delay the execution of any law of the U. S., or by force to seize, take, or possess any property of the U. S. contrary to the authority thereof, or by force, intimidation, or threats to prevent any person from accepting or holding any office, or trust, or place of confidence under the U. S., or from discharging the duties thereof, or by force, intimidation, or threats to induce any officer of the U. S. to leave any State, district, or place where his duties as such officer might lawfully be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, &c., &c.,—each and every person so offending shall be guilty of a high crime, and upon conviction thereof in any district or circuit court of the U. S., &c., shall be punished by a fine of not less than \$500 or more than \$5000, or by imprisonment, with or without hard labor, as the court may

determine, for a period not less than six months nor more than six years, or by both fine and imprisonment, as the court may determine.

"Sec. 3. In all cases where insurrection, domestic violence, unlawful combinations, or conspiracies in any State shall so obstruct and hinder the execution of the laws thereof, and of the U. S., as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by this Act, and the constituted authorities of such State shall either be unable to protect, or shall from any cause fail in, or refuse protection to the people in such rights, such facts shall be deemed a denial by such State of equal protection of the laws to which they are entitled under the Constitution of the U. S., and in all such cases, or whenever any such insurrection, violence, or unlawful combination, or conspiracy shall oppose or obstruct the laws of the U. S., or the execution thereof, or impede or obstruct the due course of justice under the same, it shall be lawful for the President, and it shall be his duty to take such measures, by the employment of the militia, or of the land and naval forces of the U. S., or of either, or by other means, as he may deem necessary for the suppression of such insurrection, domestic violence, or combinations; and any person who shall be arrested under the provisions of this and the preceding section shall be delivered to the marshal of the proper district to be dealt with according to law.

"Sec. 4. Whenever in any State or part of a State the unlawful combinations named in the preceding sections of this Act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of such State, and of the U. S. within such State, or when the constituted authorities are in complicity with, or shall connive at, the unlawful purposes of such powerful and armed combinations; and whenever, by reason of either or all the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the government of the U. S., and during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the U. S., when in his judgment the public safety shall require it, to suspend the privileges of the writ of *habeas corpus*, to the end that such rebellion may be overthrown," &c., &c.

"Sec. 5. No person shall be a grand or petit juror in any court of the U. S. upon any inquiry, hearing, or trial of any suit, proceeding or prosecution, based upon or arising under the provisions of this Act, who shall, in the judgment of the court, be in complicity with any such combination or conspiracy," &c., &c.

Here we would remark that this discretionary power gives the judge complete, although covert, opportunity to pack the jury: under it he finds excuse for setting aside three-fourths of the jurors in a county—and the effect may well have been that the hundreds prosecuted under this act were tried, not by a jury of their countrymen, but by a jury of their political enemies. The official report of the trials shows that conviction followed prosecution with marvellous certainty.

"Sec. 6. Any person or persons having knowledge that any of the wrongs conspired to be done, and mentioned in the second section of this act, are about to be committed, and having power to prevent, or aid in preventing the same, who shall neglect or refuse to do so, and such

wrongful act shall be committed, such person or persons shall be liable to the person injured, or to his legal representatives, for all damages caused by such wrongful act which such first-named person or persons by reasonable diligence could have prevented; and such damages may be recovered in an action on the case in the proper circuit court of the U.S.; and any number of persons guilty of such wrongful neglect or refusal, may be joined as defendants in such action," &c., &c.

We confess that this last section is to us a startling novelty in criminal legislation. But we can see in this act nothing but provisions against political offenders. Its whole aim is to detect conspiracy and crush rebellion; to provide for the safety of the governments of the States and the U.S., by detecting plots and putting down insurrections against them; and to secure the punishment of all, not only who are in the least degree implicated in them, but of all those who are negligent in coming forward to fight the battle of the government against them.

Let us see what construction the President put upon this act, and on the condition of those parts of the country in which he has been so active in enforcing its provisions:—

“ A PROCLAMATION.

“Whereas, unlawful combinations and conspiracies have long existed, and do still exist, in the State of South Carolina, for the purpose of depriving certain portions and classes of the people of that State of the rights, privileges, immunities and protection named in the Constitution of the United States, and secured by the Act of Congress approved April 20th, 1871, entitled ‘An Act to Enforce the Provisions of the 14th Amendment of the Constitution of the United States’;

“And whereas, in certain parts of said State—to wit, in the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield—such combinations do so obstruct and hinder the execution of the laws of the said State and of the United States, as to deprive the people aforesaid of the rights, privileges, immunities and protection aforesaid, and do oppose and obstruct the laws of the United States and their due execution, and impede and obstruct the due course of justice under the same;

“And whereas, the constituted authorities of said State are unable to protect the people in such rights in such counties;

“And whereas, the combinations aforesaid, within the counties aforesaid, are organized and armed, and are so numerous and powerful as to be able to defy the constituted authorities of said State, and of the United States within said State, and by reason of said causes the conviction of such offenders and the preservation of the public peace and safety have become impracticable in said counties;—

“Now, therefore, I, Ulysses S. Grant, President of the United States of America, do hereby command all persons composing the unlawful combinations and conspiracies aforesaid, to disperse and retire peaceably to their homes within five days of the date hereof; and to deliver, either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within such counties, all arms, ammunition, uniforms, disguises and other implements used, kept, procured or controlled by them, for carrying out the unlawful purposes for which the combinations and conspiracies are organized.

