

**REPORT
TO THE
CITY COUNCIL OF NORTH AUGUSTA**

**RECOMMENDATIONS REGARDING THE
MERIWETHER MONUMENT
IN
J. C. CALHOUN PARK**

Submitted by:

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Mayor
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INTRODUCTION

Stephen Budiansky concludes his book, *The Bloody Shirt*, with the following paragraph:

“Men die, and towns die, and cruelest of all, memories die. And when North Augusta celebrated its centennial in 2006, Hamburg was nowhere to be heard of, though the McKie Meriwether monument was duly catalogued in an inventory of local historical sites the town compiled for the occasion. They described it as a monument ‘to the only resident of Hamburg to be killed in the Hamburg riot of 1876.’ ”¹

Mr. Kenton J. Makin, speaking at a City Council meeting Sept. 18, 2017, asked that the Meriwether Monument located in J.C. Calhoun Park be taken down, or at the very least, that City Council make a formal denouncement of the monument, what it stands for and what it reads.²

As Mayor, I acknowledged Mr. Makin’s concern and realized the issue he raised required further study. I needed to more properly understand the events at Hamburg where Mr. Meriwether died, the background rationale for the Meriwether Monument, its text, and the physical structure of the monument itself, as a prelude to submitting any recommendations to City Council regarding the Meriwether Monument.

This report contains my conclusions and recommendations from my research and study.

From the outset, I felt citizen input and opinions about the Meriwether Monument was necessary. Among the people with whom I met most frequently were Mr. Charles Allen, Dr. Christine Crawford, Mr. Milledge Murray, and Rev. Dr. John Younginer. Ms. Brenda Baratto and Mr. Wayne O’Bryant were also consulted. The latter two are each extremely knowledgeable about the events which occurred at Hamburg in July 1876. They also provided value information and insight as full participants in general discussions.

I considered information from numerous sources as I studied the issue. The appendices to this report contain copies of emails and letters sent to me by citizens from North Augusta and elsewhere and copies of my notes from discussions with citizens expressing opinions about actions related to the monument. They also contains letters, emails, articles, and reports which I obtained from a wide variety of sources.

For over 100 years the Meriwether Monument has occupied a place of prominence in the center of North Augusta, yet, until recently, few people knew much about it or the text it contains. Several years ago the monument was the topic of a major series of articles in the *North Augusta Star* by Phyllis Britt. Initially she believed the monument should go away. Influenced by the arguments presented by Wayne O’Bryant, local African-American

¹ Budiansky, Stephen; *The Bloody Shirt*, Plume, a member of The Penguin Group (USA) Inc. New York, 2009, page 281.

² Folker, James; “North Augusta Dealing with Monument Issue,” Augusta Chronicle Online September 27, 2017 <http://www.augustachronicle.com/natoday/news/2017-09-27/north-augusta-dealing-with-monument-issue>.

historian, she concluded the monument might better be relocated to a park containing memorabilia from the town of Hamburg. Recent controversy about Confederate-era statues has again focused attention on the monument.

The four sides of the monument display text which reflects an attitude of white superiority. Two examples of the engraved text illustrate this:

1. " ...he exemplified the highest ideal of Anglo-Saxon civilization. By his death he assured to the children of his beloved land the supremacy of that ideal."
2. "...in the maintaining of those civic and social institutions which the men and women of his race had struggled through the centuries to establish in South Carolina."

The complete text of the inscription is at Attachment A.

In my opinion, the viewpoint expressed on the monument is directly opposite prevailing societal view and does not reflect the views of present North Augusta residents.

The SC Heritage Act, Section 10-1-165, protects certain monuments and memorials, prevents the relocation, removal, disturbance, or alteration of specified monuments or memorials erected on public property of the State or any of its political subdivisions. Since the Meriwether Monument is located on public property, the Act is relevant to establishing possible courses of action. (Full text of the SC Heritage Act is at Attachment B.)

At my direction, the City Attorney requested an opinion from the SC Attorney General as to whether or not the Meriwether Monument is covered by Act. To date, that opinion has not been received. (See Appendix F.)

HISTORICAL BACKGROUND

Meriwether Monument

J.C. Calhoun Park occupies a prominent location in North Augusta. It is a rectangular park, transected by Georgia and Carolina Avenues, resulting in three triangular areas. The dominant section is bounded by Georgia, Carolina and West Forest Avenues. It is approximately 260 feet at the base (along West Forest Avenue) with sides measuring approximately 440 feet. The two remaining parcels, also triangular in shape, maintain minimal relationship to the dominant section. (Attachment C.)

The Meriwether Monument is a focal point of J.C. Calhoun Park (see Attachment D). The text on one of its sides reads, the obelisk "...was erected by the State, under an act of the General Assembly, with the aid of admiring friends." Dedicated February 16, 1916, the obelisk was "... erected to the young hero of the Hamburg Riot," Thomas McKie Meriwether. Mr. Meriwether died at 24 years of age after being struck in the head by a bullet during "the Hamburg Riot".

The inscription on the monument says it was “erected by the State,” however, that does not tell the complete story. A Joint Resolution (No. 540) to appropriate the Sum of Four Hundred Dollars for the erection of a Suitable Monument to the Memory of Mackey Merriweather (sic) was passed during the State of South Carolina General Assembly in 1914. The resolution states “That the sum of four hundred dollars be ... appropriated for the purpose of erecting a monument to the memory of Mackey Merriweather (sic), who was killed while serving under General Butler in 1876 in what is known as the Hamberg (sic) Riot. §2. That a commission consisting of G.W. Medlock, W.H. Hammond, J.S. Butler, George Adams and J.B. Mackey is hereby designated to award the contract and supervise the erection of the same **at the grave** of said Mackey Merriweather. (emphasis added) Approved this 5th day of March, A.D. 1914.”³

This seemingly simple resolution, introduced by Mr. J.P. DeLaughter of Edgefield and approved by the General Assembly, did not have an easy path. Governor Cole L. Blease immediately vetoed the resolution, prompting Mr. DeLaughter to deliver his maiden speech that very same evening (Thursday, March 5) from the floor of the house in favor of overriding the veto. His colleagues agreed and overrode the veto with a vote of 80 to four.⁴

Soon after Mr. DeLaughter’s resolution was passed it must have become apparent the appropriation of \$400 was not going to be adequate to purchase a monument deemed suitable for McKie Meriwether. The *Edgefield Advertiser* in its April 29, 1914 edition wrote the following “A member of the commission which was appointed by the legislature has called to our attention to the fact that this amount (\$400) is not adequate for the erection of a credible monument and has suggested that individual citizens make contributions to this fund. The *Advertiser* ... will receive contributions for this purpose and forward to the commission, publishing names and amounts. Edgefield and Aiken counties should erect a credible monument to the memory of gallant young McKie Meriwether ...”⁵ According to an article printed in the *Edgefield Advertiser*, the fund was named the McKie Meriwether Monument Fund.⁶

An amendment to the DeLaughter resolution of 1914 approved on February 16, 1915 contained significant new language. The amended text provided a new option for placing the monument. In addition to the original placement at “the grave of the said Mackey Merriweather ...”, it read “...the Commission, if so advised, may **erect said monument at some suitable place within the town of North Augusta**, (emphasis added) South Carolina, upon at least a like amount being contributed otherwise for said purpose.”⁷

³ “Acts and Joint Resolutions of the General Assembly of the State of South Carolina Passed at the Regular Session of 1914” Page 946, No. 540

⁴ “His First Speech Yielded Results” *Edgefield Advertiser* March 11, 1914, Page Four, from Chronicling America: <http://chroniclingamerica.loc.gov/lccn/sn84026897/1914-03-11/ed-1/seq-4/>

⁵ “Should Supplement Fund” *Edgefield Advertiser* April 29, 1914, Page Four, from Chronicling America: <http://chroniclingamerica.loc.gov/lccn/sn84026897/1914-04-29/ed-1/seq-4/>

⁶ “Unveil Monument to McKie Meriwether” *Edgefield Advertiser* January 12, 1916, Page Five, from Chronicling America: <http://chroniclingamerica.loc.gov/lccn/sn84026897/1916-01-12/ed-1/seq-5/>

⁷ “Acts and Joint Resolutions of the General Assembly of the State of South Carolina Passed at the Regular Session of 1915” Page 427, No. 299

Even with a \$25 contribution from U. S. Senator Ben Tillman, the fund raising effort was going slowly.⁸ Mr. G.W. Medlock, a member of the commission member named in the original resolution, made an additional plea for donations in a May 1915 letter to the editor which appeared in the *Edgefield Advertiser*. Mr. Medlock stated the local goal was to match the \$400 appropriated by the legislature. Mr. Medlock's letter also states the City of North Augusta "generously agreed to donate a commanding site and care for it when finished."⁹ My research failed to determine the final cost of the monument and its installation.

The monument was unveiled in a ceremony conducted in the high school on February 16, 1916. The order of the unveiling ceremony included a number of distinguished men.¹⁰

The Prayer was offered by Dr. Ashby Jones, Minister of First Baptist Church, Augusta, Georgia.¹¹

Ex-Governor John Calhoun Sheppard, from Edgefield, introduced the main speaker, the Honorable Daniel Sullivan Henderson.

D. S. Henderson was the sole living attorney who was engaged in the trial of the case, representing the men charged with riot and murder following the July 1876 events at Hamburg. The title of his oration was "The White Man's Revolution in South Carolina." His speech discussed the events leading to the "uprising of white people at Hamburg ... which drove the carpetbagger and bummer out of South Carolina and established white rule."^{12 13} (The full text of D. S. Henderson's speech is at Attachment E.)

The monument was presented to the City Council of North Augusta by the Honorable B. E. Nicholson, a South Carolina Senator from Edgefield County. Senator Nicholson was accompanied by Senators Williams and Nickles.¹⁴ Representatives Williams, Toole, and Brigham completed the legislative

⁸ "Senator Tillman Makes Contribution to McKie Meriwether Monument Fund" *Edgefield Advertiser* January 6, 1915 Page 1

⁹ "An Earnest Appeal from Mr. Medlock" *Edgefield Advertiser* May 5, 1915, Page One, from *Chronicling America*: <http://chroniclingamerica.loc.gov/lccn/sn84026897/1915-05-05/ed-1/seq-4/>

¹⁰ "Unveiling Program" *Edgefield Advertiser* February 16, 1916, Page One, from *Chronicling America*: <http://chroniclingamerica.loc.gov/lccn/sn84026897/1916-02-16/ed-1/seq-1/>

¹¹ Jordan, Isabella. *A Century of Service – First Baptist Church of Augusta, Georgia. 1921(?)*. Page 58.

¹² "State Honors Meriwether." *The Watchman and Southron* February 119, 1916, Page Six, from *Chronicling America*: <http://chroniclingamerica.loc.gov/lccn/sn93067846/1916-02-19/ed-1/seq-6/>

¹³ *The white man's revolution in South Carolina. Address of Hon. D. S. Henderson. Delivered at the unveiling of the McKie Merriweather monument, North Augusta, South Carolina, 16th February, 1916.* The text is included as Attachment E. A published copy is available in the South Caroliniana Graniteville Room at the University of South Carolina, Columbia.

¹⁴ "Memorial Presented." *Journal of the Senate of the General Assembly of the State of South Carolina – Being the Regular Session Beginning Tuesday, January 11, 1916.* Page 522

committee.¹⁵ The *Edgefield Advertiser* reported Senator Nicholson "... spoke briefly, but eloquently, appealing to the city officials and citizens of North Augusta to accept this tribute in stone as a sacred trust and guard it with jealous care."¹⁶

Mr. James U. Jackson, founder of North Augusta, accepted the monument on behalf of Mayor B. C. Wall, and the city council of North Augusta.¹⁷

The monument was unveiled by McKie Meriwether's nearest available relatives: Mrs. W.H. McCracken, Mrs. S.M. Warmak, Mrs. Jessie Crafton and Miss Anna Butler.

The full text of the *Edgefield Advertiser* front page article of February 23, 1916 is provided in Appendix A.

The monument unveiled that day is a stone obelisk of Winnsboro granite, standing 21 feet tall and weighing about 27,000 pounds.¹⁸ The Owen Brothers Granite and Marble Works of Greenwood, SC prepared the monument.¹⁹

Thomas McKie Meriwether, born December 1852, is buried in McCormick County in the cemetery adjacent to the extinct Meriwether Methodist Church, located on S. C. Route 28 in Meriwether. An inventory of the names of individuals buried in the now overgrown cemetery has been compiled and published on SCGenWeb, a genealogy website. The published inventory, prepared by John Hofman, used "McCormick County Cemeteries" prepared by the McCormick County Historical Society in 1987 as a source. The headstone for McKie Meriwether reads: "*Thomas McKie Meriwether - 1852 - 1876, A MONUMENT COMMEMORATING HIS DEEDS IS ERECTED IN NORTH AUGUSTA.*" Obviously, the intent of Mr. DeLaughter's 1914 Senate Resolution to have a headstone for his grave was fulfilled sometime after 1916 by a person or persons now unknown.

Events at Hamburg

As discussed above, Thomas McKie Meriwether was killed at Hamburg on July 8, 1876. Essential to any discussion of the Meriwether monument is an understanding of the events that took place at Hamburg in July 1876. Those events became a key part of the national debate about the Reconstruction of the United States following the Civil War.

¹⁵ "McKie Meriwether – Monument Erected in North Augusta to Memory of Hero Who Lost Life in Hamburg Riot." *Edgefield Advertiser* February 23, 1916, Page One, from *Chronicling America*: <http://chroniclingamerica.loc.gov/lccn/sn84026897/1916-02-23/ed-1/seq-1/>

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ "McKie Meriwether Monument Completed. Inscription Given in Full" *Edgefield Advertiser* January 26, 1916, Page Eight, from *Chronicling America*: <http://chroniclingamerica.loc.gov/lccn/sn84026897/1916-01-26/ed-1/seq-8/>

¹⁹ "South Carolina Product" *Edgefield Advertiser* February 23, 1916, Page Eight, from *Chronicling America*: <http://chroniclingamerica.loc.gov/lccn/sn84026897/1916-02-23/ed-1/seq-8/>

Being reflective of the nation's debate, the Hamburg Incident was included in the rhetoric of the 1876 election for President between Rutherford B. Hayes and Samuel J. Tilden.

A large array of reference books, articles, reports, theses and opinions are available regarding the events which occurred in Hamburg, SC on 4-8 July 1876. In our present social environment, the events which occurred are most often referred to, depending upon one's perspective, as the "Hamburg Massacre," "Hamburg Incident," or "Hamburg Riot."

For simplicity, "Hamburg Incident" will be used throughout this report to preclude discussion of this report and recommendations being about the descriptive name rather than about the monument erected 40 years after the events at Hamburg. The events at Hamburg did not generate the discussion leading to this report. The Meriwether monument located in Calhoun Park generated the discussion. The monument itself has been the focus of my attention. However, understanding the events which occurred at Hamburg was an important aspect of my discussions and considerations.

Hamburg, located on the banks of the Savannah River just north of the Fifth Street Bridge, was a prosperous town as the western-most terminus of the Charleston-Hamburg Railroad, completed in 1833. By 1854 the railroad line crossed the river and directly connected Augusta, Georgia with the coast. This led to the economic decline of Hamburg. An 884 Sanborn Map showing the location of Hamburg relative to Augusta, Georgia is provided at Attachment F.

Following the end of the Civil War, the town was predominantly populated by African-Americans. Hamburg continued to exist until 1929, when back-to-back Savannah River floods washed most of it away. Residents moved to higher ground to an area named Carrsville, in the vicinity of Barton Road. The former town sites of Hamburg and Carrsville are now largely within the city limits of North Augusta.

Contemporary reports of the events at Hamburg present differing accounts. To a large extent, the accounts reflect the political leanings of the newspaper editors. The following summary of events is included (as factually as possible) to provide a context for the discussion regarding the monument. It is not intended to be a treatise on the events which occurred at Hamburg. Several books are available which discuss the Hamburg Incident and its context and impact on South Carolina and national political, social, and cultural institutions.

The simple summary of the outcome of the events of July 8-9th is the death of one white man (Meriwether) and the deaths of seven African-American men. Thomas McKie Meriwether died as the result of a bullet to the head in the course of the gun battle. Six of the African-American men were murdered after they had been captured. One African-American man was shot while running from a building during the gun battle.

Following the events in Hamburg, Governor Daniel Henry Chamberlain sent William Stone, Attorney General of South Carolina, to Hamburg to investigate. Mr. Stone gathered information chiefly from Prince Rivers (the Trial-Justice), from testimony of people who

went before the coroner's jury, and from those wounded by the group of white men who had taken them prisoners. A paraphrased summary of his report follows:

The following facts seem to be clearly established: Company A, Ninth Regiment National Guard of the State of South Carolina (a State militia) was organized at Hamburg during the administration of Governor Scott with Prince Rivers as Captain. In May 1876 Doc Adams was chosen captain.

July 4, 1876 was the Centennial anniversary of the signing of the Declaration of Independence. The African-Americans in Hamburg were celebrating. The militia was marching on the main thoroughfare, 100-150 feet wide and overgrown with grass, except the part used as a carriage-road. Thomas Butler and Henry Getzen, his brother-in-law, came along in a carriage, and demanded that the marchers move aside to allow them to continue their return to Edgefield from Augusta. Doc Adams halted the company, and he expressed his displeasure with Butler and Getzen for interfering. He told them there was plenty of room on each side to pass by. When it became apparent they were unwilling to go around the militia, Adams opened ranks and allowed them to drive through.

The next day, Thomas Butler returned and requested a warrant against Doc Adams for blocking the street. Justice Prince Rivers issued a warrant and had Doc Adams brought before him for trial the next day. During the trial, Adams was arrested for contempt of court, and the case was recessed until Saturday afternoon, July 8th 1876, the day when events in Hamburg became national news.

Thomas Butler and Henry Getzen appeared Saturday along with Matthew C. Butler (previously a Confederate General), as their attorney. Doc Adams did not appear. Prince Rivers approved attorney M.C. Butler's request for time to talk to both sides. At the time to reconvene, Justice Rivers learned that attorney M.C. Butler had gone to Augusta.

While this was happening, 200-300 armed white men assembled in Hamburg and demanded the militia should surrender their arms.

Rivers and attorney M.C. Butler again met and Butler said he had given orders for the militia to give up their guns. Rivers and Butler then discussed options about crating the arms and sending them to the Governor.

Rivers met with the militia assembled in the second story of the Sibley building. He told Captain Adams what might be expected if he should refuse to give up the arms. Adams replied that attorney M.C. Butler had no right to the guns, and the company proposed to hold them. Rivers then told attorney M.C. Butler, who was with Robert J. Butler (Thomas Butler's father), of the decision.

While these discussions were going on, the armed white men were gathered on the river bank. Gun fire began soon after the negotiations ended. Men who were in the building say the whites started the firing. After the firing had begun, the militia returned it, and McKie Meriwether was shot through the head, and instantly killed.

Soon after an artillery piece from Augusta was used to fire four charges of canister at the armory without injuring any one. At this time the men in the armory escaped from the rear by means of ladders, and hid anywhere they could find shelter.

The first African-American man killed was James Cook, town marshal, not a member of the militia. He exited from the rear of the Sibley building and was hit by five or six bullets. The white men took about twenty-five African-American men as prisoners, some not members of the company. They were taken nearby and guarded by a large number of armed men. None of those captured had weapons.

About two o'clock a.m. (now July 9th), six men took Allen T. Attaway out of the "ring." He and his mother begged for his life, but he was shot to death. David Phillips was similarly killed. Pompey Curry was called out next. He ran, and was shot in the leg, but survived. Albert Myniart, Moses Parks, and Hampton Stephens (not a militia member) were also similarly killed.

Corporal Nelder John Parker was captured and taken to the prisoners' location. When he replied in the affirmative to attorney M.C. Butler asking if he was one of the rascals, he was shot in the back and wounded. He was taken to a hospital in Augusta. (*Note: While not initially identified as having died from his wounds, he died the next day.*) Butler Edwards was shot in the head after being told to run. Willis Davis, a militia member, was shot in the arm near the elbow. Both survived their wounds.

Mr. Stone concluded:

- the primary object of the whites was to take the weapons from the militia, and
- the demand on the militia to give up their arms was made by persons
 - without lawful authority to enforce such demand or
 - to receive the arms had they been surrendered;
- that the attack on the militia to compel a compliance with this demand was without lawful excuse or justification; and
- that 20-25 prisoners were captured and
 - completely in the power of their captors, and
 - without means of making further resistance,
 - five of them were deliberately shot to death and
 - one died from his wound, and two more were severely wounded and,
- defenseless people were robbed, and
- the efforts of their own leaders were all that prevented arson.²⁰

²⁰ Stone, William to Daniel H. Chamberlain, 12 July 1876. S518004. Letters Received in Governors' Papers for Daniel H. Chamberlain. South Carolina Department of Archives and History.

DISCUSSION

Mr. Makin's request at the City Council meeting was that the Meriwether Monument be taken down or that City Council make a formal denouncement of the monument, what it stands for and what it reads.

The monument has stood in Calhoun Park for more than 100 years. It was erected in 1916 during the Jim Crow era, paid for by funds allocated by the SC legislature and with contributions from individuals. My initial belief was that the monument was owned by the State of South Carolina. However, my opinion now is that the monument is the property of the City of North Augusta, accepted at the dedication by James U. Jackson and presented to, and accepted by, Mayor B. C. Wall. It is interesting to note that North Augusta Council Meeting Minutes from that time do not include any reference to the monument nor approval for its location within the City. While it is possible the land where the monument stands was still owned by James U. Jackson, Mr. Medlock's letter to the *Edgefield Advertiser*, referenced earlier (page 4), states the City of North Augusta agreed to donate a commanding site for the monument.

As mentioned in the Introduction, The SC Heritage Act restricts changes to war monuments located on public property. It is not clear whether removal, relocation, or alteration of the Meriwether monument would be restricted by the law. The State Attorney General has appealed a ruling made in a Greenwood, SC case regarding the applicability of the Heritage Act. My investigation and discussion continued without regard to any potential restriction posed by the law. (See Appendix F. for more information.)

Citizen inputs were frank and open. Even knowing the monument was commissioned to honor a white victim of the Hamburg Incident, it is impossible not to be sensitive to the events of July 4-9, 1876 and the white supremacy message inscribed on the four sides of the monument's base. It is also impossible to ignore the ongoing discussion about what to do about Civil War monuments locally (in Augusta) and nationally, even though the Meriwether monument is not (in my opinion) a war memorial.

A number of references about both Reconstruction and the white supremacy actions which led to the Meriwether monument being erected were researched and read. The circumstances of the unveiling of the Hamburg Massacre marker in Carrsville in March 2016, were also considered. A headstone, positioned at the base of the marker, lists the names of all eight victims (African-American and white). This marker and headstone were erected through the efforts of the Heritage Council of North Augusta. (See Attachment G. for the complete text of the marker and the inscription on the headstone.)

Several facts and thoughts/opinions rose early on above others in importance. Among the most striking were the following, in no particular order:

- The obelisk is in a public park whose location is, perhaps, the most prominent within the City of North Augusta.

- The inscription on the monument is offensive and does not reflect the thinking of the citizens in present day North Augusta.
- Any additional structures, if erected in the park, should not allow the large physical size of the Meriwether obelisk to give the impression it is superior to, or over, the added structures.
- The monument has been, and is now, the focus of articles and online blogs solely due to the inscribed text.
- Few people are aware the Hamburg Massacre/Riot/Incident was instrumental in ending Reconstruction in the South following the Civil War.
- Few people are aware the “Jim Crow” era promoting white supremacy was finally solidified following the withdrawal of Federal troops from southern states after the Hamburg Massacre/Riot/Incident and the 1876 Presidential election.
- The events of July 1876 at Hamburg, the location of which is now within the city limits of North Augusta, and their national implications are known by few local residents.
- The Heritage Council of North Augusta has been a primary driver to rectify the injustice done by the omission of reference to the African-American victims at Hamburg through its actions at Carrsville, but that location is neither prominent nor well visited. (The ongoing restoration of the Society Building likely will increase the number of visitors to the Carrsville area.)
- The original legislative intent was to erect a marker at the grave of Thomas McKie Meriwether, but in one year’s time the purpose grew to be much more. The acceptance by James U. Jackson at the dedication with subsequent presentation to Mayor B.C. Wall made it “North Augusta’s monument.”
- A recommendation to remove the obelisk from Calhoun Park to another location within North Augusta, or elsewhere, would create controversy, and could be made moot by a ruling from the South Carolina Attorney General related to its status under the Heritage Act.

In general terms, options range from outright removal of the monument to retaining the status quo.

A recommendation to remove the obelisk was seriously considered in light of the message conveyed by the text. There are several reasons for removing it, all somewhat related. There is a real belief that young African-American children should not have to face the reality of reading that their value and worth would have once been considered inferior. There are also strong feelings that the present day values and beliefs of North Augustans are so far removed from those expressed on the obelisk that it is contradictory to have them prominently displayed in the heart of the city. The monument, its inscription, and the direct correlation to the events at Hamburg, have been the focus of a number of negative internet blogs/articles and social media discussions.

Maintaining the status quo, doing nothing, was considered solely because that option was favored by several commenters and protocol required it. This option had no support among people I consulted with. There was unanimous agreement that some action was necessary to counter the message on the monument - and the monument itself - in part, due to its dominant appearance in Calhoun Park. Importantly, the inscription expresses a viewpoint almost universally rejected in today's society.

An interesting contradiction became apparent as I listened to the arguments to keep the monument. A popular viewpoint presented as the basis for keeping the monument, in spite of the message it conveyed, is that history cannot be changed. Supporters of this perspective were passionate in their viewpoint. Equally passionate were those who wanted the monument to remain unchanged, but for essentially the opposite reason. They wanted the monument and its message left unchanged because they wanted people to know precisely the beliefs prevalent in North Augusta 100 years ago. They believe keeping the monument with its message is necessary to prevent it from ever again becoming commonplace.

A general consensus emerged during my discussions, almost as the default option, that the monument should be left unchanged, but an educational opportunity must be created within Calhoun Park, preferably adjacent to the monument. The idea of exactly how to provide that educational experience is a more challenging endeavor. Settling on the "message" to convey and how to convey it is difficult, and beyond the extent of my knowledge and expertise. The variety of issues and topics to consider for inclusion, I believe must include Reconstruction, the events at Hamburg, and the attitudes and white supremacy (Jim Crow) movement which resulted in the monument to Meriwether being placed.

There are a multitude of other possibilities for the educational messages, such as the national implications of the events at Hamburg, the Civil Rights era, the Bloody Shirts, the rifle clubs, to name only a few. Several of the citizens with whom I met had participated in drafting the language for the Hamburg Massacre marker placed in Carrsville, and they conveyed the difficulty they experienced getting the wording precise and factually correct.

CONCLUSIONS

The concluding statement Stephen Budiansky wrote for his book, *The Bloody Shirt*, presents an unfortunate perspective about the City of North Augusta. The events at Hamburg in July 1876 were hugely important on the national political and social scene. North Augusta can no longer be perceived as a city which fails to acknowledge Allen Attaway, James Cook, Albert Myniart, Nelder Parker, Moses Parks, David Phillips, and Hampton Stephens as residents of Hamburg who were killed, and in most instances murdered, at Hamburg in 1876. Having the death of Thomas McKie Meriwether remain as the sole focus of the Hamburg incident of 1876 must be recognized and acknowledged as fiction.

I conclude, after careful consideration of the facts:

1. The City Council of North Augusta is the public body responsible for the monument.
2. Removing or altering the monument is not a viable option.
3. Leaving J.C. Calhoun Park unchanged is not an option.
4. Action must be taken to clearly acknowledge the words on the Meriwether Monument are out of touch with the thinking of today's North Augustans.
5. J.C. Calhoun Park can be made a positive, educational experience.
6. It is necessary to add a variety of sculpture, plaques and/or kiosks putting the Meriwether Monument in proper context within the spectrum of experiences during and after Reconstruction and up to the present day.

RECOMMENDATIONS

I make the following recommendations related to the Meriwether Monument and the City of North Augusta's Tourism Program to City Council for action.

Meriwether Monument

My recommendation has multiple facets, as will be evident in paragraph 4.

1. The monument's location, structure, and text should remain unchanged.
2. A defined, distinct area surrounding the monument should be created providing educational opportunities for visitors as a counterpoint to the viewpoint expressed by the text on the monument.
 - a. The educational experience should include, as a minimum:
 - i. a summary of the events which transpired at Hamburg,
 - ii. the names of the African-American men killed during the incident, with acknowledgement of the circumstances of their deaths,
 - iii. a discussion of Reconstruction,
 - iv. the accomplishments of the African-American citizens during that period, to include the founding of Aiken County,
 - v. the Jim Crow era, and
 - vi. the Civil Rights era.
 - b. Permanently installed features (sculptures, kiosks, plaques, etc.) are essential to present the information.
3. Any sculpture designed, constructed and erected as a counterpoint to the Meriwether Monument must be of a similar size and character, so as not to give an impression the obelisk is dominant.

4. An open design competition is my recommended method for this undertaking. This offers the opportunity for innovation in design, presentation, and effect. An open design competition would provide an opportunity for people to become involved in the process. It would provide an opportunity to build community interest and support for the changes.
 - a. A design competition would necessitate defined criteria regarding the specific objectives to be met, suggested topics to be included, a projected cost ceiling, whether phased construction would be permitted, defining the physical area allotted for the project, plus other factors, such as materials and limiting dimensions.
 - b. Selection of the preferred design could be done by a select panel, by a citizen vote, by Council vote, or a combination of these.
5. Funds to erect the design selected for installation could come from public or private sources, or a combination of sources.
6. Action should be begin immediately upon receiving formal City Council approval. I do not believe The Heritage Act would not prevent such action, since the Meriwether Monument itself is not being altered.

Tourism

The events which occurred in Hamburg in 1876 were important nationally. Those events merit acknowledgement as part of the City's history. I am aware there is significant and ongoing interest and research focused on the complete story of the City of Hamburg. For example, two books will soon be published about the City of Hamburg. A Historic Marker about the City of Hamburg (to replace one missing for many years) was recently erected under the auspices of the Aiken County Historical Society.

I believe the City's tourism program is due for expansion to provide an active lead role, beyond primarily focusing on events, such as Jack-O-Lantern Jubilee and the Peach Jam. The attention soon to be focused on the extinct town of Hamburg, which was located within the present city limits of North Augusta, and the events which occurred there can be the catalyst for a coordinated effort by the City and existing local groups already doing positive things for the City's history and heritage.

I believe now is the appropriate time to expand the City's tourism efforts and activities to promote the assets of the City. The following list is only a sampling of opportunities.

1. Historic structures,
 - a. Lookaway and Rosemary Halls
 - b. Star of Edgefield
 - c. Charles Hammond House
 - d. Society Building
 - e. First Providence Church
 - f. Meriwether Monument, including additional of educational features

2. History
 - a. the Hamburg Incident
 - b. the Charleston & Hamburg Railroad (including the Hamburg Station replica)
 - c. The City's incorporation and development
3. Living History Park
4. Pop culture locations,
 - a. The Sno-Cap Drive-In
 - b. James Brown's recording studio (present CMONA building)
5. Recreation opportunities,
 - a. the Greenway Trail
 - b. Brick Pond Park
 - c. Riverview Park
 - d. Riverfront Park
 - e. SRP Park

I am aware of three organizations presently engaged in promoting the heritage of North Augusta: the Heritage Council, the Arts and Heritage Center, and Historic North Augusta. The knowledge and enthusiasm of these groups, collectively along with the City, could provide the foundation for the expanded tourism program and assist with preservation and promotion of North Augusta's history. I believe this effort would certainly be a positive step toward the downtown area becoming a destination.

Historic North Augusta is in the process of restoring the Society Building in the Carrsville area. The Heritage Council and the Arts and Heritage Center continue to be involved in the history of Hamburg as an early economic development and, subsequently, as the location of the events which are a focal point of this report.

Summarizing, I am convinced the time is right to take positive action to create an addition to J.C. Calhoun Park which provides a factual and educational explanation of the events which occurred at Hamburg in 1876 and of the circumstances associated with erecting the Meriwether Monument. I am equally convinced now is the time to institute a more robust tourism program. The City has long been recognized for the Greenway Trail. Riverside Village adds a hotel, restaurants, SRP Park, a riverfront park and amphitheater, opportunities for river-related activities, and retail shopping. Combine these with the substantial knowledge and involvement of the heritage groups now prominent in the City with the resources of the City's Parks, Recreation, and Tourism Department and I am convinced Tourism will become an increasing part of North Augusta's growth and allure.

Respectfully submitted,

Robert A. Pettit, Mayor

ATTACHMENT A.

Text on the Meriwether Monument.

Dec 4, 1852 – July 8, 1876
In Memory of THOMAS MCKIE MERIWETHER

Who on 8th July 1876, gave his life that the civilization builded by his fathers might be preserved for their childrens children unimpaired.

Second Panel

In youths glad morning the unfinished years of manhood stretching before him, with clear knowledge and courageous willingness, he accepted death and found forever the grateful remembrance of all who know high and generous service in the maintaining of those civic and social institutions which the men and women of his race had struggled through the centuries to establish in South Carolina.

What more can a man do than to lay down his life.

Third Panel

In life he exemplified the highest ideal of Anglo-Saxon civilization. By his death he assured to the children of his beloved land the supremacy of that ideal.

“As his flame of life was quenched, it lit the blaze of victory”

Fourth Panel

This memorial is erected to the young hero of the Hamburg Riot, by the state, under an act of the general assembly, with the aid of admiring friends.

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ATTACHMENT B.

SC Heritage Act

SECTION 10-1-165. Protection of certain monuments and memorials.

(A) No Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish-American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, Native American, or African-American History monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered. No street, bridge, structure, park, preserve, reserve, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

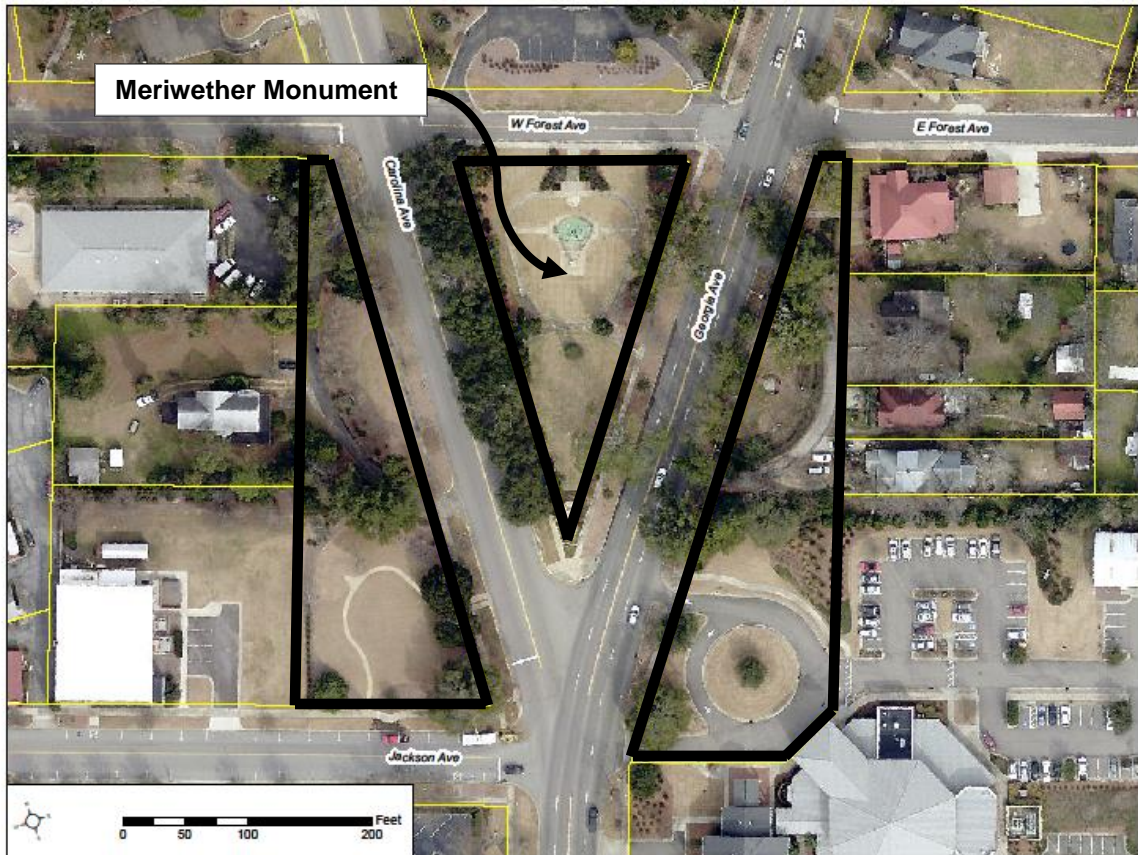
(B) The provisions of this section may only be amended or repealed upon passage of an act which has received a two-thirds vote on the third reading of the bill in each branch of the General Assembly.

HISTORY: 2000 Act No. 292, Section 3.

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ATTACHMENT C.

Calhoun Park -



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ATTACHMENT D.

The Meriwether Monument in J.C. Calhoun Park



Photo: Aiken Standard

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ATTACHMENT E.

Address of Colonel Henderson.²¹

Mr. NICHOLSON obtained leave of the Senate to insert the following in the Journal:

THE WHITE MAN'S REVOLUTION IN SOUTH CAROLINA.

Address Delivered By D. S. Henderson, At The Unveiling Of The McKie Merriwether Monument, North Augusta, South Carolina, February 16th, 1916.

Ladies and Gentlemen:

In the economy of life, with its rush and crush, the mere killing of a young man, no matter what were his personal attractions, and no matter how exalted were his family relations, as they were in this case, is soon forgotten.

When, after the events of that notable night, McKie Merriwether, in his bloody robes, was carried through the streets of yonder city of Augusta, Georgia, out to the resting place of his people in the historic county of Edgefield, he perhaps would have soon been forgotten, except by his loved ones, but he perished for the cause of liberty, and because the people of his country still revere liberty, we are here today to perpetuate his name, and the cause he well represented.

His death in that cause handed down a lasting heritage to his family of noble people, as is expressed on one of the panels of yonder monument—

"As his flame of life was quenched, he lit the blaze of victory" for the tyrannized people of his beloved State.

THE VENERATION OF THE WHITE MAN FOR HIS HEROES.

The history and traditions of the white man show conclusively that wherever in the world he has fought and ruled, sentiment, rather than reason, dominates his ambitions and endeavors.

This is indicated and illustrated by his national and personal monuments wherever erected.

After the Persian millions had decimated Leonidas and his Spartan band at Thermopalæ, Greece, in recognition of the spirit which actuated them to do or to die, erected at the historic pass a monument, to be seen throughout all ages, on which is written the potent words:

²¹ *Journal of the Senate of the General Assembly of the State of South Carolina, Being the Regular Session Beginning Tuesday, January 11, 1916.* Columbia, S.C. 1916. Page 741.

"Go, tell the Spartans, thou that passeth by
That here obedient to their laws, we lie."

In the fastnesses of Switzerland, under a romantic hillside of beautiful Lucerne, is cut in everlasting stone "the Lion of Lucerne," to denote the love of the Swiss for their brave guard, which fell before the onslaught of the mob in defense of Louis XVI in the palace yard of the Tuileries at Paris.

On the top of the great hill where once stood the capitol of ancient Gaul, stands a gigantic shaft, erected many centuries after the event, to commemorate the heroism of Vercingetorix, the Gallish king who checked the legions of Rome.

On the Belgian plains of Waterloo, where are shafts for all of the combatants, none stands out in bolder view than the Iron Eagle, which was erected by France years after her defeat, to vindicate the valor of the old guard led by Marshal Ney.

Forty years after his death, and after the great revolution which upheaved kingdoms and crowns and established republicanism in Europe, France brought back from St. Helena the dust of their idol Napoleon and laid it in a tomb in Paris with Bertram on his right and Duroc on his left.

All over this broad land of ours, after the War Between the States, monuments and shafts and tombs without number have been erected to illustrate the love of both sides for the principles and creeds they respectively espoused. Today at Chicamauga (sic), at Arlington, at Gettysburg, and elsewhere, the white sentinels lift their lofty heads to illustrate and perpetuate the glorious reunion of a divided brotherhood brought together by the lover of bravery and heroism, shown by the heroes of each side.

Up yonder on the State House grounds in Columbia stands the equestrian statue of Wade Hampton, to vindicate not only our veneration for what he did in war, but for what his wisdom and high-minded courage did in the redemption of the State in 1876.

Out yonder on the slope of the hill in the beautiful town of North Augusta, in Aiken county, which was the oriflamme of the white man's revolution, we are to unveil today a monument, erected by the General Assembly of the State and admiring friends to the memory of one who shed the first blood that started that Revolution of 1876, which redeemed the Palmetto State from the yoke of the African and the stranger, and which established beyond question that this is a white man's country, to be ruled by white men forever. All honor to Colonel DeLaughter who originated the movement for this monument—sad to think he is gone.

THE CAUSE LEADING UP TO THE EVENT.

The paths leading up to the event are strewn with bloody transactions, the event itself severe, and the aftermath of the event productive of lasting good to the State and to the South as well.

The battle of Hamburg, as it is called, was not a massacre in the ruthless sense of that term. It was a rebellion against wrong; it was a blow for the right; it was an armed rebuke to tyranny and oppression.

The guns which McKie Merriwether and his companions fired from the abutment of the railroad bridge, down yonder on that hot night, was the token of the white man's Revolution of 1876 in South Carolina, as much so as the first gun which was fired on the plains of Lexington in 1775, awakening the colonies to arms and putting down the tyranny of the British crown. McKie Merriwether died not as a lawless lawbreaker, but as a hero for white independence, and as much a patriot as any soldier who perished in defense of his country.

This land of ours had been stripped to the bone by the ravages of the strife of the sixties. From 1867, before the smoke of the battle had settled, and all through the period up to the early summer of 1876 (some eight years of doubt, uncertainty, unrest, despair and friction), the internals of the political Vesuvius had been smouldering, but it belched forth unexpectedly on the night of the 8th of July, 1876, along the waters of the Savannah, in the decaying town of old Hamburg, the very citadel of negro republicanism in Western South Carolina, and the lava and ashes which came from the volcano caused by the white man's indignation at bad government aroused the entire State as it had never been aroused before.

The bummers of the Federal armies who after the war had been left in the State, enflamed the credulities of our former slaves, newly enfranchised and steeped in ignorance, and used the circumstances of the occasion to aggrandize their own fortunes and to humiliate the white race who were the owners of the soil.

The politicians of the North who had entered the arena of public national life, after the death of Lincoln (and who had exhibited none of his magnanimity or statesmanship), concocted acts of Congress, called the Reconstruction Acts, to rehabilitate the States, which the very arbitrament of arms had declared could not secede, and military satraps, such as Sickles and Canby, subordinated the civil to the military authority, which caused every mandate to be enforced at the point of the bayonet and constituted in an alleged free country up to 1869, as brutish a tyranny as ever marked a government, where the people claimed to be civilized. A written Constitution evoked by astute minds was foisted upon the State under the shadow of arms at the ballot box, and by the force of the black man's majority, which in its terms and legislative enactments following, gave the form of law to the tyranny, which new pledged officials in ignorance and vice freely administered in a free country and in every community of the State to humiliate and drag down the former slave owners, who, though they had the intelligence and patriotism, were cowed by the military power of the Federal administration at Washington. No white man's property or liberty was safe, except what his own strong arm protected. Ignorant Judges sat on the bench. The Supreme Court became composed of a superannuated Jew, a shrewd carpet-bagger and an ignorant black negro.

I have often as an attorney plead cases before mixed juries, and several times full negro juries.

No farmer dared to leave a bale of cotton in his barnyard at night, nor his stable door unlocked. Taxes by the millions were collected under the guise of law from the landowners and spent in extravagance and vice of every kind and in schooling the negro children, and education was denied to the whites. The monumental effort of this political tyranny was the formation of an armed negro militia to bolster up the State government and to terrify the whites. Every county of the State had its militia armed to the teeth with Springfield guns, paid for with the money of the taxpayers.

Nowhere was this more menacing and blatant than in Edgefield county and Aiken county, where at Hamburg the major general, Prince R. Rivers, a coachman at Beaufort in slavery times, was legislator, trial justice and commander of the military.

No wonder that here this memorable revolution found its heading!

No wonder here the Anglo-Saxon rebelled!

Let an unbiased Republican historian tell the truth of our humiliation which ground us to the dust and then made us arise and throw off the yoke, not because of hatred for the blackman, because we pitied him, but because of indignation to his white leaders who were helping themselves whilst leading the poor negro to his downfall.

In 1872 and 1873 General Grant, the President, sent to the State his great friend, General James S. Pike (who afterwards was his ambassador to the Hague), to observe the status of affairs and report. He visited us. I remember him well. He wrote a book called "The Prostrate State," which ought to be in the library of every Carolinian. Speaking of the State government he found at Columbia, he says, at page 12:

"It is the dregs of the population habilitated in the robes of their intelligent predecessors and asserting over them the rule of ignorance and corruption through the inexorable machinery of a majority of numbers. It is the barbarian overwhelming civilization by physical force. It is the slave rioting in the halls of his master and putting that master under his feet."

At page 58, he says:

"The rule of South Carolina should not be dignified with the name of government. It is the installation of a huge system of brigandage. The men who have had it in control and who now have it in control are the picked villains of the community. They are the highwaymen of the State. They are professional legislative robbers. They are men who have studied and practiced the art of legalized theft. They are in no sense different from, or better than, the men who fill the prisons and penitentiaries of the world. They are, in fact, of precisely that class, only more daring and audacious. They pick your pockets by law. They rob the poor and the rich alike by law. They confiscate your estate by law. They do none of these

things even under the tyrant's plea of the public good or the public necessity. They do all simply to enrich themselves personally. The sole, base object is to gorge the individual with public plunder. Having done it, they turn around and buy immunity for their acts by sharing their gains with the ignorant, pauperized, besotted crowd who have chosen them to the stations they fill, and which enable them thus to rob and plunder."

And at page 84, he says: "It is a hybrid born of unnatural connections, offensive alike to God and man."

There is no parallel in history to this deep-dyed humiliation which General Pike designates as put upon the people of South Carolina whose forefathers had helped to form the government of these United States of America, and who had gallantly responded to every cause of patriotism for the Union.

Hungary, Poland and Ireland, in their dismemberment and humiliation was but a circumstance to what these then in power in the Federal government, under the guise of law, heaped upon the long suffering people of our prostrate State.

This sad condition of State affairs was not the rule of intrinsic strength. It was the compulsive power of Federal authority at Washington, backing up ignorance, superstition and vice, led by a horde of white Northern adventurers and a few native white traitors, and it could not last. "The pent up Utica" of white civilization must burst forth, and it did in gunshot of where we stand today.

THE EVENT.

In the early spring of 1876 everybody, everywhere, were looking for a change of the tide of events. Patience and forbearance had ceased to be virtues. General M. C. Butler and General M. W. Gary, of Edgefield, gallant, courageous generals of the Confederate war, and natural leaders in the straightout movement which was rising in the State, following up the Mississippi plan, originated by Gen. James Z. George, that ignorance backed by force, must be overcome by force, gradually imbued that idea into the people all over our State. In the early summer delegates were being elected to the annual Democratic State Convention, as it was also a presidential election year.

There lived on the hill up yonder in the brick house the venerable Robert J. Butler, a man whose public spirit was well known. On the 4th day of July his son, Thomas Butler, and his son-in-law, J. Henry Getzen (one now gone, the other left an honored citizen), were passing through Hamburg in their buggy and the dreaded, defiant militia, in full array and armed to the teeth, obstructed their way and defied them, but they stood their ground. Soon warrants were issued against them, returnable before the grand mogul, Rivers, for interfering with the militia. Mr. Butler cross-warranted the captain of the militia, Doc Adams, for obstructing the highway. The day for trial was fixed. The news of the hearing spread like fire in the broom sedge in the autumn. General Butler appeared as the counsel for the white men. Crowds of friends and neighbors came. The noted Sweetwater Saber Club, led by my friend, Col. A. P. Butler (clarem et verier abile nomem!) was there. The

militia were led by Doc Adams. For some reason the trial was postponed. However, the match was struck, no one knows by whom. The races separated like oil and water. The combat started and General Butler commanded and directed. Georgia came over, like she always does, and did her duty. The pure Anglo-Saxon defied the negro, the militia, the government at Washington, and though McKie Merriwether perished yonder at the abutment of the bridge, scores of the other side lay stiff in death as a warning to the mongrel government, which force had erected over worth and civilization in South Carolina.

Up in the brick house on the hill the family of Bob Butler fed the boys as they passed back and forth in the gray of the morning, and the telegraph carried the news to every corner of the State and also to Washington, that the white men of South Carolina were up and intended "Come weal or woe" to redeem the prostrate State.

Some sixty of the participants, as a test case, were haled (sic) into Court on charges of riot and murder, and in a triumphant procession they- marched into Aiken, the county seat, and appeared before the great Circuit Judge, John J. Maher (who by the way was born in Hamburg, and was the only decent man left on the bench). The United States Government sent the notorious David T. Corbin to assist the attorney general of South Carolina (himself a carpetbagger) and the defendants were represented by General N. W. Gary, W. T. Gary, George W. Croft, and your speaker. After an eventful day the prisoners were bailed out on bonds of \$1,000 each. This memorable hearing was on the 10th day of August, 1876. The records in the clerk's office at Aiken show that 59 men were bailed. From the best information available, of that number 40 have passed away and 19 of that number survive, with your speaker as the only surviving member of the attorneys to bear testimony to the electric events of those trying times.

The scene in Aiken on the day of the hearing was truly typical of what was to mark the uprising in the State in the months to follow. The streets were lined with 5,000 mounted men from all parts of Western Carolina, many of them clad in the first edition of the great red shirt which was originated in Aiken county. The women waved their handkerchiefs and the men yelled. The court room could not half accommodate the crowd. The lawyers had not only to conduct the hearing, but to counsel peace, as we soon expected martial law from Washington. In answer to the demand of Corbin and Story, Judge Maher said: "I cannot imprison an entire community, and they have their rights which will be respected." Men who were worth nothing swore they were worth any amount in bailing the prisoners, and the spirit of brotherhood, in the desperation of adversity browned the jealousy and spirit of rivalry which dominated in the days of prosperity.

THE AFTERMATH.

The scene of the white man's revolution shifts from the county where the first blood was spilled to the capital of the State.

The Democratic Convention met in Columbia on the 15th of August, five days later, which followed close on the great Edgefield meeting on the 12th day of August, when the first

joint debate between the Democrats and Republicans was participated in by Butler and Gary against Chamberlain and his minions.

That convention has passed into history as an epoch-making event, ever to be cherished. To have been a member of it is a proud recollection. Brothers earnestly wrestled with brothers as to what was best for the body politic. No undermining politics sapped the sacredness of the occasion, and it was decreed that a pure white man's fight was to be made to the death. Hampton and Butler shook hands with Conner and Hagood, and the bugle notes were sounded for the advance from the foothills of the Blue Ridge to the ocean line.

What McKie Merriwether's blood, spilt at Hamburg, had initiated, reached an entire people, and it was to move on with wisdom, represented in Wade Hampton, but with the grim determination of an armed people, ready to listen to reason, but determined to bring about results to which their history and traditions entitled them.

And they demanded it, not as haters of the negro, but as a rebuke to those who tried to hold power over the whites, using the negro as a means.

Those were not the days of electricity, of telephones, of fast trains, of night messages, and of automobiles, but the elbow to elbow touch was felt, the heart to heart message of the Anglo-Saxon was sent from Caesar's Head to the Battery; from the tawney Savannah to the red-washed Pee Dee, which produced an uprising, the like of which will never again be witnessed in South Carolina.

The merchants had to buy extra invoices of red flannel to clothe the marching patriots. Every county, every town, every township, every hamlet became a red-hot bed of patriotism and enthusiasm. It was no caste or class fight, the rich and poor alike vied with each other to do something. The stalwart and young rode and showed their power; the old encouraged them and gave their money; the great silent power was the love and devotion of the women to the cause. They joined in not for show or display, not simply to be glorious and wear ribbons (they did that fully because they were not afraid to show their colors), but to work for the cause. When the hoys would rise before daybreak for long journeys, breakfast was ready, lunches would be added to the outfits, and when the big outpourings took place at the courthouse they came in droves to add to the occasion and serve meals to the men. It was not simply the ladies of the towns and cities, but all the rural districts as well, who took part in the fight. All in all, it was a revolt against tyranny, the like of which had never been seen before, a tyranny sanctified by law to humiliate the proud people who had attempted to do what they thought to be right; a humiliation deeper dyed than the aftermath of the French Revolution; the placing in power of people not of the same man's race, but slaves who were not prepared to know the proper use of a ballot; the act being not for the sake of the slave, but for the aggrandizement of his political masters and the proud Saxon race rose like his ancestors in the early days and threw off the yoke of the Norman master, like the colonies in 1876 threw off the yoke of the Royalist invaders who followed them into a free country to keep them downtrodden. This revolution was not because of racial antipathy to the negro as such, but a revolt against the efforts

of the politicians at Washington to humiliate the white people of South Carolina by elevating the negro above them. The legal rights of the negro is recognized and enforced by the people of the South, but social equality will never be tolerated.

And so the popular feeling bubbled up as Hampton passed from the upcountry to the low-country, from the highlands to the lowlands, adown the Grampian hills. It was like a Scottish fight in which all of the clans were united and taking part, the McDonalds and the McGregors alike. Business was suspended, homes abandoned, occupations given up for the time being; lawyers closed their offices and led; preachers prayed but joined the procession; merchants sold their goods cheaper to the people and gave the money; farmers, mechanics and artisans left their occupations and were in saddles. All were in it to stay until the end, for it meant liberty or death. A paraphrase of the colonial lines truly expresses the red shirt determination:

"They left the plowshare in the mold,
The flocks and herds without a fold,
The sickle in the unshorn grain,
The corn half garnered on the plain,
And mustered in their red shirt dress
For wrongs to seek a stern redress;
To right those wrongs, come weal, come woe,
To perish, or o'ercome their foe."

When Hampton reached Blackville, in Barnwell county, he was met by a cohort of red shirts from all the surrounding counties, headed by that peerless citizen, Johnson Hagood, and they tramped with him across that great county almost to the sea. The spirit of that procession is spoken of unto today as the greatest event of old Barnwell county.

From across the Savannah came that peerless Southerner, John B. Gordon. He was the best stump orator I ever heard. At White Point Garden, in Charleston, Gordon, before an immense crowd, in scathing terms, arraigned Chamberlain as a Daniel come to judgment. At Columbia, at Aiken and elsewhere he quickened and aroused the fires of patriotism as he knew well how to do and went home to come again after the election, by wise counsel, to assist in guiding the sequel to full fruition.

In the midst of the upheaval, although Grant had sent troops in many counties, early in September, as if by magic, Aiken county again came into the limelight.

The Ellenton uprising, bigger, more potent, more far-reaching than Hamburg (to which I cannot do justice here), stirred the State to the nether depths.

We cannot in this address stop to detail the events of the ending of the revolution. Some patient historian must undertake that necessary task.

Enough to say the right for once prevailed. The determination which thundered forth from that Napoleon gun which George Conway brought over from Augusta in the Hamburg

fight had become a reality, by good management and decent conduct in the campaign, notwithstanding the shadow of martial law. Hampton was inaugurated. Peace prevailed, and after the failure of Charleston to convict the Ellenton crowd, political amnesty was guaranteed to all sides, and we resumed the paths of industry to endeavor to make up for lost time.

SINCE THEN.

The forty years which have elapsed since then, politically speaking, have been exceedingly and spasmodically interesting, if not enlightening.

South Carolina was the last of the seceding States that emerged from the War Between the States and the consequent attempts at reconstruction and, represented by her real sons, took her place in the new nation, which was born from the throes of that gigantic struggle, and other similar troubles in other Southern States.

The new nation, with the new South as a component part of it, stands today in the front of the nations of the world, for preservation of the world's civilization and enlightenment, and we should congratulate ourselves that we have reached a period of real reconciliation between the North and the South, and that the partisan politics which embittered the days of reconstruction and the decades thereafter, have been assimilated in the turmoil of national politics, where real issues take the place of sectional hatred and passion.

We have lived to see the day when the negro, ceasing to be in position to act as a tool for political charlatans, is satisfied with his normal condition, as an equal of the white man in the eye of the law, but not his equal politically or socially.

We have lived to see the day when a Southerner can stand up in Congress and claim the rights of his section on grounds common to the entire nation; when a Southerner can even be President, or occupy a place on the Supreme Court, and be acceptable to all sections, if he be a man of ability and character.

We have arrived at the time when in the diplomatic affairs of the country our sons are called to show their ability and material, but we must remember in all of this that we, too, must put aside all sectional ideas and bring up our sons to a full realization of their responsibilities.

However all of this may be, and however much we stand able and on the same footing with all Americans, we are all at the parting of the ways in many things. No longer are we to be kept down by the effete ideas of the past in matters of government and control. Education, in its living influences, touch the poor and the rich alike, and the man who by proper application and exertion, equips himself, leads in the combat of life.

This Federal government of ours, because of its very immensity in all departments, stands on a volcano all the time because of the unrest and uneasiness of its conflicting interests

as represented by its many peoples, but that same public sentiment and love of country which brings us here today is the leaven which will leaven the entire government.

Our obligations as a nation to the other nations of the world are growing more and more complex, because of our ambition to spread out and take a part in the advancement of other people, and it is going to take all of the diplomacy and statesmanship of which we are capable to keep us from the entanglements with foreign nations, of which the great Washington warned us.

The multiform progress of science in all of its promotions; the new necessities and luxuries of living, which come from the new phases of the developments of our vast resources, bring demands from our people on the activities of our government, State and Federal, which are alarming.

The unrest and barbarous tendency of the curious people who live in Mexico have happily brought about a Pan-American feeling among our South American cousins, which has inoculated the old Monroe doctrine with new phases which may require greater duties in guarding this hemisphere.

The end of the European conflict is not yet. No sage can predict the outcome, but whatever it may be, whether one side predominates to the destruction of the other, or they get weary of destruction of life and property, and revert to their normal condition, we must be ready as a people to act with dignity and importance.

But out of it all and through it all, if we keep alive the old patriotism and public spirit and enthusiasm, which has marked us distinctly as a people we can assimilate the evils of progress and promote the good that comes to us from the increasing activities of life, so that we can all rejoice in the belief that there is "life in the old land yet."

Such occasions as this, such reminiscences that come out of the sentiments of such hours of commemoration and intercourse—such inspirations of love of country and of Race, which we celebrate today, are examples to the young for the future, and solace to the old for noble deeds of the past.

The troublous days of the past, of which we have been speaking, are only in evidence nowadays, that we may be able to remedy our past mistakes, and that we can with more power and success enforce the principles we acted upon in our days of stress and turmoil. Enterprise and development are overcoming the nightmare and sudden scare which came upon us in the early days of the European struggle, and we are learning more and more to trust ourselves and go forward in all developments with optimism.

McKie Merriwether died, but his spirit survives to be applied to the needs of our busy life and our increasing responsibilities.

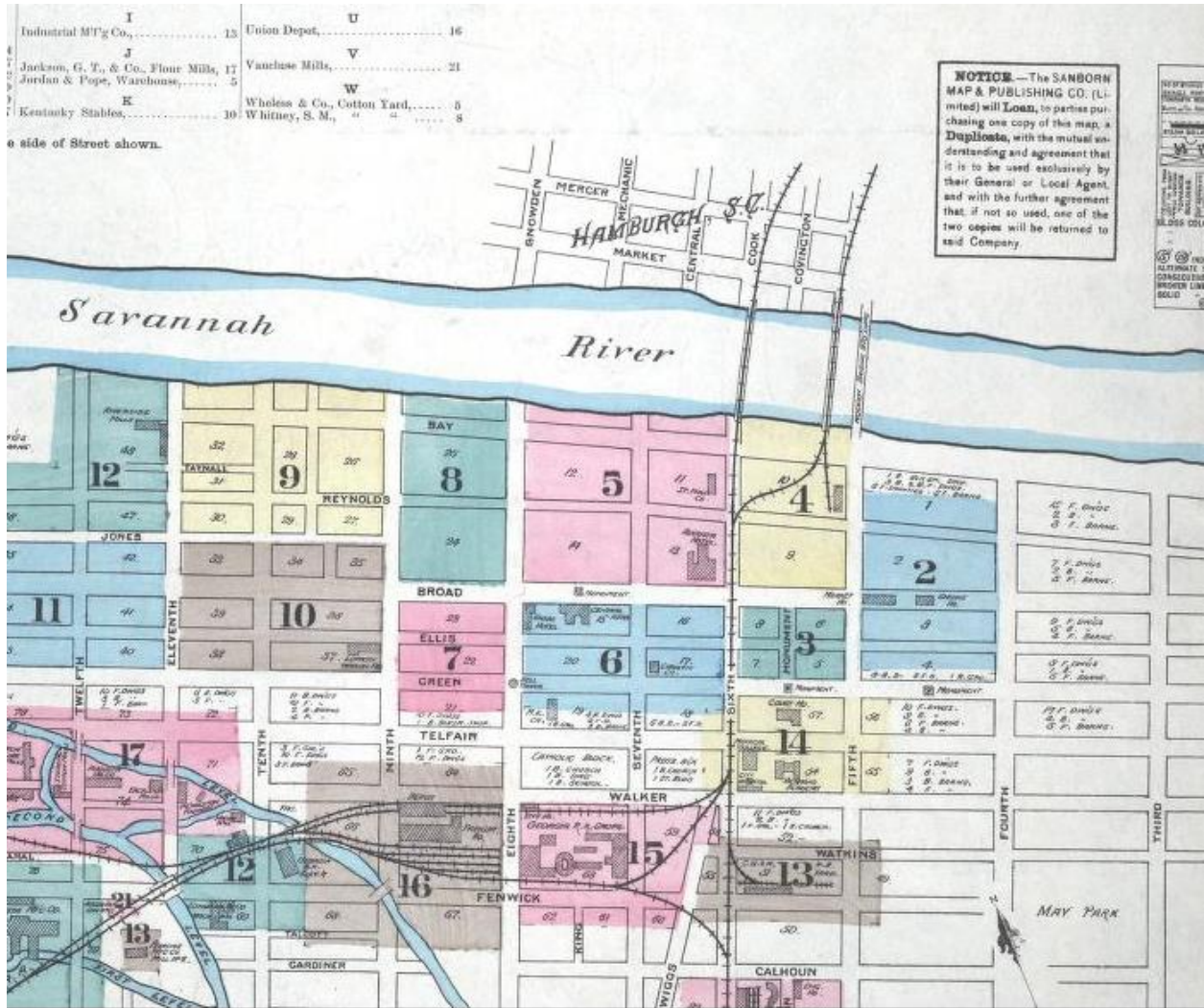
The white man's Revolution of 1876 is numbered among the past epochs of history, but its lessons and experiences remain to be applied to the perplexities and hopes of American life and American ambition in 1916.

"America forever. God's blessings attend her!"

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ATTACHMENT F.

1884 Sanborn Map of Augusta Showing Location of Hamburg



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ATTACHMENT G.

Text of the Hamburg Massacre Marker

Side 1

The Hamburg Massacre, which occurred nearby on July 8, 1876, was one of the most notable incidents of racial and political violence in S.C. during Reconstruction. White Democrats across the state organized "rifle clubs" to intimidate black and white Republicans during the gubernatorial election of 1876. Clashes between groups of armed men were frequent, in some cases even the militia.

Side 2

After a dispute between whites and a black militia company, about 200 men from local rifle clubs tried to disarm 38 black militiamen and others barricaded in a warehouse. One white was killed and men on each side were wounded before the blacks fled. Two blacks were killed trying to escape. Whites captured 25-30 blacks and executed four of them. 87 whites were charged in the massacre but never were tried for it.

Inscription on the Hamburg Incident Headstone

IN MEMORY OF THOSE KILLED
IN THE HAMBURG INCIDENT
JULY 4 – 9, 1876

ALLEN ATTAWAY
JIM COOK
THOMAS MERIWETHER
ALBERT MYNIART

NELDER PARKER
MOSES PARKS
DAVID PHILLIPS
HAMPTON STEPHENS

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APPENDIX A

Monument Background

Edgefield Advertiser, Wednesday, February 23, 1916

Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Passed at the Regular Session of 1914

Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Passed at the Regular Session of 1915

Edgefield Advertiser.

Oldest Newspaper In South Carolina

VOL. 81

EDGEFIELD, S. C., WEDNESDAY, FEBRUARY 23, 1916

NO. 3

McKIE MERIWETHER.

Monument Erected in North Augusta to Memory of Hero Who Lost Life in Hamburg Riot.

In the town of North Augusta, in the center of Calhoun square, stands a massive granite shaft that will be a silent tribute for many generations to come to the brave and patriotic young man, McKie Meriwether, whose life was immolated on his country's altar in July 1876. He was killed near the abutment of the bridge across the Savannah by a bullet from a rifle in the hands of a negro.



McKie Meriwether

That the memory of this brave young son of Edgefield is thus to be suitably perpetuated is due to the lamented J. P. DeLaughter whose rare earnest and impassioned appeal to the general assembly overcame partisan strife and secured an appropriation by the state which, supplemented by subscriptions from individuals, made possible the erection of the handsome monument.

The time fixed for the unveiling exercises was Wednesday afternoon, February 16, an appropriate program having been arranged. The exercises were held in the large auditorium of the North Augusta high school which is obliquely across the street from the monument. The profound interest which the people took in the occasion was evidenced by the large number of persons who assembled before the appointed hour, representing Edgefield and Aiken counties, also a large number from Augusta being in attendance.

It was altogether fitting that Ex-Gov. John C. Sheppard, one of the survivors of the Wallace House and one who in other ways rendered valuable service in the trying days of Reconstruction, should be made chairman of the meeting.

Upon rising to present the orator of the occasion, Ex-Gov. Sheppard spoke interestingly and at some length of conditions as he saw them in 1876. He said the legislature was composed of 93 members, 78 carpet-baggers and 15 or 16 of our own people. Members of the body admitted publicly that they had been bought. Prior to 1868 the judges of South Carolina were above suspicion, but between 1868 and 1876 justice was bought and sold in South Carolina. The governor's home was at that period the center of vulgarity and vice, and the people of South Carolina were required to bear it at the point of the sword drawn by the national government. In 1872 and again in 1874 a white man ran for governor and a negro for lieutenant governor. Mr. Sheppard stated that the white people of South Carolina resolved in 1876 that they would regain the government or there should be no government in South Carolina. He said it was what took place in Hamburg in July and in Edgefield in August 1876 that made possible the election of Gen. Wade Hampton, governor. Recognizing what the bravery of young McKie Meriwether meant to South Carolina, the legislature took suitable steps to perpetuate his memory. Mr. Sheppard said it was peculiarly fitting that one who was present and took part in trouble at Hamburg in July 1876 should have been chosen to deliver the address on this occasion, thereupon presenting Hon. D. S. Henderson, to the large audience.

Mr. Henderson said, "McKie Meriwether perished for the cause of liberty and we are here to-day to perpetuate his memory and the case which he represented. His family have always been public spirited and patriotic. They fought in the Revolution and down through 1876. As his flame of life was quenched, he lit the flame of victory for the white people of South Carolina." Mr. Henderson next paid a beautiful tribute to the lamented J. P. DeLaughter, who organized the movement that resulted in the monument and, said he, "his spirit is hovering over us this sacred afternoon." The speaker said, "The battle of Hamburg was not a massacre. It was a rebellion against wrong, a blow for the right, an armed rebuke." He then referred briefly to some of his professional experiences in 1876, when one member of the supreme court was a negro and that at least half the juries of all the courts were negroes.

The speaker next read several extracts taken from a book entitled, "The Prostrate State," which was written by Gen. James S. Pike, whom President Grant sent to South Carolina to officially observe conditions.

Gen. Pike said, in part, of condition in South Carolina under negro and radical rule:

"It is the dregs of the population habituated in the robes of their intelligent predecessors, and asserting over them the rule of ignorance and corruption through the inexorable machinery of a majority of numbers. It is the barbarian overwhelming civilization by physical force. It is the slave rising in the halls of his master, and putting that master under his feet."

"The rule of South Carolina should not be dignified with the name of government. It is the imposition of a huge erosion of brigandage. The men who have had it in control and who now have it in control, are the picked villains of the community. They are the high-noon legislative robbers. They are men who have studied and practiced the art of legalized theft. They are in no sense different from, or better than, the men who fill the prisons and penitentiaries of the world. They are, in fact, pro-

from the war between the states, and the monument attempts at reconstruction, and represented by her real sons, took her place in the New Nation, which was born from the throes of that gigantic struggle, and other similar troubles in other southern states.

"The New Nation with the new south as a component part of it, stands today in the front of the nations of the world, for the preservation of the world's civilization and enlightenment, and we should congratulate ourselves that we have reached a period of real reconciliation between the north and the south, and that the partisan politics which embittered the days of Reconstruction, and the decades thereafter, have been assimilated in the turmoil of national politics, where real issues take the place of sectional hatred and passion.

"We have lived to see the day when the negro, ceasing to be in position to act as a tool for political chicanery, is satisfied with his normal condition, as an equal of the white man in the eye of the law, but not his equal politically or socially.

"We have lived to see the day when a southerner can stand up in congress and claim the rights of his section; no grounds common to the entire nation; when a southerner can even be president, or occupy a place on the supreme court, and be acceptable to all sections, if he be a man of ability and character.

"We have arrived at the time when in the diplomatic affairs of the country our sons are called to show their ability and material, but we must remember in all of this, that we too must put aside all sectional ideas, and bring up our sons to a full realization of their responsibilities.

"However, all of this may be, and however much we stand aloof, and on the same footing with all Americans, we are all at the parting of the ways in many things. No longer are we to be kept down by the effete ideas of the past in matters of government and control. Education, in its living influence, touches the poor and the rich alike, and the man who by proper application and exertion equips himself, leads in the combat of life.

separations of such hours of commemoration and intercession—such inspirations of love of country and of race, which we celebrate to-day, are examples to us, for the future, and solace to the old for nobler deeds of the past.

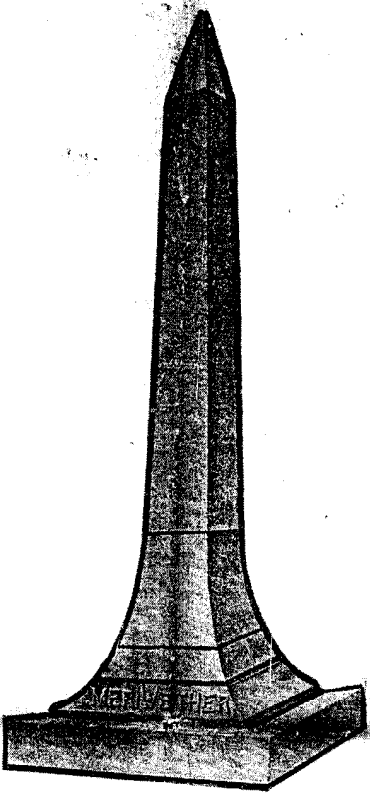
The troubled days of the past of which we have been speaking are only in evidence now-a-days, that we may be able to remedy our past mistakes, and that we can with more power and success enforce the principles we acted upon in our days of stress and turmoil. Enterprise and developments are over-crowding the scene which came upon us in the early days of the European struggle, and we are learning more and more to trust ourselves, and go forward in all developments with optimism.

"McKie Meriwether died, but his spirit survives, to be applied to the needs of our busy life, and our increasing responsibilities.

"The white man's Revolution of 1876 is numbered among the past epochs of history, but its lessons and experiences remain to be applied to the perplexities and ills of American life and American ambition in 1916."

The committee from the legislature to present the monument on behalf of South Carolina, were Senators Nicholson, Williams and Nickles, and Representatives Williams, Tule and Brigham. Senator B. E. Nicholson acted as spokesman for the legislative committee and presented the monument to the city of North Augusta. He, too, referred to the commendable efforts of Mr. J. P. DeLaughter who took the initiative in honoring the hero of the Hamburg riot. Mr. Nicholson spoke briefly but eloquently, appealing to the city officials and citizens of North Augusta to accept this tribute in stone as a sacred trust and guard it with jealous care.

James U. Jackson accepted the monument in behalf of the mayor and city council of North Augusta.



This Federal government of ours, because of its very immensity in all departments, stands on a vast and all the time, because of the unrest and uneasiness of its conflicting interests, as represented by its many peoples, but that same public sentiment and love of country, because of our ambition to spread out, and take a part in the advancement of other people, and it is going to take all of the Diplomacy and statesmanship of which we are capable, to keep us from the complications with foreign nations, of which the great Washington warned us.

"Our obligations as a nation to the other nations of the world are growing more and more complex, because of our ambition to spread out, and take a part in the advancement of other people, and it is going to take all of the Diplomacy and statesmanship of which we are capable, to keep us from the complications with foreign nations, of which the great Washington warned us.

The multifarious progress of science in all of its ramifications. The new possibilities and luxuries of living, which come from the new phases of the developments of our vast resources, bring demands from our people on the activities of our government, state and federal, which are alarming.

"The unrest and barbarous tendency of the curious people who live in Mexico, have happily brought about a Pan-American feeling among our South American cousins, which has incalculated the old Monroe doctrine with new phases, which may require greater duties in guarding this hemisphere.

"The end of the European condition is not yet. No Sage can predict the outcome, but whatever it may be, whether one side predominates to the destruction of the other, or they get weary of destruction of their normal condition, we must be ready as a people to act with dignity and importance.

"But out of it all, and through it all, if we can keep alive the old patriotism and public spirit and enthusiasm, which has marked us distinctly as a people we can assist in the evils of progress and promote the good that comes to us from the increasing activities of life, so that we can all rejoice in the belief that there is 'life in the old land yet.'"

Such occasions as this, such reunions that come out of the

JOHNSTON LETTER.

D. A. R. Celebrated Washington's Birthday. Mrs. Ouzts Entertained With Bridge.

Some time ago the United Daughters of the Confederacy offered a prize of \$25 for the best peace essay. The only essay from South Carolina was the one sent by Miss Besie Brist for this place, who is one of the graduates of the Johnston high school. Every essay was considered very fine and four of the best were almost on a tie, one of them being the essay of Miss Besie Brist for this place, who is one of the graduates of the Johnston high school. Every essay was considered very fine and four of the best were almost on a tie, one of them being the essay of Miss Besie Brist for this place, who is one of the graduates of the Johnston high school. Every essay was considered very fine and four of the best were almost on a tie, one of them being the essay of Miss Besie Brist for this place, who is one of the graduates of the Johnston high school.

Mrs. F. M. Warren has returned from a visit to relatives in Columbia.

Miss Lottie Bode of Batesburg is visiting Miss Viola Kemp.

The Rev. W. S. Brock of Danville, Va., filled the pulpit of the Baptist church on Sunday morning and evening. The subject of his discourse at the morning hour was Faith, basing his remarks upon Matthew 17:20, and at the evening hour he spoke upon Christianity's pledge to us. The church was well filled at both services, and every one greatly enjoyed his sermons. He is a man of very pleasing personality.

Mr. Stanton Lott of South Carolina university spent the week-end here.

Dr. Frank Sawyer who is now a Knight of the Grip spent the first of the week here with relatives.

The celebration of George Washington's birthday, by the D. A. R. and Reciprocity day, on Thursday afternoon at the Mass. Center, closed the week of the D. A. R.

Rev. W. T. Handley will preach on Sunday morning at the Baptist church.

Mrs. J. L. Mims and Miss Kellah Fair spent last Friday with Mrs. T. Turner.

Miss Horace Padgett spent the week-end here in the home of Mr. J. C. Lewis.

Mr. and Mrs. Brooks Rambo of Augusta have been visiting in the home of Mr. J. H. Hart.

Mr. and Mrs. H. D. Grant, Miss Sue and Myrtle Smith and Mr. Earl Smith visited in Augusta the first of the week making a car trip.

Mrs. Wilmet Ouzts entertained with a bridge party on Thursday afternoon and the home was prettily decorated in spring blossoms. After an hour of cards Mrs. W. F. Scott was given the prize for the highest score. The guests prize was set for the home and was prettily decorated in spring blossoms. After an hour of cards Mrs. W. F. Scott was given the prize for the highest score. The guests prize was set for the home and was prettily decorated in spring blossoms.

Mrs. C. P. Cohn entertained on last Monday afternoon, the guests of honor being her sister, Miss Eloise Strother of Washalla and Mrs. Smith of Mullins. This being St. Valentine's day the decorations were of numerous hearts and arrows, capsids and other love symbols. Partners were gotten for progressive rock with red hearts and at the ending of the game, Mrs. W. F. LaGrone received a silver setting set, and the consolation a silver heart set for Mrs. Minus Walker. The guest prizes were, to Miss Strother, toilet water, and to Mrs. Smith a dainty apron. Refreshments of black cream with a red heart in the center and cake was served. The favors were cupid.

Mrs. L. E. Stansell entertained with a luncheon on Friday morning in compliment to Miss Strother and the time was passed with bridge two tables being played. Mrs. W. F. Scott received the prize a vase, which she presented to the honoree. The luncheon served was prettily arranged.

The social pleasures of the week ended with a most beautiful afternoon party, this being given by Mrs. M. H. Egan and those who enjoy her hospitality were the members of the Pi Tau club, the visitors of friends and a few other guests. This was a George Wash-

(Continued on Fifth Page.)

Funds Raised for Relief of Jews.

Through the efforts of Mr. Isaac Mukahy the sum of \$40 has been raised for the relief of the suffering Jews in the war zone of Europe, the following being the list of contributors:

- Isaac Mukahy, \$3.00; J. L. Mims, \$1.00; W. H. Harling, \$1.00; A. E. Padgett, \$1.00; Cash, \$1.00; L. T. Max, 75c; Smith-March Co., 50c; James Veltz, 50c; M. P. Wood, 50c; J. H. Croston, 50c; J. P. Ouzts, 25c; W. L. Danovant, 60c; W. H. Dorn, 25c; J. T. Mims, \$1.00; W. W. Adams, 50c; E. L. Hart, 20c; E. H. Padgett, 25c; B. L. Mims, 50c; H. A. Smith, 25c; L. B. Jones, 25c; J. A. Townsend, 50c; Oscar Marcus, \$1.00; W. M. Hill, 50c; J. W. Kemp, 25c; A. L. Kemp, 25c; Jake Wynne, \$1.00; E. J. Norris, 50c; Tucker, \$1.00; E. J. Mims, 50c; Stewart & Knott, 50c; H. S. Sanders, 50c; Cash, 50c; E. S. Hives, 50c; R. L. Danovant, 25c; J. H. Allen, 50c; W. A. Collett, 25c; J. S. Byrd, 50c; B. B. Jones, 50c; L. Wigfall, 50c; J. H. Croston, 50c; J. C. Sheppard, \$1.00; W. S. Byrd, 50c; J. H. Kennedy, 25c; B. Candelou, 25c; W. A. Stron, 25c; W. R. Swearingen, 25c; S. W. Nicholson, 25c; W. T. Kinnaid, 50c; G. W. Mims, 50c; Dr. A. H. Tompkins, 50c; J. A. Tompkins, 50c; A. S. Tompkins, 50c; A. M. Timmerman, 25c; O. P. Bight, 50c; M. A. Taylor, 50c; L. Y. Bryan, 50c; J. D. Smith, 50c; A. V. Barrington, 25c; J. L. Prince, 50c; T. A. Hightower, 25c; J. H. Tompkins, 50c; J. H. Red, 50c; R. S. Long, 25c; Mrs. Ida Deal, 25c; J. Rubenstein, \$2.00; Ben Rubenstein, \$1.00; R. C. Padgett, 25c; J. W. DeVore, 50c; J. D. Holstein, 25c; W. B. Penn, 25c; S. L. Broadwater, 25c.

PUBLIC SERVICE COMMISSION
of South Carolina
Acts and Joint Resolutions
OFFICE OF THE SECRETARY

OF THE

GENERAL ASSEMBLY

OF THE

State of South Carolina

Passed at the Regular Session of 1914

Printed by Order of the General Assembly and Designed
to Form a Part of the Twenty-Eighth Volume
of the Statutes at Large, Commenc-
ing With the Acts of the
Regular Session
of 1913

PUBLIC SERVICE COMMISSION
of South Carolina
OFFICE OF THE SECRETARY
COLUMBIA, S. C.
GONZALES AND BRYAN, STATE PRINTERS
1914

§ 2. This Act shall go into effect immediately upon its approval by the Governor.

Approved the 18th day of February, A. D. 1914.

No. 539.

A JOINT RESOLUTION to Refund to B. D. McCoy, as Executor of Jno. Jones, Taxes Erroneously Paid.

Section 1. Refund B. D. McCoy Certain Taxes.—Be it resolved by the General Assembly of the State of South Carolina, That the Treasurer of Chesterfield county, upon the order of the County Board of Commissioners, is hereby authorized and required to pay to B. D. McCoy, as executor of the will of John Jones, the part of certain taxes paid on land which was on the tax books of said county in the testator's name and was decided to belong to Judge King, who had also paid the same, which the county of Chesterfield received from said taxes. This part to be determined by the County Board of Commissioners and the County Treasurer of said county.

Approved the 28th day of February, A. D. 1914.

No. 540.

A JOINT RESOLUTION to appropriate the Sum of Four Hundred Dollars for the Erection of a Suitable Monument to the Memory of Mackey Merriweather.

Section 1. Appropriation for Monument to Mackey Merriweather.—Be it resolved by the General Assembly of the State of South Carolina, That the sum of four hundred dollars be, and hereby is, appropriated for the purpose of erecting a monument to the memory of Mackey Merriweather, who was killed while serving under General Butler in 1876 in what is known as the Hamberg Riot.

§ 2. That a commission consisting of G. W. Medlock, W. H. Hammond, J. A. Butler, George Adams and J. B. Mackey is hereby designated to award the contract for said monument and supervise the erection of the same at the grave of the said Mackey Merriweather.

Approved the 5th day of March, A. D. 1914.

Acts and Joint Resolutions

OF THE

GENERAL ASSEMBLY

OF THE

State of South Carolina

Passed at the Regular Session of 1915

Printed by Order of the General Assembly and Designed
to Form a Part of the Twenty-Ninth Volume
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ing With the Acts of the
Regular Session
of 1914

COLUMBIA, S. C.
GONZALES AND BRYAN, STATE PRINTERS
1915-16

§ 10. Inconsistent Acts Repealed.—All Acts and parts of Acts inconsistent with this Act are hereby repealed.

§ 11. Immediately Effective.—That this Act shall become effective immediately upon its approval by the Governor.

Approved the sixteenth day of February, A. D. 1915.

No. 229.

AN ACT to Amend a Joint Resolution Entitled "A Joint Resolution to appropriate the Sum of Four Hundred (\$400.00) Dollars for the Erection of a Suitable Monument to the Memory of Mackey Merriweather," Approved the 5th Day of March, 1914.

Section 1. Be it enacted by the General Assembly of the State of South Carolina, That Section 2 of a Joint Resolution entitled "A Joint Resolution to appropriate the sum of four hundred (\$400.00) dollars for the erection of a suitable monument to the memory of Mackey Merriweather," be amended by adding at the end of said section the following proviso: "Provided, That the Commission, if so advised, may erect said monument at some suitable place within the town of North Augusta, South Carolina, upon at least a like amount being contributed otherwise for said purpose," so that said section shall read as follows:

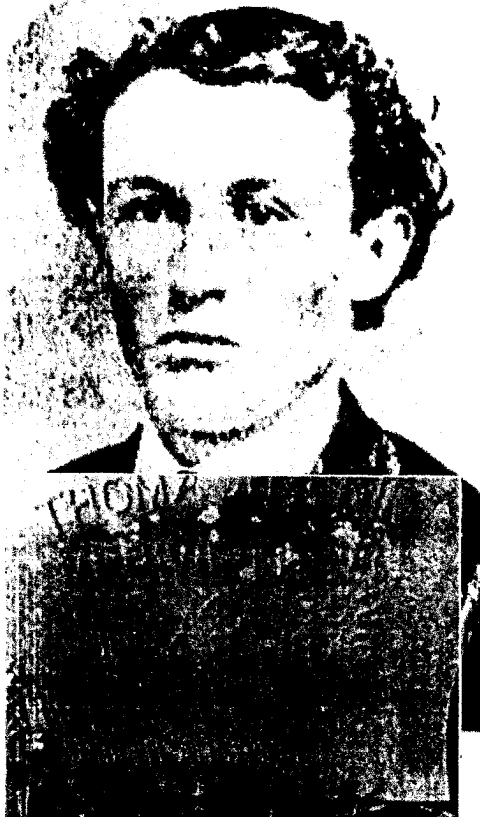
"Section 2. Monument to Mackey Merriweather—Commission Designated—Contract—Erection—North Augusta.—That a Commission, consisting of G. W. Medlock, W. H. Hammond, J. A. Butler, George Adams and J. B. Mackey, is hereby designated to award the contract for said monument and see to the erection of the same at the grave of the said Mackey Merriweather: Provided, That the Commission, if so advised, may erect said monument at some suitable place within the town of North Augusta, South Carolina, upon at least a like amount being contributed otherwise for said purpose."

Approved the sixteenth day of February, A. D. 1915.

APPENDIX B

Thomas McKie Meriwether

Thomas McKie Meriwether. Find A Grave



Added by TobyTovar

Thomas McKie Meriwether

BIRTH 4 Dec 1852
Edgefield County, South Carolina, USA

DEATH 8 Jul 1876 (aged 23)
Hamburg, Aiken County, South Carolina, USA

BURIAL Asbury Cemetery
Clarks Hill, McCormick County, South Carolina, USA

MEMORIAL ID 77674004 · View Source

McKie Meriwether [9618]

The State (Columbia, South Carolina) biographical sketch
January 23, 1914

The subject of this sketch was born December 4, 1852, near the Savannah river in Edgefield county, South Carolina. His family on both sides were the most respectable in the county, gentle people with plenty of land and negroes before the war.

We remember him well and he would attract attention in any crowd, handsome, clean shaved, black hair and brown eyes, tastefully and neatly dressed, with the easy manners of a country gentleman.

July 8, 1876, his father requested him to go over into Georgia on [a] business trip, and he rode horse-back. I well remember the horse he rode, named Selem, a small sized dark bay stallion, evidently a cross between a well bred home raised horse and a thoroughbred compact, well muscled and active and durable.

When my hero rode up to Fury's ferry on the Savannah that lovely clear morning he holloed for old Peter and Isaiah, the two old negro ferrymen, and they said, "Good morning, Marse McKie," and as usual the horseman asked them the news, and they told him there was trouble down the river, between the negroes and the white people, and that the negro Doc Adams had declared war against the white people. The cause of the trouble was as follows: Tom Butler and his brother-in-law, Henry Getzen, were riding home in South Carolina, having been over in Augusta, and Doc Adams, a leading negro, was drilling him company of negro malitia in the streets of Hamburg, and

defiantly refused to give the gentleman the right of the public road. Of course Mr. Butler and Mr. Getzen had to yield to the threats of these belligerent negroes. Finally the young men arrived safely at their home some distance of Hamburg. Col. Bob Butler, the father and father-in-law of the aforesaid gentlemen, called on his lawyer, Gen. M.C. Butler, at Edgefield, to come down and prosecute these law-breaking, insolent negroes.

The lawyer proceeded directly to Col. Butler's residence on the hill outside of the town of Hamburg. They went to a negro trial justice, Prince Rivers, to indict the military company, armed and equipped by the Radical Negro carpet baggers' governor. Prince Rivers told the lawyer and his clients that he couldn't arrest the negroes who, by that time, had retired into their armory with arms and plenty of ammunition.

Gen. Butler could do nothing but the country around learned like McKie Meriwether at Fury's ferry that the negro company was defying the white man's country, and had to be suppressed by some means, and the ignorant, venial officer of the law was powerless to give protection and redress. The news spread far and near and McKie Meriwether and Selem took up the spirit that had permeated the country and they changed their course and went to Augusta, where Meriwether very wisely, justly and patriotically armed himself to defend his people and his country.

About nine miles above Hamburg was a sabre company known as the Sweet Water Sabre club and in command of Col. A.P. Butler, a veteran of the Confederate war, so these gentlemen, about 65 or 70 in number, armed and well equipped to defend their homes and firesides, at once deputized themselves into a posse to enforce the law, legally if possible, and if not, by the way most expedient of the welfare of their country. This company was composed of the very flower of the manhood of country up the Martintown and Augusta road leading from Hamburg. Evidently McKie Meriwether had heard that the company of which he was a member was on the way to the seat of war. After fixing himself in Augusta as stated above, he went over to Hamburg, and through the town and joined his company in the suburbs.

The negro, fired on by the malignant spirit that prevailed South Carolina then, urged by the Yankees, who pounced like a set of

buzzards on us after old Lincoln had with one stroke of the pen set the poor happy negro free was hardly himself responsible for the fearful state of affairs that existed in South Carolina then. The Sabre club or company marched into Hamburg that hot summer day, July 8, 1876, and deployed in regular military from, having been convinced that the negroes had become obdurate and more defiant. Our hero, than whom there was no truer or braver and knightly spirit ever existed in South Carolina, went with a detail to the bridge that spanned the Savannah river. The battle had been most active for some time and the negroes apparently were invulnerable in the besieged position in a brick building on the banks of the river. An ex-United States soldier, on the federal side during the late war, come up to those in command and suggested that the artillery from Augusta be brought over, and by the way, the young and old, brave spirits from Georgia came over to have a hand at protecting their own country from the attack of the negro company; the idea was agreed to and here came the artillery, capped and primed for the fray. The attack of the artillery effectually put a quietus on the defiant, badly advised negroes. In the meantime McKie's gun had become hot from the incessant firing and the brave fellow leaned it up against a pier of the bridge and a bullet from the negro fort hit him in the head and killed him instantly.

Thus died the greatest hero of the Hamburg riot, with no recognition ever given him for his heroism, not even a simple stone to mark his resting place on the hills of the Savannah river, where he was born and lived.

Some will say why write of his because he is not the first man ever killed in a riot, etc. Let me tell you, though, that this fight in Hamburg that July day had as much to do with the establishment of the Anglo-Saxon civilization and white supremacy as any other era in the history of our State. Up to that time of the Hamburg fight, ten years after the war, we had suffered, prayed, begged, preached and offered every possible expedient known to human effort to throw the yoke of tyranny off of our war beaten, sorely afflicted South and all apparently seemed in vain and useless. The younger and more spirited men of our State were strong in their advocacy of what was known as the straightout movement to take our country at any cost. Others equally as wise and as patriotic advocated a conservative plan, so there it stood with seemingly very little prospects of a solution. At any rate, those brave men who took

the initiative in Hamburg very effectively demonstrated to the straight! out meant that it should be tried when the occasion should arise. Apparently I have left my hero but will say that all these questions I am trying to discuss only add to the bravery and gallantry of young Meriwether who was the most heroic maker of history that night when he gave all he had - his life - on the alter of his country valiantly fighting for the decency, intelligence and white civilization of South Carolina. Without question he would have been a daring spirit in the events I am about to relate. Suffice it to say that Gen. Butler, A.P. Butler and the brave men who suppressed the negro riot in Hamburg after it was over repaired to their homes. Gen. Butler came back to Edgefield and told his friend, Gen. M.W. Gary, a leading spirit in the straightout movement, when the scenes at Hamburg had been enacted so effectually, what had happened and they both caught the spirit which materialized into a reality that the time to act had at last come.

The Hamburg riot only added impulse and fervor to the usual mercenary crowd that was playing havoc in South Carolina at that time and it threw no damper on their arrogance and boldness, but the white people organized them more thoroughly and through A.P. Butler and others adopted the bloody shirt as a uniform. A red shirt was worn by every white man, woman and boy in South Carolina then. This red shirt idea was taken from the Republicans, who had been flaunting it in our faces in Washington and everywhere in their hatred and venom, and we therefore adopted their own emblem of warfare and finally whipped them with it. On August 12, 1876, the Radicals with Chamberlain at their head came to Edgefield to speak, and Gen. Butler and Gen. Gary demanded a joint debate and they objected, and the Red shirts in great numbers told them to take part of the time and they took I and had a trigger under the stand they spoke on. I, as a boy, with my red shirt on remember distinctly Gen. Gary speaking, and he was certainly a speaker of great force and ability; was pouring hot shot into Chamberlain and his negro and white cabinet, and when Gen. Butler rose to get a drink of water some Red Shirt patriot touched the trigger and down went the stand with the radicals, but Gen. Gary and Gen. Butler remained on the middle plank of the platform. This was what the Hamburg riot moved us up to do and it was most effectual and took the State like fire in prairie grass. Then Gen. Butler wrote to Gen. Wade Hampton on his Mississippi plantation to come and lead us and like Cincinnatus of old, the brave and gallant Hampton came and

we all know the rest. Now I want to say that the main object in writing this sketch of McKie Meriwether, in which I have had to narrate in my humble and feeble way the events that caused him to give his blood for his country's good, is to endeavor to stir up some recognition on the part of our legislature to him and his illustrious memory to which I look with pride and reverence. McKie Meriwether on that July morning did not question what his duty was. He decided in a second what course he would take, so he went when men were needed and did his duty. Monuments have so rarely in the history of our country been erected to people in the ordinary private stations of life that we think it time to make an exception to the rule and give T. McKie Meriwether some memorial recognition of his valor and heroism by placing a monument over his resting place.

F. W. P. Butler, M.D.
Columbia, January 21, 1914
=====

Contributed by Diana B.:

McKie Meriwether

The State (Columbia, South Carolina)
February 5, 1916

M'Kie Meriwether Is Not Forgotten

Monument in Memory Soon To Be Erected on North Augusta Square

North Augusta, Feb. 4 -

An event in which there is much local interest is scheduled to occur soon when the monument to Thomas McKie Meriwether is to be unveiled. It will be recalled that he lost his life in the famous Hamburg riot during 1876. Efforts have been made to erect a monument to his memory and these have been successful. The monument has been provided by the State and also the friends of Meriwether. The contract was awarded to the Owen Bros. Marble Company of Greenwood and it has announced that the job is practically completed. It has been decided to place the monument on the public square of North Augusta, near the intersection of Georgia and Carolina avenues. The monument is of Winnsboro granite and is 21 feet in height.

Approximate exercises for the unveiling have been arranged and Col. D.S. Henderson of Aiken, the only living attorney who was engaged in the trial of the case, will make the principal address.

Family Members

Parents



Joseph James
Meriwether
1823-1886

Siblings



William Robert
Meriwether*
1858-1888

*Calculated Relationship

Maintained by: The Meriwether Society, Inc.

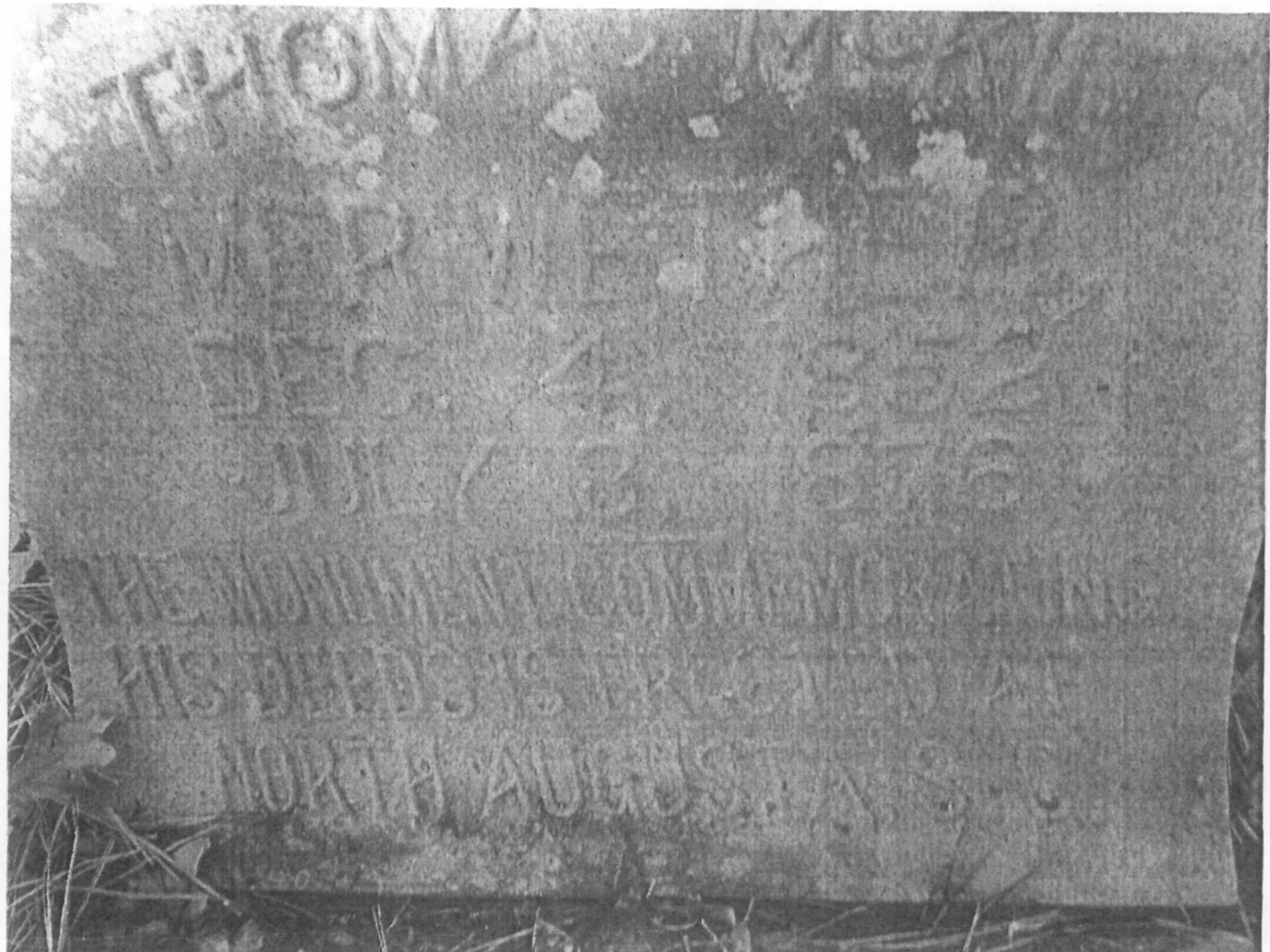
Originally Created by: Kathy Cave Wells

Added: 5 Oct 2011

Find A Grave Memorial **77674004**

Find A Grave, database and images (<https://www.findagrave.com> : accessed 24 April 2018), memorial page for Thomas McKie Meriwether (4 Dec 1852-8 Jul 1876), Find A Grave Memorial no. 77674004, citing Asbury Cemetery, Clarks Hill, McCormick County, South Carolina, USA ; Maintained by The Meriwether Society, Inc. (contributor 46827721) .

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Added by: TobyTovar on 28 Nov 2013

APPENDIX C

Official State and Federal Documents

The Massacre of Six Colored Citizens of the United States at Hamburg, S.C. on July 4, 1876. Debate on the Hamburg Massacre in the U.S. House of Representatives, July 15th and 18th, 1876.

The Hamburg Massacre. Gov. Chamberlain's Letter to President Grant, July 22, 1876.

Testimony as to the Denial of the Elective Franchise in South Carolina at the Elections of 1875 and 1876, Taken under the Resolution of the Senate of December 5, 1876. (US Congressional Serial Set 44th-2nd S.misdoc 48)

Harry Mays	Testimony, (only a portion) Document Page 34.
Dock Adams	Testimony, Document Pages 34-77.
J.T. Butler	Testimony, Document Pages 308-323
Henry Getzen	Testimony, Document Pages 324-339

135 471 C. 1st 1876

A CENTENNIAL FOURTH OF JULY DEMOCRATIC CELEBRATION.

THE MASSACRE OF SIX COLORED CITIZENS

Of the United States at Hamburgh, S. C., on July 4, 1876.

DEBATE ON THE HAMBURGH MASSACRE, IN THE U. S. HOUSE
OF REPRESENTATIVES, JULY 15th and 18th, 1876.

The House of Representatives being in committee of the whole on the bill for the protection by United States troops of the Texas frontier:

Mr. SMALLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the first section the following:
Provided, That no troops for the purposes named in this section shall be drawn from the State of South Carolina so long as the militia of that State peaceably assembled are assaulted, disarmed, and taken prisoners, and then massacred in cold blood by lawless bands of men invading that State from the State of Georgia.

Mr. SMALLS. I hope the House will adopt that proviso as an amendment to the bill. As I have only five minutes I send to the desk a letter published in one of the newspapers here from an eye-witness of the massacre at Hamburg, and I ask the Clerk to read it.

The Clerk read as follows:

The origin of the difficulty, as I learn from the best and most reliable authority, is as follows: On the Fourth of July the colored people of the town were engaged in celebrating the day, and part of the celebration consisted in the parade of the colored militia company. After marching through the principal streets of the town, the company came to a halt across one of the roads leading out of the town. While festing there two white men drove up in a buggy, and with curses ordered the company to break ranks and let them pass through. The captain of the company replied that there was plenty of room on either side of the company, and they could pass that way. The white men continued cursing and refused to turn out. So the captain of the militia, to avoid difficulty, ordered his men to break ranks and permit the buggy to pass through.

Mr. SCHLEICHER. I rise to a point of order. I wish to know if this proposition is germane to the bill.

Several MEMBERS. Too late.

The CHAIRMAN. The Chair desires to say that it strikes him as being as germane as other propositions which have been generally entertained to make it allowable.

The Clerk continued the reading of the letter, as follows:

The order was obeyed, and the white men went on their way uttering threats. The next day a colored trial justice issued processes against the officers of the company, based on the complaint of the two white men, citing the officers to appear and answer to a charge of obstructing the public highway. They obeyed the writ, and after a

slight examination the justice adjourned the trial until Saturday, the 8th instant. On that day, at an early hour, the town commenced to fill up with white men, armed to the teeth with repeating rifles and revolvers. The colored people had no idea of the bloody tragedy which was soon to take place, and consequently made no preparation to resist an attack, and were almost defenseless.

Late in the afternoon Gen. M. C. Butler, one of the most malignant of the unreconstructed rebels, rode into the town, accompanied by a score of well-armed white men, and stated to the leading colored men that he came for the purpose of prosecuting the case on the part of the two white men, and he demanded that the militia company should give up their arms and also surrender their officers. This demand the militia was ready to comply with for the purpose of avoiding a difficulty if General Butler would guarantee them entire safety from molestation by the crowd of white desperadoes. This Butler refused to do, and persisted in his demand for the surrender of the guns and the officers, and threatened that if the surrender was not immediately made he would take the guns and officers by force of arms. This threat aroused the militia company to a realizing sense of their impending danger, and they at once repaired to a large brick building, some two hundred yards from the river, used by them as an armory, and there took refuge. They numbered in all about forty men and had a very small quantity of ammunition. During this time, while the militia were taking refuge in their armory the white desperadoes were coming into the town in large numbers, not only from the adjacent county of Edgefield, but also from the city of Augusta, Georgia, until they numbered over fifteen hundred well-armed and ruffianly men, who were under the immediate command and direction of the ex-rebel chief, M. C. Butler. After the entire force had arrived, the building where the militia had taken refuge was entirely surrounded and a brisk fire opened upon it. This fire was kept up for some two hours, when, finding that the militia could not be dislodged by small arms, a messenger was sent to Augusta for artillery. During all this time not a shot had been fired by the militiamen. The artillery arrived and was posted on the bank of the river and opened fire on the building with grape and canister.

Mr. SCHLEICHER. I rise to a question of order. If this be read as a part of the gentleman's remarks, is he not subject to the five-minutes rule?

The CHAIRMAN. The gentleman from South Carolina was recognized at thirty-two minutes past three o'clock. There is still half a minute remaining.

Mr. TOWNSEND, of New York. I hope the paper will be read through.

The Clerk resumed the reading of the paper, as follows:

The militia now realized that it was necessary to evacuate the armory at once. They proceeded to do so, getting out of a back window into a corn-

field. They were soon discovered by the ruffians, and a rush was made for them. Fortunately, by hiding and hard fighting, a portion of the command escaped, but twenty-one were captured by the lynchhacks and taken immediately to a place near the railroad station.

Here a quasi drumhead court martial was organized by the blood-hunters, and the last scene of the horrible drama began. It must now be remembered that not one of the twenty-one colored men had a pistol or gun about them. The moment they were captured their arms were taken from them, and they were absolutely defenseless. The orderly sergeant of the militia company was ordered to call the roll, and the first name called out to be shot in cold blood was Allan T. Attaway, the first lieutenant of the company, and holding the position of county commissioner of Aiken county, in which county Hamburg is situated. He pleaded for his life, as only one in his position could plead, but his pleadings were met with curses and blows, and he was taken from the sight of his comrades, and a file of twelve men fired upon him. He was penetrated by four balls, one entering his brain and the other three the lower portion of his body. He was instantly killed, and after he was dead the brutes in human shape struck him over the head with their guns and stabbed him in the face with their bayonets. Three other men were treated in the same brutal manner. The fifth man when taken out made a dash for his life, and luckily escaped with only a slight wound in his leg.

In another portion of the town the chief of police, a colored man named James Cook, was taken from his house, and while begging for his life brutally murdered. Not satisfied with this, the inhuman fiends beat him over the head with their muskets and cut out his tongue.

Another colored man, one of the marshals of the town, surrendered and was immediately shot through the body and mortally wounded. He has since died. So far as I have been able to learn only one white man was killed. It will thus be seen that six colored men were brutally murdered and one wounded, while on the side of the whites only one man was killed.

After this holocaust of blood was over the desperadoes in large bodies entered the houses of most of the prominent colored men of the town and completely gutted them. They stole all they possibly could, and what they could not steal they destroyed. Furniture was smashed, books torn to pieces, pictures cut from their frames, and everything that could be destroyed was given up to the demon of destruction. Such scenes my eyes have never before witnessed, and the distress and suffering among the poor colored people was heartrending to behold. The town is desolate, and the inhabitants have taken refuge in Aiken, Columbia, and other points. The civil authorities are powerless or too negligent to do anything, and peace and order cannot be preserved unless United States troops are sent to this point at once.

The scenes during the massacre were fearful to behold—the moon shining down upon the horrid scene, lighting up the whole with a ghastly light; the popping of the small arms; the screams of frightened women and terrified children; the loud reports from the artillery, all tended to make a scene terrible and more than fearful to behold. And now what was the provocation given for this hellish slaughter? The answer is, nothing. Legally the militia had the right of way over the public road. The day was the nation's holiday. The militia had a perfect right to parade, and vehicles of all kinds were required to keep out of their way, and not interfere with their marching. Again, General Butler had not the shadow of a right to demand the arms of the militia. They were organized under the constitution and laws of the State, and were part and parcel of the armed force of the Commonwealth. No private citizen had the slightest right to molest them. Such molestation was a direct blow at the power and authority of the State. It was a revolutionary step, and should be thus punished.

Are the Southern colored citizens to be protected, or are they to be left at the mercy of such ruffians as massacred the poor men of Hamburg? The murdered Attaway was a man of considerable prominence in the Republican party of the county. He was a law-abiding citizen, held a responsible

office, and was well thought of by many people. The other murdered men were good citizens and have never been known to infringe the law. The whole affair was a well and secretly planned scheme to destroy all of the leading Republicans of the county of Aiken living in Hamburg. M. G. Butler, who lost a leg while fighting in the ranks of the rebels, and who is to-day the bitterest of Ku-Klux Democrats, was the instigator of the whole affair and the blood-thirsty leader of the massacre. He boasted in Hamburg during the fight that that was only the beginning; that the end would not be until after the elections in November. Such a man should be dealt with without pity or without hesitation. The United States Government is not powerless, and surely she will not be silent in an emergency like this, the parallel of which pen cannot describe. In this Centennial year, will she stand idly by and see her soil stained with the blood of defenseless citizens, and witness the bitter tears of women and children falling upon the murdered bodies of their loved ones? God forbid that such an attitude will be assumed toward the colored people of the South by the "best Government the world ever saw." Something must be done, and that quickly, or South Carolina will shed tears of blood and her limbs be shackled by Democratic chains.

What I have written in this letter are facts which I vouch for entirely, and are not distorted in any degree. It's a "plain, unvarnished" narration of painful and horrible truths.

Mr. HILL. Read the name attached to the letter.

The CHAIRMAN. The Chair understands there is no name given.

Mr. HILL. Who is the author of the letter?

Mr. GUNTER. I call for the date of that paper and the name attached to it.

Mr. CONGER. I believe my time has not expired.

The CHAIRMAN. The gentleman's time has not expired.

Mr. DOUGLASS. I call for the reading of the name of the author of the letter.

Mr. CONGER. I claim the floor for the balance of my time.

Mr. COCHRANE. Before this matter is concluded, I desire to know whether there is any name attached to that communication.

The CHAIRMAN. The Clerk informs the Chair that there is only a *non de plume* attached.

Mr. COCHRANE. I understand that the name attached to that communication is erased. I ask the gentleman from South Carolina Mr. [Smalls] whether he erased the name?

Mr. CONGER. I hope that all this will not be taken out of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. Conger] has five full minutes of sixty seconds each.

Mr. CONGER. Then I yield five minutes to the gentleman from South Carolina, [Mr. Smalls.]

Mr. SMALLS. This is a letter written by a gentleman who was an eye-witness of this transaction to me, and I, sir, had that letter published in the paper. I am responsible for the name.

Mr. COCHRANE. Whose name is it? Who wrote that letter?

Mr. SMALLS. I will say to the gentleman if he is desirous that the name shall

be given in order to have another negro killed, he will not get it from me. (Applause.)

Mr. JONES, of Kentucky. I ask the gentleman from Michigan [Mr. Conger] to yield me two minutes.

Mr. CONGER. I have already yielded five to the gentleman from South Carolina, [Mr. Smalls.]

The CHAIRMAN. Does the gentleman from South Carolina wish to occupy the rest of the five minutes?

Mr. SMALLS. I do not.

Mr. CONGER. Then I resume the floor.

The CHAIRMAN. The gentleman from Michigan has three and a half minutes of his time remaining.

Mr. CONGER. When an amendment was before the committee to increase the regiments without any reference to the action of the House in reducing the army, I made a suggestion to the House that that proposition would draw from other cavalry regiments a large portion of their quotas and leave them with a very diminished number of men. The amendment that is offered here is a very simple and a very proper one and in accordance with the amendment which was last under consideration. It is that, in portions of the United States, where the lives and property of the citizens are alleged to be invaded, where it is alleged that property is taken and life taken by riotous men, in regions of country where troops are as necessary to protect them as they are necessary to protect our citizens on the borders of Texas, notwithstanding this resolution which we propose to pass, troops shall not be taken from those regions where their presence is equally necessary for the protection of the life of the citizen and the protection of his property.

I venture to say there is no man on this floor that dare rise in the presence of the American people to oppose this amendment, and I challenge any man to it; not alone on account of the statements in that communication, or the truth or falsity of which I do not now speak, but from the common knowledge which every one has of the events in the State of South Carolina. From facts universally acknowledged I venture to say that the same spirit which will induce every member of this committee and every member of this Congress to raise his voice and his hand in defense and protection of the citizens of the country would paralyze the hand that would be raised to oppose the extension of that protection to one portion of the United States where the same necessity for protection exists.

Sir, I believe that the cutting down of the army was the result of a determination on the part of some men somewhere to prevent troops being sent into States where lawless men take the lives of peaceable citizens. I just charge that as the attempt inaugurated in this House and carried out, I regret to say, with the as-

sent of men who never ought to have given it their assent.

Mr. MILLIKEN. I would ask the gentleman if he has any member in his eye or in his mind whom he pictures as that man?

Mr. CONGER. I charge that the natural and inevitable result of that reduction must be to leave the army so small that with the Indian war upon our hands and the necessity of protecting the Texas border there would be no forces to be sent into other portions of our country where the presence of an army is eminently desirable and necessary.

(Here the hammer fell.)

Mr. COX. Mr. Chairman, I understand that this town of Hamburg is immediately opposite Augusta, in the State of Georgia, across the river. The town of Hamburg is mostly made up of a colored population. It has a colored magistrate or intendant. It has moreover a colored militia company. This trouble occurred in the first place, as I understand authentically, by the killing of a white man. That was the beginning of it. Afterward the negroes intrenched themselves in a house and they were driven out from it. The gentleman from Georgia [Mr. Hartridge] has a letter, which he will read here, and which will explain the whole matter. It is from a gentleman who has been inculpated on the other side. I do not take the statement which has been read as absolute verity. It has no name attached to it. It is indorsed, indeed, by the member from South Carolina opposite as being authentic; but who indorses the gentleman? (Cries of "Oh ah!" from the Republican side of the House.)

Mr. RAINEY. A large constituency do.

Mr. SMALLS. A majority of 13,000.

Mr. COX. Thirteen thousand people may indorse the gentleman, yet he comes here with all the prejudice belonging to his race, and he will admit that much himself.

Mr. SMALLS. No, sir; I will not admit it.

Mr. COX. Now wait until I get through. These gentlemen from South Carolina have had read a statement which is anonymous, and they ask legislation based upon it. And then the gentleman from Michigan rises here and challenges every member in this House to vote against that proposition if he dare, because of the condition of the army. Sir, it becomes us not only to inquire into the basis of the letter which has been read here, but into the basis of the statement of the gentleman who indorsed it. Now I do not impugn the gentleman's veracity at all when I say that he may speak from hearsay, and that, not having been on the ground himself, he may have had partial accounts of the subject. Does he understand me? And, if so, why this unnecessary clap-trap on the other side of the House?

Now the gentleman from Michigan has another motive. This letter was intended

to be shaken into the face of the House for political and bad party purposes, for the gentleman knows that in the distribution of the army there is strength enough in the South to protect every one to whom protection in the South is due.

Mr. HILL. The Hamburg riot was got up for that express purpose.

Mr. Cox. I have no doubt of it. The State of Georgia is not touched by this matter, but is entirely innocent in regard to it.

Mr. RAINEY rose.

Mr. Cox. The gentleman must wait until I get through. The State of South Carolina is to-day a Republican State and the worst governed State in the Union; it is bad all around; bad at its borders; bad in its heart; bad on the sea-coast; bad in Edgefield county; everywhere rotten to the core, as your own party papers have said. Give South Carolina a Democratic government and fair play as has been the case in Tennessee, Virginia, and other States which have been rescued from maladministration, and you will see that every man, black and white, will be cared for under the law.

Mr. GARFIELD, (in his seat.) As they were at Hamburg.

Mr. JONES, of Ky. Sir, as far as M. C. Butler is concerned, to call him a Ku-Klux would be an insult to the most honorable blood in America. I have known his family all my life. They have been in every war of this country from the Revolution down. They have been distinguished soldiers, heroes, and statesmen, as he is one to-day. He was a gallant and brilliant officer in the confederate army from the firing of the first gun of the war to the last; and when the war ended he surrendered like a soldier and a hero, and he has behaved himself as a soldier and a hero ever since. He was one of six or seven brothers who went to the front, and I believe but three survived the conflict. In addition to the noble Butler blood which runs through his veins, he inherits through his venerated mother, whom I well knew, the blood of the gallant Commodore Perry, of Lake Erie fame. He has been eminently conservative and loyal ever since he surrendered his sword.

Why, sir, the conservative party in South Carolina five years ago sent here to have his disabilities removed. They were removed at my instance; and they ran him for lieutenant-governor upon the conservative ticket with R. B. Carpenter, who went from Kentucky into South Carolina, and who was always a most loyal Union man.

Mr. BUCKNER rose.

Mr. JONES, of Kentucky. I will not allow myself to be interrupted. Sir, if there be a man in the Union whom we can recognize as the proud chevalier—*sans peur et sans reproche*—it is M. C. Butler, of South Carolina.

I repeat that I have known him from boyhood. I knew his father and all his great uncles—all distinguished and honorable men. What is stated in that letter is literally true. I would vouch for M. C. Butler the world over.

Mr. RAINEY. Mr. Chairman, no member on this floor can deprecate more heartily than myself the opening of this discussion. I had anticipated that when this Congress met its action would be such as to exercise a salutary effect upon the entire Democratic party of the country; that it would close its deliberations without agitating these questions affecting the lives and liberties of American citizens. But it appears to me that so long as the negro has a vote in this country, so long as he has a voice in this government, it is necessary that he should on every proper occasion appeal to the country in behalf of those rights.

Sir, I regret as much as any man here that outbreak at Hamburg. I regret that the proceeding was measurably countenanced by a cavalier who has descended from noble stock—the very best that peopled the soil of Carolina. When I make this assertion I am not influenced by any partisan prejudice; I do not speak from hearsay or mere conjecture. I am sustained in what I say by the Democratic papers of South Carolina. I have in my hands the News and Courier, the leading Democratic paper of the State, which contains an article from the Augusta Chronicle and Constitutionalist, stating the very fact that General Butler went from Hamburg across the bridge into Augusta, saw young men over there and said to them: "Things over in Hamburg look squally; young men, we may want you over there this evening; get yourselves in readiness." The editor of this Democratic paper published in the city of Augusta, says that General Butler made use of that expression, and that those young men, fully armed and to the number of two or three hundred, went over there.

And, sir, what are we to say of brave white men who fought in the confederate army coming out in armed force to capture and subjugate forty defenceless negroes collected in a building where they could defend themselves? These men said that they were willing to surrender the few arms they had, but not until General Butler or some one else high in authority should give them assurance that their property, their liberty and their lives would be secure. Did they exact from General Butler any more than is accorded to them by the Constitution? I ask whether they had not as much right to bear arms as General Butler or anybody else? Had they menaced or threatened any one while engaged in that parade on the Fourth of July? No, sir; the whole trouble arose because a few men, inflamed

with whisky and with a determination to subdue the negro in the South, told them with threats that they must stand from across the road so that these men might be enabled to drive by unmolested.

Why, sir, just think of it! What would be thought if here in Washington City, when a military company was parading on the Fourth of July, two men should come up in a buggy and demand of the officers that the company should get out of the way, and if they did not, should at once set to work and murder the men of that military company? I ask you, citizens of the United States, would you stand it? I ask you, brave men who fought for your country's liberties long before you took part in the war of the rebellion, would you stand it? I ask you, proud Southern men who boast of your gallantry and your intelligence and your superiority to my race, would you stand it? I ask you, men of the North who sacrificed your blood and treasure, who sacrificed the lives of your sons and your relatives, would you stand it? Do you, then, expect negroes to stand all this? Do you expect my race to submit meekly to continual persecution and massacre by these people in the South? Are you not going to allow us any right of self-defence? In the name of my race and my people, in the name of humanity, in the name of God, I ask you whether we are to be American citizens with all the rights and immunities of citizens or whether we are to be vassals and slaves again? I ask you to tell us whether these things are to go on, so that we may understand now and henceforth what we are to expect?

The CHAIRMAN. The gentleman's time has expired.

The debate was resumed on July 18.

The CHAIRMAN. When the committee rose it had under consideration an amendment to section 1, offered by the gentleman from South Carolina, [Mr. SMALLS,] which will be reported by the Clerk.

The Clerk read as follows:

Provided, That no troops for the purposes named in this section shall be drawn from the State of South Carolina so long as the militia of that State peaceably assembled are assaulted, disarmed, and taken prisoners, and then massacred in cold blood by lawless bands of men invading the State from the State of Georgia.

Mr. Cox. Here, Mr. Chairman, is one chapter in this volume devoted entirely to the State debt scoundrelism of the State government. It runs up the debt from five millions to some twenty-four or twenty-seven million dollars. But can anybody tell how much more it is, owing to the malfeasance of the officials and the various kinds of frauds that were perpetrated? There is another chapter devoted to the fraud in the expenditure of \$700,000 appropriated by the Legislature to buy lands for the freedmen.

For the freedmen! If there is one thing worse than another it is a white rascal above a black rascal. All through the late experience of Congress you have seen, sir, that the worst men who have preyed upon the negroes in this country have been their white allies. The gentleman from Virginia [Mr. DOUGLAS] can tell you, from his Committee on the Freedman's Bank, how \$64,000 was discovered by his committee to have been robbed from soldiers, sailors, and marines; how much was stolen by your Freedman's Bank, not to speak of the Bureau. How much? At least a million and a half. Am I not correct? Did not the gentleman's committee so report?

Mr. RAINEY. Mr. Chairman—

Mr. Cox. O, honey, sit down. (Laughter.)

Mr. RAINEY. I rose to ask the Chair a question.

Mr. Cox. I did not ask you to get up. Allow me to finish.

Mr. RAINEY. I wanted to know what was the pending question before the committee.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Carolina?

Mr. Cox. No, sir.

Mr. RAINEY. The gentleman should not raise issues that are not embraced in the pending question.

Mr. Cox. I do not desire to have any collision with the gentleman. One of the colored members said the other day that I was good in everything except in being a democrat. I have always had the kind words of those gentlemen. I have never, as some gentlemen on the other side have done, called them "niggers." I did once call them colored members, for which I was called to account. I did not know how else to describe them. I believe they are to be treated under the Constitution and the law with fairness and equality. Why not? They have the same immortal souls. Some of them are better looking than some of their white confederates across the way. (Laughter.) I do not see why we should be all the time keeping up this race contest.

I believe, Mr. Chairman, if I may attempt to bring the committee back to good humor—I believe in what an old parson once said to a congregation in Ohio. Members of Congress and others used to go down and hear him preach; and one day, when one of my predecessors was sitting there with a gold-headed cane, and brass buttons on his blue coat, the type of a statesman of the old school, he gave this illustration: "There is the old judge; when he goes to the market-house to buy a roast of mutton, does he ask whether it be a black sheep or a white sheep? No. All he seeks to know is, is it good mutton?" So it is, said he, at the last great

day when the horn shall sound, and the question will be not "whether he was a black sheep or a white sheep, but whether it is good mutton." (Laughter.)

It may be that the great body of the black people in South Carolina belong to the category of the good sheep; but I am afraid from the testimony in this book that some of them will not go on the right side on the day of judgment. I am afraid the Good Shepherd will not provide for them.

Mr. SMALLS. Have you the book there of the city of New York? (Laughter.)

Mr. COX. I presume that the gentleman from South Carolina, by making that remark, seeks to embarrass me in consequence of the fact that I belong to that portion of the democratic party, along with Governor Tilden and others, who drove out the rascals, as you did not in your party in South Carolina. (Laughter and applause.)

Mr. TOWNSEND, of New York. Mr. Chairman, I have no time to talk about South Carolina, but—

There is a land of pure delight
Where saints immortal reign,

and that land is the city of New York. The population of South Carolina in 1870 was 716,500, the population of the city of New York was 942,000. The population of South Carolina was about three-fourths of that of the city of New York. The gentleman from New York who has just taken his seat [Mr. Cox] said that the republican administration are eating out the substance of South Carolina.

Now, sir, the debt of South Carolina over and above every deduction is less than \$10,000,000. The debt of the city of New York over and above every deduction is \$114,000,000. Who eats out the substance of the people?

But, sir, more than that. Gentlemen say that bad men with bad motives have ruined the State of South Carolina. How about William M. Tweed? He was the ruler of the city of New York in one form or another for more than twelve years. He was the ruler of New York through Tammany Hall at the time when the gentleman from Ohio brought his little "carpet-bag" to the city of New York and set it down in Tammany Hall, which was then flourishing in all its power and glory, and looked up smilingly for the approbation of William M. Tweed. (Great laughter.) While William M. Tweed ruled New York \$40,000,000 was stolen from that people by Tweed and his immediate associates, and there is to-day a judgment entered against William M. Tweed for his share of the stealings which could be traced to his hands of over \$6,000,000; Peter B. Sweeney, the city treasurer, stole another share; Richard B. Connolly another share; Andrew J. Garvey stole his share; and Ingersoll stole still another share of the \$40,000,000, and every man of them has

left this country for his country's good excepting two—Garvey, who is in State's prison, and Ingersoll, who has been pardoned out by the "reform" governor of the State of New York. But there was not only this stealing of \$40,000,000 by this Tweed gang, but Thomas C. Fields, another glorious leader of Tammany, got an appropriation from the Legislature to the amount of more than \$100,000 nominally for the benefit of the firemen, but he actually stole every dollar of it. Henry Gonet got an act passed for a court-house in the city of New York and stole the \$100,000 appropriated for the court-house, and the sheriff of New York let him run away. The present sheriff allowed William M. Tweed to go to his residence and go up stairs unattended to see his wife and allowed him thus to leave for parts unknown, and the "reform" governor of the State has not found time to investigate the outrage of letting him escape or to remove him from office, as he had the power to do. This is the party of reform and retrenchment in the city of New York from which my colleague [Mr. Cox] hails.

But, sir, we have not told the whole story yet. Tammany elected judges to protect these thieves and robbers—George G. Barnard, McCunn, and Cordozo—every one of whom was impeached and two of them convicted and one resigned. But, sir, we are not through yet. There are now some decent judges in New York and Tammany opposed every one of them, and if Tammany opposed them my colleague who sits over there talking about purity and reform voted against every one of them, for he has never found occasion to quit Tammany yet. And when Boss Tweed's successor, the noted John Kelly, came and waived his wand over him as he sat in our Speaker's chair and said to him, "Come out of that chair and go with me to Saint Louis to carry out the great farce which we have planned," and said, "We have elected our delegates, and we want you, Brother Cox, to go with me to Saint Louis in the attitude of the brother of the temperance lecturer." You know that while the one brother was lecturing on temperance the other was exhibiting himself as an awful example; and that is the part you and I will enact at Saint Louis." (Laughter.)

The gentleman went out, and he and Mr. John Kelly enacted the farce and tried to make the world believe that if they nominated Tilden they would be opposing Tammany, that notorious sink of political corruption.

Mr. GARFIELD. It is not the least sad of all the sad facts in the subject that we are now engaged in considering, that so grave an occurrence as the one which has been introduced officially by a member of this House has elicited so little attention from the majority that the whole drift of the

discussion should have been turned away into a partisan direction, and partly and mainly turned into laughter.

Now I want to state in a word what I understand to be the facts which we are called upon to consider by this amendment. A legally organized militia company, parading with arms that are legally held by them, in their own town, on the centennial Fourth of July, were accosted by two young men who demanded that the company should get out of the road; and because the whole company did not at once move out of the road for the two men who could have gone quite as well a little at one side, it was resolved by sundry persons to disarm that legally organized military company of the State; and because the company did not consent to be disarmed at the command of unauthorized persons, an organized mob, led by a distinguished gentleman who served as an officer in the war against the Union, assailed, surrounded, opened fire upon them, captured some of them, and after capture murdered in cold blood, without warrant or authority, a considerable number of American citizens. This has been stated here in the House on the official authority of the attorney general of South Carolina. The papers of the dominant party in that State and Georgia admit that the real and only ground of this outrage was the fact that the military company was composed of colored men; that colored men had used their rights as citizens to organize themselves as a part of the State militia. Now I have no doubt that there are multitudes of good men in the South, and many on the other side of this House who deeply deplore this bloody and atrocious outrage. But how has it been treated in this discussion? The first utterance was by the gentleman from New York, [Mr. Cox,] who arose in his place and declared that the negroes began the affray by killing a white man. That statement has been answered by the fact that they made no hostile demonstration until they were fired into by the mob. Again the gentleman from New York [Mr. Cox] stated that this matter was introduced here for a bad purpose, a bad motive, to stir up bad blood, and to affect the elections. And to-day we have been treated to an extreme example of his usual method. He has attempted to laugh at a group of atrocious murders. His levity was never so horribly out of place.

The only calm and thoughtful declaration which has been made on this subject on the other side of the House was by the gentleman from Georgia, [Mr. HART- RIDGE,] who spoke manfully and regretfully upon the subject and suggested that we should wait until the official examination was had.

I am more troubled than by the mere fact of the murder about the symptoms

that I see around me. Has it come to pass that a murder like this cannot be discussed in this House without its being charged that there is a bad motive for speaking of it? Do our northern democrats care more for the interests of their party than for the safety of the lives of citizens? But I am still more anxious to know, and to know from gentlemen of the South who can speak with knowledge and by authority, whether this is a sporadic case of murder, or whether it is a symptom which indicates a general condition of feeling in their section. My anxiety is to know whether this instance indicates a settled purpose to declare that black men shall not be legally organized into militia companies, shall not parade peaceably in the streets under arms, shall not be allowed all the rights, privileges, and immunities of citizens of the United States of whatever color. That, Mr. Chairman, is my great anxiety in regard to this case.

We fought a great war to establish the Union and the equal rights of citizens before the law; and I wish we could lay aside all the bitterness of that contest; but I say distinctly to gentlemen from the South that the era of our good feeling can never be ushered in in its fullness until you let us know that the old spirit of caste and race which caused the war has been laid aside with the weapons we carried in the field; and until a black man, while he behaves himself, lawfully and peaceably shall enjoy all the rights, all the privileges, all the protection, and all the guarantees of the Constitution that a white man enjoys in all our States. When that is done, we can shake hands in full assurance of peace, and can hang the olive branch over all our doors; until that time comes, we must keep watch with that eternal vigilance which is the price not only of liberty but of equal justice to all citizens.

Mr. LAMAR. Mr. Chairman, I do not propose to discuss or analyze this terrible and disgraceful affair at Hamburg, although I think that the gentleman from Ohio [Mr. Garfield] has not given a fair and impartial statement of the circumstances in which it originated. But those circumstances are of no moment here upon this question, nor are the provocations which led to the final fearful tragedy involved in the proposition now before us. Nor are they, in my opinion, (and here I differ with the member from Ohio,) the legitimate topic of debate or discussion on this floor; they belong to another tribunal, to which the constitutions of States as well as that of the Federal Government remit these subjects.

Whether in the circumstances and these provocations the whites or the blacks were most to blame is a question to which I shall not now recur. Through all the confusion which has been thrown around this transaction, (and I must say, notwith-

standing the honorable character of the informant of the member from South Carolina, which I do not question in the slightest degree, his document was evidently written, and perhaps very naturally, under great exasperation and excitement, through all the uncertainty which exasperation and exaggerations have thrown around this subject, there is one fact which gleams out acknowledged, or, if not acknowledged, is indisputable. It is that a body of white men did, without authority of law, put to death a number of black men, who had been taken as prisoners; I mean who had been captured and deprived of their liberty, but who were not prisoners in the legal sense of the term, inasmuch as those capturing them had no right under the law to deprive them of their personal liberty.

Now, sir, I wish to say here in my place—and what I say here just as it drops from my lips and falls upon the reporter's notes is at once sent throughout the entire South, and every constituent of mine, in every home and hamlet, will read what I say; and even if I were base or ignoble enough to utter here what I would swerve from there, as has been falsely charged against Southern men, the Record would always convict me—in my place here and with the responsibilities surrounding me, I assert that no excuse or palliation can possibly be found for these outrages and this barbarism. [Applause.]

As a Southern man and as a Democrat, I have a remark or two to make upon this subject. Mr. Chairman, we of the South have a lawless class precisely as you of the North have lawless classes. As a consequence we have riots in which human life is lost precisely as you have such riots, with this difference: Ours without preconcert flame up in different localities and are confined to short periods of time, while yours in more than one instance have held several counties in terror, have extended over months of time, and have involved a larger loss of human life, defying the authorities of your States.

Mr. CONGER. I move that the committee rise in order that the time may be extended.

Mr. SCHLEICHER. I gave the longest time that was asked for. Twenty minutes had been agreed upon; but at the suggestion of the gentleman from Ohio [Mr. Garfield] it was extended to thirty minutes.

The CHAIRMAN. Discussion is not in order.

Mr. SCHLEICHER. If we keep on extending the time for discussion it will go over until to-morrow, and I do not know how much longer, for, sir, the time never will be in this when some member does not wish to speak.

The CHAIRMAN. The gentleman from Michigan moves that the committee rise

for the purpose of extending the time for debate on the first section of the pending bill.

The committee divided; and there were—*ayes* 101, *noes* 43.

So the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. Monroe reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the joint resolution (H. R. No. 93) to provide for the protection of the Texas frontier on the Lower Rio Grande, and had come to no resolution thereon.

Mr. SCHLEICHER obtained the floor.

Mr. CONGER. The committee rose for a special object on my motion, and I insist that I am entitled to the floor.

The SPEAKER *pro tempore*. The Chair is supposed to know nothing of what takes place in committee. The gentleman from Texas is entitled to the floor.

Mr. CONGER. I believe the Chair was present when my motion was made and when it was carried by a vote of the committee.

Mr. SCHLEICHER. I move that the House resolve itself into the Committee of the Whole on the state of the Union; and pending that motion I move that all further debate on the first section of the pending bill and amendments thereto be limited to ten minutes.

Mr. CONGER. I move to amend that by extending the time for debate to one hour, giving the first five minutes to the gentleman from Mississippi [Mr. Lamar] who was on the floor at the time the debate closed.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Michigan.

Mr. HALE. It is understood by these gentlemen that it is to be divided up into five-minute speeches.

Mr. CONGER. Yes; under the five-minute rule.

Mr. LAMAR. In view of the evident difficulty we are getting into, I will say that I do not wish to prosecute my remarks.

The SPEAKER *pro tempore*. All this discussion is unnecessary and out of order.

The House divided on Mr. CONGER's amendment; and there were—*ayes* 74, *noes* 120.

Mr. CONGER. I demand the yeas and nays.

Mr. KASSON. I will move to make it twenty minutes.

Mr. CONGER. I demand the yeas and nays on my proposition.

The House divided; and there were—*ayes* 67, *noes* 137.

So one-fifth having voted in the affirmative the yeas and nays were ordered.

Mr. HASTINGS. In view of the lateness

of the session I ask we may compromise this matter by allowing thirty minutes for debate.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. CONGER. I prefer to have the yeas and nays on my motion.

The question was taken: and decided in the negative—yeas 67, nays 126, not voting 93.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Texas [Mr. Schleicher] that when the House again resolves itself into Committee of the Whole all debate on the pending section and amendments be closed in ten minutes.

Mr. CONGER. I move to amend that by making the time forty minutes. I ask the gentleman from Texas [Mr. Schleicher] to accept that proposition.

Mr. HANCOCK. We made one contract with you already and you would not stand by it.

Mr. RANDALL. The time was fixed by the request of that side of the House and that time has expired.

Mr. CONGER. When was it fixed?

Mr. RANDALL. This morning. The original time suggested by that side was twenty minutes, and the agreement was finally made at their request that there should be thirty minutes. What they asked was acceded to, showing that there has been no disposition to cut off debate.

Mr. CONGER. The gentleman from Pennsylvania cannot deny that there has been a disposition to cut off debate. We have asked an hour, or forty minutes, or thirty minutes, and that is refused with a strong hand.

Mr. RANDALL. This is brought in to excite bad feeling. We want to preserve peace.

Mr. CONGER. The gentleman does not want us to discuss particular subjects. That is the trouble. I will modify my amendment and move to strike out ten minutes and insert thirty minutes; and upon that I call for the yeas and nays.

On the question of ordering the yeas and nays there were yeas 47.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. MILLS. I suggest that we compromise on fifteen minutes and give it all to the gentleman from Michigan.

The SPEAKER *pro tempore*. The proposition of the gentleman from Texas is not in order. It can only be entertained by unanimous consent.

The question was taken on Mr. CONGER's amendment, and there were—yeas 73, nays 111, not voting 102.

So Mr. CONGER's amendment was not agreed to.

Mr. SCOTT. I move that the House resolve itself into Committee of the

Whole on the state of the Union upon the Texas border bill, and pending that motion I move that all debate upon the first section and amendment thereto be closed in twenty-five minutes, and on that motion I move the previous question.

The question was taken on Mr. SCHLEICHER's motion, and on a division there were—yeas 119, noes 30.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Monroe in the chair,) and resumed the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

Mr. KASSON. Mr. Chairman, for the first time during this debate the House has heard from a gentleman of the opposition a distinct, direct, and pointed condemnation of this most serious and alarming outrage upon human life, human liberty, and constitutional rights.

Mr. LAMAR. The gentleman is mistaken. I only repeated what my gifted friend from Georgia [Mr. Hartridge] said.

Mr. KASSON. The gentleman from Georgia "deploded" the outrage. I failed to hear him condemn the men who were involved in its commission.

Mr. HARRIDGE. The gentleman will allow me a word?

Mr. KASSON. The gentleman must excuse me, as my time is so short. Even the gentleman from Mississippi was not able to close his eloquent denunciation of the outrage without impliedly turning the responsibility for these riots and outrages upon the Republican element in the South.

Let us come to the point before this House under debate. On the Fourth day of July last a militia company was assembled in the streets of Hamburg, South Carolina, celebrating the anniversary of their national independence and ours. They were lawfully observing it, when two young white men got into a quarrel with them; but the day closed without disaster. On the following day an armed organization from Georgia, where the chief criminals yet remain, invaded the State of South Carolina and committed numerous outrages which are certified in the report of the attorney-general of South Carolina over the signature of Governor Chamberlain, which report I now hold in my hand. The question is, were these militiamen violating the law when they were attacked? Had this militia company the right to assemble and parade on the national holiday? Your Constitution tells you, in the second amendment to it, that—

A well regulated Militia is necessary to the security of a free State, that the right of the people to keep and bear Arms shall not be infringed.

And yet the gentleman, General Butler, who is commended as a noble exponent of chivalry, (and his personal character may be all that his friends claim,) proposed, as is admitted, that the arms borne by this militia company should be surrendered to unauthorized persons, and to deprive the militia of South Carolina of the right secured to them by the Constitution of the United States. And then from the first proposition to violate a constitutional right they went on to other and more serious violations of constitutional rights and liberties, even to the taking of prisoners who were lawfully in the militia company, and not only that, but disarming them of the arms they had a lawful right to hold. And not only that; "let the angels weep, but let honest men do more than deplore;" let them condemn with all the energy of which human nature is capable; they told these prisoners to run, and as they ran from them they "chivalrously" amused themselves by shooting them down, and even in two instances mutilating their dead bodies.

And when the gentleman from South Carolina, [Mr. Smalls,] whose State and district have thus been invaded and outraged, brings the matter to the attention of this House, the gentleman from New York [Mr. Cox] calls it bad in morals, bad in motive, and charges that it is brought in here for a bad political purpose. Sir, the Democratic party did not always take this position. In 1840 they declared in their national platform:

That every citizen of every section of the country has a right to demand and insist upon an equality of rights and privileges and to complete an ample protection of person and property from domestic violence or foreign aggression.

They re-enacted that in their platforms until 1864. But when there came to be citizens of another color, citizens who were dependent, ignorant, poor, and needing protection, the Democratic party commenced leaving out of their platforms this principle of the right of the citizen to protection in person and in property. I stand here, independent of all party on this question, to say that, be the wronged citizens white men of Texas or black men of South Carolina, this great Republic of 44,000,000 of people owes all its energy and all its power to protect all citizens of this country against outrages upon liberty and life such as have been perpetrated in this case. This is what the gentlemen from South Carolina [Mr. Smalls] has asserted, as is his right. And I rise here to defend him and the race he represents against being laughed out of this tribunal of the nation and from the presence of the American people when they bring their complaints before them and demand redress and protection in the name of humanity and of constitutional right.

Mr. HALE. Mr. Chairman, this House has presented this morning a remarkable spec-

tacle. This has been no ebullition of sentiment. The subject-matter before us has been nothing of fancy. It has come up from no desire to "shake the bloody shirt." The gentleman from South Carolina, [Mr. Smalls,] representing a defrauded and murdered race, has offered a practical amendment to the bill before the House, a perfectly germane amendment to a bill which proposes to regulate the movements of the United States Army. The amendment is in these words:

Provided, That no troops for the purpose named in this section shall be withdrawn from the State of South Carolina so long as the militia of that State, peacefully assembled, are assaulted, disarmed, taken prisoners, and then massacred in cold blood by lawless bands of men invading that State from the State of Georgia.

The circumstances calling out this amendment are that at least six men, citizens of the United States, equal citizens with you, sir, and me and the leaders upon the other side; men whom we have undertaken to clothe with all the high privileges and rights that spring from our Constitution and laws; men whom we have made fellow-citizens with us have been wantonly and foully murdered. And yet the majority of this House upon a deliberate roll-call have refused to allow sixty minutes debate upon this subject of the slaughter of our fellow-citizens. Why, sir, the taking of the life of a single British subject, entitled to the protection of the British flag, has forced entrance to the House of Commons and has there dominated all other subjects for weeks and months. And the French Assembly has again and again debated for days and weeks upon the wrongs of a single French citizen. This tenderness for the life and property of the citizen has been the common pride of every legislative body that has ever been known to the civilized world. And yet the majority of this House decline to give an hour for debate to this overweening, overmastering subject, or inquiry into the causes which led to the murder of these six men and for discussion of the means by which we may prevent like occurrences by the presence of United States armed forces.

The gentleman from Georgia asks why do these things continue to occur? Let me tell him that they will continue just as long as members on that side of the Chamber rise as one man to stave down the discussion of these atrocities. Let me tell him that so long as the Democratic party are led by men in whose neighborhood these scenes are enacted, and who have nothing but good words for the actors in the terrible drama, the raiders and murderers in Georgia and South Carolina will go high-handed on their bloody work, and will, as they believe, be protected in it.

Sir, these is something to do besides invoking sentiment and quoting poetry, as has been done in this case. I charge upon the gentleman from Mississippi, [Mr.

Lamar,] who has a philosophical, speculative mind, and has human sympathies; who sees the wrong and infamy of these things—[here the hammer fell]—I charge upon that gentleman who has been twice chosen by his constituents a Representative in this House, and has been further endorsed by election to a seat in the Senate—I charge upon him the responsibility, not of the acts themselves, but of putting a stop to these things in his State. I charge upon the gentleman from Georgia [Mr. Hartridge] that he and his associates must stop them there. [Here the hammer again fell.] I charge upon the leaders of the dominant party in all the Southern States that they must stop these murders. [Cries of "Order!"]

Mr. LAMAR. I have discharged my responsibility in part by defeating the authors of such disorders in my State.

Mr. MACKLEY, of South Carolina. Mr. Chairman, in connection with the subject now under discussion the gentleman from New York [Mr. Cox] has seen fit to denounce South Carolina as one of the worst-governed States in the Union. For this assertion there is no foundation whatever, and instead of South Carolina being badly governed at present she has a better government to-day than she has had for years. I would like to remind the gentleman of this fact, of which he seems to be entirely ignorant, that to-day the only question dividing the Democracy of South Carolina is whether or not they shall nominate as their candidate the man who is now the Republican Governor of our State. If the present government of South Carolina is so bad and corrupt, why are the Democrats discussing the propriety of making the head of that government their candidate in the next election? It is an indisputable fact that should Governor Chamberlain again be the nominee of the Republican party he will receive hundreds of Democratic votes. Many of the leading Democrats in the State know this, and hence they argue that it would be inexpedient to nominate a Democratic candidate should Chamberlain receive the Republican nomination. At one time the State government of South Carolina may have been exceedingly bad, but such is not the present condition of affairs. Taxes have been reduced, assessments lowered, corrupt officials removed, and numerous reforms inaugurated, and the vast improvement in the government is fully recognized by two-thirds of the Democratic papers in the State. Quotations from Pike's Prostrate State have no application whatever to the present condition of affairs in our State. This much I have deemed it necessary to say in refutation of the assertion that South Carolina is to-day the worst-governed State in the Union.

Mr. HOGE. I move to strike out the last word.

Mr. Chairman, in rising to speak upon this question I will say that I had hoped the occasion would not have arisen at this late period, when I as a member of Congress should be called upon to rise in my place and speak upon the subject that is now occupying the attention of the House. I was in hopes that the time had passed in South Carolina when these outrages, these deeds of blood and murder could never occur again. I was in hopes they were forever passed.

I can remember, Mr. Chairman, that in 1868, during the memorable election in the third congressional district, which I had the honor to represent on this floor, there were nearly three hundred of our citizens that were murdered; so that this outrage that has been perpetrated in Edgefield is nothing new in the history of South Carolina. Over three hundred of my constituents at that time suffered loss of life by adhering to and advocating the principles of the Republican party. But while this state of affairs has existed, I do not want to make the statement to-day to this House, nor do I believe it, that even in South Carolina all the white men who belong to the Democratic party are in favor of the murderers. I do not believe that. On the contrary, I know there are many men in our State that belong to that party who are as much opposed to these deeds of blood and violence as I am.

But I do state to-day, and I stated from the knowledge that I have gained from experience, after nearly eleven years's residence in South Carolina, and having been intimately connected with the politics of that State during that time—I do state that there is an element in the Democratic party either controlled or partly controlled by the men who headed the band of murderers at Hamburg, a party headed by such men as General M. C. Butler and General Geary, and men of that class, who by their acts and their words, by their counsel to the people who do these deeds of blood, urged them on to commit those great crimes. While perhaps General Butler would be too much of a gentleman or too honorable a man to shoot a negro if he had told him to run off, for the mere pleasure of seeing him fall, yet by his advice these dirty scoundrels and murderers who did that shooting were actuated and encouraged to do these deeds of blood; it was by just such men as Butler and Geary, of Edgefield County. Those are the men who advocated and recommended this outrage upon the colored people; and it was simply because they are members of the Republican party, because they cannot control their suffrages and get them to put them in office by their votes. They say to them, "You have to act with the Democratic party in South Carolina, or we will make you do it." The edict has gone forth that a black man in South Carolina

must either vote the Democratic ticket in the future or follow in the footsteps of those who fell at Hamburg. It has placed my distinguished friend from Mississippi—no, I do not know that he would allow me to call him that—it has placed him in a position to obtain a seat upon this floor, to be elected to the Senate. He says that they have peace in Mississippi and in Arkansas. So they have; but it is the peace of the grave; it is the lasting peace to the colored man and to the white man who dares to advocate those great principles of civil and religious liberty that have been advocated by the leaders of our party—principles which came down to us from our forefathers, and which it is our duty to perpetuate and hand down to our children as a sacred heritage.

Mr. HOGG. I withdraw the formal amendment.

Mr. FOSTER. I renew it. I have a word to say on this subject to gentlemen from the South. It has been my good or bad fortune politically (I do not know which) to join other gentlemen in a report on Louisiana affairs in which the truth was told when it bore heavily on my party friends. I denounced the fraud of the returning board of Louisiana, and joined heartily with Mr. Wheeler in bringing about the compromise that bears his name. I have never failed to denounce my party when I found it in the wrong.

I concede that you have had bad government in some of the Southern States, perhaps in South Carolina, though I doubt it now. Under Governor Chamberlain the government of South Carolina has greatly improved.

If I know myself, I have none but the kindest feeling for the people of the South. I long to see the day when peace shall reign throughout your borders, when prosperity shall bless all your undertakings. I long to see the day when we shall hear no more of the color line, when every man, be he black or white, shall be in the full, unrestrained possession of every right vouchsafed to him by the Constitution and the laws.

I cannot, however, close my eyes to scenes of horror and bloodshed, of which the Hamburg massacre is a sample; scenes and outrages that would disgrace the savage.

Talk not to me about your chevaliers, your men of high honor, when they stand by and witness (and, as I believe, encourage) the barbarities of Hamburg.

Are Mississippi outrages and tactics to be transplanted to South Carolina? Did you sell out the solid vote of the South to Tilden; and do you propose to ratify your bargain by scenes of bloody barbarity, a parallel of which can only be found in the South where you prate so much of honor and high breeding?

Let me tell you, gentlemen of Georgia,

that it lies within your power to stop these infernal outrages. Be as active in hunting out the human fiends who crossed the bridge at Augusta, Georgia, to Hamburg, South Carolina, with artillery to shell out of the citadel the forty negroes that could not be dislodged by hundreds of armed whites from your State and the State of South Carolina. See that they are caught and punished.

Mr. COOK. What evidence is there that a single man went from Georgia?

Mr. CONGER. I call the gentleman to order.

Mr. COOK. These men never went from the State of Georgia.

Mr. FOSTER. They did. General Butler admits it.

Mr. COOK. No, sir.

Mr. FOSTER. When you have caught and punished these men then sing to us a panegyric to the vindication of outraged law, instead of talking to us about noble blood. Ay, a nobility that murders in cold blood a captured negro.

If you gentlemen have not the influence to stop these outrages you are not fit to be Representatives in the American Congress. You can do it if you will. When you have tried and have succeeded you will hear the most welcome shout of "Well done, good and faithful servants" that has been heard since the dawn of Christendom. We will fall on your necks and rejoice.

[Laughter on the Democratic side of the House and cries of "O, no!"]

Mr. COOK. You must not fall on my neck; you have fallen on our property and on our rights as it is, and now you want to fall on our necks. [Laughter.]

Mr. FOSTER. We did fall on you, and you remember the fall.

Stretch out your hands in charity to God's poor whom you have with you. Give them to understand by every act of yours that you recognize their complete political rights. Wipe out all distinctions in your laws on account of color.

Let them feel and know that their old masters are their friends, and that they will if need be fight the world in arms to preserve their liberty, notwithstanding it was obtained against the masters' will.

Your professions will not do. These barbarities must cease. If they do not you must expect that the power of the Government will be exerted to its full limit if need be to protect the humblest African in your midst.

Lay not the flattering unction to your souls that because you can give Tilden a united vote he will be elected.

The instrumentalities used to bring about a United South for Tilden will as certainly give the North to Hayes.

We are as tired of Southern misrule as you are. This misrule is not a one-sided matter South as well as North. The rascals hunt in pairs, as they do in the North.

When you catch a Belknap you catch a Pendleton with him. [Laughter and cries of "O! O!"] on the Democratic side of the House.] So in the South, the stealings are divided between the parties.

I beseech and implore you, men of the South, to stop these outrages upon the black man, thus restoring confidence in you in the North, and then henceforth we will dwell together in unity, peace, and good-will. The horrors of the war will be forgotten. Then we will go hand in hand exalting and glorifying the Republic.

Doc Adams's Statement—The Story of the Two-Hour's Siege, and how he with a Detachment of his Company Escaped from the Armory.

[From a special correspondent.]

AIKEN, SOUTH CAROLINA, July 12.

I send you a statement of Doc L. Adams, the captain of the militia company, just as it has been given by him. He saw a part of the affair and was quite an interested party. Here is his statement:

I am captain of Company A, Eighteenth Regiment National Guard of the State of South Carolina, which company has been stationed at Hamburg; in fact it was made up there from the citizens of the town and vicinity.

On Saturday, the 8th day of July, about half-past four o'clock, General Butler, with about thirty or forty men, assembled at the office of Trial Justice Rivers, in Hamburg. The occasion of this was because at that hour the trial of the militia officers was to take place. I went to Trial Justice Rivers and stated to him that I and the other officers of the company did not want to be tried before him that evening, and that we would give bond for our appearance before the circuit court. My reason for saying this to him was because I had heard threats made against myself and others by the forty or more armed men who were crowded round Rivers's office. On making this statement to Rivers he told me I could use my own judgment about the matter, as he was of the opinion himself that it would be unsafe for myself and the other officers to be tried at that time. I having concluded not to go to the court, a committee came from General Butler for me to meet him at the house of S. B. Spencer, where a hundred or more armed white men were congregated. I refused to go, believing my life would be unsafe. The white men were armed with revolvers and sixteen-shooters. I then made the proposition that if General Butler would meet me halfway and keep his men back I would meet him, and we would try and settle the matter without any trouble. This General Butler refused positively to do, and sent a message to the effect that the arms of the company and the officers must be given up to him, and that he would not guarantee any protection whatever even if the arms and officers were surrendered. I refused to agree to this, as I saw if I did my men and myself would be at the mercy of General Butler and his men. I then, to preserve the lives of my men and myself, took refuge in a brick building we used as an armory. There were thirty-eight of us in all. We had hardly got in and secured the entrance before General Butler's men opened fire on us. At this time General Butler had about two hundred men. They kept up a brisk fire on the building for over half an hour before we fired one shot from the building. General Butler's men were posted under the trestle of the Charlotte, Columbia and Augusta Railroad and under the abutment of the bridge of the same company. This was between six and seven o'clock p. m. We remained in the building until about eight o'clock.

My reasons for leaving was because I heard threats made by General Butler's men to blow the building up, and to send to Augusta for cannon, and I knew we could not hold it if either of those means were resorted to. After getting out of the building with my men the company divided, and I took command of one portion and gave Lieutenant Attaway command of the other. The number with me amounted to about a dozen or so of men; Attaway had twenty-one. I went to the left of the building with my men and escaped. Attaway and his men were captured. This is all that I can speak of positively, as when I made my escape I and the portion of men with me came right on to Aiken. At the time I left I think there were four or five hundred men under General Butler, with re-enforcements coming in from Augusta and Edgerfield. Between twelve and one o'clock at least two thousand men were present, armed to the teeth. I left for Aiken about three o'clock Sunday morning.

Doc L. Adams,

Capt. Co. A, Eighteenth Regt. N. G. S. C.

The above statement is signed with Adams' own signature. He seems to be a man of some intelligence, and as "mild-mannered" as possible. He gave the statement without hesitation, and in a manner which convinced me of his sincerity.

O. McK.

PRINCE RIVERS'S STATEMENT.

The testimony was closed at this point, and though many other witnesses were waiting this was deemed sufficient. The verdict has not yet been rendered.

Prince Rivers made the following written statement in substance to Attorney General Stone today:

On the affidavit of one Robert Butler he issued warrants as trial justice for Doc Adams and the other commissioned officers of a militia company in the town of Hamburg for obstructing the highway and preventing the said Robert Butler from passing. This was on the 8th of July, 1876. Owing to some confusion taking place in this office on the said day he postponed the trial till Saturday, the 9th, at 4 p. m., at which time General M. C. Butler appeared as counsel for Robert Butler. During the said trial M. C. Butler asked for more time, which was granted, he, Butler, promising to be ready within an hour; but he never returned to Rivers's office any more, but went to Augusta and returned with two companies of soldiers and demanded the immediate surrender of the arms in the possession of the militia to him. After some talk with Rivers he, General Butler, granted them a half hour to comply with his terms. Rivers then went to the front room of the company and consulted with the men who were there assembled to get them to give up their arms sooner than have bloodshed. This they refused to do, saying that General Butler had no authority to make them give up their arms. The time having expired General Butler gave the order for the troops under him to fire, when they did, and said fire was not returned by the militia for some time. Butler told me he would have the arms or burn the town. I, Rivers, offered to buy the guns and send them to Charleston, but Butler would not agree to this.

THE HAMBURG riot—OFFICIAL REPORT OF ATTORNEY-GENERAL STONE.

OFFICE OF THE ATTORNEY GENERAL,
COLUMBIA, S. C., July 12, 1876.

Sir: According to your request of Monday last I have visited Hamburg for the purpose of ascertaining the facts connected with the killing of several men there on the night of the 8th of July.

My information has been derived chiefly from Trial Justice Rivers, and from the testimony of persons who have been examined before the coroner's jury, now in session, and from those who received wounds from the armed body of white men who had taken their prisoners.

From this information the following facts seem to be clearly established:

During the administration of Governor Scott a company of State militia was organized at Hamburg, of which Prince Rivers was captain. This

company was known as Company A, Ninth Regiment, National Guard of the State of South Carolina. Arms were at that time furnished to it, and some ammunition. This company, previous to May, 1876, had for some time but few names on its roll, drilled rarely, and scarcely kept alive its organization. But in May of this year the number of members increased to about eighty, and one Doc Adams was chosen captain.

On the 4th of July the company drilled on one of the public streets in the town of Hamburg. The street on which they drilled was between one hundred and one hundred and fifty feet wide, but it was little used, and was overgrown with grass, except in that portion which was used as a carriage road. While the company was thus drilling, Thomas Butler and Henry Getzen, his brother-in-law, came along in a carriage and demanded that the company should make way for them. Adams halted the company, remonstrated with Butler and Getzen for thus seeking to interfere with the company, and called their attention to the fact that there was plenty of room on each side of the company to pass.

Finding them unwilling to turn out of their course, Adams finally opened ranks and allowed them to drive through.

This incident seemed to have angered Butler and Getzen, who made complaint before Trial Justice Rivers against the militia company for obstructing the highway. The trial justice on the following day issued a warrant against Adams, as he was the captain of the company, and had him brought before him for trial. During the progress of the trial Adams was arrested by the trial justice for contempt of court, and subsequently the case was continued until four o'clock Saturday afternoon, July 8.

At that time Butler and Getzen, with General M. C. Butler, who had been employed by Robert J. Butler, father of the former, as their attorney, repaired to the office of the trial justice, but Adams did not appear.

General Butler inquired as to the nature of the charges against Adams, and asked if the trial justice was to hear the case as trial justice or in his official capacity of major-general of militia.

To this the trial justice replied that he was to hear the case as a trial justice, but if the facts showed that a military offense had been committed, Adams would have to be tried by a court-martial.

General Butler then stated that he thought the case might be arranged, and at his suggestion time was given him to see the parties.

After this the trial justice did not see General Butler at his office, but learned that he had gone over to Augusta.

In the mean time the trial justice had been informed that some two hundred or three hundred armed white men were in Hamburg, and that a demand had been made by them that the militia should surrender their arms. After a consultation with Messrs. Jefferson and Spencer, Rivers sent for General Butler. He rode up to the back gate of River's house. The two had a conversation, in which General Butler said that he had given orders to have the guns given up in half an hour, and the time was nearly up.

Rivers asked if some other arrangement could not be made, to which General Butler replied in the negative.

Rivers then asked if he would not consent to have him receive the arms, box them up, and send them to the governor. To which General Butler replied that he would box them up and send them to the governor, and if he, the governor, should return them to the company it would be at his own risk. Rivers then asked if they would give a bond for the arms, to which General Butler said that he would stand the bond, and turning to another person—I think R. J. Butler,—asked if he would not go on a bond also, to which he replied that he would.

Rivers then asked for time before fire should be opened on the militia, so that he might have a conference with the militia officers. This was acceded to, and Rivers then went to the building known as the Sibley building, in the second story of which the company had its armory and drill-room, and where it was then assembled, and told Captain Adams what might be expected if he

should refuse to give up the arms. To this Adams replied that General Butler had no right to the guns; that the company held them, and he proposed to hold them, unless General Butler showed some authority to take them.

After this interview Rivers returned to General Butler, with whom was Robert J. Butler. He told them the decision to which the company had come. Then Robert J. Butler said that General Butler was his attorney; that he had come to settle the matter. If the company would apologize for the insult to his son and son-in-law he would do nothing more. But the whole matter was in General Butler's hands. General Butler said that, as the men would not meet him, he would have no more to do with them. General Butler was asked by Rivers if he would guarantee the safety of the town should the militia surrender their arms. He said that would depend on how the men behaved themselves afterward.

This statement is confirmed by S. P. Pixley. While these negotiations were going on the armed body of white men in the town were concentrated on the bank of the river near the Sibley building. Soon after they were broken off firing began. Men who were in the building say that it was commenced by the whites firing upon the building. Adams gave his orders not to shoot until he directed them to. The company had very little ammunition, and all they had was a portion of that issued to the company when it was first organized.

After the firing had begun it was returned by the militia, and one of the attacking party, McKie Merriweather, was shot through the head and instantly killed. After this a piece of artillery, said to belong to the Washington Artillery, of Augusta, was brought over from Augusta and four charges of canister were fired from it upon the armory, but without injuring any one. The persons in the armory escaped from the rear by means of ladders, and hid in under floors of adjacent buildings, or wherever else they could find shelter.

The first man killed by the whites was James Cook, town marshal. He had been in the armory, but was not a member of the company. He had gone into the street from the rear of the Sibley building, and was at once fired on and fell dead instantly, pierced by five or six bullets.

Afterward the whites began their search for the members of the company. They succeeded in getting about twenty-five colored men as prisoners, some of whom were never members of the company. As fast as the men were captured they were taken to a place near the South Carolina Railroad, where a large party of armed men stood guard over them.

None of those thus captured had arms in their hands.

Subsequently, and at about two o'clock a. m., six men took A. T. Attaway out of the "ring." He and his mother begged for his life, but in vain. He was then told to turn round, and was shot to death by the crowd.

David Phillips was next taken out and was similarly killed.

Pompey Curry was next called out. He recognized among the bystanders Henry Getzen and Dr. Pierce Butler and called on them to keep the other men from killing him. He ran, and was shot at as he ran, one bullet striking him in the right leg below the knee.

Afterward Albert Mynland, Moses Parks, and Hampton Stevens were killed. Stevens did not belong to the company. Nelder John Parker, who has been commonly referred to in the newspaper reports as John Thomas, was corporal in the company.

When he was arrested and taken to the spot where the other prisoners were, he recognized among the party two gentlemen of Augusta, named Twigg and Chaffee. He appealed to them for protection. They said he should not be hurt. He states that General M. C. Butler asked him if he was one of the d—d rascals. The reply was in the affirmative. He was then shot in the back. Messrs. Twigg and Chaffee then said if he was shot again they would shoot the ones who did it. They took him off, and had him taken to Augusta. He was shot before Attaway was killed. He may recover from his wounds.

One Butler Edwards was taken as a prisoner. He says he was taken before General Butler, who at that time was in the street near the Sibley building. This was about twelve o'clock.

Threats were made to shoot him. General Butler directed that he be taken to the others. He recognized among the crowd one Captain Carwile and — Dunbar, of Augusta; said he had a long talk with the former. He was among the prisoners who were let loose and told to run; as they ran they were fired at and he was shot in the head. He was not a member of the company.

Willis Davis, one of the members of the company, was taken to the place where were the other prisoners. The man stated that John Swaringer, of Edgefield county, had charge of the prisoners. He states that he saw General Butler before the men were killed, who asked him what he was doing, and told him he would have enough of it before he got through. He was shot in the arm, near the elbow, when about twenty paces distant from the crowd. The ball is still in his arm, and he suffers much pain. He also states that some of the young men from Georgia remonstrated against shooting the prisoners, but in vain.

Besides the killing and wounding of the men herein named the party broke open several stores and houses and, in some instances, robbed the inmates. They took from Mr. Charles Koll, the postmaster, and a very respectable white citizen, a gun which he had in his store, and his private property. From an old colored man named Jacob Samuels, in his employ, they took a watch and set fire to his house. They broke open the house of Trial-Justice Rivers and did much damage, as well as robbed him of clothing. They obtained kerosene oil and attempted to set fire to a house, but were prevented by Colonel A. P. Butler from doing so. The ropes of the public wells were cut and some fences were torn down.

So far as I can learn the primary object of the whites was to take away from the militia their arms.

The man Parker, who was wounded, states that on Friday, the 7th instant, he had a long talk with one Harrison Butler (white) on Broad street, Augusta. Butler told him that if Rivers did not give orders for the militia to give up their arms they would take them any way on the next day.

On Saturday rumors were abroad in Hamburg that there were armed parties coming in to take the guns, but little credit was attached to them.

One of the white citizens of Hamburg heard a conversation between David Phillips and General Butler in the afternoon. Phillips talked very "big," as the gentleman said, and General Butler told him that they wanted those guns and were bound to have them.

In the afternoon Colonel A. P. Butler went to the various stores in town and told the proprietors that they must not sell any liquor to his men. In spite of this, however, some of the men compelled one of the storekeepers to furnish them liquor. From the same person they obtained kerosene oil to use in setting fire to a house.

The whites were armed with guns and small arms of various kinds, and many of them had axes and hatchets.

It is proper to state that the intendant of Hamburg, Mr. Gardner, was informed by General Butler, in an interview with him, that the arms of the company must be given up.

Trial-Justice Rivers is now holding an inquest, and taking testimony of witnesses. Until their verdict is rendered, it will be impossible to tell who were engaged in the attack on the militia and the subsequent killing and wounding of the colored men.

It may be possible that a careful judicial investigation may show some slight errors in some of the minor details stated in this report. But making due allowance for such errors, the facts show the demand on the militia to give up their arms was made by persons without lawful authority to enforce such demand or to receive the arms had they been surrendered; that the attack on the militia to compel a compliance with this demand was without lawful excuse or justification; and that after there had been some twenty or twenty-five prisoners captured and completely in the power of their captors, and without means of making further resistance, five of them were deliberately shot to death and three more severely wounded.

It further appears that, not content with thus satisfying their vengeance, many of the crowd added to their guilt the crime of robbery of defenseless people, and were only prevented from arson by the efforts of their own leaders.

Yours, very respectfully,

WILLIAM STONE,

Attorney-General South Carolina

Hon. D. H. CHAMBERLAIN, Governor.

PROTECTION OF TEXAS FRONTIER.

SPEECH OF HON. ROBERT SMALLS,

IN THE HOUSE OF REPRESENTATIVES, JULY 8, 1876.

Mr. SCHLEICHER. I now renew my motion that the House resolve itself into the committee of the whole on the state of the Union for the purpose of resuming the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande. Pending that motion I move that all debate on the pending section and the amendments thereto be limited to twenty minutes.

Mr. SMALLS. I ask the gentleman to allow a little more time. Twenty minutes will allow only ten minutes for each side. I hope the gentleman will agree to give at least an hour.

Mr. GARFIELD. I trust the gentleman

from Texas will at least consent to allow thirty minutes. I think that will be satisfactory.

Mr. SCHLEICHER. I accept the suggestion of the gentleman from Ohio [Mr. Garfield] and modify my motion accordingly.

The motion to limit debate in committee of the whole upon the pending section and amendments thereto to thirty minutes was agreed to.

The question recurring on the motion of Mr. Schleicher that the House resolve itself into committee of the whole it was agreed to.

The House accordingly resolved itself into committee of the whole (Mr. Mourou

in the chair,) and resumed the consideration of the joint resolution (H. R. No. 96) to provide for the protection of the Texas frontier on the Lower Rio Grande.

The CHAIRMAN. When the committee rose it had under consideration an amendment to section 1, offered by the gentleman from South Carolina, [Mr. Smalls,] which will be reported by the Clerk.

The Clerk read as follows :

Provided, That no troops for the purposes named in this section shall be drawn from the State of South Carolina so long as the militia of that State peaceably assembled are assaulted, disarmed and taken prisoners and then massacred in cold blood by lawless bands of men invading the State from the State of Georgia.

Mr. SMALLS. I offered that amendment and desire to say a word upon it.

The CHAIRMAN. Debate on the pending section and amendments thereto has been limited by the House to thirty minutes. Speeches have been made for and against the pending amendment, and it will be well for the gentleman therefore to preserve the proper order and submit an amendment to the amendment.

Mr. SMALLS. I move as a formal amendment to strike out the last word.

Now, Mr. Chairman, in offering the amendment which has been read by the Clerk I did it believing that the race to which I belong are being outrageously treated in the district I have the honor to represent upon this floor. Notwithstanding that, sir, the gentleman from New York [Mr. Cox] rose upon this floor and attempted to state to the House and to the country that I had introduced this matter for bad political purposes. If it has been the custom of the gentleman from New York to bring in matters here for bad political purposes, it is not so with me.

That gentleman early undertook to state to the House that South Carolina was the worst-governed State in the United States; that it was rotten to the core—rotten all round its borders. I agree with the gentleman from New York that South Carolina is rotten all round its borders, and for that very reason I have offered the amendment to this bill to cut off that rotten part all round South Carolina so as to let the core stand. It is those rotten parts which are troubling us. We are getting along all right ourselves.

He stated that I vouched for the author of that report. I state again to this House that that report which was read from the desk was signed by an honorable gentleman, a loyal gentleman, one who risked his life for the protection and defense of this Government. I say again I know that if I had given his name to this House in the next few hours it would have been

known at Hamburg, South Carolina, and I would not have given ten cents for his life, for General Butler, the gentleman who was attempted to be made a saint of in this House, would at once have organized another band of Ku-Klux and hunted him down.

I will tell the gentleman from New York that I was vouched for by nearly fourteen thousand majority of loyal men to this Government, and, sir, I will say men of my native State, the State of South Carolina, where I was born and reared. I will ask the gentleman in God's name who endorses him, whether the people of New York or the people of Ohio?

Mr. COX. Both of them. [Laughter.]

Mr. SMALLS. It is a good thing if the gentleman is endorsed by both of them. I do not desire to take up the time of the House, as gentlemen on that side have only seen fit to allow us ten minutes to debate on this question. Thank God, I hold in my hand the official investigation of the attorney-general of that State, and if that report does not place everything charged in that former letter upon General Butler's head, then I do not know how any man can be proved guilty of any crime within the borders of the United States.

I have nothing to say in reference to the complimentary remarks of the gentleman from Kentucky [Mr. Jones] in regard to General Butler. General Butler might have been in the days he knew him everything he has stated in regard to him, but I can tell him that since General Butler left him he has either got into bad company or has been badly advised, for there has not been a row or riot in South Carolina since reconstruction in Edgefield that General Butler has not led; he has been the leader of every riot or outrage perpetrated upon the good people of that State.

Why, sir, this military company is a regularly organized body of the militia of that State. It was celebrating the Fourth of July, and men having no authority at all asked those men to give up their arms.

The CHAIRMAN. The gentleman's time has expired.

Mr. SMALLS. I ask that the report of the attorney-general of the State of South Carolina be printed as a part of my remarks.

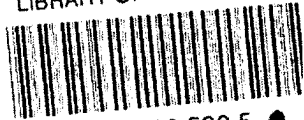
The CHAIRMAN. The Chair hears no objection.

Mr. SMALLS. Also the statement of the coroner and other papers.

The CHAIRMAN. The Chair hears no objection.

The papers referred to are as follows :
(For these reports see pages 13, 14 and 15.)

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THE 'HAMBURG' MASSACRE.

GOV. CHAMBERLAIN'S LETTER.

CONDITIONS THAT LED TO THE SLAUGHTER
—THE ASSAILANTS WHITES AND DEMO-
CRATS—THE ASSAILED BLACKS AND RE-
PUBLICANS—BRUTAL HATRED OF THE
NEGRO AS A FREE MAN, A VOTER, AND
A REPUBLICAN.