"In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

"Done at the city of Washington, this 12th day of October, in the year of our Lord 1871, and of the Independence of the United States of America the 96th.

"U. S. GRANT.

"By the President.

"HAMILTON FISH,
"Secretary of State."

On the 17th of October, the President put forth a second proclamation, just five days after the first. From this we need quote but a few words:—

"And whereas, the insurgents engaged in such unlawful combinations and conspiracies within the counties aforesaid have not dispersed," &c., "and have not delivered me to the United States marshal, or to any military officer of the United States," &c., "all arms, ammunition, uniforms, disguises," &c.;

"Now, therefore, I, Ulysses S. Grant, President," &c., "do hereby declare that in my judgment the public safety especially requires that the privileges of the writ of *habeas corpus* be suspended, to the end that such rebellion may be overthrown, and I do hereby suspend the privileges of the writ of *habeas corpus* within the counties of Spartunburg," &c., &c.

At as late a date as April 19, 1872, President Grant addressed a message to Congress, on the subject of the unlawful combinations and conspiracies in the Southern States, in which, speaking of the nine above-named counties in South Carolina, he states:—

"These combinations embrace at least two-thirds of the active white men of these counties, and have the sympathy and countenance of the majority of the other third. They are connected with similar combinations in other counties and States, and no doubt are part of a grand system of criminal associations pervading most of the Southern States. The members are bound to obedience and secrecy by oaths which they are taught to regard as of higher obligation than the lawful oaths taken before the civil magistrates; they are organized and armed; they effect their objects by personal violence often extending to murder; they terrify witnesses; they control juries in the State courts, and sometimes in the courts of the United States," &c., &c.

He states that there "were combinations for the purpose of preventing the free political action of citizens who are friendly to the Constitution and Government of the United States."

We do not know in what words President Grant could more distinctly express his conviction that the act and the proclamations were aimed at a great combination of political offenders, the enemies of the governments of the State and the United States.

What was the chain of events which led to this act and these proclamations?

The most cursory inquiry into the history of the Southern States, within the last eight years, will show that they were overrun and conquered by the armies of the United States government, and that their State governments were overthrown and revolutionized—the bottom of the political fabric being put at the top, and what had been the top at the bottom.

The first step in this process was to disfranchise and disqualify by law a multitude of the men of intelligence, education and character throughout the South.

The Hon. Daniel W. Voorhees, a representative in Congress from Indiana (a Northern State), one of the most prominent members of Congress, in his speech on "The Plunder of Eleven States by the Republican Party," delivered March 23rd, 1872, has stated his point so well that we will quote his authority and his words:—

"In the organization of all those States whose present condition is matter of such sore complaint and such bitter accusations, the dominant party here and in those States excluded from office and deprived the people of the services of every man who, by his talents, industry and integrity, had sufficiently acquired the confidence of his fellow-citizens before the war to be made governor, secretary, auditor, or treasurer of the State; attorney-general, judge, clerk or reporter of the Supreme Court; superintendent of public instruction; member of either branch of Congress, or of the legislature of the State; clerk, sheriff, treasurer, auditor, or recorder of his county; judge of a probate court, justice of the peace, or constable of his township, or notary public. Every man who had been called in former days to fill any one of these stations, and many more that might be enumerated, and who, during the conflict between the sections, was clothed with the slightest responsibility, or charged with the smallest official duty by those with whom his home and his destiny had fallen, was marked with the blight of ineligibility."—(page 6, col. 2.)

This disfranchisement of whole classes of the ablest and most influential men in the South cleared the field for those hordes of Northern adventurers who followed in the wake of the Northern armies. They sought office of all kinds as affording opportunity to plunder; and, uniting with themselves such renegade Southerners as thought it safe and profitable to side with the conquerors, they set themselves to work to canvass and manipulate the negro voters.

During the war between the North and the South, and afterwards, with rare exceptions, the negroes showed no disposition to be turbulent or aggressive towards the native white population. They were true to that inert and unenterprising nature which has always characterised them. But they can be moved and roused; at least for a time; and the negro voters were soon put in motion by the various electioneering machinery brought to bear upon them. Soon, in every Southern State in which the negroes were numerous, all the chief offices were filled mostly by Northern adventurers, some by Southern radicals and negroes. The smaller offices were filled by negroes and the lowest whites in the South. Thus, of four members from South Carolina in the House of Representatives at Washington, three are negroes or mulattoes, and one a white radical. The majority of the Legislature of that State are negroes; but the lead and control of that body is in the hands of Northern men who came into the State since the conquest of the South.