WASHINGTON, Aug. 6.—The following is the letter of Gov. Chamberlain, of South Carolina, to which President Grant's letter recently published was a reply:

STATE OF SOUTH CAROLINA, }
EXECUTIVE CHAMBER, COLUMBIA, July 22, 1876. }

SIR: The recent massacre at Hamburg, in this State, is a matter so closely connected with the public peace of this State that I desire to call your attention to it, for the purpose of laying before you my views of its effect, and the measures which it

may become necessary to adopt to prevent the recurrence of similar events. It is, in the first place, manifestly impossible to determine with absolute certainty the motives of those who were engaged in perpetrating the massacre at Hamburg. The demand which was made by the mob upon the militia company for the surrender of their arms, taken in connection with the fact that the militia are not shown to have committed or threatened any injury to any persons in that community, would seem to indicate a purpose to deprive the militia of their rights on account of their race or political opinions. It seems impossible to find a rational or adequate cause for such a demand, except in the fact that the militia company was composed of negroes, or in the additional fact that they were, besides being negroes, members of the Republican Party. Those who made the demand were, on the other hand, white men, and members of the Democratic Party. The lines of race and political party, were the lines which marked the respective parties to the affair at Hamburg. I mention this as a fact, and as apparently the most trustworthy index of the

motives and aims which inspired those who brought on this conflict. As affecting the public peace, however, the effect of this massacre is more important than the motives which prompted it. Upon this point I can speak with more confidence. It is not to be doubted that the effect of this massacre has been to cause wide-spread terror and apprehension among the colored race and the Republicans of this State. There is as little doubt, on the other hand, that a feeling of triumph and political elation has been caused by this massacre in the minds of many of the white people and Democrats. The fears of the one side correspond with the hopes of the other.

I do not intend to overstate any matters connected with this affair, nor to omit any statement which seems to me essential to a full understanding of its significance. It is certainly true that most, though not all, of those who have spoken through the newspapers, or otherwise, here, on the white or Democratic side, upon this matter, have condemned the massacre. Their opposition to such conduct has not, however, sufficed to prevent this massacre; nor do I see any greater reason for believing that it will do so in the future. That class which now engage in this cruel work certainly disregard the expressed sentiments of those who assume to speak for the most part, for their communities; and go forward without fear of public opinion or punishment. It is sometimes asked, Why do not the colored race return this violence with violence? Why do they suffer themselves to be thus terrorized when their numbers greatly exceed those of their enemies in the localities where many of these outrages occur? The answer is not difficult. The long habit of command and self-assertion on the part of the whites of these Southern States; their superior intelligence as compared with the colored race; the fact that at least four-fifths of the property of these States are in their hands, are causes which contribute to give them an easy physical superiority thus far over this recently emancipated race, which still exhibit the effects of their long slavery in their habit

of yielding to the more imperious and resolute will and the superior intelligence of the white man. Add to this that in almost every Southern community there may be found a considerable number of daring, lawless, reckless white men, accustomed to arms and deeds of violence, over whom the restraints of the sentiments of the better and more conservative classes of society have little, if any, power, who are inspired by an intense and brutal hatred of the negro as a free man, and more particularly as a voter and a Republican, and you have the elements which would naturally give rise to, and in point of fact do give rise to, nearly all the scenes of bloody violence which occur in the Southern States. Besides all this, another fact must be noted here, a fact which, in my judgment, marks and explains the world-wide difference between the effects of such occurrences as this at Hamburg upon the mass of the white people here, and the effects of deeds of blood and violence upon the people of other sections of the country; namely, that such occurrences as this at Hamburg have generally resulted in what is thought to be political advantage to the Democratic people here. From this fact it results that the white people here are induced, to a considerable extent, to overlook the naked brutality of the occurrence, and seek to find some excuse or explanation of conduct which ought to receive only unqualified abhorrence and

ought to receive only unqualified abhorrence and condemnation, followed by speedy and adequate punishment. In this way it often happens that a few reckless men are permitted or encouraged to terrorize a whole community, and destroy all freedom of action on the part of those who differ from them in political opinions. The more respectable portion of the white people here content themselves with verbal, perfunctory denunciations, and never adopt such measures or arouse such a public sentiment as would here, as well as elsewhere, put a stop to such occurrences.

In respect to the Hamburg massacre, as I have said, the fact is unquestionable that it has resulted in great immediate alarm among the colored people and all Republicans in that section of the State. Judging from past experience, they see in this occurrence a new evidence of a purpose to subject a majority of the votes of that vicinity to such a degree of fear as to keep them from the polls on election day, and thus reverse or stifle the true political voice of the people. But the Hamburg massacre has produced another effect; it has, as a matter of fact, caused a firm belief on the part of most Republicans here that this affair at Hamburg is only the beginning of a series of similar race and party collisions in our State, the deliberate aim of which is believed by them to be the political subjugation and control of this State. They see, there-

fore, in this event what foreshadows a campaign of blood and violence—such a campaign as is popularly known as a campaign conducted on the "Mississippi plan."

From what I have now said, it will not be difficult to understand the feeling of a majority of the citizens in a considerable part of this State. It is one of intense solicitude for their lives and liberties. It is one of fear that, in the passion and excitement of the current political campaign, physical violence is to be used to overcome the political will of the people. I confine myself here to a statement of what I believe to be the facts of the present situation in this State as connected with the public peace and order, without any expression of my individual feelings and opinions. My first duty is to seek to restore and preserve public peace and order, to the end that every man in South Carolina may freely and safely enjoy all his civil rights and privileges, including the right to vote. It is to this end that I now call your attention to these matters. I shall go forward to do all in my power as Governor to accomplish the ends above indicated, but I deem it important to advise you of the facts now stated, and to solicit from you some indications of your views upon the questions presented. To the most specific, will the general Government exert itself vigorously to repress violence in this

exert itself vigorously to repress violence in this State during the present political campaign on the part of persons belonging to either political party whenever that violence shall be beyond the control of the State authorities? Will the general Government take such precautions as may be suitable, in view of the feeling of alarm already referred to, to restore confidence to the poor people of both races and political parties in this State, by such a distribution of the military forces now here as will render the intervention of the general Government prompt and effective, if it shall become necessary, in restoring peace and order?

It seems proper to add that I am moved to make this communication to you by no motive or feeling save such as should animate me as the chief executive of this State, bound to do justice to all and to oppress none. I venture to say that I have given sufficient evidence by my whole conduct in this office that, as Governor, I am guided by my oath of office and my duty to all the people. I challenge any proof or indication, from any word or act of mine as Governor, that I am capable of doing injustice, or denying justice, to any citizen of this State; but I do deem it my solemn duty to do my utmost to secure a fair and free election in this State; to protect every man in the free enjoyment of his political rights, and to see to it that no man or combination of men, of any political party, shall overawe or put in fear or

danger any citizen of South Carolina in the exercise of his civil rights. In accomplishing these results I now recognize, with deep regret, that there are many indications that it will be necessary for me to invoke the aid which under the Constitution and laws the authorities of the general Government may extend under certain circumstances. And I trust you will permit me to add that I know of no official duty more binding, in my judgment, on the Chief Executive of the United States than that of exercising the powers with which he is invested for the protection of the States against domestic violence, and for the protection of the individual citizen in the exercise of his political rights whenever a proper call is made upon him. I understand that an American citizen has a right to vote as he pleases; to vote one ticket as freely and safely as another; to vote wrong as freely and safely as to vote right; and I know that whenever, upon whatsoever pretext, large bodies of citizens can be coerced by force or fear into absenting themselves from the polls, or voting in any way contrary to their judgment or inclination, the foundation of every man's civil freedom is deeply if not fatally shaken.

I inclose for your information respecting the Hamburg massacre the following documents: The report of Hon. William Stone, the Attorney General of this State; the report of Gen. H. W. Parvis, Adjutant and Inspector General; a copy of all the evidence taken before the Coroner's jury, a copy of the printed statement of Gen. M. C. Butler, a copy of a letter addressed by me to Hon. T. J. Robertson, an address to the American people by the colored people of Charleston, and a similar address by a committee appointed at a convention of leading repre-

sentatives of the colored people in this State in
Columbia on the 20th inst.

I have the honor to be your obedient servant,
D. H. CHAMBERLAIN,
Governor of South Carolina.

The President.

The New York Times

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SOUTH CAROLINA IN 1876.

TESTIMONY

AS TO THE

DENIAL OF THE ELECTIVE FRANCHISE

IN

SOUTH CAROLINA

AT THE

ELECTIONS OF 1875 AND 1876,

TAKEN UNDER THE

RESOLUTION OF THE SENATE OF DECEMBER 5, 1876.

IN THREE VOLUMES.
VOLUME I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1877.

In historical parlance this is referred to as
US Congressional Serial Set 44th-2nd S.misdoc 48

SOUTH CAROLINA COMMITTEE.

SENATOR ANGUS CAMERON, CHAIRMAN *Wisconsin.*
SENATOR ISAAC P. CHRISTIANCY *Michigan.*
SENATOR AUGUSTUS SUMMERFIELD MERRIMON *North Carolina.*

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Harry
Mays
Testimony

"We'll attend to them." They carried us about twenty yards from where we went the first time, and they stopped us in a ring and all circled about us and said, "Stop here;" and we all sat down in the dirt and sand.

Q. How many colored men were there then?—A. Between twenty-five and thirty—about thirty, I think—and he says—

By Mr. CHRISTIANCY :

Q. Who said?—A. A man by the name of John Swaergen, (Swearin-gen?) He was acting as captain over the killing. So they went out in a crowd, and had a big piece of paper about so big, [illustrating with his hands,] and went off a piece—about twenty yards from us—the whole cluster of them together. I saw them go. Then they came back. The first man they killed was Attaway. I sat there. I was talking right ahead then for my own life, and one of them says: "You hush! God damn you, you talk too much!" I said: "I am going to talk. It is life or death with me, and I am going to talk for my life." Then they called Attaway. Attaway says, "Gentlemen, I am not prepared for death." Some of the white men said, "I don't care." I don't know who it was. Attaway says, "Will you allow me to prepare to meet my God?" They said, "I don't care; we are going to kill you;" and they took him off over the hill, and I heard the guns fire. When they come back they called for Dave Phillips. Dave got up just like a soldier. He looked like he didn't care no more for it than he would about eating, and he walked right along. I heard the guns fire, and they came back, but Dave didn't come. Then they came back and called Pompey Curry. He was sitting right by me. Me and him was cousins. I says, "Pompey, you run," just so, and Pompey got up and darted out, and got away from them.

Q. Did they shoot at him?—A. Yes, sir; they shot him right here, [pointing,] but the ball only scalped his leg, and he got away. The next one they killed was Hamp Stevens. He was sick. He says, "O, gentlemen, I haven't done nothing." They says, "Come out here." He was a big mulatto fellow—a young man. They took him out, and I heard the guns fire, and they came back, but Hamp didn't come. The next time they called Alfred Minyard. He was a small fellow, and was sick. He was grown, but he was only a little fellow. One of the white men said, "O, let that boy alone; he is sick;" but they said, "O, God damn him; we'll fix him too." I heard the guns fire, and they came back, but Alfred didn't come. That was the last one they killed. He didn't die then, not till the next day, at nine o'clock. I saw him after he was killed, and I saw where they had cut off a big piece of meat from off his rump.

D. L. ADAMS—AIKEN COUNTY

COLUMBIA, S. C., December 16, 1876.

D. L. ADAMS (colored) sworn and examined.

By Mr. CAMERON :

Question. Where do you live?—Answer. I live in Hamburg.

Q. How long have you lived there?—A. I have been living in Hamburg about two years and six months, I guess.

Q. What is your age?—A. I was thirty-eight years old on the 4th day of July.

For continuation of Harry Mays's testimony see page 138, commencing with Mr. Cameron's first question, near bottom of page.

Q. Where did you live before you went to Hamburg?—A. In Augusta, Ga.

Q. How long did you live there?—A. I have lived there about twenty-five or twenty-six years—about twenty-six years, I guess.

Q. Of what State are you a native?—A. I was born in the upper part of Georgia, Talbot County.

Q. Where had you worked or lived?—A. I generally have worked in Augusta, Ga., up to the 8th of July. I haven't been in Augusta since that time.

Q. On what day did the Hamburg massacre take place?—A. On the 8th of July.

Q. Where were you on the 4th of July?—A. I was also in Hamburg.

Q. I will ask you if you were captain of the colored militia company in Hamburg at that time?—A. Yes, sir.

Q. Of how many men did that company of militia consist?—A. It consisted of eighty-four members. It was called Company A, Eighteenth Regiment National Guards.

Q. State whether or not it was organized under the State laws?—A. It was organized under the State laws.

Q. How long had it been an organized company?—A. It had been an organized company some five or six years, I think, or probably more.

Q. How long had you been captain of the company?—A. I had been captain of the company, I guess, about seven or eight months—some-where about that, as near as I could come at it.

Q. Who were the other commissioned officers of the company?—A. Louis Cartledge was first lieutenant; A. T. Attaway was second lieutenant.

Q. How frequently did the company meet for military drill or exercise?—A. According to the rule and according to the law we drilled once every month; but after I got to be captain of the company I drilled them about once or twice a week.

Q. State whether or not the company had a hall or armory?—A. It had a hall; we called it an armory.

Q. How was the company armed?—A. With thumb-loading rifles.

Q. State what occurred on the fourth day of July; begin with the beginning and go through with the narrative.—A. On the fourth day of July, about six o'clock in the evening, or probably half past five, to be sure of it, I took the company out on parade. As we were going up a street in Hamburg called Market street, about six or half past six o'clock, I guess it was, there was a man by the name of Henry Getsen, and Tom Butler, son of R. J. Butler, and also a son-in-law of H. J. Butler, all white men. They had been on one side of the street, sitting in a buggy, looking at us drill up and down the street, I reckon, for about half an hour. After a while they went back down the street from where we were drilling, and went around on the street called Main street. Afterward they came back on the street. I was at the upper part of the street, and we were going down, marching by fours, in what is called an interval march, open order, having an interval between ranks, I suppose, of twenty or thirty feet.

Q. How wide was the street?—A. It was one hundred and fifty-eight feet wide, and we were about the center of the street going down. They turned the corner and came up the street in a slow trot. I saw that they intended to drive through the company, and I halted the company, and then they stopped. I was at the head of the company, and I went around in front of their buggy and said to him, "Mr. Getsen, I do not know for what reason you treat me in this manner." He asked me,

"What?" I said, "Aiming to drive through my company, when you have room enough on the outside to drive in the road." He said, "Well, this is the rut I always travel." Said I, "That may be true; but if ever you had a company out here I should not have treated you in this kind of a manner." Said I, "I would have gone around and showed some respect to you." "Well," said he, "this is the rut that I always travel, and I don't intend to get out of it for no d—d niggers." Said I, "All right; I won't hold any contention with you; I will let you through." So I gave command to the company to "open order," and let him go through; so he went on through, and I then went on down to the hall. Some of the men seemed to have got a little frustrated because they drove through the company, and commenced talking, but I ordered them to hush, and carried them in the hall and dismissed the company. On Monday his father-in-law came down and took out a warrant.

Q. Mr. Getson's father-in-law?—A. Yes, sir.

Q. What was his name?—A. Robert J. Butler. He took out a warrant, and on Tuesday morning I received a summons. The constable brought it to me, and, after looking at it, I told him that it was all right; I would be there at the time designated. Sure enough I went.

Q. Before what justice?—A. Before Trial-Justice Prince Rivers. So I went down to the court at the time designated, and when I got there Rivers read—I don't know what you call it—but anyhow he did not say that it was a warrant. I asked him if it was a warrant, and he said it was not. He was general of the militia organization, major-general of the State.

Q. Butler was?—A. Rivers was. And he said he wanted to find out from the evidence in the case—he wanted to hear the officers' testimony and afterward he wanted to find out whether it would be a case that would be suitable or a case calling for his court-martialing officers, or whether it would be a case to prosecute them before a court. He went on to hear Getson's testimony, and after he got through, if I mistake not, he heard Tommy Miller's evidence—no, he had just heard Getson's evidence. After he got through, he told me, "As you have no counsel you can ask any question of the witness you desire." So I asked him a few questions, and at the same time, said I, "Mr. Getson, did I treat you with any disrespect when I spoke to you or didn't I treat you politely?" He said, "I can't say that you treated me with any disrespect, but I can say this much, that there was one or two members of the company that showed some impudence to me, and also I saw them load their guns." I said, "Mr. Getson, didn't you see me examining the cartridge-boxes and also the pockets of the members of the company to see if they had any ammunition, before they went on drill?" He said, "Yes," he did. Said I, "Did you see any?" He said "No, I didn't." I made him recollect this; said I, "Didn't you know that I found one man with a cartridge in his pocket and I took it away from him and scolded him about it?" He said "Yes," he did. Said I, "Well, then, are you certain that these men loaded their guns?" He said, "I saw them move their guns and I thought they loaded." Whilst I was asking that question, Rivers, the trial-justice, said to me, says he, "I don't want you to treat my court with contempt." Said I to him, "Judge, I don't mean to do that, if I know myself. I never expect to treat any lawful officer with any contempt," and said I, "I was only asking the question, and if the question is not legal then I don't want to ask him." Before he could say anything to me I was taking my seat, and said I, "I will ask the witness no more questions, but will leave it to your discretion." He then said that sitting down was contempt of court

I told him if it was he must excuse me, as I was not accustomed to law, and if it was any contempt I was then asking his pardon for it, for I did not mean contempt of the court. He said it was contempt and he would put me under arrest, and he dismissed the court until Thursday; I think it was Thursday; it was on the 8th of July, anyhow. I was also, then, under arrest with the constable. He went out to his dinner and came back again, and when he came back he asked me if I would retract. I told him I did not know what he meant. He said if I was willing to beg pardon of the court he would excuse me from the fine. I told him, well, if I had contempered the court I was willing to ask pardon of the court. He said, well, he would relieve me of the fine, and I was to appear again on the 8th of July, at half past four o'clock. I told him, all right, I would appear. So it passed off, then, until the 8th of July. During that time I heard a great many threats that were made. These persons would send me notice at different times of what they had heard; what they were going to do with me on that day. I did not pay any attention to them; did not give no notice to them at all. The day before the trial, (on the 7th of July,) I went home to dinner at one o'clock, and when I got home to dinner it was not ready, and it was very warm, and the company's drill-room was joining my house where I lived; it was a part of the house, and I could pass right out of my bed-room into the drill-room; so I went out of my bed-room into the drill-room, and I was sitting by the window when a man by the name of Mr. Melen, (Meling,) (a white man and a preacher,) him and some other white man were together, and were right by the drill-room, and I got up and looked out of my window and I heard them say, "That's where that d—d militia company drills;" and, said he, "To-morrow they are going to have a trial, and we intend to kill the captain of that company before he gets away from that court." Well, I heard a great deal of big talk and of threats, but I did not pay any attention to them. Sure enough, on the 8th of July I came home from work as usual, and I did not go back with the expectation of attending to court. About two o'clock R. J. Butler and Tommy Butler, his son, and Henry Getsen, his son-in-law, and Harrison Butler, another son of his, were there, and I was standing out before my door when they came on down. Henry Getsen had a gun; I supposed it to be a sixteen-shooter; it might not have been; there was another fashion of gun at that time, but it appeared to be a sixteen-shooter which he had across his saddle. R. J. Butler and his son Tommy were in the buggy together, and had a sixteen-shooter in the buggy. I supposed from the looks of it they had about seven or eight pistols in the buggy; large Navy pistols. They went on down in the town, and yet I did not pay much attention to that. In a little while there was about thirty men came, armed with sixteen-shooters and double-barreled shot-guns; they were coming in from Edgefield.

Q. How far does R. J. Butler live from Hamburg?—A. One part of his place is in Hamburg and the other just out; I guess from the main part of town he lives three-quarters of a mile, or it may be a mile. I saw about thirty of these men come in, but I did not get scared yet; so about half past two o'clock I reckon there was about one hundred men in the town of Hamburg, all armed, some with pistols and some with guns also.

Q. White men?—A. White men; they were getting drunk very fast, or drinking liquor and appearing like they were drunk, and saying they were going to kill every God damned nigger in Hamburg that day, and especially Dock Adams; that was myself. So, hearing all this, I

went down to Judge Rivers's house and told him, said I, "Judge Rivers, I can't appear before your court to-day, for I feel that you are unable, and your court is unable, to protect my life, and I believe my life to be unsafe; I am willing that you should go to work and draw up a bond that you think proper and I am willing to give bond to a higher court, where I think my life will be safe. The reason I come to you to tell you, is because I don't want you to suppose that I treated your court with any disrespect by not coming, but it is because I don't think my life is safe." He stopped and said to me, "Well, you must use your own judgment; of course, if your life is unsafe, and if these men intended to take your life of course I can't protect you. I haven't protection enough to protect you; my constable can't do much." Said I, "That is my belief, and for that reason I don't want to go before your court without you force me to, and then if I am killed you will be responsible." He said, "You can use your own judgment; I shall go to court at the usual time; your name, of course, will be called, and if you don't answer to your name—well," he says, "you won't be there; that is all; you won't be there to answer." So, sure enough, before I got through talking with him a white man by the name of Sparnick—I forget his other name—before I got out of the house this man Sparnick came up to his house and knocked at the door and came in. He said that Mr. M. C. Butler had met him at the store that they call George Damm's, and he said that he would like to see me; that he appeared as counsel for R. J. Butler, and he would like to settle the matter without any difficulty and without going before the court, if it could be settled. I told him, "Well, there is no one more readier to settle it than I am." He said that Mr. Butler wanted the officers of the company, in fact, to meet him. Whilst he was talking another man came in, by the name of Sam. P. Spencer, and said that M. C. Butler also had said that he would like to have a conference with the officers of the company. I told him, "Well, I will go;" but afterward I went to the door and I saw a great crowd down at his place, all armed men, and they were drunk, or playing off drunk; they appeared to be drunk, any way. I went back and told Mr. Spencer to go and tell General Butler that I would meet him, but I would like for him to come away from where those men were, and that I was willing to meet him at Spencer's house. So Spencer went back and told him, and he agreed to meet me there. In this time I was in my shirt-sleeves; I had just come from work and had pulled off my coat; so I went back and put on my coat to go down there, and sent word that I would come and meet him. One of the officers refused to go. I told him, well, I would go, and I supposed if I went it would be sufficient; and the first lieutenant agreed to go, but the second lieutenant wouldn't go, because he believed he would be killed; he expressed the reason in that way. I went on down to meet Mr. Butler. Before getting there Mr. Butler left; in fact he didn't go to Spencer's house; he left Mr. Damm's store, after promising to meet me, but he did not go. He got in the buggy and went on across the river to Augusta. I desire to alter that; he didn't go to Augusta at that time; he went on to the court, where we were to meet the court at. He came on up where Rivers lived and said that the time to meet the court had come and he was ready to go to court and he was going on there. Rivers got his book and went on down to the court. I didn't go, but they went. I couldn't tell you—I couldn't tell you, but if I was to tell you it would be what I heard, and that wouldn't be relative, I suppose. General Butler came back from the court and sent word for me to meet him at the council-chamber; that was at the town-hall. I sent word back expressing more reasons,

that the men were still gathering in the town and that they had expressed themselves as going to kill me on sight, but that I was willing to meet him to settle the matter any way that it could be settled, that was right, but that I couldn't go down to the council-chamber; that his men were all around him, and he had already expressed himself that he couldn't control them; that they were drunk, and that I wouldn't be able to go to him, but that if he was willing and wanted to see me of course he could go where I could make it convenient to see him. He said he wasn't going nowhere else, and right there I had to come. So I said I wasn't going to that place. Then he left the council chamber and went on around to Augusta.

Q. About what time did he go to Augusta?—A. He went to Augusta about 5 o'clock in the afternoon, as near as I can guess at it. He came back from Augusta with a man by the name of S. B. Picksley, who, I think, was on the committee; and he met him and had a talk with him. I don't know what that talk was.

Q. How long did he remain at Augusta?—A. He remained, I suppose, about twenty-five or thirty minutes. He came on back. The intendant of the town went to him and told him that there was a great many women and children, and he believed there was going to be a fuss, and he would like to have some time to get the women and children out. He told me, I think, that he would give him fifteen minutes to get them out. He asked him, then, wasn't there any way in the world that that matter could be settled without a difficulty. He said the only thing that would settle the matter was for the company to surrender the arms and the officers to him, and he wanted an answer from me. I sent word back to him that the arms that were borne by that company belonged to the State; that I had received those arms in my charge, and was responsible for them, and I couldn't give them up to no private citizen; but if any officer who had a right to take them would come to me for them, I would give them to him. The intendant of the town asked him, in case the arms were surrendered to him, would he guarantee the safety of the town. He said it depended entirely upon how they behaved. He afterward turned around and said he wouldn't vouch for anything; he had nothing to do with that part. So I sent word, in reply to his answer, that I couldn't give them to him; that I had no right, but he could send any officer that had a right to receive them that would relieve me from responsibility, and I would give them to him. So the major-general came, (that is, Rivers,) and told me what Mr. Butler had said, and all about it, and what he said he would do, and that if we didn't give them up he was going to melt the ball down before 10 o'clock that night. I said to him, "General, I see you are major-general of this State, are you not?" He said, "Yes, I am." I said, "Do you demand these arms? If you do, I will give them to you." He says, "I have no right to do it under the law." I says, "Well, I know, come down to the law about a matter of law, of course I don't believe you have a right to do it; but if you do demand them, to relieve the responsibility of any blood being shed in the town from me, I will give them to you." He said, "No, I don't demand them; I have no right to do it; you must use your own discretion about it." I said, "Well, if that is the way you leave me, I am not going to give them to General Butler." I then wrote a note to General Butler, saying in the note: "General Butler, these guns are placed in my hands, and I am responsible for them, and I have no right to give them up to no private citizen; I can't surrender them to you." He sent me word back that he was going to have them in fifteen minutes. I told him, well, then he would have to take them by force, and

then I would not be responsible for them. So then, after that, he commenced placing his men; in the first place, about twenty-five or thirty horsemen—men mounted on horses—in front of the drill-room, near the river bank.

Q. How far from the drill-room were they?—A. I suppose they were about seventy-five or eighty yards. Then he placed behind the first abutment of the N. and C. O. R. R., he placed about fifteen or twenty, as near as I can guess at it without counting. Down below, on the river, under a large tree, he had some thirty or forty. And there was a well about two hundred yards from the drill-room, and just beyond the well, about fifty or sixty feet, there stood, I suppose, 800 men, all in arms. He placed them all around the square, back of the drill-room, on the street. I forget the name of the street; but it was back of the drill-room. He had men placed all around there, and up on a hill, about five hundred or six hundred yards—may be a little more. I could see him placing men all around town.

Q. He was stationing them there himself?—A. Yes, sir. He was with the men that was doing it. Pick Butler was also in the crowd. Colouel Butler was also carrying out the orders. I could go up on top of the drill-room and see them, and I did so. Then I came down off the top of the drill-room into the drill-room, and I placed my men then where they wouldn't get hurt.

By Mr. CHRISTIANCY :

Q. How many had you in the drill-room?—A. Thirty-eight; I suppose about twenty-five were members of the company, and some others were taking refuge there. Those I didn't call in myself. I only had twenty-five members of the company in the drill-room. After he got all the men placed he sent word back to me to know if I was going to give the guns up; that the time was out. I sent word back to him that I could not give them up; that I didn't desire any fuss, and we had gone out of the streets into our hall for the safety of our lives, and there I was going to remain; that I was not going to give the guns to anybody. He did not send no more answer then. About the time he must have got the word his men commenced firing. There was a signal-gun fired; I suppose it was a signal-gun; it was down the river, sorter. It looked like it fired right up into the air. These horsemen that I was telling you about, that had been placed in front of the drill-room, they were removed before the firing commenced, and went down the street back of the square. I didn't see them after they got out of sight, and don't know where they went; and these men, when that signal-gun was fired behind the abutment of the bridge, fired upon the drill-room. They fired rapidly, I suppose, for about half an hour. They shot out nearly all the window-panes in the building. There were four windows in front, and they shot mighty near all the panes out; I don't think there were two panes left standing in each one of the windows, but there may be three; anyhow, the most of them was shot out; the glass rattled all over the floor. There was side glass and transom lights over the door, and all those were shot out; the men were standing between the windows and behind the wall. After awhile, just about half past six o'clock, I guess, they kept closing up like they were coming up to the drill-room, and after awhile I gave orders to fire, for it was the only chance of our lives to fire, and they commenced firing then. The firing was kept up, I suppose, for about a half an hour from the drill-room, but only every now and then; not regularly. During that time this man that was said to have been shot (Mackey Merrivale) was killed. He was one of the men that was firing from behind this abutment. Then I went upon the top of the

drill-room to see where the largest body of the men was. I had heard somebody holler down the street, and I recognized it to be A. P. Butler's voice; I was very familiar with it; he hollered to a man by the name of Walker McFeeny to go over the river and bring two kegs of powder; that they were going to blow that building up. There was one part of the building that we couldn't see nobody from it. It had then got sort of dark anyway; it was moonshiny, but it was so dark from the trees and houses that were handy to it that we couldn't see them. Of course, then I was afraid that they might do something of that kind, believing that they could do it. I then went to work, and tore up some lumber, and made a ladder, and got out of the back way of the building; there was no way to get down without a ladder; and we escaped from the building the back way.

Q. All of you went out?—A. Yes, sir; we all went out. But before I went out of the building I sent the men out. I seen that in the back part of the yard there was no firing; everything was perfectly still. I had been outside of the building, and went down the street, I suppose, between 200 and 300 yards, to see where the men were, and went all around. I went back in front of the building, and went through front door, the entrance leading up in the hall, and told this Ataway, the first lieutenant; he had got outside somehow or other; he had got scared, and left the building before I knew it. I told him to go down first and receive all the men that were in the building, and keep them together till I came out; that I would stay up there with two or three men, and every once in a while fire and make them think we were in the building, while they were escaping. So he went out, and he got scared, and, I suppose, got excited—I couldn't allege it to be anything else—and controlled off the best part of the company; so when I got to them there wasn't but fifteen men with myself. So I asked for Lieutenant Ataway and the balance of the men, and they told me that he had gone off and tried to carry them off. They said they couldn't tell me where he had gone. Said I, "Men, we are surrounded." I think there was over three thousand men there; they were coming from Augusta at all times, three and four hundred together, all around; the lower part of Market street had been completely blocked up with them for about 200 yards; it looked like just as thick as they could stand; and in the rear street it was the same way, and also on the street called Main street, which runs across. So I told these few men that were there, said I "Men, I don't know how we will get out of here, and there is but one way;" and said I, "You will have to fight pretty rapidly to get out that way."

Q. Had you your guns with you?—A. Yes, sir; we all had our guns. We went out that way, and got out on the street, and had to fight pretty rapidly; in fact, the fight lasted until about half past one o'clock that night before we did get out. None of the men that was with me got killed. One of them got wounded in the thigh, but he managed to get away; he didn't fall or anything of the sort. I carried them away in the upper part of the street and put them down next to the river in R. J. Butler's field. Of course they didn't expect us to go there, he being such an enemy to us. I carried them in there, and put them over by the side of a little branch, where it was very thick with bushes. I was very troubled about these men that had hid themselves, and wanted to get them out. I believed if they were caught they would be killed; the men with the second lieutenant. So after I got these men safe—they were out of ammunition then; they hadn't had very much any way—said I, "You stay here now, and I will go back and find the men, if I cau. I will try to work my way back, and will try to bring them

out." So I did go back. I was shot at, I reckon, over two hundred times before I got in the square; however, I didn't turn my course; I went on. I went back in the square, and I went under most every house there was in the square; that is, I went far enough to call under it. Some one or two, probably three, men answered; the balance wouldn't answer. They were scared, I suppose, and wouldn't answer. I got three of them. By that time I was surrounded and couldn't get out no more, but I carried those three men where I thought they would be safe. I knocked out some bricks under a brick house with the butt of my gun, and told them to crawl under there. That was under a house that was very near to the ground, and was bricked up all the way from the ground. After they got in there I placed the bricks all back just like they were before, very smooth, so you couldn't discover any hole, especially in the night. Then I went back in pursuit of these other men, but I didn't find them. While standing in a little corner field, near a garden, looking out, one of the men, which was the town marshal, run across the garden, and I called him, but I suppose he didn't recognize my voice, as he didn't stop. He ran on and jumped over the fence, and I managed to get up on some part of the trestle of the railroad and could see through it. The moon was shining very bright. The corn made a shade where I was, and of course they didn't see me. They stopped the town marshal; his name was Jeems Cook. Henry Getsen, a man by the name of Bill Morgan, and I recognized one of the men I thought to be Kenlo Chaffee, but I was not certain whether it was him or not, but I knew Henry Gibson and Bill Morgan. I recognized their voices. They stopped him and told him "God damn you! we have got you. You have been town marshal here going about here arresting democrats, but you won't arrest any more after to-ght." Said he, "Mr. Getsen, I know you and will ask you to save my life. I haven't done anything to you. I have only done my duty as town marshal." "Yes," says he, "God damn you, your knowing me ain't nothing; I don't care anything about your marshalship; we are going to kill you;" and they fired. There was four or five men in the crowd, and all of them shot him. He fell. I staid there and saw them taking his boots off, and they took his watch out of his pocket.

By Mr. CAMERON:

Q. Who did that?—A. They were all down in a huddle and I couldn't see who it was took the watch. So some of them said, "By God, I reckon some of us had better go over in the corn-field." Then I moved out of the corn-field. Louis Shiller—his house was in the same square—I went then in his office.

Q. Was Shiller a white man?—A. Shiller was a white man, and a trial-justice also. I went in his office, right under his house. I remained there, I suppose, about an hour. They were breaking in the houses everywhere and shooting people. This time they came to the front door, and broke in the front door of the office. So I went out of the back door into the back yard. They came in there, and they looked around and found what I didn't find the whole hour that I was in there. I suppose they had lights, and found these men that were in there who wouldn't answer me when I called them. They found one or two colored men in there and took them out. I heard them cursing and say, "God damn you, we have got you." They were beating them with sticks and guns, or something.

Q. Did you know any of the men that went into Shiller's house?—A. No; I didn't know any of them. Whilst I was standing in the back yard I could look right into my bed-room window, and also into my sit-

ting-room window, and I saw them taking down my pictures and breaking up the furniture. They broke up everything I had in the world; took all my clothes, my mattresses and feather-bed, and cut it in pieces and scattered it everywhere, destroying everything that I had. I didn't have a suit of clothes only what I had on my back. They took all my wife's clothes, and broke up all my furniture and everything. By that time they commenced getting very thick in the square, and as they commenced getting thick, I jumped over a little cross fence in Shiller's yard; and as I got up on the fence I heard somebody say "Halt!" and I looked over the fence and I saw old man R. J. Butler run out the back part of Lafayette Davis's store, and he shot and I heard him say, "God damn him! I have got him." This was a man by the name of Moses Parks. So he shot him. He turned around and said, "God damn him! I have got him," and shot Parks and killed him. I went then up in the postmaster's house, where he lived. His name is Rawles. I forget his other name. It was a two-story house, and I went up stairs in the veranda, and it had slats all along on the top of the banisters along there in front. It was like the house fronted one street, this way. (Illustrating by diagram on paper.) I was on the back part of it, and here came another street. Right on this street, I suppose, there was over a thousand men. They had their headquarters there, and Gen. M. C. Butler was among that crowd, and every time a party would come in and bring a colored man that they had captured they would bring him right up there to what they called the "dead-ring." They had a "dead-ring" down below me there—I suppose about seventy-five or eighty yards, and that is where they would bring the colored men that they would capture. Every time they would come in General Butler would yell, "Good boys! God damn it! turn your hounds loose, and bring the last one in." That was General M. C. Butler, and also Pick. Butler. They were together most of the time, and they would ask, "God damn it! can't you find that Dock Adams? We want to get him," (that was myself;) and some asked what kind of a man I was, and some would try and agree what sort of a man I was—"a man with side-whiskers and moustache"—and some would roll up their sleeves and write it on their cuffs. One man wrote down my description on the bosom of his shirt, and said, "We'll have him before day;" and I was standing right there, looking at him. I was looking through the blinds, where, I reckon, there was about a half-dozen slabs broke out right at the end, and I could stand there and look at them. I could move back where they could not see me, and it was dark anyhow. So I staid right there till day. I guess that was about between two and three o'clock. So finally time commenced running out, and they said, "Well, we had better go to work and kill all the niggers we have got. We won't be able to find that son of a bitch."

Q. Could you distinguish who said that?—A. Well, I don't think I could tell who it was that made use of the expression. It was made in the crowd. Some said, "We had better kill all," and some would say, "We had better find out." From what I heard men say, General Butler had moved men around to the corner house, on Main street, in the rear of the building, and had made that his headquarters. Some would say, "We will go around to Davis's store and there we will find General Butler;" and then he says, "We will do just whatever he says." Some of the men would say, "We had better kill all, because, if we don't, they will give testimony against us some day to come." So they had quite a wrangle among themselves at one time, because some of them did not want to kill all. They wanted to pick out certain men, and

some wanted to kill all, and they got up quite a fuss, and talked about shooting among themselves about it. Finally, there was a man from Augusta—I know the man well, but I can't think of his name now, to save my life; he has a kind of a curious name, and I have been trying to think of his name ever since I have been here; but anyhow he told them that they had better have a court-martial of twenty men, and whatever that court-martial decided on, then do it. So they agreed to that; they went off, and when they came back they had the men's names that they intended to kill down on paper, and called them out one by one and would carry them off across the South Carolina Railroad, by that corn-field, and stand them up there and shoot them. I saw M. O. Butler. He came around there once, about the time the court-martial was decided, and was telling them what men to kill and what men he wanted to be killed; and I heard him call Attaway's name distinctly, and another by the name of Dave Phillips. The other names I could not hear. They wanted to kill some who got away.

Q. You heard Butler call those names as the names of the persons who were to be killed?—A. Yes, sir; I did. The men seemed to be very much dissatisfied, and they said that General Butler ought to kill the last one of them. They wanted to kill all of them, and they were sort of dissatisfied about it. Some said they would go off home, because they would not kill all.

By Mr. CHRISTIANCY:

Q. What did this Georgia man do?—A. He said there ought to be a court-martial; he was not in favor of killing all. There was one or two men taken out of the ring that they wanted to kill, and carried over in Georgia by some one or two of the Georgians. They got a man by the name of Spencer Harris, who was in the dead-ring, and they slipped him off; also Gilbert Miller; and they carried another young man by the name of Frank Robinson across the river to save his life. A man by the name of Pompey Curry, he was to be killed. They called him, and when they called him he answered to his name, and then jumped and run at the same time. They shot him down, but he got up and got away at last; he lingered a good while, but he is up there now. He has never been able to be out much since.

By Mr. CAMERON:

Q. What time of the day were these last men that you have mentioned shot?—A. They were shot, I guess, about 3 or 4 o'clock in the morning.

Q. Was it daylight?—A. No, sir; it wasn't quite daylight; the moon was shining very bright—about as bright as ever you seen it shine. It appeared to me that the moon shone brighter than it ever did before.

By Mr. CHRISTIANCY:

Q. You did not want it to shine half so brightly?—A. No, sir.

By Mr. CAMERON:

Q. How many were shot at that time?—A. There was four men killed out of that dead-ring.

Q. Give the names of those who were killed.—A. The first was A. T. Ataway, the first lieutenant; the next was David Phillips.

Q. Was he a member of your company?—A. He was; he was the armorer. The third one was Alfred Miuyon.

Q. Was he member of your company?—A. Yes, sir; he was. There was another one—I can't think of his first name, but his last name was Stephens; but he was not a member of the company.

By Mr. CHRISTIANCY :

Q. They are the ones that were killed in the dead-ring?—A. Yes, sir. Then there was Getsen and Morgan, making in all six. There was two wounded, but they were not killed. Pompay Curry was called up to be killed, but he run away.

Q. Was he a member of your company?—A. Yes, sir; he was a member of the company; and a fellow by the name of Eugene Banks, he was also wounded, but not killed.

Q. How long did you remain in the house?—A. I remained in the house until the main crowd had dispersed, except some few stragglers. I remained there until you could just discover day. I came down then out of the building from where I was and went out of the back lot and looked at Jimmy Cook, the town marshal, that was killed by Getsen and Morgan; and afterward I went right on out through the back way down and got on the South Carolina Railroad, and I then came to Aiken.

Q. How far is that from Hamburg?—A. Seventeen miles from Hamburg. We had a good many in this dead ring, I suppose some twenty-five or thirty. They just went into their houses and took them out of their houses—men who had taken refuge in their own houses to save themselves, and had nothing to do with the affair.

Q. They did not kill them?—A. No, sir, only Stephens; they took him out of his house and killed him. I heard—I am not able to say who the men were, there was such a crowd—but right near where I was standing they expressed their reasons why Minyon and Stephens were killed. A man by the name of Lamar, (I forget his other name—I am sorry I can't recollect it,) but it was from some previous falling out that they had had at some sale prior to that, and he wanted him killed on that account; that was expressed in my hearing by some of the men. Also Stephens was another man that some man had a grudge against him; but these others were killed down there simply because they were leading republicans, and also belonged to that company.

Prior to the difficulty—I reckon about two months before the 4th of July—Harrison Butler, one of R. J. Butler's sons, was in conversation one morning with me, John Thomas, Pres. Williams, and John Bird, and, if I mistake not, a man by the name of S. B. Picksley. He told me that the democrats had made it up in their own minds, and they had organized all over the State, and also had about thirty men from Texas and Mississippi to come in this State, and they were feeding them, organizing all of the white men into certain different clubs, and before the election that there had to be a certain number of niggers killed, leading men, and if they found out after the leading men was killed that they couldn't carry the State that way, they were going to kill enough so that they could carry the majority. He said he had nothing to do with it; that he wasn't a member of any of these clubs; that all he had to do with was on his own plantation and the people that lived on it, and if any man interfered with them he should protect his home. But he said that it was a fact that that was to be done, and he said in the presence of all these men that it had to start right in Hamburg. He said Hamburg was the leading place of Aiken County, and if they could be successful in killing those they wanted to kill in Hamburg, they would certainly carry the county; but it had to be done in all the counties; that there was no way to prevent it. I says, "Supposing that the colored men should have a poll to themselves and the white men to themselves?" (I was just suggesting that to draw him out.) He said, "It don't make a damned bit of difference what sort of polls they have;

these men have got to be killed; the white men have declared that the State has got to be ruled by white men; we have got to have just such a government as we had before the war, and when we get it all the poor men and the niggers will be disfranchised, and the rich men would rule. We can't stand it and won't stand it." And he told me then, "Jimmy Cook and Dan will certainly be killed." I asked him why? He said there was men who had a plenty against them, and they would kill them sure. Said I, "Mr. Butler, will I be in that number?" He said, "No; I don't know whether your name is down or no; but it depends entirely on how you behave yourself." There was one boy that was drummer in my company. He was a minor (under age,) and by request of his mother we allowed him to be a drummer in the company. They took that boy up and whipped him.

By Mr. CAMERON:

Q. Who did that?—A. Old man Butler did that.

By Mr. CHRISTIANCY:

Q. Was that before the Hamburg riot?—A. Yes, sir; just prior to that. They had him whipped once or twice. He whipped him once, and then made his mother do it. He just got up and told her she had to do it. After that I received a note. The note was destroyed when all of my papers was destroyed. I received a letter with my name, and specifying a dozen or two different names that was in the vicinity of Hamburg that had to be killed, and I was sure to be killed.

By Mr. CAMERON:

Q. You may give the names of any of the others that you can recollect?—A. James Cook, and Ataway, and Anderson Minyon, and Sam. Spencer, Charley Griffin, Mortimer Mimms, and I don't know that I can think of the balance; but I had the names of all of them.

Q. That letter had no name to it, I suppose?—A. No, sir; it had no name to it.

Q. How did you receive it—through the post-office?—A. I received it through the post-office.

By Mr. CHRISTIANCY:

Q. How long before the Hamburg affair?—A. That was about three weeks before that.

By Mr. CAMERON:

Q. How old a man is Harrison Butler?—A. I should judge that Harrison Butler was about thirty-six or thirty-seven; I don't know certain. He is a son of R. J. Butler.

He said they had a wild man there from Texas who had been killing people for four or five years; they said he was in the Mississippi fracas; and they said he didn't have more than a word and a blow with a man before he would shoot him right down.

Q. Where have you been since the Hamburg affair?—A. Well, sir, I have been the most of my time in Aiken; I couldn't possibly stay at home. Whenever I would go home and stay a night or two I would have to lay out in the woods. My wife would be up there, but in fact I had nothing else in the world; I had no furniture, nor nothing; I had to let my wife remain there with her mother in Augusta; but since that time I couldn't go into Augusta. There was men over there, on account of that fuss, who expected to be arrested, and they have sworn to kill me if I ever put my foot there, and my wife would see me, and I would lay

out in the woods all night. I just laid in the woods regularly from that time; I couldn't sleep in the house.

Q. Have any of the other colored people of Hamburg been compelled to lie out in the woods?—A. O, yes, sir; there has hardly been a time since that riot until just since the district attorney has been down there arresting some. They may have probably run into their houses now and then since that time and prior to that time; but a man daresn't sleep in his house; he couldn't sleep in his house.

Q. Did the women and children sleep in the houses, or did they go out too?—A. Some few of them had to be up all night. Some of the women have got to laying out in the woods.

By Mr. CHRISTIANCY:

Q. During the night while that crowd of armed men were around there, and when they were killing these colored men, was anything said about politics?—A. Yes, sir; that was the whole talk all the time. You could just hear it all the time: "By God! we will carry South Carolina now; about the time we kill four or five hundred more we will scare the rest." You could hear them say, "This is only the beginning of it. We have got to have South Carolina; we have got to go through; the State has got to be democratic; the white man has got to rule; this is a white man's government!" Politics was used all night long, all the time; even in the evening, before it begun, you could hear, "We are going to redeem South Carolina to-day!" You could hear them singing it on the streets, "This is the beginning of the redemption of South Carolina." And they allowed there was no court in South Carolina that would try them; that every hundred years the law run out, and there was no law now. They tell it constantly up about Hamburg that they ain't begun to kill out what they are going to kill. They, most all of them around there, say they intend to kill me, if I am the last man on earth; and I have received from time to time, I reckon, a dozen notes. I have got some now, and I wish I had known I would be called in, and I should have presented them.

Q. Do you think it safe for you to return to Hamburg?—A. No, sir; it is not safe for me to be there, but I am compelled to be there; when I am elsewhere I am on expenses; I haven't been able to make five cents since that time; I am afraid to work.

By Mr. CAMERON:

Q. What is your business?—A. I am a boss-carpenter by trade.

Q. Have you heard threats made to colored people since the Hamburg riot, or at any time during the summer?—A. Every day.

Q. State generally what the nature of these threats was?—A. Well, even up to the election and since the election, it has been usually expressed that they were going to kill out all the radicals, and all those that didn't vote the democratic ticket they would kill. They said there would be clubs after the election until the next election, and every colored man that didn't join the clubs they were going to kill, if they lived in South Carolina.

Q. You have heard those threats yourself?—A. I have heard them myself time and time again. I have heard men make use of it more times than enough, different times. It is a regular thing in my part of the State. About Hamburg and further down in Edgefield, which controls that part of Aiken County, or tries to do it, they are the worst set of men you ever seen in your life. This Getsen is the prime leader of all the difficulties and crowds that have been brought in there since the Hamburg riot; he would go to Augusta and select the men

and bring them in there. Whilst they were arresting these men he would lay in Augusta and creep over at certain times of night and go back. But since they have been expecting court to go on here, I showed the district attorney a letter to-day that was received from there yesterday morning by Harry Mays. He shot the second time at a man named Charley Turns, a blacksmith; and Dr. Ingall shot at him Sunday night with a double-barreled gun, and Henry Getsen shot at him with a sixteen-shooter.

Recalled December 22, 1876.

By Mr. MERRIMON:

Question. Why did you leave Georgia to move to South Carolina?—

Answer. Well, sir, my first reason for leaving Georgia, it was because that the colored men were so oppressed over there in their opinion. They could not exercise their political opinion as they wished, and I did not desire to be oppressed that way, and moved to South Carolina on that account.

Q. Were you not charged with being implicated in an insurrection of negroes in Georgia about two years ago, of which General Morris was the leader, in Jefferson and other counties; and did you not leave Georgia on that account?—A. No, sir; I did not; I never was charged with it, either.

Q. Did nobody ever impute that to you?—A. No, sir.

Q. Why were you elected as captain of the company of militia that paraded in Hamburg on the 4th of July, and how and where were you elected?—A. Well, I don't know; I suppose I must have been the choice of the members; I don't know otherwise.

Q. When and where were you elected?—A. I don't exactly know now, but I think I was elected in—I could not recollect certainly now, but about six or seven months before the difficulty happened; somewhere about that time.

Q. When and where did the organization take place?—A. We had a hall at that present time situated in the town of Hamburg; a man by the name of Sam. Spencer's hall and warehouse it was called. We used that for a hall at that time.

Q. And you were elected there?—A. I was elected there, sir.

Q. Under what law of South Carolina was your company organized?—A. Under the militia law.

Q. The general law on the subject of the militia?—A. Yes, sir. The company was organized about six or seven years ago, I think. The company had had one or two captains besides myself. General Rivers, who is now major-general of the militia, he was the first captain of that company; the second captain was a man named ———, who is colonel of the regiment, was captain of them. The company remained under the control of the first lieutenant, Carteledge, for a while until I was elected captain.

Q. It was organized under the law of 1869 or 1870 first?—A. Yes, sir; I think it was; and then it was re-organized under the law. I don't know exactly when it was organized first.

Q. Was it re-organized at that time when you were elected?—A. The company had been re-organized before that time.

Q. You were not elected at the re-organization?—A. In the first re-organization I was not.

Q. If I understand it, there was a law passed about 1869 or 1870 providing for the organization of the militia, and this company was organ-

ized under that law, or purported to be, and then there was an amendment of the law, and they had to re-organize?—A. Yes, sir; this company first belonged to the ninth regiment of national guards, and it was re-organized under the eighteenth regiment.

Q. Well, when it was re-organized, how many men were in it?—A. Well, when it was re-organized, I think there were 84 or 85 members to it.

Q. At the time of the re-organization?—A. Yes, sir; there were 84 or 85 members to it when I was elected captain.

Q. Active members?—A. Yes, sir; active members.

Q. Had the company been dissolved for some time?—A. Yes, sir.

Q. Had they ceased to drill?—A. Yes, sir.

Q. Where were the arms in that time?—A. In the hands of the colonel of the regiment.

Q. Who was he?—A. John Williams.

Q. Where did he keep them?—A. I am not certain, but I think he kept them in a room in his house.

Q. Did he live in Hamburg?—A. He did, sir.

Q. How far from the drill-room were you drilling on the 4th of July?—A. Well, I guess, sir, it was between three and four hundred yards.

Q. How many times had you paraded before the 4th of July last, and who ordered the parades?—A. I had paraded a good many times.

Q. Well, give us some idea of how many times.—A. That is, I had drilled on the street; not what you say was a regular parade. The members, when I first taken hold of the company, was not drilled to suit me, and I did not make much display on the street as a parade, but I taken them out and drilled them. I did not think they were sufficient drilled to make much display on the streets.

Q. Did you drill them in the day or the night?—A. I drilled them sometimes in the streets, most of the time at night; moonshiny nights I drilled them on the streets; if the moon was not shining I would drill them in the hall.

Q. After you were elected captain, how soon did you get your arms?—A. After I was elected captain and received my commission, I got the guns in about a week afterward.

Q. And how long after that was it before the 4th of July?—A. It was about two or three months.

Q. Did you get your ammunition when you got your guns?—A. I didn't.

Q. By whose orders did you get your guns and ammunition, and from whom?—A. I got them from Colonel Williams, sir.

Q. Who is he; the colonel of the regiment?—A. The colonel of the regiment.

Q. Did you get the ammunition from him?—A. Yes, sir; when I got the ammunition I got it from him.

Q. When did you get the ammunition?—A. I had ammunition, I suppose, about a month before the 4th of July. The ammunition that I had, and what caused me to have it, I was going to have a target-shooting in the way of raising some money; a kind of pleasure-trip and picnic, like, and I was going to have a target-shooting to raise some money to buy a uniform for our company, and by some means or another I did not have the target-shooting. I concluded afterward not to have it, and of course I had some ammunition.

Q. What sort of ammunition was it?—A. Cartridges.

Q. What sort of balls—minié balls?—A. The kind of balls you use in these thumb and breech loaders.

Q. Well, were the balls adapted to target-shooting?—A. O, yes, sir; of course; balls just like you use; regular cartridges.

Q. Round or conical balls?—A. Conical balls.

Q. Who carried the ammunition into the drill-room?—A. When do you mean?

Q. At any time; first.—A. There was no ammunition in the drill-room until that evening.

Q. What evening?—A. On the 8th of July; and it was not carried in there until about half past six o'clock.

Q. Well, where did you get it?—A. I had it myself.

Q. Where?—A. The ammunition?

Q. Yes, sir.—A. I had it at my house.

Q. How much?—A. I had, I suppose, about—I probably might have had about 120 rounds.

By Mr. CHRISTIANCY:

Q. You do not mean for each gun?—A. No, sir.

By Mr. MERRIMON:

Q. Where did you get it?—A. I got it from the colonel of the regiment. I got it about a month or two before July, on account of having the target-shooting.

Q. Where had the guns been prior to your getting them, and how long had they been there?—A. I can't tell you how long they had been in the hands of the colonel, but when I got them I got them from the colonel of the regiment.

Q. Do you know where they had been stored?—A. I think they had been stored in a room of his house; I am not certain; I think a portion of them was; but I have some of them—

Q. What is his name?—A. Williams.

Q. I ask you if they were not stored in Raw's store?—A. If they were I did not know it; they were not, to my knowledge.

Q. Did you get them by order of the colonel, or did you go and take them?—A. Yes, sir; I got them by order of the colonel, if I mistake not—no; I have not got it, his written order, and also he has got my receipt for the guns.

Q. Why was it your company was re-organized only this year?—A. I do not know as there is any particular reason.

Q. Why had not it been re-organized before?—A. I do not know any particular reason for it at all; it was just simply because they could not get men to act as company.

Q. I ask you if the time had not passed within which you could re-organize?—A. I do not know.

Mr. CHRISTIANCY. The law will show that; he need not testify to that

By Mr. MERRIMON:

Q. Well, your company was re-organized in this year?—A. In this year. I was elected captain of it this year.

Q. Why was it so? What was the special purpose?—A. What was the special purpose?

Q. Yes, sir; of re-organizing this year.—A. I do not know as they had any particular purpose for it. It would have been re-organized a long time before if they could have got anybody satisfactory to act as captain. When I first moved to South Carolina they tried to get me into the company, but it was some time before I would agree to join it.

Q. How many militia companies were organized in and around Hamburg, and for what purpose were they organized, and when?—A. I do

not know. There was one in Aiken, I think, if I mistake not, and one in Hamburg; them two are the only ones I know of in Aiken County.

Q. Had there been two or three around in the county there?—A. I heard of one or two others, but where they was I don't know; I heard, also, there was one at Graniteville.

Q. Were they and other companies organized prior to May, 1876—last May?—A. I don't know about the others, but I know mine was.

Q. Did you drill any last year, that is, in 1875?—A. I think the company did drill some last year, but I did not drill them.

By Mr. CHRISTIANCY :

Q. You were not captain then?—A. No, sir.

By Mr. MERRIMON :

Q. Why did Louis Schiller come to Columbia on Wednesday or Thursday after the Hamburg riot?—A. I do not know.

Q. Why did members of your company meet him at the railroad-platform at Hamburg on the morning of his return?—A. It wasn't so, sir.

Q. They did not do it?—A. No, sir.

Q. None of the members of your company met him?—A. No, sir.

By Mr. CHRISTIANCY :

Q. You mean so far as you know?—A. I know they didn't. The reason of my saying positive about it, I was standing in front of my door when Schiller got off the train. I had given him the summons that I had received to appear before the court, to bring it over here. I asked him to bring it over here, and asked John Elliott what did he think about it, and whether he thought it was a legal summons; and when he got off the train I walked as far as the corner with him, and he told me that he left the summons over here. I think he told me so, but anyhow he did not give it back to me, and so no one else met him at the depot.

By Mr. MERRIMON :

Q. Did he have a large tin can?—A. He did not, sir; or if he did, he had it where I could not see it.

Q. Did you see him have any bundle of any sort that members of your company carried to John Williams's house?—A. No, sir.

Q. Who is John Williams, what is his military rank, and is he the man you have been talking about?—A. Yes, sir; he is colonel of the regiment.

Q. What regiment?—A. The Eighteenth Regiment National Guards.

Q. Did you hear A. T. Attaway, one of the lieutenants of the company, cursing white people on the day of the first trial before Rivera, on the 5th of July; and, if so, what did he say?—A. I didn't, sir.

Q. You did not hear it?—A. I did not hear any person. I heard him say this: A man by the name of Sparnick, he employed him to act as attorney for the officers, and when he appeared before the court as attorney, Mr. R. J. Butler asked for the case to be continued until the next day or until some specified time that day, so that he could go over in Augusta and get him a lawyer, and I got up and said rather than to put the court to any trouble and to stop any business, I would go to trial without any counsel, and Mr. Sparnick did not act.

Q. What was Mr. Attaway's attitude—did he threaten the whites?—A. No, sir; if he did, I did not hear it.

Q. Was he respectful to the court?—A. Yes, sir.

Q. What was the trial-justice's politics, and was he colored or white?—A. He was a colored man, and said to be a republican.

Q. Had members of your company carried their guns with them with bayonets fixed on the highways near Hamburg?—A. No, sir; they had not.

Q. And, if so, by whose order?—A. On the highway?

Q. Yes, sir.—A. No, sir; they did not.

Q. Where were the guns kept?—A. In the armory.

Q. Did you allow your men to take the guns home?—A. When they were ordered to have an inspection, I allowed them to carry them home and clean them.

Q. Was that often?—A. No, sir; about once in every month.

Q. How long did they keep them out?—A. I would allow them to carry them home and bring them back the next drill. I generally had two drills a week.

Q. What was the object and purpose of your company?—A. It was a militia law. There was no particular purpose, only militia, subject to the orders of the governor at any time he saw fit to call on them for anything.

Q. Did you see General M. C. Butler when he reached Hamburg on the evening of the 8th of July?—A. When he first came?

Q. Yes, sir.—A. I did not, sir.

Q. Do you know what time he arrived and how he was traveling?—A. I think he arrived there, from what I heard—not from what I know—about half past two o'clock. The first of my knowing he was there was about three o'clock.

Q. Who was with him, and where did he stop?—A. I do not know. I understood he stopped at the store of a man by the name of George Damm.

Q. Did he have any arms with him?—A. I do not know; I did not see him; I do not know what he had. I got a message from him at that juncture.

Q. Had you ever seen General Butler before that; and if so, where and when?—A. I saw him passing through Hamburg frequently.

Q. Before that evening?—A. Yes, sir. In fact, I have seen him a good many times in Augusta.

Q. On page 10 of your testimony you say these words:

It was a part of the house, and I could pass right out of my bed-room into the drill-room, and I was sitting by the window, when a man by the name of Mr. Mealing, (a white man and a preacher,) him and some other white man were together, and were right by the drill-room; and I got up and looked out of my window, and I heard them say, "That's where that damned militia company drills;" and, said he, "To-morrow they are going to have a trial, and we intend to kill the captain of that company before he gets away from that court."

Referring to that testimony, state who was with Mr. Mealing when the expression was used as related in your testimony; what time of day was it; how did he travel, and which way was he going?—A. Well, sir, he was going down on the train, down toward the main part of the town, like—well, in the direction of Edgfield; who the parties were with him I did not know. I know they were white men; I did not know them; men that lived in the country, I suppose; they looked to me like they lived in the country.

Q. What time in the day was it?—A. I guess it was about half past one o'clock—maybe a little later than that, I guess. I came home to dinner at one o'clock, as usual, from Augusta.

Q. Did you ever hear Mr. Mealing use an oath?—A. Did I ever hear Mr. Mealing use an oath?

Q. Yes.—A. Well, he used it that day; I do not know only from what I have been told. The man was showed to me at court. The first

we had court he was there, and they told me that was Mr. Mealing, and also I heard some one call his name.

Q. He is the man you heard swear?—A. Yes, sir; he is the very man.

Q. He said they were going to kill you the next day at the trial?—A. Yes, sir.

Q. What denomination does he belong to as minister?—A. I do not know, sir.

Q. Name some of the parties who made the threats that you refer to in the paragraph I have read from that testimony.—A. That made threats?

Q. Yes.

Mr. CAMERON. He said that he did not know any of them except Mr. Mealing.

A. I did not. I heard the threats being made, but I could not state positive of my own knowledge. I did not hear the man say so; that was Harrison Butler.

Q. You did not hear him say it?—A. No, sir.

By Mr. MERRIMON:

Q. You say, then, "I heard a great deal of big talk, and of threats; but I did not pay any attention to them." Now, give us the names of some of the men that made those big threats?—A. I heard from different parties; I heard men talking big talk, saying what they were going to do on the day of the trial, and I heard Harrison Butler make use of a good many threats.

Q. Where was he?—A. At court that day. He came there with a sixteen-shooter in his buggy. That is, he did not, but his father did, he, and his son, and he had two large Navy pistols buckled around him, and while the court was in session he was cursing and going on, and talking about what they were going to bring South Carolina to just outside of the door.

Q. That was while the trial was going on?—A. Yes, sir; the first day the trial was going on.

Q. Well, who else made these threats?—A. They were men I did not know; also Henry Getzen was there.

Q. Did he make these threats, too?—A. Henry Getzen did not have very much to say that day.

Q. How many white men reside in the town of Hamburg? Name the principal citizens there.

Mr. CHRISTIANCY. You mean the village there?

Mr. MERRIMON. Yes, sir.

A. There is Mr. Nunberger; I don't know his first name; I know it, too, but I can't think of it. He has two sons, one of them grown and one of them not. Mr. George Damm, Mr. Bill Coger, and Davis Lepfield.

Q. Was there many or few white people there?—A. Not a great many.

Q. How many colored people; and is the town council composed of white or colored men?—A. Mostly of colored men.

Q. Is it composed of colored men entirely?—A. Well, there are some white men living in the village.

Q. But what I want to know is whether the town council is composed exclusively of colored men.—A. There is one white man on it, Mr. Schiller.

Q. How large is the colored population there?—A. I think about—of men do you mean?

Q. No, of the whole.—A. Of the whole, there may be over 300 or may be 400.

Q. How long have the colored people had control of the town council ?—A. Well, I don't know, I think for four or five years; I don't know positive, as I only can say positive for about two years.

Q. Do you not know that they have had control ever since reconstruction ?—A. They might have; I don't know.

Q. On page 12 of your testimony, you refer to seven or eight pistols in Mr. R. J. Butler's buggy on the 8th of July. How do you know that there were seven or eight pistols in his buggy; how close were you to the buggy ?—A. I did not say positively that there was seven or eight; I said that it looked like he had about seven or eight.

Q. How close were you to the buggy ?—A. Well, sir, when he first came from the house, I do not suppose I was more than fifteen steps; I don't know as I was that; I was standing on the corner and he passed around the corner, right by me.

Q. How far from the window of the drill-room was it to where the buggy passed ?—A. I was not in the drill-room; I was standing on the street.

Q. Who was in the buggy at the time ?—A. Him and his son Tom.

Q. From what direction did the thirty men come, referred to in your testimony on page 12, and who was at the head of them; what time did they come into Hamburg; where did they go, and what did they do ?—A. I do not know.

Mr. CHRISTIANCY. Perhaps he don't know what particular part of the testimony there is referred to.

Mr. MERRIMON. He says, "I saw about thirty of these men come in, but I did not get scared yet." Now, I want you to tell from what direction the thirty men came.—A. They came from in the direction of Edgefield.

Q. Who was at the head of them ?—A. I don't recollect who was at the head of them.

Q. Cannot you say who was the captain, for they seemed to have captains and lieutenants ?—A. No, sir; I can't.

Q. The leader did not strike you sufficiently to make you think who he was ?—A. No, sir.

Q. What time did they come into Hamburg ?—A. I guess between two and three o'clock.

Q. Where did they go, and what did they do ?—A. When I first seen them they were assembled down about the first shop, down by George Damm's store, and they went from there round to where they were to hold court at, where I was to appear at court. After a while they got more numerous; there was plenty of them there; they was just all over the streets.

Q. You say further that "at half past two o'clock I reckon that there was one hundred men in the town of Hamburg, all armed, some with pistols and some with guns also." Where did they come from—what direction did they come from ?—A. I could not tell you; they came from all directions.

Q. How close were you to them and how were they armed ?—A. They were then coming around where I was and all through the town—that is, they weren't exactly where I was, but off a little piece from me, and I could see them.

Q. You say the white men were "getting drunk." Who was drunk ? name some of them.—A. Well, I don't know—of course, they all looked to me like they had got very near drunk.

Q. Cannot you name some of them?—A. I know a man by the name of Bill Morgan. He appeared as if he was drunk. He cut one of the members of the council with a switch—rapped him over the shoulders with it two or three times.

Q. Do you know where they got their liquor?—A. They was going in Nunberger's store, and Davis's store, and Coger's store.

Q. Were those drinking places?—A. Yes, sir.

Q. You say "They were going to kill every God damned nigger in Hamburgh that day." I want to know who said this?—A. It was said by so many I can't remember.

Q. Mention a few.—A. I heard Bill Morgan say so. I heard Mackey Merriweather say they were going to kill "every God damned nigger that there was in Hamburgh, and then he was going to try the women and children, and after he had got through with them he should go up awhile and try Old Jesus Christ." He made use of that expression about ten feet of me.

Q. About what time of day was it when you had the conversation with P. B. Rivers, referred to you on page 14 of your testimony?

Mr. CAMERON. Read the testimony.

"So, hearing all this, I went down to Judge Rivers's house and told him, said I, 'Judge Rivers, I can't appear before your court to-day, for I feel that you are unable and your court is unable to protect my life, and I believe my life to be unsafe; I am willing that you should go to work, and draw up a bond that you think proper, and I am willing to give bond to a higher court, where I think my life will be safe.'"

Q. What time of day was it that you had this conversation with Rivers?—A. Well, as near as I can come at it now, I think it was about half past 3 o'clock; it might have been sooner—a little earlier.

Q. Did not Mr. Sparnick come to you, after a conversation with General Butler; and, if so, what did Mr. Sparnick state as coming from General Butler?—A. Well, I cannot give the exact words now, but it was something in this way: I think he said that General Butler had had a conversation with him, and he wanted to see officers of the company that he brought there as counsel for R. J. Butler, or he wanted to see or intended to see R. J. Butler righted; something in that way; and before he got there a man by the name of Sam Sparnick came to him and talked about something. I agreed to go and see General Butler, provided he would meet me. He said that he wanted to see me at George Damm's store. I told him that I could not meet him there at George Damm's store, but I was willing to see him, and would meet him at the house of S. P. Spencer, or anywhere else he could name away from those men who were armed, because I believed they were drunk, and I believed if I attempted to go through I would be shot.

Q. Did Mr. Sparnick go to General Butler, and suggest that the matters in dispute could be settled?—A. He did; that is, he left me to go.

Q. What did General Butler say?—A. He came back and told me that General Butler had agreed to meet me at Davis's.

Q. Did you go according to agreement to Spencer's house?—A. I had never put my coat on; I had come from work without my coat on, and I wanted to go home and put it on, and I sent word to General Butler I would go right off immediately to meet him; I started, and just as I got near Spencer's house I met General Butler in a buggy. He did not speak to me; he went around the street, and came on up to Rivers's house and halloed to some one, I think it was Mr. Sparnick, and told him to tell Rivers that the time had arrived for the court to meet, and

he was going on around to the court. He did not speak; he did not say anything to me at all, but passed right on by me.

Q. Did you not make two or three engagements to see him and did not go to see him?—A. I made two or three offers to see him and he did not accept of any of them. I could not see him when he did not accept of them.

Q. You say, "I went to the door and I saw a great crowd down at this place, all armed men, and they were drunk." What place do you refer to; how many men were there, and how were they armed, and who was drunk?—A. Well, now, I could not tell you, there was so many drunk.

Q. What place did you refer to?—A. This was it. I reckon, what you are speaking of, trying to get at, was when he sent for me to go to the council-chamber to see him, and I went out in the street and I looked around that way, and these men was cursing and getting excited, and the way they looked to me was like they were all drunk; they might not have had a drink of liquor in them; I did not see them.

Q. Did Spencer and Sparnick report to you that there was a crowd of armed drunken men; that they would advise you to keep yourself out of sight?—A. They did advise me to go and see General Butler.

Q. What did they say about the armed men?—A. I do not remember now exactly what they did say; I know what I said.

By Mr. CAMERON:

Q. You can state what you said.—A. I said this: I told them that I was willing to meet him whether the other officers were willing to meet him or no, but if I met him I guessed that would settle the matter. All I wanted him was to meet me somewhere where it might be safe for me, or, if he would send the men away from him, I would meet him at the place he designated for meeting, and sent him word to that effect.

By Mr. MERRIMON:

Q. You say in one place of the testimony, "Mr. Butler, in fact, did not go to Spencer's house;" do you know he did not go?—A. When I started to go to get my coat to go to meet him, he came out of George Damm's store and got into his buggy, and Sam. Spencer's house was there in the adjoining lot, and he did not stop to speak to me, but he came on around in his buggy.

Q. How long after you promised to go to Sam. Spencer's before you went?—A. I don't think——

Q. Did not Sam. Spencer promise to come back and let you know whether General Butler would meet you there?—A. He did.

Q. How far is it from Damm's store, Spencer's house?—A. It is in adjoining lots.

Q. That does not give the distance; a few steps or many steps?—A. A few steps, I suppose; about twenty-five or thirty steps from Damm's store over to Sam. Spencer's.

Q. Did General Butler leave Mr. Damm's store until the hour appointed for the trial before Rivers, until after he had waited for you for half an hour or more?—A. When he left Damm's store he came by Rivers's house and told Mr. Sparnick that the time had arrived to meet at the office and he was going on there. The time had not arrived; it was not time, because I had been summoned to meet at Judge Rivers's office at half past 4 o'clock, and when he was coming around the corner it was within about three or four minutes, as near as I can come at it, when the clock in Augusta struck four.

Q. The question I put to you is whether he did not wait half an hour?—A. Wait where half an hour?

Q. After the time he agreed to meet you at Spencer's?—A. He did not, sir.

Mr. CHRISTIANCY. Wait for what?

Mr. MERRIMON. For him to go to Spencer's house. You say at another place in your testimony, "General Butler came back from the court and sent word for me to meet him at the council-chamber?"—A. Yes, sir; he did.

Q. Who invited General Butler from the court around to the council-chamber?—A. I guess he invited himself; nobody invited him as I know of.

Q. Did not Sam. Spencer, in the court, ask General Butler to suspend the trial if he wanted the matter to be settled, and did not General Butler express a perfect willingness to suspend the trial if there could be peaceable solution of the difficulty?—A. I heard so.

Q. And suggested that Spencer make a request to the court to suspend, and did not Spencer speak to the court to suspend, and did not the justice adjourn the court for ten minutes upon Spencer's motion?—A. I do not know about it.

Q. Well, what did you hear about it?—A. I heard he did—I don't know whether it was so.

Q. Did Gardner, the intendent of the town, come in and invite General Butler to a conversation with you in the council-chamber?—A. I don't know, sir; I heard of that, too.

Q. Did you go?—A. I did.

Q. Did General Butler go?—A. I don't know; I did not see him—I did not see him down there. I know after he came from the court he sent for me to meet him at the council-chamber, and I refused to go in the same terms that I have already stated.

Q. How long did he wait for you?—A. I don't know.

Q. Did you appear before Rivers on the evening of the 8th of July, either in person or by counsel?—A. At his office—at the place of the trial.

Q. Yes, sir.—A. I did so.

Q. Who was your lawyer?—A. I had none.

Q. What was Henry Sparnick doing in Hamburg that day, and where does he live?—A. He lives in Aiken; he was in Hamburg in some business between him and Schiller, and John S. Sims, of Hamburg. I think in printing; they had a kind of little printing company, and they had been for two or three days in that matter.

Q. What was he doing in Hamburg on the 5th of July, Sparnick?—A. That was about the same thing, I learned; I don't know.

Q. Is he not a republican politician?—A. He is a republican; I don't know much about his being a politician.

Q. Does he make speeches and teach the people politically?—A. I think he did a few years ago. He has not lately, to my knowledge.

Q. When General Butler went to Augusta, how did he come; who went with him, and when did he return?—A. Well, sir, I don't know who went with him.

Q. Did you see him go?—A. I saw him. I was there, but I don't recollect whether anybody was in the buggy with him or no.

Q. Was that on the 8th of July?—A. On the 8th of July.

By Mr. MERRIMON:

Q. Well, how did he go?—A. In a buggy.

Q. How did he come back, and at what time?—A. I did not see him when he came back.

Q. What time did he go?—A. Well, now, I judge it was about five o'clock or half past five o'clock.

Q. What time did he come back?—A. I didn't see him when he came back; I saw him in Hamburg a short time afterward.

Q. Well, how long?—A. Well, I suppose it was—probably it was half an hour.

Q. How did he come back; in the buggy?—A. I don't know; I did not see him come back.

Q. But when you saw him after he came back was he in a buggy, or how was he?—A. No, sir; when I seen him again he was on horseback.

Q. Was he armed?—A. I do not know; I did not see any arms.

Q. Who went toward Augusta to meet General Butler, and what did they go for?—A. I don't know; I only heard that there was a committee—

Q. What did he do on his return?—A. When I see General Butler again—in fact, after he came back from Augusta, there was another conference committee from Butler in conversation with him. They said that General Butler said he would give me fifteen minutes or five, I disremember which now, to give up the guns, to surrender the guns of my company. I sent General Butler word back that the guns belonged to the State, and I was responsible for those guns, and if any lawful officer would come to me and demand those guns, I willingly would give them to him, but I was not willing to give them to him, and I could not do so; that he had no right to them; that he was a private citizen like any other man; and I do suppose more than about five minutes after that committee left me before—well, at five or ten minutes after they left me—General Butler was also in the act of arranging his men around the different parts of the town like he wanted them, and it was not long before the firing commenced.

Q. Let me ask you what you mean by his arranging his men?—A. Well, I mean this: he was placing them in squads in different places.

Q. How; issuing orders?—A. Yes, sir.

Q. How close were you to him?—A. I was up on the top of my drill room looking at him.

Q. Did you see him give orders?—A. I was too far off to hear what he said, but I saw him point his finger in different directions, and as he pointed his finger they took position where he pointed.

Q. You did not hear him issue any orders at all?—A. Not at that time.

Q. Well, did you at any time?—A. I did, sir.

Q. What orders did you hear him give?—A. I heard him at one time tell a squad of men to go down to an abutment of the N. C. Railroad and take their places down there, and at another time I heard him give orders that there was about fifteen or twenty-five horses right in front of the drill-room, and for them to go and take their stand here by the stables across the street; and they did so.

Q. What time was that?—A. It was near six o'clock, as near as I could judge.

Q. Do you remember the names of any of the men that he ordered?—A. I do.

Q. Who were they?—A. I did not hear him call them by name, but I knowed some of the men that went to these places; I knowed Minnie [Mackey] Merriweather—I believe his name was; I always called him so—and I knowed a man named Henry Getzen, and I knowed a man by the name of Gus Reese, and others I did not know; I might have known, but I did not take no notice.

Q. Where did the intendant of the town have a conversation with General Butler, referred to in your testimony, about removing the women and children, and about surrendering the arms and officers to him, and who was present at the conversation?—A. Well, I don't exactly know where the conversation was, but I know the intendant of the town came to me after that and told me about it.

By Mr. CHRISTIANCY :

Q. That is all you know about it?—A. That is all I know about it.

By Mr. MERRIMON :

Q. You did not hear it yourself at all?—A. No, sir, I did not hear it.

Q. Who is the intendant of the town?—A. A man named John Gardner, I suppose in Hamburg.

Q. Is he now the intendant?—A. Yes, sir.

Q. He said nothing to you about surrendering the arms or removing the women at all?—A. Who? Gardner?

Q. No, General Butler?—A. No, sir; he never did have a word to say to me at all.

Q. Did not General Butler suggest to Gardner, the intendant of the town, the advisability of having the arms shipped to Governor Chamberlain to store in the arsenal, where they belonged?—A. I don't know, sir.

Q. You did not hear of it?—A. No, sir.

Q. Was it reported to you that he did?—A. I heard that there was some such talk. I heard this: that he made an offer to General Rivers, if I surrendered the arms, that he would give bonds for them; that is what I heard. I don't know anything about it.

Q. Did you hear it suggested that he would give bonds, with the best of security, that the arms should be safely delivered to Governor Chamberlain?—A. I heard so.

Q. Did General Butler demand the guns?—A. He did. In his message to me he demanded the guns.

Q. Now, did not he suggest that course rather than demand it?—A. He demanded it; said that they had to have them.

Q. Did he say that to you?—A. No; Rivers offered to General Butler that he would take the guns and box them up and send them to Governor Chamberlain himself; that he had no right to turn them over to him, (Butler;) and General Butler told him, "Damn General Chamberlain;" that he cared nothing for General Chamberlain; that he was there as General Butler, and he demanded them guns, and intended to have them.

Q. Did you hear that?—A. No, sir; I am just telling you what report was delivered to me by—

Q. Well, did you hear it?—A. I told you I didn't hear it.

Q. Who reported that to you?—A. General Rivers himself told me so. He came to me on a commission bringing a message from General Butler.

Q. Did General Rivers tell you that General Butler had suggested this course as the solution of the troubles?—A. He told what I have told you.

Q. I put that question to you; just answer it, yes or no.—A. No, sir; he did not tell me that he suggested it; he told me that he demanded the guns; that is the way that it got to me.

Q. Did not Rivers, Gardner, and Sparnick all advise you not to give up the guns upon any condition, and did not you send word to Rivers that you intended to fight?—A. I did not.

Q. Did they advise you not to give up the guns?—A. No, sir; I will tell you, if you want me to tell, what I said to General Rivers about the guns.

Mr. CAMERON. You can tell it.—A. General Rivers only came to me once, and that was on the last committee that came to me, and told me what General Butler had said to him. I said to General Rivers, "You are the major-general of the militia of this division, isn't you?" And he said, "Yes." I says, "Now here, I am willing to do this, while I believe under the law I have no right to give up the guns to you, but you, being the general of militia, I will give you these guns to keep if you will take them, and take my chances." He says to me, "I have no right to take those guns out of your hands; the law does not give me any such a right, and I am not going to demand them. You can do just as you please. I want the thing to be settled if it is possible, but I don't demand them." I says, "If you don't demand the guns, and if you don't take them, I don't intend to give them up to General Butler."

Q. Did you say you intended to fight?—A. No, sir; I didn't say anything of the kind, that I intended to fight. I didn't tell anybody I intended to fight.

Q. When and where, and in whose presence, did the conversation between General Butler and the intendent of the town occur in reference to General Butler's guaranteeing the safety of the town, as related by you in your testimony?—A. I heard it in the presence of Sam Picksley, I think, and some one else, I don't exactly recollect.

Q. Where was it?—A. I don't know where it was.

By Mr. CHRISTIANCY :

Q. You did not hear it yourself at all?—A. I did.

By Mr. MERRIMON :

Q. Where did your conversation with Rivers occur?—A. In our drill-room.

Q. You were then in the drill-room?—A. Yes, sir; I was in the drill-room, and he called me out, and the conversation taken place between me and him in my bed-room.

Q. What time was that?—A. That was, I think, near about six o'clock.

Q. How do you remember so accurately these various conversations; did you write them down?—A. I did not.

Q. Were you very much excited?—A. I was not; I never was.

Q. Perfectly cool?—A. I was, sir. I was not excited the whole night through.

Q. By whom did you send the note to General Butler, mentioned in your testimony?—A. Well, I don't recollect now; it was some committee, but I don't remember who it was exactly that I sent it by.

Q. Who wrote it, and when and where was it written?—A. It was written in the drill-room.

Q. Well, who wrote it?—A. I written it myself, sir.

Q. When?—A. That evening.

Q. What time in the evening?—A. Well, I guess it was near 6 o'clock.

Q. Do you know whether General Butler received the note or not?—A. I don't know, sir.

Q. To whom were you responsible for the guns?—A. I was responsible to the colonel.

Q. To the colonel of the regiment?—A. Yes, sir.

Q. Where was he?—A. I don't know where he was. I sent for him two or three times, but he did not come to me.

Q. Did he live in Hamburgh?—A. He did.

Q. Did you offer to give the guns up to him ?—A. I said I would give them up to any lawful officers. Coming down to the facts under the law, he had no right to demand them, but I was willing to give them to him to keep any blood from being shed.

Q. Did you hear Attaway tell one Thomas, or anybody, to shoot the Butlers when they came out of Rivers's office, and that he would give the signal ?—A. No, sir.

Q. You did not hear that at all ?—A. No, sir.

Q. Who was with General Butler when, as you say in your testimony, he was placing his men ; was he on foot, unmounted, or in a buggy ?—A. He was on a horse, sir, accompanied by A. P. Butler.

Q. Who were the horsemen being placed by him ; did you know any of them ?—A. I might have known a few of them. I could not recollect now. I was not paying any attention to them ; I was paying attention to General Butler, because when I found that General Butler was in town—I tell you the truth, I didn't think really that there would be any fuss, because I thought he was too high-toned a man to go to any such a thing, to stoop that low.

Q. Do you not know that his relations to the colored people in his county were of the most friendly character ?—A. I don't know that ; I know it was of the most bitterest character.

Q. You know just the reverse ?—A. Yes, sir ; I do.

Q. Why, then, did you expect that he would have done otherwise than he did that day ?—A. I will tell you my reasons for it : While he might have been bitter in a political way, I didn't think he would get down so low as to go to work to kill people for nothing.

Q. Did you see him kill anybody ?—A. I didn't ; I heard General Butler say he killed some of them.

Q. You heard him say so ?—A. Yes, sir.

Q. When and where ?—A. I will tell you exactly when it was, about half past one o'clock, I reckon. I guess it was about half past one o'clock Wednesday night. In getting out I was surrounded, and all the men that were with me. I succeeded in getting out and in getting all the men out all clear, and there was some of the men hid, and I knew that they hid somewhere in the square ; and after they started I thought if they got them they will kill them, and after I got the men that were with me up near the railroad and placed them in an ambush one side of a little branch, I did not think that they would ever get down that far. I then told them to remain there and I would go back if I got off and did not get killed, and I would go to look for these other men.

By Mr. CHRISTIANCY :

Q. That you have testified to in your direct examination. Go to the point when you heard him say that—A. I came back and got surrounded ; went up stairs in Mr. Rawl's, the postmaster's, house. They had the dead-ring just below me ; there was some men they had down in the dead-ring ; there was some white men there discussing about killing him ; one said it was not worth while to kill all these men ; I don't know who the man was, but they called for General Butler, and at this time General Butler came around there on his horse, and had been standing there for fifteen or twenty minutes, and he said to these men, " You put your hounds out and bring all these sons of bitches in," and whoever it was that they wanted to kill they walked up and asked young Butler about it, and General Butler said, " Take the son of a bitch out and kill him."

By Mr. MERRIMON:

Q. What time was that?—A. That was between three and four o'clock in the morning. That was the time they killed this man.

Q. You place the time now as between three and four o'clock in the morning?—A. I think it was.

Q. How close were you to General Butler?—A. I don't suppose I was more than about twenty-five feet from him—looking right at him.

Q. Was it light?—A. The moon was shining bright as day almost.

Q. You know him well?—A. I do.

Q. What do you mean by saying that you heard him say that he killed a man?—A. I never did say that. I said I heard him say to kill some men.

Q. You heard him give that order?—A. I heard him give that order.

Q. That was between three and four o'clock in the morning?—A. That was between three and four o'clock.

Q. Did General Butler have any command in Hamburg; and, if so, what was it, and by what authority was he in command?

The WITNESS. How do you mean?

Q. Did he have any command of men, of a company, or regiment?—A. Everybody that you could hear say anything most that night, they said they were doing such and such a thing by General Butler's order.

Q. That is all you know about it?

Mr. CHRISTIANCY. You do not mean to ask him whether he had any legal authority?

Mr. MERRIMON. Yes; all he knows about it.

The WITNESS. Any legal authority?

Mr. MERRIMON. Yes.

The WITNESS. I do not think he had any such authority. I do not know.

Q. You say at one place, after describing that he had some eight hundred men stationed at different points, "He had men placed all around and up on the hill, about five or six hundred yards, maybe a little more. I could see him placing men all around town." What hill was referred to in that part of your testimony on which General Butler placed the men all around?—A. On part of Scholt's Hill.

Q. How far is that from the river?—A. About a quarter of a mile, I guess. It might not have been quite a quarter.

A. Is not Hamburg located on the river-bank?—A. Yes, sir.

Q. Is there not an unbroken level for half a mile from the river before reaching any hill?—A. I do not think it was half a mile. I think about a quarter of a mile. I don't think you could make it a half mile.

By Mr. CHRISTIANCY:

Q. It is Scholt's Hill any way, is it?—A. Yes, sir. You can stand on the top of the drill-room and look all around.

By Mr. MERRIMON:

Q. How far is the drill-room from the river?—A. About seventy-five yards.

Q. Who fired the first gun that was fired, and at what time was it fired?—A. The first gun? I didn't see the man fire it. It was a signal-gun. I taken it to be a signal gun down the river-bank a piece. I saw the smoke of it, but I didn't see the man; and with that the guns com-

menced firing from the abutment of the railroad. The first man that fired after the signal-gun was Henry Getzue; I saw him; I stopped and kept looking at him.

Q. Do you swear now that the negroes did not fire the first gun?—

A. I do; and I would swear to it till I was as small as a pea if it was required.

Q. Where were you standing when you say the signal-gun fired, and where was the party who fired it?—A. I was standing in the hall that lead from my sitting-room in my house looking right out of the window.

Q. Where was the party who fired it?—A. At the abutment of the railroad; the first abutment. They was placed behind a rocky pier there, and Henry Getzue walked out and fired the first gun from that abutment.

Q. How many guns did your men fire, and what kind of guns and ammunition did you have?—A. Well, I guess about half an hour after all the windows in the front of the buildings in the drill-room was shot out. After that there was a gun fired from the drill room. We commenced firing from the drill-room.

Q. How long after the white men had been firing did you fire?—A. About half an hour.

Q. What were the men doing in the drill-room?—A. Standing right between the windows, just like this window is here. [Pointing.]

Q. How many men did you have there?—A. There were thirty-eight men in the drill-room; about twenty-four of the men in there belonged to the company. Some men there had no guns. They had come up there to get out of the way.

Q. Would they not have been safer to have gone from the town?—

A. They couldn't get out of town, for they had the town surrounded, and they wouldn't let anybody come in or go out of the town.

Q. What kind of guns did you have?—A. We had what is called the thumb-loading breech-loader.

Q. What kind of ammunition did you have?—A. Cartridges.

Q. Did you fire towards the city of Augusta; and if so, did any of your shots go into that city?—A. I do not know. We did not fire many guns from the building at all. We didn't see any use of it. I do not think there was more than six rounds fired from the building. We did not see any chance to fire. The men would stand behind the rocks, where they were protected, and you couldn't get a chance to fire at them. The men staid around Rawles's building, and behind it, and we couldn't see them.

Q. Well, they could fire at you?—A. Of course they could. As fast as one could empty his gun sixteen times, he would step out of the way, and another one would come from behind the abutment and fire. We had no chance to fire.

Q. Could you not see him when he would fire?—A. I saw one man fire just as he came out and we fired once or twice, and we found we couldn't hit him.

Q. How many rounds did you fire?—A. About six rounds.

Q. Six rounds for each?—No, sir; no more than six in all.

Q. Do you know whether you killed any white men?—A. I do not know whether we did or not. I know there was some killed, but I don't know who killed them.

Q. How many white men were killed?—A. Well, they say there was one killed.

Q. Did your men fire from the windows and from the top of the drill-

room?—A. I say there was but six guns fired from the building—I think one or two of them probably from the top of the building.

Q. How long had you known Mackey Merriweather at that time?—

A. Well, I had seen him several times there at Hamburg, and I had seen him probably three or four times in Augusta. I hadn't much acquaintance with him; I knew him when I seen him.

Q. Could you see behind the abutment of that bridge?—A. No, sir.

Q. You could not?—A. No, sir.

Q. Do you know when Merriweather was killed?—A. He was killed before dark. They had been firing on us; they commenced firing on us just about six o'clock, and they fired until about half an hour before there was a gun fired from our building at all—fully half an hour, if not more.

Q. Did you see him fall?—A. I did not. I saw him put his hand up to his head, but I did not see him fall. He fell behind the abutments of the bridge.

Q. You say in one part of your testimony that you were familiar with the voice of Col. A. P. Butler?—A. I am.

Q. How many times had you heard his voice, and when and where?—A. I heard it generally all through the night.

Q. But before that time?—A. Before what time?

Q. Before that evening, the evening of the 8th?—A. He was in Hamburg constantly, and every time he came in Hamburg he is just like making a stump-speech or something another; all the time talking and prevailing with the colored people.

Q. Is he a noisy man?—A. He is no very noisy man, but he always come there, and he always wanted to be speaking a piece—coming there speaking to the colored people and talking loud talk, just like you know some people can talk. Sometimes he would have two or three around him, and he was saying to them that his way was right; the democrats were right, and he was going on from time to time that way.

Q. You have heard him speak repeatedly to crowds?—A. Yes, sir; prevailing with them from time to time.

Q. You say in your testimony that you tore up some lumber and made a ladder?—A. I did.

Q. How did you make it?—A. I made it with nails.

Q. Did you have tools?—A. I was a carpenter by trade. I had a splendid lot of tools in my house; over five hundred dollars' worth of tools.

Q. How long was the ladder?—A. I guess about sixteen or seventeen feet long.

Q. Did you not in fact have the ladder in readiness to scale the walls that night?—A. I did not.

Q. You swear you did not?—A. I did not.

Q. How many men came out of the building with you?—A. Well, they all went out of the building before I did; I was the last man went out of the building.

Q. Did you or your men continue to fire your guns after you came out?—A. Well, when I come out I never did have but fourteen men, and we had to fire or die, one.

Q. Well, you continued to fire after you came out?—A. After we got out away on the street we fought our way out till we got out.

Q. How long did you continue to fire?—A. I suppose, I reckon we fired pretty rapidly for about an hour or two; not right after one another, but once and awhile, you know.

Q. You say that they were all scared; were you scared?—A. I wasn't scared; I never was scared.

Q. Can you say where the three hundred men came from of whom you speak in your testimony?—A. I do not know where they came from, sir. Judging them as near as I can, I think there was over three hundred, and I think there was nearer four hundred than anything else.

Q. Where did they come from?—A. After dark I could hear them coming across the bridge from Augusta, yelling, whooping, and hollering. I heard them when they brought the cannon across the bridge.

Q. How many Augusta men were over there?—A. I couldn't say, but there was lots of them there.

Q. What sort of a class of men were they?—A. They was all classes.

Q. You say in one place in your testimony that you got up the railroad-trestle.—A. I went as far as the railroad-trestle once.

Q. Where did Jim Cook come from when you saw him; what did he have in his hands?—A. I guess you mean when he got shot; is that what you are talking about? That is about the onus time I could give any answer about him at all.

Q. I will put the question again. Where did Jim Cook come from when you first saw him, and what did he have in his hands? Where were the men standing whom you say shot him? Now state first where he came from.—A. I do not know exactly where he came from.

Q. Where did you first see him?—A. The first time I seed him he was passing around a little corn-field—a garden, at least, a pretty large garden; corn growing in it.

Q. What did he have in his hand?—A. I don't remember of his having anything in his hand.

Q. You do not know whether he had any gun or not?—A. I don't remember.

Q. Where were the men standing whom you say shot him?—A. They were standing outside in the street. I have been trying to think of the street. I am ashamed of myself that I don't know the name of the street, and I can't think of it, but it was a street in the rear of the buildings of the front street—right in the trestle of the Charattee and Columbia Railroad. They were standing near the trestle, in the same street, and he jumped over the fence, and they holloed to him to halt, and they surrounded him.

Q. And they shot him?—A. And they shot him.

Q. Did he take his shoes off to go down the ladder?—A. He didn't have any shoes on; he had his boots on.

Q. Did he take them off?—A. I don't know.

Q. Did the men generally take their shoes off, or boots, to go down the ladder?—A. They had no cause to do so. I didn't take mine off.

Q. You say the corn made a shade. How could you see the men in the street if the corn made a shade?—A. There wan't no corn in the street.

Q. You said the corn made a shade, so as in some measure to obscure your sight?—A. Why, I could see the men that were in the street. I knew two of them, and in fact, to make me certain of them, I knew their voices well, and heard them talking to him. I was close to the fence, and I heard them talking to him. I went up close to the fence when he was shot.

Q. Is the fence inclosing the corn-patch a high, close fence?—A. A tolerable high fence.

Q. A close one?—A. No, sir; it is not a close fence. I got up on one of the blocks, and of course I had an opportunity to see them.

Q. How old is Bill Morgan, and what sort of a man is he?—A. I declare I don't know, but I have seen the man a good many times. You asked me what sort of a man he is?

Q. Yes, sir; what sort of a man; what sort of an appearance?—A. I don't know.

Q. Where is he from?—A. I think from the direction of Edgefield somewhere.

Q. How old is he?—A. I judge about twenty-five; not a very old-looking man at all. He was shot the same evening himself.

Q. Was he armed; and, if so, with what?—A. He was armed with a gun—one of the militia guns, whatever it was.

WITNESS. Who was?

Q. This man Morgan.—A. Morgan? he had, I think, a sixteen-shooter.

By Mr. CHRISTIANCY :

Q. Morgan was a white man, was he?—A. He was a white man. He was shot the same night; somebody shot him.

Q. How many shots were fired at him, and how long did he live?—A. I do not know, just now, who did the firing, but I think, though, he was killed instantly. There was some four or five shots fired at him.

Q. Did he have a gun in his hands and ammunition on his person?—A. He had no gun, to my knowledge.

Q. Any ammunition on his person?—A. Not to my knowledge. He might have had a pistol or two. He always toted a pistol. He was town-marshal.

Q. How far were you from Henry Getzen and Bill Morgan when they had that conversation that you have referred to in your testimony?—A. I was not very far from them. I do not know. I wasn't over twelve or fifteen steps; it may have been more or less.

Q. How many times was he shot?—A. It seems to me I heard the report of four or five guns. There were four or five men there. I heard Getzen call and tell him, "You are a God-damned son of a bitch; I am going to shoot you." Bill Morgan said something about their arresting him and carrying him before the counsel, and he had to pay a fine of five dollars, some time previous to that, and that they were going to get their satisfaction out of him that night.

Q. It was a matter of revenge, then, to kill him?—A. I suppose so, from their conversation.

Q. Did Jim Cook have on shoes or boots?—A. He had on boots; he was a man that hardly ever wore shoes.

Q. What kind of a watch did he have?—A. I don't know; I know what kind of a watch he generally wore; he wore a silver watch, with open face—a very pretty thing.

Q. Did Cook have more than one watch?—A. He had two or three watches, so I don't know which watch he had on.

Q. Describe how high the trestle was.—A. I think it was about, as near as I can judge of it—I have never measured it—probably eight or ten feet high.

Q. The corn growing under it?—A. Yes, sir; the corn was growing under it—not growing exactly under the trestle, but in the same lot that the trestle ran through.

Q. Close to the trestle?—A. Yes, sir; very close to the trestle.

Q. Where were you located?—A. I was stopping down in the garden. I had saw some men before me, and they was going in that direction, and went close to the fence. Whilst I was there Cook ran across this

garden and jumped over the fence. I was very close to the fence, and I could look through the fence and see the men.

Q. Where did Cook fall?—A. He fell very near that trestle—just below it.

Q. Did he scale the fence or go through it?—A. He went over the fence; there was no gate for him to go through.

Q. Explain how you went from the corn-patch to Schiller's house, and how you avoided the crowd of men you saw come in, and where you were standing when they were breaking up the things, and where was Schiller.—A. I do not know where Schiller was; I know nothing about him. I did not see Schiller that night.

Q. Well, describe how you got to Schiller's house.—A. I went back right through the same way I come. I come up back towards the drill-room in that direction, [indicating,] and got over the fence into Schiller's yard, and went between his kitchen and the fence up in the yard; there was where I was standing when they broke up my things.

Q. When did Schiller leave his house?—A. I do not know, sir; I couldn't tell you; I never seen Schiller that night.

Q. How could you recognize R. J. Butler in the dark?—A. It was not dark; the moon was shining as bright as you ever seen it, I reckon; it looked to me like it was day, because there was fighting.

Q. Where was Moses Parks shot?—A. Right at Davis Lipfield's, a little way from there.

Q. Was there not a high, close fence between you and where he was shot in the street?—A. I saw E. J. Butler shoot him as he went through the gate.

Q. You saw that?—A. I was just looking right at him as I am looking at you.

Q. Which street was the crowd in where you saw General Butler at his headquarters?—A. On the front street, next the river.

Q. How could you see from the back of the house into the street when the back of the house opened into the garden or corn-patch?—A. It did not open into any corn-patch. Up to Mr. Rolls's the house sets right in the corner, like here is one street, [describing] on paper, and the house stands here.

Q. Look at that diagram and see if that describes it, [showing a diagram to witness.]—A. Here is Rolls's house, which stands right in that corner; here is one street, and here is the back part of Rolls's house; it fronts on this street, on this cross-street; and here is the back part of Rolls's house; and here comes in another street running down, the way the Savannah River is; here was the piazza on the back part of the house, parallel with the street; and right here in this corner next to the street, in this piazza, I was standing, and the crowd was all assembled around me.

Q. Where was the crowd shooting?—A. Right down at this corner, right alongside of this street, and some in the short street here; but General Butler stood right here in this street, the street running down parallel with Savannah River—the front street—and he was standing right here; there was a few mulberry or China trees standing here, and there is where the crowd was; there the headquarters was, and I was right up over them. I was in the piazza, standing looking at them.

Q. Being in the piazza, how could you see all along up and down the trestle?—A. No, sir; I couldn't see up and down that trestle. This piazza was inclosed on the end that come parallel with this street here, and it had one panel of the blind broken out, and I could look out down through that down on the crowd.

Q. Where were the thousand men from to whom you refer in one place in your testimony?—A. I couldn't tell you where they were from.

Q. You say, "I was on the back street, and here came along another street; right on this street I suppose there was over a thousand men; they had their headquarters there, and General M. C. Butler was among that crowd."—A. Yes, sir.

Q. You do not know where they came from?—A. No, sir; they would go off and come in all the time, and go in and out.

Q. Were not men all through Rolls's house guarding it?—A. If there was, I didn't know. They wasn't in that part where I was; if they had been I wouldn't have been here now.

Q. How did you escape them?—A. I don't know; I just went through somehow. Sometimes they were as close to me as you is.

Q. Were those men in the house when you was standing on the piazza?—A. They were not.

Q. Couldn't you hear them in the house?—A. I could not. There wa'n't no one in the house.

Q. Are you sure of that?—A. I judged so from this, that Mrs. Rolls locked up the house and went over the river. I saw her lock the house and put the key in her pocket, and she went over the river.

Q. If they had gone in the house they could have found you in the piazza?—A. They might. I didn't hear nobody there, and another thing, I know they was not in the house for two reasons: First was that Mrs. Rolls locked up the house and put the key in her pocket, and next was that there was a man staid in the house. Dick Johnson lived in that same house, and he went in the house and they locked him up in there. He was there all night.

Q. Where was the "dead-ring" that you refer to in your testimony?—A. Right down that street that runs parallel with the Savannah River.

Q. How far from Rolls's house?—A. No distance. I could stand and look right down there.

Q. From the piazza you was in?—A. Yes, sir; from the piazza I was in to where they killed these men. They killed them out there, down next to the railroad. Who shot them I don't know; I could hear the guns though.

Q. In one place you say every time they came in General Butler would say, "Good, boys; God damn it! turn your hounds loose and bring the last one in."—A. Yes, sir.

Q. To whom did General Butler address this remark?—A. I don't know. Every time they would come in with a colored man he would say that.

Q. How did you know it was his voice?—A. I was looking right at him when he would say so.

Q. You say, on that same page, "And some would try to describe what sort of a man I was—a man with side-whiskers and mustache—and some would roll up their sleeves and write it on their cuffs. One man wrote down my description on the bosom of his shirt, and said, 'We'll have him to-day.'" Name some of the parties who did this.—A. I couldn't name them, sir. I didn't know them. I know I seen a man do it.

Q. How could they see to write at night, and how could you see them write?—A. I could have wrote as good a letter that night as I could to-day, if I could write at all.

Q. Well, how could you see them?—A. I had nothing to do but to look right down at them; I was not more than twelve or thirteen steps away from him.

Q. Is not Rolls's house surrounded by thick shade-trees?—A. Yes; there are some shade-trees around it.

Q. Well, many or few?—A. Well, not very many, sir; very few. I don't think there was more than two or three at the outside.

Q. Were they covered with leaves at that time?—A. Some of them was, and one was about half dead, and it probably had leaves on it, but it didn't prevent me from seeing them.

Q. How far were you from what you call the "dead-ring"?—A. I don't know; I suppose I wasn't more than fifty or seventy-five yards from it.

Q. Where did you say General Butler moved his headquarters to?—A. I disremember now; I might think of it after a while when you call my attention to it. I know he moved them two or three times that night. His headquarters was once in Davis Lopsfield's house; I reckon probably that that was the time you was speaking of. That was during the time that there was shooting going on so; and after the firing ceased he moved down to this corner. (Indicating on diagram.)

Q. You say at one place in your testimony, "Some would say we will go around to Davis's store and there we will find General Butler?"—A. Yes, sir.

Q. - And then he says, 'We'll do just as he says.' Some of the men would say we had better kill all, because if we don't they will give testimony against us some day to come?"—A. Yes, sir.

Q. - So they had got to wrangling among themselves?"—A. Yes, sir.

Q. Now name some of the parties who used these expressions.—A. There was one man that I didn't know. There was one man that I know him well and I have been trying to think of his name ever since this committee has been here. I think if any credit is resorted to anybody for the safety of his life, it was him, sir. He was from Augusta, and I wish I could give his name. He was the one that after he couldn't get them to do as he wanted to, he told them, "It is the better way to do to have a court-martial, and whatever that court-martial said then is agree to it."

Q. Now, give the names of some of the parties that said so.—A. I don't know their names.

Q. Can't you mention the name of any one?—A. I don't know that I could, your honor. It has been so long the parties' names has gone out of my mind. There was a heap of things in my mind to think of.

By Mr. CHRISTIANCY:

Q. Did you heard that said by some of the crowd, - Go down to see General Butler?"

By Mr. WILKINSON:

Q. Did you can't remember a single man's name?—A. No, sir.

Q. Who suggested the court-martial that should make the way of it?—A. This was the man that lived in Georgia; I can't think of his name. I know him well myself.

Q. How did it take place?—A. They took the men off across the South Carolina Railroad by their side-locks there and shot them. They was a half-a-moon where you were on the South Carolina Railroad. I never saw them when they was there, sir; I saw the place where they were shot at. That is what I heard; I do not know.

Q. How far is that from Kaine's house?—A. I reckon it is about three hundred yards. May be five times as far; may be about two hundred.

Q. From what direction did General Butler come when you saw him some amount there then?—A. Well, when I seen General Butler, I

heard some of the men first come up and say that General Butler was come, and——

Q. What time was that?—A. That was about—I don't know. It was, may be, about between two and three o'clock.

By Mr. CHRISTIANCY :

Q. That was while you were up there in Balls's piazza?—A. Yes, sir.

By Mr. MERRIMON :

Q. In the morning?—A. Yes, sir.

Q. On the morning of the night?—A. Yes, sir.

Q. Where did he go?—A. Then he sat and staid there a good while, a long while, and then went off, and I never seen him no more till about time for them to break up.

Q. To whom did he speak?—A. I do not know who he was talking to.

Q. Can you name some of the parties?—A. No, sir. It is not possible for me to name men in such a crowd as that.

Q. What time was Attaway taken prisoner and where?—A. Well, I do not know when. He was taken out up the square somewhere. I have heard where he was taken there; but I don't know of my own knowledge.

Q. Who was this found fault with General Butler for not having them all killed?—A. A good many of them.

Q. Mention one or two of them.—A. I did not know them, sir. They were down in the crowd, and I heard some cursing General Butler. They said he had them all brought there, and they had got the niggers. Now he wouldn't kill them, and they would give evidence against them. It was a general thing among them. There was one fellow I can recollect that expressed himself about General Butler to a crowd in that way; and he was so poor he couldn't hardly get bread to eat. It was a fellow named Jack Vanderbilt. He lived right there in Hamburgh.

By Mr. CAMERON :

Q. How did he express himself?—A. Well, why I got to know it was him was this way. Him and another little fellow—a boy about twelve or thirteen years old. He said to this boy, "Let's go up in this piazza and lay down and go to sleep." Well, I was up there, and while he was standing there he was talking about General Butler had captured a whole lot of niggers, and, God damn it, he ought to kill the last one of them, for if he didn't do that, they would be up there to vote against us, and be there to give testimony against us; and then he kept on trying to get this boy to come up in the piazza and go to sleep; and, finally, this boy wouldn't go.

By Mr. MERRIMON :

Q. Was it a white boy or a black boy?—A. A white boy. The boy said he didn't want to go. He wanted to go and spit on them niggers some more in the "dead-ring," and finally they didn't come. I don't suppose I would have taken so much notice of him but I was up there, and if they had come up there they would have found me there.

Q. You say some of the negroes were taken across the river; what time was that?—A. I don't know what time that was; I only know about what I heard.

Q. Well, fix the time as near as you can, when you heard it.—A. They had taken them out of the ring. I don't know exactly what time they taken them across there. I think, however, about twelve or one o'clock. I heard a young man by the name of Charles Ounnican say they had

carried Frank Robinson over the river, and they carried somebody else over the river. He called the name Out I don't know now who it was. There was some two or three they took out of the ring and carried over the river. He came up in the crowd and said so.

Q. You say "about two months before the fourth of July Harrison Butler, one of R. J. Butler's sons, was in conversation one morning with me, and John Thomas, Press Williams, John Bird, and if I mistake not, a man by the name of S. B. Picksley, told me that the democrats had made it up in their own minds, and they had gone all over the State, and also had about thirty men from Texas and Mississippi to come in this State, and they were feeding them." In whose presence and when and where did you have that conversation with Harrison Butler?—A. It was these same men you have named, and more, but I can't recollect them all. I don't recollect what month it was, or what day of the month.

Q. All these men were together?—A. Yes, sir. I am not certain that Picksley was there, but I think he was there.

Q. Is Picksley a white man or a colored man?—A. He is a colored man.

Q. What is the name of the boy with R. J. Butler, that you referred to in your testimony?—A. Joe Robinson.

Q. Who told you that they whipped him?—A. R. J. Butler told me so himself. He told me here on the day of the trial here at the courthouse that he saw I had a boy there, and I told him that he was a minor, under age, and that he didn't belong to the company; that the drum-major of the company had that boy in his drum-corps practicing, and that he didn't belong to the company. I had nothing to do with him, and he said, "By God!"

Q. Did he tell you himself that he whipped him?—A. Yes, sir; he did.

Q. You say after that "I received a note. The note was destroyed when all my papers were destroyed. I received a letter with my name, specifying a dozen or two different names that was in the vicinity of Hamburg that had to be killed, and I was sure to be killed." State the contents of that letter as near as you can; what was the character of the handwriting, and if dated, the post-mark; and, if so, when and where?—A. I got the letter out of the office. I do not know the handwriting.

Q. Was it a good one or a bad one?—A. It was a good handwriting.

Q. Was it dated?—A. Yes, sir; it was dated.

Q. When?—A. I couldn't recollect now when it was dated.

Q. Where? From what point?—A. There was no name signed to it.

Q. But from what point did it purport to have been written?—A. Well, it had South Carolina on it.

Q. But had no other place named?—A. No, sir; it did not.

Q. What were the contents of it?—A. It named myself and some other men that had to be killed, and a good many men's names now that I can't think of—

Q. Who were the men in Augusta who wanted to kill you, that you mention in one place in your testimony?

The WITNESS. Who were in Augusta?

Mr. MERRIMON. Yes.

The WITNESS. I can't recollect now.

Q. You say a great deal here on that page; you go on to describe the speeches, what was said by various democrats for a week or month before the 4th of July, and the day before the 4th of July, that they were

certain that they were going to carry the State, and they would kill all the republican niggers?—A. That was generally told me, sir.

Q. Who were the men in Augusta that wanted to kill the negroes?

Mr. CHRISTIANCY to Mr. Merrimon. Does it say anything on that page about the men in Augusta?

Mr. MERRIMON. Yes, sir.

Mr. CHRISTIANCY. Why not read it, then?

Mr. MERRIMON. I will. It seems that the witness had been answering a leading question that should not have been put to him. "It was the whole talk all the time, you could just hear it all the time, 'By God, we'll carry South Carolina; about the time we kill four or five hundred more, we will scare the rest.' You could hear them say, 'This is only the beginning of it; we have got to have South Carolina; we have got to go through; the State has got to be democratic; the white man has got to rule; this is a white man's government.' Politics was used all night long, all the time. Even in the evening before it begun, you could hear 'We are going to redeem South Carolina to-day.' You could hear them singing it on the streets, 'This is the beginning of the redemption of South Carolina.'"

Q. Who said that? Just give us a few of them.—A. I heard that said frequently by different men. I have heard Henry Getzen say these words; I have heard Tom Butler say them; I have heard old man R. J. Butler say so; I have heard other men about Edgefield, in that direction, who would come up there in Hamburg. I couldn't tell you all, but almost every white man who came in Hamburg would have something of that kind to say. They seemed to have taken that place as a starting-point, because a large part of the officers in Hamburg were colored.

By Mr. CHRISTIANCY:

Q. Now, on the night of the trouble, or in the afternoon and night of the trouble, this was said by the crowd, as I understand?—A. Yes; all among the crowd.

Q. You could not designate who said it?—A. No, sir; I could not designate them.

By Mr. MERRIMON:

Q. Name some of the colored people in Hamburg who had to lay out in the woods.—A. Well, I couldn't name hardly who it was that didn't have to lay out in the woods.

Q. You can name a few of them if there were so many.—A. I could go on and name a great many of them by taking time: Sam. Spencer for one, myself, Sam. Picksley, Lieutenant Cartledge, Charlie Wilkerson, Andrew Jenkins and Charlie Griffin, Andrew Griffin and Archie Griffin, George Williams, Dan. Martin, Adams Matison, and all of them; I couldn't tell you all of them. I tell you we have laid out time and time again.

Q. Who said that the law run out every one hundred years, and there was no law now?—A. Harrison Butler said that.

Q. Who was the governor of South Carolina at the time when this conversation took place?—A. Daniel H. Chamberlain.

Q. What political party did he belong to?—A. The republican.

Q. What was the politics of the political party that controlled the affairs of South Carolina at that time?

The WITNESS. What do you mean?

Q. What party controlled affairs in South Carolina?—A. The republican, generally.

By Mr. CHRISTIANCY :

Q. That is, you mean to say the republican party had the State government?—A. Yes, sir; I don't know whether they control the government very much. It don't look as though anybody was controlling it; they was doing as they pleased. Willis Harris was frequently down in Hamburg, and was one of the men who used to make use of the expression that there was no law, and Chamberlain couldn't control himself. He was a justice of the peace, and he said if anybody saved the lives of niggers they would have to appeal to the democratic party.

Q. He was a white man?—A. Yes, sir; a white man, and a magistrate also.

By Mr. MERRIMON:

Q. You say you had notices of a threatening character addressed to you, received from time to time. Where are the notes to which you refer, and can you procure them?—A. I can't, for everything I had was destroyed.

Q. Have you had any since that time?—A. No, sir.

Q. What were the contents of these notes?—A. Well, telling me to go out of the State, "Better go away," and all such as that.

Q. Do you know who wrote them?—A. No, sir; I do not. If I had known them I would have had them up before the law.

Q. You say that you haven't made five cents since the Hamburg riot. Why is that?—A. It is for this reason, because there is nowhere I can go to work, because there's threats made against me, as a general thing, by different men, and I am just afraid to go anywhere to go to work.

Q. Couldn't you work in this city?

The WITNESS. In what city—here?

Mr. MERRIMON. Yes.

The WITNESS. Well, but I don't live in this city.

Q. Well, you could work here, though. You are a carpenter?—A. I am a carpenter, but I come here once or twice and I staid here two or three weeks to get work, and there was so little going on that I couldn't get anything. My general place I used to work at was in Augusta. I carried on a shop over there. My place of business was over there, and it was more than I dared to do, was to go over on that side since the 8th of July.

Q. Have you any property?—A. Yes, sir; I have some property.

Q. Where is it?—A. In Georgia.

Q. How much?—A. It is not very much.

Q. What is it worth?—A. I reckon it is worth seven or eight hundred dollars. I have got more property than that, too.

Q. Did you ever sign anybody's bond in Aiken?—A. Yes, sir. I have got property in Georgia, about seven or eight hundred dollars' worth of property in Georgia. I have some property in Nashville, Tenn.

By Mr. CHRISTIANCY :

Q. Is it real estate?—A. Yes, sir; real estate. I used to live up there since the war.

By Mr. MERRIMON :

Q. Where is it situated in Nashville?—A. Near Murfreesborough.

Q. Murfreesborough is one town and Nashville is another.—A. I know, but I am talking about in Tennessee, and it is between Nashville and Murfreesborough, in the country like, right in the vicinity of Nashville.

Q. How far from Nashville?—A. Not far.

Q. Well, how much land do you own there?—A. Well, I own between—I reckon it would be worth about—well, I could sell it for about two or three thousand dollars.

Q. How many acres are there?—A. Five hundred acres.

Q. Whose land does it join?—A. It joins some of the land of two or three colored men. It is a tract of land that joins land that colored men bought. It used to belong to a man by the name of Bate Moore, that we bought it of.

Q. Whose land does it join?

WITNESS. Whose land do it join?

The CHAIRMAN. Yes.

WITNESS. Well, it joins—let me see, I forget the man's name, now. It joins some land of Mrs. Green, a widow. One part of it joins the land of James Johnson, a colored man.

Q. Is it situated north or south of Nashville?—A. I think it is more north than south.

Q. On which side of the Cumberland River is it?—A. I think it is this side of the Cumberland River.

By Mr. CHRISTIANCY :

Q. The side toward Murfreesborough?—A. Yes, sir.

By Mr. MERRIMON :

Q. Have you ever signed anybody's bond in Aiken?—A. Yes, sir; a bond for five hundred dollars, in Aiken.

Q. Whose was it?—A. A man by the name of Henry Williamson.

Q. What was the amount of it?—A. The bond was two thousand dollars, I believe; I signed five hundred dollars for my part.

Q. Did you make an affidavit as to what you were worth; and, if so, what did you say you were worth?—A. I don't know; I didn't make no affidavit; the commissioner asked me what I was worth, and I told him I was worth about two thousand dollars, I guess, or more.

Q. What were you worth when you moved from Georgia, and who moved you?—A. Well, some draymen moved me, I don't know who it was moved me now; I don't recollect.

Q. You say in one place, toward the last of your testimony, that you heard the expression generally, that they were going to kill out all the radicals, and all those that didn't vote the democratic ticket they would kill—who said that?—A. Well, I don't recollect; I couldn't tell you.

Q. Name some of the men.—A. I don't recollect any particular man.

By Mr. CHRISTIANCY :

Q. Except what you have given before?—A. Except what I have given before.

By Mr. MERRIMON :

Q. What is Henry Getzen's age?—A. I don't know, sir; I think Henry Getzen may be about somewhere about twenty-six or twenty-seven years old.

Q. Do you know that he has ever been in any affray—killed anybody or wounded anybody?—A. I know he killed Jim Cook. I know he was the one that shot at him when he fell.

Q. Well, apart from that, is he a violent young man?—A. He bears that reputation.

Q. That is his common reputation, that he is a violent man?—A. Yes, sir.

Q. A bad man?—A. Yes, sir; he bears that reputation.

Q. Did you ever know him to have a fight with any person?—A. I have known him to shoot at people.

Q. Name some person that he shot at.—A. I know he shot at a man by the name of Charlie Turns since the Hamburg riot.

Q. A white man or black man?—A. A colored man.

Q. Where was that?—A. In the town of Hamburg.

Q. Whom did you ever know him to strike or beat?—A. I have known him to beat several people, at different times, I do not know exactly when, about there on his place.

Q. Was it there on his plantation; men he had there to work for him?

By Mr. CHRISTIANCY :

Q. Name some of them?—A. He knocked a man by the name of Pompey Pinckney, I think, once or twice. There is two or three men that I have heard he whipped and kicked them. I do not know the men, I am not personally acquainted with them.

Q. Where is the letter you showed to the district attorney?—A. I didn't show the letter to the district attorney here, that came from me wife.

Q. Can you produce it?—A. Well, I could produce it very easily by sending to Hamburg for it.

Q. Well, why won't you produce it?—A. Well, simply for this reason; you ask me why won't I?

Mr. MERRIMON. Yes.

The WITNESS. I could produce it if you want it, could send there for it. It is a very easy matter to send for it. I loaned a young man that was a witness here before you, Harry Mays, the satchel and it was in it, to carry some things home when he left here. It only said that he shot at him last Sunday night, I think was a week ago, him and a man by the name of Winkles.

Q. You say on page 59 of your testimony, "but since they have been expecting to go on here I showed the district attorney a letter to-day that was received from there yesterday morning by Harry Mays. He shot the second time at a man named Charlie Ferris, a blacksmith." I want that letter produced.—A. Well, I will tell you about the second time—about a week after.

By Mr. CHRISTIANCY :

Q. You are testifying to what you do not know personally?—A. Only what has been heard. I saw a letter wrote to Charlie Griffin, by Push Griffin, from Hamburg, that Getzen fired at Turns; Turns also returned the fire. And since that time there has been another letter come here. I showed the letter to Mr. Corbin. There was two letters come to me, one from my wife, she mentioned it, and it was also mentioned in Mays' letter. I read the letter for Mays, but I think the letter I showed to District Attorney Corbin, I think it was from Mays' wife, that had more about it than my letter had. I showed it to Mr. Corbin and he read it.

Q. Can you produce the letters and will you not do it?—A. Well, of course the letters—I suppose—the one I showed to Mr. Corbin was to Mays from Mays' wife.

By Mr. CHRISTIANCY :

Q. That you do not control?—A. No, sir.

By Mr. MERRIMON :

Q. But you can produce the one you do control?—A. Yes, sir; I expect to go home to-night and I will send the letter to you if you want it.

Q. Are you not afraid to go home?—A. I am actually afraid, but my wife is sick and I want to get to try and see her.

Q. Did you ever lead an attack, in a crowd, upon United States soldiers, in Augusta, Georgia, in 1867?—A. No, sir; I didn't never lead no crowd.

Q. Did you participate in any riot, at that time or since?—A. I never did participate in no riot. I can tell you all that, if you want to know. I reckon somebody told you about it. There was once some colored men, I think by the name of Isaac Jefferson, and a lot more of men—John Barnes, and several men; I cannot call the names of all of them now. They said that the soldiers had bothered them a good deal, and they got to fighting among the soldiers and run them into a bar-room; and a crowd of men was arrested, and being arrested, I being captain of a company in Augusta at that time, my name was called. I was sent for. I was not arrested; I was sent for. I was told that my name had been called, and I went down to see the officer about it. He said that my name had been called. He just told me that I would have to give bonds for my appearance. He had three men in a dunger, I think they called it. And I did give a bond, and a man by the name of James Gardner, and another gentleman, in Augusta, stood my bond. The trial come off, and I proved myself clear of it. I didn't have anything to do with it.

By Mr. CHRISTIANCY:

Q. What officer was this?—A. I think his name was Captain White.

Q. He was a United States officer?

The WITNESS. You mean the one I went to?

Mr. CHRISTIANCY. Yes, sir.

The WITNESS. I think it was Captain White.

By Mr. MEBBIMON:

Q. You were not in the riotous transaction at all?—A. No, sir.

Q. Had nothing to do with it?—A. I had nothing more to do with it than you had.

Q. How did they happen to arrest you for it?—A. They didn't arrest me. I heard my name was called, and I went down; and this officer said, "To prove it clear, you had better give bonds;" and I went right to James T. Gardner, and he went down and stood my bond—one of the prominentest citizens of Augusta.

Q. Were you present at the re-organization of your company under the amended militia law of this State?—A. You mean the last time that they had an election?

Q. Yes; you know that the companies were all reorganized, and they had to reorganize in a certain time or they had to be disbanded and surrender their arms. Were you present at the time, and was your company so reorganized?—A. That was before I belonged to the company; that was when they came into the Nineteenth Regiment.

Q. How it was organized, and how many men were in it, you do not know?—A. No, sir; I do not. I have seen the books of it since.

Q. Where are the books?—A. The books were there; that is all I know about it.

Q. At Hamburg?—A. At Hamburg.

Q. They are there now?—A. Yes, sir; or ought to be.

Q. Whether it was regularly reorganized, you do not know?—A. I do not know.

By Mr. CAMERON:

Q. I will ask you, captain, to give the names of each of the Butlers

who were at Hamburg on the 8th of July.—A. R. J. Butler, Harrison Butler, Thomas Butler, M. C. Butler—

Q. Harrison Butler and Thomas Butler are sons of R. J. Butler?—A. Yes, sir.

Q. How far does R. J. Butler reside from Hamburg?—A. It is probably half a mile; near about that.

Q. How far does Harrison Butler reside from Hamburg?—A. Well, I think he resides about, maybe, a mile and a half; maybe two miles. Press Butler, which was there, he is a son of A. P. Butler; John Butler, too, was there, a son of A. P. Butler, I think. That's about all I can remember of them.

Q. Was A. P. Butler there?—A. He was.

Q. Where does he reside?—A. About ten miles from Hamburg.

Q. Where do his two sons, whose names you have mentioned, reside?—A. Well, I do not know, exactly; I don't know whether they live with him or somewhere else; I know where he lives.

Q. Where does M. C. Butler reside?—A. I think he lives in Edgefield now, at this time. I think he did then. I think he was living in the village at that time, since his house was burned up.

Q. Do you know whether any of the Butlers whose names you have mentioned, except M. C. Butler, are lawyers, practising?—A. No, sir; I do not know that any of them are lawyers, with the exception of M. C. Butler.

Q. What command did M. C. Butler hold in the militia at that time?—A. None at all, that I know of; I don't think he did.

Q. Did he state to any of your messengers, so far as you know, what authority he had for demanding, or suggesting, that the arms be given up to him?—A. None at all, that I have heard. I sent word back to him that he was only a private citizen, like any other private citizen, and I couldn't give him the arms. He sent word to me that he appeared there as attorney for R. J. Butler. That was the first message I got from him.

Q. What was this man Melling doing at the court?—A. Well, he was just there. I don't know what his business was, particularly.

Q. Was he armed?—A. I do not know. He might have been armed. I don't recollect now whether he was or not.

Q. You may state whether any of the white men who were at the court were armed.—A. Getzen was, Tom Butler was, Harrison Butler was, also; he had a sixteen-shooter in the buggy; and old man Butler had a pistol, and pistols also lay in his buggy. In fact, that was the way he generally traveled, all the time, with two or three pistols in his buggy.

Q. How near to the "dead-ring" did you see M. C. Butler at any time?—A. Well, as near as I could see him—I couldn't say if he went to the "dead-ring;" I couldn't see him.

Q. How near to it did you see him?—A. I see him within about twenty-five steps of it.

S. PICKSLEY—AIKEN COUNTY.

COLUMBIA, S. C., December 16, 1876.

S. PICKSLEY (colored) sworn and examined.

By Mr. CHRISTIANCY :

Question. Where is the place of your residence?—Answer, Hamburg, S. C., Aiken County.

J. T. BUTLER—AIKEN COUNTY.

COLUMBIA, S. C., *January 1, 1877.*

J. T. BUTLER sworn and examined.

By Mr. MERRIMON:

Question. Where do you reside?—Answer. Within three miles of
Hamburgh.

Q. How old are you?—A. Going on twenty-two.

Q. What political party do you belong to?—A. I belong to the dem-
ocratic party.

Q. What is your business?—A. Well, I have not been doing much
business. I have not been long from school. I am just stopping around
home, living with my father.

By Mr. CHRISTIANCY:

Q. What is your father's name?—A. E. J. Butler.

By Mr. MERRIMON:

Q. State whether you had any controversy on the public road, near
Hamburgh, with the members of a militia company; and if you say yes,
state where you were going, what happened, on what road you were,
and what time in the evening it occurred.

By Mr. CHRISTIANCY:

Q. When was this, first?—A. On the 3d of July. I went to town in
the morning with a load of produce, and another in the evening.

By Mr. MERRIMON:

Q. To which town?—A. To Augusta. Then I was going out, and it
was about sundown. I turned to go back up through the town, going
by Martintown. Right up at the upper end of Hamburgh I saw three
negroes.

Q. Which way does that road lead?—A. It leads out into the Edge-
field road—straight out to the Edgefield road—and it goes out about
one-half a mile and turns to the left, and that was the Martintown road.

Q. Was there anybody with you?—A. There was not anybody with
me when I saw these three colored men.

Q. Where were they?—A. They were sitting on the steps of a place
at the end of Hamburgh.

Q. What sort of a place?—A. On the door-steps, on one of the doors
there, and I was driving pretty fast, in a hurry to get home, and one of
them, just as I got opposite to him, he let into cursing me, and I took
up my horse, as soon as I could, and turned round and asked him what
did he mean by cursing me in such a way; I hadn't done anything to
him.

By Mr. CAMERON:

Q. What was his name?—A. Dave Philips. By that time there were
two more walked up from the front of the house, with two of these
Army guns.

Q. Give their names.—A. I couldn't give their names, I didn't know
them.

By Mr. MERRIMON:

Q. Well, what did they do?—A. Well, they cursed me there for
everything. I went on home, and told my father what they had said
to me.

Tell us what they did. Did they make any hostile demonstration?—A. Yes, sir; they cursed me for a damn son of a bitch, and said they would shoot me.

Who was that?—A. These parties.

Were they all armed?—A. Yes, sir; they were all armed. One man had a revolver and the others had rifles.

What sort of rifles?—A. These here Remington rifles.

How did you get away from them?—A. I just drove off and left cursing me.

State whether at any other time you were halted on the streets of Hamburg by colored militia, and if you say so, state what occurred.—A. I was coming from Augusta with my brother-in-law in a buggy—

When?—A. On the evening of the 4th of July.

Now state what happened, and where you were.

By Mr. CHRISTIANCY :

Q. What is your brother-in-law's name?—A. Henry Getzen. We drove up to the Charlotte and Columbia Railroad, and there we seen a crowd of colored people standing in the middle of the street. I drove up and they came up, and about that time I seen that they were drilling, deploying there, and they went to the further end of the street, and I drove right on down, and as we got right opposite the well, they turned back and met us right there, and my horse is rather lazy, and he was going along slow and I was not paying much attention to him. My horse was turned off on them, and I came along in a walk and we came close to these men, and a boy stuck his drum under my horse's feet and drummed underneath him. Then they opened like they was going to let us go on, and I started to go through, and one of the men, I didn't know then who he was, he says to me, "Mr. Butler, is you going to ride me?" I says, "No, I only want the road." They said God damn our souls to hell; they was going to keep us there all night. And they kept us and kept us there about ten or fifteen minutes, and Doc. Adams came—by that time it commenced raining, and Doc. Adams says, "It is raining; if it wa'n't for that we would keep you here all night." They let us go then and we drove on through in a walk. Pretty soon we seen Cooke coming after us to arrest us.

Q. How did you know he was coming to arrest you?—A. I heard some of them say there that he said he was going to do it. I didn't know it, of course; that was what he said he was going to do. He was the sheriff of the town, and he was coming on after us in the street, running to try to keep up with us, but after we got through we drove on, and by that time I got into my father's street.

By Mr. MERRIMON :

Q. Were you going on the regular road over across from Augusta to your father's farm?—A. Yes, sir. Father pays twenty-five dollars a month, and he has paid seven and one-half dollars extra for wagons, and pass going over there carrying our produce.

Q. Was that on one of the streets of the city?—A. Yes, sir; it was one of the streets of the city.

Q. The street that led up toward your father's farm?—A. The street that led up to my father's farm.

Q. At the end of the street there was a gate opening into his field?—A. Yes, sir.

Q. And you were going to that gate?—A. Yes, sir.

Q. These men were marching along the road?—A. Yes, sir.

Q. You met them where?—A. Right there at the well. There was a ditch running from one side of the street to the well, and there was no bridge across the ditch, and they deployed across the street in this position with their guns across their shoulders, [indicating,] and they asked me was I going to try to drive over them, and I told them no; all I wanted was the road.

Q. Was there room for you to have driven around the ditch?—A. There was not; the only way we could have got to the road was to have turned and driven back a square.

Q. Have you got a diagram of the road there?—A. No, sir; I have not.

Q. You say that you could not get through them, as the ditch ran there?—A. As the ditch ran there, I couldn't get through them unless I turned about and drove back.

Q. Well, what did you say to them; did you curse them back?—A. No, sir; I didn't curse them, I only told them all I wanted was the road.

Q. Who was with you?—A. Henry Getzen.

Q. Well, you passed through and passed on home?—A. Yes, sir.

Q. What happened after that about that transaction; did any parties threaten that they intended to take your life?—A. Yes, sir; Dave Philips told me that he would kill me the evening he seed me.

Q. He told you this when?—A. The evening before.

Q. Then, what was done on Saturday?—A. On Thursday we had a trial there.

Q. I want to know what was done before you came to the trial. On the 3d of July you say these men met you on the street?—A. Yes, sir.

Q. On the 4th you were stopped by a negro militia company; what was done after that?—A. Rivers called for the company to—

Q. Did you go to Rivers?—A. Yes, sir.

Q. When?—A. We went to Rivers on the 5th of July, and told him we wanted him to send for the general of the militia; he said he didn't know anything about them being a militia—Rivers said that he didn't know anything about them being a militia, and then he called on the officers to come there to see who was in the wrong, and Henry Getzen was put on the stand.

Q. What day was this?—A. On Thursday, the 6th of July. On the 5th of July we went and seen Rivers, and he met the next day and called us, and Doc. Adams made such an ado in the court that they had him arrested for contempt of court, and Attaway then came out and swore and commenced to God damn, and he cursed Rivers for a God damn white-livered son of a bitch.

Q. That was while Rivers was sitting in court?—A. That was while Rivers was sitting in the court; he came out and stated that.

Q. You were there on the 6th?—A. Yes, sir; and then the court was put off until Saturday.

Q. Well, did you have any arms with you at that time?—A. I did.

Q. What arms?—A. I had my rifle with me.

Q. What did you take a rifle along with you to a court of justice for?—A. Because my life had been threatened; they determined to kill me and I carried it for my bodily protection.

Q. Is it usual, in your section, to go armed?—A. Well, it is not usual there for people to carry guns, but it is usual there to carry pistols.

Q. You say that the trial then was adjourned over?—A. Yes, sir until Saturday.

Q. What day was that?—A. That was on the 8th of July.

Q. Well, what time in the day was it adjourned to?—A. Until 4 o'clock.

Q. Saturday evening?—A. Yes, sir.

Q. State whether you went back there Saturday, and if you went back, the time that you met there.—A. I went there Saturday evening between 2 and 3 o'clock.

Q. What day was that on?—A. Saturday, the 8th of July. When I got to town I found my father and General Butler with him there at Mr. Damm's store.

Q. What did you do then?—A. General Butler came there to act as lawyer for my father, and they went around to court, and they didn't come.

By Mr. CAMERON:

Q. Did you go around to the court?—A. Yes, sir; I went around with them.

By Mr. MERRIMON:

Q. You went around to the court?—A. Yes, sir.

Q. What was done there?—A. There didn't no one come, and we heard—

Q. You need not tell what you heard. The negroes did not come?—A. No, sir.

Q. You were there?—A. I was.

Q. Was General Butler there?—A. Yes, sir.

Q. Was your father there?—A. Yes, sir.

Q. Were you ready for trial on that day?—A. Yes, sir.

Q. And the negroes did not come?—A. No, sir.

Q. Though the trial had been adjourned to that hour?—A. Yes, sir.

Q. What happened after that?—A. That evening they fired out of the windows at us.

Q. What windows?—A. The drill-room windows. I think the house belongs to Sibly. It is a brick house; the railroad runs right along there, and there is a big brick house sitting there, that is Sibly's, and they was up in there.

Q. What were they doing up there?—A. I didn't go up there; I couldn't tell.

Q. Could you see?—A. No, sir; I couldn't see them.

Q. Were there many white people there?—A. There were about sixty or seventy.

Q. Were they armed?—A. I suppose they were armed with pistols; I didn't see anything else.

Q. The negroes were in the drill-room and the whites were standing around the streets?—A. Yes, sir.

Q. You say that the negroes fired first from that house?—A. They did, sir.

Q. And then you returned the fire?—A. We did.

Q. How many times did you fire?—A. I fired two or three times.

Q. State whether you saw General Butler at Hamburg that evening.—A. I told you that I seen him around at Mr. Damm's store, and during the evening I saw him again on the corner this side of the drill-room, by the bank building.

Q. What was he in town for that evening?—A. For an attorney for my father.

Q. Did he have anything to do with the riot?—A. He did not.

Q. What time did you go home that night?—A. I went home between 12 and 1 o'clock.

Q. Who went home with you?—A. General Butler and my father, and Johnny Sherood.

Q. Had anybody been killed before you left Hamburg?—A. There had been two killed before I left Hamburg.

Q. Who were they?—A. Jim Cook and Moses Parks.

Q. Had not Attaway, Phillips, Minyard, and Stevens been killed when you left town?—A. No, sir.

Q. Are you sure of that?—A. To my own knowledge, I am sure of it. If they was I didn't know it.

Q. When did you first hear that they were killed?—A. The next morning, sir.

Q. Whom did you leave in town that night when you went home?—A. I left a good many fellows from Augusta; there were a good many there; a drunken crowd from over there on the other side of the river.

Q. Who had been killed before you left?—A. There was one I forgot to tell you—Mackey Merriwether was killed that night.

Q. What was he—a colored man?—A. A white man.

Q. Where was he killed?—A. I didn't see him killed; they said, though, that he was killed.

Q. Whom did you see killed?—A. I saw Moses Parks and Jim Cook.

Q. Do you know who killed them?—A. I do not.

Q. State whether you saw the bodies of these men after they were killed, and, if so, where you saw them.—A. Well, sir, I seen the bodies; I seen Jim Cook on the right-hand side of the railroad, and I seen Moses Parks between it and Davis Lepfield's house.

Q. State whether you had at any time any difficulty with the negroes, or did you do anything to them that provoked them to insult you as they did?—A. I did not.

Q. Had you ever had any trouble with them in any way?—A. No, sir; I had not.

Q. Is that all you know about it?—A. Yes, sir; that is all I know about it.

Q. What, if any, political motive did you have in connection with that transaction?—A. No political motive whatever.

Q. Do you know whether anybody else had?—A. No, sir; I do not know that any one else did. I didn't hear political matters mentioned.

Q. What gave rise to the disturbance there?—A. Well, it was because they had stopped us there in the road, and were threatening to injure us; and a good many of our relations and friends came down to keep them from it, and they shot at me that evening—shot at us from the window.

CROSS EXAMINATION.

By Mr. CAMERON:

Q. Have you been arrested for your connection with the Hamburg riot?—A. I have, sir.

Q. When were you arrested?—A. I couldn't tell you; I don't recollect the time.

Q. State it as near as you can.—A. I hate to say, because I—

Q. How long after the riot occurred were you arrested?—A. Two or three weeks; somewhere along there—a month, may be. I couldn't say for certain.

Q. By whom were you arrested?—A. By Mr. Jordan.

Q. What official position did Mr. Jordan hold in the county at that time?—A. He was sheriff.

Q. What were you charged with?—A. Charged with murder.

- Q. Were you examined before a trial-justice?—A. No, sir.
- Q. Did you give bond for your appearance at the court?—A. Yes, sir; I did.
- Q. You are still under that bond?—A. I am.
- Q. You are still charged with murder?—A. Yes, sir; that's in the warrant.
- Q. When have you last seen Dave Phillips?—A. I have not seen Dave Phillips since the 6th of July, the first time that we went to trial.
- Q. Did you see his body after he was killed?—A. I did not.
- Q. Was he killed at that time?—A. I don't know, sir; I didn't see him killed.
- Q. Which of the men that were killed did you see when they were killed?—A. I never seen neither one of them killed. I seen two after they were killed.
- Q. What time did you see the dead body of James Cook?—A. Well, I suppose it was about 10 o'clock, as nigh as I can come at it. I didn't have any watch.
- Q. How soon was it after that that you went home?—A. I don't know how long it was. I went home between 12 and 1 o'clock some time. I couldn't tell only by gues; I didn't have any watch with me.
- Q. Did you notice when you got home what time it was?—A. No, sir; I did not.
- Q. What time did you go to bed that night?—A. I went to bed directly after I got home. I don't recollect what time it was; it was between 12 and 1 o'clock, though.
- Q. What time did you get up the next morning?—A. I got up about 8 o'clock.
- Q. What time was it when you saw the dead body of Moses Parks?—A. About half an hour after I seen Jim Cook's.
- Q. Where was his dead body?—A. His dead body was between the railroad and Davis Lepfield's.
- Q. Which of these men did you fire at?—A. I didn't fire at either one of them.
- Q. You swear to that?—A. I didn't fire at either one of them.
- Q. You will swear to that, will you?—A. I will.
- Q. How many times did you fire there on that building?—A. I told you I fired two or three times.
- Q. You have not told us how many more times.—A. I don't recollect of firing any more than two or three times on that building.
- Q. What time was it when you fired?—A. Well, it was getting dark, getting a little dusk.
- Q. Getting a little dusk?—A. Yes, sir; getting a little dusk.
- Q. You fired with your rifle?—A. I did.
- Q. How many pistols did you have with you?—A. I didn't have any.
- Q. What sort of a rifle was yours?—A. It was one of these repeating rifles.
- Q. How many times would it shoot?—A. It would shoot eighteen times.
- Q. How many charges had it in when this battle commenced?—A. I don't recollect.
- Q. I did not ask you whether you recollect or not. Can you tell?—A. No; I told you I didn't know how many it had in.
- Q. You did not tell me that; you told me you did not recollect.—A. Well, I don't know how many it had in.
- Q. How many charges did it have in the next morning?—A. I don't know that, even.

Q. How many times did you fire in all?—A. Two or three times told you.

Q. Only two or three times?—A. Only two or three times it is to recollection.

Q. Did you have your rifle in your possession during the whole evening?—A. I did, sir.

Q. Where did you go after firing at the building?—A. I was around there at the corner, right at the bank-building.

Q. How far did you go up or down the street from that place?—A. I did not go anywhere, only stood right there until after the firing commenced, and then I walked around to Davis Lepfield's corner to where my father was.

Q. I did not ask you anything about that. If you will be good enough to answer my questions without volunteering anything more. Is Lepfield's on another street from the street that the drill-room was on?—It is on a different street; it is on the same square, but it is on a different street—one street runs by both of them.

[The witness by direction of Senator Christiancy drew a diagram of the Savannah River and the streets of the town of Hamburg referred to in his evidence.]

Q. What, in your opinion, is the width of the street where you saw the militia company on the 4th of July?—A. I couldn't say for certain. I don't know. I think it was about one hundred or one hundred and fifty feet wide.

Q. What time of the day did you meet the colored company there?—A. I don't know precisely what time of the day it was, but it was late in the day, about an hour by sun.

Q. Which way were you going, toward home or from it?—A. I was going toward home.

Q. How long had you been in Hamburg before you met the colored company?—A. I just came right on through.

Q. Right on from Augusta?—A. Yes, sir.

Q. Did you stop in Hamburg before you met the colored company that day?—A. I didn't, as we went back, at all.

Q. Did you see the company parading when you were going over Augusta?—A. I did not.

Q. Then you may state whether or not that was the first time you saw the colored company that day.—A. That was the first time I saw them that day.

Q. About how many men should you judge were in the company when you met them?—A. Well, I don't know; there was not very many. I don't think there was over fifty or sixty, to my notion; I don't tell you for certain, because I don't know; that was what I took it.

Q. How many were marching; how many in each rank?—A. I didn't notice particularly how; they were marching, but they were marching about eight deep across the street.

Q. Did you notice how many ranks there were of them?—A. No, sir. I did not.

Q. About how far apart were the men as they marched?—A. We were before they came up they were marching side and side, and when they got there to the well they opened about six feet apart.

Q. And they were walking about eight deep?—A. Yes, sir.

Q. Were they marching near the middle of the street when you met them?—A. Yes, sir.

Q. The company were going down the river when you met them?—

When we seen them they were going up the river, and then they re turned and met us right at the well.

Q. When you met them they were going down the river and you were going up the river?—A. Yes, sir; when we met them we were going up the river and they were going down the river.

Q. Was there a traveled track on each side of the street?—A. No, sir.

Q. Was the street comparatively level where you met them?—A. I couldn't tell you about that; there was a good many bushes. The only road was right up through the middle of the street.

Q. I ask you whether or not the street is comparatively level where you met them?—A. I don't know; I didn't have a spirit-level there; I couldn't tell you.

Q. What is the width of the traveled track?—A. It is a little wider than a buggy.

Q. About how many feet would that be?—A. I don't know; I suppose the road there in some places is a little wider than in others.

Q. I am speaking now of the point where you met the company?—A. I suppose it was about 10 feet wide; that's as near as I can come at it.

Q. Now I will ask you whether a buggy could not travel anywhere on the street where you met the company, except on that track that you say is ten feet wide?—A. They could by driving through weeds, but we couldn't that day because the militia company was between the well and deploying clear back to the fence.

By Mr. CHRISTIANCY :

Q. On which side?—A. On the right hand going up or the left-hand side coming down. When we met the colored company they were deployed from the well to the fence on the side of the street toward the river.

Q. And that well is about in the center of the street?—A. As near as I can come at it.

Q. What is there on the other side of the street, between the well and the fence?—A. There's a ditch there.

Q. How wide is that ditch?—A. I don't know, sir; I suppose it is three feet wide.

Q. Whereabouts is the ditch situated?—A. It ran right up the middle of the street.

Q. No, no; I am speaking now of the street on which you met the men?—A. I didn't say there was any ditch on that street; the ditch run through that street across the main street as far as the well.

Q. Where did you meet the company?—A. Right at the well; my horse stopped within a few feet of the well, on the lower side.

By Mr. MERRIMON :

Q. On the side down the river?—A. On the side down the river; and the negroes were at the well, deployed there across the street from the well and the river side of the street.

By Mr. CAMERON :

Q. I will ask you whether or not you could not turn off on the street in which you say there is a ditch?—A. There's a ditch across this street, so that I couldn't have got out unless I backed my horse.

By Mr. CHRISTIANCY :

Q. Could you not have driven over that ditch?—A. No, sir. I might have driven over it and broken my buggy, for it was a ditch three feet and a half wide, and one foot and a half deep.

Q. These streets remain the same, do they?—A. Yes, sir, they do.

Q. They are in the same condition substantially?—A. There was a ditch the last time I seen them.

By Mr. CAMERON :

Q. When did you see them?—A. One day last week.

Q. Will you swear that there is not a traveled track between the well and the right-hand side of that main street going up, or that there was not at the time that you met the colored company there?—A. I will swear that there ain't a traveled road on the side of the main street toward the country.

Q. How rapidly were you traveling when you met the company?—A. I was traveling at a very slow pace; a mere walk. When my horse got about as far as from here to the door he stopped down to a walk.

Q. What conversation did you have with any person that appeared to know you there?—A. When I drove up, Doc Adams said I couldn't go by. I told him all I wanted was the road. He said that I could turn around and go back. I said, "You can let us go through here; it is easier for you to move around and let me go out; just open your ranks a little and I will go on through;" and he said, "I won't do it," and cursed us, and I said I could stay there as long as he could; and it commenced raining, and he said to his company he wouldn't get the guns wet, and started on; and they cursed us for sons of bitches.

Q. What did you say?—A. I never said anything to them out of the way.

Q. What did Henry Getzen say?—A. I don't recollect as he said anything. Here is what he said to them: he told them, never mind; not to be cursing him; that it wouldn't be always that way that they would be cursing him.

Q. That is all he said?—A. That is all I understood him to say.

Q. He did not use any profane language?—A. I didn't understand him to use any.

Q. You did not?—A. I never opened my mouth, only said I wanted the street.

Q. That is all you said?—A. That is all I said.

Q. You were very civil?—A. Yes, sir; I was civil that time; I didn't open my mouth to them.

Q. When did you go to Rivers's office next after that?—A. I went to Rivers's office the next morning, and Rivers wa'n't at home.

Q. What time did you go the next morning?—A. I suppose about 10 o'clock.

Q. Who accompanied you to Rivers's office?—A. My brother, my father, and Henry Getzen.

Q. Which of your brothers?—A. The only one I have got, Harrison Butler. Henry Getzen is my brother-in-law.

Q. When did you first see Rivers after that?—A. I saw him about 12 o'clock that day.

Q. Where did you see him?—A. I saw him down to his plantation.

Q. When did you go to Rivers's office for the purpose of getting out a warrant or commencing a suit, or whatever it was?—A. My father went there to get a warrant out for Dave Philips, a peace-warrant, and wanted to see if he couldn't see Rivers.

Q. You were with your father?—A. Yes, sir.

Q. What time was it that you get the warrant?—A. We got the warrant on Thursday, the 6th of July.

Q. What time in the day did you get out this warrant?—A. I don't know.

Q. Was it in the morning or evening?—A. I have forgotten whether it was in the morning or evening. I won't say for certain.

Q. Then you swear you cannot tell?—A. I can't say what time it was that father took the peace-warrant out, because I don't know.

Q. Did you accompany your father to his office when he went for it?—A. I did.

By Mr. CHRISTIANCY :

Q. For whom was the warrant?—A. Dave Phillips.

By Mr. CAMERON :

Q. Will you tell us whether it was before noon or after noon?—A. I have just stated I didn't know what time of day it was.

Q. Perhaps you can tell us whether it was in the forenoon or afternoon?—A. I don't recollect; it has been a good while ago, and about that I cannot recollect for certain.

Q. When have you last talked with General Butler about this Hamburg affair?—A. I talked with him this morning.

Q. You talked the matter over with him?—A. I talked it over this morning.

Q. You stated to him, did you, what you could swear to?—A. I didn't state what I could swear to.

Q. Did you not tell him what you would swear to?—A. I told him some of it; I didn't tell him all. He asked some questions there, and then sent me to answer the questions in here.

Q. He asked you questions and you answered them?—A. No, sir; I didn't answer them.

Q. Had you ever talked with him before about that?—A. A good many times.

Q. When did you last talk with your father about it?—A. I said some few words to him about it this morning.

Q. Have you frequently talked with him about it?—A. I don't recollect saying a word to him before in two or three months about it.

Q. You talked with him about it about the time you were arrested, did you not?—A. Yes, sir.

Q. When have you talked with Getzen about it?—A. A good many times.

Q. When have you talked with your brother Harrison about it?—A. I don't recollect of talking to him about it; I don't know when.

Q. You stated that a good many of your relations went to Hamburg on the 8th?—A. Yes, sir; they heard we was to be mobbed there, and they went down—me and Henry Getzen.

Q. About how many of your relations were there?—A. Well, there was our friends and our relations. I told you there was sixty white men.

Q. What time did they come there?—A. About four o'clock, at the time our trial was to come off.

Q. Did you see the most of them in town that day?—A. I seen a good many of them, sir.

Q. Were they armed or not?—A. I suppose they were armed with pistols; they didn't have any guns.

Q. You had a gun?—A. I did, sir.

Q. Did your father have one?—A. No, sir.

Q. Have any guns in the buggy?—A. He did not.

Q. You are the only person who had a gun on that occasion?—A. I had my gun. My life had been threatened, and I had carried my gun for my own protection.

Q. I asked you if you were the only person there that had a gun?—I didn't see any one else there with a gun.

Q. You had the only gun that was there?—A. The only gun; sir.

Q. You swear positively to that?—A. That I was the only person seen with a gun.

By Mr. CHRISTIANCY :

Q. That night?—A. No, sir; I didn't say that night. I saw a many persons that night with guns.

By Mr. CAMERON :

Q. Give the names of all your relations who were there for the purpose of being present at the mob they expected to come off?—A. Mr. Shaw was there for one.

Q. Is he a relative of yours?—A. Yes, sir.

Q. What is his relationship?—A. He is a cousin of mine; I can't say what cousin.

Q. Where does he reside?—A. He lives about a mile from Sweet Water, Ga., up in the country.

Q. How far is that from Hamburg?—A. About eight miles.

Q. Well, who else?—A. Preacher Weling, a relation of Henry Getzen.

Q. Where does he reside?—A. About a mile the other side of Hugh Shaw's.

Q. Who else?—A. I don't recollect all the names.

Q. Can you give the names of any more of your relations who were there?—A. I told you I didn't recollect the names.

Q. I understand you told me that, but can you give the names of any others?—A. My brother was there that day; he was a relation of mine.

Q. Harrison Butler?—A. Yes, sir.

Q. Where does he reside?—A. Three miles from Hamburg.

Q. Can you name any more?—A. I object to being asked any more questions about who the names were.

Q. Was your father there?—A. He was.

Q. Was your brother Harrison there?—A. I stated he was there.

Q. Was General M. C. Butler there?—A. He was.

Q. Is he a relation of yours?—A. Not as I know of; if he is, it might be distant.

Q. You may give the names of any other of your relations who were there.

By Mr. MERRIMON :

Q. Mr. Butler, state all you know.—A. I have told them all I know.

Q. Then why did you not say so?—A. I told them I did not know any more of them; I have forgotten the names; I don't recollect the names of the others.

By Mr. CAMERON :

Q. Well, give the names of any persons who were not relations of yours, but whom you have described as friends, who were there at the time.—A. I don't recollect.

Q. Give the name of any one there.—A. I told you I have given you all the names I recollect of.

Q. No, you have not told us that.—A. I tell you so now. I have given you all the names I recollect of to my recollection.

Q. You swear to that positively, that you cannot recollect any other names?—A. I can't recollect any other names, only Colonel Butler.

Q. Col. A. P. Butler?—A. Col. A. P. Butler.

Q. How far does he reside from there?—A. Six miles.

Q. Where were those relations and friends of yours about four o'clock in the afternoon of the 8th of July?—A. There was a meeting to be organized at Summer Hill, about three miles from town, and they all met there and came down to Hamburg.

By Mr. MERRIMON :

Q. Do you know that of your own knowledge?—A. Only what I have heard.

Mr. MERRIMON. You cannot tell what you have heard. You have been told that twenty times.

By Mr. CAMERON :

Q. At what time did they get to Hamburg?—A. They got there about four o'clock, I reckon.

Q. Where did you first see them in Hamburg?—A. I believe I seen them coming in the street around by the bank-building.

Q. Where did they go from the bank-building?—A. Well, they knocked around the street; around about in different places.

Q. Where were they at four o'clock in the afternoon of that day?—A. They came in town about that time.

Q. Where were you?—A. I was in Hamburg waiting for trial.

Q. Did you have a trial there?—A. I was to have one there; we went to meet them, and nobody didn't come.

Q. What were you to be tried for?—A. We went to Rivers and seen him, if he couldn't stop the obstruction of the highway where we have to carry our provisions, and we wanted to see if he couldn't stop it, being he was a brigadier-general of the army. Rivers told us that he didn't know anything about their arms; he didn't give them to them, and didn't know whether it was a militia company or not; that they didn't get any orders from him.

Q. Now, having made that speech, perhaps you will answer my question. I asked you what trial you were to have on the 8th?—A. I was a witness in the trial.

Q. Then you were not to have any trial?—A. Well, there was a trial to take place, and I went there with my father; we, all of us, went there to the trial; I don't know what you may call it.

Q. When you say "all of us went there," what do you mean by that?—A. Me and my father and brother-in-law, and General Butler as an attorney for my father.

Q. Do you know that of your own knowledge?—A. I do.

Q. When did your father send for General Butler?—A. He sent for him on the evening of the 6th of July, but I don't think he got the word until next evening.

Q. You do not know whether he got it at all or not, do you?—A. I don't know it of my own knowledge; I didn't see it; but Col. Tom Shaw told him; father sent word by him; I heard him tell him so.

Q. You stated in the direct examination that persons stopped you on the streets; what did they do?—A. I don't know what you call it; he commenced cursing me and said he would kill me.

Q. State what he said.—A. He cursed me for a God damned son of

a bitch, and I knew I was there alone in my buggy and my horse would stop with me, and I knew if I had any fuss with them that there was five or five of them to my one, and I couldn't do anything with the crowd; I drove off and left them.

Q. State what he said to you.—A. Didn't I say he commenced cursing me for a God damned son of a bitch, and said, "Go on, you God damned son of a bitch." I said, "What are you cursing me for? I ain't done nothing to you," and he said, "You God damned son of a bitch, am going to kill you." I said I hadn't done anything to him for him to kill me for it, "but you can come and do it if you want to kill me." I said, "I will kill you." I said, "You can kill me now if you want to." I said, "I don't think you ought to be cursing me in such a way; you know you have got the advantage of me." He cursed me for a God damned rascal, and I drove off and left them, because I considered that I had too much advantage.

Q. You considered this a very ill-disposed young man?—A. I do not know about that. I hadn't bothered anybody's business; but, of course if anybody bothers mine I would try to defend myself. I wish to give no insolence to anybody, and I don't want to take any from anybody.

Q. Was the party in the street when he cursed you?—A. He was; I got up and commenced cursing me when I came along. My horse was going pretty fast, and I checked him up about as far as from here to the front door, when they commenced cursing me. The last time he cursed me I was about thirty yards from him.

Q. Where were you when the first shot was fired from the armory?—A. I was at the bank-building.

Q. After that shooting was, first, where did you then go?—A. I stayed right there.

Q. From what point did you fire at the armory-building?—A. I fired from the bank-building right to the left.

Q. Were there any other shots fired apparently at the drill-room at the same time that you fired?—A. There were two or three others fired.

Q. How many?—A. I don't know.

Q. Who fired any of them?—A. I don't recollect.

Q. Do you know?—A. No, sir; I don't know who shot them.

By Mr. CHRISTIANCY :

Q. Not one of them?—A. Not one of them.

By Mr. CAMERON :

Q. About how many shots were fired at the armory-building before the cannon was brought over from Augusta?—A. I don't know that.

Q. Can you not estimate the number?—A. I told you I didn't know.

Q. Were there ten, do you suppose?—A. I don't know.

Q. Were there five?—A. I don't know.

Q. Were there five?—A. I don't know how many was fired, and that reason I won't say, because I don't know.

Q. Were there probably five shots fired?—A. There were over five but I don't know how many; I saw two or three of them myself.

By Mr. CHRISTIANCY :

Q. Were there fifty, probably?—A. I don't know whether there were or not.

Q. Well, what is your best estimate of the number of shots fired at the armory-building before the cannon was brought over?—A. I do not know.

By Mr. CAMERON :

Q. Can you make any estimate ?

Mr. MERRIMON. Just say yes or no.

A. No, I don't know.

Q. [By Mr. CAMERON.] What time was the cannon brought over ?—
A. I don't know ; I suppose it was about eleven o'clock. That is about
the time, I think, it was brought over ; I don't say for certain whether
it was or not.

Q. Where was the cannon located when it was fired at the armory-
building ?—A. I don't know ; I didn't see it.

By Mr. CHRISTIANCY :

Q. Did you see the cannon at all ?—A. No, sir ; I did not.

By Mr. CAMERON :

Q. Where were you when the cannon was fired ?—A. I was at Davis
Lepfield's corner seeing what had become of my father.

Q. Mark where Davis Lepfield's corner is on the map. [Diagram
made by the witness.]—A. I refuse to do it.

By Mr. MERRIMON :

Q. State why you will not do it.—A. Because I don't know anything
about mapping ; never drew any map in my life.

Q. There is running along the upper side of the drill-room a street,
running right back from the front street to another corner, and on that
corner is Davis Lepfield's ?—A. Yes, sir.

Q. Then between Davis Lepfield's house and the drill-room there is
another house ?—A. Yes, sir.

Q. Whose is that ?—A. Louis Schiller's ; facing the street running
back from the front street.

By Mr. CAMERON :

Q. How long did you remain at Lepfield's at that time ?—A. I don't
recollect ; but I reckon I remained there half an hour.

Q. Where did you go from there ?—A. I went back from there to the
bank-building.

Q. How long did you stay at the bank-building ?—A. Until I started
home.

Q. How long did you stay ?—A. I suppose I staid there an hour and
a half.

Q. Was there any firing going on while you were there—at that time ?—
A. I don't recollect whether there was or not ; the cannon fired while I
was at Lepfield's corner.

Q. I am trying to ascertain whether or not there was any firing after
you went to the bank-building from Lepfield's ?—A. I didn't hear any ;
I heard some firing after I got most home ; I was up in the field two
miles from home when I heard the firing. Then I heard about twenty-
five or thirty shots. Our crowd had pretty near all gone then. We left
two or three hundred drunken men from Augusta there.

Q. Do you know Capt. O. N. Butler, of Augusta ?—A. I do, sir.

Q. Did you see him there on that night ?—A. I did not.

By Mr. CHRISTIANCY :

Q. You say you took a warrant out for this Dave Phillips ?—A. My
father took it out.

Q. At what time was it ; before the 8th of July or after ?—A. Before
the 8th of July. They said it wa'n't worth a ten-dollar note.

Q. They said what was not worth a ten-dollar note?—A. The securi-

Q. Where was that taken from; what justice?—A. Rivers.

Q. Did you ever have any trial of that?—A. No, sir.

Q. They said his security for what, then; for his appearance at the court?—A. For him to keep the peace.

Q. Do you remember the date when the warrant was taken?—A. On the 6th of July, if I ain't mistaken; I think, though, as near as I can recollect, it was on the 6th of July. I won't be positive, but to the best of my belief it was on the 6th of July.

Q. Were you down in Hamburgh on the next day, on Sunday?—A. The next day was Friday.

Q. This shooting down there was on Saturday night?—A. Yes, sir.

Q. Were you down town next day?—A. I was.

Q. What time in the day did you get there; in the morning?—A. I didn't get there in the morning.

Q. Well, when did you get there?—A. I got there about two or three o'clock in the evening.

Q. Did you see any dead colored people there?—A. I did not.

Q. You did not hear of any?—A. You told me not to state what I heard.

Q. Did you hear the white people say anything about there being dead colored people there?—A. I don't know anything about hearing I couldn't swear to what I heard.

Q. But you can tell whether you heard of it from the white people?—A. Mr. MERRIMON. I object to that question as hearsay.

Mr. CAMERON. You may answer the question.

A. I heard black people say so.

Mr. CHRISTIANCY. That is not answering the question at all.

The WITNESS. What time do you mean that they said it?

Q. The next time you went there; you stated you went down there in the afternoon.—A. I went down there in the afternoon.

Q. My question was whether you did not hear from the white people that several negroes had been killed?—A. I didn't that evening.

Q. Did you before that evening or afterward?—A. I heard that morning that they was killed; it was reported about there. I don't recollect who told it. I never talked with any white people that evening all about it, but I heard some colored people say so.

Q. You do not know whether you heard any white people say so or not?—A. I didn't hear any white people say so that evening.

Q. At any time?—A. If I did I don't recollect who it was; it was generally reported about.

Q. Did you at any time after that see any dead negroes?—A. I did not.

Q. Between the bank-building, as you call it, the corner where the bank-building is, and the corner where the drill-room is, are there any buildings on the same side of the street?—A. Two little houses there.

Q. Two little houses?—A. Yes, sir; or a double house, or whatever you may call it.

Q. How far does that stand back from the street?—A. It runs right along facing of it; comes right up to the street.

By Mr. CAMERON:

Q. Did you follow and try to catch Louis Schiller?—A. I did not.

By Mr. MERRIMON:

Q. You say that you were arrested for having committed murder there?—A. Yes, sir; that was the warrant.

- Q. You are bound over to court?—A. Yes, sir.
 Q. What court?—A. The county court at Aiken.
 Q. Did you go to court?—A. I did.
 Q. What did they do with you there?—A. The judge gave bond.
 Q. The judge allowed you to give bond?—A. Yes, sir.
 Q. Why did they not try you?—A. We went there for trial, and General Gary got up and asked for trial, but they wouldn't give us trial.
 Q. Put it off?—A. Yes, sir.
 Q. Could the negroes have deployed so as to have given you the road entirely when you were moving along that road on the 4th of July last; was there room between the road and the river for them to have marched along without going into the buggy-track?—A. There was, if they hadn't deployed out so far.
 Q. Could they have marched there four, five, or six deep?—A. Certainly they could.

By Mr. CAMERON:

- Q. When did you go to the Aiken court?—A. I don't recollect; it was two or three weeks or a month—some time about that time; I don't recollect the time.
 Q. That is the time that General Gary got up and demanded trial?—A. No; the judge gave bail, and we went to the United States court, and Gary got up and demanded of the court—
 Q. Now, I am trying to find out when that was that Gary got up and demanded trial?—A. I don't recollect when the court met.

By Mr. MERRIMON:

- Q. Say whether you know or do not know?—A. I don't know when it met.

By Mr. CAMERON:

- Q. How many of your friends and relations were there?
 The WITNESS. Were there at the court?
 Mr. CAMERON. Yes, sir.
 The WITNESS. I don't know how many there were there.
 Q. Were there a good many there?—A. A good many.
 Q. Were you armed at the time you went to the court, when General Gary got up and demanded trial?—A. I had my pistol on.
 Q. About how many white men were in the town of Aiken at that time?—A. I don't know how many.
 Q. You cannot estimate the number?—A. No, sir.
 Q. Do you suppose there were twenty?—A. Yes, sir.
 Q. Do you suppose there were five hundred?—A. I don't reckon there was; I don't remember. There might have been five hundred in the different houses.
 Q. You do not know how many of your relations were there?—A. No, sir; I don't know how many of my relations were there.

By Mr. MERRIMON:

- Q. Were there any United States troops there?—A. There were.

By Mr. CHRISTIANCY:

- Q. Who was prosecuting yourself and others in this case at the court? Who was the public officer who was prosecuting them?—A. I don't know who he was, the one that was prosecuting us. This 'ere Stoney, he was there acting.
 Q. Stoue?—A. Stoue; yes, sir; he wanted to put us under bond of \$10,000, and the judge said he thought two thousand was a plenty.
 Q. Two thousand each?—A. Yes, sir; we had a great many affidavits read before the court, and they said \$2,000 was a plenty.

HENRY GETZEN—AIKEN COUNTY.

COLUMBIA, S. C., *January*

HENRY GETZEN sworn and examined.

By Mr. MERRIMON :

Question. What is your age?—Answer. Twenty-six years April.

Q. Where is your residence?—A. My residence is in Aiken about two miles from Hamburgli.

Q. What is your business?—A. I am a farmer.

Q. To what political party do you belong?—A. I am a democrat and have always voted the democratic ticket, so far.

Q. State whether, on the 4th of July last, you were in the Augusta, Ga., and if you say yes, state from what point you left that city, what time you left it, where you were going, and whether you met with any interruption on the road or street when you were on your way from that point, and tell all about any such interruption, if there was any.—A. Well, sir, I went to Augusta, Ga., on the 4th of July.

Q. From where?—A. From my home, two miles over in Cambridgeville, on the line of Hamburgli, exactly, and I went to Augusta in the evening. I don't remember the time when I left there, exactly, and came back in the evening, rather late in the evening, not very long before sundown. It has been six months. I cannot say the time positively, because I had never taken any notice at that time it was; but it was very near dark, late in the evening, when I had crossed the bridge and had got as far as the Carolina Railroad, where I could see a large crowd of colored people beyond the Columbia and Augusta Railroad trestle-work.

Q. Well?—A. There seemed to be a company there going in the form of a drill, and we drove on by at a moderate gait, rather than a walk, I suppose about five or six miles an hour. I do not think it was not a fast gait at all; and the negroes seen us coming, and we went to the farther part of the town, up the street we had been ordered to get home; a street in the upper part of the town which was constructed, half of the street, by a ditch; and they were in the ditch, and they marched up above the ditch.

By Mr. CHRISTIANCY :

Q. Wait a moment; let me understand which street you refer to having a ditch in it.—A. I am not very well versed in the names of the streets; I think they called that Market street. [Referring to the following diagram:]

Q. Is it the front street, running parallel with the river, in the town?—A. Yes, sir; I think the street is called Market street, and runs east and west, right up and down the river.

Q. That is the one you say has a ditch in the center of it?—A. Yes, sir; there are some houses betwixt that street and the river; there is another street back of that.

Q. But you spoke of the ditch?—A. Yes, sir; there is a ditch running half of the street, and a well in the center of the street, and the ditch goes half-way around one block, and there is no bridge there. There used to be a bridge there, but there is none there now. We passed by that ditch and they turned; the company came back, and we got to the ditch; and we saw there was no chance to get

ditch, and they came past the well and left-obliqued a little bit; they marched to the left a little bit. They was marching, and they halted just as they got to the well, and they stopped the company right there, and I should think they was fully eight or ten feet apart.

By Mr. MEBBIMON :

Q. Who were f—A. The colored men that were drilling.

Q. What do you mean by eight or ten feet apart; do you mean that the lines were eight or ten feet apart f—A. Yes, sir; they was about six or eight wide and four or five deep, back across the street; they were six or eight across in one way, and three or four back this way, [indicating.]

Q. There was a well there f—A. There was a well there.

Q. Was that about the center of the street f—A. That was very nearly exactly in the center of the street.

Q. Then they came between the well and the side of the street toward the river f—A. Yes, sir.

Q. How much of that side of the street was occupied f—A. It was all occupied, except a little place they call the sidewalk; they consider that eight or ten feet wide, and no matter whether there is a brick on it at all, if you go on that sidewalk you are arrested and fined five dollars.

Q. They occupied all the street from the well out f—A. Yes, sir; very near all of it; there may have been a small space.

Q. They were in close ranks f—A. No, sir; we could have driven between them; there was room enough, without touching one of them.

Q. Were they talking f—A. Yes, sir; we was near them, and we touched the horse up and started to go through, and they threw their guns across their shoulders in this style with their bayonets on, and that taken up the space; they had their guns lengthways across their shoulders, [indicating the gun held in a horizontal position.] and said, "You don't intend to break up our drill, do you?" or something to that effect. A boy came up with a drum and commenced beating it under our horse's head, making a tremendous fuss there; but our horse was not badly frightened though at the drum, as he was an old horse, and very gentle. I told him no, that all I asked was to pass through and go on home; that I didn't have any desire to break up the drill in any way at all. He said, "You don't intend to drive through our ranks, do you?" I said, "No; I don't intend to drive through your ranks at all; if you will let me pass, that is all I intend to do." Dock Adams says, "No, by God, you can't go through here." There was another street around back of there, which was probably three or four hundred yards out of the way; but this was a lower street, toward the river, and the river had risen, and the ditch had not been cleaned out since, and there was brickbats and mud all in that street, and we don't like to go on that street. It was not the street we traveled on anyway.

Q. Was the street on which you met this company of men drilling, the usual street you traveled on f—A. It was the street we always traveled back and forth to and from the market, and sometimes as many as six or seven wagons goes through it a day to market. He said, "No, by God, he would stay there all night first, we had to go back." A good many of the company began to grumble at us, and said they would rather stay there all night than we should pass by, &c.; and everything got in such a confusion, and nearly all of them got to damning and cursing and going on; and I suppose we waited there ten or fifteen minutes. A little sprinkle of rain came up about that time;

they had their guns cleaned up, and Dock Adams said, "By God, if it didn't rain we would keep you here all night, but it is raining and I will give it up." He gave us the little path that was in the center of the street, that was clear of grass and weeds, where the wagons pass, and that little path we did not go out of it at all.

Q. That is where the wagons and carriages go?—A. Yes, sir; always pass; and the United States soldiers drilled their company there every day, on the grass to one side of this carriage-way, and we passed and repassed them and were not obstructed in any way or form. If they met us they right-obliqued or left-obliqued and let us pass, and we had no trouble. Before they passed and broke up they cursed and went on in a tremendous riot, and said be God damned if they did not stay there all night if we didn't go back around. Every one was talking, and I could not comprehend all they did say. I do not know who it was said it. This nigger Attaway, a colored man, he was worse than Adams was, a great deal, and Adams made two or three attempts to try and quiet his company, and he told them to hush up and he would arrange this thing, and he had no power whatever to control them, or didn't seem to have; they paid no attention to him in the least. After we had passed by, the town marshal ran on behind us and said he was going to arrest us, and said whenever we went down to Hamburg they intended to arrest us. We went on about two or three hundred yards, where Mr. Butler generally stays during the day to attend to his business; it is about two miles from his home. I told him what had occurred, and he said he intended to go down and see Rivers.

Q. What happened that day after that transaction? State whether any legal proceeding was taken, and, if you say yes, where it was taken and what it was.—A. Yes, sir; there was legal proceedings. Mr. Robert Butler took legal proceedings.

Q. Who is he?—A. My father-in-law.

Q. State where he lives.—A. About half a mile from me.

Q. Where do you live—how far from Hamburg?—A. We are on the boundary-line of Hamburg; it is two miles from the bridge.

Q. Does your father-in-law's place lie up the river?—A. Yes, sir; he owns to the Hamburg line.

Q. Then you went to the house near where your father-in-law, Mr. Robert Butler, lives?—A. Yes, sir.

Q. What happened the next day?—A. Mr. Robert Butler saw Rivers and told him what had happened.

Q. What time in the morning did he leave home?—A. I think it was as near as I can remember, between eight and nine o'clock in the morning, after breakfast hours; I don't remember the exact time.

Q. Who went down there?—A. Mr. Robert Butler, Harrison Butler, Tommy Butler, and myself.

Q. Where did you go?—A. To Prince R. Rivers, a trial-justice of Aiken County at that time.

Q. What did you do there?—A. He stated the case to him, what had happened; and told him if such delay as that was allowed to his market-wagons, &c., it would be injurious to his property; that he sent a great deal of his fruit, vegetables, and melons to the north and west, and they had to get over to the market by a certain time, and if they didn't they would be left, and would spoil. He didn't think they had a right to be stopped on the highway in that way; and Rivers, after hearing the explanation, &c., said he did not think it was right, either. Then we went with him down to his office, and, if I am not mistaken, he then promised that he would have the matter investigated—there was

no arrests or warrants taken out at all—and that he would see that we should not be disturbed or interfered with any more.

Q. There was no warrant taken out?—A. No, sir; no warrant taken out at that time.

Q. Did your father-in-law speak to Rivers in your presence of the obstruction?—A. He did, sir.

Q. Did he complain that you and his son had been obstructed the day before?—A. He complained that his son had been attacked the day before, and taken out a peace-warrant for one of the parties that had threatened his life.

Q. A member of that company?—A. Yes, sir; a member of that company. He taken out a peace-warrant the next morning. He told Rivers he wanted to take out a peace-warrant, and the next morning, which was on the 6th, while he was at that business, he took out a peace-warrant. I know he taken out a peace-warrant.