Nineteen-twentieths of the property in South Carolina was yet in the hands of those who had formerly constituted the people of the State, those who also possessed the great bulk of the education, intelligence, and character in the State, but who had now no influence in the government of the State or the United States. The State was now ruled by those who had no interest in its permanent prosperity. Nineteenth of the members of the Legislature owned no property and paid no taxes. The condition of the other Southern States was much like that of South Carolina; and now they began throughout the South a system of gradual confiscation under the guise of ruinous taxation, extravagant expenditure and monstrous frauds upon the treasuries of the different States.

We will again quote from the speech of Mr. Voorhees, of Indiana (page 13, col. 2) a part of a tabular statement of the debts of the Southern States, which shows in part the system of robbery practised by the governments forced upon them, and upheld by the military power of the United States:—

Alabama—Debts at the close of the war.....	\$ 5,939,654
“ “ Jan. 1st, 1872.....	38,391,967
Florida—Debts at the close of the war.....	\$ 221,000
“ “ Jan. 1st, 1872.....	15,763,447
Georgia—Debts at the close of the war.....	Nominal.
“ “ June, 1871.....	\$50,137,500
Louisiana—Debts at the close of the war.....	\$10,099,074
“ “ June 1st, 1871.....	50,540,206
North Carolina— Debts at the close of the war.....	\$ 9,699,500
“ “ Jan. 1st, 1872.....	34,887,467
South Carolina—Debts at the close of the war.....	\$ 5,000,000
“ “ Jan. 1st, 1872.....	39,158,914

Mr. Voorhees adds:—

“The present assessed value of the taxable property of the States on which this vast mountain of debt has been fraudulently and frightfully accumulated is considerably less than one-half of what it was in 1860.”

These statements, and much that we could add to them, may seem foreign to the case in hand; but they are strictly germane to the matter—showing the true condition of the Southern States, and that the United States Government had good reason to fear that the seeds itself had sown were germinating into secret but wide-spread conspiracies, nourished by deadly hostility to the government.

But the Ku-Klux were not the first secret societies that sprung up there. Prominent among the means of influencing the negro voters, made use of by the Northern adventurers who flocked into the Southern States after they had been overrun and conquered, was the organization of secret political societies, scattered all over the South, and fraternizing with each other. These societies were secret, and we have not the means of laying bare their mysteries, but we have testimony to the fact that one, sometimes called the “Loyal League,” sometimes the “Union League,” had numerous branches all over the upper part of South Carolina, probably all over the South; and it was in active operation a year or two before any defensive or offensive associations were formed among the white population. The branches of the “Loyal League” held frequent meetings, observing much secrecy in their councils, but often breaking up very noisily. They seemed to exercise great influence over the negroes, not only controlling their votes, but greatly altering their manner and conduct toward the whites, and toward such negroes—not a few—who did not fraternize with them. The “Loyal League” was an object of well-founded suspicion and anxiety to the hulk of the white population, and to not a few of the negroes, long before the Ku-Klux or any other association for mutual protection was heard of among the white population.

The Hon. Alfred M. Waddell, member of Congress from North Carolina, in his speech on the condition of the South, delivered in Washington, April 13th, 1872, well explains the origin of the Ku-Klux :—

“Lawless men, in organized bands, did usurp the functions of law, because justice was prostituted under the influence of other wicked and dangerous organizations to which they opposed themselves. If there had been no secret societies, such as the ‘Red Strings,’ ‘Heroes of America,’ and ‘Union Leagues,’ whose members committed murders and rapes, burnt barns, and intimidated voters by threats and scourgings, and then escaped punishment, there never would have been any Ku-Klux. The one begot the other, and always will do so in any country.”—(p. 7, col. 2.)

The Hon. D. W. Voorhees, M.C. from Indiana (a Northern State), in his speech on the “Plunder of the Eleven States,” &c., explains the necessity which honest men felt of taking justice into their own hands in opposition to governments which were known to them, not by the protection they afforded, but by the robberies and outrages they perpetrated upon them.

In making an exposition of the deplorable condition of the State of Georgia, he gives us the career of its late Governor—a Northern man—Rufus B. Bullock :—

“There was but one thing more to be done by this shameless adventurer whom your policy” (the Congress of the U.S.) “had made Governor of Georgia against the consent of her people. He completed his record and finished his work by corrupting the channels of justice. He rendered the courts powerless to enforce the laws and punish criminals. The emissaries of convicted felons crowded his anti-chambers and trafficked with him for his pardoning power. The record shows that the verdicts of juries were thus wiped out, the doors of the prisons opened, and the guilty turned loose again to prey on the peace of society to an extent never before known in American history. He pardoned three hundred and forty-six offenders against the law out of four hundred and twenty-six who made application to him! His amnesty for crime was almost universal. Indeed, his zeal in behalf of those under indictment was so great that his grace and clemency were often interposed before the trial of the culprit. He granted seven pardons in advance of trial to one man in the county of Warren, who pleaded them to seven separate indictments when he was arrested and brought into court. This special object of his favor is one I. C. Norris, who haunts the committee-rooms” (there in Washington), “and swears on all occasions to fabulous outrages, and the imperfect administration of justice in the South. As a spared monument of Bullock’s mercy, with manifold villainies unatoned for, he is always to be seen lurking around investigating committees” (of Southern outrages), “and pouring into their ears the black and concentrated malice of an apostate against a people whom he hates because he has betrayed.” (p. 11, col. 1.)