By Mr. CHRISTIANOY :

Q. Against whom?—A. Dave Phillips.

By Mr. MERRIMON :

Q. Did he complain that his road had been obstructed?—A. He did, sir.

Q. Anything said about obstructing his wagons?—A. He didn't say they had obstructed his wagons, except myself and his son.

Q. What did he allege as the cause of his complaint to Rivers?—A. That if they continued to obstruct our wagons or buggies, it would be injurious to the marketing of his crops; that they might obstruct the wagons and delay the marketing of his fruit.

Q. Then Rivers did not issue any warrant on the 6th of July?—A. No, sir; he never issued no warrant then.

Q. When did he issue the warrant?—A. I don't know that there was ever a warrant issued to my knowledge.

Q. What happened after that date, then?—A. They went down on the 6th.

Q. Who went down?—A. Mr. Robert Butler, Tommy Butler, Harrison Butler, myself, Dr. H. A. Shaw, and Rev. Mr. Mealing came down to Hamburg—they live six or eight miles above that place—to stand my bail, for I was arrested. That was on the 6th of July, I think.

Q. What were you arrested for?—A. I heard that the negroes were making threats that they intended to have me arrested for interfering with the drill. I only know that from mere rumor.

Q. Sate what you did when you got there on the 6th. Where did you go?—A. Went to Rivers's office.

Q. What happened?—A. They put me up as a witness before Prince Rivers, to state what I knew concerning the affair. After that they put Dock Adams up, and cross-questioned him. Dock Adams got up and commenced to cross-question me in a very insulting manner, and used very bad language, &c., in the court-room. Rivers told him if he could not address me in a more gentlemanly manner to sit down, and he sat down. He says, "Now, if you think you can address the court in a more decent manner, you may go on;" and he said he could, and got up and commenced the same abuse, using the same bad language; and Rivers had him arrested for contempt of court, and continued the case until Saturday; that was the time he was arrested.

Q. Who else was there at that time along with Dock Adams?—A. Allen Attaway, and, if I am not mistaken—I would not swear to it positively—but to the best of my knowledge Sparnick was there, judge of

probate. He was there at the formation of the court. I do not know whether he was in the room at that time or not.

Q. State whether there was any hostile demonstrations on the part of anybody else besides Adams.—A. After Adams was arrested, Attaway got right up at his side there and went out and said, "The God damned white-livered son of a bitch," speaking about Rivers right in his court as he went out, murmuring to himself, and saying that he had showed prejudice in that case, and "be damned if he didn't wade in blood up to his"— I don't know what you call them. He would wade in blood. Any way, he made some remark about blood being shed before his captain should be arrested. I don't remember the words he used, but he went out murmuring to himself.

By Mr. CAMERON:

Q. If you don't remember what he said, don't pretend to state what he said.—A. No, sir; I am not going to state anything I didn't hear.

By Mr. MERRIMON:

Q. What did the trial-justice do then?—A. He continued the case till Saturday. There were a lot of negro women around the place, and there was a good many of them standing around there, and they said to the negro men to shoot them down and cut their throats.

Q. Did you hear that?—A. I did, sir, as I walked out of the door. I was standing at the door at the time, and two or three gentlemen were with me.

Q. Who were they?—A. Dr. H. A. Shaw, Rev. J. P. Mealing. One was standing a little distance from the other. I don't remember the distance, but they were outside of the door.

Q. They were negro women that made this remark?—A. I know their faces, but I don't know any of the names at all.

Q. The trial-justice adjourned the case over to what time?—A. Until Saturday, the 8th of July, I think, to the best of my recollection.

Q. At what time on the 8th, if any time fixed for the trial?—A. Four o'clock. Mr. Robert Butler objected to that hour, and said that that was too late; that he would rather have some other hour; that there was a crowd of colored people on the street on Saturday; and why didn't he put it at ten o'clock, or some other time that the court generally met, instead of so late. Rivers said he would be busy on his farm that day, and it would be all the time he had to spare.

Q. Was anything further done that day?—A. We went on home after that, and nothing further was done, to my knowledge.

Q. State whether you employed counsel; and, if you did, state whom you employed and under what circumstances.—A. Mr. Robert Butler saw a gentleman, Mr. Thomas Shaw, in the evening, and Mr. Shaw told him that he was going to Edgfield Court-House next evening to see General Butler and some other gentleman there on business—I don't know who it was—and Mr. Butler said, "I wish you would tell General Butler that if he will come down and advocate my case for me I will give him \$25; and if it is possible for him to come down, to come down," and he would pay him for his services, and he mentioned the sum of \$25.

Q. What happened on the 8th?—A. As near as I can remember, I think it was about one or two o'clock, I was sitting in my front door, and General Butler came along in the road, in his buggy. I didn't recognize him, and he stopped at my gate and hollered to me to come out there; and I went out, and he asked me what did Robert Butler want with him, and I explained the case to him to the best of my knowledge; and he asked me where Mr. Butler was, and I told him he was over at

s house or down at the brick-yard where his business was, and he said tell him to be there at four o'clock.

Mr. CAMERON. You need not relate your conversation with General Butler.

Q. [By Mr. MERRIMON:] State whether he passed by your house and here he went.—A. He passed by my house and stated that he intended to go to Augusta.

Q. He passed your house?—A. He did, sir.

Q. Where did you see him the next time?—A. I saw him at Damm's store, in Hamburg; I met him there.

Q. Who else?—A. Tommy Butler, and no one else at that time.

Q. Where did you see them next?—A. At their place of business on the brick-yard place.

Q. What did you do then?—A. We all went down together to Damm's store; he told us to meet him there, General Butler did.

Q. Did you see General Butler there?—A. He was at Damm's store when I got there.

Q. What time was that in the evening?—A. Somewhere near two o'clock. I do not know exactly, but it was somewhere about that time, as well as I can remember.

Q. How did you go there?—A. I went there on horseback.

Q. How did the Butlers go?—A. Robert Butler went in his buggy, and Tommy Butler went with him.

Q. Did you have arms?—A. I had a carbine, and Tommy Butler had carbine.

Q. Did the old man have any arms?—A. I suppose they all had pistols; I didn't see none.

Q. How many arms did they have in the buggy?—A. Tommy had his rifle in the buggy, and I had my rifle on my horse; those were all the guns I saw.

Q. When you got to Damm's store, whom did you see there?—A. I saw General Butler there, and Tommy Butler.

Q. That was about 2 o'clock, you say?—A. Somewhere about that time; somewhere near that time.

Q. What happened then?—A. Well, General Butler and Mr. Robert Butler had a conversation. I did not hear the conversation. General Butler asked me to ride up to the corner and see Mr. Sparnick, and I went up and told Mr. Sparnick that General Butler wanted to see him, and he went, and he and General Butler had a consultation together; and as he was going out of the door he said, "Well, general—"

Mr. CAMERON. You need not state that.

Q. [By Mr. MERRIMON:] Did you see Dock Adams?—A. I didn't see Dock Adams at all at that time.

Q. Did you see any other negroes of that company at that time?—A. I saw negroes going back and forth with guns on their shoulders in the street, but I didn't recognize them; they were at a little distance from me; they seemed to be congregated around the drill-room, around the military building.

Q. Where did you go then, at 4 o'clock, the time fixed for trial?—A. I went to Rivers's office.

Q. Who went with you?—A. General Butler, and Robert Butler, and Tommy Butler, and I think Harrison Butler; there might have been one or two more white men, but I don't think there was; I don't know whether there were any more or not. I can't remember of any more going there.

Q. What was done there?—A. Well, court was called, and Rivers's

constable went out and said, "All that have any business in this court, come in," and he walked in, and Rivers inquired for Adams, and Adams was not there, and he ordered his constable to go out and give three cries for Dock Adams, and he went out and called "Dock Adams," but Dock Adams didn't come.

Q. What did General Butler do there?—A. General Butler got up and asked Rivers in what line he intended to investigate or try that case; whether he was going to try it by civil or military authority, and Rivers said he had not decided in what line he would try it; and Mr. Sparnick came in after that and said something to Rivers, and the court adjourned. I don't exactly understand how it was; but it broke up in confusion. I do not know why it adjourned.

Q. Did the trial take place?—A. It did not, sir.

Q. Pending that time did you see any negroes around there?—A. I saw negroes in the street.

Q. How many?—A. I could not tell you, sir; six, eight, or ten, probably; but there may have been more than that, perhaps; and there was a crowd of fifteen or twenty around the Sibly building—the drill-room.

Q. How many white men were there?—A. There was, I suppose, probably eight or ten at the trial at four o'clock.

Q. They had no trial?—A. They had no trial.

Q. What further happened in the course of the evening? Give the committee to understand it as you saw it.—A. Well, I staid around the court-room there until about five o'clock, or somewhere about that time. I don't know what time it was; but about that time a crowd of white men came in from the country there with about sixty or seventy.

Q. What time was that?—A. About five o'clock, I think; but I would not be positive. It was after our trial was over, an hour or two, I think.

Q. What did they come there for?—A. I have no idea what was their business there. I understand that they had had a club meeting up on the hill.

Q. Just state, if you know, what they were there for.—A. I do not know what they were there for, only what they told me themselves.

Q. What happened in the course of the evening? Just give a narrative of what you saw.—A. Very near dark a gun was fired from somewhere or another; from the sound it seemed like it come from the Sibly building, but I could not say where it came from, and after that there was confusion there in town, and a crowd of men came from Augusta over there; I staid there, going back and forward, till about twelve o'clock, and there was such a crowd of Georgians over there and such ro— dies—

Q. Well, did a fight take place there?—A. Yes, sir.

Q. Now describe as nearly as you can between whom it took place—who were the contending parties?—A. The whites and blacks; the blacks from out of the drill-room and the whites from out of the streets in general in one place and another.

Q. Where were the whites standing?—A. All about in the streets and one place and another and by the bank, close by the Sibly building, and everywhere in different parts of the town.

Q. Where were the negroes?—A. They seemed to be all in the Sibly building.

Q. How many were engaged?—A. I could not tell you. I was not there.

Q. Could you not give an idea?—A. No; I could tell only what I heard.

Q. Did they fight?—A. O yes, sir; there was fighting and shooting at each other.

Q. Tell whether there was a great many guns fired?—A. Yes, sir; there were a great many guns fired.

Q. On which side?—A. By the whites and blacks, both.

Q. Anybody hurt?—A. A white man killed and two negroes before I left.

Q. At what time did you leave?—A. I reckon it was about twelve o'clock.

Q. Where did you go?—A. I went to my home on the hill.

Q. Who went with you?—A. I went with a large crowd of men from the country in general; they all went out about that time; I don't know whether all of them went about that time, but I suppose a majority of them did.

Q. How long did the negroes stay in the Sibly building, as you call it?—A. I have no idea. They staid in there from about dark, and they seemed to be going out about ten or eleven o'clock. The thing began to quiet off about ten or eleven o'clock. It may have been sooner than that; I had no way of ascertaining.

Q. Did you see negroes go out?—A. No, sir; I didn't see the niggers go out.

Q. How they got out, or when, you do not know?—A. Of course I do not know anything about it.

Q. Did you see any dead white man?—A. I did.

Q. What was his name?—A. Mackey Merriweather.

Q. Where was he killed; at what point?—A. I understood he was killed down under the bridge. I did not see him killed. I saw them carrying him to Augusta.

Q. Did you see any black men killed?—A. I saw Jim Cook and one other; I did not know what his name was. I saw them after they were killed; I didn't see them killed.

Q. Where were they killed?—A. One, I think, was killed in Mercer street, this side of the trestle of the Charlotte, Columbia and Augusta Railroad; the other one was killed just the other side of the trestle.

Q. Do you know any other fact about that matter that you have not told us?—A. I do not think I can remember of any right now.

Q. Were you arrested for your participation in that disturbance?—

A. At that time I was arrested and put under bonds of \$4,000.

Q. Who arrested you?—A. Sheriff Jordan.

Q. Where did he take you to?—A. To Aiken.

Q. Before whom?—A. Judge Maher.

Q. Did he have any investigation of the matter?—A. He did, sir. They heard affidavits on both sides; I don't know how many of them.

Q. He held you to bail?—A. Yes, sir; he let us go on bail for \$4,000 for our appearance at court.

Q. State whether you appeared at court.—A. I appeared at court at the last session. I have forgotten exactly what month. I appeared before Judge Wiggin.

Q. What was done there?—A. I do not know. The trial was postponed on some account; I do not know what.

Q. They bound you over again?—A. They let the same papers remain as they were, and we all went home.

Q. State whether you had any political motive in your connection with this transaction, in any way.—A. None whatever, sir. There was no politics connected with it whatever, sir. I never belonged to no club nor any company at that time.

Q. Do you know whether anybody else was moved by political considerations to attack the negroes there, or to have any disturbance with

the negroes?—A. No, sir; I do not know of anything. I do not know but other people knew that, of course. I never heard anything of the kind in no shape or form.

Q. Did you ever threaten a negro, or use any threats toward him, for the purpose of inducing him to vote the democratic ticket?—A. I never did in my life.

Q. Do you know of any who did?—A. No, sir; I know of no one that did.

CROSS-EXAMINATION.

By Mr. CAMERON:

Q. Look at this diagram which I hand you, and see if it is correct so far as it shows the points mentioned there.—A. Yes, sir. I have noticed it. I think it is.

Q. What time did you go to Hamburg on the 8th of July?—A. I went there somewhere after 2 o'clock, I think; some time about that time. I can't remember the exact time.

Q. Whom did you go in company with, if with any one?—A. I went myself, all the way by myself, until I got in company with my father-in-law and my brother-in-law. I went with them. They were in Hamburg, in the upper portion of the town, at the plantation there.

Q. Were you armed?—A. I was.

Q. What arms did you have?—A. I had a carbine with me.

Q. Pistol?—A. I had a pistol, sir.

Q. More than one?—A. No, sir; only one. I had a carbine and a pistol.

Q. Was your father-in-law armed?—A. I did not see any arms at all. There might have been arms in his buggy. I do not remember of seeing any. His son had a rifle in the buggy with him, as I said before, and they might have had side-arms. I do not know whether they had or not. They probably had them.

Q. What time after the shooting commenced?—A. Well, sir, it was betwixt sundown and dark—about dusk, I suppose. I do not know what hour.

Q. Where were you when you had the first shooting?—A. I was somewhere near Rivers's office. At that time there was a crowd of men had come in.

Q. Near Rivers's office?—A. Yes, sir; near Rivers's office.

Q. Could you distinguish, by the report of the gun, what sort of a gun it was was fired?—A. Well, I could not say what sort of gun it was fired. It was a quick, sharp report like a rifle. I would not say, though, on my oath, that it was a rifle, because I do not know.

Q. Where did you go then?—A. I was about in town, in one place and another; sometimes in one place and sometimes in another, in different parts, down in the street. I went in no house at all.

Q. Who were with you at the time you heard the first gun fired?—A. Well, I do not know particularly; there was a great crowd around there.

Q. Tell us what you mean by a great crowd.—A. I suppose fifteen, or twenty, or twenty-five men.

Q. Do you call fifteen, or twenty, or twenty-five men a great crowd?—A. I think it a right smart of a crowd; there was about sixty or seventy white men came in from the country; they were round about in squads, a right smart crowd of men for a little town like that.

Q. Can you give the names of any of these men?—A. I cannot give the names of all the men that were there.

Q. Well, give the names of all you know.—A. I do not know of any

at were particularly in speaking distance of me at the time; they were around everywhere, in confusion.

Q. Give the names.—A. Glover.

Q. What was his first name?—A. Charles Glover; and Lannahan.

Q. Give his first name also, if you can.—A. Jake Lannahan.

Q. How far does Glover reside from Hamburg?—A. I suppose some arteen miles from Hamburg, more or less.

Q. How far does Lannahan reside from Hamburg?—A. About the me distance—the same neighborhood.

Q. Well, give the names of any other.—A. J. C. Hammond and eury Hammond.

Q. How far did they reside?—A. About a mile and a half from¹the ue, and four miles from the town down to where the buildings are om where they live. S. A. Ranson, Henry Twiggs, George Twiggs, nd Johnny Twiggs.

Q. How far does Ranson reside from Hamburg?—A. Three miles rom the bridge.

Q. How far do the Twiggss reside from Hamburg?—A. They live on he Edgefield road four miles from the bridge.

Q. Well, go on.—A. Pierce Butler and John Butler and his brother, E. Butler; they live about six miles.

Q. Who else?—A. I don't remember any other at that time in there.

Q. You may give the name of any one whose name you can remem-
er, who was there during the evening at any time.—A. Well, at night
there was a great crowd of men over from Augusta that I did not know
nything about.

Q. Then you can't give the names of any of those?—A. No.

Q. Can you give the names of any others who were there?—A. I don't
remember of none right now.

Q. There were other men there that you knew?—A. Yes, sir; Mr.
Robert Butler, my father-in-law, and General M. C. Butler, and Colonel
A. P. Butler was there. I do not think it was at that time, but he was
there during the first part of the evening.

Q. You saw him around in the street?—A. Yes, sir.

Q. How early in the evening did you see your father-in law?—A. I
saw him betwixt four o'clock and dark; I do not know what time it was.

Q. Did you see him after that time?—A. I never saw him until the
next morning at sun-up.

Q. Did you see General Butler during the evening?—A. I saw him
several times during the evening.

Q. Where did you see him?—A. Well, in different parts of town; he
was right around trying to get the men quieted. There was a great many
of those Augusta fellows came over there drunk.

Q. I didn't ask you what he was doing, but where you saw him.—A.
saw him there at the Hamburg Bank building, what they called Cook
reet; and I saw him betwixt there and the bridge once in the first
rt of the night, and I saw him there on the Main street. There was
house set afire there, and he went around and had it put out.

Q. Where did you last see him at any time during the night?—A. I
st seen him about ten o'clock at night.

Q. Where?—A. On Center street was the last I seen of him.

Q. Whereabouts on Center street was it?—A. It was near Davis
pfield's corner.

Q. Where did you last see A. P. Butler that night?—A. I only saw
P. Butler but once that night.

Q. Where was that?—A. That was during the first part of the night.

Q. Well, I ask you again where it was?—A. He was there with the crowd of men in Cook street, I think is the name of the street, but I am not positive about the name. [Points out the street on the diagram.] I know it by that name.

Q. Do you know Butler Edwards?—A. I know him when I see him.

Q. Did you see him that night?—A. No; I don't think I saw him during the night at all.

Q. Do you swear you did not see him during the night?—A. I will swear I did not recognize him if I saw him.

Q. Do you know Willis Redrick?—A. I do not know him only by character. I do not know him by sight. I have heard of him.

Q. Do you know Neal Benson?—A. I know him when I see him.

Q. Well, do you know him?—A. Yes, sir; I do.

Q. Did you see him on that night?—A. I didn't see him on that night at all.

Q. Do you know George Benson, his brother?—A. I do.

Q. Did you see him that night?—A. I didn't recognize him if I did.

Q. Did you know Pompey Curry?—A. I did.

Q. Did you see him?—A. I saw him once that night.

Q. Where did you see him?—A. I saw Pompey Curry when some men had him arrested and was carrying him to where a crowd of persons was.

Q. Where were you then?—A. I was walking along the street by—

By Mr. CHRISTIANCY:

Q. What street and where?—A. The main street; I don't know the name of it, but the main street next to the river; I think it is called Market street.

Q. The one that runs along parallel with the river?—A. Yes, sir.

By Mr. CAMERON:

Q. Where was the crowd of persons you speak of, in front of Rivers's office?—A. Right in there [indicating on diagram] I met Pompey Curry. The men who had him were mainly strangers to me; they had him going down to the bank where the persons were, near Rivers's office.

Q. How many men appeared to have him in charge?—A. There were several men around him, sir.

Q. How many do you call several?—A. Four or five or six; there might have been more around him—a crowd around him.

Q. Were the men armed who appeared to have him in charge?—A. Some of them were armed that I could see, and others I didn't see no arms.

Q. Give the name of any one who appeared to have him in charge—A. I do not know the name of any one that had charge of him.

By Mr. CHRISTIANCY:

Q. Were they white men or black men?—A. They were white men, sir.

By Mr. CAMERON:

Q. Do you know John Freyer?—A. No, sir; I do not know him. I have heard of him in Hamburgh, but I have not seen him to know him.

Q. Did you know this man Attaway?—A. I did, sir.

Q. How long had you known him?—A. I have been living there about six years, and have been knowing him off and on ever since I have been there. I was—I couldn't say positively, how long.

Q. Did you see him on the evening of the night of the riot?—A. I saw him in the evening after the firing commenced at the drill-room.

Q. Did you see him after he was arrested?—A. No, sir; I did not see him after he was arrested.

Q. I ask you if, after he was arrested, he did not call to you and say to you, "Mr. Getzen, do what you can for me;" and that you answered him, "God damn you, I will do what I can for you directly; I know you?"—A. No, sir; I didn't say anything like that at all; I never saw him at all, and never had no conversation with him.

Q. Did you see James Cook that evening or night?—A. I saw Jim Cook just as I was going out home. There was a body that they said it was Jim Cook's; I didn't notice it, sir; I didn't recognize it to be him. They said it was Jim Cook's, but I didn't stop to see.

Q. Where was the body lying?—A. This side of the trestle, on a back street.

Q. Were you on horseback or afoot on the evening and night of the 8th of July?—A. I was on horseback part of the time and afoot part of the time.

Q. Did you, early in the evening, before the fire commenced, request any one that the women and children should be got out of the way?—A. I did not.

Q. Did you know Augustus Robertson?—A. Yes, sir; I know a negro by that name.

Q. How long have you known him?—A. Well, I could not say; two or three years—a good while.

Q. Did you see him on the 8th of July last?—A. I saw him in the day. I saw him, I suppose, about three o'clock or four. I saw him passing about in the streets. I didn't have any conversation with him.

Q. Who went home with you?—A. I went home with a large crowd of Edgefield and Aiken boys in general. Some of them I have given the names to you.

Q. How many were in the crowd with you when you went home?—A. Twenty-five or thirty, I suppose—forty, probably, when I went home—a pretty big crowd.

Q. Who suggested that you should all go home?—A. Well, I don't know, sir, who suggested anything of the kind. I could not state.

Q. How did you all happen to go in company?—A. I do not know; I could not say. I heard some of the boys say, I believe, "I am going home; these fellows from Augusta are over here kicking up wild, and I don't sanction the way they are going on; let's go;" and we got up a crowd in that style.

Q. What time did you leave Hamburg that night?—A. I left some time before twelve o'clock; I heard the clock strike twelve after I had it out about three-quarters of a mile from town.

Q. Did you leave at about the time Tommy Butler left?—A. Tommy Butler did not go out with me. I do not know what time he left; I did not see him.

Q. Did Robert J. Butler go out with you?—A. No, sir; he did not. He went by another road; they went through the plantation, and I went the main road.

Q. Did General Butler go with you?—A. No, sir; he went with Robert and Tommy Butler, and I did not see him.

Q. When have you talked with General Butler about this Hamburg business?—A. I have talked with him about it several times to-day, yesterday, and day before, and almost every time that I saw him.

Q. When have you talked with Robert Butler, your father-in-law, about it?—A. I have talked with him frequently about it.

Q. When have you talked with Tommy Butler about it?—A. I have

talked to him in the same way, just whenever the matter came to my mind, and we were together, we talked over it.

Q. You have talked over it a good deal?—A. We have right smart of late, and at first when it happened; afterward we didn't say much about it for a long time, and of course when it is on our brain we talk about it, and when it ain't we don't.

Q. What are you accused of in connection with the Hamburg riot?—A. Well, sir, I don't know exactly what I'm accused of.

Q. You are accused of murder, are you not?—A. I think I am accused of murder; I have forgotten now what the charges are against me; I think it was murder. I think willful murder, if I'm not mistaken.

Q. Did you fire off your carbine at any time during the night?—A. I did, sir.

Q. How many times?—A. I could not tell you; several times; five or six times, probably.

Q. What did you fire at?—A. I fired at the negroes that shot at me from the building. I shot at them in the building.

Q. Where were you standing when you fired at the building?—A. At different places. I don't remember now what particular place I was in; sometimes I was in one place, and sometimes I was in another.

Q. Did you try to get in position where you could get the best shot at them; was that your idea?—A. Whenever I shot of course I tried to shoot to the best advantage.

Q. Was your gun a sixteen or eighteen shooter?—A. No, sir; it was neither one.

Q. What was it?—A. It shot just as often as any one else's gun, if you loaded it.

By Mr. CHRISTIANCY:

Q. What kind of a gun was it?—A. A Winchester rifle.

By Mr. CAMEEON:

Q. How late in the night did you last fire at the armory building?—A. I could not say, sir; I suppose about eight or ten o'clock. I could not say; it was some time in the night, between eight o'clock and ten. I fired at it until the negroes commenced evacuating it, and of course I didn't fire at the building any longer; everything was in confusion.

Q. What time did the negroes evacuate?—A. I could not say positively to save my life. They evacuated about 12 o'clock, but I could not say at what hour. I do not remember and could not tell really when they did come out.

Q. Then you do not know whether they evacuated it or not?—A. I do not know whether they went out at all only from what I heard, of my own personal knowledge. I could not swear what time they evacuated it.

Q. Where were you when the cannon-shots were fired?—A. I was in Hamburg.

Q. Where was the cannon placed?—A. Somewhere about the Sibly building. I did not see it when it was fired.

Q. You did not see the cannon at all?—A. I did not, sir. I heard the report of the cannon.

A. How far were you from the cannon when it was fired?—A. There was a block between me and the cannon, I suppose, sir.

Q. Are you well acquainted in Augusta?—A. Pretty well acquainted.

Q. Did you know any of the men who were in Hamburg that night, who reside in Augusta?—A. I knowed a good many of the men there.

Q. Give us the names of the men.—A. I did not see a great many

of them; I saw Mr. Thomas Carwyle, and Captain Conway, I think his name is, and Dunbar, I don't know his other name; there were a great many of them there whom I knew by their last name that I didn't know by their given names, Clark, Metheney, and others; I can't call their names out.

Q. What time did these Edgefield and Aiken County men, whom you say went home at the time you did, get into Hamburg that day?—A. Well, sir, I could not say; it was about nearly five o'clock, I think, to the best of my knowledge. I would not say that positively, because I do not know. We went around about 4 o'clock to the office, and they were not there then, and about half an hour after we left that place they came in; they arrived somewhere about 5 o'clock.

Q. Did you see them when they came in?—A. I saw part of them.

Q. Whom did you see come in?—A. I have mentioned their names to you as well as I can recollect.

Q. You say all these whose names you have mentioned went home with you?—A. Yes, sir.

Q. Did they go at the same time you did?—A. Yes, sir; I think we went out to the best of my knowledge; it was dark and we were going on talking together, and I could not tell you who went out and who didn't.

Q. Were they armed?—A. I suppose they had on their side-arms.

Q. Did they have any guns?—A. I saw one or two men who had guns; no more.

Q. Do you remember their names?—A. No, sir; I didn't notice particularly who it was.

Q. Where were you during the Ellenton riot?—A. I went there once during the riot.

Q. At whose request did you go there?—A. At my own request I went there.

Q. What day did you go there?—A. I disremember what day it was, I think it was Tuesday, to the best of my knowledge. I would not say, though, that it was.

Q. What time did you arrive at Ellenton, or Rouse's Bridge, or any of these localities?—A. About dark on Tuesday; on the night of the day I started.

Q. About dark on Tuesday?—A. I think it was Tuesday, as far as I can remember; I think that was the day.

Q. Where were you when the Federal soldiers arrived?—A. I came there after they arrived.

Q. Did you arrive at Rouse's Bridge before the soldiers got there?—A. I do not know whether I did or not; I came down to Rouse's Bridge and crossed over; when I got over the soldiers were on the other side of Rouse's Bridge. I could not tell how long they had been there.

Q. Who went with you to Ellenton at that time?—A. I went there with some Augusta boys. I started from home by myself, and there were two or three met me along the road; I do not remember now what their names were. I was not very well acquainted with them anyway; I only saw—

Q. Were they armed?—A. The best part of them were armed.

By Mr. CHRISTIANCY:

Q. You know where the bank-building is situated, and you know where the drill-room is?—A. Yes, sir.

Q. Were they both on the same side of that street which fronts the river?—A. Yes, sir; one on one corner of the square and the other on the other, fronting that street.

Q. What house is there between the two?—A. The railroad runs be-

tween there, and there have been several houses moved, and there one little wooden house, now occupied by colored people; I do not know what it is called.

Q. Where is that?—A. The eaves of it run down under the trestle

Q. Was there not a house between the drill-room and Davis Li field's?—A. Yes, sir, there is a whole block of houses there, Louis Schler's and some others.

By Mr. CAMERON:

Q. Did you know Hampton Stevens?—A. No, sir; I never saw him to know him in my life.

Q. Did you know Moses Parks?—A. No, sir; I did not know him, but I have heard of him.

Q. Did you know Albert Minyard?—A. I think I have seen him, but I have no personal acquaintance with him.

Q. Did you see him on the evening or the night of the eighth?—If I did I didn't recognize him.

Q. Did you see any persons arrested, except the ones whose names you have mentioned?—A. I saw a crowd of persons, but I did not recognize them; they were standing back a little space from me; they were not front of Prince Rivers's house; there was a crowd of 200 or 300 men standing around the prisoners.

Q. How near to these prisoners did you go?—A. I went half a block from them; half of one of the blocks, I suppose, would be fifty or seventy-five yards; I do not know; I would not say positively.

Q. At what time in the evening did you first see that crowd of prisoners?—A. That was in the night.

Q. Well, when in the night, then?—A. After they evacuated the building.

Q. You don't know whether they evacuated it.—A. They said they had evacuated it.

Q. I ask you what time in the night you saw them?—A. Nine or ten o'clock in the night—it might have been eleven; everything was in confusion, and I had no way of ascertaining the time.

Q. How many times did you see that crowd of persons during the night?—A. I only saw where it was once, I think; I don't remember at other time; I might have noticed it again, but I don't remember. I was standing there where I could see them for ten or fifteen minutes, but do not know how many times I saw them; I could not say.

Q. How long did you remain in that street during the night?—A. Well, sometimes I was there ten or fifteen minutes, then on another street ten or fifteen minutes.

Q. What were you doing?—A. I was walking about promiscuously from one place to another; everything was in a stir; there was shooting around there, and I was doing the best I could. I got as good a chance as I could; they shot after me, and I took the best chance I could shoot after them several times.

Q. Who shot after you?—A. They shot after me from the building

Q. When were you shot at from the building?—A. It was during the night; I could not say what time in the night.

Q. When were you first shot at from the building?—A. Well, the commenced firing—the first was about—

Q. When were you shot at, I am asking of you now?—A. I was going to tell you, if you will just let me have a little time. I was shot at about eight o'clock, I think.

Q. Then you shot back, did you?—A. I did, sir.

Q. When were you shot at again from the building?—A. I was shot

at three or four times again from the building. I could not tell you; I don't remember the time.

Q. How long after the first shot was fired from the building before the last shot was fired from it?—A. Probably half an hour or three-quarters of an hour.

By Mr. CHRISTIANCY:

Q. How did you know they were shooting at you?—A. I could see the blaze, and I could hear the whistle of the bullet. I suppose they were after me and my crowd.

Q. There were other white men around there?—A. Yes, sir; there were.

Q. You did not know whether they were shooting at you?—A. I did not know whether they were shooting at me personally or not, sir. To the best of my knowledge, they were shooting at me as well as at any one else.

COLUMBIA, S. C., January 1, 1877.

HENEY GETZEN recalled.

By Mr. MERRIMON:

Question. I ask you whether you have been arrested since you have retired from this room?—Answer. A man came up and presented a warrant to me, and he had no authority with him—no United States authority; that is, a badge or anything of the kind. Yates is the name of the man.

Q. Has he a warrant?—A. Yes, sir.

Q. Did he seize you?—A. Yes, sir; he put his hand on my shoulder.

Q. What was in the warrant?—A. He had me arrested, he said, for intimidation. John Hubbard made the complaint, I believe.

Q. Does he deny you the privilege of bail?—A. Yes, sir; he denied it. I told him I would go upstairs and see a friend of mine who would go my bail, I guessed.

Q. What is the date of the warrant?—A. I did not notice the date of it.

Q. Did he release you to come back here and testify?—A. He gave the warrant to another man to arrest me. He had no authority with him.

Q. Are you under arrest now?—A. I do not know whether I am or not; I believe I am. I asked to see his authority, and he produced none. I do not know whether he has any badge or not; I cannot say.

Q. Did he show you any warrant?—A. He did.

Q. Did you read it?—A. I read part of it.

JOHN M. LEITH—ABBEVILLE COUNTY.

COLUMBIA, S. C., January 1, 1877.

JOHN M. LEITH sworn and examined.

By Mr. MERRIMON:

Question. What is your age?—Answer. Twenty-eight years.

Q. Your residence?—A. Abbeville County.

Q. Your business?—A. Farmer—planter.

Q. Your politics?—A. I am a democrat up there.

Q. State where you were on the day of the election.—A. At my precinct, over there, until night.

APPENDIX D

E-mails, Cards, and Meeting Notes

Welch, Elizabeth, September 20, 2017 email; Subject: From Elizabeth Welch, former resident.

Hutt, Louis, Post Card,

Sanders, Eric, September 20, 2017 email; Subject: Meriwether Monument.

Murphy, J. Richard, August 22, 2017 letter; Subject: Re: Removal and destruction of the Racist Monument (the Meriwether Obelisk) at the Intersection of Carolina and Georgia Avenues (Calhoun Park).

Bonsal, Patricia, September 26, 2017 email; Subject: Letters to the Editor re: Monuments.

Thomason, Harry A., September 20, 2017 letter; No subject.

Reece, Dan, (undated) email, Subject: Monument email follow up.

Reece, Dan, October 09, 2017 email; Subject; Re: Dan Reece, Monument email follow up.

Reece, Dan, undated, Meeting Notes.

Amerman, David, undated, Meeting Notes.

Thomason, Harry, October 4, 2017, Letter to the Editor North Augusta Star; Subject: If the monument comes down, what's next?

Murphy, J. Richard, October 4, 2017, Letter to the Editor North Augusta Star; Subject: Words on monument are distasteful.

Pettit, Robert

From: Elizabeth Welch <laynewe@gmail.com>
Sent: Wednesday, September 20, 2017 3:27 PM
To: Pettit, Robert
Subject: From Elizabeth Welch, former resident

Dear Mr. Pettit,

My name is Elizabeth Welch, formerly Mary Elizabeth Layne of North Augusta, before I was married. I hope you will take the time to read this letter, as it would mean a great deal to myself.

I graduated from North Augusta High School in 2007. Since 2006, I have been active in the community on the issue of the Hamburg Massacre. I wrote a letter to the editor in 2006, bringing up the issue of the monument in front of Lookaway Hall. From this point onward, it was a passion of mine.

I majored in history at the University of South Carolina. All history majors had to take a class called the Historian's Craft through USC. We were able to choose our own topics, so the McKie Meriwether Monument came up naturally for me. Through my research, I have found some important information in regards to taking down the monument or letting it stay. I worked with Brenda Baratto initially, but I became a teacher in Columbia, SC, and was not able to participate to the fullest extent of the creation of a new monument, which was created last year. I now live in Northern Virginia with my husband, and a high school History teacher, but I am still very close to North Augusta as my family still lives there.

I'm sure you know most of this, but I wanted to let you know my discoveries, which might change the direction on what you may do with the Monument, and allow for a compromise. First of all, it was erected in February 1916. It's dedicated to the one Red Shirt who died in the Hamburg Massacre. It's more appropriate to call the event a Massacre rather than a riot, because historically the whites of Edgefield said it was a "Negro" riot when that was not the case. However, it was in a way a riot through the actions of the whites. As you know, Hamburg was a thriving town until the railroad built a bridge into Augusta. Seemingly overnight they lost commerce, and the town began to die. After the war, it was a sort of Freedmen's town, though some

sympathetic whites remained, including one Jewish Man who would be chased for days after the Massacre through the surrounding swamps.

On the 4th of July, 1876, two young white men tried to drive through a street to Augusta, which was blocked due to a Military Parade that the local militia had for the Centennial of the United States of America. After some arguing, the militia allowed the two young men to pass, and it was thought the incident was over. Unfortunately, the father of one of the men was outraged that they were not allowed to immediately pass, and Matthew C. Butler of Edgefield requested a trial to determine what really happened. Prince Rivers, a former slave, was now Judge, and agreed. The proceedings started formally enough, and if allowed to continue, might have been even amicable. However, a crowd began to form with white males from Edgefield and Augusta. They surrounded the building the trial was held in, and Matthew Butler (according to his testimony) attempted to calm the crowd. According to others, he began to tell them that demands were not being met. In any case the crowd continued to grow and become agitated. At some point, a cannon was brought over from Augusta, and there may have been up to 500 people. By the evening, it was clear that no progress was going to be made, so the trial was postponed. The militia gathered together in the building. Though they were militia men, they were US Soldiers, which I believe is important to this narrative Long story short, both sides began to fire at each other. (It's argued in the congressional testimony who fired first, but most believe the whites did. However this cannot be truly confirmed.) During one of the volleys, Mckie was killed. After this, the militia was outnumbered, and several were captured. I'll leave out the details as you pretty much know the rest.

Afterwards, a few white men in the mob were put on trial, including Matthew Butler, but all were acquitted. There was a lengthy congressional inquiry into the matter, but ended with nothing happening after the Hayes-Tilden Election. The town was looted over the next few decades, with many moving away after the event. Floods destroyed the rest, and by the time James U. Jackson speculated on the land, not much was left of nearby Hamburg, but a few buildings.

I wanted to state the backstory, even if you knew it, for context for the next part. Sometime in the 1910's I believe the family and a few supporters of the Meriwether family, commissioned a headstone. However, once the Klan movie "The Birth of A Nation" came out, the initiative switched. North Augustans wanted to make the monument, inspired by the white Red Shirt who died. It would be a lie to say this was not race motivated. In February of 2016, they dedicated the monument with a Parade, and actually showed "The Birth of a Nation" afterward. This info can

be found in the 1916 February editions of the Aiken Standard, and a couple of Edgefield newspapers that are no longer in existence.

Personally, I believe the monument should be taken down, but I understand that it's politically a stressful situation. It is not a war memorial, so it should not be an issue to take it down. I will also be sending a version of this letter to representatives at the State House. I do think there is another solution. Since the monument itself was intended to be a gravestone, it might be fair to offer it to the Meriwether family. Unfortunately, with the inscription and who it honors, I've felt for a long time it does more harm than good in the location. I will be creating tonight a Dropbox with my paper, citations, and some primary sources I kept on the Hamburg Massacre and Monument. I feel this might help if it were more public information. Stephen Budiansky wrote a book, *The Bloody Shirt: Terror after Appomattox*, and it features the Hamburg Massacre. He was a great resource when I was doing my research, and he answers email regularly. He might be able to give more guidance.

I just felt the need to write you after seeing so much false information out there. I'm sorry this letter is so lengthy, and I appreciate you taking the time to read my letter. Thank you for your time!

Sincerely,
Elizabeth Welch

Louis C. Hutt
550 Sikes Ave. #320
North Augusta, SC 29841-5436

MISSAWA LANSER 1859-1937 Georgia landscape
L ON CANVAS 1889 17 1/2 x 32 1/2 INCHES 1989.01.201
MORRIS MUSEUM OF ART, AUGUSTA, GEORGIA



YOUR HONOR,
THE MERRWEADIE
MONUMENT ISSUE IS A
SLIPPERY SLOPE!
WHAT FOLLOWS?

The Hon Bob Pettit
Mayor - City of North Aug
ADMINISTRATION DEPT
100 Georgia Ave
N. Augusta, SC 29841
SEP 7 2017

Regards,
[Signature]



CITY OF NORTH AUGUS

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Pettit, Robert

From: Eric Sanders <eric.sanders@comcast.net>
Sent: Wednesday, September 20, 2017 5:28 PM
To: Pettit, Robert
Subject: Meriwether Monument

Mr. Mayor,

I understand you are considering the status of the Meriwether monument in Calhoun Park.

Some of us have been doing research to better understand the history of both Mr. Meriwether and the monument that bears his name. You might be interested to know that an article exists from the State newspaper from the period that offers some information.

You might also consider that an organization exists, The Meriwether Society whom you may want to consult before your final conclusion on the matter. Were they to request their family members name be removed it might make resolution easier.

If I can be of assistance, please call.

Eric Sanders
146 Blue Heron Lane
803-613-0446

August 22, 2017

To the members of the North Augusta City Council

Re: Removal and Destruction of the Racist Monument (the Meriwether Obelisk) at the Intersection of Carolina and Georgia Avenues (Calhoun Park)

I request that the City of North Augusta Council work to immediately remove and destroy the racist monument located at arguably the most prominent intersection in North Augusta, that of Carolina and Georgia Avenues.

A Synopsis of the Hamburg Massacre

In July 1876 approximately 200 members of the Edgefield District "rifle clubs" attacked approximately 28 members of the small African-American militia of Hamburg (early North Augusta). The attack was in response to perceived insults to two white farmers made by the militia a day earlier concerning who had the right-of-way on a local road. Being outnumbered, the local militia barricaded themselves in a warehouse. During the initial hours of gunfire exchange a young white man, Thomas Meriwether, was killed. Later six (some reports indicate seven) members of the militia were killed/executed by the white mob (most after being captured). This incident is blight on the history of the North Augusta area.

The Racist Monument

Forty years later (1916) the South Carolina General Assembly along with private funding created a monument to the racist actions of 1876. This is the obelisk placed in Calhoun Park inscribed with phrases that include "Anglo-Saxon... supremacy" and "the grateful remembrance of those civic and social institutions which the men and women of his race had struggled through the centuries to establish in South Carolina."

Summary

My direct ancestry traces back over 200 years in South Carolina. I have a number of direct ancestors who fought for the Confederacy, so I understand the tension between heritage and hate. However, this monument is not a proud statement of valor in war, but a monument to terrorism and intimidation a decade after the war was decided. It signifies a dark part of our history and honors the oppressor.

There is no social or historic significance which can justify its continued placement of honor in our city. In fact the wording is so heinous as to merit its destruction.

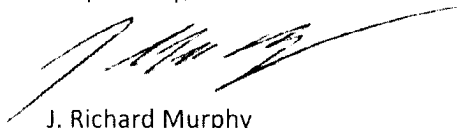
The picturesque setting of Calhoun Park should be reserved for serenity and events which define North Augusta. The actions of James Jackson and the founding of North Augusta are such notable and honorable events; therefore, the placement of the Jackson statue is warranted. Nor am I suggesting the

replacement of the obelisk with the Historical Marker describing the "Hamburg Massacre" currently located on Barton Rd. The Hamburg Massacre is not a defining moment in the development of North Augusta.

In light of the current moral crisis that is sweeping across the nation with respect to fixtures and monuments that honor a valiantly fought, but misguided cause for the defense of slavery, an anomalous monument dedicated to hate and terror during the Reconstruction Period has no place in our community. Tear this atrocity down.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Richard Murphy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J. Richard Murphy

North Augusta, SC

803-279-8659

Pettit, Robert

From: Patricia Bonsal <patbonsal@att.net>
Sent: Tuesday, September 26, 2017 11:44 AM
To: letters@augustachronicle.com; letters@aikenstandard.com;
editor@northaugustastar.com; Pettit, Robert; mayordavis@augustaga.gov;
rosbon@cityofaikensc.gov
Subject: Letters to the Editor re: Monuments

September 26, 2017

LETTERS TO THE EDITOR:

Augusta Chronicle, North Augusta Star and Aiken Standard

RE: Monument to the memory of Thomas Meriwether in Calhoun Park, North Augusta, and all other Historical Confederate Monuments and markers threatened to be moved or changed in some way in our area.

This message is to Mayor Bob Pettit of North Augusta, Mayor Hardie Davis of Augusta and Mayor Rick Osbon of Aiken, also to Journalist Kenton Makin and the City Council of each of these cities.

I want you all to know that I am 100% against defacing or destroying or removing any Historical Markers or Monuments in my hometown of North Augusta SC or my birth town Augusta GA. I think it is disgraceful that this has been proposed as an actual possibility and I am certain would need to be paid for by my taxes. I have been a resident of North Augusta for 62 years, a voting, tax-paying resident. Before that I was born in Augusta GA. And I would be appalled if those beautiful monuments were destroyed. I worked long and hard to see Sacred Heart Church saved from the wrecking ball. I will work just as hard to see these other historical monuments protected and respected for what they are. Residents and government officials worked to have these erected. Money was spent. Time was spent. It meant something to them. And it is Our History. History is not pretty. It is human. But it is still history and you can't change that. Sure there are different opinions about who should be honored and who should not. So, if you tear down these monuments, please also tear down the rest of them as well, because history means nothing to you, and our tax money being spent means nothing to you. So just tear them down and I will be happy to see you voted out of office next election. I feel very strongly about this. Leave the monuments alone. And if you or your constituents decide to erect any new monuments, please have a public opinion poll taken so that someone in your future won't tear down your beloved monument.

Pat Bonsal
1720 W Martintown Rd
N. Augusta SC 29860
803-292-3827
patbonsal@att.net

216 Trimmier Pl.
North Augusta, S.C. 29841
Sept. 20, 20117

ADMINISTRATION DEPT.

Mayor Robert A. Pettit
Municipal Center
100 Georgia Ave.
North Augusta, 29841

SEP 27 2017

CITY OF NORTH AUGUSTA

Dear Mayor Pettit,

I read with great interest your comments in the "Aiken Standard" newspaper concerning the monument dedicated to Thomas McKie Meriwether which stands in the forks of Georgia Ave. and Carolina Ave.. It seems as though the history of the monument has changed over the last 60 plus years. I am enclosing a copy of a page from the 1956 "North Augusta 50th Anniversary Historical Panorama Program", which deals with the history of the so-called "Hamburg Riot", referred to today as the "Hamburg Massacre". It is amazing how names of the same event can change in a few decades. I'm reminded of a quote attributed to Napoleon, "History is whatever lie you wish to believe".

I don't really know what part Meriwether played in the short fire-fight, he may not have gotten a shot off. My Grandmother, Minnie R. Butler Hagin, whose father was in the battle, told me the young man was shot in the leg which had to be amputated, and he died the next day.

From what I have read in the local papers, I assume the PC crowd will have to be appeased, and the monument will have to come down. The inscriptions on the monument had a different meaning than they do today. It was the time of Reconstruction, and punishment and humiliation of the South was the order of the day. The South had been virtually destroyed, and now black troops were giving the orders, not taking them. This was adding insult to injury and defeat as the Southerners saw it. The citizens who erected the monument probably saw it as a way to honor "The Lost Cause".

Now we have the problem of what to do with the monuments dedicated to the men of the CSA, and those dedicated to men who tried to protect the honor of the South, which is probably what McKie Meriwether felt he was doing the day he was killed. But now punishment and belittlement of anything or anyone connected with the CSA or the South in general seems to be the order of the day. First it was be the stopping of the playing the song "DIXIE", then taking down all the battle flags of the South, then taking down the monuments, then removal of Southern graves from Federal cemeteries. I suppose somewhere along the line there will be the changing of the history books (or burning of the same).

I would propose that the citizens of North Augusta be given the opportunity to vote on what happens to the monument, but I'm sure that would never work. Why not move the monument to the grave of McKie Meriwether? That might appease all concerned, if the grave can be located.

I wonder how long it will be before the name of the Meriwether Community and the elementary school will have to be changed? Then there's the plaque and flag showing the location of CSA General Longstreet's birthplace on Martintown Road. And of course there will have to be a new name for the Jefferson Davis Highway.

At any rate, I hope the problem of moving this monument can be handled without Antifa, white

supremacy groups, Black Lives Matter, and neo-Nazis showing up.

Respectfully,

Harry A. Thomason

Scanned Into Laserfiche
Date: 9/27/17
By: [Signature]
Repository: [Signature]

HAMBURG RIOT MONUMENT

The oblique monument in the little park where Georgia and Carolina Avenues converge tells the story of the "Hamburg Riot." The village of Hamburg located across the Savannah River from Augusta, that had been established a half century before Henry Schultz, had for several years a company of negro militia, who were well supplied with arms and ammunition. On July 4, 1876, two young white citizens of Edgefield, who were returning from Augusta by way of Hamburg, were stopped and insulted by these negro soldiers, under the command of Captain Dock Adams. Dock Adams had his company on parade and they had blocked the street so that the young men's buggy was unable to get through. Captain Adams, without any warning shouted, "Charge Bayonets." The young men refused to turn around and go back and at that moment produced pistols and warned the crowd that they would shoot any soldier who pointed a bayonet at their horse and buggy. The young men were allowed to pass on, however, Dock Adams later swore out a warrant for their arrest for interfering with their activities. They immediately in turn swore out warrants against the captain and his entire company for blocking a highway. Upon receiving the warrants for their arrest the negroes threatened to lynch the young men with whom they had tangled.

On the day set for the trial, the negroes were asked by General Mathew C. Butler of Edgefield to apologize for their conduct and to disarm. This they refused to do and began firing. One of the young men, Thomas McKie Meriwether, who had sought Dock Adams arrest, was killed. However, that night five of them were shot to death as an example to the rest.

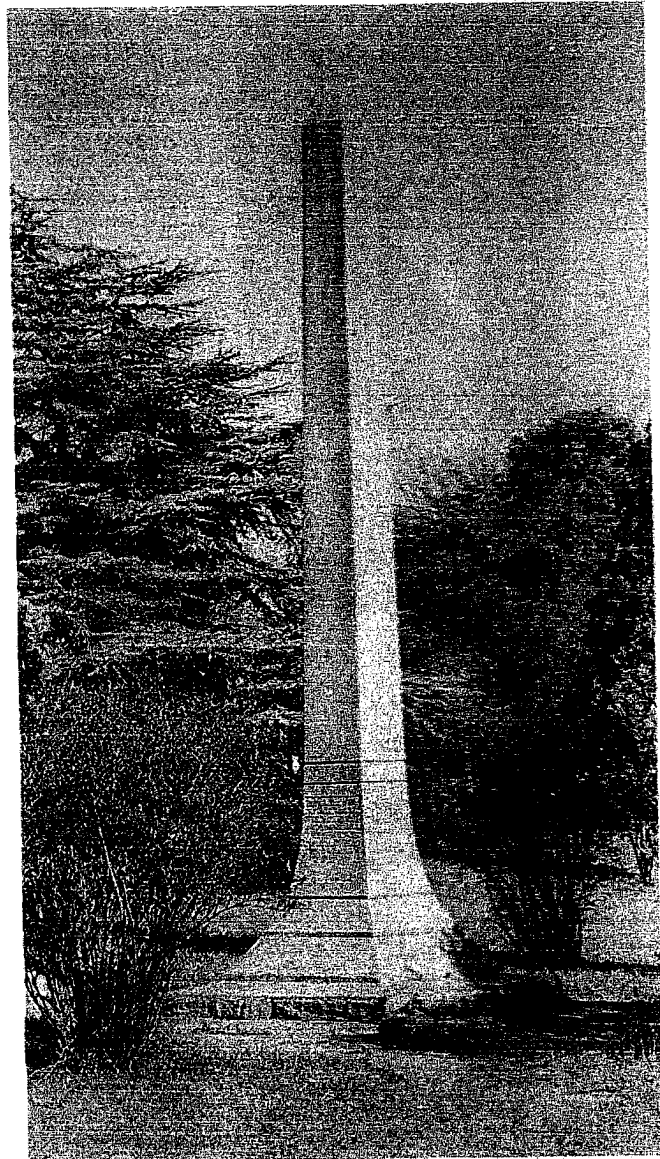
The following inscription appears on the monument:

December 4, 1852 - July 8, 1876

"In memory of Thomas McKie Meriwether, who on the 8th of July, 1876, gave his life that the civilization, builded by his fathers, might be preserved for their children's children, unimpaired."

Thomas McKie Meriwether was 1st cousin to Margaret Meriwether McKie - Butler's Harry Thomas's great grand.

"This memorial is erected to the young hero of the Hamburg Riot, by the State; under an act of the General Assembly, with the aid of admiring friends."



"In youth's glad morning, the unfinished years of manhood stretching before him, with clear knowledge and courageous willingness, he accepted death and found forever the grateful remembrance of all who know high and generous service in the maintaining of those civic and social institutions which the men and women of his race had struggled through the centuries to establish in South Carolina. What more can a man do than lay down his life?"

• • • • •

"In life he exemplified the highest ideal of Anglo-Saxon civilization. By his death he assured to the children of his beloved land the supremacy of that ideal."

"As his flame of life was quenched, it lit the blaze of victory."

To: Pettit, Robert <RPettit@northaugusta.net>
Cc: kadmcdowell@comcast.net
Subject: Dan Reece, Monument email follow up

Mayor Pettit,

You had offered to meet with me about the Meriwether monument issue and I had responded that I would appreciate the opportunity to do so. I feel sure that you are being bombarded about this issue, but as of today Friday 10/6 I have not heard back from you.

You informed me that your committee has already been formed. I am of the understanding that you have stated that it is made up of experts on the subject being considered. I apologize if I am coming across as arrogant, but I challenge you to find a person in our community that knows more than I do about this issue. I will be more than happy to provide you with my background, so that you will have an understanding of who I am.

I am also of the understanding that you have not named who the expert committee members are even though you state that the committee has already been formed.

What is the goal of the committee? Is it to arrive at the truth of our history, rewrite history to fit the views of certain people of today, or discuss and make a decision about social issues of today?

If you are interested in an understanding of the true history surrounding the events at Hamburg during the month of July 1876, I will be more than happy to provide the true factual history backed up by primary sources of the time.

If you are not interested in the true history, but are only interested in what the monument represents in the times that we live in, I would be happy to discuss those issues also. I hope that you can see where information that has been published in local media is slanted and totally inaccurate. It is truly amazing that such misinformation is published. It is even more amazing that many people are gullible enough to believe it is true. Those of us who live in the 21st century should not judge 19th century men by 21st century standards because we have no idea about how their lives were and how they viewed the world. In all honesty I am thankful that I did not have to live through those times. It was no picnic in this part of the country during those years. Yes, the wording on the monument is distasteful by today's standards, but if you read newspaper articles and books written at the time that was the norm in those days. If we in this day and time whitewash information from the past because it does not suit what is considered proper today, then we will lose all insight into our past.

The monument should remain for future generations to think and learn about the events of that period in time. If it is removed the events of July 1876 will be lost to the dust bin of history forever.

Just a little information for you. When the Meriwether Monument was dedicated on Feb 28, 1916 the founder of NA, James U. Jackson, who was the son of a Confederate Major and slave owner, accepted the monument on behalf of the mayor and city council of NA. The foundation of the wealth that enabled James U. Jackson to found NA was based on the blood and sweat of enslaved people of African descent. This slippery slope that you are allowing in our community will only lead to further demands that no one should desire to hear. Once the Meriwether Monument is removed who is to say the Jackson statue will not be the next target? Will there be a demand to rename Jackson Square in the new ballpark village? Will the icon of all marketing and promotion of our city become a blemish?

Our city needs to focus on the future and the positive things occurring at this time. History can't be changed and those things that remind us of our past should remain for future generations to consider and give thought to.

We have already started down the slippery slope, which is part of a national movement by those who wish to undermine and destroy our great nation. The attacks on historical monuments is only one page out of the playbook that is used to accomplish the change that they desire. I don't think the majority of the citizens of North Augusta desire the country that those people want.

I strongly urge you to stop this issue now before it gets further out of hand.

Best regards,

Dan Reece

224 Longstreet Crossing

North Augusta, SC

803-507-6959

Pettit, Robert

From: Daniel Reece <ddavisreece@gmail.com>
Sent: Monday, October 09, 2017 1:33 PM
To: Pettit, Robert
Cc: kadmcdowell@comcast.net
Subject: Re: Dan Reece, Monument email follow up

Mayor Pettit,

I fully understand and agree that our community has much more important issues than dealing with those people in our country that have an agenda to change our history and who we are as a great nation. As I mentioned this monument issue is only one chapter out of their playbook to change things in the way they desire. Unfortunately our community is not immune to their efforts.

If the purpose of your committee is to determine if the monument fits what is politically correct and to be sure that people do not have their feelings hurt because of past history then I have nothing to contribute.

If the purpose is to search for and know the truth about the events that led up to and of the conflict itself on July 8, 1876 then I have a lot that I can contribute. If the leadership of NA does not desire the truth and only goes by what is published in the North Augusta Star then so be it.

By the way you do not know me and have no idea about how much knowledge I have regarding this matter. You say you have already spoken to some individuals and feel that they obviously know more than others. That Sir, is the problem here in NA., a certain clique of people who think they are the only ones that have the sense to provide input on any issue. Maybe it's time to hear from some others.

Sincerely,

Dan Reece
224 Longstreet Crossing
North Augusta, SC 29860
803-507-6959

On Mon, Oct 9, 2017 at 10:44 AM, Pettit, Robert <RPettit@northaugusta.net> wrote:

Mr. Reece,

Thank you for writing once again.

As you desire, our City under my leadership is focused on the future and positive things. And it will continue.

I will announce the names of the ad hoc committee I'm creating to advise me regarding the Meriwether Monument when I am satisfied all details have been finalized. I have no preconceived idea about the options available. The benefit of counsel from the ad hoc group will be fully considered before I propose any recommendations to Council members for their collective consideration.

If you desire to provide information to the committee for consideration, please get copies to me. I will make sure they receive it.

I have listened already to a number of individuals with information about the monument, the period, and the incident. I will provide you the opportunity to talk with me, probably in a week or two. The budget is consuming my time right now.

Sincerely,

Robert A. Pettit

Mayor

City of North Augusta

P. O. Box 6400

100 Georgia Avenue

North Augusta, SC 29861-6400

803-441-4202 - Office

rpettit@northaugusta.net



From: Daniel Reece [<mailto:ddavisreece@gmail.com>]

Sent: Friday, October 06, 2017 11:08 AM

Meeting with Mr. Dan Reece

He wants the monument ~~to~~
~~be~~ left untouched as for
future generations.

He believes the inscription
language to be harsh by
today's standards, but
illustrative of that time (1916).

Told me James O. Jackson
accepted the monument at the
dedication. Asked if we are
now to look at Jackson differently.
Said J. Jackson was a slave owner
or came from a family which owned
slaves - I don't remember which.

He suggested Explanatory plaques
be installed to put the
text in context.

DAVID AMERMAN (JOY)
2002 TORRY AVE
NORTH AUGUSTA, SC 29841
803 279-5155

Keep monument. After/remove
text. Recognize all
victims

Letters to the editor

10/4/17 Edition The Star
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If monument comes down, what's next?

The recent controversy about Confederate and other monuments has come to our community. I read several letters concerning the monuments in the Sept. 27th edition of *The North Augusta Star*.

It's interesting to me how history can change over the years. I found an account of the "Hamburg Riot Monument" in an old copy of the "North Augusta 50th Anniversary Historical Panorama Program," Oct. 1956, Page 89. In 61 years, a "riot" has become a "massacre." The story in the old book is quite different from the one being told now.

The PC crowd is upset by two lines on the monument concerning the Anglo-Saxon Society. We must remember the times when the monument was erected. The South had been virtually destroyed by the "Total War" tactics of the North. Black militia now gave the orders instead of taking them. People had lost everything they had. Punishment and humiliation of the South was the order of the day. These were hard times for the beaten citizens of the South.

McKie Meriwether must have been a well-thought-of young man to have a monument erected to him. But now times have changed. Good men are now made out to be evil ogres regardless of what they did back in the day.

I have no doubt the monument will come down. Maybe it can be placed on or near his grave if it can be found. But what's next? Do we change the name of the Meriwether Community or the Meriwether School? And what about the plaque marking the spot of Gen. James Longstreet's boyhood home out on Martintown Road? Does that have to come down?

Here's a quote by George Orwell from his novel "1984": "Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street and building has been renamed, every date has been altered. And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right."

HARRY THOMASON
North Augusta

Letters to the editor

10/4/17 Edition The Star

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Words on monument are distasteful

This letter is in response to last week's letters to the editor dealing with the Meriwether Monument.

While I appreciate the opinions dealing with pride, the positive changes we are witnessing in our community and the historical relevance of monuments, I can't help but be disappointed in their final conclusions.

If this monument had historical significance with respect to the War Between the States, then as a direct decedent of at least four Confederate veterans, I understand the tension between honoring my forefather's commitment and the re-evaluation of the morality of the conflict in light of the present day distaste for the institution of slavery and the racial discrimination that persists.

However, regardless of how comfortable we are to the monument's presence for the last 100 years at a prominent intersection in North Augusta or having nostalgic memories of all things old, in my opinion, this monument is dedicated to the death of a terrorist and promotes bigotry and white supremacy.

Let's review the facts. Ten years after the Civil

War had concluded, T. Meriwether was a member of a band of men that attacked a legitimate militia of local African-American citizens in July 1876.

... Instead of holding these men accountable for their reign of terror, none were ever charged and forty years later a monument was erected to honor the sole white participant who was killed during the conflict, the Meriwether monument.

I know that none of us would tolerate monuments in Oklahoma City to Timothy McVeigh or in New York City to the terrorist of Sept. 11, so why do we seem to have a cavalier attitude to a monument honoring, as the coroner at the time stated, "murder"? I refuse to believe that time and the weathering of a block of granite somehow sanitizes the circumstances surrounding this event.

Further, the inscriptions are distasteful and reflect outdated standards that I hope have long since faded from our community and our sense of moral decency. In particular, the statement dealing with "Anglo Saxon ... supremacy" grates my being worse than any elementary school chalk board experience.

Being an old white guy who has had the privilege of living and raising my family in North Augusta for many decades and feels strongly that the monument should be removed, maybe I should be flattered if ranked with agitator groups and iconoclasts. It has a sense of youthful energy and idealism that I'm afraid have long since left me. I recognize that throughout this country honest discourse and focused discussion have been replaced with shouting and violence.

I hope that in this community we continue to have vigorous debate and a process that permits finding resolution to a contentious issue that regrettably has divided so many communities. I believe that a review of the facts, an assessment of our community values and a genuine respect for the position of others can lead to reasonable resolution of the monuments and community history we decide to preserve for the generations that follow.

J. RICHARD MURPHY
North Augusta

APPENDIX E

Books and Treatises

Britt, Phyllis, August 23, 2017, North Augusta Star, Page 6B; Subject: It's time to put racial animosity aside.

Williams, Roy and Posey, Nick, undated pamphlet; Titled: In Defense of the Meriwether Monument.

Guelzo, Allen C., "The Open Wound", Saturday/Sunday February 3-4, 2018, Wall Street Journal; review of the book *Reconstruction* by Brooks D. Simpson.

Heckel, Jenny, "Remembering Meriwether: White Carolinian Manipulation of the Memory of the Hamburg Massacre of 1876" (2016), *All Theses*. 2558. Clemson University TigerPrints

Tillman, B. R., "The Struggles of 1876, How South Carolina Was Delivered from Carpet-Bag and Negro Rule", Speech at the Red-Shirt Re-Union at Anderson.

6B: Wednesday, August 23, 2017

It's time to put racial animosity aside

"I don't advocate destroying the statues. They are a part of our history that cannot be denied. But they don't belong in the center of town. It's one thing to go to a museum dedicated to a certain time and place in our history and see such monuments.

It's quite another to be in the center of a town, where its presence is a constant reminder of a time in our history that should not instill pride."



PHYLLIS BRITT
Fragments from Phyllis

I was all set to write a column on a funny incident in my life, but after recent events I cannot remain silent.

After the horrible actions that transpired in Charlottesville, I started thinking about the Confederate statues that stand in almost every Southern town.

Then on Sunday our minister relayed a story from his childhood. Let me first remind you that the minister at my church is the same age of my children, not of my generation — He's 34, not 64. He grew up in a mixed-race neighborhood in Kansas City. One of his neighbors, a little girl, rode the bus with him to school every day. But on the day that stands out in his mind, he was sitting on the bus as it pulled up in front of her house. He remembers noticing burns on the grass. He remembers the smell left by the fire. He remembers realizing the charring was caused by a cross, burned in his friend's front yard.

Recognize that this happened in the 1980s, not the 1950s. That hit me hard.

I grew up in the South during the Civil Rights movement. Yes, I remember restaurants that had one door for whites and one door for blacks. My mother worked in a department store with a lunch counter, so I do remember when black customers first began sitting down at the lunch counter. But maybe because I lived in a military town, I do not remember any particular rancor or any violence. It was the same in the school I attended. The Civil Rights movement seemed to be the natural course of events; it was simply time. So I'm having trouble with such racial hatred demonstrated last week. This should be a

non-issue in 2017. As Martin Luther King Jr. hoped in the 1960s, in today's world we should be judging others not by the color of their skin, but by the content of their character. I truly believe that we all — and I do mean all — are created equal.

So I began looking with different eyes at the Confederate monuments erected throughout the South. There's one in my home town. It's a pretty general monument dedicated to the local men who died in Civil War — not anyone specifically identifiable. I never thought much about that monument until the discussions began regarding such memorials. I first saw it through a pragmatic issue — Where does it stop? If we remove every reference to American leaders who once owned slaves, what's left. It doesn't affect just those who fought in the Civil War; it could extend to men who were instrumental in making our great country — Washington owned slaves, Jefferson owned slaves. Do we rename everything that has a former slave-owner's name on it? That doesn't seem realistic. Many of the men in question did really great things. Slavery was a mistake, but times in a young America were not the same as now. (This is not an excuse, just an observation of our history.) You have to wonder if a number of those men would have owned slaves if they had it to do over again.

Then comes the question of why we in the South have for so long honored and revered the men who lost. Where else do we continue to sing the praises of the losers? The oft-used comparison is with the Nazi soldiers who died in World War II. Their children and grandchildren certainly don't build monuments to the memory of those Nazi family members.

But there are some notable differences — the Civil War was a war of American against American. In fact, even the winners in that war took a different approach than you'd expect. Abraham Lincoln and Ulysses S. Grant opposed trying Robert E. Lee for treason. In the aftermath, all Confederate soldiers were pardoned for their part in what could be construed as an act of treason. And so many of us use the disclaimer that the Civil War was more about economics and states' rights than about slavery. But be realistic: What was the Southern economy based on, if not the free labor of slaves.

Even Lee expressed his objection to building Confederate monuments in the aftermath of the war. "I think it wiser," he said, "not to keep open the sores of war, but to follow the examples of those nations who endeavoured to

obliterate the marks of civil strife and to commit to oblivion the feelings it engendered." He wanted us to move on, but have we?

So where did all these monuments come from? The bad news is many of our Confederate monuments were likely not erected so much simply to honor those who fought and died, but were part of an organized scheme to intimidate those in the black community in an effort to reestablish the "supremacy of the white race" following the "punishments" imposed on Southern states after the war. Something I hadn't realized until this week is that a large number of these monuments were commissioned and/or erected between 1916 and 1924, a time when the KKK reasserted itself, a time when all too many whites wished to re-establish their "supremacy" over other races. So the reason for many of these monuments was to stick a finger in the eye, so to speak, of the emerging black leadership in the South.

Why, right here in North Augusta is one such monument. The obelisk in J.C. Calhoun Park was approved by the S.C. Legislature and built in 1916. It recognizes the lone white man killed at what is now known as the Hamburg Massacre. Thomas

McKie Meriwether is honored with these words: "In life he exemplified the highest ideal of Anglo-Saxon civilization. By his death he assured to the children of his beloved land the supremacy of that ideal." But seven black men died in that event, and much of the history supports the belief that the Hamburg Massacre was designed to replace black leaders who came out of Reconstruction with whites who "deserved" to be in charge, based solely on the color of their skin.

Several years ago, following a letter to the editor, we at *The Star* did a series of articles on the North Augusta monument and suggested the obelisk should go away. A local historian, who happens to be black, countered that the obelisk is a part of history and may not need to be at the apex of Georgia Avenue, but that it shouldn't be destroyed. He argued it is a part of our history and shows the mindset at the time - however bad that mindset may be. We ultimately agreed it might be better placed in a proposed Hamburg Park, which would include other memorabilia from the town of Hamburg and the Hamburg Massacre.

In the face of the events in Charlottesville, I have been rethinking those many monu-

ments. It's one thing to honor Robert E. Lee for his contributions to the society of his time; it's quite another to honor his war record. Truth be told, if Lee hadn't been so much of a states' rights guy, he could well have fought on the other side of the Civil War.

I don't advocate destroying the statues. They are a part of our history that cannot be denied. But they don't belong in the center of town. It's one thing to go to a museum dedicated to a certain time and place in our history and see such monuments. It's quite another to be in the center of a town, where its presence is a constant reminder of a time in our history that should not instill pride. Just like the Confederate flag, such monuments are certainly a part of the American story, but shouldn't be an integral part of our daily life and government 150 years later.

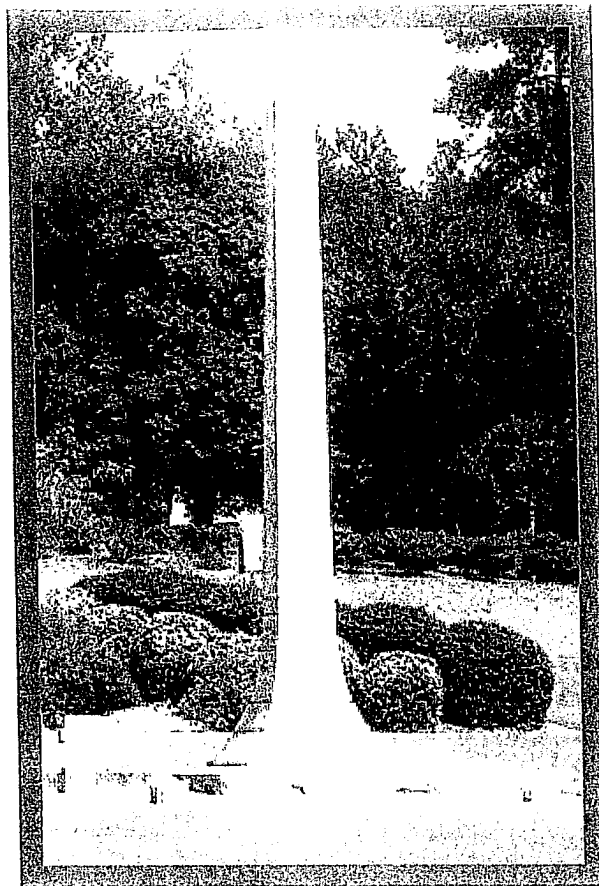
As the Bible recommends, if you're doing something that offends your neighbor, stop doing it.

The events in Charlottesville were orchestrated to share hate, to intimidate, to declare whites better than all the rest. When I see Neo-Nazis and White Supremacists using such monuments as a symbol of their hatred and bigotry, I am offended. For many, such statues still emphasize a belief in white supremacy.

The bottom line for me is that there is little reason to give a revered spot to statues that commemorate a bad time in our history if they continue to alienate an entire segment of our society.

The time to put such racial animosity aside is now. It is long overdue. And if removing a statue takes us a step closer to doing that, so be it.

**In Defense of the Meriwether
Monument - by Roy Williams
and Nick Posey**



In the weeks and days of the year 1876, just half a century ago,* corresponding to those through which we are living now, the people of all South Carolina were in daily excitement and fear, beginning to see the faint dawn of hope where no hope had been. They were intent on staking everything on one desperate struggle for deliverance from conditions intolerable and dangerous and horrible beyond the conception of people of the present. Those days and weeks were the most eventful and important of the history of this state. Defeat in the war with Great Britain that began in 1776 could not have brought disaster so frightful as was threatened by failure in the revolution of 1876. The British never have destroyed a civilization nor ruined a country they conquered.

The powers that ruled South Carolina from 1868 until they were overthrown caused more destruction than the four years of the Civil War. Judging by the record they made, written indelibly in the official archives, continuance of their rule would have meant inevitable and irretrievable annihilation of the fruits of two centuries of labor and thought and courage and aspiration. Looking back, now, considering the facts with the cleared cool light of the elapsed time, all of us may understand more distinctly than did the people of 1876 that the battle they were fighting these summer and autumn months literally was with new and brighter existence or tortured extinction, life or death, the issues. — **excerpt from the book "Hampton and His Redshirts – South Carolina's Deliverance in 1876" – by Alfred B. Williams**

*The reader is asked to remember that this narrative was written in 1926.

Alfred B. Williams was born in Hanover County, Virginia on January 10, 1856, the son of Robert Alfred and Elizabeth Marshall Williams. He attended private schools until the age of fourteen, when postwar conditions in the South made it necessary for him to seek employment. He became a newspaper man in 1876, and one of his first assignments for the *Charleston Journal of Commerce* was to accompany General Wade Hampton in his famous campaign through South Carolina in that same year. He went on to work for the *Greenville S.C. News*, the *New York Times*, the *News Leader* in Richmond, Virginia, and in 1910 became part-owner and managing editor of the *Morning Times and Evening World News* in Roanoke. He died on March 11, 1930 and was buried at Hollywood Cemetery, Richmond.

What happened at Hamburg was inevitable. It was going to happen somewhere in South Carolina, soon.

The following is a chronological time table of events leading up to and following the Hamburg fight in July 1876.

1865 Appomattox: General Lee tells soldiers to return home and rebuild the devastated South.

They found homes, farms and plantations destroyed. Entire towns and cities were reduced to rubble. Churches and cemeteries had been favorite targets of the Yankees. Sherman's war on the civilian population had changed the landscape of the South forever.

There was scarce employment, homeless men and women, black and white, even entire families roamed the countryside.

This had been a new kind of warfare – total war on a defenseless civilian population.

Confederate soldiers receiving pardons had to return home the best way they could, with only the clothes on their backs, to try to grow a crop and rebuild their homes and towns.

1868: The South was now divided into military districts under control of the United States Army. State legislatures were controlled by Carpetbaggers and Radical Republican governors.

Suddenly, pardons given at surrender were not honored. Confederate soldiers and civilians were disenfranchised, insulted and many had to beg for food and medicine from U.S. Army troops. Confederate veterans were even forbidden to have brass CSA buttons on their winter jackets.

Carpetbagger legislatures, appointed, not constitutionally elected, spent and stole State treasuries dry, then issued bonds to cover the debt. South Carolina did not recover from this bonded indebtedness until after World War II.

Private property was confiscated for inability to pay exorbitant taxes and Carpetbaggers bought property for less than pennies on the dollar.

Confederate veterans were forbidden to transfer property rights.

- Homes, farms, plantations went on the auction block
- One whole town, Fernandina Beach, Florida, was sold for \$10,000
- A 40,000 acre estate in Mississippi was sold for \$200,000
- In 1874 alone, in just 19 counties in SC, 343,891 acres were confiscated for taxes

During the period 1866 – 1876 conditions were so intolerable that between 20,000 and 40,000 of the South's leading citizens left their ancestral homes and immigrated to Brazil where their descendants live today.

The Constitutional Convention of 1868 in Charleston nominated Governor R.K. Scott from Ohio. The two Attorney General nominees were from Massachusetts and New York.

Their first act was a tax levy, \$2,250,000 for "Convention Expenses." This one item was 6 times more than the entire state budget of 1860.

One of first legislative acts: \$800,000 for land to be sold on easy terms to freed blacks. This was the beginning of the "40 acres and a mule" promise for colored citizens. Only trouble was that no one ever received "40 acres and a mule" because the money was stolen outright.

The Speaker of the House and the President of the Senate passed out "pay certificates," which were sight demands on the treasury to anyone they pleased, for favors and bribes.

In one year such certificates valued at \$1,168,000 were issued. This began a series of open, unchecked, thefts that continued for 7 years.

Governor R. K. Scott pardoned 600 convicts in 4 years. His successor, Frank Mosses, went him some better – he openly sold pardons issuing 450 in 2 years.

The Union League, a secret society of black ex-Union soldiers and local blacks met secretly in undisclosed locations. These meetings were strictly controlled by Carpetbaggers and U.S. troops. Once members were officially indoctrinated, promised land and money, and incited to violence against whites, they were assigned to militia units and strategically placed.

One example of this violence was the Cainhoy Massacre at Brick Church outside of Charleston where whites were ambushed by blacks at a political rally. Five white men and one colored man were killed and 20 men were wounded. The bodies of the white victims were mutilated beyond recognition and robbed.

Elections were strictly controlled. Of the 83,000 colored voters, 70,830 were unable to read or write, by the census of 1870. All of these voters belonged to or were governed by the Union League.

Black citizens who didn't want to participate or disagreed with the Union League had nowhere to go. Northern states had enacted laws known as "Black Codes" to forbid out of state blacks from establishing residence.

Fast forward to July 4, 1876

Brothers-in-law Thomas Butler and Henry Getzen were returning through Hamburg in their carriage from a business trip in Augusta.

Hamburg was the headquarters for Doc Adams and his state militia, and colored politicians such as Prince Rivers, who also held the titles of Major General and Trial Justice.

The white population had been subjected for years to constant annoyances, taunts, harassments, insults and delays while passing through Hamburg, even being charged a fee for watering their animals at the spring.

Designed to provoke incidents, all of this was all controlled by the Carpetbagger government backed by regular U.S. troops.

Governor Chamberlain, sensing the threat of open elections, increased the size of the militia units across the state. Doc Adams' unit now consisted of 80 armed members, all black.

The state militia had drawn up in formation on the only road which had at once been a broad avenue 150 feet wide, but was now overgrown on both sides to a track the width of one vehicle.

Butler requested passage. Doc Adams refused.

Thomas Butler complained to Trial Justice Prince Rivers and swore out a warrant against Doc Adams for obstruction of a public highway. The case was continued until Saturday, July 8th by Rivers.

On July 8th, having decided once again to settle the dispute lawfully, Thomas Butler returned with attorney General M. C. Butler (no relation) to represent him. Word had spread about the hearing being held at Hamburg and white men from Aiken and Edgefield came, and men from Augusta crossed the river. 30 to 40 members of the militia barricaded themselves in a brick warehouse.

Hours were spent in fruitless conferences by General Butler with the Trial Justice and the militia Captain. The General contended that the militia was a menace to the public peace and offered to stop the prosecution if the rifles and ammunition were returned to the state and an apology made. Rivers and Adams stalled for time.

When, late in the afternoon, it became plain nothing would be done in court and no conclusion reached, shooting began. Testimony on both sides on who fired first conflicted. There were many lies told on both sides.

The shooting was as inconclusive as the conferences until a rifle ball from the brick warehouse struck and killed McKie Meriweather, 23 years old. Then the conflict began in earnest.

General Butler ordered whites, who were starting a fire at the brick warehouse, to stop.

A cannon was brought from Augusta and blacks escaped from the brick warehouse using a ladder.

The shooting continued between whites and the members of the black militia into the darkness.

Results of the shooting were 7 blacks killed, 4 wounded and one white killed, 2 wounded.

Among the black men killed was a man named Attaway, a lieutenant in the militia and a member of the state legislature, who had made a speech at Barnwell two weeks before, denouncing white people and urging war against them until they were run out of the state.

Those of the captured blacks in Hamburg who were not killed, either deliberately or while trying to resist, were released, either on pleas of white friends or because they were regarded as inoffensive.

At the time of the Hamburg incident, approximately half of white voters were split on seeking more negotiations with the Radical Republican governor, and even requesting a return of military rule. The other half of white voters did not believe either of these options were viable or acceptable.

South Carolina had been known as “The Prostrate State” for years. None knew at the time if South Carolina would even remain a state or simply remain a permanently occupied military district.

What happened at Hamburg had the effect of galvanizing white voters into one determined force and initiating the first hope for survival in eleven years.

Wade Hampton began to campaign for governor. Statewide there were elaborate celebrations at Hampton’s appearance. Enthusiastic celebrations even included U.S. troops in nearly every part of the state. By this time U.S. troops were recognizing the uncalled for and constant abuse of both black and white citizens.

There’s no question that this was a shameful period in American history. Race relations were deliberately and severely damaged for decades. That it all could be laid at the feet of the Grant Administration is indisputable.

President Grant’s Administration had pitted the races against each other in order to complete the theft and plunder against the South. This remained deep in the Southern psyche for generations.

Today North Augusta is blessed with goodwill among its citizens – black and white. That goodwill will only be weakened by removing or rewriting history.

BOOKS

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The Open Wound

An anthology of period writings gives voice to the Reconstruction era's hopes, fears and dashed ideals

Reconstruction

Edited by Brooks D. Simpson
Library of America, 778 pages, \$40

BY ALLEN C. GUELZO

DURING THE 12 YEARS that we identify as the era of Reconstruction—from 1865 to 1877—the American nation struggled up from the wreckage of the Civil War and tried to re-attach the 11 Southern states that had bloodily amputated themselves to form the Confederate States of America. At the time, there were not many how-to models for such an effort.

Civil wars are always the most protracted and embittering of human conflicts. In most cases, postwar reconstructions are consumed by waves of executions and decades of simmering unrest. After the American Civil War, the challenge was made even more daunting by the brutal assassination of Abraham Lincoln—just at the moment when he was about to embark on the hard work of, as he put it, binding up the nation's wounds. That work was made yet harder by the uncertainty surrounding the future of the 3.9 million slaves whose emancipation had become the great issue of the war.

Brooks Simpson's "Reconstruction: Voices From America's First Great Struggle for Racial Equality" offers up speeches, letters, political commentary and other writings from the period to capture its conflicts, aspirations and lost ideals. The anthology is the 303rd volume to appear from the Library of America, a publishing project that is mostly devoted to America's literary legacy—the work of novelists, poets, memoirists and journalists—but that includes volumes documenting notable historical eras as well.

Mr. Simpson's road to creating a volume of Reconstruction-era documents with some literary merit is a stony one. Eloquence is often in short supply when political urgency is the order of the day. Moreover, the era's historians—and Mr. Simpson's own books on Ulysses Grant and other Reconstruction presidents put him in the first rank—are bedeviled by a no-win choice of focus. Should the center of attention be Washington, where policy was made and where so many political battles were fought? Or should the focus be on the Southern states, where the freedpeople of the 1860s and '70s demanded an equal place in public life with their former white masters? The anthology's subtitle—"Voices



AFTERMATH A railroad depot in Richmond, Va., the fallen capital of the Confederacy, ca. April-June 1865.

From America's First Great Struggle for Racial Equality"—serves notice that the second of those stories, the Southern one, will be given as much attention as possible, although Washington nevertheless manages to divert large portions of the book's attention to itself.

Mr. Simpson divides the era into four large sections or periods: (a) 1865-66, when Andrew Johnson stepped into Lincoln's shoes and tried single-handedly to glue the Confederate states back into the Union with little or no penalty for their rebellion; (b) 1866-69, when Congress, controlled by Republicans, imposed its own formulas for Southern readmission; (c) 1869-73, when Grant added to the congressional effort with his own strictures; and (d) 1873-77, when the whole Reconstruction effort collapsed in ignominy.

The first document in the anthology is from no less than Frederick Douglass, whose optimistic speech in January 1865 was titled "What the Black Man Wants." Douglass's answer was, simply: to be left alone. "The American people have always been anxious to know what they shall do with us. . . . I have had but one answer from the beginning. Do

nothing with us! Your doing with us has already played the mischief with us. Do nothing with us! If the apes will not remain on the tree of their own strength . . . let them fall!"

The balance of the anthology can be seen as one long, exasperated illustration of how that advice was ignored. Former Confederates had no intention of leaving the freedpeople alone, because Southern wealth and white supremacy depended on keeping African-Americans in an economic condition as close to slavery as possible. At the same time, infuriated anti-slavery Northerners, led by Charles Sumner and Thaddeus Stevens in Congress, made it clear that they had not fought the Civil War merely to obtain some minor readjustments of Southern society, and the freedpeople became their proxies in a war to bury forever an anti-republican and anti-capitalist slaveholding elite. Hence the advice that Mr. Simpson quotes from the Springfield Republican, a Massachusetts newspaper, five days after Lincoln's death: "We must govern the entire South by satraps and armies for an entire generation."

Of course, reconstruction by satrap required political action in

Washington, and the second section of "Reconstruction" is taken up with reports, speeches, letters and articles on the constitutional crisis over executive and legislative authority—with Sumner and Stevens on one side and President Johnson on the

The tragic story of America's first great struggle for racial equality, told by those who lived it.

other. The section culminates in Johnson's impeachment in 1868, when he was tried by the Senate for the "high crime" of dismissing certain office-holders in defiance of the Tenure of Office Act, though he was ultimately acquitted. It is not until the anthology's third section, on the first Grant administration of 1869-73, that Mr. Simpson angles the reader's attention back to the racial controversies in the South, and even then the shift is mostly limited to Grant's surprisingly successful attempts to suppress the Ku Klux Klan.

In the book's last section, attention of "Reconstruction" is split between the debates on the floor of Congress over Sumner's posthumous 1875 Civil Rights Act and testimony describing the white-supremacist massacres in Colfax, La., Hinds County, Miss., and Hamburg, S.C., which claimed, all told, more than 200 black lives. These violent episodes were the prelude to unashamed campaigns of black voter intimidation that, in the 1876 elections, brought about a constitutional crisis over who, exactly, had been elected president.

For four months after the November 1876 ballot, the nation dangled in agony until a congressional tribunal handed the victory to a temporizing Republican, Rutherford B. Hayes (and denied it to Samuel Tilden, who had won the popular vote though not indisputably the vote in the Electoral College). The price that Hayes paid for his election was acquiescence in a scheme to remove Washington from the governance of the Southern states and from the enforcement of civil-rights law. With that, as Mr. Simpson shows by quoting a prediction from the St. Louis Globe Democrat, "the

Please turn to page C7

The 'Monster' Myth

Being Wagner

By Simon Callow
Vintage, 232 pages, \$16.95

BY JOSEPH HOROWITZ

IN 1866, a Munich newspaper reported that Minna Wagner, the

of Wagner that begins with the essays will necessarily be prejudiced against him, this is a typical route. There are even influential writers on Wagner who disdain considering the operas altogether.

As it happens, the operas are saturated with complex self-portraiture, and a governing motif is *Mitgefühl*—compassion. Like it or not, Wagner's

professional relationship with the composer. Why was Neumann so dedicated to Wagner? Because he recognized his genius. Because Wagner's prickly company was galvanizing. And because Wagner's torrent of human feeling was endearing. Neumann, by the way, was Jewish.

The Wagner literature dis-

In "Being Wagner," Mr. Callow writes early on that his main source was the composer's "own words, in his copious published writings. . . .



raphy, *My Life*." Mr. Callow's surprise that the book "turned out to be as vivacious and candid as the greatest artists' autobiographies" says it all. Everything endearing about Wagner—including the "surprisingly punctilious" pension he paid to Minna—strikes Mr. Callow as uncharacteristic. He is himself a victim of the monster myth, which he inserts

lightful "Timekeepers." Unlike most books on time, it's not scientific or philosophical; he has no interest in whether time is really an illusion or whether it existed before the Big Bang. Instead, he focuses on how human beings actually experience time. "This is a book about our obsession with time and our desire to measure it, control it, sell it, film it, perform it, immortalise it and make it meaningful," he writes.

That sounds serious, but Mr. Garfield, a British journalist and author, maintains a light tone throughout. He promises, for example, never to "scold us for our fast living." Rather, "the book has but two simple intentions: to tell some illuminating stories, and to ask whether we have all gone completely nuts." And, boy, have we.

"Timekeepers" begins in *medias res*, with a bicycle crash and nasty spill. A woman stepped out unexpectedly in front of Mr. Garfield on a path one day, and as often happens during accidents, time seemed to slow down considerably as he flew over his handlebars. But what really intrigued him were the empty days at the hospital, when he started reading and watching movies and noticed the same motif in every one: "Every plot was time-sensitive or time-dependent, and everything that wasn't set in an imaginary time was history."

This led him to wonder how the human relationship to time has changed over the centuries. Different chapters touch on the Slow Food movement; wrist watches in space; Strom Thurmond's 24-hour-18-minute filibuster against the Civil Rights Act of 1957; the chaos unleashed at airports world-wide by the addition of a "leap second" in 2012; and the plight of Roger Bannister, who ran history's first four-minute mile in 1954 and has spent the following 60-plus years having to talk about it over and over, despite his exemplary achievements as a physician and researcher.



TIME PIECE A rapt audience takes in Christian Marclay's 'The Clock' (2010), a 24-hour-long film whose subject is the passing of time and that is itself a clock.

One common motif of these stories is pace, especially the acceleration of modern life. During one scene, Mr. Garfield joins a car-assembly line at a Mini factory in England, and he can hardly believe how harried the work is. The average employee can bolt the rear subframe in 68 seconds; Mr. Garfield requires eight minutes. ("Not the worst," his supervisor comments.) This failure leads to a discussion of the "scientific" management practices of Frederick Winslow Taylor, which debuted in the early 1900s. Taylorism broke down factory workers' jobs into discrete steps that could then be optimized for speed and efficiency—and in doing so, tended to break down workers' spirits as well, since it rendered them little more than cogs in a capitalist machine.

Eventually the spirit of Taylorism infiltrated the rest of the workforce too, with baleful results. Mr. Garfield quotes Taylor's biographer saying that Taylor "bequeathed a clockwork world of tasks timed to the hundredth of the minute. He helped instill in us the fierce, unholly obsession with time, order, productivity, and efficiency that marks our age. Foreign visitors to America often remark on the rushed, breathless quality of our lives."

Surprisingly, though, the acceleration of modern life isn't inevitable, at least outside the office. One chapter in

"Timekeepers" covers a lively debate among scholars today over the proper tempo for Beethoven's symphonies, including the Ninth. If one follows Beethoven's own annotations, almost no one alive has heard the symphonies played at the pace he intended—breakneck fast. These pieces are in fact one of the few things in Mr. Garfield's book that have slowed down over the centuries.

Pacing also played a surprising role in early cinema. Movies nowadays have fixed durations, but that wasn't true in the olden days of hand-cranked reels: Individual scenes could run faster or slower depending on the whims of the projectionist. Should we linger over a kiss or rush past it? Is that plot twist a snap surprise or a slow, dawning realization? "For certain moments," Mr. Garfield writes, "the man in the box behind you at the Odeon became as central to the creative process as a film's director or stars."

Inevitably, Mr. Garfield focuses heavily on clocks. He's something of a watch geek and spends one chapter bawling about in a fancy Swiss factory trying to build one by hand. He later discusses the Doodman Clock made famous during the Cold War, which estimated how many minutes we had until the "midnight" of nuclear destruction. ("Has there ever been a more useful metaphor for doom?") But

despite his love of clocks, he recognizes how much they've invaded our lives: "Time, once passive, is now aggressive. It dominates our lives in ways that the earliest clockmakers would have surely found unbearable." (For all his desire to avoid philosophiz-

The 'Taylorism' of early factories created a fierce, lasting cultural obsession with order and efficiency.

ing, the nature of time seems to lend itself to making grand statements.)

It's not just our mental health that suffers, either. High-frequency stock trading is a form of computer-driven investment where "tiny [i.e., millisecond] increments of advantage or delay . . . [mean] the difference between helipad profit and suicidal loss." We got a glimpse of the latter in May 2010 when "barmy" trading programs started dumping stocks and the U.S. market declined a trillion dollars in seven minutes. Other "flash crashes" unfolded over just seconds, all because of screwy algorithms.

This development calls to mind the so-called Singularity, a scenario in artificial intelligence in which, some

researchers predict, computers will get so fast and so smart that humans will simply not be able to keep up. Indeed, the flash crashes may have already provided a glimpse of this. "Even the most schooled trader at, say, Goldman Sachs," Mr. Garfield notes, "couldn't offer a plausible (or at least a public) explanation of what had happened, or how to prevent it happening again, because it all just happened too fast."

"Timekeepers" has a few collar-tightening moments like that, but only a few. Despite the hectic pace of life—what Mr. Garfield calls, in an arresting pun, "our brief dash—that hyphen between the dates on our gravestones"—he clearly enjoys his time down here, the occasional bike wreck or harried week notwithstanding. And if you do need a cure for your horological blues, he can help you there, too. "Telling stories," he writes, "is the best way of marking the passage of time that we know. Stories are also the best way of making sense of time, and we have been using them to navigate our way long before time was a studied discipline." "Timekeepers" is a fine addition to that tradition—both in clarifying what time means to us now and in supplying some good stories of its own.

Mr. Kean's most recent book is "Caesar's Last Breath: Decoding the Secrets of the Air Around Us."

Voices From the Reconstruction Era

Continued from page C5

last vestige of Federal interference in local politics [in the South] will probably disappear in a few days."

"Reconstruction" conveys the struggle for racial equality better than many other anthologies documenting the era. Edward McPherson's "The Political History of the United States of America During the Period of Reconstruction" (which went through several editions in the 1870s) is a meticulous compilation of political statements, speeches, bills, convention resolutions and statistical tables, but black voices are hardly more than a whisper in its 648 eye-squint pages. Walter Lynwood Fleming's two-volume "Documentary History of Reconstruction" (1907) is more comprehensive than Mr. Simpson's volume, but it is also unashamedly sympathetic to Southern whites and the downfall of Reconstruction. Harold Hymans's "The Radical Republicans and Reconstruction, 1861-1870" (1967) is superb in its documentary coverage of equality legislation, but it contains only one African-American (Douglass) and ends quixotically with the Force Acts of 1870-71, which were designed to facilitate prosecution of the Klan. Only John David Smith's "A Just and Lasting Peace: A Documentary History of Reconstruction" (2013) offers a wider sampling of African-American writing.

Mr. Simpson works diligently at giving a megaphone to black voices. We read excerpts from black testimony during the 1865-66 hearings held by Congress's Joint Committee on Reconstruction, as well as samplings from the petitions and resolutions of various conventions of "Colored Men," most of which called

for voting rights and freedom to negotiate labor contracts. And there are the black accounts given to investigating committees in the wake of Ku Klux Klan violence. But Mr. Simpson has to labor under the expectation that these voices will also serve the Library of America's injunction (as he notes in the introduction) to be "about Americans and their language," which means that workaday materials are often absent.



RACE RIOT Memphis, Tenn., May 1-3, 1866, as seen by Harper's Weekly.

There is, for instance, only one major document concerning the Freedmen's Bureau, which oversaw economic assistance to the freed people, and no excerpts from the most obnoxious effort of the defeated Confederate states to keep free blacks in near-slavery, the notorious "Black Codes" of 1865 and 1866. These codes imposed penalties for so-called vagrancy (in effect, a charge leveled at a black man who refused the terms of a labor contract); excluded blacks

from voting, jury service and public office; and even forbade the ownership of guns and knives. The Colfax Massacre of 1873 is described through the words of the committee that interviewed its survivors, but its disastrous sequel—the Supreme Court's decision in *U.S. v. Cruikshank*—never appears as a stand-alone document. In that case, the court decided that it had no civil-rights jurisdiction in the massacre

agency, not to mention the emergence of autonomous black churches. There might also be documents recording black-on-black political rivalries—for example, the conflict between Douglass and Martin Delany, a black nationalist whom Douglass criticized for "going about the same length in favor of blacks, as the whites have done in favor of the doctrine of white superiority." But the perfect is the enemy of the good, and what Mr. Simpson has given us in "Reconstruction" is definitely very, very good.

The anthology cannot be read without a sigh for what might have been in post-Civil War America—for a republic not only restored geographically and politically but genuinely built, as Lincoln had hoped, around the principles of free-labor economics and constitutional equality. In one of the last excerpts in "Reconstruction," Grant muses to John Russell Young, the journalist and diplomat, that an extended military occupation would have probably been the best strategy after all. And indeed, it might have allowed the "de-Confederatization" of the South through the education of a new political generation and the creation of a middle-class black economy.

But this might-have-been scenario assumes that Americans in 1865 had a clear idea of what such a reconstruction would require and that they were willing to pay for it. In practice, they didn't and weren't, and much of what ensued was raw improvisation. By 1877, political rule in the Southern states was once again in the hands of a white oligarchy, and the ex-slaves had been legally hemmed in to an economic peonage little better than slavery. The Grant administration

might have done more to hold back this revanchist tide. But by 1874 a resurgent Democratic Party had regained control of the House—and the funding for any further Reconstruction initiatives—and persuaded the country that Reconstruction itself was the problem.

At least Reconstruction managed to bring the former Confederate states back into normal constitutional alignment with the rest of the nation—in the narrow sense that the Southern states elected representatives and senators to Congress and paid federal taxes. It also managed to avoid treason trials, hangings and large-scale exiles for the losers. In fact, the greatest contrast of America's Reconstruction with other post-war restorations lies in how its political violence was visited mostly on the victors—on Northern entrepreneurs who tried to transform the Southern economy, on Southern Unionists who had been silenced under the Confederacy, on the former slaves—rather than the vanquished.

But in every other respect, the Civil War might as well have never happened. The old plantation system remained intact; cotton was still the export king; and Southern blacks, though legally free, were largely without the vote and under the heel of Jim Crow. "Who won the Civil War, anyway?" asked Fawn Brodie, the biographer of Thaddeus Stevens, in 1962. A century and a half after the war, we still don't have a full answer to that question.

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12-2016

Remembering Meriwether: White Carolinian Manipulation of the Memory of the Hamburg Massacre of 1876

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REMEMBERING MERIWETHER: WHITE CAROLINIAN
MANIPULATION OF THE MEMORY OF THE HAMBURG
MASSACRE OF 1876

A Thesis
Presented to
The Graduate School of
Clemson University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
History

by
Jenny Heckel
December 2016

Accepted by:
Dr. Paul Anderson, Committee Chair
Dr. Rod Andrew
Dr. Vernon Burton

ABSTRACT

This thesis examines the manipulation of the memory of the Hamburg Massacre of 1876. During the massacre, one white Carolinian and six black Carolinians were killed. Forty years later, in 1916, a monument was erected in North Augusta, South Carolina to honor and remember Mckie Meriwether, who was described as the only person killed during the massacre. The monument does not mention the true horrific history of the white terrorism against black Carolinians. After white Carolinians reclaimed power in the state, they were able to alter the memory of the Hamburg Massacre from a horrific to heroic event.

By utilizing newspapers from the era, this thesis examines how the memory was manipulated starting from immediate reactions to the massacre in 1876 to the creation of the monument in 1916. The memory was changed through the political rise of the white Carolinians involved, most significantly Matthew Butler and Ben Tillman. Once white Carolinians had control over state politics, they were able to use their influence to overshadow the real horrors of the massacre. The same type of manipulation took place throughout the South and continues to impact southern history and identity.

DEDICATION

To my dad who sparked my passion for history
and continues to challenge my ideas every day

ACKNOWLEDGMENTS

The final draft of this thesis would not have been possible without the collaborative efforts of many individuals other than myself. I would like to thank my thesis advisor, Dr. Paul Anderson. Dr. Anderson first introduced me to my topic during his class on Reconstruction. Throughout this process he has helped to encourage, question, challenge, and support me. Dr. Anderson spent countless hours reviewing my writing and without his help my thesis would not be what it is today. I would also like to thank my other committee members Dr. Rod Andrew and Dr. Vernon Burton. Dr. Andrew's class, "Major Problems in Southern History", helped me to better understand the historiography of southern history. While Dr. Burton's class, "Southern Identity", provided many secondary sources that helped to influence my thesis. Dr. Burton helped me to better understand the study of memory and how it continues to change our understanding of history.

I would like to thank my family for supporting me throughout my research and writing, especially my mom who spent hours listening to my ideas and research. My mom always believed in me and encouraged me to follow my dreams no matter how difficult they seemed. And finally I would like to thank Matt for his constant reminders that I can do whatever I put my mind to. I would not have been able to finish this process without him supporting me during this long process.

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INTRODUCTION

MEMORY IN THE SOUTH

For almost a century, the McKie Meriwether monument in North Augusta, SC served as the only reminder of the Hamburg massacre. It still stands today in J. C. Calhoun Park, but now represents the manipulation of southern memory by white Carolinians. According to the inscriptions on the monument, it honors the *only* resident who was killed during the Hamburg controversy. And it argues that Meriwether was a hero of his time whose memory deserved commemoration for future generations. Like most histories in the South, there was another side to the story besides the one described on the monument. Meriwether was the only *white man* killed at Hamburg on July 8, 1876. Six black men were also killed: James Cook, Moses Parks, Allan Attaway, David Rivers, Hampton Stephens, and Albert Myniart. These black men were murdered for the political gain of whites, four of them publicly executed, and the memory of Hamburg was deliberately overshadowed and silenced as a substantive part of the commemoration of Meriwether.

In 2011, a plaque that describes the fuller history of Hamburg was dedicated. It was at first displayed at First Providence and Second Providence Baptist churches in North Augusta. The initial plans were to place the plaque on the Fifth Street Bridge in North Augusta, but the Heritage Council of North Augusta, the non-profit organization which sponsored the creation of the plaque, feared it would be vandalized. Instead it was

placed near another historic marker by the historic Carrsville Community.¹ Yet today the issues of South Carolina history are still controversial. As historians (and Carolinians) begin to reassess their understanding of southern history, it is important to note that a great deal of Carolina history was altered to honor white Carolinians and silence the history of black Carolinians. At Hamburg, for instance, memory was changed by white Carolinians through political elections and the promotion of public figures who had roles in the event. After the massacre, the white Carolinians used Hamburg as a tool to help reclaim dominance over politics and society. The white men who participated in Hamburg used their participation as a platform to boast of. Not *in spite* of the white Carolinians' participation in the murder of six black men, but because of it, they won election to political offices. Once they were in power, the whitewashed stories of Hamburg were perceived as factual, and blacks had no power to question or argue the white claims. The creation of the Meriwether monument marks the attempt to create a permanent historical acceptance of the white Carolinian memory of Hamburg.

The event at Hamburg was one of the planned attacks used by white Carolinians to regain political power. On July 4th 1876 the city of Hamburg celebrated Independence Day with a parade. After the war, blacks used these national holidays to celebrate their freedom.² The black militia, led by Doc Adams, was marching in the street for the parade when Thomas Butler and Henry Getzen, two white farmers from Edgefield, South

¹ The Carrsville Community is a historic site in North Augusta, SC. The site consists of a Society Building which was built in 1930 as the Young Men's Union Society. Carrsville was formed after the city of Hamburg disappeared and the majority of the residents were blacks.

² W. Fitzhugh Brundage, *The Southern Past: A Clash of Race and Memory* (Cambridge, Mass: Belknap Press of Harvard University Press, 2005), 65.

Carolina, tried to ride their buggies through the ranks. The militia refused to break ranks and move out of the way. The white men argued with the militia and forced their way through the street. The white men could have taken a different route through the city or gone around the militia, but these men were looking for a reason to start trouble. Later Butler and Getzen went to the black town justice, Prince Rivers, to press charges against Adams for blocking the street. Butler and Getzen were supported by their attorney, Matthew C. Butler. Adams countersued the whites with interfering with the militia drill. The trial was set for July 8, 1876.

On July 8th, several hundred rifle club members came into Hamburg in support of Butler and Getzen. White southern men created rifle clubs as a way to gather together and own weapons since they refused to participate in the local militias because of the black members. The trial itself was postponed which Rivers and Matthew Butler negotiated with one another. Matthew Butler requested that the black militia turn over their guns to him, but Adams refused. Rivers tried to keep the situation under control by working with both groups, but the white men were clearly looking for the opportunity to cause violence. The militia refused to turn over their arms, and instead stationed themselves inside a warehouse. The whites followed and positioned themselves as an army ready for battle. They even brought a cannon with them. Soon shots were fired and one white man, McKie Meriwether, was killed. Two black men, Jim Cook and Moses Parks, were killed while trying to escape the warehouse. The white men captured many of the militia and held the men as captives. Five blacks, Allan Attaway, David Phillips, Pompey Curry, Albert Myniart, and Hampton Stephens, were called out from the group

to be killed. All of them were executed in cold blood except Pompey Curry, who managed to escape and hide from the whites.

The terror of Hamburg helped result in the overthrow of Reconstruction when Wade Hampton was elected governor three months later. None of the white men at Hamburg were convicted for the murder of innocent blacks; instead these men became prominent leaders in South Carolina. In 1916, a monument was created in North Augusta, S.C. to honor Meriwether's death during the massacre, which whites referred to as a riot. The creation of this monument is the focus of this thesis. Through the rise of political leaders, especially Ben Tillman, the memory of the Hamburg Massacre was altered in order to uplift white southerners.

In recent years the study of memory and history has been a topic of debate, especially in the South because of the division between history and white-manipulated history. The division creates two separate histories of the South, one told from the black southern perspective and the other told from the white southern perspective. Modern historians acknowledge this problem, as James C. Cobb argues. "Nowhere is this division more obvious than in the never-ending conflicts over the Confederate flag, Confederate monuments, and other symbolic reminders of slavery and segregation," he writes.³ The separation hastened by misrepresentation includes the symbols of Reconstruction. While Reconstruction is often overshadowed by the white memory of the Civil War, how Southerners remembered Reconstruction changed how the South evolved.

³ James C. Cobb, *Away Down South* (Oxford: Oxford University Press, 2005), 290.

Southern history is currently undergoing a revolution that questions the way it is represented in society. Various historians and public history professionals argue that the kind of Southern history represented in books, schools, monuments, buildings, and road names does not properly represent the region's fullest history. Many of these scholars and activists want to change the representations, especially in public spaces, to more accurately depict Southern history. For instance, on the campus of Clemson University, students, staff, and faculty are currently debating the memory of Ben Tillman, a pro-lynching racist leader of South Carolina, who also participated in the massacre at Hamburg. The most iconic building on Clemson's campus is named after Tillman, who had a founding role in the creation of the university. The building, which was originally named Old Main, was changed to Tillman Hall in 1946—just at the beginning of the era which C. Vann Woodward has called the “Second Reconstruction.” While some students, faculty, and alumni support keeping Tillman's name on the building, since he was involved in the creation of Clemson, others want it removed because of his lasting and infamous legacy with race. Controversies like these show no signs of abating. But even talking about it is breaking a silence long meant, deliberately, to empower white memory by erasing or enshrouding black memory. This is an especially important dynamic in South Carolina, where African-American history has been and continues to be vital in understanding the state. For most of the state's history, in fact, most Carolinians have been black. In order to better understand South Carolina history, Carolinians should acknowledge the evolution of their history to better recognize a discriminatory landscape.

Christopher A. Cooper and H. Gibbs Knotts argue that three different memory movements are occurring in the contemporary South: de-Confederation, re-Confederation, and African-Americanization. The de-Confederation of the South involves an effort to remove the symbols of the Confederacy and the replacing of Confederate names on buildings, roads, and highways. The removal of the Confederate flag is probably the best-known example of how southerners want to step away from their connections with Confederate history. For Southerners demanding de-Confederation, the Confederacy does not represent Southern identity, but instead symbolizes white supremacy and pro-slavery ideas. De-Confederation allows for African-Americanization, which supports a black identity within Southern history and focuses on elevating black memory. African Americanization not only wants to rid the Southern landscape of Confederate symbols, but wants to rename buildings, roads, and highways from a perspective based in black history. The opposite approach is taken by Southerners involved in re-Confederation, a movement which consists of southerners who want to continue to honor Confederates as heroes of the South.⁴

The existence of these three movements suggests an ongoing struggle as black and white southerners confront their shared past. The difficulty of the struggle is evident in the evolution and transformation of the memory of Hamburg. The white Carolinians involved at Hamburg did not want to be remembered as violent racists; instead they wanted their lasting legacy to be heroic. And for a long time their desires prevailed. As

⁴ Christopher A. Cooper and H. Gibbs Knotts, "Declining Dixie: Regional Identification in the Modern American South," *Social Forces* 88.3 (2010): 1083-101.

stories of heroic white Southerners such as those engaged at Hamburg were passed down over time, new generations of white southerners sought to honor their ancestors.

Through this kind of filopietty, white Southerners were always remembered as heroes, even as the filopietistic element encrusted the memory in deeper and deeper layers of tradition. But black Southerners were either not talked about or biasedly represented.

Such a divide in Southern memory creates a racially divided history rather than a shared past. Unless Southerners can come to terms with both sides of history there will always be conflict not just over events such as Hamburg—but over who, and what, is a Southerner.

Those questions are important, too, in public history. As views broaden, the public is urging public historians to interpret and integrate both the white and black versions of history at museums and historical sites. A couple of examples offer illustrations. At Clemson University, in South Carolina, new movement known as See the Stripes is focused on educating students, faculty, and alumni on the University's troubled racial past. Most of the public attention has been focused on the movement's attempt to rename Tillman Hall, an example certainly of de-Confederation and possibly of African Americanization. A less well-known but equally important focus of the movement's demands involves the history taught to guests at Fort Hill. Fort Hill was the home of John C. Calhoun and later Thomas Green Clemson, founder of Clemson College, but it was fundamentally a plantation big house: the University is built on a former plantation, which most students do not realize before coming to the University.

Nor are they really taught. Fort Hill is known for its variety of antiques and original artwork and its focus on Calhoun as a political leader; it does little to expound on

the existence of slavery on the plantation. The tour guide and manual provide details on the lives of the Calhoun and Clemson family, and even describe each piece of furniture in the house. Very little however is said about enslaved people. The only information included is on a couple house slaves, though hundreds of enslaved worked on the plantation. As Orville Vernon Burton argues, “when slavery is left out, the history is distorted; and when history is distorted, people feel justified in harboring anger, bitterness, and resentment.”⁵

The same feelings accompany public monuments. Monuments serve as a permanent reminder of the past. In the South, however, almost every monument in a public space represents only white history, with most of these honoring Confederate soldiers. As with issues over race in historical houses such as Fort Hill and at historical sites generally, monuments should be re-evaluated in light of both black and white history. In 2000 a controversy occurred in Caroline County, Virginia over the memorialization of a slave, Gabriel. Supporters of a more inclusive Southern history wanted to create a monument in honor of a failed slave revolt of 1800. The group wanted to honor and remember those slaves who were killed because of their rebellion, but also the rebellion’s leader, Gabriel. The county board rejected the creation of the monument because it did not want a monument that “glorified violence and inflamed racial tensions.”⁶ It is ironic that Southern towns and cities are filled with memorials of the

⁵ Orville Vernon Burton, "The South as "Other," the Southerner as "Stranger"," *The Journal of Southern History* 79.1 (2013): 14.

⁶ W. Fitzhugh Brundage, "Contentious and Collected: Memory's Future in Southern History," *The Journal of Southern History* 75.3 (2009): 751-66.

Confederacy, which was founded in violence to protect a system of slavery based in violence, but reject memorials to honor slaves who suffered under the restraints of a violent system. “Until we accept Gabriel,” Cleo Coleman, an advocate for the monument, argues, “we accept the myth that slaves were content with their condition, had no interest in freedom, and were not entitled to it.”⁷

Many southern blacks criticize the misrepresentation of history supported by monuments around the South. “For many black southerners,” Cobb argues, “the widespread assault on Confederate icons and symbols went hand in hand with the creation, preservation, or renovation of a new set of icons and monuments memorializing the crusade to free the South from the racial system constructed on the ruins of Confederate legacy.”⁸ With all the controversies that are occurring throughout the South, and especially in South Carolina, attention needs to be brought to the Meriwether monument that still stands in North Augusta. Raised as a legacy to the heroism of white Carolinians, it is hard to see the monument today as much more than a monument to the terrorism inflicted on blacks Carolinians. A full history, though, is not so much a victims’ history as it is a shared history of Southerners. “The black southerner and the white southerner are locked to the land and to the history,” as Maya Angelou claims, “a painful history of guilt and cruelty and ignorance. It clings to us like the moss on the trees.”⁹ Brundage puts it another way. “To understand fully the significance of these controversies,” he argues, “we should pay attention to the history that southerners have

⁷ Brundage, 751-66.

⁸ Cobb, *Away Down South*, 302.

⁹ Burton, “The South as “Other”, The South as “Stranger”,” 13.

valued, the elements of their past they have chosen to remember and forget, the ways that they have disseminated their past, and the uses to which their memories have been put.”¹⁰

The manipulation of the memory of Reconstruction was supported by contemporaries, but it was legitimated as history by the earliest of professional scholars at the turn of the twentieth century. William A. Dunning, a professor at Columbia University, pioneered the professional study of Reconstruction. Under his influence, the Dunning school of scholars argued that Reconstruction was a tragic, failed period of American civilization because the South was overrun by carpetbaggers and freedmen who corrupted its institutions. White southerners were the victims in this history. An example of it is historian Henry T. Thompson’s *Ousting the Carpetbagger from South Carolina*, which appeared in 1926. Not only did the book glorify white Carolinian history; Thompson actually dedicated it to the Red Shirts of 1876. Thompson described South Carolina after the war as a land of destruction and devastation. Towns and farms and even cities had been burnt to the ground; its (white) people were sufferers. He blamed the radical Republicans and freedman for misrule and corruption, and for all the other dislocations facing white Carolinians during Reconstruction. He even attempted to manipulate the memory of national leaders such as Abraham Lincoln, who might otherwise be remembered for Union victory and emancipation but who, in Thompson’s telling, was no different than Andrew Johnson—a hero of sorts to the unreconstructed. Lincoln and Johnson would not have allowed newly freed blacks to gain political power, Thompson wrote: “Thus it will be seen that neither Lincoln nor Johnson regarded as

¹⁰ Brundage, *The Southern Past*, 3.

necessary to Reconstruction the giving of universal suffrage to the recently freed negro . . . In fact, both publicly declared they did not favor doing so.”¹¹

Thompson argued that white Carolinians had few options to protect themselves against violence committed by Carolina blacks, and for the intimidation and violence supposedly used by Republicans to steal elections. White Carolinians created the Ku Klux Klan in self-defense and in civil defense—the protection of democracy. Any violence that occurred thereafter was because white Carolinians were defending themselves and heroically defending civic virtue. “During all the years of Reconstruction,” Thompson wrote, “and particularly in the sections of the State where they were in a great majority, the negroes, under the guidance of their designing leaders, had practiced the most brutal forms of intimidation and had perpetrated all kinds of frauds at the ballot box.”¹² The savior of Reconstruction was Wade Hampton. Thompson claims that the “ousting” was redemptive: under Hampton, not only was civic virtue and white democracy restored, but so was peace and good order. These twin victories were staples of the white triumphal view as first cast in professional history by Dunning scholars. It nevertheless was a biased view of history that altered the way the South, and the nation, viewed Reconstruction.

Just as historians supported and documented the white version of history in their books, white women in the South uplifted white Southerners as heroes. Women’s groups such as the United Daughters of the Confederacy (UDC) or the Ladies Memorial

¹¹ Henry T. Thompson, *Ousting the Carpetbagger from South Carolina* (Columbia: The R. L. Bryan Company, 1926), 13.

¹² Thompson, *Ousting the Carpetbagger from South Carolina*, 133.

Association (LMA) existed across the region; their activities stressed the heroism and valor of white men despite the devastation of Confederate defeat. “The UDC accomplished in peacetime what their Confederate forebears had failed to achieve during war,” Karen Cox argues. “The Daughters did so by memorializing dead Confederate soldiers and the society that they had fought to preserve.”¹³ In fact, where white men in the South often had to toe a fine line, for fear of inviting retaliation or increased Federal vigilance, women were able to preserve heroic ideals of the South after the war because the North did not view them as a political threat. The North did not recognize the type of permanent influence these women’s ideas would have on the memory of the South. But in fact, in sustaining a heroic memory, they helped make essential the heroic ideal that underlay the violence of Reconstruction and ultimately the manipulation of its narrative.¹⁴

Brundage argues that women’s control of public memory was a feature unique to the South. In England, Germany and France, governments controlled public space and therefore the shape of public memory. These governments made sure that the public memory honored the aristocratic families. But because state and local governments did not step in to help control the memory of the South, women were able to fill a vacuum. “Throughout the nineteenth century state governments abjured responsibility over historical memory because it fell within that area of the public realm,” as Brundage

¹³ Karen L. Cox, *Dixie's Daughters: The United Daughters of the Confederacy and the Preservation of Confederate Culture* (Gainesville: University Press of Florida, 2003), xii.

¹⁴ Caroline E. Janney, *Burying the Dead but Not the Past: Ladies' Memorial Associations and the Lost Cause* (Chapel Hill: University of North Carolina Press, 2012), 40.

argues, “where their authority ended and the traditional authority of home and church began.”¹⁵

The most influential method by which women shaped southern memory was in the creation and raising of monuments. LMA organizations established many monuments in cemeteries, but the UDC placed monuments in towns and cities across the South. Monuments served as a “daily reminder” of the past. Even those who could not read were influenced by the visual presence of the monuments.¹⁶ “The stone soldiers who stand sentinel in southern towns pay homage to white heroes who were revered as both loyal southerners and American patriots, for their defense of states’ rights.” Cox argues.” Significantly, southern blacks, who had no stake in celebrating the Confederacy, had to share a culture landscape that did.”¹⁷

Blacks, however, were not silent. They attempted to preserve and promote their memory, but instead of creating monuments they organized and participated in celebratory events. Kathleen Clark argues that in order to fully understand the manipulation of Southern memory, one must recognize the different white and black memorial movements during Reconstruction and the different forms they took.¹⁸ Blacks honored days that represented freedom, such as the Fourth of July and Emancipation Day. Typically, though, and especially after Reconstruction, these were celebrated in spaces set apart, such as black churches. Public space could be denied to them either by

¹⁵ Brundage, *The Southern Past*, 18.

¹⁶ Janney, *Burying the Dead But Not the Past*, 142.

¹⁷ Cox, *Dixie’s Daughters*, 49.

¹⁸ Mills and Simpson, *Monuments to the Lost Cause*, 48.

the intimidation of the landscape itself, or by the outright refusal of whites to allow blacks any type of celebration or remembrance in spaces they controlled. White southerners used threats and violence to cease all types of black advancements and celebrations. It was during one of these celebrations on July 4, 1876, on the public street in Hamburg, that led to the murder of the six black men in the town several days later. As was deliberately intended, black memorialization was, and still is, often “forgotten” because they did not leave a physical imprint on the South like white southerners.

The Lost Cause was the main device used by white southerners to alter the memory of three periods in Southern history that became one within the mythology: the antebellum South, the Confederate experience during the Civil War, and Reconstruction. Historians have defined the Lost Cause in a variety of ways, but each definition stresses its idealization of the white South. And no matter their emphases, all would agree with Karen Cox’s central contention that the Lost Cause was “an idealized portrait of the antebellum South, one that romanticized white paternalism and African American slavery and glorified the valor of Confederate soldiers.”¹⁹

The Lost Cause myths created a racialized Southern history even as it made white society organic, without social division. All white men were courageous and supported the Confederacy, all Southern belles were proper, and all slaves were faithful. These mythologized types became embedded in popular culture—another form of public space—in famous movies such as *Birth of a Nation*. “In this way, the plantation legend, taken over by the emerging culture industry, ceased to be exclusively a myth of the

¹⁹ Cox, *Dixie’s Daughters*, xi.

South,” Wolfgang Shivelbusch claims. “Instead, it became a part of the escapist dream factory that would ultimately appropriate all periods of human history and that would later be known as Hollywood.”²⁰ For southerners the best vindication after the war was the national acceptance of the Lost Cause. Novels about the South became very popular in the North since they described a type of mythical land that public audiences enjoyed reading about. However, even though these stories were not true, they evolved into the widely accepted history of the South, in part because they also complemented the histories of the Dunning school. The harsh reality that blacks experienced in these periods were either not included or, more often, the stereotypes simply imposed on them

More importantly, the Lost Cause was a form of power. White southerners used the ideas of the Lost Cause to justify white supremacy. The defense of antebellum slavery, for example, was used to justify segregation and impose stability and “order.” White southerners argued that blacks were dependent on the restraints of slavery and that they would need restraints to function outside of slavery. Janney claims, “By imaging the interracial place of the ‘Old South’ and the ‘blackness of Reconstruction,’ Southern whites rewrote their history to make their white supremacist laws seem not only natural, but necessary.”²¹ By changing the history of the race relations in the antebellum South, southerners disenfranchised the future for blacks.

Historians tend to focus on the impact of the Lost Cause on the memory of the Civil War, but it is important to emphasize its influence on the memory of

²⁰ Wolfgang Schivelbusch, *The Culture of Defeat: On National Trauma, Mourning, and Recovery* (New York: Picador, 2001), 97.

²¹ Janney, *Burying the Dead But Not the Past*, 139.

Reconstruction. During Reconstruction, Lost Cause ideas were used to justify the violent actions of white Southerners. In the Lost Cause version of Hamburg, for example, white Carolinians claimed they were innocent victims of the black militia's harassment. The Meriwether monument represents a permanent memory of this, a preeminent Lost Cause version of history. And as David Blight shows, the Lost Cause was also used as the vehicle by which the white Americans, North and South, reconciled themselves in the thirty years following the war. Both sides agreed that the common valor of both, and not issues of race or slavery or emancipation, were the war's worthiest legacies. In that way the Lost Cause prevented the nation from fully understanding the problems blacks faced in the South. It has and in some ways continues to obscure the nation's view of African-American history/ The South, in particular, has still not fully confronted the issues involved in how to remember blacks in its history. For Southerners to move past the problems of race, David Goldfield argues that whites and blacks need to create a common memory, and in order to create this memory, whites and blacks must accept each other's past. "What is needed is not so much a merger of Robert E. Lee and Martin Luther King Jr.," Goldfield writes, "as a better understanding of both, an appreciation that one can accept the past without distorting it or denigrating others."²²

During the 1960s historians began to question the meaning of the white monuments in modern society. This might be considered the beginning of de-Confederation. This new research created a backlash that consisted of white Southerners refusing to let go of Lost Cause memory. These Southerners pushed for *more*

²² Goldfield, *Still Fighting the Civil War* (Baton Rouge: Louisiana State University Press, 2002), 296.

memorialization of the Civil War, especially since the 1960s was also the centennial period of commemoration. The contest, in some ways, is ongoing. The backlash continues to be evident in modern examples of re-Confederation; de-Confederation is most evident in the resistance to it, but especially in black-led movements that push for the inclusion and the memory of black history. Perhaps the best-known example is in Richmond, Virginia, the capital of the Confederacy, with the creation of the Arthur Ashe Memorial on Monument Avenue. The monument honored a black tennis player on what had been a boulevard dedicated to the heroic marble memorials to Southern white valor: Robert E. Lee, J.E.B Stuart, Stonewall Jackson, and Jefferson Davis. More recently, though only in response to a violent racial tragedy with echoes of Hamburg, the state of South Carolina has taken down the Confederate flag that had flown on the State House grounds for more than 60 years. As de-Confederation and perhaps African-Americanization continues, more monuments like Ashe's might be created, and older monuments to white supremacy might be reinterpreted. As Cynthia Mills argues, "With preservation has come the opportunity to reinterpret the monuments and make decisions about how they can continue to function."²³

In order for the South to overcome the racialized versions of memory, Southerners have to confront and accept the past, both black and white. As South Carolina in particular deals with current racial tensions as well as its separate pasts, Carolinians should educate themselves on how the memory of the past was often altered. Memory, as Charles Reagan Wilson argues, "brings attention to the issues of social

²³ Mills and Simpson, *Monuments to The Lost Cause*, xxv.

identity, cultural legitimacy, power and political norms.”²⁴ As the issues of southern past still haunt southerners today, it is important for southerners to accept the past, understand it, and learn from it. “Part of the tangled knot of race is the way the country remembers Reconstruction,” Burton argues, “which is probably more important to public memory than memory of the war itself.”²⁵

The following two chapters analyze the white manipulation of the memory of the Hamburg massacre. The first chapter follows the immediate reaction of the event in 1876 to the political rise of Benjamin Tillman due to his outspoken support of his participation of the murders. The chapter uses newspaper accounts from around the nation to describe the different perspectives of how the story was told in the South compared to the North. The nation initially condemned the white Carolinians actions, yet other regions which did not support the national government’s involvement in the safety of the black Carolinians. Without the support of the national government the white Carolinians were not charged for terrorism; instead several of the men involved used Hamburg as a political platform. The two most influential leaders involved at Hamburg who were elected were Matthew C. Butler and Ben Tillman. Both men boasted of their actions at Hamburg which helped them gain support in subsequent elections. The chapter examines how white Carolinians used their political power to alter southern memory.

The second chapter analyzes the creation of the McKie Meriwether monument. Similar to the first chapter, it relies on newspapers to examine how white Carolinians

²⁴ Wilson, *Baptized in Blood* (Athens: The University of Georgia Press, 1980), xiii.

²⁵ Orville Vernon Burton, "The South as "Other," the Southerner as "Stranger", *The Journal of Southern History* 79.1 (2013): 7-50.

supported their version of history. By the 1900s southerners viewed the Hamburg event as a heroic moment. Tillman's national race talks served as an initial proposal for a monument dedicated to the heroes of Reconstruction. Throughout his speeches he praised and justified the actions of white Carolinians, especially the Hamburg event. J. P. DeLaughter suggested for the creation of the monument in 1912. After support from the state, the monument was erected in 1916 as a reminder to all southerners of the sacrifices made by white Carolinians during Reconstruction. However, the monument purposely leaves out the true story of the Hamburg event.

White Southerners changed the history of this period to uphold white supremacy. The Meriwether monument exemplifies the manipulation. By 1916, Hamburg was an event white Southerners honored and commemorated. As Cynthia Mills argues, however, "the meaning of public sculpture is not fixed but changes as audiences' experience and beliefs grow increasingly distant from original understandings."²⁶ The memory of Hamburg should not be forgotten, but its meaning need not be fixed. The Meriwether monument should represent the violence that blacks faced during Reconstruction, and it should become a tool to help Southerners end the struggle over race and memory.

²⁶ Mills and Simpson, *Monuments to the Lost Cause*, vx.

CHAPTER ONE

FROM HORRIFYING TO HEROIC

White Carolinians manipulated the memory of the Hamburg massacre in order to support the reestablishment of white Democratic control within South Carolina. The event was a national headline and areas outside the South were shocked by the blatant racial violence. White Carolinians however refused to let the nation criticize their behavior, so they created justifications for their actions. Through these justifications white Carolinians placed the blame of the violence on the black militia. Several of the white men argued that the black militia taunted them and initiated the conflict, which led to the murder of six black men and one white. Newspapers throughout the South tended overwhelmingly to support the white Carolinian view by only publishing the white memory of the event. These newspaper reports provide a clear picture of how white Carolinians manipulated the memory of Hamburg to belittle black men and uplift whites as heroes.

Immediately after the massacre, black Carolinians sought help from the United States government for protection, but the government refused to send federal troops to South Carolina because it did not view the massacre as a national issue. Black Carolinians understood that the violence represented more than just racial hatred: it was political violence. The type of violence separated the massacre from other forms of violence around the nation. Their violence was a form of terrorism. White Carolinians used it in order to regain political power within the state.

As southern whites reclaimed power, South Carolina blacks lost control over the advancements made during Reconstruction. White southerners used the power they acquired to change public memory. The white Carolinian memory became more dominant as the white men involved at Hamburg were elected to public office. Just a few years after the massacre, white politicians of South Carolina boasted over their involvement. It became a political platform used by leaders such as Matthew Butler and Ben Tillman. As Fitzhugh Brundage argues, the ones who controlled the memory controlled the public space, and vice versa. Once white southerners had control of South Carolina they were able to alter the memory of the massacre, and impose it not just in history books, but on the landscape.²⁷ As Stephen Budiansky suggests, “The way it made a victim of the bully and a bully of the victim, turned the very act of Southern white violence into wounded Southern innocence, turned the very blood of their African American victims into an affront against Southern white decency.”²⁸ The memory of Hamburg evolved as white Carolinians became increasingly dominant in politics. Ultimately the massacre became a heroic moment for white southerners even as white memory created a false history of blacks which blamed them for the violence.

Many terms were used to describe the event at Hamburg such as the “Hamburg matter,” “Hamburg business,” “Hamburg slaughter,” and “Hamburg affair,” but none of these had a lasting impact. Two very different terms ultimately did, and they encapsulated the struggle for memory. Both were political, because each term created a

²⁷ W. Fitzhugh Brundage, *The Southern Past: A Clash of Race and Memory* (Cambridge, Mass: Belknap Press of Harvard University Press, 2005), 6.

²⁸ Stephen Budiansky, *The Bloody Shirt: Terror After Appomattox* (New York, NY: Penguin Group, 2008), 5.

contrasting story. *Massacre* was the term of choice for blacks and northern Republicans. *Massacre* suggested the sheer violence of Hamburg. *Massacre* has also become the preferred description for modern historians, for, as Budiansky recently argues, Hamburg was a form of terrorism. White Carolinians came to Hamburg with the purpose of murdering blacks for political gain.

Massacre was frequently used immediately after the event, but as white southerners began to manipulate memory, it was used less. By 1900 *riot* became the lasting white definition. White Carolinians used *riot* in order to justify their violence. The white men involved at Hamburg defended their actions and claimed it was a mere political disturbance, a donnybrook of sorts, because riots were often associated with disorderly political events, such as the Great Railroad Strike of 1877. During the strike, railroad workers fought back against militia who tried to reopen railroad services. Similarly, white Carolinians defended their actions by claiming Hamburg too was a political disturbance. It was not a question of moral culpability but rather a question of political interest and the ability to defend and oppose it. Because reclaiming political sovereignty for white men was a heroic endeavor and because they could associate Northerners and blacks with disorder, the white men who used the term *riot* uplifted their roles as heroes, restorers of peace and order, and not murderers.

Immediately after Hamburg, most national newspapers, including the *New York Times*, called the event a massacre. Many Northerners were shocked by the racial violence that still existed within the South. The term *massacre* insinuates that the perpetrators were uncivilized, which was ironic since blacks were often viewed as

uncivilized. This was sometimes evident in international coverage. “But the whites of South Carolina are men of our own race and religion, inheriting English laws, and belonging to a nation which, in the main, is as full of respect for life as any community in the world,” A London newspaper claimed, “Yet unless they have been grossly maligned, they have done a deed as detestable in its atrocity as many of the murders committed by the half-savage Turkish cital.”²⁹

Still, for most people who used the term, the stakes were political. Moral outrage could not conceal the deeply political purpose of using it in order to keep Southern Democrats from reestablishing power. No better example of this exists than Governor Daniel Chamberlain’s letter to President Ulysses S. Grant. Chamberlain argued, “The recent massacre at Hamburg, in this State, is a matter so closely connected with the public peace of this State that I desire to call your attention to it for the purpose of laying before you my views of its effect, and the measures which it may become necessary to adopt to prevent the recurrence of similar events.”³⁰ For Chamberlain, Hamburg was not just a local problem. It threatened to imperil society as a whole.

Black Southerners promoted the term massacre to expose the racial violence of the South. After a meeting in Charleston in July 1876, a group of blacks sought vindication for the murder of the six men at Hamburg. They argued that “the massacre of colored citizens at Hamburg, S. C., is unworthy of any civilized community, and deserves the censure and condemnation of the civilized world.”³¹ While South Carolina blacks

²⁹ *New York Times*, August 17, 1876.

³⁰ *Yorkville Enquirer*, August 17, 1876.

³¹ *The Anderson Intelligencer*, July 27, 1876.

also emphasized the racial element of the violence, they argued that the violence was a national issue because it influenced political elections. Hamburg, then, could only be defined as a massacre because it was fundamentally political violence.³²

Just as predictably white Carolinians blamed the black militia for starting the riot, and Southern white newspapers created images of riotous blacks to contest black descriptions. These stories uplifted whites as victims who only resulted to violence for self-defense. A paralleled theme existed in numerous newspaper articles that depicted blacks as rioters and whites as peace keepers. For instance, the *Anderson Intelligencer* reported a story about a “riot” in Charleston, also in 1876 “A bloody and disgraceful riot was inaugurated in the city of Charleston by a mob of infurious Republican negroes, who were determined to kill some colored Democrats who had organized a Democratic Club.” It read, “The white people were informed of the plan, and for the purpose of escorting the colored men home, formed a procession with six white men around each colored Democrat, and marched up King street in safety.”³³ The language is so similar to articles about Hamburg that substituting the word “Hamburg” for “Charleston” would not seem out of place.

In fact, whites called every black disturbance a riot, including the Ellenton Riot, Charleston Riot, and Ned Tennant Riot. In each of these events, blacks were murdered by whites, who were never punished for their actions. And because white Carolinians seized control of the term, just as firmly as they seized control of the state, they were free

³² Richard Zuczek, *State of Rebellion: Reconstruction in South Carolina* (Columbia, SC: University of South Carolina Press, 2009).

³³ The *Anderson Intelligencer*, September 14, 1876.

afterwards to control the memory of the event. By the turn of the 20th century, of course, white memory had become dominant. The remembrance of Hamburg had evolved to the point where black memory had been largely suppressed. But that was not a given. Suppression was immediately contested.

Immediately after Hamburg, as the massacre was publicized in newspapers around the nation, more attention was brought to the racial violence in South Carolina. Black Carolinians pleaded the U.S. government for help. They also sought justice. White southerners purposely used racial terror as a tool to regain power throughout the South, they argued. “We (black Carolinians) invoke the consideration of this whole nation and the powers of the Federal Government,” some were quoted in the *New York Times*, “to see to it that the equal protection under this Government be maintained throughout this nation. . . so that safety to life and property, and the right to vote as a conscience and dictate to every citizen shall be forever secured to all throughout this freed land.”³⁴ They feared—correctly, as it turned out—that racial violence would ultimately be used to strip them not merely of their political power but of the civil and political rights they had gained during Reconstruction.

Events would show, though, that if Hamburg was a national story, only black Carolinians believed it was a national issue. Black Carolinians used two arguments in trying to convince the nation to provide help. The first was that black Carolinians would be unable to protect themselves against more and maybe bloodier violence without the aid of the federal government; the second claimed that the Hamburg violence would have

³⁴ *New York Times*, July 24, 1876.

a political impact throughout the nation. Black politicians such as Richard H. Cain and Robert Smalls used their positions in order to build a broader platform against racial violence of the South. However, they ran up against other politicians who claimed to be skeptical about involving the national government in so-called “state” issues. This divide would also ultimately influence the memory of the event.

In July 1876, black Carolinians met in Charleston to protest the murders. The speaker, Richard H. Cain, rejected the justifications of whites—that blacks started the violence. Cain, before the war a minister and abolitionist in the North, was a leader of stature who promoted black rights before and during Reconstruction. He moved to Charleston to become involved in the new political system which promised black leaders the chance to become politicians, and from 1868 to 1870 he served in the South Carolina State Senate. In 1872 he was elected to the U.S. House of Representatives where he served until 1874. During the Hamburg meeting, Cain pointed out the hypocrisies of the white Carolinians’ justifications. He offered a hypothetical scenario in which two black men interrupted a group of whites on parade. If the black men had tried to push through—as the white men of Hamburg had done—the white men would have refused to let them pass: and would have violently punished the black men for trying. Neither would the white Carolinians have let a group of black men take their guns away like the white Carolinians tried to do with the black militia. And yet the blacks at Hamburg acted completely differently. So, Cain argued, the white men could not possibly think or use these justifications as credible ones.³⁵

³⁵ Thornbrough, *Black Reconstructionist* (Englewood Cliffs, N.J: Prentice-Hall, 1972), 61-62.

The perpetrators needed to be punished. Though Reconstruction was coming to an end, as were the social advancements made by blacks, black Carolinians believed that as a group they could make sure the white Carolinians were held accountable for the murder of innocent blacks. “The negro in this country will not always be docile,” Cain argued. “The rising generation are as brave and daring as white men. Already that spirit is taking deep root in the minds of thousands who have nothing to lose in the contest, and who would rejoice in the opportunity to sacrifice their lives for their liberty.”³⁶ Of course it can be argued that the “rising generation” of daring black men were exactly what Carolina whites feared the most.

Smalls was another influential black leader who brought Hamburg to national attention. Smalls’ life illustrated the advancement of blacks during Reconstruction. He was born a slave in 1839 but escaped during the Civil War. Smalls grew up as a house slave, but learned different skills which allowed him to work a variety of jobs. These had included waiter, lamplighter, stevedore, and foreman in Charleston harbor. While he worked for John Simmons, a rigger in Charleston, Smalls learned how to sail. Despite paying part of his income to his owner, Smalls earned a living performing these special skills, and even saved enough money before the war to purchase his wife, Hanna Jones, and daughter, Elizabeth Lydia. But he never had to use that money because he escaped with his family—famously, in 1862, by piloting a boat called *The Planter* out of

³⁶Thornbrough, *Black Reconstructionist*, 62.

Charleston harbor—to freedom during the Civil War.³⁷ After the war, he served in the U.S. House of Representatives from 1874 to 1879 then again from 1881 to 1887.

In 1876 Smalls fought against a bill meant to remove Federal troops from the South and station them instead in the Western states and territories. Smalls argued that troops should not be removed from South Carolina as long as blacks needed protection. To bring attention to the racial violence black Carolinians faced, he read aloud in the House a letter that he received describing the Hamburg Massacre from an eyewitness. The debate over Smalls' proposed amendment was contentious. Predictably, some were not sympathetic to black Carolinians, for instance Congressman Julian Hartridge, from Georgia, who blamed the blacks for the incident. Other Congressmen questioned the validity of the letter because Smalls refused to state the name of its author to protect him from white retribution. Congressman Joseph Rainey, of South Carolina, however, defended Smalls' request by again pointing out the irony of white arguments. *The New York Times* described Rainey's speech: "He charged that nowhere would men be permitted to drive a wagon through the ranks of a military procession, and because a South Carolina militia company would not break ranks to permit two chivalric gentlemen of ancient ancestry to pass, the surrender of their arms was demanded by persons who had no right to make the demand, no authority to receive the surrender, and they were shot down by an armed mob because they dared to refuse."³⁸ Rainey used phrases such as "chivalric gentleman" and "ancient ancestry" to mock the white Southerners who often

³⁷Holt, *Black Over White* (Chicago: University of Illinois Press, 1979), 48.

³⁸ *New York Times*, July 16, 1876.

thought of themselves as gallant knights from Sir Walter Scott novels—but who were, in reality, merely leaders and members of “an armed mob.”

For some congressmen the violence in South Carolina was an issue of local law and order, not a political demonstration of terrorism aimed at the heart of Reconstruction. These congressmen claimed that Hamburg was an example of local violence and should be dealt with at a local level. Congressman Omar D. Conger, from Michigan, argued that if the army was divided policing all the violence within states, no army would be left to defend the frontier. They did not notice and maybe by 1876 did not care to notice the impact that racial violence would have on the South politically. However Smalls understood the racial violence would influence black southerners’ rights. Without the Federal government’s help, he believed that more violence would occur in South Carolina, as it did.

When the racial violence at Hamburg and the future of Reconstruction were considered national issues, the context was narrowly political and partisan. Numerous newspapers, for instance, argued that Hamburg was an event of national importance because it would impact the presidential election involving Rutherford B. Hayes and Samuel J. Tilden. Republicans used Hamburg as a reason to vote against Tilden since he was in the same political party as the white Carolinians involved at Hamburg. For instance, a writer in the Ohio *Gallipolis Journal* argued, “I do say that the worst wards, the worst States, are the Democratic States. I do say that the Hamburg murderers are supporters of Tilden and Hendricks. I do say that the haters of liberty- the assassins of colored men, women, children- the masked wretches who ride to hunt of the freeman and

shoot him down like a beast, disregarding the prayers and tears of wife and children, I do say that these men are not for Hayes and Wheeler.”³⁹ But the rhetoric of injustice was often deployed as an instrument of political gain, and Democrats were all too happy to point this out. As *The New Orleans Republic* explained, “The massacre of colored citizens at Hamburg in South Carolina continues to excite deeply the public mind, not so much on account of the occurrence itself as because of its peculiar relations and because of the year in which it occurred. . . . This is a presidential year.”⁴⁰ Writer E.L. Godkin warned readers in *The Nation* that they should be weary of Republicans “waving the bloody shirt,” which was the colloquial term used to describe Republican attempts to capitalize on instances of violence in the South. Godkin condemned the actions of the white men at Hamburg but claimed that the event should not be used to impact the election. “To vote for Hayes, for instance, without regard to other considerations, merely to show Southerners that we disapprove of such conduct,” he wrote, “would be little short of folly.”⁴¹

Congressman Oliver Morton, of Indiana, wanted to print copies of President Grant’s message about Hamburg to hand out in the Senate, because he was shocked to hear that Tilden had not acknowledged Hamburg in his public letters. But Morton’s tactic only highlighted the political nature of silence. Why should Tilden comment on it, asked the *The Illinois Daily Argus*? America was a violent place. Nothing special attended those deaths. Hamburg was a local problem so Tilden and Hayes did not have to

³⁹ *Gallipolis Journal*, August 24, 1876.

⁴⁰ *New Orleans Republic*, July 29, 1876.

⁴¹ Thornbough, *The Reconstruction Era* (Englewood Cliffs, N.J.: Prentice-Hall, 1972), 371.

comment on it. “The reason why Tilden and Hayes made no reference to the Hamburg massacre is that it did not call for a reference from them. The massacre of Custer’s command was a much more serious affair, but Tilden and Hendricks did not refer even to it. The Molly Maguire riots in Pennsylvania were quite as important, and Hayes and Wheeler did not reference them. The Hamburg tragedy was a local affair; it took place in a state over which the two northern governors have no authority.”⁴² Of course, that too was cynically calculating. Those mere “northern Governors” were running for the presidency of the United States, and one would soon be responsible for Reconstruction.

Congressmen who supported the printing of Grant’s response to Hamburg argued that if more people understood what happened, it was more likely that something would be done about it. They argued that the black Carolinians could not defend themselves against white Carolinians without national help because the violence was unlike other violence throughout the country: namely it had a political purpose. “It was true there were murders in the Northern States, sometimes for gain, sometimes for passion, sometimes on account of hate, but there were no murders committed to control the politics of the state,” Senator Allen Thurman, from Ohio, argued.⁴³ Thurman supported Morton’s claim that “these papers showed the importance of spreading the matter before the American people. A terrorism now existed in South Carolina and nearly every other Southern State, which prevented punishment for killing a negro.”⁴⁴

⁴² *The Daily Argus*, August 17, 1876.

⁴³ *New York Times*, August 6, 1876.

⁴⁴ *New York Times*, August 6, 1876.

The matter of whether Hamburg should be considered a local or national problem effectively ended after the election of Wade Hampton in November of 1876. Southern Democrats in South Carolina, as elsewhere over time, had “redeemed” their power in state governments, reestablished control over politics, and ultimately eliminated the political, civil, and social advancements of blacks. The outcome that black Carolinians had feared became a reality. They not only had no power to protect themselves from further violence, but none to protect themselves against non-lethal forms of intimidation and discrimination. One of those non-lethal forms was the development of heroic white memory.

As early as 1877 it was common for South Carolina’s white newspapers to judge a white candidate’s qualifications by assessing his role at Hamburg. That trend is most evident in Matthew Butler’s election to the U.S Senate in 1877. While some used the term massacre to condemn him for his actions, those who supported him urged that the event was a riot, and that he was a peacekeeper. It was important locally for his political career that he was at Hamburg, but he also wanted to defend his national reputation. The national backlash against Butler over Hamburg when he attempted to assume his Senate seat even forced him to begin denying his participation to a national audience. The *New Orleans Daily Democrat* defended Butler in terms he would have appreciated. “Time and again,” the newspaper recorded, “it was fully and clearly shown that General Butler, so far from having instigated the Hamburg riot was in the highest sense a peacemaker, and did all in his power to prevent the bloody affair.”⁴⁵

⁴⁵ The *New Orleans Daily Democrat*, September 7, 1879.

Indeed, several sitting Senators did not support admitting Butler to the Senate. Senator Roscoe Conkling, from New York, was particularly outspoken in his disapproval. “Conkling, in the forty-first congress, made one of his most daring speeches against the admission of Butler to a seat in the senate, an account of his alleged connection with the Hamburg massacre,” one newspaper reported. “He boldly denounced him as a murderer, and in a manner which sent a thrill through every listener in the crowded galleries, Conkling thundered out: ‘And now he comes here with his hands dripping with human gore, demanding a seat in this body.’”⁴⁶ Other senators supported denying Butler by claiming he was a murderer. Those against him claimed “it may be said that a State has a right to choose any one, no matter how base, to represent it in the Senate. But the Senate has a right to reject criminals, and the right of a State to choose any one it pleases does not include the right to free criminals from the grasp of justice and thrust them into the highest councils of the nation.”⁴⁷

The News and Herald of South Carolina took note of Butler’s controversial national image but defended his actions. “No one supposes that the Democratic Legislature of South Carolina either would or could please the Northern Radicals in their choice of a United States Senator. General Butler is known to us all as one of the most moderate and Conservative men in South Carolina, and knowing this fact, it is not necessary for us to enlarge upon it.”⁴⁸ In reply to the accusations against him, Butler argued, “It is true that I have been charged with instigating the Hamburg riot, by those

⁴⁶ *Press and Daily Dakotian*, February 10, 1881.

⁴⁷ *Clarksville Weekly Chronicle*, June 16, 1877.

⁴⁸ *The News and Herald*, January 4, 1877.

who had a political end to accomplish by so charging me, but I had no more to do with instigating that riot than you had, and no more to do with killing the negroes than you had.”⁴⁹ Another newspaper article quoted a companion of Butler who claimed, “About that affair, by the way, Butler told me that he was not at Hamburg and did not know anything about it till it was over.”⁵⁰ Butler himself was quoted as saying “I had no more control over that mob than I would have over a northeast hurricane. I did try as long as I could to prevent what outrages I could, but it would have been impossible for me or any other human being to control it.”⁵¹ Butler also described an encounter with Governor Chamberlain after the affair in which Chamberlain supported Butler’s claim that he did not participate in the massacre. Butler even defined Hamburg as murder: “Certainly, that is murder. There is not civilized man can justify that thing, but I had no control over it.”⁵²

Of course, Butler’s claim of powerlessness in the face of a “hurricane” was specious. This was no white mob at Hamburg—but a highly organized, paramilitary presence, and also by its quasi-military character the means by which white violence took on the redemptive, heroic quality of saving the State from the black mob. For that matter, crowds of white men apparently could, actually, be controlled. Hampton had famously “controlled” a white mob on the steps of the State House in 1877, and as will be

⁴⁹ *Clarksville Weekly Chronicle*, June 16, 1877.

⁵⁰ *Anderson Intelligencer*, September 23, 1880.

⁵¹ *National Republic*, July 24, 1882.

⁵² *National Republic*, July 24, 1882.

described shortly, Butler and Benjamin Ryan Tillman both did so in Edgefield seventeen years later during a political campaign rally.

By 1894, by which time the shadow of Jim Crow was lengthening, whites were freer to argue over the nature of their heroic narrative. Where fault lines existed in white memory, they tended to involve class issues, and they developed over time. Butler was associated with the chivalric Democratic southern class, elements of which were particularly strong in South Carolina, so he claimed that he showed restraint at Hamburg. But Butler's opponent in the 1894 election for the U.S. Senate, Benjamin Ryan Tillman, took the opposite tack. Tillman *celebrated* his role in the massacre in order to show that he was a heroic man of action—not a peacemaker or a supporter of restraint. He also seized upon the term riot as the proper way to define it. “Have any of you ever heard of the Hamburg riot?” he asked rhetorically at a convention in 1893. “I do not suppose there is a man who has not, because it was heralded all over the Union and held up as a typical southern outrage. . . I am a Hamburg rioter, and I desire to ask if you would take me to be a man who would murder negroes in cold blood and without provocation?”⁵³ By this time, most South Carolina whites supported Tillman's view of the event. One newspaper called out others who still used the term *massacre* as hypocrites. “Those who have harped on the Hamburg and Ellenton riots- massacres, they termed them- may now realize, since the matter has been brought to their own doors that rare antipathy is a real and living

⁵³ Vermont *Phoenix*, November 3, 1893.

issue, and that when the clash comes Northerners are just as apt to kill negroes in riot blood as southerners.”⁵⁴

The Abbeville Press and Banner acknowledged the importance of Hamburg in state politics. “I am very curious to know, “one correspondent wrote, “what will finally become a recommendation for office in South Carolina. Our politics have already reached that point when one’s presence and participation in the Hamburg riot is the *sine qua non* to the highest office within the gift of the people.”⁵⁵ The memory of the event at Hamburg became even more notorious as Tillman and Butler engaged in a spirited contest for the Senate seat in the summer and fall of 1894. “The Democracy of the Palmetto State has never enjoyed such lively times,” the *Arizona Weekly* reported, “since the days of the Hamburg massacre.”⁵⁶ By this time, the white Carolinians involved at Hamburg were viewed as heroes and it was important for Butler and Tillman to remind voters of their actions. The election caught the attention of national newspapers because of the controversial reputation of both men who could have influence over national issues when elected. For instance, the *Arizona Weekly* that captured the campaign’s essence. “The Democratic joint canvass in South Carolina goes on with unabated vigor and theatrical effect,” the newspaper reported. “Governor Tillman misses no opportunity to call Senator Butler various sorts of liar and villain, while the Senator eagerly takes

⁵⁴ *The Watchman and Southron*, October 19, 1898.

⁵⁵ *Abbeville Press and Banner*, July 25, 1894.

⁵⁶ *Arizona Weekly Journal- Minor* August, 29, 1894.

advantage of every occasion to denounce the Governor as a fraud of many different varieties and a hypocrite of innumerable shades and grades.”⁵⁷

Butler and Tillman appealed to different followers. Butler was viewed by Tillman’s supporters as an aristocratic Carolinian who was part of the class that Tillman wanted to remove from power. Tillman’s followers were typically middle-class farmers who were underrepresented before the Civil War. *The Laurens Advertiser* distinguished between the followers humorously: “The men in the audience yelled for Tillman and the pretty women on the piazza clapped their hands and waved their fans for Butler.”⁵⁸ Women on the piazza could be assumed to be stereotyped “ladies,” not hardworking farm wives, who instead of yelling just “clapped their hands and waved their fans.” With that comment the newspaper was making light of the class Butler represented. Stephen Kantrowitz argues that Tillman thought of the aristocratic class as “un-manly, unproductive, urban aristocrats,” who, according to Tillman, “hardly embodied the kind of white manhood that could lead the commonwealth through troubled times.”⁵⁹ Tillman often referred to the Democratic Party that was dominated by aristocrats as “that interesting old lady.” He argued that the “old lady” was hurting the growth of Carolinian farmers. Under his leadership, on the other hand, the party could become a “nurturing household member with an important role in the process of social and economic regeneration.”⁶⁰ Although women could not vote, gender became a way to call attention

⁵⁷ *Arizona Weekly Journal Minor*, August 29, 1894.

⁵⁸ *Laurens Advertiser*, July 24, 1894.

⁵⁹ Stephen Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: The University of North Carolina Press, 2000), 112.

⁶⁰ Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy*, 120.

to each candidate's masculinity, and the question of each man's involvement at Hamburg—the sheer physicality of action there—was intertwined with those dynamics.

Tillman had used his involvement with Hamburg throughout his political career, including his successful campaign for governor in 1890. According to Kantrowitz, it was important for Tillman to remind white Carolinians of his actions during Reconstruction since he did not fight in the Civil War. “In the 1880s,” Kantrowitz argues, “when most leading Democrats could point to a Confederate war record, the memory and legacy of 1876 served Tillman extremely well. Tillman's Red-shirt service became evident of his personal courage, but more important . . . his boundless commitment to white male authority.”⁶¹ At a Farmers Alliance meeting in Charleston in 1888, “B.R. Tillman made a personal and abusive speech . . . that would reflect little credit on anyone,” one newspaper reported, aware that lowcountry, aristocratic Charleston was often a target of Tillman's abuse. “He termed that the people of Charleston arrant cowards, and blamed them for ‘not even killing a nigger,’ boasting that he had participated in the Hamburg affair.”⁶² Tillman indeed boasted at the meeting. “I believe, before Almighty God, that but for that Hamburg riot Chamberlain would have been governor of South Carolina and the state as safe today for the republicans as Vermont or Massachusetts,” he said. “I proclaim it loud that I was one of the Hamburg rioters who dared even the devil to save the state.”⁶³ Tillman's political campaigns helped to memorialize Hamburg as a heroic moment for white Carolinians.

⁶¹ Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy*, 120- 121.

⁶² Manning *Times*, September 5, 1888.

⁶³ *Columbus Journal*, September 26, 1888.

Tillman gained a large following during his time as governor and had even established a larger movement and political machine to which he had lent his name. Butler needed to undermine Tillman's reputation in order to compete with him. During their canvass in 1894, Butler claimed that Tillman was not at Hamburg when the fighting began. He also claimed that he had a list of men who supported his accusation. Tillman, Butler said, was "not to be found" when the fighting at Hamburg began.⁶⁴ The accusation was an attack on Tillman's honor, as Francis Butler Simkins argues. "In other words, Tillman was told that he was a coward, a bulldozer, a liar, and a bribe taker!" Simkins writes. "It was a series of insults which thousands of South Carolinians believed could be honorably met only by bloodshed."⁶⁵ (The term bulldozer is derived from the physical abuse of slaves: "bulldozed" blacks were punished with severe beatings or whippings, in "doses fit only for a bull.") Uncharacteristically, however, Tillman remained calm as Butler castigated him, which kept his supporters from rioting against Butler.

Tillman responded by claiming to have a list of fifty men who saw him at Hamburg during the fighting. How effective such lists might have been in establishing credibility is debatable. Most white Carolinians probably supported Tillman's claim because he was always outspoken about his involvement at Hamburg. Unlike Tillman, Butler tried to downplay his involvement in the violence while in the U.S. Senate from 1877 to 1894. As one newspaper described the difference, Tillman "was not ashamed of

⁶⁴ Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy*, 161.

⁶⁵ Simkins, *Pitchfork Ben Tillman* (Baton Rouge: Louisiana State University Press, 1944), 269.

slave.”⁹³ Tillman’s ideas gave him national attention and, even though some may not have agreed with his beliefs, his ideas influenced the memory of Reconstruction.

According to K. Stephen Prince, racial speeches similar to Tillman’s influenced the creation of southern identity. Prince claims that after the Civil War, northerners and southerners created the ideas of the South through stories, whether using literary, theatrical performance, or speeches such as Tillman’s. To control blacks, white southerners created a false image of them in their stories and promoted these stereotypes around the nation. Many of these stories, as Prince points out, were created to entertain northern audiences, and they did. Prince claims, “To fail to recognize the extent to which the nation at large engaged with and participated in the destruction of African American rights is to give the North a pass on one of the most unsavory aspects of American history.”⁹⁴ Tillman’s stories depicted blacks as violent rapists, while whites were viewed as innocent bystanders who only resorted to violence in order to defend themselves. These stories uplifted whites as heroes for protecting other whites, especially women. Of note is that supposed rape or threatened brutality to white women was not used as a justification for Hamburg at the time. Dubious claims such as these, instead, were used later to justify the memory of Hamburg. People around the nation believed these stories, which ultimately helped to support the whitewashing of southern history, especially the memory of the Hamburg massacre.⁹⁵

⁹³ Simkins, *Pitchfork Ben Tillman*, 399.

⁹⁴ Prince, *Stories of the South* (Chapel Hill: The University of North Carolina Press, 2014), 210.

⁹⁵ Prince, *Stories of the South*, 2.

In 1909, Tillman recounted the events at Hamburg to a group of fifteen thousand people at the Red Shirt Reunion in Anderson, South Carolina.⁹⁶ His speech was later published as a pamphlet titled *The Struggles of 1876*. The reason for the speech, Tillman said, was his fear of President William Howard Taft's efforts to reconsolidate the South within the Republican Party. Tillman reminded the audience at the reunion of the "troubles" faced during Reconstruction and how the heroic Red Shirts overcame them. "The rising generation has been taught that we have no race problem and that there is no possible danger from the negroes now;" Tillman said, raising the specter of a renewed Reconstruction, "and many young men and some old ones need to be told of the tyrannies, oppressions and robberies to which the white people of the state had to submit because of the bad government put in power by northern bayonets using ignorant negro votes."⁹⁷ Similar to others in the new leading generation of southerners, Tillman was unwilling to let white Carolinians forget the memory of Reconstruction.

By this period Tillman was an extremely popular political leader of South Carolina. *The Country Record* reported that 15,000 visitors came from around South Carolina to hear Tillman speak. The reunion started with a parade at eleven that included four thousand men, women, and children wearing red shirts. The first speaker was former Governor John Calhoun Sheppard, who recalled the brave accomplishments of the Red Shirts to the younger audience members.⁹⁸ Tillman spoke after Sheppard about the

⁹⁶ *The Country Record*, September 2, 1909 (Kingstree, S.C.).

⁹⁷ Benjamin R. Tillman, *The Struggles of 1876: How South Carolina was Delivered from Carpet-Bag and Negro Rule. Speech at the Red-Shirt Reunion at Anderson*, (Clemson University: 1909), 4.

⁹⁸ *The Country Record*, September 2, 1909.

threat of Taft's move to rebuild the Republican party in the South. He then recounted the story of Hamburg. "Senator Tillman was given an ovation when introduced and throughout his speech there was considerable applause," *The Country Recorded* reported "The audience was with him from start to finish and every utterance, especially when sarcasm was used or when an attack was made, brought forth yells upon yell."⁹⁹ The sheer number of the audience suggests how successful white Carolinians had been at manipulating the memory of Reconstruction. Unlike the election debates of the 1890s, nobody questioned or challenged anything the speakers said.

Tillman boldly discussed the plan of the white Carolinians to take back power in South Carolina during Reconstruction by force. "It had been the settled purpose of the leading white men of Edgefield to seize the first opportunity that the negroes might offer to provoke a riot and teach the negroes a lesson;" Tillman said, "as it was generally believed that nothing but bloodshed and a good deal of it could answer the purpose of redeeming the state from negro and carpet bag rule."¹⁰⁰ As with the earliest justifications, Tillman blamed the black militia for instigating the trouble that led to the massacre. He claimed that the militia purposely blocked the road and charged at Butler and Getzen. According to Tillman the white Carolinians only came to Hamburg in support of Butler and Getzen's trial. Tillman argued that it was not until after the trial was postponed that the white Carolinians wanted the militia to hand over their guns in order to restore order in Hamburg.

⁹⁹ *The Country Record*, September 2, 1909.

¹⁰⁰ Tillman, *The Struggles of 1876*, 17.

But what was forthright was Tillman's refusal to belittle that white Carolinians sought violence, or his striking admission that whites both *wanted* bloodshed and even *needed* it for Redemption. Throughout the speech, Tillman's descriptions of the white Carolinians at Hamburg were similar to an elegy for an army. In these remarks, Tillman revealed that it was not just a moment of self-defense, but rather a planned attack. The white Carolinians even had a cannon with them.

As the *Fort Mill Times* stated, "Senator Tillman was particularly interesting in his remarks touching that memorable period in the State's history, and what he had to say was listened to with the closest attention."¹⁰¹ To Meriwether Tillman ascribed both a martyr's death and a soldier's death. Meriwether was a young hero who in Tillman's telling sacrificed himself for his father: he took the place of his father in the front line before the firing commenced. But in the speech Meriwether also became the quasi-Confederate soldier who dies in the war of Reconstruction, "If young Meriwether had not lost his life I do not think any of these last negroes would have been killed," Tillman argued, "but the purpose of our visit to Hamburg was to strike terror, and the next morning when the negroes who had fled to the swamp returned to town (some of them never did return, but kept on going) the ghastly sight which met their gaze of seven dead negroes lying stark and stiff, certainly had its effect."¹⁰² Neither Tillman nor his followers named the six black men who were murdered and no one described the actual horrors that white Carolinians had inflicted on the blacks.

¹⁰¹ *Fort Mill Times*, September 2, 1909.

¹⁰² Tillman, *The Struggles of 1876*, 24.

Tillman was also one of the first Carolinians to suggest the creation of a monument dedicated to the men, like Meriwether, who fought in the war of Reconstruction. As early as 1894 Tillman suggested the creation of a monument to honor those who gave white redemption to South Carolina. Such a monument would be “a fitting capstone to the triumphal arch which the common people have erected to liberty, progress and Anglo-Saxon civilization since 1890.”¹⁰³ In suggesting a monument Tillman was part of a broader effort across the white South to capture and control historical memory in public spaces. Prior to the 1900s, as W. Fitzhugh Brundage has shown, monuments were created to honor Confederate soldiers but were promoted by women’s groups like the Ladies’ Memorial Association and the United Daughters of the Confederacy. By the early twentieth century, the impetus had shifted to men, and white southerners urged state and local governments to build or subsidize monuments. As Brundage describes, “In the first decade of the twentieth century, however, a coalition of white hereditary societies and patriotic groups, historical enthusiasts, and professional historians urged that the state actively promote public appreciation of history.”¹⁰⁴ Unlike Reconstruction, when many Confederate monuments were built, white men had complete control over the government during the early 1900s. This allowed local and state governments to become involved in memorializing southern history based on white experience.

¹⁰³ Simkins, *Pitchfork Ben Tillman*, 281.

¹⁰⁴ W. Fitzhugh Brundage, *The Southern Past: A Clash of Race and Memory* (Cambridge, Mass: Belknap Press of Harvard University Press, 2005), 106.

The McKie Meriwether monument was one of these new monuments. It was an idea created by white men but funded by the state. However, the man responsible for the creation of the Meriwether monument was not Tillman but James Pickens DeLaughter, who pushed for the monument in the South Carolina legislature. DeLaughter believed that the life of Meriwether should be remembered as an example of white heroes who sacrifices their lives during Reconstruction.

There is not much available biographical information about DeLaughter, so the memory of his life is tied with the creation of this monument. He was born on October 20, 1866 in South Carolina. His father was James Pickens DeLaughter Sr., a Confederate soldier. Later, he married Lillie Hightower and had four children. At the time of his death in 1915, his oldest daughter was in school at Winthrop College. An obituary later described him: “His rugged honesty, generous nature, uncompromising devotion to duty, whether as a private citizen or a public servant caused Col. DeLaughter to be highly esteemed throughout the county.”¹⁰⁵ Within the Edgefield community, he was a member of the Meriwether Agricultural Club. Another important fact about DeLaughter was his service as the general of the Sweetwater Light Dragoons, a section of the second regiment of cavalry in the South Carolina militia. He was elected colonel of the regiment in 1897, on the eve of the Spanish-American War.

DeLaughter’s life spanned the time that resulted in white farmers seizing political power in South Carolina, and Edgefield was long known for producing state leaders. As

¹⁰⁵ “Find a Grave”, Accessed January 24, 2016, <http://www.findagrave.com/cgi-bin/fg.cgi?page=pv&GRid=39581632&PIpi=108836468>.

Orville Vernon Burton argues, “(Edgefieldians) saw themselves as representative of South Carolina and of the South, and they self-consciously articulated and acted upon what they believed to be the southern ideals.”¹⁰⁶ Edgefield produced two Civil War governors, Francis W. Pickens and Milledge Luke Bonham, two Confederate generals involved in the redemption of Reconstruction, Matthew C. Butler and Martin W. Gary, and two prominent political leaders, Ben Tillman and J. Strom Thurmond.¹⁰⁷ DeLaughter was not as notorious as these other men, but his political success is an example of the political influence of even the lesser-known Edgefieldians.

In 1912, DeLaughter announced his candidacy for the South Carolina House of Representatives, claiming it was due to the “urgent solicitations of friends in all parts of the county.”¹⁰⁸ A newspaper described his campaign, “The high place upon which he pitched his campaign, together with the outspoken and fearless manner in which he discussed the issues then before the public, caused the people to rally about him, the result being that notwithstanding the fact that he resided in a remote corner of the county, he led the ticket, being elected on the first ballot over all competitors.”¹⁰⁹ He immediately began pushing for the creation of the monument. In 1913, he asked the legislature for four hundred dollars to fund it, a resolution eventually passed by both the

¹⁰⁶ Orville Vernon Burton, *In My Father's House are Many Mansions: Family and Community in Edgefield, South Carolina* (Chapel Hill: University of North Carolina Press, 1985), 6.

¹⁰⁷ Burton, *In My Father's House*, 6.

¹⁰⁸ “Find a Grave”, Accessed January 24, 2016, <http://www.findagrave.com/cgi-bin/fg.cgi?page=pv&GRid=39581632&Pipi=108836468>

¹⁰⁹ “Find a Grave”, Accessed January 24, 2016, <http://www.findagrave.com/cgi-bin/fg.cgi?page=pv&GRid=39581632&Pipi=108836468>.

South Carolina house and the senate.¹¹⁰ The senate commissioned G.W Medlock, W. H Hammond, J. A Butler, George Adams, and J. McKie to supervise the creation of the monument. In order to obtain more funds, newspapers around Edgefield and elsewhere asked for donations. “A member of the commission which was appointed by the legislature has called our attention to the fact that this amount is not adequate for the erection of a creditable monument and has suggested that individual citizens make contributions to this fund,” The *Edgefield Advertiser* reported in 1914. “The Advertiser very heartily endorses the suggestion and we will receive contributions for this purpose and forward to the commission, publishing the names and amounts.”¹¹¹ It was clear, then, that the community supported DeLaughter in the creation of this monument.

More trouble beyond inadequate funding soon appeared. In 1914, Governor Coleman Blease vetoed the four hundred dollars committed by the legislature. It is somewhat surprising that Blease vetoed a monument to support white Carolinian history; no records indicate his reason. But one of the main reasons for his veto may have been his relationship with Tillman. Blease and Tillman feuded often during Blease’s political career, with Blease often referring to Tillman as “a liar and ingrate.”¹¹² After Tillman’s death, the South Carolina Senate published a volume of memorial addresses dedicated to Tillman. Blease vandalized the book and wrote his own opinions of Tillman in the front pages. “I knew him personally from 1888 until his death and was in consensus.

¹¹⁰ *Reports and Resolutions of the General Assembly of the State of South Carolina* (Columbia, S.C: Bryan Print Co., State Printers, 1913).

¹¹¹ “Should Supplement Fund,” *Edgefield Advertiser*, February 29, 1914.

¹¹² Cole Blease, *Benjamin Ryan Tillman (Late a Senator from South Carolina): Memorial Addresses Delivered in the Senate and House of Representatives, Sixty-fifth Congress* December 15, 1918 (Washington, D.C., 1919)

conventions and personal meetings with him,” Blease wrote on the inside of the book, “and he was always first for self and when he could no longer get favors from any one he would betray them as the records fully show.”¹¹³

Things had not always been this way between them. Early in Blease’s career, Tillman supported and endorsed Blease’s campaign for governor. But Blease supported a different class of white southerners—not Tillman’s farmers. He favored instead the rise of the white male mill workers and other small wage earners whom Tillman kept at a wary arm’s length. Though these were different classes and kinds of white men, Blease and Tillman held similar ideas on white supremacy and the rise of the poorer whites, at least as those classes had been throttled by Carolina aristocrats. If anything, Blease was even more outspoken on his racial ideas and even more vehement in his support of lynching “But whereas Tillman had struggles to protect both white men’s prerogatives and the rule of law,” Stephen Kantrowitz argues, “Blease made no bones about his preference for violent self-assertion.”¹¹⁴

Tillman’s support of Blease began to fade after Blease was elected as governor of South Carolina. Tillman openly rejected the similarities of Tillmanism and Bleasism and attacked the new governor’s political initiatives. In 1914, Tillman fought against Blease’s election for U.S. senator by trying to convince other politicians to run against Blease. When nobody accepted the challenge, Tillman turned to the White House and warned President Woodrow Wilson. He claimed that Blease would cause more problems

¹¹³Blease, *Benjamin Ryan Tillman*.

¹¹⁴ Stephen Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: The University of North Carolina Press, 2000), 296.

for Wilson than Tillman did for Roosevelt.¹¹⁵ Ellison D. Smith ran against Blease and defeated him in the election. When Blease lost, Tillman gloated in his successful campaign. This was the same year that the state legislature was trying to pass the Meriwether monument bill. Blease's veto might have been because he was fighting against Tillman and did not want to see a monument that honored an event Tillman not only participated in, but wrapped his legacy within. Though the monument's purpose was to honor Meriwether, it also represented the other white Carolinians involved, especially Tillman.

Though Blease tried to stop the monument, he was unsuccessful because of the work of DeLaughter. DeLaughter fought to overturn Blease's veto in the South Carolina legislature. Newspapers reported that he made his first speech in two years in front of the House to support his claim that Meriwether deserved to be remembered. He recounted the events of Hamburg and argued that Meriwether gave his life for South Carolina: "He was a hero. If it were not for him and others of his stripe, democracy and Wade Hampton would not have gained the ascendancy in 1876."¹¹⁶ After his speech, the House applauded him and voted to override the veto 80 to 4. DeLaughter later explained that he would never forget the governor's choice to veto this "small appropriation."¹¹⁷

DeLaughter was re-elected in 1914, even though he missed many campaign meetings due to his health. He suffered from stomach cancer, which caused him many problems over a six-month period. He died on January 14, 1915. Unfortunately for him,

¹¹⁵ Simkins, *Pitchfork Ben Tillman*, 502.

¹¹⁶ "His First Speech Yielded Results," *Edgefield Advertiser*, March 11, 1914.

¹¹⁷ "His First Speech Yielded Results," *Edgefield Advertiser*, March 11, 1914.

this was a year before the unveiling of the monument he so proudly supported. Upon his death, his friends and family from Edgefield remembered him as a man with “splendid poise and excellent judgement.”¹¹⁸ The monument not only represents Meriwether, and not only Tillman, but DeLaughter’s life and legacy.

The Own Brothers Marble Company from Greenwood, South Carolina constructed the monument. The company was chosen over many competitors for this project. According to available records, the company built two other monuments in South Carolina. The first was a monument raised in Florence County dedicated to Silas Mercer Keith. Keith was the captain of the Timmonsville Minute Men in Company E of the 8th South Carolina Volunteer Regiment. On February 4, 1862, Keith was killed in a railroad accident. The local branch of the United Daughters of the Confederacy argued that his life should be honored, and raised \$1,600 for the creation of this monument. It was dedicated on June 5, 1914, two years before the unveiling of the Meriwether monument.¹¹⁹ The other monument built by the Own Brothers company was dedicated to the The Gist Rifles Markers. The company of the South Carolina 7th regiment that was a part of Martin Witherspoon Gary’s brigade. The monument is located in Williamston, South Carolina. The idea was also the UDC’s and the group raised \$200 for it.

Although some differences are obvious—the state funded a commemoration of the war of Reconstruction in the Meriwether monument—the monuments designed by the

¹¹⁸ “Find a Grave”, Accessed January 24, 2016, <http://www.findagrave.com/cgi-bin/fg.cgi?page=pv&GRid=39581632&Pipi=108836468>.