In a previous part of his speech, Mr. Voorhees speaks of Governor Bullock thus :—

“He was there” (in Georgia) “as an alien and an enemy spying out the possessions of a land that was at his mercy, and embracing every opportunity to seize them. He is now a fugitive from justice, a proclaimed and confessed criminal, with stolen millions in his hands. He went into the South on that wave of reconstruction which bore so many eager, hungry sharks in quest of prey; and having in a few short years

glutted his ravenous maw, he now retires into the deep waters of the North to escape punishment on the one hand, and to enjoy the comforts of his plunder on the other.—(p. 9, col. 1.)

"The treasurer of Georgia, in his recent report, informs the public that previous to the year 1868, and since the reconstruction" (of the State government), "there were issued in State bonds \$5,912,500. He further states that he has ascertained the amount of \$13,756,000 to have been issued since the year 1868, and then proceeds to say:—

"Governor Bullock had other large amounts under the same act engrossed and sent to him. But this office does not know what has become of them."

"The treasurer has pushed his discoveries to nearly twenty millions, and then finds that large amounts of other bonds have been issued which are not registered, and which are now in unknown hands."—(p. 10, col. 1.)

"With such a Governor and such a Legislature in full and perfect sympathy and harmony with each other, morally and politically, a career of villainy at once opened on the soil of Georgia, which will go down to posterity without a rival in the evil and infamous administrations of the world."—(p. 9, col. 1.)

Let it be remembered that a Northern statesman, representing a Northern State in Congress, tells us all this and much more of the same tenor, which we cannot quote for want of room.

It is only necessary to cross the Savannah river separating Georgia from South Carolina, to find there at least equal corruption, oppression, and enormities perpetrated by the Governor, the Legislature, and the great body of officials, who could not have kept their places for one hour if not backed by the military power of the United States Government.

Governor Scott, of South Carolina, is a native of one of the Northern States. He was a brigadier-general in the armies of the U.S. which overran and conquered the Southern States. He was second in command to Gen. Sickles, while military governor of South Carolina, and then became the most prominent of those Northern adventurers who sought their fortunes there. By combinations with these men and adroit canvassing of the negro voters, he at length became Governor of the State, and acquired great control over the Legislature, a majority of whom were negroes. Among numberless other acts of intrigue and corruption, Gov. Scott, combining with the treasurer of the State and some other officials, issued many millions of State bonds not authorized by any act of the Legislature, and sold or hypothecated them to Northern capitalists.—During some weeks last winter the commercial journals of New York teemed with articles emanating from capitalists there, denouncing the fraud put upon them. But Governor Scott and his associates, including an agent of these Northern capitalists, afterwards, by bribery and corruption, induced the Legislature to pass a validating act, putting these fraudulent bonds on a footing with the just debts of the State, to the robbery and impending ruin of all holders of property in the State.

In addition to other means of securing the control of the State government to himself and his adherents, Governor Scott raised, organized and armed a large body of negro militia, while refusing to permit the organization of a single company of whites. He did this as a preparation for success in the elections. The white population having been disarmed by the results of the late war, and all militia and volunteer corps disbanded, and looked upon as unlawful, the whites were justly alarmed at the raising and arming of Gov. Scott's negro militia—an alarm which was

soon aggravated by the insolent threats and disorderly and violent conduct of the armed negroes. But not long since Governor Scott had to disarm his negro militia in the upper parts of the State. We will let him give his own reasons, by quoting from the *Charleston News* of 9th May, 1872, a report of his speech at a meeting of his adherents in that city. They were almost all negroes. The passage we quote gives Gov. Scott's version of the Ku-Klux troubles.

In answer to the question asked by a dissatisfied negro auditor—"Why did you take away the guns from the negro militia in the upper country?" Gov. Scott said:—

"A systematic and organized attack was made upon these colored men and their guns taken from them. Six hundred rifles were taken in Laurens county. In York county, where the men kept their guns at their own houses, their houses were raided on, their guns taken away, and themselves maltreated. A company in Chester county was attacked, and similar scenes occurred in Newberry, Fairfield and Union. Altogether, out of four thousand guns furnished to the militia, the Ku-Klux captured over three thousand. He asked, therefore, what was it his duty to do about the rest of the guns? Was he to leave them to arm the Ku-Klux? Did he take any guns away from Charleston?"

"During the time of these outrages the Legislature was in session, and a minority of that body asked him to place those counties under martial law. But he did not think it expedient, because he did not have any sufficient force to meet in an open field an organized and drilled army of Ku-Klux. He asked, 'How many of you would have volunteered to go up there to fight an organized army of Confederate soldiers?' and the answer came—'Oh, no! not one of us!'"