¹¹⁹ Robert S. Seigler, *A Guide to Confederate Monuments in South Carolina* (Columbia, S. C.: South Carolina Department of Archives and History, 1997).

company represented the one-sided history evident in all South Carolina communities. The two Confederate monuments honored soldiers but left no remembrance on the monuments to the racial issues of the war. Such monuments uplifted the white memory of the Civil War, and as Fitzhugh Brundage argues, shaped Southern memory in public spaces by only representing the white side of history. Blacks were deliberately left out of this cultural identity and out of access to public space as a means of shaping it. No monuments were created to represent their history. Blacks were only able to celebrate their memory through parades or holidays since whites controlled the public space in the South.¹²⁰ White celebrations created monuments as lasting symbols of white supremacy, and many are still evident throughout the South today.

Yet if Reconstruction was a continuation of the Civil War, Meriwether was a soldier, as well. And unlike the more generic monuments to Confederate memory elsewhere, the Meriwether monument is “speaking symbol:” its celebration of white supremacy is literally in and on the monument itself. The Meriwether monument is made from Winnsboro granite, is 21 feet tall, and weighs around 27,000 pounds.¹²¹ This granite is unique to South Carolina, especially in the Midlands and Piedmont region where it is found. The granite is often called “South Carolina State Stone” or “Blue Granite” because the stone produces a light blue or grey color.¹²² Tellingly, it is same stone used in the construction of the South Carolina Statehouse. The original Statehouse

¹²⁰ Brundage, *The Southern Past*, 58.

¹²¹ “McKie Meriwether Monument Completed. Inscription Given in Full,” *Edgefield Advertiser*, January 26, 1916.

¹²² “South Carolina’s Informational Highway,” Accessed January 24, 2016, <http://www.sciway.net/facts/sc-state-stone-blue-granite.html>.

was burned by William T. Sherman and the Union army in February of 1865. The new building was completed in 1903. Both the monument and the institute of the state were built with the same stone and are based on a society for white Carolinians.

There are four different panels on the monument. The first reads: “In memory of Thomas McKie Meriwether, who on 8th of July, 1876, gave his life that the civilization builded by his fathers might be preserved for the children unimpaired.”¹²³ This panel reveals what Steven Hahn has called a “civilizationist ideology”: it celebrates the white fathers before Meriwether and a civilization founded on slavery and white supremacy.¹²⁴ It also has a religious undertone of Christian martyrdom. As David Goldfield argues, religion was incorporated in the way that white southerners remembered the past. “White southerners,” he writes, “consciously compared their history to the crucifixion and ascension of Jesus Christ: the Civil War and Reconstruction mirrored the death and resurrection of the Savior.”¹²⁵ The panel’s phrase “gave his life” echoes the sacrificial offering of Christ. It does not state that Meriwether was murdered or assaulted, the characterization used immediately after the massacre by those who justified their attack at Hamburg. The panel also emphasizes the idea that Meriwether was young man, which created a sense of innocence that made his death even more sacrificial and filial.

The second panel extends those motifs. It reads: “In youth’s glad morning the unfinished years of manhood stretching before him with clear knowledge and courageous

¹²³ “McKie Meriwether Monument Completed. Inscription Given in Full,” *Edgefield Advertiser*, January 26, 1916.

¹²⁴ Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South From Slavery to the Great Migration* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2003).

¹²⁵ Goldfield, *Still Fighting the Civil War*, 53.

willingness he accepted death, and found forever the grateful remembrance of all who know high and general service in maintaining of these civic and social institutions which the men and women of his race had struggles through the centuries to establish in South Carolina. What more can a man do than to lay down his life?"¹²⁶ The second panel, while it reiterates and complements the ideas from the first panel, is even more evocative in its use of Christian allusion. To state that Meriwether accepted death with "clear knowledge and courageous willingness" is similar to the death of Jesus. It is telling, though, that nothing is evident of atonement, which, in some Christian and especially evangelical theology, is the reason Christ accepted death. If Meriwether was sacrificed, it was not because white men had sinned.

The third and last panel reads: "In his life he exemplified the highest ideal of Anglo-Saxon civilization. By his death he assured to the children of his beloved land the supremacy of that ideal. As his flame of life was quenched it lit the blaze of victory."¹²⁷ On this last panel, Meriwether is not characterized as a young man, but is transformed into a father of white supremacy and white southerners. Similarly, the religious motif switches from son to father. Throughout the Bible God refers to his followers as children. The allusion gives the impression that God's people are white Southerners inhabiting a gifted land to build up Anglo-Saxon civilization. Interestingly, there is a connection here to the chosen people saving the world, as well. As Charles Reagan Wilson argues, even in

¹²⁶ "McKie Meriwether Monument Completed. Inscription Given in Full," *Edgefield Advertiser*, January 26, 1916.

¹²⁷ "McKie Meriwether Monument Completed. Inscription Given in Full," *Edgefield Advertiser*, January 26, 1916.

the Lost Cause white Southerners still claimed to be the “quintessential Americans.”¹²⁸ At no time did “quintessential America” seem more threatened. “As the rest of the nation had changed because of industrialism, urbanization, immigration, and other forces of modern America,” Wilson writes, “the South had remained most like the nation of the Founding Fathers.”¹²⁹ The third panel also must be understood in relation to World War I, and to the previous “reunion” of white Southerners to the nation and its martial defense during the Spanish-American war.¹³⁰ Both of these conflicts were racialized wars. The Spanish had been portrayed as barbaric, mercenary hordes in 1898; the Germans in World War I were rapidly coming to be seen as “Huns.” Both were threats to Anglo-Saxon civilization, and the monument served as a reminder of previous Anglo-Saxon heroism in defense of civilization. Through the monument, honorable white Southerners (who oddly in the antebellum period had been mythologized as Normans) were willing to give their lives again. As Wilson writes, for white southerners, a new war offered the chance to link the Lost Cause to America and to Anglo-Saxon civilization itself. White southerners believed fighting in World War I vindicated the Confederacy since America was fighting for the same beliefs as Confederates in the Civil War. The war would create a new civil religion joining the North and South.¹³¹ The monument symbolized not just a white Southern hero of Reconstruction, but an American martyr who laid down his life for civilization and the Anglo-Saxon race.

¹²⁸ Charles Reagan Wilson, *Baptized in Blood: The Religion of the Lost Cause, 1865-1920* (Athens, Ga: University of Georgia Press, 2009), 167.

¹²⁹ Wilson, *Baptized in Blood*, 167.

¹³⁰ Nina Silber, *The Romance of Reunion: Northerners and the South, 1865- 1900* (Chapel Hill: The University of North Carolina Press, 1993), 178-182.

¹³¹ Wilson, *Baptized in Blood*, 173, 175.

The unveiling of the monument took place on February 16, 1916. It was a ritual ceremony. Goldfield argues that rituals connected southern history and faith—the unveiling of monuments in public places served as a space for white southerners to come together outside of church to honor southern history. The unveiling was structured like a church service. Different speakers sanctified the life of Meriwether. “In the town of North Augusta, in the center of Calhoun square,” the *Edgefield Advertiser* reported, “stands a massive granite shaft that will be a silent tribute for many generations to come to the brave and patriotic young man, McKie Meriwether, whose life was immolated on his country’s altar in July 1876.”¹³² There was, in addition to the actual unveiling, a large reception in the auditorium of the North Augusta high school, right across the street from the monument. The chairman of the proceedings was John C. Sheppard, who had been governor of South Carolina in 1886 and was a Tillmanite. Sheppard’s speech purportedly described the conditions of the state in 1876. Along with a State House full of blacks and carpetbaggers, “[t]he governor’s home was at that period the center of vulgarity and vice,” Sheppard claimed, “and the people of South Carolina were required to bear it at the point of the sword drawn by national government.”¹³³ He declared that the people of South Carolina were willing to fight in order to fix this government and argued that the white Carolinians took up arms at Hamburg to defend themselves and their state. The speaker stumbled into the word *massacre* but actually conjured up the old construction

¹³² “McKie Meriwether: Monument Erected in North Augusta to Memory of Hero Who Lost Life in Hamburg Riot,” *Edgefield Advertiser*, February 23, 1916.

¹³³ “McKie Meriwether: Monument Erected in North Augusta to Memory of Hero Who Lost Life in Hamburg Riot,” *Edgefield Advertiser*, February 23, 1916.

and connotation of *riot* without using the word. Sheppard make it clear that “it was not a massacre in the brutal sense of that word... it was a rebellion against wrong, an armed rebuke to tyranny and oppression.”¹³⁴ Hamburg allowed Hampton to be elected governor, he argued, which brought back rightful government.

After Sheppard’s opening speech, the guest of honor, D. S. Henderson, who was a participant at Hamburg, discussed the event. Henderson first honored the life of Meriwether and his patriotism in laying down his life for his country. While Sheppard talked of Hamburg as redeeming the state, Henderson discussed the meaning of the monument as one of redeeming national pride. And while Sheppard emphasized Hamburg’s role in restoring pure government, Henderson emphasized its role in restoring white civilization. With the start of World War I in Europe, many nations were looking to the United States as an example both of democracy and of Western civilization. Henderson claimed that the South was fully reconciled with the North, which created one united nation to stand against others. These two regions, which were once separated, were together fighting for the same ideas. “The New Nation with the new South as a component part of it, stands today in the front of the nations of the world,” Henderson said, “for the preservation of the world’s civilization and enlightenment.”¹³⁵ With a united country, a white man’s country, the United States could use their influence to promote the ideas of the Anglo-Saxon world. He continued: “The troublous days of the past of which we have been speaking are only in evidence now-a-days, that we may be

¹³⁴ Stephen Budiansky, *The Bloody Shirt: Terror after Appomattox* (London: Penguin, 2008), 280.

¹³⁵ “McKie Meriwether: Monument Erected in North Augusta to Memory of Hero Who Lost Life in Hamburg Riot,” *Edgefield Advertiser*, February 23, 1916.

able to remedy our past mistakes, and that we can with more power and success enforce the principles we acted upon in our days of stress and turmoil.”¹³⁶ The men who created this monument believed that it was a symbol of the ideas for which the nation, not just the state, should continue to remember and fight for. And the main idea was white supremacy as the foundation of civilization. These ideas weren’t backward-looking elegies, but helped to frame racial problems that would confront the state, the region, and the nation for generations.

The monument is dedicated to Meriwether’s memory, but it is also a symbol of Hamburg, which itself symbolizes the rise and decline of blacks within South Carolina. In fact, the monument is the last visible vestige of the town. It was founded in Edgefield District in 1821 by Henry Shultz, an entrepreneur who emigrated from Hamburg, Germany. He was famous for creating a bridge that linked Augusta, Georgia to South Carolina across the Savannah River. “Before 1 July 1821,” as Orville Vernon Burton has written, “not a house stood in Hamburg, but by 1826, two hundred houses and fifty to sixty stores served the twelve hundred inhabitants.”¹³⁷ By 1822, Hamburg was producing and shipping 35,000 bales of cotton, and the city’s population was around 2,000.¹³⁸ Profit from the trade down the Savannah River grew so rapidly that Charleston merchants funded a construction of a railroad from Charleston to Hamburg.¹³⁹ Eventually, Hamburg fell into a decline and disrepair because of railroad expansion and the Augusta Canal.

¹³⁶ “McKie Meriwether: Monument Erected in North Augusta to Memory of Hero Who Lost Life in Hamburg Riot,” *Edgefield Advertiser*, February 23, 1916.

¹³⁷ Burton, *In My Father’s House*, 30.

¹³⁸ J. Durelle Boles, collector. GEU, Benjamin Brantly printer. EMU10001453472, and J. Durelle Boles Collection of Southern Imprints. GEU. *Origin of the Town of Hamburg, South Carolina*, .6

¹³⁹ Burton, *In My Father’s House*, 30.

Shultz himself was even convicted of attempted murder, though only served half of his sentence. But after seeing his town beaten in the race for commercial success by Augusta, Shultz tried to commit suicide; though he failed at that, he died in poverty within the city he created in 1851.¹⁴⁰

One would have assumed that the city would have disappeared after the death of Shultz, but it was brought back to life again during Reconstruction as a village notable for its black political and economic entrepreneurship. Prince Rivers, Samuel L. Lee, and Charles D. Hayne were freedmen who helped create Aiken County out of Edgefield, and Hamburg was one of its new towns, along with Aiken and Beech Island.¹⁴¹ Many blacks migrated to Hamburg because they found it a safe area away from the violence and intimidation of whites. They also saw it as a place of opportunity. Rivers, for instance, was one of the first freed slaves to join a black regiment in the Union army in South Carolina. Lee was the first freedman to be admitted to the South Carolina bar, and also served as speaker of the House in the legislature. Hayne was a skilled slave owned by a wealthy Charleston family who migrated to the upcountry during Reconstruction to pursue new political opportunities.¹⁴²

Hamburg was Reconstruction in microcosm: it offered a promising future for blacks, until the massacre and its violent illustration of what level of violence whites were willing to commit in order to take back the state. Hamburg's population slowly

¹⁴⁰ "Henry Shultz and His Town of Hamburg, S.C.," Last modified February 22, 2015
<https://henryshultz.wordpress.com/page/2/>

¹⁴¹ Burton, *In My Father's House*, 14.

¹⁴² "Hamburg, Aiken County, South Carolina," Last modified March 22, 2015,
https://en.wikipedia.org/wiki/Hamburg,_Aiken_County,_South_Carolina

declined after the massacre. It became a ghost town, but it was not until a flood destroyed most of the city in 1911 that its ultimate disappearance was sealed. By 1929 the last residents left Hamburg; today the city no longer exists. The one remaining symbol of Hamburg is the Meriwether monument.

Vernon Burton has argued that Reconstruction had a great influence on the South, even more so than the Civil War or the American Revolution.¹⁴³ He argues that Reconstruction was not a failure, as white memory would make it; rather, as at Hamburg itself, it was defeated by the white southerners.¹⁴⁴ And the abandonment of the town is a fitting symbol for Hamburg's enduring legacy. Just as the town was erased, so too after Reconstruction was the black memory of Hamburg, and even of Reconstruction itself. As white Carolinians gained control of the state, they were able also to take full control of Hamburg's memory

¹⁴³ Burton, "Ungrateful Servants," 12.

¹⁴⁴ Burton, "Ungrateful Servants," 91.

CONCLUSION

WHAT CAN WE LEARN FROM HISTORY

“Men die, and towns die, and cruelest of all, memories die,” Stephen Budiansky argues, “And when North Augusta celebrated its centennial in 2006, Hamburg was nowhere to be heard of, though the McKie Meriwether monument was duly catalogued in an inventory of local historical sites the town compiled for the occasion.”¹⁴⁵ For the 2006 centennial the monument was described as representing the only white man killed during the Hamburg “riot”.¹⁴⁶ The monument misrepresents the horrific history of white Carolinian terrorism and manipulation of southern memory. The alteration in memory is also evident in schools in North Augusta, as John Monk, writer for the *Augusta Chronicle*, points out the eighth grade textbook that describes the event. The textbook argues, “a company of black militia harassed two young white males from Edgefield. Once news of the incident spread, a group of Edgefield whites stormed the local armory, determined to take guns away from the militia. Several people died, and many others were killed.”¹⁴⁷ The murder of the six black men was not described, nor did the textbook describe the planned racial violence white Carolinians used in order to regain political power to create a racially divided South that would last for generations.

In 2011, the Heritage Council of North Augusta, a local non-profit organization, sponsored the creation of a new Hamburg marker. The marker describes the deaths of the

¹⁴⁵ Stephen Budiansky, *The Bloody Shirt: Terror After the Civil War* (New York: Plume, 2008), 281.

¹⁴⁶ Budiansky, *The Bloody Shirt*, 281.

¹⁴⁷ John Monk, “A Forgotten Massacre Hamburg Violence Fades From Memory,” *Augusta Chronicle*, February 18, 2008.

six black men at Hamburg. “After a dispute between whites and a black militia company, about 200 men from local rifle clubs tried to disarm 38 black militiamen and others barricaded in a warehouse,” the marker describes, “One white was killed and men on each side were wounded before the blacks fled. Two blacks were killed trying to escape. Whites captured 25-30 blacks and executed four of them. 87 whites were charged in the massacre but were never tried for it.”¹⁴⁸ Though names were not mentioned on the marker, it was the first step in representing the true history of the massacre.

As the nation continues to debate the renaming of roads or buildings, and as it deals with the controversy of the Confederate flag, it is essential for the nation to recognize both sides of history. It is impossible to understand society today without acknowledging the good and bad aspects of history. The Meriwether monument represents a terrible part in Carolina history, but it is a disservice to the black men who were murdered to overlook this moment because it is difficult to discuss. Before southerners can move past the racial discrepancies of the past, the South must come to terms with every aspect of its history. The Meriwether monument stands today as a representation of the manipulation of southern history.

¹⁴⁸ “Hamburg Massacre- North Augusta, South Carolina,” Accessed January 25, 2016, <http://www.sciway.net/sc-photos/aiken-county/the-hamburg-massacre.html>

BIBLIOGRAPHY

NEWSPAPER ARTICLES

Arizona Weekly Journal- Minor. August 29, 1894.

Fort Mill Times. September 2, 1909.

Helena Weekly Herald. December 28, 1876.

Helena Weekly Herald. December 6, 1877.

“His First Speech Yielded Results,” *Edgefield Advertiser*. March 11, 1914.

Indianapolis Journal. January 31, 1891.

John Monk, “A Forgotten Massacre Hamburg Violence Fades From Memory,” *Augusta Chronicle* (February 18, 2008)

“McKie Meriwether Monument Completed. Inscription Given in Full,” *Edgefield Advertiser*. January 26, 1916.

“McKie Meriwether: Monument Erected in North Augusta to Memory of Hero Who Lost Life in Hamburg Riot,” *Edgefield Advertiser*. February 23, 1916.

Memphis Daily Appeal. July 22, 1876.

National Republic. July 24, 1882.

News and Courier. August 11, 1876.

New Orleans Democrat. July 21, 1876.

New Orleans Republic. July 29, 1876.

New York Times. July 16, 1876.

New York Times. July 24, 1876.

New York Times. August 2, 1876.

New York Times. August 3, 1876.

New York Times. August 6, 1876.

New York Times. August 9, 1876.

New York Times. August 17, 1876.

Press and Daily Dakotian. February 10, 1881.

“Should Supplement Fund,” *Edgefield Advertiser*. February 29, 1914.

St. Paul Daily Globe. June 30, 1890.

The Abbeville Press and Banner. July 25, 1894.

The Anderson Intelligencer. November 8, 1877.

The Anderson Intelligencer. September 23, 1880.

The Anderson Intelligencer. July 25, 1894.

The Charlotte Democrat. January 18, 1878.

The Country Record. September 2, 1909.

The Daily Argus. August 17, 1876.

The Evening World. October 16, 1889.

The Forest Republican. March 5, 1879.

The Laurens Advertiser. July 24, 1894.

The National Republic. January 30, 1878.

The Newberry Herald. July 26, 1876.

The News and Herald. January 4, 1877.

The News and Herald. April 12, 1877.

The New Orleans Daily Democrat. September 7, 1879.

The Somerset Herald. March 20, 1878.

The State Journal. August 11, 1876.

The Watchman and Southern, July 11, 1894.

Yorkville Enquirer. August 17, 1876.

Wichita Eagle. September 27, 1888.

BOOKS

Appleby, Joyce, Lynn Hunt and Margaret Jacob. *Telling the Truth about History*. New York: W. W. Norton & Company, 1994.

Ayers, Edward L, Patricia Nelson Limerick, Stephen Nissenbaum, and Peter S. Onuf. *All Over the Map: Rethinking American Regions*. London: The Johns Hopkins University Press, 1996.

Bender, Thomas. *Rethinking American History in a Global Age*. Berkeley: University of California Press, 2002.

Blease, Cole. *Benjamin Ryan Tillman (Late a Senator from South Carolina): Memorial Addresses Delivered in the Senate and House of Representatives, Sixty-fifth Congress December 15, 1918*. Washington, D.C., 1919.

Blight, David W. *Race and Reunion: The Civil War in American Memory*. United States: The Belknap Press of Harvard University Press, 2001.

Boles, J. Durelle, collector. GEU, Benjamin Brantly printer. EMU10001453472, and J. Durelle Boles Collection of Southern Imprints. GEU. *Origin of the Town of Hamburg, South Carolina*.

Bowers, Claude G. *The Tragic Era: The Revolution after Lincoln*. The Riverside Press Cambridge: Cambridge, Massachusetts, 1929.

Brundage, W. Fitzhugh. *The Southern Past: A Clash of Race and Memory*. United States: The Belknap Press of Harvard University Press, 2005.

Budiansky, Stephen, *The Bloody Shirt: Terror after Appomattox*. London: Penguin, 2008.

- Burton, Orville Vernon. *In My Father's House are Many Mansions: Family and Community in Edgefield, South Carolina*. Chapel Hill: University of North Carolina Press, 1985.
- Burton, Orville Vernon. "Ungrateful Servants?--Edgefield's Black Reconstruction: Part 1 of the Total History of Edgefield County, South Carolina," 1975.
- Burton, Orville Vernon Burton. "The South as "Other," the Southerner as "Stranger", *The Journal of Southern History* 79.1. 2013.
- Cheney, Lynne. *Telling the Truth*. United States: Touchstone, 1996.
- Cobb, James C. *Away Down South: A History of Southern Identity*. New York: Oxford University Press, 2005.
- Cobb, James C. *Redefining Southern Culture: Mind and Identity in the Modern South*. Athens, GA: University of Georgia Press, 1999.
- Connelly, Thomas L. and Barbara L. Bellows. *God and General Longstreet: The Lost Cause and the Southern Mind*. Baton Rouge: Louisiana State University Press, 1982.
- Cox, Karen L. *Dixie's Daughters: The United Daughters of the Confederacy and the Preservation of Confederate Culture*. Gainesville: University Press of Florida, 2003.
- Dickerson, Donna Lee. *The Reconstruction Era: Primary Documents on Events from 1865 to 1877*. Westport, Conn: Greenwood Press, 2003.
- Dray, Philip. *Capitol Men: the Epic Story of Reconstruction and the Lives of the First Black Congressmen*. Boston: Houghton Mifflin Company, 2008.
- Fahs, Alice and Joan Waugh. *The Memory of the Civil War in American Culture*. Chapel Hill: The University of North Carolina Press, 2004.
- Foster, Gaines M. *Ghost of the Confederacy: Defeat, the Lost Cause and the Emergence of the New South 1865 to 1913*. New York: Oxford University Press, 1987.
- Gilber, Nina. *The Romance of Reunion: Northerners and the South, 1865-1900*. Chapel Hill: The University of North Carolina Press, 1993.
- Goldfield, David. *Still Fighting the Civil War: The American South and Southern History*. Baton Rouge: Louisiana State University Press, 2002.

- Hahn, Steven. *A Nation Under Our Feet: Black Political Struggles in the Rural South From Slavery to the Great Migration*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2003.
- Hoffer, Peter Charles. *Past Imperfect: Facts, Fictions, Fraud- American History from Bancroft and Parkman to Ambrose, Bellesiles, Ellis, and Goodwin*. New York: PublicAffairs, 2004.
- Horton, James Oliver and Lois E. Horton. *Slavery and Public History: The Tough Stuff of American Memory*. Chapel Hill: The University of North Carolina Press, 2006.
- Holt, Thomas. *Black over White: Negro Political Leadership in South Carolina During Reconstruction*. Chicago: University of Illinois Press, 1979.
- Janney, Caroline E. *Burying the Dead but not the Past: Ladies' Memorial Associations and the Lost Cause*. Chapel Hill: The University of North Carolina Press, 2008.
- Kantrowitz, Stephen. *Ben Tillman and the Reconstruction of White Supremacy*. Chapel Hill: The University of North Carolina Press, 2000.
- Lassiter, Matthew D. and Joseph Crespino. *The Myth of Southern Exceptionalism*. New York: Oxford University Press, 2010.
- Mills, Cynthia and Pamela H. Simpson. *Monuments to the Lost Cause: Women, Art, and the Landscape of Southern Memory*. Knoxville: University of Tennessee Press, 2003.
- Pike, James S. *The Prostrate State*. New York: Loring & Mussey, 1935.
- Prince, K. Stephen. *Stories of the South: Race and the Reconstruction of Southern Identity, 1865-1915*. Chapel Hill: The University of North Carolina Press, 2014.
- Reynolds, John S. *Reconstruction in South Carolina 1865-1877*. Columbia, S.C: The State Co., Publishers, 1905.
- Reports and Resolutions of the General Assembly of the State of South Carolina*. Columbia, S.C: Bryan Print Co., State Printers, 1913.
- Seigler, Robert S. *A Guide to Confederate Monuments in South Carolina*. Columbia, S. C.: South Carolina Department of Archives and History, 1997.
- Shapiro, Herbert. Afro-American Responses to Race Violence during Reconstruction. *Science & Society*, 36.2 (1972) 158-170.

- Sheppard, William Arthur. *Red Shirts Remembered: Southern Brigadiers of the Reconstruction Period*. Ruralist Press, Inc.: Atlanta, GA. 1940.
- Singletary, Otis A. *Negro Militia and Reconstruction*. New York: McGraw-Hill, 1963.
- Simkins, Francis Butler. *Pitchfork Ben Tillman: South Carolinian*. Baton Rouge: Louisiana State University Press, 1944.
- Simkins, Francis Butler, and Robert H. Woody. *South Carolina during Reconstruction*. Gloucester, Mass: P. Smith, 1966.
- Thompson, Henry T. *Ousting the Carpetbagger from South Carolina*. Columbia, S.C: Press of the R.L. Bryan Company, 1926.
- Thornbrough, Emma Lou. *Black Reconstructionist*. Englewood Cliffs, N.J: Prentice-Hall, 1972.
- Tillman, Benjamin. *The Struggles of 1876*, Speech at Red Shirts Reunion in Anderson, South Carolina. 1909.
- Williamson, Joel. *A Rage for Order: Black-White Relations in the American South Since Emancipation*. New York: Oxford University Press, 1986.
- Wilson, Charles Reagan. *Baptized in Blood: The Religion of the Lost Cause, 1865-1920*. Athens: The University of Georgia Press, 1980.
- Woodward, C. Vann. *The Burden of Southern History*. Baton Rouge: Louisiana State University Press, 2008.
- Wyatt-Brown, Bertram. *Southern Honor: Ethics and Behavior in the Old South*. Oxford: University Press, 2007.

JOURNAL ARTICLES

- Brundage, W. Fitzhugh. "Contentious and Collected: Memory's Future in Southern History." *The Journal of Southern History* 75.3 (2009): 751-66.
- Burton, Orville Vernon. "The South as "Other," the Southerner as "Stranger"." *The Journal of Southern History* 79.1 (2013): 7-50.
- Cooper, Christopher A., and H. Gibbs Knotts. "Declining Dixie: Regional Identification in the Modern American South." *Social Forces* 88. (2010): 1083-101.

- Edwards, Laura F. "Southern History as U.S. History." *The Journal of Southern History* 75.3 (2009): 533-64.
- Goetz, Rebecca Anne. "Rethinking the "Unthinking Decision": Old Questions and New Problems in the History of Slavery and Race in the Colonial South." *The Journal of Southern History* 75.3 (2009): 599-612.
- Hijiya, James A. "Why the West is Lost." *The William and Mary Quarterly* 51.2 (1994): 276-92.
- McPherson, James M. "Antebellum Southern Exceptionalism: A New Look at an Old Question," *Drawn with the Sword: Reflections on the American Civil War*. Oxford: Oxford University Press, 1996. 3-23.
- Nash, Gary B. "Early American History and the National History Standards." *The William and Mary Quarterly* 54.3 (1997): 579-600.
- Phillips, Ulrich B. "The Central Theme of Southern History." *The American Historical Review* 34.1 (1928): 30-43.
- Woodward, C. Vann. "The Search for Southern Identity." *Virginia Quarterly Review* (1958): 321.
- Woodward, C. Vann. "The Irony of Southern History." *The Journal of Southern History* 19.1(1953): 3-19.

WEBSITES

- "Find a Grave." Accessed January 24, 2016. <http://www.findagrave.com/cgi-bin/fg.cgi?page=pv&GRid=39581632&PIpi=108836468>
- "South Carolina's Informational Highway." Accessed January 24, 2016. <http://www.sciway.net/facts/sc-state-stone-blue-granite.html>
- "Hamburg, Aiken County, South Carolina," Last modified March 22, 2015, https://en.wikipedia.org/wiki/Hamburg,_Aiken_County,_South_Carolina.
- "Henry Shultz and His Town of Hamburg, S.C.," Last modified February 22, 2015 <https://henryshultz.wordpress.com/page/2/>.

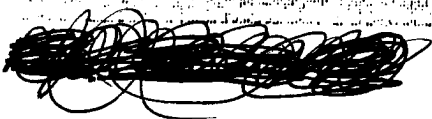
The Struggles Of 1876

How South Carolina Was Delivered
From Carpet-Bag And Negro Rule

Speech At The
Red-Shirt Re-Union At Anderson

Personal Reminiscences And Incidents
By Senator B. R. Tillman

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THE STRUGGLES OF '76

Address Delivered at The

RED SHIRT REUNION

Anderson, S. C., August 25th, 1909

By

SENATOR B. R. TILLMAN

Ladies and Fellow Citizens:

It is needless to say that it affords me great pleasure to meet the good people of Anderson County face to face once more. Twelve months ago if anyone had asked me if I ever expected again to make speeches in South Carolina I would have answered, "No". My condition was such at that time that I had little hope of ever being able to undergo the mental labor and strain of public speaking or even attempting it in the Senate. But the good God seems to have some more work for me to do; and my health has so far improved that I have been able to sit in the Senate nine hours a day for two months and watch Aldrich run things. Becoming tired of seeing him turn the crank to run the machine while I was only a cog in the wheel, I secured a pair for my vote and have been out in Ohio for a month preaching to those people the gospel of white supremacy according to Tillman.

I received invitations to address meetings in six or eight other counties in South Carolina besides this, and arranged a schedule which gave me four speeches last week and two this. My old enemies have been "raising Cain" because I am able to come to you and you want to hear me. Certain editors resent these invitations being sent and are also disgruntled because I have accepted them. One would suppose that after nineteen years of honorable and acceptable service to South Carolina these men would have the decency to let me alone and stop, but this gang of whippersnappers continues to bark at my heels.

Looking Backward

I want to say, my friends, that since I received the invitation to attend this meeting my memory has been very busy, and my brain has been acting like a fire that has burned down. When you stir the embers they suddenly flare up into a blaze. If I were able to tell you all the things that have come to mind about the period which we are here assembled, to celebrate I have no doubt I could interest you until sundown. But I am somewhat fatigued and you are hungry, so I will only discuss the aspect of things at this time in connection with some of the most important events with which I was associated in 1876. Then, too, I have to go over to the "dark corner" of Greenville this afternoon. I am to speak tomorrow at Lickville. Of course I know that the "dark corner" of Greenville County is up near the mountains where they have the reputation of raising the devil and distilling corn liquor, while I shall speak in the lower part of the county which is benighted according to my enemies, because they do not raise anything there but Tillmanites. It is a very prosperous and progressive community, all the same.

I consider this one of the most important meetings which has ever assembled in South Carolina, for the reason that we are today confronted by a condition which may become very dangerous. We are approaching a period of history when another crisis will come in our affairs. It seems that Divine Providence always takes care of South Carolina when conditions require it. For instance, in the dark days of 1780 just before the surrender of Charleston with the only patriot army then in the state, and before the British had completed their lines around the city, Francis Marion, then a major in Moultrie's regiment, was invited to an entertainment at the quarters of a brother officer. On reaching the scene he found that drinking and gambling were the main objects of those in attendance. When he seized his hat and sought to retire, some gentlemen got between him and the stairway and insisted that he should not leave them. Being highly religious in his habits of life and thought, after insisting that he must go and the exit being blocked, he walked to the window which was on the second floor and sprang out on the ground. The distance was so great that it caused a very serious sprain to one of his ankles; and when General Lee, knowing the scarcity of provisions, ordered that all non-combatants and men unfitted for active duty should leave the city, Marion crossed the Cooper River along with others and made his way to his home in the direction of the Santee River. After the fall of the city, which was surrendered a short while afterwards on account of the lack of provisions, there was no organized body of patriots left in the state, and Camden and Ninety-Six were soon occupied by the enemy. Marion called a meeting of the principal men of the eastern section, among them Colonel Peter Horry and Major Lacy, and after long discussion of the apparent hopelessness of the cause, he with a small number

of patriots joined each other in pledging their lives to a continuation of the struggle as long as there was a British soldier left in the state. If he had not sprained his ankle he would have surrendered with Moultrie and the others; and who can tell what would have been the result upon the fortunes of the struggle? Moultrie's parole kept him inactive the remainder of the war. Marion's band of guerillas kept alive the torch of liberty and together with other similar troops under Sumter and Pickens led to Kings Mountain and Cowpens and made Yorktown possible.

Commercial Democracy

Now we all know that President Taft is coming to South Carolina and other southern states to see what he do toward breaking up the solid south. I know the president's purpose is not bad and I give him credit for wanting to do what he thinks is right, but he in a measure seems to have placed himself under the influence of some of the shrewdest and most unscrupulous politicians in this country, whose purpose it is to mobilize the negroes and ultimately bring them back into our politics. It is a most fortunate circumstance that the younger generation of Carolinians who know nothing except hearsay about the horrors and dangers through which we passed during reconstruction, should have their attention called to it at this particular time. Under the lead of those editors who were many of them in knee-breeches when we were in the throes of the Reconstruction era, the rising generation has been taught that we have no race problem and that there is no possible danger from the negroes now; and many young men and some old ones need to be told of the tyrannies, oppressions and robberies to which the white people of the state had to submit because of the bad government put in power by northern bayonets using ignorant negro votes. It is, therefore, a good thing to have some of the actors in those scenes appear here and remind you, as has been done by Judge Aldrich and Governor Sheppard, of the suffering and danger through which we passed in that dark and gloomy period of the state's history.

I make the assertion from my own personal knowledge that if it had not been for the death of William McKinley, eight years ago, the efforts of John L. McLaurin to organize a "commercial democratic party" would have succeeded to a dangerous degree. You would have seen a large number of the white people of South Carolina fall in behind him and go off after that Trojan Horse. I know many good men who had their grips packed to take up the line of march; and the scheme only fell through because of the death of President McKinley, followed by the invitation of Theodore Roosevelt to Booker Washington to dine with him. Many of those men who are in control of our capitalistic enterprises, cotton mills, banks, etc., were prepared to fall in behind

McLaurin, not as republicans, but as "Commercial Democrats". But what difference does it make about a name if the movement divides the whites?

Our only salvation in South Carolina has been the democratic primary which permits absolute liberty of action and the rule of the majority in our politics; and any movement which will tempt one faction of white men to use the negroes against another faction will bring about the result so much desired by Mr. Taft. He wants "independence of action" by two political parties in the south, and a commercial democratic party or a Taft democratic party will answer his purpose equally well.

I want to say to you that President Taft has not been as generous as even McKinley was in dealing with the south in the matter of census supervisorships. He made a speech in Atlanta last year in which he said he would not impose federal office holders on our people who were obnoxious to them. According to the newspapers these important places in the census are to be divided in the south between the democrats and republicans, and the statement has been made that the South Carolina democrats will have only three places while republicans will fill the other four. McKinley gave all of these positions in the southern states to democrats exclusively. Mr. Taft is on the lookout for weak-kneed democrats who want a job so bad that they are willing to announce themselves as republicans. Some people in South Carolina whose names you would be surprised to know, have written in the last five months asking me to indorse them to President Taft. About the first thing after his inauguration, I wrote the President to get his intention as to how he intended to fill places in the south. He replied that he wanted to appoint republicans for all positions where it was possible to find them. When I wrote my constituents this they replied that they were Taft republicans. In what does a Taft republican differ from an Aldrich republican? The News and Courier has been advocating the organization of a Taft democratic party. It may be that Deacon Hemphill is "playing possum"; but when I remember that the News and Courier under Dawson was the leading exponent of the proposed compromise with Chamberlain in 1876 which was defeated in the State Convention by the narrow margin of seventeen majority; and that that same paper did not support the state democratic ticket in 1890; and has never given Mr. Bryan anything but Joab stabs; I cannot help but be on the lookout for treachery in that quarter. In 1876 nothing but the war cry of a straight-out white man's fight raised by Butler, Gary and George Tillman in the State Convention saved the day.

Beware of Taft

I do not like to inject anything personal here and I would not attack the motive of any man or newspaper if there were not good grounds for it. When Mr. Taft comes to South Carolina to spread molasses and give hungry office-seekers an excuse for deserting the democratic party, he will doubtless tell us why it is good that the solid south should be broken up; and will depict the glories of our entry into the national field as a factor in influencing the action of the United States government. But if the solid south is a bad thing why is not the solid north, where the power lies, a worse thing? We have only three democratic senators from the north and the republican machine has sixty-one to our thirty-one senators, twenty-eight of them southerners. This condition has brought about the exceedingly dangerous and degrading one-man power exemplified in the senate in the person of Aldrich, and in the house in the person of Cannon. These influences were so potent last spring that twenty-three democrats, so-called, were found willing to co-operate with the Cannon organization in the house to defeat the efforts of the independent republicans to join with the Champ Clark and his democrats to overthrow the Reed rules.

Mr. Taft is doubtless sincere in believing that it is best for the south to have a respectable white republican party; but the possibility of the revival of the negro as a factor in our politics cannot but give uneasiness to any man in the lower counties who remembers the days of 1876. While we are listening to the President's sweet words, and congratulating ourselves on his friendliness and apparent purpose to be just, let us not forget to watch him and remember our trials and dangers thirty-three years ago.

Suppose he should secure the support of twenty-five thousand or even ten thousand good respectable white men for a nucleus of his new organization in South Carolina. Do you not know that under the Constitution of 1895 it is only necessary to be able to read and write or pay taxes on \$300 worth of property to be able to vote, and it is altogether probable that at this time there are thirty or forty thousand negroes in this state who are eligible to register? It is well known to anyone who has taken the trouble to read that there are more negro children attending the public schools of South Carolina than whites now, and this has been so any time in these thirty-three years; for the simple reason that there are more of them. The last census gives our white population as 540,781 while the negroes had 781,788 - - a clear majority of blacks over whites of 241,007. The negro boys have been going to school ever since 1895, or just fourteen years. The negroes who registered then numbered 14,000. If they are not ready now, it will not be long before

they will be ready to register. If you imagine that the negro question is settled, as some of the young editors of papers in this state tell us, then you had better ask your friends to go get out a writ of lunacy at once. Nothing but besotted ignorance on the part of these would-be leaders can excuse their belittling the dangers of the race problem. With the exception of the counties in the Piedmont extending eastward to Chesterfield and including Horry, Anderson and Union, all the other counties have negro majorities. The general proportions is two to one, but Beaufort has 10 to 1, and in the counties of Charleston, Georgetown and Berkeley it is from three to seven to one. The idea of a compulsory education law to hurry up the crisis, which will come when the negroes who can vote outnumber the whites, can but be considered criminal.

These editors say, "Tillman is wild," and that he has been doing a great deal of injury to the state and the south, and that he does not represent the best thought and feeling of South Carolina. God have mercy! If I do not represent the best sentiment!!

What He Says Up North

All that I have ever said to northern audiences in the senate or elsewhere is that the Creator made the Caucasian of better clay than he made any colored people. I have told them "we shot them, (the negroes), we stuffed ballot boxes," and did all that was necessary to maintain our hold on the government; and that with a negro majority in at least two southern states there was not power enough between Cape Cod and California to make us again submit to negro rule. I spoke thus on the floor of the senate. Did I misrepresent southern feeling or sentiment when I uttered those words? I misrepresented the feeling of the News and Courier and State, no doubt, for both of those papers have a negro-loving record.

I have told the northern people that they do not know anything about the negro, that they would not submit to negro rule if they lived among us, and that they only proclaimed their belief that the negro is the equal of the white man for political purposes. I have said, "you do not believe they are your equals, you only think they are our equals. If you would not allow them to govern you, you will never have the pleasure of seeing them govern us any more." Is this true or not?

It is one of the things in my life of which I am proudest that when I went to Washington as your representative and found that the democrats were not saying anything about the republicans and their pretended love for the negro, and those republicans were running over us rough shod in dishing out federal appointments to negroes in the south, that, single-handed and alone,

I began to discuss the question without fear or favor. Then after I had stayed there several years I made a speech on the race problem which occupied two days. I discussed it in all of its phases from the standpoint of ethnology, history, geography, sociology, and presented its industrial and political phases. I rubbed it in, and not a republican senator ever dared or thought it worth while to attempt a word in reply. This was followed by two subsequent speeches. One of these was in reply to Spooner of Wisconsin who had taken me to task on account of my advocacy of lynch law. If my answer did not satisfy him, he at least did not attempt to reply. Any person who has not seen a copy of this speech can get it by sending me his name and address on a postal.

The Crum Affair

When Dr. Crum's name was sent to the senate for the position of collector of the port at Charleston seven years ago, I held him up for three years and would not allow him to be confirmed until finally I agreed with Senator Spooner to get a report from the judiciary committee on the matter of a "constructive recess." When it came it was the unanimous opinion of the judiciary committee, republicans and democrats alike, that there was no such thing contemplated by Constitution, and that Roosevelt had usurped authority in appointing Crum as he did between 12 o'clock and 12 o'clock of the same day. That was a victory. At least I think so.

Last December Crum's term expired. Roosevelt sent his name in again. The republican senate had come to hate Roosevelt as much or more than I did. I went around and notified many of the democrats that I proposed to fight Crum's nomination and it was hung up in the committee until in February, when President Taft telegraphed Senators Frye and Aldrich that he wanted Crum out of the way. I received notice from Mr. Frye that the nomination would be pressed. The rule in the senate is that when there is business before the senate somebody must talk or we must vote. I could only get one democrat, Mr. McLaurin of Mississippi, to agree to help me fillibuster. They said I would almost surely fail and I was unwise to fight under such desperate conditions. The matter of his confirmation came up and under the rules it went over until the next day. Next morning we went into executive session upon convening. It was universally felt among my friends in the senate, both republicans and democrats, that it was dangerous for me to undertake to make a speech, dreading lest the strain in the then condition of my health might produce either a stroke of apoplexy or paralysis. But I thought I could not die in a better cause. And I would infinitely prefer to fall dead upon the floor of the senate discharging my duty than to linger and suffer as I have known people to do. So the

debate was opened by my reading the protests of all the commercial bodies of Charleston, and then presenting the constitutional relation between senators and the president in making appointments. I was interrupted by my friends among the republican senators, who sought to enter the debate to give me relief. Senator McLaurin and one or two other democrats came into the discussion. So that the first day, after a five-hours session, we had hardly opened up the question.

The next day Senator Frye promptly called it up again. I was feeling splendidly and I spoke about three hours. I related to a full senate the whole story of my relations with Roosevelt, the McLaurin incident, the withdrawal of the invitation to dinner, and the president's cowardly treachery to Senator Bailey and myself in the matter of the rate bill.

The debate was continued between the republicans and democrats, all senators realizing by this time that the race problem was a great problem indeed and one worthy of most serious consideration by all. Many democrats, by this time realizing the vital nature of the question, were anxious to participate. So there was no lack of speaking, and after a six hours session we were no nearer a vote than when we began. A notable speech was made by Senator Money which greatly impressed the Republicans.

The third day I spoke only two and one half hours. Taking Taft's speech in Atlanta for a text, and reading it paragraph by paragraph, I commented on it at length. My allies on both sides of the chamber by this time, the republicans asking questions and one or another democrat answering, were all working harmoniously towards a very protracted debate. At the end of the third day's session it became evident to Senator Frye that "settling the Crum case" was not a very easy job.

There is no record of any of the speeches made in this debate because stenographers are not admitted in executive session, so, much valuable information on this all-important question is lost.

On the fourth day Senator Frye gave up the fight, being pressed by the republican leaders to get out of the way of the big appropriation bills. After some inquiry as to the intention of men to make speeches, and learning that six or seven democrats were anxious to be heard, he withdrew Crum's name and the struggle over the last negro appointee of Roosevelt was over.

Mr. Taft has promised us that we will have no such appointments during his administration. One of my strongest points and one which I emphasized with the greatest vigor was the inquiry as to why South Carolina should be subjected to the mortification of having the last dose of negro office-holding!

Crum's defeat was accomplished by a persistent determination to debate the whole race problem; the exclusion of the Chinese; the threatening attitude of the Californian's against the Japanese and Hindoos; the canting hypocrisy of the government's attitude towards the Filipinos, who are Malays; and the cruelty and wrongs which have marked the white man's treatment of the Indians. When the republican attitude towards all these was brought out, and the inconsistency and hypocrisy of the whole black republican program was discussed at length by more than one speaker, it was easy to see that the republican senators were weakened and more than willing to stop the debate.

Northern Sentiment Changing

My lectures in the north, delivered during the last seven or eight years to hundreds of thousands of their most intelligent people, have necessarily aided greatly in the change of feeling and sentiment which is apparent there. I have been asked frequently why more southerners do not come among them and tell them about this great question and its dangerous aspects. There are thousands of communities up there in which there is not a single negro and they are wholly ignorant and indifferent on the subject, but when the facts are presented they grow intensely interested. Scores of times I have had men who wear the G.A.R. button crowd around me after a speech and express their approval of my utterances.

The issue is one which will not down and which the south cannot afford to let rest, and as long as I live and my health holds out I expect to continue to agitate it and press for its solution along the only possible line - - by the repeal of the 15th Amendment; thus permitting each state to regulate its suffrage according to its conditions. We will never have any guarantee of continued good government in South Carolina until we can limit the suffrage to white men, just as has been done in the South African confederation. Sir Arthur Balfour's recent declaration that "the admission of inferior colored races to participation in government would destroy civilization itself" is as true of the South as it is of South Africa.

The negro-loving papers of the South, the News and Courier, The State, The Charlotte Observer, The Chattanooga Times, and others, may protest and abuse me as much as they like, but I expect to continue to discuss the race problem as long as my health and strength permits.

The Meeting Today

We have met here today to celebrate the victory of 1876; the triumph of the whites over the blacks; of civilization and progress over barbarism and the forces which were undermining the very foundations of our commonwealth.

As is natural, the Piedmont section of the state having a white majority, suffered least during that terrible period and has profited most by the restoration of good government. When I first came to Anderson in 1886 it was a straggling village with muddy streets which gave no sign of the progressive and beautiful city which now greets my eyes. This is the condition throughout the entire upper section of the state. Wherever you find whites in large numbers, industry and thrift are in evidence on every hand. As we move towards the coast the lack of these grows more and more apparent, due entirely to the difference in the population. The more negroes the less progress.

Anderson never had negro domination in its true sense. You old men know little or nothing about the horrors to which the middle and lower counties were subjected. You always had a white majority and have it still; and you ought to thank God that this is so, and strain every nerve to increase the number of good white people who shall make South Carolina their home and develop her resources.

Judge Aldrich last night gave us a general outline of conditions during the radical regime. You have just listened to Governor Sheppard's eloquent portrayal of the dangerous events which transpired in our state capitol when the final struggle for mastery culminated. I propose now to go somewhat into detail and give you particulars as to one of the most notable events of that struggle and one which caused the greatest stir in the state and throughout the country. I will narrate the events of which I was an eye-witness.

My recollection of those occurrences has recently been verified by others who saw the bloody tragedy. Altogether, in 1874 and 1876, I was a participant in four race riots. All of these were most potent influences in shaping the conflict between the whites and blacks and producing the gratifying result which brought the white man again into control of his inheritance.

The Hamburg Riot

Judge Aldrich told you last night that he could tell more about the Hamburg riot than I could because he would not have to criminate himself. As for that I have nothing to conceal about the Hamburg riot. I told the republicans in the senate that we had to shoot

negroes to get relief from the galling tyranny to which we had been subjected; and while my utterances were used in the Republican campaign book for 1900, I think my very boldness and the frankness with which I explained conditions did more to enlighten and disarm the fanatics than anything else I could have said. Even Senator Hoar was so impressed that he became my warm personal friend in his later years.

Because of its potent influence in arousing the white men of the state to their duty I shall give you the story of the Hamburg riot in full, not dealing at this time with the two Ned Tennant riots and the Ellenton riot.

The third of these disturbances or riots occurred at Hamburg in July, 1876, and this tragic episode in the struggle for white supremacy caused more widespread comment throughout the north, and was more far-reaching in its influences upon the fortunes of the white people of South Carolina than anything of the kind which ever occurred in the state. Congress appointed an investigating committee to take testimony; and the bloody shirt was waved by the northern press and politician from one end of the country to the other. The two preceding disturbances of which I will speak hereafter, while causing great excitement and uneasiness, had resulted in no bloodshed other than the wounding of two negroes near Dr. McKie's; but the Hamburg riot caused the death of seven negroes and one white man, while two negroes and another white man were seriously wounded.

The cause of the trouble as in the two Ned Tennant riots was the negro militia. The town of Hamburg, opposite the city of Augusta and thirteen miles below where I was born and reared and was then living, had been a prosperous mart of trade between 1840 and 1860. At one time it had a population of between 3,000 and 4,000 and did an immense business with the South Carolina planters. Owing to its liability to overflow by the Savannah River it had begun to decline, and at the time of which I write it was occupied almost entirely by negroes. The white population consisted of a few families. The number of stores was small. The negro population in 1876 probably numbered 1,200 and it had become an harbor of refuge for all of the cow thieves, cotton thieves, house burners, and other types of criminals among the negroes from the surrounding county. Owing to the fact that the municipal government was composed of negroes, the town marshal was a negro. Gen. Prince R. Rivers, an ex-Union soldier, commander of the negro militia, State Senator from Aiken County and Trial Justice, lived there; the negroes were exceedingly insolent, and it was dangerous for white men to go through the town unless they were well armed. A negro militia company of about one hundred men had been organized in this lawless den and one Dock Adams was captain. On the afternoon of the 4th of July,

1876, this company was drilling and parading on Main Street and as was usual a very large proportion of the negro population were admiring spectators. Two young men, Henry Getzen and Thomas Butler, both of whom lived within two miles of the town, returning home from Augusta whither they had been on business, found the street blocked by the negro militia company. The militia were marching "Company front" and the line extended from sidewalk to sidewalk. As the young men approached, driving in the middle of the street, instead of throwing his men into "column of fours" or "column of platoons", or wheeling them out of the way, Dock Adams gave the order "Charge bayonets!" with a view no doubt of showing off before the assembled negroes and to compel the young white men to turn their horse around and flee. But they were not of that kind, and knowing that they had the right to the highway, as the approaching line of leveled bayonets came forward they stopped the buggy, and reaching for their pistols shouted: "We will shoot the first man who sticks a bayonet in that horse." There were more than one hundred negroes armed with Springfield rifles and gleaming bayonets, and several hundred others looking on. The negroes knew that they could butcher the two white men with great ease, but they felt certain one or more of them would be killed before it could be done. The captain shouted "Halt", and opened the ranks so that the buggy could pass, and in a little while dismissed his company and went to General Prince Rivers and swore out a warrant, charging Getzen and young Butler with interfering with his company at drill. Butler went on home and told his father what had happened, and Mr. Robert Butler, whose plantation lay above Hamburg and who had had a great deal of trouble with negro thieves and was in every way a very pugnacious man, hurried to the same trial justice and swore out a warrant for Adams for obstructing the highway. The trial was set for the succeeding Saturday, July 8. The incident was noised about all over the counties of Edgefield and Aiken in a very little while and excited deep interest.

It had been the settled purpose of the leading white men of Edgefield to seize the first opportunity that the negroes might offer them to provoke a riot and teach the negroes a lesson; as it was generally believed that nothing but bloodshed and a good deal of it could answer the purpose of redeeming the state from negro and carpet bag rule. Mr. Robt. Butler sent to Edgefield for Gen. M.C. Butler to defend his son and son-in-law and prosecute Adams at the trial. Col. A.P. Butler, the captain of the Sweetwater Sabre Club, summoned our company to meet at Summer Hill, three miles from Hamburg at twelve o'clock. It was our purpose to attend the trial to see that the young men had protection and, if any opportunity offered, to provoke a row, and if one did not offer, we were to make one. We did not go in uniform and were expressly ordered to leave our rifles and car-

bines, so that when assembled we were only armed with pistols. Various schemes were presented and discussed but nothing definite was arranged except that we would go to Hamburg in a body at 4 o'clock, the time for the trial and see what would turn up. The fact, however, that we had assembled was made known to Prince Rivers, and when the company reached Hamburg we were informed that the trial had been postponed; and it appeared for a while that all of our trouble and pains as well as the schemes we had formulated would come to naught. Dock Adams had assembled his company in the armory over the Sibley building, a two-story brick structure on the corner of Main and River Streets. General Rivers had disappeared from town.

There was much talking and planning among the leaders, the two Butlers and others of the leading citizens. At about 5 o'clock it was decided that the demand should be made of Dock Adams to surrender his guns and notice to that effect was sent him by Gen. M.C. Butler. He was told that he had shown the militia with guns were a menace to peace and good order, and that the whites having lost all patience were resolved to put an end to his outrageous and insolent conduct. When the demand was made he promptly and peremptorily refused. He was then told that we would take them. When the sun was about half an hour high the little band of white men, numbering about seventy in all, of whom forty-five belonged to the Sweetwater Sabre Club, rode down Main street towards the armory, and wheeling into a cross street we approached the river and halted in the street occupied by the trestle of the C. C. and A. railroad, now the Southern railway. The Sibley building was on the southwest corner of the square above. We dismounted in regular cavalry fashion and linked bridles. All of the disengaged men lined up. Then the order came, "All men having carbines or rifles step five paces to the front." Only five responded. It was now seen how great a mistake had been made in ordering the rifles left at home. The purpose of that order is easy to understand. We did not wish it to appear that we had come to Hamburg with malice aforethought, but merely as spectators at the Getzen and Butler trial. Events had shaped themselves so that the purpose of compelling the surrender of the arms by the negroes once formed there was no time to make new preparations. Sixty white men (the others were detailed to take care of the horses) were about to attack 100 negroes who were armed with the most approved army rifles, had plenty of ammunition, and were fortified, so to speak, in a brick fort, while the whites had only shot guns and pistols. But the difference in the blood and the color of the skin far more than made up the odds in the armament. The five men to whom the duty was assigned of opening the attack were Henry Getzen, Dunlap Phinney, McKie Meriwether, Thomas Settles and Wm. Butler.

I will always remember with sadness an incident which took place just at this time. Young McKie Meriwether belonged to the sabre

club, but his father did not. The older man, Joseph Meriwether, it will be remembered was the manager at Shaw's Mill two years before, who had manipulated that box and changed the negro majority into a white majority. He had heard of the trial and had brought his Winchester rifle with him. When the elder Meriwether joined the squad which was to take position behind the abutment of the railroad bridge diagonally in front of the Sibley building and some seventy-five yards away, his son, a very handsome young man about 25 years of age, came running towards him and unbuckling the pistol belt as he ran he handed the two pistols to his father and said, "Here, papa, take these and let me have the rifle." The exchange was made and the elder man took his place in the ranks while the younger, along with the other four, stepped off at a lively pace towards the end of the bridge. They marched in full view of the negroes who could see them from the windows of the Sibley building. The rest of the men were deployed on the other two sides of the square, being on the north and east sides of the Sibley building, which had no windows on those sides. In fact it had no windows at all except on the front towards the river. As I belonged to the first set of fours, I was detailed along with Pierce Butler and James McKie and one other whose name I forget, and placed in position at the northwest corner of the square directly in the rear of the Sibley building. The square, I will state, was a small one with sides probably seventy-five yards long. The entrance to the second story of the Sibley building where the negroes were waiting was by a pair of steps running up on the outside from Main street to a landing on the south side.

The sun was just setting when orders were given to the squad at the bridge abutment to begin firing on the building. The other whites were stationed up and down the sidewalks on the northern and eastern sides of the square, while the western side was left unguarded. As both races were using breach-loading guns, notwithstanding only five white men were doing any shooting, the fusillade of shots was very rapid. The armory had five windows and the negroes were firing from these, but most of the shots must have been fired while they were squatted below the window sills and their guns were elevated, as there was little or no sign of where the bullets sent. The marks of the white men's bullets on the sand-stone window sills are still to be seen, though filled up level with cement. The noise of the battle, if it may be termed one, was of course heard in Augusta, and soon a considerable body of men gathered on the Georgia bank, but as some stray bullets from the negroes' rifles at the windows gave them notice that they were in danger, they very soon retired out of sight. However, it was not long after dusk before men belonging to the military organizations in Augusta and others began to pour across the bridge with arms to take part in the fray. The square on which the Sibley building stood had two or three other stores on the main street side. The old bank building was on the southeastern corner and there were several small wooden shanties on the other parts of the square. As soon as

darkness fell the whites began to search all of these buildings and very shortly a negro man was discovered in hiding. He was dragged out while squalling at the top of his voice through fright. He was shot by some one who in the excitement and anger forgot himself and, though not seriously wounded, his screams and cries resounded so as to be heard for half a mile around. Just about this time we were all shocked and enraged by the news from the bridge abutment that McKie Meriwether, the brave young man whose exchange of arms with his father I have mentioned, had been killed. There has always been some mystery about his death. He along with the other four riflemen had been firing at the windows when his brain was pierced by a ball which entered at the top of his forehead. It was never known whether he was shot from above by some one who crossed the bridge or was struck by a ball from the armory which hit some piece of iron and glanced downward. If the white men were angry and determined when they began that bloody business, this sad and unexpected death added ten-fold fury to their feelings. The men who were holding the horses had hitched them all by this time in a vacant lot and without orders from anyone and apparently without plan they joined in. As soon as it was entirely dark the negroes in the armory took advantage of the opportunity to make their escape down the steps of which I have spoken and to flee up the river. Some of them were too much frightened to make this attempt and sought concealment in the cellar and other hiding places in the wooden shanties. Some of them ripped up the floors and hid under them. The whites from Augusta brought over at Gen. Butler's request a small piece of artillery. This was loaded with small pieces of iron (no regular balls were available) and fired off in front of the Sibley building. After two discharges there was no further firing from the negroes, as all who could had fled and the town was deserted. The square which was entirely surrounded by this time was searched thoroughly. Every nook and corner of every building was examined by the whites who broke in the doors with axes. Prisoners to the number of some thirty or forty men were captured, and as soon as taken were placed under guard on River street some 75 yards above the wagon bridge. About 8:30 o'clock, after a period of intense darkness, the moon rose and began to cast its lurid light over the strange and unaccustomed scene. The number of whites, had increased immensely by this time, mainly from Augusta, and the searching parties worked northward from the Sibley building which had been the first one taken and thoroughly searched. Two negroes, who had reasons to know that their lives would not be spared if captured, tried to make their escape by jumping over the fence on the north side of the square and running down the street towards the trestle. The first to do this was Jim Cook, the town marshal who had in the years of negro rule clubbed a great number of white men and in every way illustrated his brutal and fiendish hate of the whites as well as the delight he took in degrading them. As he sprang over the fence the squad to which I belonged was the first to fire. We all fired once at

him. He ran down the center of the street in the direction of the railroad trestle towards the moon so that it was easy to see the whole performance. White men were standing or sitting on both sides of the street and as he ran between these they fired at him, the wonder being that as the street was narrow the bullets did not wound or kill the white men opposite. It seemed as though Cook was bound to escape as he had nearly reached the trestle; and none of the pistol bullets appeared to have taken effect. Fear lent speed to his flight and the crack of the pistols, some forty or fifty of which must have been fired at him, sounded like so many pop-guns. Suddenly the loud report of a shotgun rang out and Cook tumbled in a heap, almost turning a somersault. Pierce Butler and I, hearing that it was Cook who had been killed, had the curiosity to leave our post and walk down to where he was lying, and as the shadows made it somewhat doubtful, Pierce struck a match, and being very familiar with Cook's face, remarked with satisfaction, "Yes, it's Cook." This negro was more hated by the whites of the surrounding country than any other individual of the race. A large part of his face had been torn away by the buckshot, which had laid him low after all of the pistol balls had missed their mark.

A while afterwards when the searching parties had worked their way through the different buildings on the square another negro jumped over the fence at the same spot, but he had no time to run. Pierce Butler and I who had remained together the entire night were standing on the back steps of Lipfield's store waiting for him to bring us some water from the well. Two men from Augusta, whose names I never learned, but who wore the uniform of the Clinch Rifles, had just obtained water and were standing on the sidewalk. The negro leaped the fence at the rear of the store but fell dead almost instantly. The two riflemen had thrown their guns which gleamed in the moonlight to their shoulders and fired with deadly effect. This was one of the negro militia men. The moon by this time was getting high in the heavens and it must have been nearly eleven o'clock. The searching was ended by breaking in the front door of Louis Schiller's store, which was also his residence. Schiller was a low Jew who had joined the negroes and had been given office by them, having held the position of county auditor until the county of Aiken was set apart. We wanted to hang him, as the resentment against white scalawags was intense. He had been born and raised in Hamburg and had really sold himself to the negroes. We did not find him in the house, but learned afterwards that the poor wretch escaped us by climbing through a trap door which led out on the roof and that he was lying behind a parapet on top of the house while execrations against his name and the purpose to swing him were being expressed by the white men below.

I have since learned that his being a Mason really saved his life; as his brother Masons were among the searchers and kept

him from being caught. All of the work being practically finished the whites began to disperse and those from Augusta to retrace their steps across the bridge. Gen. Butler and Col. Butler had very quietly departed some time before without leaving any orders, and the mob, if it may be called such, rapidly thinned out. About this time James Lanham, my neighbor, and James McKie who had been on the post with me a great part of the night, and both first cousins of young Meriwether who had been killed, came to where a group of us were standing. One of them asked the question as to whether it was not a dear piece of work for us to lose one of our best men and have only two negroes dead and another wounded. It was agreed that we could not have a story like that go out as the record of the night's work. Lanham said to me, "I have no balls in my pistol and no cartridges." I told him that I had only shot once at Cook and had five balls left. We exchanged pistols and he and McKie soon found others of their way of thinking. The party made their way to the place where the negro prisoners were held, and Henry Getzen, who lived two miles from Hamburg and who knew all of the negroes in the town and neighborhood, was asked to designate those of the meanest characters and most deserving of death.

His hands were yet stained with the blood of young Meriwether, whose body he had helped carry from behind the abutment of the bridge and can imagine what were his feelings. As fast as he would select from among the prisoners those he thought ought to be killed--all militiamen--they were taken off a little ways down the street and shot. After five had been thus dealt with the little squad of white men who were still remaining in town seemed satisfied and it was decided that the rest of the negroes, some 25 or 30 in number, should be allowed to go. The permission was given and they were told to go up the street, and you may depend on it that they were not slow to move. When they got about fifty yards away the crowd fired a volley over their heads, but I could not see that it added anything to the speed which they were making. If young Meriwether had not lost his life I do not think any of these last negroes would have been killed, but the purpose of our visit to Hamburg was to strike terror, and the next morning (Sunday) when the negroes who had fled to the swamp returned to the town (some of them never did return, but kept on going) the ghastly sight which met their gaze of seven dead negroes lying stark and stiff, certainly had its effect.

The last one of those doomed to die escaped in a rather curious way. Whether it was that the white men were sick of the bloody work, or something else, I do not know. Being the last of the doomed men, they either aimed badly or some of them did not fire at all at the word of command. When the shots rang out, this negro fell as though dead, and as soon as the whites went away he crawled into the high weeds which were near the road and thus

escaped with only a wound in his thigh. He was afterwards the star witness against us and the means of getting the names of some of the men who were there. His name was Pomp Curry, and by a strange coincidence he was the boy who, when I went to school at Liberty Hill in 1860 and 1861 and boarded with Mr. Kiah Edwards, made our fires, brought wood, blacked shoes, etc. He disappeared, whether by death or fright, I do not know. After the election of 1876 I never heard of him again.

It was now after midnight, and the moon high in the heavens looked down peacefully on the deserted town and dead negroes, whose lives had been offered up as a sacrifice to the fanatical teachings and fiendish hate of those who sought to substitute the rule of the African for that of the Causasian in South Carolina.

The party with which I left Hamburg was the last to leave the place. Young Meriwether's neighbors crossed the bridge and returned home on the Georgia side. We got our horses and when we approached the outskirts of the town we stopped at the famous Spout Spring, whose waters gushed from the bluffs back of the town. In the better days of the town this spring had been provided with granite coping and a cover and was always a place for travelers to slake their thirst as they came in, or to guard against it as they were leaving - the roads leading through a dry and sandy region. The names of the men in the party, as I remember were: Henry Getzen, chief of our drumhead court martial, Milledge Horne, who lived two miles below me, James Lanham, Gus Glover, Joe Mays, Sam Mays, Henry Simpson, John Swearingen, Joe Wise, Dunlap Phinney, William Cook, and myself. Many of these are dead. When we had drunk and washed John Swearingen stepped up on the bank behind the spring and seized the post upon which was nailed a notice, "Five dollar fine for dipping any unclean vessel in this spring," broke it off at the ground and threw it into the middle of the road saying with an oath that Jim Cook would never arrest another white man for drinking at that spring.

This was an allusion to an incident of the preceding year when Rev. Mahlon Padgett, who was carrying cotton to Augusta, having no cup had stooped at the spring and drank and had been arrested by Cook and hurried before the town council, charged with having broken the ordinance of the town because having drank from the spring he had dipped an unclean vessel in it. He was found guilty and fined five dollars.

This had been a momentous and strenuous day's work. We were all tired but more than satisfied with the result. When we reached Henry Getzen's house he asked us to stop and eat some water melons, which we very gladly did; and as all of the others except Horne lived further up the road than myself, we kept company as we wend-

ed our way homeward. The first streaks of dawn were reddening the east when I reached my mother's, where I had left my wife. My mother was taken ill a short time afterwards and died the latter part of August. Most of the men who had organized and carried out this program lived in Edgefield county, but a few were citizens of Aiken living along the Edgefield line.

The Leaders in 1876

There will always be a difference of opinion among South Carolinians as to which of the three men, Butler, Hampton or Gary, is entitled to the most credit for the redemption of the state in 1876. I, who am entirely familiar with all of the principal events which led up to that struggle and was a modest actor in some of its most stirring scenes, desire to put on record my estimate of the work of these three men. They were all cavalry leaders in the Army of Northern Virginia; Hampton, a lieutenant general, Butler, a major general, and Gary, a brigadier general. The two last had been captains in the famous Hampton Legion and all three went to the front together. They have all "crossed the river" and are sleeping with Jackson and Lee. Hampton, shortly after the war went to Mississippi to look after his large planting interests in the Yazoo Delta. He returned to South Carolina in 1876 at the earnest solicitation of the other two men.

Butler and Gary resumed the practice of law at Edgefield, while both of them had large farming interests. I met Gen. Hampton only two or three times casually. I was on the most friendly terms with Gen. Butler until I entered the race against him for the senate in 1894. He insulted me grossly and wantonly in that campaign, and we never spoke again; though after my earnest effort to have McKinley appoint him a general in the volunteer army in the Spanish-American war he made advances which I did not feel willing to accept.

With Gen. Gary I was intimate and was one of his trusted lieutenants in the red-shirt campaign in Edgefield in 1876.

I express it as my deliberate judgement after a careful consideration of all of the facts as I know them, that Butler's work at Hamburg was more far-reaching in its consequences and valuable in its results than any act of either of the other two men. The qualities possessed by all three of them, differing in many respects, were all essential to the final success of the white man's cause in that supreme crisis. Hampton's calm determination, his poise, his moderation, his good judgement in dealing with the perplexing conditions produced by the dual government, which existed between the assembling of the legislature in November '76 and the withdrawal of the troops in March '77 were abso-

lutely necessary to the success we achieved. He blundered egregiously in urging the policy of persuasion; and of convincing the negroes by argument to vote with us. He always maintained that sixteen thousand negroes voted for him in 1876; but every active worker in the cause knew that in this he was woefully mistaken.

Gary preached the only effective doctrine for the times; that "one ounce of fear was worth a pound of persuasion," and was prepared and did ride rough-shod over the negroes and their carpet-bag leaders - while his daring refusal on the day of the election to obey Gen. Ruger's order to have the whites vacate the court house at Edgefield really gave us the victory. His exhortation to the white men was to "put the ballots in the boxes, I will see that they are counted." He organized the red-shirt regiment which on the 12th of August captured the Chamberlain meeting in Edgefield, and gave the negroes to understand that the white men were resolved to take possession of our town again and drive out the thieves and scoundrels whom they had been following.

Butler in 1875 had led the forces at the Second Ned Tennant riot which struck such terror into the hearts of the two companies of militiamen that by night movements and devious paths through the swamps and pine thickets they had marched to Edgefield and delivered up their rifles to Laurence Cain.

Butler, Gary and George Tillman had to my personal knowledge agreed on the policy of terrorizing the negroes at the first opportunity, by letting them provoke trouble and then having the whites demonstrate their superiority by killing as many of them as was justifiable.

Butler's opportunity came at Hamburg and when he, as I have narrated, took upon himself the responsibility of ordering Dock Adams' militia company to surrender its arms, and then organized and ordered the attack on the armory; his daring spirit let him to do that which put his own neck in jeopardy while it thrilled and burned in the souls of the white men of South Carolina as nothing else could have done.

The spirit of 1776 which made Moultrie, against the advice of Gen. Lee, man his palmetto log fort and destroy Sir Peter Parker's fleet, pulsated in the bosom of every brave Carolinian, when they learned that a body of seventy-five poorly armed whites had dared to attack a legally organized militia company, capture its armory, and then put to death some of its members. If there had been no Hamburg riot, it is extremely doubtful whether there would have been any straightout campaign in 1876. It is equally doubtful whether there would have been a 12th of August. If Gary had been at Hamburg instead of leaving the scene as soon as the armory

was captured, as did Gen. Butler, he would probably have directed events to the very close and safeguarded from a legal point of view the lives of those who had done the bloody work. As it was, everything ran by haphazard after the negroes evacuated the armory. Butler, when he was fighting for his seat in the senate, denied participation in the Hamburg riot except in the preliminary stages as a lawyer. He said there were three separate Butlers and he had nothing to do with the killing of any of the negroes. This was literally true, but he had fired the fuse and exploded the bomb, and one of its consequences was the redemption of the state from negro rule.

Gary's doctrine of voting "early and often" changed the republican majority of 2,300 in Edgefield to a democratic majority of 3,900 thus giving Hampton a claim to the office of governor. It was Edgefield's majority alone which gave to Hampton a chance to claim to have been elected - the opportunity which he utilized so well.

Hampton has his monument and the people of South Carolina love to honor his memory; but Butler and Gary are entitled to equal, if not more credit for the victory of 1876.

In my visits to the north as a lecturer I have come on some strange and interesting things. Some years ago I lectured at Iowa City, Iowa, the former territorial capital of that state. After I had finished speaking and returned to the hotel an old Union soldier, whose name I forget, called on me. He was very much impressed by what I said and asked if I would not allow him to show me the town next morning. Finding I would have an hour or two after breakfast before my train left, I agreed. He carried me to the old territorial capitol, which he said had been designed by Jefferson Davis when secretary of war, and was a reproduction of the Parthenon at Athens. We entered the building and he directed my steps to the rooms occupied by the state historical society of Iowa. Iowa has made very little history, so there was nothing much worthy of notice. But in a glass case carefully preserved and labeled with certificates as to when, where and by whom it had been "captured" he showed me the large silk flag with the blue ground and white Palmetto tree and crescent which was formerly used on state occasions to drape the front of our state house in Columbia. Gen. O.O. Howard's certificate gave the name of the soldier, his company and regiment who had done the gallant deed of "capturing" it or stealing it from the secretary of state's office. It is in a splendid state of preservation, the silk being of the finest and the border being of heavy gold fringe. It must be at least twelve by twenty feet in size. South Carolina has made so much history and written so little, that the people of Iowa may want to keep this momento of her part in the "suppression of the rebellion" and the burning of Columbia. If they can afford to keep it, we certainly

can afford to let them have it. But if conditions were reversed I should certainly feel ashamed as a citizen of Iowa to hold the stolen emblem of a sister state as a trophy of the civil war.

A more recent event is equally interesting. About three weeks ago I addressed the chautauqua at Batavia, Ohio.

Mr. Miles Bicking, who said he was a democrat, approached me and said: "I have something here which has been in my possession about thirty years and I thought I would bring it out today and show it to you and ask you about the story of tissue ballots we have heard of in South Carolina. Your lecture has given me all the information I want and I ask you to accept this as a curiosity". I give the exact reproduction of this curious relic of bygone days. It is the democratic ticket for Richland county in Hampton's second election for governor in 1878, and is printed on the thinnest of paper.

RICHLAND COUNTY

For Governor:

Wade Hampton.

Lieutenant Governor:

W.D. Simpson.

Secretary of State:

R.M. Sims.

Superintendent of Education:

H.S. Thompson.

Comptroller General:

Johnson Hagood.

Adjutant and Inspector General:

E.W. Moise.

State Treasurer:

S.L. Leaphart.

Attorney General:

Leroy F. Youmans.

Congress - Third District:

D. Wyatt Aiken.

State Senator:

John H. Kinsler.

Representatives:

John E. Bacon,

John A. Elkins,

John C. Haskell,

John C. Seegars,

E. McC. Clarkson,

School Commissioner:

L.C. Sylvester.

County Commissioners:

W.D. Starling,

N.J. Dubard,

T.A. Scott.

It will be recalled that the tissue ballots were used in the heavy negro counties for the purpose of having the white men to vote several tickets at once by folding them all together in a way to have them drop apart in the boxes. The law provided on closing the polls that if there were more ballots found in the box than there were names on the poll lists the ballots should be returned to the box and one of the managers should draw out the excess to be destroyed. It is needless to say that the democratic white manager did the drawing and the negroes used to be very much surprised that he always drew a thick republican ticket to be burned.

When the crisis came in 1876 the use of tissue ballots was quite common in some of the middle and lower counties, and in the elections of 1878 and 1880 the substitution of ballot boxes in heavy negro precincts was frequently resorted to. The Eight-Box Law, however, put a stop to the necessity for any form of cheating whatever, being in effect an educational qualification for suffrage, and of course the new Constitution of 1895 gave perfect though temporary relief.

The men in the upper part of the state who had no negro majorities to contend against, and some of the knee-breeches statesmen who are editing our papers now, will doubtless find fault and criticise any allusion to these things in this day and time; but those of us who passed through the ordeal and who risked our lives at Hamburg and Ellenton can afford to leave to the judgement of the people of the state whether there was justification for our acts or not. That we have good government now is due entirely to the fact that the red shirt men of 1876 did all and dared all that was necessary to rescue South Carolina from the rule of the alien, the traitor, and the semi-barbarous negroes. It will be a sad day for South Carolina if in a similar crisis in the future leadership shall be left to some of those who now try to assume it.

The Bloody-Shirt Drill

One more episode of that momentous year and I will be done. It relates particularly to the origin of the red-shirt as a democratic uniform in 1876. I shall leave it to others to sift the evidence and determine, if it can be done, just where the credit lies. I want to tell what I know about the bloody shirt and its effective use in that momentous campaign. In my story of the Hamburg riot I have mentioned the drum-head court martial which condemned and executed militiamen who were prisoners after the fighting or firing had ceased.

The last man selected to be shot was a notorious thief by the name of Pomp Curry whom I had known from boyhood. He had furnished the names of all whom he recognized to District Attorney Stone

and this evidence caused warrants to be issued against practically all the members of the Sweetwater Sabre Club and a few others who were not members. Many active participants in the riot were never found out or indicted. Others who were not in Hamburg at all were among the accused. We were charged with murder and conspiracy to murder, and the sheriff of Aiken County was ordered to make the arrests. Like a wise and prudent man he did not attempt to execute the warrants, but communicated with Col. Butler, our captain, and by common understanding all of the men thus charged assembled at Lower Cherokee Pond, a place near Col. Butler's home, and started for Aiken. The procession was led by a sheriff in a buggy, followed by the so-called prisoners, armed to the teeth, and accompanied by baggage wagons with supplies for horses and men, cooks and a full camping outfit except tents. Rev. William Shaw, who owned a plantation two miles west of Aiken, the dwelling house on which was unoccupied, had kindly offered it for our use. We reached this place some time before sundown and took up our quarters for the night. Court was to convene two days later and we were thus early on the ground in order to give the lawyers who had our case in hand opportunity to draw up the papers and prepare for obtaining bail if we were to be allowed to return home. Gen. Butler, who was under indictment, Hon. George Croft, Hon. D. S. Henderson of the Aiken bar and Maj. William T. Gary were acting as our attorneys.

Among those whose interest had induced them to accompany us was my brother, Hon. George D. Tillman, who had been nominated as a candidate for congress in our congressional district. He had been in correspondence with General, afterwards Senator, J. Z. George, of Mississippi, the man whose constructive statesmanship in devising means to safeguard southern civilization by the elimination of the negro vote will cause his name to shine for all time as a great constitutional lawyer and benefactor of the south. It was under him that Mississippi led off in disfranchising the negro and practically every southern state has followed suit. Mississippi had thrown off the carpet-bag yoke two years before and Gen. George advised my brother to have the South Carolinians impress the negroes both as to our strength and the purpose of the whites by using a spectacular uniform, and urged the parade of long processions of armed white men through the country. Gary knew this and accepted it as a part of the plan to be followed.

The Hamburg riot had caused such a furore throughout the north and the republican press of that section was waving the bloody shirt with such frantic energy that Mr. Tillman suggested to Col. Butler that we, though assembled as prisoners, should wave the bloody shirt in reality as a token of defiance. The idea was seized upon by all of us, and Luther Ransom and myself were appointed a committee to visit Aiken, confer with the democratic

authorities, and see if we could induce them to help us in securing homespun shirts to be donned as uniforms. Col. George W. Croft, then county chairman, entered into the scheme with great zeal, and gave us an order for the necessary yellow homespun. Having obtained this, Ransom, who knew nearly all of the ladies of Aiken, accompanied me in my buggy and we distributed the bolts of cloth among the ladies with the request that they make us forty homespun shirts just as soon as possible. As I remember it, the cloth was distributed one afternoon and the next morning we drove into town from our camp and gathered up the garments, obtaining a good supply of turpentine, oil, and Venetian red at the same time. I had telegraphed to a friend in Augusta, Tom Henry, to send me without fail two negro paper masks or doughfaces and a kinky chignon. I had ordered a carpenter to make a large flag staff in the shape of a cross and I got one of the ladies to make an enormous shirt, bigger than Goliath of Gath would have worn. The shirt was turned into a flag with the arms outstretched over the cross piece. The negro faces were tacked to the top back to back so as to make a grinning negro head from either side and the chignon was nailed on top of these.

Satan's appeal to the fallen angels: "Awake, arise or be forever fallen", had been emblazoned in large black letters on one side; and my brother suggested the motto for the other side:

"None but the guilty need fear."

The shirt was made bloody with the marks of supposed bullet wounds in red, and when the work of making the unique banner was completed, Ransom and others making suggestions, it was surely a most chastly object.

The yellow homespun shirts had been put on and every wearer stained his shirt with artificial blood according to his own fancy. Some used poke-berries to make the color more fiery than the Venetian red and turpentine, and vary the tint.

Everything in readiness, about four o'clock the day before court was to convene, the Hamburg rioters to the number of forty, uniformed as no men have ever been before or since, rode into the town of Aiken in column of twos. The flag which was in itself not very heavy required a very strong and muscular man to handle it when we began to gallop, and Milledge Horn was selected as flag bearer. He had lost five brothers in the Confederate army - a sure guarantee of his courage and daring - was six feet high, weighed over 200 pounds and was correspondingly muscular. As soon as we reached Aiken we rode quietly by every house where the ladies had been at work on our shirts so as to let them see us. Then stringing out in column of file, making a line nearly a quarter of a mile long, and the

order was given to gallop, and for a half an hour at breakneck speed we paraded through all the principal streets. It being dry we soon kicked up a great cloud of dust, while all the men in the town as well as the women and children, lined the space in front of their houses and stores and waved handkerchiefs and cheered us. Not a negro did we see.

Having shown how little terrified we were to thus beard the lion in his den, we proceeded in column of twos to Coker Spring, where we consumed an hour or more in washing the dirt off our faces and out of our eyes and ears, and watering our horses.

At that time there was stationed at Aiken a company of United States regulars. These were camped on the bluff overhanging Coker Spring. The strange and unique appearance of this new uniform and the men in it caused all of the soldiers to line up on the bluff and watch us with great curiosity and interest. When all our men had finished washing, and we were again in our places (everything having been done in military style, one man holding three horses with linked bridles, while the other three washed at the horse trough) Col. Butler gave the command: "Fours left, left dress." This threw us into line facing the bluff where the Yankees were gathered some sixty yards away and about forty feet above us. Then the order was given: "Three cheers for the boys in blue," and if there was ever a "rebel yell" it must have leaped from the throats of those determined and desperate men. As soon as the cheers were given the command followed: "Fours left, left by twos, march," and we started off back up the hill briskly, toward the town.

Almost as if by magic the Yankee soldiers who were all in uniform received the order from someone: "Fall in, right dress". As they were already in line it took them only two or three seconds to get in military formation and without counting off the order was given: "Three cheers for the white men in white." The answering call of the northern white man to the southern white man was as hearty and vigorous as our defiance had been.

I will say in passing, that, while some of these same men marched sixteen miles to Rouse's Bridge to stop the Ellenton riot some weeks later, and were held along with a large number of other troops in the disturbed region - one whole regiment being sent to Edgefield court house in October - none of the soldiers ever displayed any other than the most friendly and kindly feeling and they had no stomach whatever for the dirty work they had been sent into the state to do. They obeyed orders, which is the duty of a soldier, but they never showed any feeling other than good-will and sympathy for our people. But while the Sweetwater Sabre club and its successor in Meriwether township, the democratic fighting club, came in

contact with the troops on several occasions afterwards they were never permitted to cheer us again.

The rioters in their bloody shirts returned to their quarters. In this parade the shirts were worn as blouses over the pants, pistol belts outside. Some of the men wore them home, and one young man, John Crawford, I think, caused his sisters to become dreadfully frightened because they thought he was wounded. I carried the flag to my home and I have always regretted that it was destroyed by fire when my residence was burned some three years later.

It was a unique scene in the court room when Judge Maher ordered bail to be granted, fixing the sum as I recall it, at \$2,000 each. The argument of the case had delayed action far into the night. Lamps had to be brought in, and as the restless "prisoners" would pass in and out of the court room and take their seats, the thud of the barrels of their revolvers could be heard as the pistols came in contact with the benches.

When court was adjourned the men began to make inquiry of the clerk of the court as to when they could file their bonds. He in a rather petulant and irritable manner, which was natural because he must have been very much fatigued, replied: "Some-time in the morning." Just then I overheard Sheriff Jordan whisper to him: "You had better let these men get out of town tonight else they may burn it and hang you before morning." In a trice the manner of the clerk changed and he began to hand out blank bail bonds to be signed by all the applicants and their sureties. We all went on each other's bonds, and it became a joke, causing great amusement, that Creighton Matheny, who did not own ten dollars worth of property, had signed bonds to the extent of \$20,000. In truth the whole performance was a perfunctory and in many respects a laugh-able travesty on law, for if they had attempted to put us in jail I am sure few or none of us would have acquiesced; and we would have probably killed every obnoxious radical in the court room and town and gone to Texas or some other hiding place. In an hour we had departed and gathering up our camp followers were on our way home.

We had in truth waved the bloody shirt in the face of the Yankee bull and dared him to do his worst. It is needless to say that this daring act on the part of the whites served to intensify the fears of the negroes, while among the whites the bond of race drew us closer together. It was "all for one and one for all" and the state's motto: "Animis opibusque parati" - feady with our lives and fortunes - pulsated as the sentiment in every bosom.

I am very much gratified to know that you have withheld yourselves from looking for something to eat at this late hour long enough to listen to this recital of facts of what we in the

lower part of the state had to do to save the lives of our wives and children and to preserve our very civilization itself. It is a compliment both to you and to me that I appreciate to the utmost, and I close this recital by extending to you my thanks with the assurance that as long as South Carolinians are true to themselves and to each other the State will never again have to pass through such an ordeal.

THE NED TENNANT RIOTS

The years between 1868 and 1876 were the darkest in the history of the people of South Carolina. There were dark, gloomy days during the British occupation in the Revolution, but to quote from Judge T. J. Mackey, "Not since the Saxon wore the Norman's collar" had any free people ever been subjected to such robbery and oppressive tyranny as we suffered in those eight years.

I have thought it worth while, having been earnestly solicited by several men interested in South Carolina history, to give reminiscences of some incidents of this gloomy and wretched period.

Among the earliest acts of Governor Scott's administration was the organization of 8,000 negro militia. He had declared that the "rebels" in South Carolina would become very restive under the rule of aliens and negroes, and that it would be necessary to have a military contingent to support the civil government and maintain order. In order to obtain the necessary arms and equipment, he went to General Grant in person, and induced him without any authority of law, to issue to the State its quota of arms under the Congressional Appropriation, for twenty years in advance. These arms were the then newly-perfected Springfield Rifles, and 8,000 negroes were all furnished with regulation United States Army uniforms, belts, cartridge boxes, canteens, etc. One regiment was organized in my native County (Edgefield) the one in which I now live.