In another passage, speaking of the lower country or sea-coast counties of South Carolina, Gov. Scott used these words, which may well be viewed as suggesting action to the negroes. He said that "he was astonished to see that white men were allowed to live among them.—Down here there are ten negroes to one white man, and still the Democrats are not molested." (In the U. S. the party opposed to the ruling radical party are called Democrats.)

Governor Scott describes what amounts to rebellion and war in the upper country of South Carolina, where three thousand of his troops were disarmed. He mentions among other things that a company of his negro militia were attacked in Chester county, but he does not give the particulars. We will supply them.

The *South Carolinian*, Columbia, of July 6th, 1872, contains a report of Capt. W. H. Trezevant's examination before Commissioner Boozer. The witnesses here proved that the Carmil Hill company of Gov. Scott's negro militia marched to Chester on the 6th March, 1871, using many threats and some violence towards persons they met on the road—that at Chester they were joined by twenty-five or thirty of the negro militia there. The mayor of this little town and the sheriff collected an armed posse, and by negotiation, backed by a show of force, induced the negroes to leave the town; but in the night the negroes occupied the railroad turn-table and other covered points, and fired repeatedly on the sentinels posted to watch their movements. Not being reinforced by other companies, as they expected, they withdrew some miles, and encamped near the road to Union court-house. So far goes the testimony of the witnesses in Capt. Trezevant's case.

We cannot give what followed from the deposition of any eye-witness, for such deposition would lead to his indictment and conviction under the

Ku-Klux act. But it is well known in York and Chester counties that a party of twenty-three or twenty-four whites from Union, picked men, mounted and armed, and hastening to the aid of Chester, passed near the camp of the negroes, and were fired upon by the sentinels from behind the rocks. They at once charged not only upon the sentinels, but into the camp, routed the negroes (four times their own number), and, following them a long way, killed many. Some of the whites were badly wounded, but none killed. But it is said that more negroes lost their lives in this affair than by all the other homicides attributed to the Ku-Klux in South Carolina.

We will now insert the statement of a lady who had good opportunity and capacity to observe and ascertain the condition of Yorkville and the country around it, and some occurrences there connected with our case. Here Dr. Bratton lived, and he was the chief medical practitioner for twenty miles around it:—

"My sisters and myself are natives of Charleston, S.C., where we lived the greater part of our lives. During the war between the Northern and Southern States, we were compelled to leave our home, and at length settled in Yorkville, S.C., and lived there six years and a-half, ending April 14th, 1872. We had an extensive acquaintance among the people of Yorkville and the surrounding country, and had good opportunities of knowing the condition of that part of the State. Within a year or two after the end of the war, we heard frequently of the 'Loyal League,' a secret political society, organized by the radical party with a view to control the negro voters, and a source of anxiety to the white inhabitants of the town. It seemed to exercise great influence over the negroes, and greatly changed their manner and conduct towards the whites, and toward such negroes as did not affiliate with them. Some of the latter, who would not be drawn into joining the 'League,' we have known to be kept in such dread, through the persecution and threats of the negroes of the radical party, that they seldom or never ventured off the premises of the white persons who employed them. In the autumn and winter of 1870, the people of Yorkville and of the country around it were kept in constant alarm from incendiary fires occurring at night, chiefly on farms and plantations. The buildings were generally farms and cotton-houses, and the object seemed to be to conceal the robbery of cotton and other agricultural products, but dwelling-houses were set on fire under circumstances that indicated malice against the owners. These fires were so numerous that on one occasion the light of six could be seen from Yorkville in one night. There is no doubt that the owners of property, and the white people generally, now formed associations for the mutual protection of their families and property. We soon heard of the raids of the Ku-Klux. Possibly their vengeance may at times have fallen on an innocent party; but it is certain the incendiary fires soon ceased, and a comparative sense of security prevailed through the neighbourhood for seven or eight months.

"In January, 1871, great anxiety and alarm prevailed in Yorkville from the disorderly conduct of Governor Scott's negro militia. There was one company organized in Yorkville, one at, or near, McConnellsville, ten miles south of it, and one at Cheserville, twelve miles farther south. It was well known in Yorkville that Jim Williams, the captain of the McConnellsville company, went about haranguing the negroes, and exciting them to violence—that he had arranged a plan for uniting the three companies at Yorkville and burning the town, in revenge for the severities exercised on those (chiefly negroes) who had been accused of the incendiary fires. For some days in January the white people in Yorkville and the country around it became so much alarmed at the threats of the negro militia, that most of the efficient men kept themselves armed, and prepared to act together. A message was sent to Columbia, to a person called Gen. Anderson, said to be Gov. Scott's adjutant-general, to summon him to Yorkville. By this time things had come to a crisis. The negro militia had assembled in the lower part of the town. We saw parties of white

men come into the town armed for its protection, and it was with the greatest difficulty that some gentlemen of influence prevented a collision. Besides the white men from the neighbourhood who came into the town for its protection, we understood that a strong force was kept in the suburbs ready to assist them. The whites were anxious that if there was a fight it should occur at night, as they were armed chiefly with pistols and some birding pieces, while the negroes had excellent army breach-loading rifles. Anderson, the adjutant-general, who had arrived, was now waited on by a committee of the citizens of Yorkville, Dr. Bratton being one of them, who informed Anderson that he must disarm the negro militia, or the force assembled in and around Yorkville would do it for him. After much hesitation he promised to disarm them, and the armed white men, who had been summoned to the protection of Yorkville, were dismissed, and returned at once quietly to their homes. The negro militia then refused to give up their arms, but the next morning two companies of volunteers from Dallass, N.C., rode into the town, and the presence of this force induced the negro militia to obey Anderson's order and give up their guns.

"About the end of February, some U.S. infantry arrived and were stationed in Yorkville; they were soon joined by a troop of cavalry. The incendiary fires had ceased, or at least became rare, not one occurring in a fortnight, instead of one or more a night. Nothing more was heard of the Ku-Klux, and the country remained quiet until September, when more cavalry were sent to Yorkville.

"Suddenly, in October, 1871, numerous arrests began to be made by parties of soldiers sent out for that purpose. We saw many persons thus brought in to town, and the Yorkville gaol was soon crowded with them. Most of them were long there without being informed of the charges against them. The people of Yorkville perceived that a great deal of money was being used in getting up accusations and prosecutions. In one instance, a man named Owens, who had been prominent as one of Col. Merrill's (the military commandant) informers, and who thought it best to leave that part of the country, was seen to receive, at the railroad station, a large roll of money, said to be \$1500, from a warrant officer attached to Merrill's head-quarters.

"Many of the leading men in the county now received secret warning that they would be arrested, and that they had better not rely on their innocence, even if they were unconnected with the Ku-Klux, or any other association, for mutual protection. A large number at once left the county—at least one hundred and fifty, perhaps many more—and among them Dr. Bratton. The numbers arrested and convicted, the large number of witnesses summoned to testify against them, the great expense incurred by the accused, who are forced to keep their witnesses in readiness for the trials, at Columbia, 80 miles off, brought on the greatest distress, and interrupting the industry of the country, caused the loss of crops, and reduced many families to destitution. The holders of property, the white population generally, and such negroes as had not been dragooned into joining the 'Loyal League' and the radical party, had felt some security under the protection of the secret associations for mutual defence—now, the white population having been generally disarmed by military authority, the most efficient citizens fugitives from prosecution, and a large number of others condemned to a Northern penitentiary, the bulk of the white population, and some of the negroes, felt that they were at the mercy of their enemies.

"Being convinced that it was now unsafe to reside longer in that part of the country, we removed to Canada in April, with the intention of residing henceforth in London, Ontario. We left behind us numerous friends in York county, who were only prevented by want of means from following our example. I will merely add to this statement, that we are not connected by blood or family ties with any of the people of York county, or any one who has suffered from prosecution under the Ku-Klux Act.

"London, Ontario, July, 1872."

"JULIA MANIGAULT.

We are informed that the Congressional "Report on Southern Outrages" shows that after Gov. Scott had armed his negro militia, the

negroes of the radical party were stimulated to outrages by incendiary speeches. Among others, Neagle, the controller-general, exhorted them to burn every blade of grass in the country rather than fail in the election.

The most active agent in the commotions in York county was Jim Williams, *alias* Jim Rainy, a negro, and the captain of one of Governor Scott's companies of negro militia. He harangued the negroes, exciting them to violent and incendiary acts. He seems to have aimed at uniting several companies of the negro militia, and opening his campaign by burning Yorkville and Chesterville.

It appears, from the testimony of a witness—Bill Lindsay, a colored man—examined on the trial of Robert Hayes Mitchell, to which we will again refer more particularly, that Jim Williams got ammunition from a radical official in Yorkville, and said that "he was going to kill from the cradle up."—(Report of trials at Columbia, Nov. term, 1871, p. 96, col. 1.)

He told another witness, W. H. Atkins, a white man—"Mr. Atkins, I will tell you the way to decide between the blacks and the whites is to go into the old field and fight it out, and, by G—! if my side gains the day, I am going to kill from the cradle up."—(p. 119, col. 1.)

He told another witness, John B. Fudge, a white man, that he had harangued his men on the muster ground, and among other things he told them that they must kill from the cradle up. He afterwards added: "In case we don't succeed in carrying the next election, we will kill from the cradle to the grave, and we will apply the torch in every direction; we will lay waste this country generally." Says Fudge to him—"You go on." He turned his mule to ride off, and said—"I can go to Gov. Scott and get as much money as I want, and you can't."—(p. 100, col. 1.)

Another witness, A. F. Hinson, a white man, testifies that Jim Williams told him—"If I don't get what has been promised me, I will take from the cradle up. There has been no burning done to what will be;" and rode right off.—(p. 101, col. 1.)

Talking to another witness, David Thomaason, a white man, about arresting one of the citizens, Jim Williams said that "he meant to sweep from the cradle up, because he had the means to do it with."—(p. 105, col. 2.)

He told another witness, John J. Lowry, a white man, that "he (Jim Williams) had been in Sherman's army (on its devastating march through the South), and that he knew how to carry on war, and that he had as much right to arrest anybody as any of Gen. Sherman's officers."—(page 103, col. 2.)

He told the same witness that the Government—the Yankees, as he called them—had promised him forty acres of land, and they had not given it to him—that if war took place he would have a whole plantation. I told him that he had no right to carry on war. He said that captains in Sherman's army had a right to do it, and he had the same right. He had, as he called it, a paper from Gov. Scott that authorized him to carry it on (his commission?)—(p. 105, col. 2.)

To another witness, Wm. Bratton, a colored man, who had been 1st lieutenant in Jim Williams' company, but had been reduced to the ranks because he was not a radical, Jim Williams threatened that he would rule the country, and if he could do it in no other way, he intended to Ku-Klux the white ladies and children, cotton gin-houses and barns.—If he could not rule it in the way, he would kill from the cradle up. (p. 107, col. 2.)

We learn from other sources that what most alarmed the white people and exasperated them against Jim Williams, was the threats he uttered against the white women, and the designs he avowed against some in his neighbourhood. A young widow living near him, with no one but young children in the house with her, was compelled to apply to a farmer further off to afford her protection and shelter. A lady—a widow of good property and position—testified (p. 91, col. 2) that she felt compelled to leave her home on her plantation, which Jim Williams frequented, and to go to her father's in another county for safety.—(Report of Trials, p. 91-2.)

Jim Williams had become so dangerous, from his influence over many of the negroes, that probably three-fourths of the white men in the county were ready to put him out of the way to prevent the atrocious outrages he threatened. For the laws, as administered, afforded no protection.

Be this as it may, it was proved in court that on the night of the 5th day of March a large party of mounted men—some witnesses say thirty or forty, others more—met south of Yorkville, and rode towards McConnellsville, nine miles off. They searched many negro cabins and carried off many military rifles and accoutrements issued to the negro militia. During the night ten or twelve men, whose names were unknown to the witnesses, left the rest of the party, and did not rejoin them for perhaps an hour. The whole party, after searching some other houses, rode homeward, and during the ride some persons mentioned that Jim Williams had been hung. His wife, as she called herself (he is said to have had others), testified that he was taken from his house and carried off by parties unknown to her. His body was found hanging at some distance in the woods the next morning. We believe that this party acted on good information as to the designs of the negro militia, and they prevented the McConnellsville company from joining the Carmel Hill company on its march to Chester the next day. We have been told that they found some of the negroes cooking their rations for the opening campaign.

We wrote for copies of indictments against Dr. Bratton, and received three laid in the circuit court of the U.S. for South Carolina: of these we will speak hereafter. We wrote also for copies of indictments against him in the State courts, and were informed that there were none. We also wrote for and have received the official report of the cases tried in the U.S. circuit court at Columbia, S.C., in Nov. term, 1871. The fruits of this assize under the Ku-Klux act seems to have been the conviction of every one brought to the bar. The proverbial uncertainty of the law becomes certainty; and a crowd of convicts, leaving a multitude of prisoners yet to be tried behind them, were shipped *via* Charleston to the penitentiary at Albany, N.Y., a Northern prison belonging to a Northern State, with the people of which their own State was lately at war.

The first thing that strikes us in the organization of the court is, that only six out of twenty-one grand jurors are white men—the fifteen are negroes or mulattoes. The first petty jury consisted of one white man and eleven colored.

On examining the indictments against Dr. Bratton, we find that two of them charge him with conspiring with others to injure, threaten and intimidate two different persons, with intent to hinder them from exercising the right to keep and bear arms, and to vote at elections. Of these indictments we need not speak further.

On examining the third indictment, we find it charges that Dr. Bratton conspired with divers others unknown to deprive one Jim Williams, *alias*

Jim Rainey, of the right to keep and bear arms, and to vote at the elections, and that he committed murder upon him.

On examining the volume of reports of the cases tried at Columbia in the U.S. circuit court, Nov. term, 1871, we find (p. 8, col. 1) that the grand jury found true bills against James Rufus Bratton and thirty-one or two others by name—the charge being conspiracy against Jim Williams, *alias* Jim Rainey, and the murder of him.

On following this case, we find that many of those charged were arrested and arraigned. On the trial, the prisoners severed; and in the case of Robert Hayes Mitchell, all the evidence as to the conspiracy against and the murder of Jim Williams was brought out, a great volume of testimony swollen by not a little hearsay. But the count for murder was first stricken out, on the ground that the trial of a charge of murder was not within the jurisdiction of the court. The murder could only be used as a circumstance to prove the conspiracy. Moreover, it turned out that no witness could prove who committed the murder, or who was present at it. And this was true in the cases of all the others tried on the same charge. Under such an indictment a man may be conveniently claimed under the extradition treaty on a charge falling within the terms of the treaty, with intent to try him for an offence not falling within its provisions.

We have no precise information as to the number of arrests under the Ku-Klux Act, either in South Carolina or elsewhere. We have been informed, however, that fourteen hundred persons have been indicted under it in North Carolina, and probably as many in the nine counties in South Carolina named in the President's proclamation. We see by South Carolina papers that arrests continue to be made.

The Ku-Klux Act is aimed at the detection of secret political societies and conspiracies, and the United States authorities seem to have a wonderful knack of proving the guilt of the parties accused. But we take this opportunity of saying that Dr. Bratton denies having been a member of the Ku-Klux or any other secret society except the Masonic.

We are told on good authority that the people of the counties under military occupation, with the writ of *habeas corpus* suspended, saw abundant proofs that money was lavishly used in getting up these prosecutions. This is difficult to prove, for the suborned witness usually conceals his bribe. But some of them were more unguarded. Besides the man Owen, who left Yorkville with a large roll of bills just received from Colonel Merrill's head-quarters, Kerkland Gunn, in his testimony (Reports, p. 67, col. 2), admits that after calling in a friendly way on the Attorney-General Ackerman, during a chance visit to Washington, on leaving him he received \$200 from Ackerman's clerk; but Gunn cannot or will not state the consideration for this payment.

Each would-be informer was stimulated into activity by some secret but potent influence. Even the commandant of the United States troops in Yorkville, Col. Merrill, appears, from the testimony of the witnesses, eager to add to his military duties those of prosecuting attorney, or rather inquisitor; sending for many of the prisoners with whom he had crowded the gaol, and holding repeated conferences with them. And the people of Yorkville are convinced that, colluding with some men of crafty and unscrupulous character, he shut them up in the gaol among the crowd of prisoners, to act as spies and detectives against them.

The zeal and activity of prosecutors, informers, witnesses and other agents in these prosecutions may be accounted for. We have not seen the Appropriation Bill passed by Congress at its last session, but we see

in a Southern journal a reference to an appropriation of three millions of dollars to meet the expenses of the Ku-Klux trials. The government was resolved that its army of prosecutors should not fail for want of ammunition to carry on the war.

But we are more interested in the acts of the United States agents in Canada. Of the three detectives sent lately to London, Hester, *alias* Hunter, seems to have been best provided with the means of securing all the help he might need to accomplish his objects. He employed the clerk of the crown attorney for the county as his chief confidant and agent, and he established himself in the London post-office, and was for three weeks present at the opening and making-up of the mails. All that he may have done there cannot be known to outsiders. But responsible witnesses are ready to prove that two facts, which no ingenuity could surmise, but which were stated in two different letters, written by two different and unconnected persons, and mailed in the London post-office, became known here to Hester and others about the post-office.—We believe that if this matter were fully investigated, the necessary conclusion would be that these letters, perhaps many others, were opened in the London post-office before being sent to their destination.

The British government and nation have, on more than one occasion, expressed their conviction that the post-office is designed to facilitate the correspondence of those who use it, not to serve as the channel for espionage upon them. The nation and government feel that no official can be trusted with such a power, least of all the agents of a foreign government. Doubtless the Canadian government hold the same doctrine; and the Postmaster-General has now an excellent opportunity of proving this by a searching investigation into what looks like a very corrupt transaction.

The opening and reading of these two letters, and the misconstruing of one of them, led Hester and Cornwall into a curious blunder. They inferred that Major J. W. Avery, formerly an active and enterprising officer in the Confederate army, and now charged with being the organizer and head of all the Ku-Klux bands in York county, S. C.—they inferred that he was in Canada, in London, and that Dr. Bratton was Avery.—On the trial of Cornwall for kidnapping, it came out that the warrant they professed to use was against Avery; and on coming back from Detroit Cornwall told Bates, the cabman, that they had kidnapped the wrong man. But he added—"But this one is of much use to us." It seems that the United States pays well for these little secret services. That government wanted Dr. Bratton much, but it wanted Major Avery more.

Dr. Bratton, after being kidnapped, was carried to Yorkville, S. C., there conducted to the headquarters of the military commandant, and sent thence to prison. After some days' delay, the U. S. authorities consented to bail him for \$12,000. By permission of the friends who bailed him, he has returned for a time to Canada. But, in the eye of the law, he is much a prisoner in their custody as he would be in York county guarded by Col. Merrill's soldiers.

After the successful kidnapper, seems to be still in favor with his government, for he has been lately making himself conspicuous, as deputy U. S. Marshal, in matters connected with the North Carolina elections.

Copies of the printed documents quoted, and other papers used in making up this statement, are in the hands of Messrs. Becher, Barker and Street, Barristers, London, Ont.

TRUTH.

Martin	+ <u>Week</u>
Collect	+ <u>Richard</u>
Smith	+ <u>Caughlin</u>
McNab	+ <u>J. Macbeth</u>
McNab	+ <u>Dr. King</u>
J. Brown	+ <u>E. Holmes</u>
A. S. Abbott	+ <u>J. Partridge</u>
Huletman	
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