Owing to the large number of negroes in that portion of the County, indicating the wealth of the land-owners before the war, there were two companies in Meriwether Township where I then resided. One of these was commanded by a full-blooded negro named Bullock who lived on the lands of Mrs. Eliza Lanham, three miles from my home. Some of his men worked with me. The captain of the other company was named Ned Tennant. He rented land from Mr. M. O. Clover, and his home was between seven and eight miles from mine; while the distance between Bullock and Tennant was about the same. A large number of Tennant's men lived in the strip of country between Big Stevens Creek and Savannah River. This creek is fordable in only a few places, which fact it is well to bear in mind when I go to speak of what is known as the 'Second Ned Tennant Riot'. The negroes in Meriwether Township outnumbered the whites four to one.

The presence in the community of these negro soldiers or militiamen was considered such a menace, and there was so much

angry feeling among the white people on account of them, that almost from the time of their organization, it was evident that there would soon be bloody clashes between the negro militiamen and the whites. The negroes had seen negro soldiers belonging to the United States Army during the occupation of the State prior to Reconstruction; and when these arms and uniforms were distributed and Tennant and Bullock began to drill their companies, which they did quite frequently, it was a great gala occasion for all the negro men and women who could find time to get to the places of rendezvous. Several times each year there was a regimental muster at Edgefield, the companies marching up and down the road to and from the courthouse. It always caused great excitement among the negroes while it occasioned intense anger among the whites. The negroes grew more impudent and unbearable every day.

In 1874 this feeling had reached such a pitch that it was easy to produce conditions which precipitated what is known as the "First Ned Tennant Riot".

I will say, by the way, that this man Tennant who was somewhat of a dashing character and adorned his hat with a long ostrich plume, was not a full-blooded negro, but probably had one-fourth white blood in his veins judging from the color of his skin. He held some petty office under the county government which enabled him to own a very good horse. He was far more hated by the whites, as well as dreaded by them, than Bullock. Bullock indeed, was much more of a warrior for parade than for business, and never caused the whites much trouble or uneasiness.

The cause of the first riot or threatened conflict between the races was this: Tennant had been drilling his company on Saturday, July 4th, 1874, and on the same day there was a meeting of white men in the neighborhood below him which was quite numerously attended. The negroes on their drill days always used drum and fife, the bass drums being the largest that could be secured. The noise which they made so enraged some of the young white men at that meeting that they decided to give Ned Tennant a warning and frighten him or precipitate trouble of some kind so as to bring on a conflict. With this idea in view, in returning home after dark - for they lived in the country north of Tennant - they left the public road and taking a bridle path which went by his house they emptied their pistols in front of his home, shooting into the door. Tennant had an understanding with his men that if he beat the "long roll" at any time they, and all other negroes who heard it, were to assemble at his house with their arms at the earliest moment possible. He was afraid to beat the drum immediately after the firing by the white men, but waited until he had gathered a score or more of his nearest followers and then started his drummer to work about midnight.

As this drum could be heard under favorable conditions of the weather seven or eight miles, its beating at that hour of the night very soon aroused the whites, especially those who were nearest by, and it soon became known that the negroes were assembling in large numbers, coming from all directions. Those of Bullock's company who were near joined in with those of Tennant's, and by daybreak there were several hundred negroes assembled, a large number of whom were armed with the Springfield rifles and in uniform. The whites, who had sent out couriers proclaiming the uprising of the negroes, were much excited, and all sorts of rumors were set afloat. Some of these were to the effect that the negroes threatened to kill all whites from the cradle to the grave and burn as they went, etc.

The year previous, owing to the dangerous conditions in our township, we had organized what was known as the "Sweetwater Sabre Club" with Col. A. P. Butler, an old Confederate soldier, as captain. We had some 45 young men from Aiken and Edgefield Counties, mostly unmarried, with headquarters at the old Revolutionary church of that same name some eight and one-half miles above Hamburg. We had bought uniforms and sabres, and had equipped ourselves with army pistols, and many of us had improved carbines or Winchesters. But the large majority had as an additional weapon to those already mentioned, shot-guns, which is known to be one of the most deadly of all weapons at any distance under one hundred yards when loaded with buckshot. We had arranged a plan of getting together promptly by a regular system of couriers, who would warn all the members of the company in a given sequence whenever anyone authorized to call us together had notified the first man. He would then notify a certain number of others and the machinery was so perfectly arranged that the company could at any time assemble in two hours at a given point within the region where we lived.

Milledge Horne, a neighbor and school-mate of mine who lived two miles south of me, was the man who brought the notice of Ned Tennant's rising to me about seven o'clock Sunday morning. I was the outside man to the north belonging to the company, while the Hammond boys who lived within three miles of Hamburg were on the southern edge. I will never forget the feeling of anxiety, alarm and anger with which I heard this dreaded intelligence. Horne's report was, there were between 400 and 500 negroes assembled and that our company was ordered to meet at Hancock's Spring just as soon as possible. The first thing I did was to hurry my wife up to my mother's, who lived three-fourths of a mile away. I had on my place about twenty negro men and, of course, under conditions like those with which I found myself confronted it was a question just what should be done. There was living with me a young white man by the name of William Cook, who had a wife and several children, and he also

carried his family to my mother's. We left the white women alone giving notice to the negroes on the place why we were going away and telling them in very plain language that if anything happened while we were gone there would be something to pay for it when we got back. Cook and I seized our arms and hurried away, reaching the place of rendezvous some eight miles distant shortly after 10 o'clock where we found some 60 or 70 men already on the ground. Two or three had been sent off by Col. Butler as scouts in the direction of Ned Tennant's house, which was three miles distant to the north. We soon learned that a similar assemblage of whites was going on near Republican Church, two miles north of where Ned Tennant lived. There were constant accessions to our force, so that by 11:30 we had in the neighborhood of 100 men and decided to move up within striking distance of the negroes. Tennant's house was in a field some one-half or three-fourths of a mile from the Martintown Road and about one-fourth of a mile from Chavis or Mill Creek. This stream is fordable in only a few places, not by reason of its depth, but by reason of its steep banks and quicksand. The negroes were thus protected in a way on one side. Just before reaching the bridge over this stream the white men stopped and two well-known and prominent men who knew Tennant, Rev. John P. Mealing and Dr. H. A. Shaw, were sent by Col. Butler to Ned Tennant's house to make inquiry of him as to what he meant by the unheard of and outrageous assemblage in such a threatening attitude, and to give him to understand that if the whites were not assured at once of his willingness to disperse his negroes that we would attack him and his crowd.

He also had had out scouts and probably felt alarmed at the prompt assemblage of two bodies of whites, one on either side of him. After some parleying, in which he disclaimed any sinister purpose, saying he had only called his men together for self-protection and pointed to the marks of bullets in the door, he agreed to dismiss his company and order all the negroes to go home if the whites would, and we would have no trouble over the matter.

It was between one and two o'clock by this time and assurance of no intention to begin the fight having been made by both sides the negroes began to disperse very rapidly. All of those who had to cross Stevens Creek to reach Tennant had to pass as they returned to their homes right along by where the white men were assembled. There were probably 200 of these.

I will say in passing that Mill Creek enters Stevens Creek within less than one-half mile of where the Martintown Road crosses it, and the Martintown Road runs parallel with Stevens Creek to where it enters Savannah River seven or eight miles lower down.

The first Ned Tennant Riot therefore caused no bloodshed and was hardly worth the name of a riot, although the threatening aspect at one time indicated that a clash between the races was inevitable. It necessarily intensified the feeling of resentment against the negro militia and this culminated the succeeding winter in the circulation of a pledge among the land-owners of Meriwether Township, obligating ourselves not to rent land to any member of the negro militia or give them employment. This pledge was signed by nearly every land-owner in the township and it was kept by all of those who signed it. Those who did not sign rendered themselves very obnoxious and were almost ostracised by their fellows. As there were some two hundred negroes placed under the ban, many of them had to move away and there were only three or four places in the township where they could get homes. Ned Tennant himself did not succeed in getting any land in Meriwether Township, and very much against the wishes of his neighbors Tennant was given a home by Mr. Joshua McKie, who lived in the adjoining township of Washington, which lies between Stevens Creek and the Savannah River. This action led to a very sad tragedy. Joshua McKie, who was a refined and high-toned gentleman, lived a secluded life and knew very little of the feeling which existed among the people. After he had rented the land and signed the lease, when it was too late, he found himself shunned and ostracised by his friends, and even by his kinsmen. It was generally beleived that this preyed upon his mind so that it was the cause of his suicide, which occurred soon after.

The election of 1874, the pricinct at Shaw's Mill on Big Stevens Creek which was within two miles of Ned Tennant's home on the Glover place, is worthy of mention. The number of negro voters were more than five to one of the whites, but by some manipulation which nobody ever clearly understood except those who performed it, the precinct went democratic. Mr. Joseph Meriwether was the democratic manager and there was a white clerk. In those days we had one white manager and two negroes. How Meriwether accomplished the trick I never knew, but it was the first instance in South Carolina of which I ever heard where so heavy a negro precinct was carried by the whites. It was an object lesson in the possibilities of what white nerves and brains can accomplish when desperation and necessity prompt to action.

SECOND NED TENNANT RIOT

Ned Tennant, having rented a plantation which had been practically abandoned for several years, used his new quarters as a rendezvous for a large number of his old men who had to leave Meriwether Township; and he still preserved the military organization and enlisted others in the neighborhood, as that section is a densely populated one, with the proportion of blacks to whites of more than ten to one.

In the winter of 1875 (February, I think) the residence of Gen. M. C. Butler, whose plantation lies about four miles from where Ned Tennant had obtained an harborage, was burned by incendiaries. While there was nothing but circumstantial evidence and suspicion upon which to act, warrants were issued for Ned Tennant and several of his leading men as the parties who had perpetrated this outrage. A constable who sought Tennant at his place to serve the warrant, found no one at home.

The white men who were concerned in working up the case, judging from the temper of the negroes, thought it would be necessary to resort to drastic measures in order to make any arrests. At the same time they felt that on account of the large number of negroes in that immediate vicinity it would be dangerous for two or three men to undertake to hunt Tennant up, so they arranged to have the magistrate summon a posse comitatus, and this was done. The men who were called on belonged mostly to the Sweetwater Sabre Club, about twenty of whom under Lieutenants Butler and Shaw accompanied the constable to Tennant's house. He evidently had out videttes, for again the house was empty, and the white men decided to do some scouting. While part of them on horseback started in one direction in the open field, a dozen or so began to beat through a pine thicket near the house. They had hardly entered this body of timber before they were fired on by some of the negro militiamen who were concealed in a gully. As soon as the whites got a glimpse of the negroes they returned the fire and two of the negroes were wounded. None of the whites were hurt as the negroes shot over the white men's heads in their fright. The wounded negroes set up a loud yelling from the pain and all of the others stampeded and were never seen again. The men on horseback returned and the whole posse after beating about the neighborhood for a little while, fearing to be ambushed again and knowing that they were hopelessly outnumbered if the negroes should make a stand, retired to the main public road and went to their homes. The succeeding night as Dr. Thomas J. McKie, a prominent physician of that neighborhood and a brother of Mr. Joshua McKie, was returning from visiting the wounded negroes in the neighborhood of Tennant's house, he was fired on from

ambush. His horse being a spirited animal, dashed away and saved him from being murdered. As soon as he reached home the alarm was sent up and down Savannah River. The news soon crossed Stevens Creek to the east and it was almost like the fiery cross among the old Scotch Highlanders in its effect.

It is eight miles from Dr. McKie's to Shaw's Mill, the crossing place on Stevens Creek by ferry; but more than 1,000 white men coming from as far north as Abbeville, thirty miles distant, and from the region on the east, soon assembled, all armed and determined to make an end of such disturbances in the country.

There were never this many men in one body, but in companies of 200 or 300 they began to scour the whole region between Stevens Creek and Savannah River as far north as Modoc, searching for Ned Tennant and his militiamen. The negroes were so terrorized that they left their houses and, although the whites were familiar with all parts of the country, some of which is densely wooded and much of it in pine thicket and exceedingly rough and broken, for more than thirty-six hours there was not to be found in that whole region a single negro, man, woman or child. Parties of white men moving on both sides of Stevens Creek necessarily created great commotion. Some of the white men would return home after a fruitless day of searching, but their places would be taken the next day by other companies coming from a farther neighborhood, and the whole of Western Edgefield and Southern Abbeville was aroused and on the move at one time or another. The third day after McKie had been fired on, after all the fruitless searching had discouraged the whites, a messenger reported to Gen. M. C. Butler who had been in general command of the searching parties that Ned Tennant and all of his militiamen, Bullock's company as well as his own, had marched into Edgefield Courthouse about 10 o'clock and going to the home of Lawrence Cain, the Colonel of the regiment and State Senator, stacked their arms and turned them over to him declaring that Gen. Butler and 1,000 white men were hunting for them and they had brought the guns to Cain to keep from having to surrender them or be killed.

Cain had them carry the guns to the jail and deposit them for safe keeping with the Radical jailer; but a couple of nights afterwards the jail was raided by the whites and all of the arms disappeared. In fact the whole carpet-bag county government which was composed mostly of negroes was very much frightened. The negro militiamen in other parts of the county never drilled any more.

Ned Tennant had shown himself a skilful tactician. He and his men had crossed Stevens Creek, which as I have mentioned was a deep stream and fordable in only a few places, and had kept well concealed by following the valley of Horn's Creek and Cedar Creek,

hiding in the swamps by day and prevented their whereabouts from being discovered. He had marched twenty-five miles through a country swarming with whites looking for him without ever having been discovered, and his whereabouts was entirely unknown until he appeared at the court-house to voluntarily surrender his arms. The effect of this riot on both the whites and blacks was very marked, as it helped to nerve the whites to a more determined purpose of overthrowing the carpet-bag regime, and also taught them the tactics which were followed in all succeeding race clashes. When the white men heard of a negro uprising anywhere they would arm themselves and hurry to the scene, and every negro who heard of it made haste to go in the other direction.

My own participation in the second riot was small. I had spent the night in Augusta on business when Dr. McKie was fired on and knew nothing of the disturbance until I had started home about 1 o'clock the next day. As soon as I learned that there was a call for the Sweetwater Sabre Club, which was the nucleus for the whole countryside, I hurried to Col. Butler's home eight miles from Hamburg, and leaving my wife and buggy I borrowed a saddle and hurried to Shaw's Mill, but found that the whites to the number of 200 or more had been scouring all the region around Gen. Butler's home, and finding no negroes were returning home, so I returned to Col. Butler's and went on to my home the next morning. The search for the negroes in the upper part of Meriwether Township and the southern part of Washington Township, was continued for the next two days by other parties of white men who came down the river and from across the creek. We did not know this was going on or we certainly would have been there. But it was only after Ned Tennant's delivery of his guns to Cain that the country became quiet once more.

THE MC KIE OUTRAGE IN 1876

The Hamburg Riot was like a fire bell in the night in its call to the white men of the State to rally, and make one desperate fight to regain their lost liberties and the right of self government. Conditions in the country along the Savannah River near Augusta had reached such a desperate pass that no man's life was safe, and highway robbery was very common. As a justification for the apparent highhanded action of the whites in demanding the surrender of the arms of the negro militia company and then besieging it in its armory - the riot followed by the execution of five prisoners - I will give a brief recital of an incident which occurred five miles from Hamburg the latter part of September, 1876. It will illustrate fully the type of negroes who had made Hamburg an harbor of refuge from which they would make forays into the surrounding country. It was a veritable den of thieves and robbers.

Henry Getzen, who has been mentioned more than once in these reminiscences, married the daughter of Robert J. Butler in 1874, and has lived near Hamburg or in North Augusta ever since. He was an active participant in the Hamburg and Ellenton Riots, has been trial justice at Hamburg for more than twenty-five years, served as assistant sergeant-at-arms for the Senate investigating committee which made inquiry into the negro disturbances in 1876, and is in every way one of the best posted men on the events of that period that I know. This is a verbatim statement from him recently dictated to a stenographer:

"In 1874 or 1875 Dock Adams came to Hamburg from the sand-hills above Augusta. He was a former servant of Mr. I. T. Heard of that city and was elected captain of the military company in Hamburg. Soon after, John Barnes came, from whence I do not know, and he bought a lot in Hamburg. He also joined the militia company. Then came Adam Johnson with his two daughters and their husbands, whose names I forget. Barnes was the leader of one gang of robbers and Johnson of another, and both made Hamburg their headquarters. After the riot in July these negroes scattered, most of them going to Charleston and Beaufort. They left a lot of stolen plunder in Hamburg in an old storehouse on Main Street. When this was discovered by the whites some months later it was found that their depredations had extended from Thomson on the Georgia Road to Blackville on the South Carolina Road, where stores and dwellings had been burglarized. After things quieted down following the Hamburg Riot, some of the gang were returning home by way of Aiken, at which place they burned the Baptist Church and burglarized C. K. Henderson's store, obtaining several improved Smith & Wesson army pistols. Some miles out from Aiken at Bank's Mill

they killed two Germans by the name of Hauser, whose house they robbed and burned. These Germans were newcomers and had not been naturalized. Then they made their way on towards Hamburg, killing a Jew peddler at Horse Creek Bridge by the name of Levine. The next night they attacked Tom McKie's house five miles from Hamburg and one of the gang was killed in the yard. The sheriff of Aiken County under pressure from the influential Germans in that city "got busy", and a number of the Johnson gang were arrested and five of them were afterwards convicted and hanged. Barnes was followed to Hamburg from Aiken by a negro deputy sheriff by the name of Pete Waggles and killed in the street. Waggles claimed that he had arrested Barnes, when one of the Barnes gang shot at Waggles and killed Barnes; but no one knows whether this was a trumped-up story or not, as no investigation was ever had. Indeed the condition of the country was so lawless that the killing of a negro or a white man excited little comment."

Mention has been made of an attack on the house of Thomas McKie. Mr. McKie was a warm personal friend of mine and from his own lips a number of years before his death and more recently from those of his widow, I obtained the facts in regard to that matter. McKie had been to Augusta that day and sold two loads of cotton, seventeen bales, paying out most of the money to his hands; but undoubtedly the negro thugs in Hamburg expected to make a rich haul. The boldness with which they went about their work showed that the presence of the soldiers and the assurances of the politicians had made them very rash and reckless.

The McKie family of husband, wife and five children with a visitor, Mrs. Andrew Hammond and her little son, were at supper in an out-house in the yard adjoining the kitchen about 8 o'clock, when the dogs, of which there were a good number, pointers and foxhounds, made a great out-cry of barking. McKie jumped up from the table and went to the front door to look, but it being very dark he could see nothing. But he heard the sound of voices and the breaking of corn stalks in the orchard just back of the garden on the side next to Hamburg. Presently the negroes opened fire on the dogs from the garden and from in front of the house, which sits some 80 yards back from the Martintown Road. McKie hurried back to his family and told them to go into the woods back of the house, and for his wife to make her way to her mother's, which was a half a mile down the road towards Hamburg. He seized his shot-gun and bag of ammunition and returning towards the dwelling got under it. Mrs. McKie, who had run into the house, blew out the lamps just as the negroes began firing at the windows, and the shattering glass flew all over the rooms. The negro nurse had seized the little baby and ran off to the grist mill some half mile back in the plantation, and it was not until long after midnight that the half-crazed mother was reunited with her infant.

The outcry of the dogs, the firing of pistols by the negroes and the darkness and confusion caused the fugitives to become separated. Mrs. Andrew Hammond became lost in the woods, while Mrs. McKie and four of the older children made their way through the black-jacks to a point opposite her mother's, Mrs. Charles Hammond, and then crossed the road to the house.

The gang of robbers in the meantime, under the lead of Needham Jenkins, had approached the house from the end. It is built on brick pillars, some five feet above the ground. Jenkins, either by accident or from previous information, found a carpenter's bench which had been used for painting the ceiling of the house, and mounting this, began with his heavy Smith & Wesson pistol, which was like those stolen from Henderson's store in Aiken, to break in the sash just as Mrs. McKie fled out the back door. The outcries of the negroes one to the other could be heard: "We have got him now", "Kill the damn scoundrel", etc. This all made up a scene of terror and horror which few people have ever had to undergo. McKie in the meantime had made his way among the pillars of the house to the point where the negro was breaking in the window, standing on the bench above him. Placing the muzzle of his gun almost touching the negroe's stomach he fired the load upwards through the body killing him instantly. The pistol dropped and the negro fell across the bench in an almost equal balance, the body not reaching the ground, and it lay there stark and stiff until the sun was high in the heavens the next day. The family have the pistol yet.

This incident is one of the most dramatic of which I have ever heard mention. The attack on the home of a wealthy and highly-respected citizen in the early hours of the night; the fleeing of the frightened women and children; the separation of the mother from her infant; the courage and coolness of the father and husband defending his home against the attack of a dozen black miscreants bent on murder and robbery; the death of the negro leader; the flight of the cowardly assassins; and the uproar in the neighborhood all together make a story not soon to be forgotten.

Leonard Cook, the father of the negro marshal at Hamburg, Jim Cook, whose death has been described during the Hamburg Riot, hurried to Mrs. Charles Hammond's, the mother of Mrs. McKie, terrifying the family with the news that "Marse Tom" had been killed, and then hurried on down the Martintown Road bearing the news to the neighbors, James Hammond, Harrison Butler and others.

The negroes on the McKie farm, living at the quarters some hundreds of yards from the residence, hearing the fusillade, were terrified, at first believing that the Ellenton rioters were

returning home and were firing off their guns. McKie remained under his dwelling awaiting developments until after things quieted down enough to encourage his own hands to come to see what the trouble was. Listening to their lamentations about Marse Tom being killed, and concluding that they were not in any way in collusion or sympathy with those who had made the attack, he came out among them and told one of the head men to go around the corner and he would find something. This the negro did and came upon the body of Jenkins hanging across the bench. In a little while McKie's brother-in-law, Mede Hammond, and a son of Mrs. Andrew Hammond (Leroy) who were the first white men to hear of the trouble, came to him. Leroy Hammond became almost frantic because of anxiety about his mother, while the other Hammond was equally alarmed about the fate of his sister and her children.

White men began to troop in from all directions until by daylight there was a large company. But there was no clue which they could follow except that the dead negro was known to have lived in Hamburg. McKie's negroes loaded the body of Jenkins on a wagon, and under instruction from the whites drove it to Hamburg and dumped it on the sidewalk in front of a negro restaurant. The wagon was driven by Leonard Cook, who, doubtless in view of the fate of his son, was more than willing to show that he had no part or lot with this outrage.

THE ELLENTON RIOT

The Ellenton Riot followed the Hamburg Riot on the 20th of September, 1876, just six weeks after that bloody drama; and no doubt it was caused by the ignorance of the negroes in that region who out-numbered the whites ten to one; as well as by the fact that the troops had come to the State, and the word had gone out that the National Government would protect the negroes and hang the Hamburg Rioters. Ellenton is twenty-two miles below Augusta on the Port Royal Railroad and is more than thirty-five miles from the place where I then resided.

The riot was brought on by a negro woman beating a white woman for whom she was cooking. A warrant was issued for the arrest of the negro woman and the negro men in the community rose, seized their arms and refused to permit the arrest. Two white men were shot from ambush and killed, and the whole Savannah River valley from Beech Island to Allendale became involved. The negroes flocked together and fired on the whites from the bushes and swamps as they crossed bridges over the streams. The riot which began on Friday lasted more than a week, and, like the second Ned Tennant Riot, had two chapters or phases. Armed white men hurried to the scene from Abbeville County, forty miles above Augusta, from all the western and northern side of Edgefield County, and from the counties of Aiken, Barnwell and upper Hampton, to the number of several thousand.

My own share in the riot ended on Tuesday, noon, though I did not reach home until late Wednesday. I received notice on Monday morning about 8 o'clock that Col. Butler, who had gone to the scene of disturbance on Saturday evening, had been ambushed at the Rouse's bridge over the Three Runs, six miles from Ellenton. He was in command of the Schultz Democratic Fighting Club of Aiken County (the scheme of organization in each county of having a fighting contingent of young, well-mounted, well-armed men in each township had divided Sweet-water Sabre Club, the majority of whose members lived in Meriwether Township, Edgefield County, and were in my command). His son, William Butler, brought me the news of his father's appeal to Dr. Shaw for help; and I at once sent out couriers calling the Meriwether Club to meet at the Lower Cherokee Pond as soon as possible. This was eight miles from my home on the way to Hamburg, and between 11 and 12 o'clock of the same day, with forty men, we left for the Three Runs, crossing Horse Creek swamp and entering Beech Island near Hankinson's Store. This was some miles from the place where the trouble had begun, but it had extended down the river altogether, as the negroes up the river had too vivid a recollection of the Hamburg Riot

to show any disposition to fight. We rode the thirty miles to the Three Runs by sundown. A few Aiken County men joined us en route, so that by the time we reached the bridge I had between 50 and 60 men. We went into camp about half a mile from the swamp. We were told that Col. Butler had gone to Ellenton, the scene of the greatest disturbance, where the negroes were threatening to tear up the Fort Royal Railroad. Most of my men had some food in their haversacks, for our frequent experiences in hasty calls to duty had taught us all to pick up any cooked food we could get before leaving home and be prepared for rapid movement at a moment's notice. We obtained food for our horses out of a neighboring cornfield. Sentinels were placed round the camp, and the weather being warm and the men much fatigued from rapid riding, all were soon asleep in the fence corners. My old chum, Milledge Horn, had brought a raw ham along with him and I recollect with what keen relish I enjoyed a slice of that ham which he broiled over the coals on his ramrod.

I was suffering from a severe case of ophthalmia which had been very persistent, but the green shade which I wore, and being at the head of the column, had prevented my getting much dust in my eyes. As the inflammation was in the lid rather than the ball I could see as well as anyone. Every man who went after corn in the field seemed to think that my horse would suffer unless he brought along an ear or two for him, so that next morning my old gray was nearly knee deep in shucks and fodder and half-eaten ears.

We had received information during the night that Capt. George Bush, a kinsman of mine who lived about two miles in the direction of Ellenton, would have food prepared for our breakfast, so that the next morning by the time the sun was an hour high, after watering our horses we started for Capt. Bush's, who gave us a substantial meal of barbecued shoat, coffee and corn pone. We reached Ellenton about 10:30 and found that Col. Butler and all of the men under his command, some 600, had started for Rouse's Bridge up the East side of the stream. They had been skirmishing with the negroes all day Monday and had killed and wounded a number of them. As we crossed the bridge near Ellenton over the Three Runs we saw a coffin containing the dead body of a negro named Bryant, who had been killed as Capt. Bush's company from the east side of the stream was returning home. These men had been ambushed and fired on as they were crossing the bridge and in the return fire this negro met his death. It was a rather gruesome object as it lay by the side of the road in the plain pine coffin. This negro had been killed on Saturday night before. The reason he had not been buried was that the negroes were afraid to be seen handling the coffin. They had placed him in it, but before they could haul it away the whites appeared on the scene and the negroes took to the swamps.

The Ellenton company and Col. Butler's company had come together on Saturday on account of the gathering of the negroes, and after a parley with the negroes like we had at the first Ned Tennant Riot, it was agreed that both races would disperse, and they would have peace. But on their way home as the Ellenton company was crossing the stream after dark they were fired into with the result above mentioned. One white man was slightly wounded and this negro killed. Two white men were killed in the neighborhood in the same way that night.

Col. Butler had gone a good distance on the road to Augusta when he was overtaken by a messenger, telling him of the ambushing at the bridge, and when he returned next morning to the bridge he himself came very near being ambushed as I have already stated.

Col. Butler's approach to Rouse's Bridge was accompanied with some events both startling and ludicrous. From friends who accompanied him I learned some of the particulars. Luther Ransom, and a Beech Islander named Bill Fage, were some distance acting as scouts. As they reached the edge of the swamp they found themselves suddenly surrounded by a band of negroes who sprang up out of the gallberry bushes with leveled guns and commanded them to surrender. This they did rather than be shot, as they were taken at a disadvantage.

Almost immediately afterwards a squad of skirmishers under Luther Reese, consisting of nine men with carbines and rifles, deployed on both sides of the road, came upon the scene and taking in the situation they opened fire upon the negroes, several of whom were killed and wounded. The rest fled, leaving Ransom and Fage free to rejoin their comrades. Just a few minutes after this little brush, Col. Butler, with the main command, reached the foot of the hill, and halting to make inquiry of Reese what the firing was about was told of the swamp being full of negroes, and advised to order his command to right about, and not run the risk of an ambushade.

The road, as it approaches Rouse's Bridge descends a long slope some 300 or 400 yards from the plateau, and this had washed down so that the banks on either side of the road were from ten to fifteen feet high. The entire command of some fifty or sixty men riding in column of twos were enclosed, as it were, between these red clay walls. Two or three men were following behind in buggies and these completely blocked the road, which was only wide enough for one vehicle. When Col. Butler gave the order to right about, the rear, after wheeling, found themselves pressed from behind and were unable to get around the buggies. The suddenness of the movement gave something of the air of panic to the situation, because everybody had heard the firing and everything was in confusion. One of the buggies was literally torn

to pieces by the horses, while another was upturned on its side. It was only when they had reached the open country and had reformed that there was anything like order. Some of the men turned their horses loose and scrambled up the banks, while several who had active, strong horses, succeeded in leading them up the part of the slope which was not so steep.

Two days later, as I rode through this sunken road or gulch, I saw the tracks, finger prints and marks of the scramble to get out of the cul-de-sac in which they found themselves. The negroes might have made it a very serious matter had they had any generalship or courage, for the fences on both sides were lined with blackjacks, and it was a typical spot for an ambushade. Several negroes were killed and wounded as it was. They were lurking in the old straw field among the scattered pines on the side of the road, and as the white men deployed and advanced towards the bridge they sprang up to run and were fired upon.

Reese's skirmishers had not found them, and the firing caused them to lie concealed until the company deployed and began to advance as skirmishers in a long line.

All of this I learned on Tuesday from those who participated in it.

Both races seemed to have been gathering on Sunday, and, as I recall it, not much fighting was done on that Day. By this time the disturbance had extended into Barnwell and Gen. Johnson Hagood, at the head of a large number of men, was scouting and watching the negroes in the neighborhood of Robbins and Millet, more to overawe the negroes than to kill them, for no fighting occurred except around Ellenton and Rouse's Bridge.

When we arrived at Ellenton and learned of Col. Butler's march towards Rouse's Bridge, I began to make inquiries about the roads, and knowing that in a poor pineywoods region where the land is not cultivated that it would be almost impossible for us to find our way because of the numerous roads, I set about trying to get a guide who knew the country. While waiting (it was only a few minutes) a construction train dashed in from the direction of Port Royal, and I noticed that in addition to the regular railroad hands, there were four or five armed white men on it. Presently these emerged from around the corner of the depot with a negro prisoner. I saw that their leader was Capt. Nat Butler, the one-armed brother of Gen. M. C. Butler. He was living in Augusta at the time. He and the other white men had caught this construction train as it left the city that morning and gone down to Robbins, where they had seen a negro man run out of his house and hide under his crib. Stopping the train they hurried to the place and captured Simon Coker, the mulatto leader of the negroes in Barnwell County. He was State Senator from that county and had

made a very incendiary speech to the negroes on Sunday, so we were told, urging them to fight for their rights; that the war had begun, and that they must stand up and kill our all of the whites.

Advancing toward me as I sat on my horse at the head of the column of twos, Capt. Butler asked, "Have you any men from Edgefield here?" I replied, "We have about forty." "I want two," he said, and without waiting for me to tail them he turned to the two men who were nearest him and said, "You two boys come with me." The two men thus addressed were young Dunlap Phinney, a Floridian of Laurens County parentage, who was living with an uncle, H. G. Simpson, and the other was J. G. Holder, a kinsman of mine. Both of them had been in the Hamburg riot, and they very promptly jumped off their horses, hitched them, and fell in with the squad which had Coker in charge.

In a brief while the man who had offered to guide us to Rouse's Bridge had obtained his horse, and as I gave the command, "Column right about," and started back to the main public road, I saw Capt. Nat Butler's squad marching across the open pasture towards the public road 400 yards distant from the depot. The road which we had to take on account of the fences carried us back by a detour of half a mile or more before we struck this same road and turned down it. So there was ample time for the work which Butler had in hand to be performed before we reached the scene. We had heard pistol shots, and soon came on Coker's dead body in a path by the roadside; but the white men who had done the work were already half way across the field towards Ellenton. There was a ghastly wound in the forehead of the mulatto, and young Phinney told me afterwards that remembering Pomp Curry's playing possum in Hamburg, and afterwards becoming the principal witness against us, he had placed his pistol near the head of the negro after he had fallen and fired this shot, remarking, "Captain, I did not want any more witnesses to come to life again."

I never saw anything more that day of any of the men who had been in this squad, as Butler and his friends from Augusta went back to the city, while Phinney and Holder, after getting their horses and going around to reach the forks of the road took the wrong road. They did not discover their mistake until they reached Robbins.

They afterwards told me of the occurrences preceding Coker's death. When Capt. Butler reached the clump of bushes by the roadside, he turned to Coker and said: "You have but a few minutes to live; is there anything I can do for you?" The mulatto very calmly replied, "Yes, sir, here is my cotton house key. Please send it to my wife and tell her to gin Mr. So and So's (his landlord) cotton and pay him the rent as soon as she can." Butler replied, "Very well, I will attend to that, is there anything else?"

The negro replied, "Yes, sir, I would like to pray." "Very well, get at it," replied Butler.

The negro dropped to his knees and began his petition to that Judge before whom he was so soon to appear, but after a few moments Butler said, "You are too long; make ready, men." All cocked their pistols and the order "aim, fire," was given with the negro still kneeling.

It will appear a ruthless and cruel thing to those unacquainted with the environments; but those who are disposed to criticise the actions of the men at Hamburg and Ellenton must first put themselves in the places of the whites who had been trampled in the mire by the carpetbaggers and negroes for eight long years, and realize that the struggle in which we were engaged meant more than life or death. It involved everything we held dear, Anglo-Saxon civilization included.

With my company I hurried on through the blackjacks toward Rouse's Bridge. As we approached from the east side of the stream we would occasionally get a whiff of the smell of gunpowder. We were expecting to be fired on from the swamp along which we were riding, but nothing happened until we reached the bridge. Here a rather ludicrous spectacle met our gaze. The bridge was something like 150 yards long and in the middle, over the main stream, three or four planks had been taken up by the negroes and dropped down into the water, and had floated away, leaving a gap which made it impossible for anyone in a vehicle to use it. On the bridge was a buggy to which was hitched a mule. The young man driving it was Ed Hammond, of Aiken County near Hamburg, who had gone on the bridge without knowing that the planks were taken up and seemed to be cogitating as to what he ought to do; as it was a long way to back off and impossible to go forward. We rode into the stream which came up to our saddle skirts. As most of the men knew Hammond they yelled and asked him why he did not unhitch the mule and push the buggy back.

"Have you seen anything of Butler and his command?" I asked.

"I have been following them with the ammunition," replied he, "and they are just ahead of you."

We entered the swamp and expected every moment to come upon Col. Butler. As we reached the high ground some half mile from the bridge we came out into an open space which had at one time been cultivated, and found between 1000 and 1500 armed white men, some mounted and some on foot, but all gathered in groups talking. Riding up to some of these I asked where Col. Butler was, and informed that he was some 100 yards or so away. Halting my company, I rode in the direction pointed out, and after greeting him asked

him what was the matter.

He replied, "We have just been stopped by the Yankee troops. We deployed after crossing the Three Runs in a skirmish line up and down the stream, and advanced through the swamp, expecting to drive the negroes out into the open. My nephew, "Big John" Butler, spied a man through the bushes and was just about to fire on him when he discovered it was a white man in uniform. Upon reporting to me, I went to make inquiry and discovered that there was a squad of sixteen soldiers under command of Lieutenant Hinton, who had reached the negro camp a short time before we were about to attack it. The negroes had retired into the swamp at his command and the Yankee lieutenant informed me that he had received orders to come to Rouse's Bridge as soon as he could and stop the rioting."

Butler asked him, "And you have come here to prevent us from punishing these black assassins who have been shooting us from ambush?" To this the lieutenant replied: "I have come to stop all conflict between the races."

"If we stop now, what guarantee have we that the negroes will not fire on us from the swamps as they did last Saturday, as we were on our way home?" asked Butler.

"I will issue orders to prevent anything of the kind," replied the lieutenant.

"Very well," answered Butler, "see to it that your orders are obeyed, as we are in no humor to have more men assassinated, and I give you warning that if any more white men are hurt, it will take a great many squads like yours, in fact several regiments, to prevent our retaliating."

Mingling with a group of the leaders, I soon found that they were in a very angry frame of mind, and hardly knew what to do. I told these men that I had one piece of good news for them, and then told them of Simon Coker's death. The news seemed to be especially gratifying to the men from Barnwell; though it gave keen pleasure to all of the white men who had heard of his incendiary speech at the negro church on the previous Sunday.

In a little while the various commands and those who belonged to no command began to disperse until the roads leading away were full of men. This was about 12:00 Tuesday.

My company and Col. Butler's men, all living more than thirty miles away, started off together. Capt. Paul Hammond, who owned a plantation a few miles from Rouse's Bridge, asked us to stop and let him give us some dinner, which invitation we gladly accepted. When we reached the plantation he had the cooks pre-

pare us a meal of boiled bacon, corn pone and collard greens. The fat meat and corn bread were keenly relished by the time it was cooked, between 3 and 4 o'clock.

As we approached Hankinson's store, the men who had friends and relatives in the neighborhood asked leave to be dismissed, some going on to Augusta that night, but I spent the night with a kinsman, Jonathan Miller. The next morning with three or four of my immediate neighbors, I started homeward, reaching our destination some time after noon.

But this was by no means the end of the Ellenton Riot. The negroes dispersed and began to bury their dead, who were scattered over a considerable scope of country. No one never knew how many were killed, but the best informed men estimate that between 80 and 125 lost their lives.

After the troops returned to Aiken and those of us who had been engaged in the earlier events of the week had returned home, the whole region of country from Hankinson's store to Robbins was invaded by companies of white men from upper Edgefield and southern Abbeville, who had crossed the Sandbar Ferry below Augusta the day we dispersed. Coming in so late they did not meet us, and these later reinforcements did as much or more killing than had occurred while there was resistance on the part of the negroes. They spared none, they said, however innocent or guiltless they might have been at the time.

Between 600 and 700 white men were arrested on account of the riot under warrants charging murder and conspiracy to murder. Most of these men were never tried. The reason why the indictments were not pressed was that after the election in November, and the recognition of Hampton as Governor of the State in March, the carpet-baggers and negroes who were indicted for their many crimes committed under the radical regime, had the authorities in Washington use these Ellenton cases to secure an exchange of prisoners, so to speak. The democrats in Washington had agreed with the republicans that Hayes would be inaugurated as the choice of the "Eight to seven Commission", upon condition that the troops be withdrawn from the states of Louisiana and South Carolina. This compromise arrangement was followed by a further agreement that the suits in the federal courts against the white rioters would be nol prossed if the suits against the negroes and carpet-bag thieves were not pressed.

I obtained this information from my brother, Hon. G. D. Tillman, who was in Washington all that winter, contesting Robert Small's seat in the House of Representatives.



APPENDIX F

Heritage Act Legal Papers

Cook, Robert D., Solicitor General, Letter to Kelly F. Zier, September 28, 2017;
Re: Mr. Zier's Letter of September 28, 2017 regarding the Heritage Act.

Addy, Frank R., Jr., Resident Circuit Court Judge; Opinion in the case of Waller,
Thomas, et al vs. The State of South Carolina regarding the Greenwood (SC)
War Memorial.



ALAN WILSON
ATTORNEY GENERAL

September 28, 2017

Kelly F. Zier, Esq.
City Attorney, City of North Augusta
602 West Avenue
North Augusta, SC 29841

Dear Mr. Zier:

Thank you for your letter of September 22, 2017 regarding the Heritage Act. You are requesting an opinion regarding the applicability of the Act to the "Meriwether Monument."

As we discussed by phone, litigation is pending challenging the validity of the Heritage Act. This Office is representing the State and the Attorney General, who are defendants in this lawsuit. We have argued in the litigation that the Heritage Act is constitutionally valid. We are awaiting the issuance of an order in that case. Because this litigation is ongoing, it would be inappropriate to comment on your request at this time beyond what has been stated in our previous opinions.

As we also discussed, we have issued a number of advisory opinions regarding the requirements of the Heritage Act. Several of these opinions are enclosed for your review. We have noted that § 10-1-165 requires that only the General Assembly, by two thirds vote of each house, may alter or amend the Act with respect to historical monuments or markers. You will note that one of these opinions relate to the Cold War, a historic conflict which is not specifically named in the Heritage Act.

Thank you again for reaching out to our Office.

Sincerely,

Robert D. Cook
Solicitor General

Enclosures

WESTLAW

2012 WL 1964394 (S.C.A.G.)

Office of the Attorney General

The Honorable Jackie S. Bowers
Office of the Attorney General May 16, 2012 (Approx. 6 pages)

*1 The Honorable Jackie S. Bowers
Clerk of Court
Newberry County
P.O. Drawer 10
Newberry, South Carolina 29108

Dear Ms. Bowers,

We received your letter "requesting a clarification of S.C. Code Section 14-17-210 as it pertains to the County Clerk of Court's responsibility concerning the courthouse." Noting this section provides that the "clerk shall have charge of the courthouse," you ask whether "this duty goes beyond opening and closing the courthouse as needed, and in addition, whether or not the clerk is charged with assigning office space and maintenance of the building." In addition, you ask for "clarification as to whether or not it refers to any building in the county which houses a courtroom." By way of background, you explain that Newberry County has a main courthouse, a courthouse annex in which the Family Court is held, and a courtroom at the Magistrate's Office adjacent to the jail.

Law/Analysis

The Legislature has charged the governing body of a county with the responsibility of providing certain county officials, including the clerk of court, with office room at the county courthouse:

The governing body of each county shall furnish the probate judge, auditor, superintendent of education, clerk of court, sheriff, treasurer and master in equity of their respective counties office room, together with necessary furniture and stationery for the same, which shall be kept at the courthouse of their respective counties, and it shall supply the offices of such officials with fuel, lights, postage and other incidentals necessary to the proper transaction of the legitimate business of such offices.

S.C. Code Ann. § 4-1-80. Furthermore, the governing body of each county is responsible for making "any alterations and additions deemed advisable, or which may become necessary, to any courthouse or jail built in the several counties." § 4-17-60.

As you indicate, section 14-17-210 provides:

Every clerk shall have charge of the courthouse within his county, open the same when required for public use and at all other times keep it closed. For every night any courthouse shall be kept open the clerk shall be liable to a penalty of five dollars for the use of the county, to be recovered by indictment.

(emphasis added).

Prior opinions of this Office have broadly construed the clerk of court's authority over a county courthouse. As we stated in a 2000 opinion:

This Office has previously interpreted the phrase "shall have charge of the courthouse" to mean that the Clerk of Court is vested with custody and control over the courthouse and that the Clerk is entrusted by statute with the management of the building in all respects except where alterations or additions to the courthouse are involved. [Op. S.C.

SELECTED TOPICS

Counties

Public Buildings and Other Property
Use of County Property

Secondary Sources

APPENDIX II FEDERAL REGULATIONS

ADA Compliance Guide Appendix II

...Additionally, subscribers will find other federal regulations in this appendix that are relevant to ADA compliance. ADA architectural standards are reprinted in Appendix III of the Guide. A note about ...

Power of governing body of county to dispose of county real estate in absence of specific statutory authority

21 A.L.R.2d 722 (Originally published in 1952)

...As to the power of a municipal corporation to lease or sublet property owned or leased by it, see 63 A.L.R. 614, supplemented in 133 A.L.R. 1241. It has been held in a number of cases that a county can...

APPENDIX IV GUIDANCE AND TECHNICAL ASSISTANCE MANUALS

ADA Compliance Guide Appendix IV

...Under the Americans with Disabilities Act of 1990 (the "ADA"), an employer may ask disability-related questions and require medical examinations of an applicant only after the applicant has been given ...

See More Secondary Sources

Briefs

Reply Brief for Defendants-Cross-Appellees

2015 WL 401245
MHANY MANAGEMENT, INC., aka New York Acorn Housing Company, Plaintiff - Appellee - Cross - Appellant, New York Communities for Change, Inc., Intervenor - Plaintiff - Appellee - Cross - Appellant, Acorn, The New York Association of Community Organizations for Reform Now, Daphne Andrews, Vic Devita, Vernon Ghulickie, Natalie Guerrero, New York Acorn Housing Company, Inc., Lisbett Hunter, Francine McCray, Plaintiffs, v. COUNTY OF NASSAU, County of Nassau
United States Court of Appeals, Second Circuit.
Jan. 15, 2015

...1. Whether New York State law gave the County any practical role in the adoption of the zoning ordinance by the Village of Garden City. 2. Whether the County had fulfilled its obligations to the United S...

Brief for Defendants-Cross-Appellees

2015 WL 293438
MHANY MANAGEMENT, INC., aka New York Acorn Housing Company, Plaintiff - Appellee - Cross - Appellant, New York Communities for Change, Inc., Intervenor - Plaintiff - Appellee - Cross - Appellant, Acorn, The New York Association of Community Organizations for Reform Now, Daphne Andrews, Vic Devita, Vernon Ghulickie, Natalie Guerrero, New York Acorn Housing Company, Inc., Lisbett Hunter, Francine McCray, Plaintiffs, v. COUNTY OF NASSAU, County of Nassau
United States Court of Appeals, Second Circuit.
Jan. 15, 2015

...1. Whether New York State law gave the County any practical role in the adoption of the

Att'y Gen., 1961 WL 8462 (Dec. 8, 1961)]. Therefore, we advised that *the maintenance and upkeep of the courthouse falls within the jurisdiction and authority of the Clerk of Court.* Id.

*2 Op. S.C. Att'y Gen., 2000 WL 356787, at *1 (Feb. 23, 2000) (emphasis added); see also Administrative Order of the Chief Justice. September 20, 2002 (finding "the Newberry Clerk of Court is responsible for maintaining the Newberry County Courthouse and its contents"). In that opinion, we concluded that although the clerk of court has custody and control over the courthouse building, this custody and control does not extend "outside the walls of the courthouse building to the surrounding property" such as the courthouse parking lot. Id.

In a 2002 opinion, we concluded that the clerk of court's authority under section 14-17-210 should be read "as extending to the entire courthouse building." Op. S.C. Att'y Gen., 2002 WL 735347, at *1 (April 8, 2002). We noted although that statute "was first enacted long ago in 1839, the General Assembly has not seen fit to repeal it." Id. We advised, however, that "the Clerk's authority may not be deemed to conflict with other statutes relating to the Probate Court, such as for the Court to maintain its own records pursuant to Section 14-23-1100." Id.

Likewise, the South Carolina Supreme Court broadly construed the clerk of court's authority over a county courthouse pursuant to section 14-17-210 in McCormick County Council v. Butler, 361 S.C. 92, 603 S.E.2d 586 (2004). In Butler, the Court addressed the question of who, as between the County Council and the Clerk of Court, had the authority to assign office space and possess the keys to offices in the McCormick County Courthouse. Noting that such authority is not expressly provided to anyone by sections 4-1-80, 4-17-60, or 14-17-210, the Court found the language of section 14-17-210 "giving the clerk of court charge of the courthouse must include the assignment of offices and possession of keys." Id. at 94, 603 S.E.2d at 586-87 (emphasis added). The Court also observed that "the county has no authority to control the Clerk of Court" because "§ 4-9-650 specifically states that the county administrator does not have authority over elected officials whose offices are created by the Constitution" Id.

In addition, the Court in Butler considered an administrative order dated June 23, 2004, in which the Chief Justice ordered that, pursuant to section 14-17-210, the McCormick County Clerk of Court has charge of the courthouse including the authority to exercise control over the assignment of rooms and possess all office keys. Id. at 93, 603 S.E.2d at 586. Citing Article V, section 4 of the South Carolina Constitution, the Court noted that "[a]s the administrative head of the unified judicial system, the Chief Justice has the authority to issue administrative orders controlling the courts in the State. Id. at 94, 603 S.E.2d at 587. "Because authority to control the courthouse is given to the Clerk of Court," the Court held "the Clerk of Court has the authority to assign offices in and possess the keys to the offices in the courthouse." Id.

*3 In light of the above authorities broadly construing the clerk of court's "charge of the courthouse" pursuant to section 14-17-210, we believe the Clerk of Court is vested with custody and control over the Newberry County Courthouse. This includes responsibility for the management of the entire building in all respects except where alterations or additions are involved, as well as responsibility for the maintenance and upkeep of the building. Consistent with Butler, the Clerk's authority to control the courthouse specifically includes the authority to assign offices and possess the keys to the offices in the courthouse.

You also ask whether the Clerk of Court's control of the courthouse includes any building in Newberry County that houses a courtroom. You specifically inquire about the Family Court and a magistrate's court located outside of the Newberry County Courthouse.

We are aware of no statutory provision specifically providing who has charge, custody, or control of a building housing a family court or a magistrate's court. We think it significant to note that some county courthouses throughout this State do house either a family court or a magistrate's court even though such is not required under the law. See, e.g., § 63-3-350 ("Each county shall provide sufficient physical facilities for the operation of the statewide Family Court system in that county"); Baker v. Dorchester County Council, 315 S.C. 143, 432 S.E.2d 468 (1993) (holding § 63-3-350, then cited as § 20-7-1490, does not require that family court be located in county courthouse or county seat, but location must be readily accessible to majority of county residents); § 22-8-30(A) ("Each county shall provide sufficient facilities and personnel for the necessary and proper

zoning ordinance by the Village of Garden City. 2. Whether the County had fulfilled its obligations to the United S...

Jurisdictional Statement

1976 WL 194438
Mary WILLIAMS, et al., Appellants, v. John R. JONES, as County Appraiser of Escambia County, Florida, formerly known as Tax Assessor of Escambia County, Florida; E. J. GIBBS, Jr., as Tax Collector of Escambia County, Florida; Grady ALBRITTON, Zearl R. LANCASTER, Sam ARMOUR, L. D. MCARTHUR and Carl WEST, as and constituting the Board of Tax Adjustment of Escambia County, Florida; and State of Florida Department of Revenue, Appellees. DUNES MOTEL, INC.,
Supreme Court of the United States
May 28, 1976

...The judgment of the trial court is not reported and is set forth in App. p. 25A to 40A. The cases below were considered together but separate judgments were entered in the lower courts and insofar as L...

See More Briefs

Trial Court Documents

In re Ocean Place Development, LLC

2011 WL 2750869
In Re: OCEAN PLACE DEVELOPMENT, LLC., Debtor.
United States Bankruptcy Court, D. New Jersey.
Mar. 31, 2011

...CHAPTER 11 This matter comes before the Court by way of a Motion filed by Debtor, Ocean Place Development, LLC ("Debtor" and/or "Ocean Place") for a final order approving the use of cash collateral. AF...

In re Appalachian Oil Co., Inc.

2011 WL 6779431
In re APPALACHIAN OIL COMPANY, INC.
United States Bankruptcy Court, E.D. Tennessee.
Dec. 15, 2011

...SO ORDERED. SIGNED this 05 day of November, 2010. THIS ORDER HAS BEEN ENTERED ON THE DOCKET. PLEASE SEE DOCKET FOR ENTRY DATE. Chapter 11 The debtor having filed a second amended chapter 11 plan on Oct...

In re Boulder Crossroads, LLC

2009 WL 8188938
In re: BOULDER CROSSROADS, LLC,
Debtor.
United States Bankruptcy Court, D. Delaware.
Feb. 17, 2009

...SIGNED this 30th day of November, 2010.
<<signature>> CRALG A. GARGOTTA
UNITED STATES BANKRUPTCY JUDGE
CHAPTER 11 Boulder Crossroads, LLC
("Boulder" or "Boulder Crossroads" or "Debtor"), filed a petiti...

See More Trial Court Documents

operation of the magistrates' courts in that county"). In light of Butler and prior opinions of this Office broadly construing the clerk of court's authority to control the county courthouse pursuant to section 14-17-210, we believe this authority clearly encompasses control over a family court or magistrate's court located within the walls of a county courthouse.

The question thus becomes whether the clerk of court's authority to control the county courthouse pursuant to section 14-17-210 extends to a family court or magistrate's court located outside the walls of the county courthouse. Section 14-17-20 provides:

The clerk of the court of common pleas elected in each county pursuant to Section 14-17-10 is ex officio clerk of the court of general sessions, the family court, and all other courts of record in the county except as may be provided by the law establishing the other courts.

§ 14-17-20 (emphasis added); see also § 14-17-220 ("Every clerk ... shall discharge all the duties required by law or the rules of court, from time to time, or that may be incident to the office") (emphasis added).

*4 Since the clerk of court is ex officio the clerk of the family court, the clerk's authority to control the courthouse pursuant to section 14-17-210 arguably extends to any building which houses the family court. Furthermore, the Chief Justice has repeatedly ordered circuit court judges designated as chief judges for administrative purposes to "assist the clerk of court in fulfilling his or her responsibility pursuant to S.C. Code Ann. § 14-17-210 (1976) to assign courtrooms and offices to the presiding circuit and family court judges." Administrative Orders of the Chief Justice, June 28, 2007; February 4, 2011. Since administrative control of the unified judicial system and all of its courts is vested in the Chief Justice pursuant to Article V, section 4, we defer to her determination as to the clerk of court's responsibilities pursuant to section 14-17-210. Therefore, we conclude the Clerk of Court's authority to control the Newberry County Courthouse pursuant to section 14-17-210 extends to any building which houses the Family Court. To conclude otherwise would do nothing more than create confusion and disputes over the administration of county courthouses.

The clerk of court is not, however, ex officio clerk of a magistrate's court pursuant to section 14-17-20 since magistrates' courts are not courts of record. See § 22-3-730 ("All proceedings before magistrates shall be summary"); In re Richland County Magistrate's Court, 389 S.C. 408, 419, 699 S.E.2d 161, 167 (2010) ("Magistrate's court is summary in nature and is not a court of record"). Furthermore, we are aware of no order from the Chief Justice providing that the clerk of court's charge of the courthouse pursuant to section 14-17-210 extends to a magistrate court. Therefore, we are unable to find any authority which can be relied upon to conclude that the Clerk of Court exercises any degree of control over a facility housing a magistrate's court at a location outside the walls of the county courthouse. If this is not the result intended by the Legislature or the Chief Justice as the administrative head of the unified judicial system, either the Legislature or the Chief Justice could provide clarification as to the clerk of court's authority over such magistrates' courts.

Very truly yours,

Harrison D. Brant
Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Deputy Attorney General

2012 WL 1964394 (S.C.A.G.)

End of Document

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WESTLAW

2000 WL 356787 (S.C.A.G.)

Office of the Attorney General

Anna H. Gibson

Office of the Attorney General February 23, 2000 (Approx. 2 pages)

RE: Informal Opinion

*1 Anna H. Gibson
 Administrator
 County of Marlboro
 P.O. Box 419
 Bennettsville, South Carolina 29512

Dear Ms. Gibson:

Your opinion request has been forwarded to me for reply. You ask whether the **Clerk of Court** has control of the **Courthouse** property. You state "[t]he circumstances that prompt the question is the designation of parking places in the **Courthouse** parking lot on the square for certain employees in the **Courthouse** by the **Clerk of Court** and a pending ordinance of the County Council that prohibits the designation of parking places for employees."

The powers and duties of Clerks of Court are discussed in Chapter 17 of Title 14 of the South Carolina Code of Laws. Pursuant to Section 14-17-210:

Every clerk shall have charge of the courthouse within his county, open the same when required for public use and at all other times keep it closed. For every night any courthouse shall be kept open the clerk shall be liable to a penalty of five dollars for the use of the county, to be recovered by indictment. (emphasis added).

This Office has previously interpreted the phrase "shall have charge of the **courthouse**" to mean that the **Clerk of Court** is vested with custody and control over the **courthouse** and that the **Clerk of Court** is entrusted by the statute with the management of the **building** in all respects except where alterations or additions to the **courthouse** are involved. Op. Atty. Gen. dated December 8, 1961. Therefore, we advised that the maintenance and upkeep of the **courthouse** falls within the jurisdiction and authority of the **Clerk of Court**. Id.

As you can see from this prior opinion, we have found that the **Clerk of Court** has custody and control over the **courthouse** building. However, it would not appear that this custody and control extends outside the walls of the courthouse building to the surrounding property.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With best personal regards, I am
 Sincerely yours,

Paul M. Koch
 Assistant Attorney General

2000 WL 356787 (S.C.A.G.)

End of Document

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SELECTED TOPICS

Clerks of Courts

Nature and Extent of Authority
Duty of the County Clerk of Each County

Secondary Sources

APPENDIX IV: ADMINISTRATIVE
LETTER RULINGS: DOL, WAGE AND
HOUR DIVISIONPublic Employer's Guide to FLSA Emp. Class.
Appendix IV

...(The following article appeared in the July 1995 update to the Employer's Guide to the Fair Labor Standards Act, published by Thompson Publishing Group. It is intended to provide basic information on e...

APPENDIX I - FEDERAL STATU

FDA Enforcement Man. Appendix I

...Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or...

APPENDIX III - JUDICIAL OPINI

FDA Enforcement Man. Appendix III

...No. 74-215 Supreme Court of the United States 421 U.S. 658; 95 S. Ct. 1903 2d 489 Argued March 18-19, 1975 June 9, 1975 Mr. Chief Justice Burger delivered the opinion of the Court. We granted certiorar...

See More Secondary Sources

Briefs

JOINT APPENDIX, VOL. I

2012 WL 5901652
 JONATHAN EDWARD BOYER, Petitioner, v.
 STATE OF LOUISIANA, Respondent.
 Supreme Court of the United States
 Nov. 19, 2012

...Court met, His Honor Fred R. Godwin, Judge presiding; with Richard Gray, Deputy Sheriff; Paula Rostaest, Deputy Clerk of Court; Donald Guidry, Asst. District Attorney; and Patricia Hanks, Court Reporter...

Doug Dretke, Director, Texas
 Department of Criminal Justice,
 Correctional Institutions Division,
 Petitioner, v. Michael Wayne Haley,
 Respondent.

2003 WL 23310881
 Doug Dretke, Director, Texas Department of
 Criminal Justice, Correctional Institutions
 Division, Petitioner, v. Michael Wayne Haley,
 Respondent.
 Supreme Court of the United States
 Dec. 12, 2003

...THE GRAND JURORS, duly selected, organized, sworn and impaneled as such for the County of Smith, State of Texas, at the January - June Term, 1997, of the 7th Judicial District Court for said County, a ...

Frank Basil MCFARLAND, Petitioner, v.
 JAMES A. COLLINS, DIRECTOR,
 TEXAS DEPARTMENT OF CRIMINAL
 JUSTICE, INSTITUTIONAL DIVISION,
 Respondent.

1994 WL 16012102
 Frank Basil MCFARLAND, Petitioner, v.
 JAMES A. COLLINS, DIRECTOR, TEXAS
 DEPARTMENT OF CRIMINAL JUSTICE,
 INSTITUTIONAL DIVISION, Respondent.

Supreme Court of the United States
Jan. 21, 1894

...FN* Counsel of record Mr. Frank Basū
McFarland Elks 1 Unit, Route 6 Huntsville,
Texas 77343 Dear Sir: Enclosed you will find a
certified copy of this Court's order of August
16, 1993. Please note the...

See More Briefs

Trial Court Documents

U.S. v. Freeman

2011 WL 12828945
UNITED STATES OF AMERICA, v. Christy
Nicole FREEMAN,
United States District Court, M.D. Alabama
May 05, 2011

...Date of Original Judgment: 5/3/2011 (Or
Date of Last Amended Judgment) Correction
of Sentence on Remand (18 U.S.C. 3742(f)(1)
and (2)) Reduction of Sentence for Changed
Circumstances (Fed. R. Crim. P...

U.S. v. Panagotacos

2007 WL 4915305
UNITED STATES OF AMERICA, v. Daphne
PANAGOTACOS, Defendant.
United States District Court, C.D. California.
Dec. 18, 2007

...ekas: Daphne Irmgard Panagotacos (Last 4
digits) MONTH DAY YEAR In the presence of
the attorney for the government, the
defendant appeared in person on this date. 12
18 07 COUNSEL X WITH COUNSEL
Ronald...

U.S. v. Owen

2001 WL 36125613
UNITED STATES OF AMERICA, v. Harry
Carlos OWEN.
United States District Court, S.D. West
Virginia.
July 12, 2001

...(For Offenses Committed on or After
November 1, 1987) Mathew A. Victor
Defendant's Attorney THE DEFENDANT:
pleaded guilty to count(s) _ pleaded nolo
contendere to count(s) _ which was accepted
by th...

See More Trial Court Documents



WESTLAW

2015 WL 1093151 (S.C.A.G.)

Office of the Attorney General

The Honorable Michael A. Pitts

Office of the Attorney General February 25, 2015 (Approx. 3 pages)

*1 The Honorable Michael A. Pitts
 Representative
 District No. 14
 327-C Blatt Building
 Columbia, SC 29201

Dear Representative Pitts:

You have requested our opinion regarding the **Heritage Act**. By way of background, you reference H. 3574, a Joint Resolution altering the placement of names on a WWI and WWII monument, located at 332 Main Street in Greenwood. You have asked the following:

Would this resolution, should it pass, have statewide implications in regard to the **Heritage Act**? Would this allow the City of Greenwood to circumvent the **Heritage Act**? Who would the enforcing authority of the **Heritage Act** be should a violation occur?

Law/Analysis

Enclosed, please find an Opinion of this Office, dated June 10, 2014, which provides the guidance you are seeking. The Opinion addressed the question of whether the **Heritage Act**, codified at S.C. Code Ann. Section 10-1-165, must be followed before the Confederate Battle Flag (sometimes referred to as the "Naval Jack"), "first placed in The Citadel's Summerall Chapel in 1939", could be moved, *hi* that Opinion, we concluded that "the flag does fall under the provisions of the **Heritage Act** and requires the protection of law."

Section 10-1-65 was enacted in 2000 as part of a hard fought compromise to remove the Confederate Flag from atop the Statehouse Dome. Such a provision states as follows:

(A) No Revolutionary War, War of 1812, Mexican War, War Between The States, Spanish-American war, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, Native American, or African American History monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed or altered. No street, bridge, structure, park, preserve, reserve or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure or historic name may be renamed or rededicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection, preservation and care of these monuments, memorials or nameplates.

(B) The provisions of the Section may only be amended or repealed upon passing of an act which has received a two-thirds vote, on the third reading of the bill in each branch of the General Assembly.

Based upon the foregoing, as well as the broad language of § 10-1-165 of the **Heritage Act**, it is our opinion that the WWI and WWII monument in Greenwood would be covered by that Act. Accordingly, in order to make the changes to the monument proposed, the provisions of the **Heritage Act** would have to be followed. This means that such changes which may be proposed to the monument could not be made without an amendment to the **Heritage Act**. Such amendment would require a "two thirds vote on the third reading of the bill in each branch of the General Assembly."

SELECTED TOPICS

War and National Emergency

Legislative and Executive Departments of the Government of the United States

Secondary Sources

APPENDIX IV: ADMINISTRATIVE LETTER RULINGS: DOL, WAGE AND HOUR DIVISION

FLSA Emp. Exemption Hdbk. Appendix IV
 ... (The following article appeared in the July 1999 update to the Employer's Guide to the Fair Labor Standards Act, published by Thompson Publishing Group. It is intended to provide basic information on c...

APPENDIX I FEDERAL REGULATIONS

ADA Compliance Guide Appendix II
 ... Additionally, subscribers will find other federal regulations in this appendix that are relevant to ADA compliance. ADA architectural standards are reprinted in Appendix III of the Guide. A note about ...

APPENDIX III: FEDERAL REGULATIONS

Leave & Disability Coordination Hdbk. Appendix III

...SUMMARY: This document provides the text of final regulations implementing the Family and Medical Leave Act of 1993 ("FMLA"), the law that provides eligible employees who work for covered employers the...

See More Secondary Sources

Briefs

Brief for the Petitioner

2014 WL 3539338
 Menachem Binyamin ZIVOTOFISKY, by his parents and guardians, Ari Z. and Naomi Siegman ZIVOTOFISKY, Petitioner, v. John KERRY, Secretary Of State, Respondent. Supreme Court of the United States July 16, 2014

...The opinion of the Court of Appeals for the District of Columbia Circuit (Pat. App. A, pp. 1a - 63a) is reported at 725 F.3d 187 (D.C. Cir. 2013). Earlier opinions of the Court of Appeals are reported ...

Petitioner's Reply Brief

2011 WL 5073029
 Menachem Binyamin ZIVOTOFISKY, by his parents and guardians, Ari Z. and Naomi Siegman ZIVOTOFISKY, Petitioner, v. Hillary Rodham CLINTON, Secretary of State, Respondent. Supreme Court of the United States Oct. 24, 2011

...The Solicitor General's Brief marshals fragments of memoranda and occasional Congressional and Executive Branch reports to support its contention that the language of the "Reception Clause" of Article II...

Brief for the Appellee

2012 WL 4832081
 Menachem Binyamin ZIVOTOFISKY, by his parents and guardians, Ari Z. and Naomi Siegman Zivotofsky, Plaintiff-Appellant, v. SECRETARY OF STATE, Defendant-Appellee. United States Court of Appeals, District of

Conclusion

*2 Your specific questions are answered as follows:

1. Yes. The Resolution you reference would have statewide implications. The Heritage Act applies statewide and must be followed in order to make the changes proposed. Failure to follow the Act's requirements would set a statewide precedent.

2. No. The Heritage Act is applicable to your situation and may not be ignored. While, generally speaking, one General Assembly may not bind another, the provisions of § 10-1-165 facially require a two-thirds vote of each house in order to amend the Act. Such provision is binding. See S.C. Op. Att'y Gen., No. 80-53 (May 16, 1980) [Act requiring a two-thirds vote of each house to take specific action must be followed].

3. Enforcement of violations of the Heritage Act would have to be through the courts. A party with legal standing, such as the owner of the monument in question, would have to seek relief in the form of an injunction or a declaratory judgment action to enforce the provisions of the Heritage Act.

In summary, the Heritage Act's requirements are binding before a covered monument may be altered, removed or moved. The Greenwood monument you reference is included within the Act's coverage and must be followed.

Sincerely,

Robert D. Cook
Solicitor General

2015 WL 1093151 (S.C.A.G.)

End of Document

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Columbia Circuit
Oct. 10, 2012

...FN* Authorities chiefly relied upon are marked with an asterisk. Plaintiff invoked the district court's statutory jurisdiction under 28 U.S.C. §§ 1331, 1346(a)(2), and 1361. The district court dismissed...

See More Briefs

Trial Court Documents

USA, v. MAALI, et al.

2005 WL 6073853
USA, v. MAALI, et al.
United States District Court, M.D. Florida.
Sep. 08, 2005

...The defendant was found guilty on Counts 1, 4-6, 8, 9, 12-14, 18-22, 24-32, 34-37, 39-43, 45-51, 53, 54, 56-71 of the Third Superseding Indictment. Accordingly, the court has adjudicated that the defen...

In re Otelco Inc.

2013 WL 1332583
In re OTECO INC., et al., Debtors.
United States Bankruptcy Court, D. Delaware.
Mar. 24, 2013

...FN1. The last four digits of the taxpayer identification numbers of the Debtors follow in parentheses: (I) Otelco Inc. (6385); (II) Blountsville Telephone LLC (6681); (III) Brindlee Mountain Telephone ...

USA, v. MAALI, et al.

2005 WL 6073854
USA, v. MAALI, et al.
United States District Court, M.D. Florida.
Sep. 08, 2005

...The defendant was found guilty on Counts 54, 56, 57, 58, 59-71 of the Third Superseding Indictment. Accordingly, the court has adjudicated that the defendant is guilty of the following offenses: C1TEL...

See More Trial Court Documents

WESTLAW

2014 WL 2757536 (S.C.A.G.)

Office of the Attorney General

The Honorable Larry Grooms The Honorable Danny Verdin
Office of the Attorney General June 10, 2014 (Approx. 4 pages)

*1 The Honorable Larry Grooms
Senator
District No. 37
P.O. Box 142
Columbia, South Carolina 29202

The Honorable Danny Verdin
Senator
District No. 9
P. O. Box 142
Columbia, South Carolina 29202

Dear Senator Grooms and Senator Verdin:
You have requested an opinion regarding the Heritage Act, codified at S.C. Code Ann. Section 10-1-165. By way of background, you state the following:

[y]ou will recall the legislative session of 2000 and the debate over our historical symbols and the proper placement of such. The Heritage Act that came about as a result of the debate, reads in part, as follows:

Section 10-1-165. Protection of certain monuments and memorials.

(A) No Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish-American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, Native American, or African-American History monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered. No street, bridge, structure, park, preserve, reserve, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or dedicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection and preservation, and care of these monuments, memorials or nameplates.

As undersigned members of the General Assembly, we are seeking an opinion from you regarding the Confederate Battle Flag (sometimes referred to as the "Navel Jack") that was first placed in The Citadel's Summerall Chapel in 1939. The flag was received as a gift from the Cadet Yacht Club only one year after the opening of the chapel. General Summerall referred to it as:

"7F's tribute to the courage and valor shown by American manhood infighting for a cause."

Is the presence of the flag and the context in which it came to reside in the chapel consistent with the provisions of 10-1-165? Is it, therefore, afforded the same legal protection as other memorials in the section heretofore referenced?

We believe the flag does fall under the provisions of The Heritage Act and requires the protection of law.

Law / Analysis

SELECTED TOPICS

War and National Emergency
War and Relieved German Citizens

Secondary Sources

§ 4.05. GENERAL IMPLICATIONS OF GOODYEAR AND SUBSEQUENT CASE LAW.

33 E. Min. L. Found § 4.05

...In Mavrix Photo, Inc. v. Brand Technologies, Inc., Mavrix Photo Inc. (Mavrix), a Florida-based corporation that purchased candid celebrity photographs from photographers, filed suit in a California fed...

APPENDIX I: TEXT OF LAW AND REGULATIONS

Fam. and Med. Leave Hdbk. Appendix I
...Sec. 2801. Findings and purposes. Sec. 2811. Definitions. Sec. 2812. Leave requirement. Sec. 2813. Certification. Sec. 2814. Employment and benefits protection. Sec. 2815. Prohibited acts. Sec. 2816. L...

§ 51. Termination of war

§3 C.J.S. War and National Defense § 51

...In the legal sense, war continues until, and terminates at the time of, some formal proclamation of peace by an authority competent to proclaim it. Although war may come to an end by the simple cessat...

See More Secondary Sources

Briefs

Brief of Appellees the Turner Corporation and Kitchell Corporation

2002 WL 32107174
Josef Tiber DEUTSCH, an individual, and Josef Tiber Deutsch, as the survivor of George Deutsch, Plaintiff and Appellant, v. TURNER CORPORATION, a Delaware corporation; Hochtiel AG, a German corporation; Kitchell Corporation, USA, an Arizona corporation; and Does 1 through 100, inclusive, Defendants and Appellees. United States Court of Appeals, Ninth Circuit. Jan. 24, 2002

...Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, defendants and appellees The Turner Corporation ("Turner") and Kitchell Corporation ("Kitchel") state that defendant Hochtiel AG, a c...

Brief for Defendants-Appellees

2002 WL 32302288
Suk Yoon KIM, On Behalf of himself and All Others Similarly Situated, Plaintiff-Appellant, v. ISHIKAWAJIMA HARIUMA HEAVY INDUSTRIES CO., LTD., et al, Defendants-Appellees, Zhenhuan Ma, On Behalf of Himself and All Others Similarly Situated, Plaintiff-Appellant, v. Kajima Corp., et al, Defendants-Appellees. Sa Son "Sindo" Sin, On Behalf of Himself and All Others Similarly Situated, Plaintiff-Appellant, v. Mitsui & Co., Ltd., et al, United States Court of Appeals, Ninth Circuit. May 30, 2002

...FN* Certain appellees have not been served in all cases in which they are named defendants; joinder in this brief does not constitute an appearance in any case in which service was not properly made. N...

Brief of Appellees the Turner Corporation and Kitchell Corporation

We have previously issued several opinions regarding interpretation and application of the Heritage Act. See, Op. S.C. Att'y Gen., September 7, 2012 (2012 WL 4283911); Op. S.C. Att'y Gen., December 13, 2004 (2004 WL 3058237); Op. S.C. Att'y Gen., July 18, 2001 (2001 WL 957759). In the 2004 opinion, we addressed the question of whether the City of North Augusta could, consistent with the Act, "move monuments located in the Wade Hampton Veterans Park from their current location to the center of the park." We noted in that opinion that it is "quite clear" in the mandate of § 10-1-165 that "none of the specified monuments or memorials [in the statute] ... erected on public property of the State or any of its political subdivisions' may be relocated, removed, disturbed or altered." We quoted from the July 18, 2001 opinion construing Section 10-1-165 as to Confederate monuments as follows:

"2 "[t]he Legislature's purpose was obviously to protect and preserve historic monuments. A principal aim of the statute is to [ensure] ... that presently existing monuments, including those dedicated to service in the War Between the States and which are located on property of the State or its political subdivisions may not be relocated, disturbed, or altered.

Based upon that reasoning, we concluded in the 2004 opinion that "[i]t is the opinion of this office that the City of North Augusta is not permitted to move monuments located in the Wade Hampton Veterans Park from their current location to the center of the park."

In the September 7, 2012 opinion, we again construed § 10-1-165 broadly, consistent with the legislative intent of the Act, concluding therein that the Act covered monuments and memorials to those who served on submarines during the Cold War. It was our opinion that

[w]hile § 10-1-165 provides protection for certain monuments and memorials, we believe the Legislature clearly intended to protect other officially established public monuments and memorials dedicated to the men and women who served with distinction in defense of our country, including those who served on submarines during the Cold War. It seems reasonable these, too, are memorials contemplated by the Act. Any other reading of § 10-1-165 to limit the meaning of the Act thereof would be far too restrictive to the obvious mandate of the Legislature and render the underlying purpose of the Act absurd.

In the July 18, 2001 opinion, we observed that "[o]ver one hundred and seventy Confederate monuments and markers were erected throughout South Carolina." and that "[v]irtually all were presented to South Carolina towns and villages by private groups such as the United Daughters of the Confederacy, SCV or other similar groups devoted to the preservation of Confederate heroism and heritage." Thus, in our view, it would have been "far too restrictive a meaning of the statute to limit the meaning thereof only to governmental bodies per se."

It is also noteworthy that our Supreme Court has recognized that the erection of monuments, markers and memorials to the gallantry of service by men and women during wartime constitutes a valuable public purpose. As was said in Powell v. Thomas, 214 S.C. 376, 382, 92 S.E.2d 782, 784 (1949),

[i]t is generally recognized that the construction of memorial buildings, monuments and other public ornaments designed merely to inspire sentiments of patriotism may properly be deemed to be public purposes for which taxes may be imposed "The continuity of our governmental institutions is dependent in a large measure upon the perpetuation of a patriotic impulse which is but the willingness to sacrifice all for the ideas and the ideals which form the foundation stones of our republic. It will not be gainsaid that patriotism is promoted by the erection of a memorial monument, be it granite shaft or building, symbolic of the soldier's spirit or sacrifice, conceived consummated, in recognition of his deeds of heroic daring, and perpetuating in grateful remembrance those who dedicated their lives to the service of their country. Such a monument brings visibly and effectually before the minds of the present and future generations the sacrifices of the past. It is conceded, as it indeed must be, that the erection of a building as a memorial hall, to the extent that it would serve as a stimulus to patriotism, would be public purpose." (quoting Allied Architects Ass'n. v. Payne, 192 Cal. 431, 221 P. 209, 210 (1923).

"3 You note in your letter that the Confederate Battle Flag (sometimes referred to as the "Naval Jack") was "placed in the Citadel's Summerall Chapel in 1939." You further state that "the flag was received as a gift from the Cadet Yacht Club only one year after the opening of the chapel" and that General Summerall referred to it as "a tribute to the courage and valor shown by American manhood in fighting for a cause." In our opinion,

2001 WL 34094657

Josef Tiber DEUTSCH, an individual, and Josef Tiber Deutsch, as the survivor of George Deutsch, Plaintiff and Appellant, v. TURNER CORPORATION, a Delaware corporation; Hochtief AG, a German corporation; Kitchel Corporation, USA, an Arizona corporation; and Doses 1 through 100, inclusive, Defendants and Appellees. United States Court of Appeals, Ninth Circuit. Mar. 27, 2001

...Pursuant to Rule 28.1 of the Federal Rules of Appellate Procedure, defendants and appellees The Turner Corporation ("Turner") and Kitchel Corporation ("Kitchel") state that defendant Hochtief AG, a e...

See More Briefs

Trial Court Documents

In re Hayes Lemmerz Intern., Inc

2009 WL 8189025

In re: HAYES LEMMERZ INTERNATIONAL, INC, et al, Debtors. United States Bankruptcy Court, D. Delaware. May 11, 2009

...Upon the motion (the "Motion"), dated May 12, 2009, of HLI Operating Company, Inc. ("Hayes"), and certain of its direct and indirect subsidiaries (collectively, the "Debtors"), in the above-captioned ca...

In re Hayes Lemmerz Intern., Inc

2009 WL 8189024

In re: HAYES LEMMERZ INTERNATIONAL, INC, et al, Debtors. United States Bankruptcy Court, D. Delaware. May 11, 2009

...Upon the motion (the "Motion"), dated May 12, 2009, of HLI Operating Company, Inc. ("Hayes"), and certain of its direct and indirect subsidiaries (collectively, the "Debtors"), in the above-captioned ca...

Commodity Futures Trading Com'n v. Chase Commodities Corp.

2008 WL 8409174

COMMODITY FUTURES TRADING COMMISSION, Plaintiff, v. CHASE COMMODITIES CORP., Lee LaGerio, Excel Obando and Universal Financial Holding Corporation, Defendants. United States District Court, C.D. California. Jan. 26, 2008

...On August 4, 2004, Plaintiff Commodity Futures Trading Commission ("Commission," "CFTC," or "Plaintiff") filed its Complaint in the above-captioned action against Chase Commodities Corp. ("Chase"), Lee...

See More Trial Court Documents

2/3/2017

The Honorable Larry Grooms The Honorable Danny Verdin | Westlaw

this flag would be protected in its present location by the Heritage Act as a "monument[] or memorial[] erected on public property of the State

Conclusion

The General Assembly has mandated, by virtue of the **Heritage Act**, that monuments and memorials honoring the gallantry and sacrifice in this State's various wars are protected. Included expressly in that protection is the War Between the States. It is thus our opinion that the Flag referenced in your letter, the Confederate Battle Flag, placed in Summerall Hall in 1939 is protected by the **Heritage Act**. The Flag was placed there as a "War Between the States monument[] or memorial[] erected on public property of the State" As such, both the text of the statute, as well as our earlier interpretations of the Act, conclude that the law protects this Flag as it does other memorials of other wars, referenced in § 10-1-165. Accordingly, it is our opinion that this Flag may not be moved or relocated.

Sincerely,

Robert D. Cook
Solicitor General

2014 WL 2757536 (S.C.A.G.)

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WESTLAW

2004 WL3058237 (S.C.A.G.)

Office of the Attorney General

The Honorable W. Greg Ryberg
Office of the Attorney General December 13, 2004 (Approx. 3 pages)

*1 The Honorable W. Greg Ryberg
Senator
District No. 24
P. O. Box 1077
Aiken, South Carolina 29802

Dear Senator Ryberg:

In a letter to this office you referenced the provisions of S.C. Code Ann. § 10-1-165 (Supp. 2003) which states as follows:

(A) No Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish-American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, Native American, or African-American History monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered. No street, bridge, structure, park, preserve, reserve, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

(B) The provisions of this section may only be amended or repealed upon passage of an act which has received a two-thirds vote on the third reading of the bill in each branch of the General Assembly.

In your letter you indicated that the City of North Augusta is attempting to move monuments located in the Wade Hampton Veterans Park from their current locations to the center of the park. You have requested an opinion as to the propriety of the City's attempted actions.

In examining your question, several principles of statutory construction must be kept in mind. First and foremost, in interpreting a statute, the primary purpose is to ascertain the intent of the General Assembly. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). A statute must be given a reasonable and fair construction consonant with the purpose, design and policy expressed by lawmakers in the statute. Caughman v. Columbia YMCA, 212 S.C. 337, 47 S.E.2d 788 (1948). Words should be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1990).

A court will reject the meaning of the words of a statute which lead to absurd consequences. Robson v. Cantwell, 143 S.C. 104, 141 S.E. 180 (1928). Moreover, the context of a statute must be examined as part of the process of determining the intent of the General Assembly. Hancock v. Southern Cotton Oil Co., 211 S.C. 432, 45 S.E.2d 850 (1948). It is presumed that the General Assembly intended by its action to accomplish something and not to do a futile thing. State ex rel. McLeod v. Montgomery, 244 S.C. 308, 136 S.E.2d 778 (1964).

Based upon these foregoing rules of statutory construction, it is evident that the language of the referenced provision that none of the specified monuments or memorials "... erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered", is quite clear in its mandate that no such monument or memorial be relocated, disturbed or moved. As noted in a prior opinion of

SELECTED TOPICS

General Rules of Construction

Overrid Legislative Intent of the Statute

Secondary Sources

s 32. Legislativo-Judicial conflicts

19 S.C. Jur. Constitutional Law § 32

...(a) Legislative encroachment on the judiciary. The judicial power vested in the courts by SC Const Art V § 1 provides that judicial power shall be vested in courts for the purpose of enforcing and prote...

s 54:3. The spirit of a statute as a guide to its interpretation-Modern American practice

2B Sutherland Statutory Construction § 54:3 (7th ed.)

...The doctrine that a statute should be construed to conform with its spirit was rejected in a number of early American cases, and commentators have noted that the doctrine has had little influence on st...

APPENDIX III - JUDICIAL OPINI

FDA Enforcement Man. Appendix III

...No. 74-215 Supreme Court of the United States 421 U.S. 658; 95 S. Ct. 1903 2d 489 Argued March 18-19, 1975 June 9, 1975 Mr. Chief Justice Burger delivered the opinion of the Court. We granted certior...

See More Secondary Sources

Briefs

Respondent's Brief.

1948 WL 47535
The United States of America, Petitioner, v. The ZAZOVE, Respondent.
Supreme Court of the United States
Jan. 26, 1948

...Petitioner's statement (Bf. 4) that there was an offer of payment is inaccurate. Nothing was offered. Likewise the statement (Bf. 5-6) that the Veterans' Administration is required to use the American ...

Brief for the United States

1949 WL 50494
United States of America, Petitioner, v. Alexander Lawrence ALPERS.
Supreme Court of the United States
Nov. 23, 1949

...The opinion of the Court of Appeals (R. 14-18) is reported at 175 F. 2d 137. The judgment of the Court of Appeals was entered May 31, 1949 (R. 18-19). On June 30, 1949, by order of Mr. Justice Black, ...

Brief for Respondents Martin Exploration Management Company, et al

1988 WL 1031810
FEDERAL ENERGY REGULATORY COMMISSION, Petitioner, v. MARTIN EXPLORATION MANAGEMENT COMPANY, et al, Respondents. Public Service Commission of New York, et al., Petitioners, v. Martin Exploration Management Company, et al., Respondents.
Supreme Court of the United States
Feb. 16, 1988

...FN* Counsel of Record This case presents the question of whether the incentive price for price-regulated natural gas will continue to "be

this office dated July 18, 2001 construing Section 10-1-165 as to Confederate monuments,

*2 (t)he Legislature's purpose was obviously to protect and preserve historic monuments. A principal aim of the statute is to insure that presently existing monuments, including those dedicated to service in the War Between the States, and which are located on property of the State or its political subdivisions may not be relocated, removed, disturbed or altered.

Consistent with the above, it is the opinion of this office that the City of North Augusta is not permitted to move monuments located in the Wade Hampton Veterans Park from their current locations to the center of the park.

With kind regards, I am,
Very Truly Yours,

Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General

2004 WL 3058237 (S.C.A.G.)

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applicable" to such gas under the terms of the Natural Gas Poa...

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Trial Court Documents

Beachfront Entertainment, Inc. v. Town of Sullivan's Island

2006 WL 6102859
BEACHFRONT ENTERTAINMENT, INC., d/b/a Bert's Bar, John Elder, Mary Lynn Shepard and Cole Charles, Plaintiffs, v. TOWN OF SULLIVAN'S ISLAND, Defendant, Common Pleas Court of South Carolina, Dec. 20, 2006

...Hearing Date: October 3, 2006 This is an action contesting the validity of an ordinance enacted by the Town of Sullivan's Island regulating smoking in the workplace. This matter came before the Court o...

Johnson v. Beauty Unlimited Landscapa Co.

2007 WL 6518243
Macksoy JOHNSON, Employee/Appellant, v. BEAUTY UNLIMITED LANDSCAPE CO., Employer, Selective Way Insurance Co., Carrier/Respondents, Common Pleas Court of South Carolina, Apr. 18, 2007

...W.C.C. File No. 0114683 This matter arises out of a workers' compensation claim. The case came to be heard before me on February 28, 2007, in Charleston, South Carolina. The purpose of this hearing was...

Doe 2 v. The Citadel

2014 WL 8727884
John DOE 2, v. THE CITADEL, Common Pleas Court of South Carolina, Dec. 09, 2014

...Presently before the Court is Defendant's Motion for Summary Judgment. Plaintiff John Doe 2 has filed a Memorandum in Opposition to the Motion. On April 18, 2014, the Court heard oral arguments on the ...

See More Trial Court Documents

WESTLAW

2012 WL 4283911 (S.C.A.G.)

Office of the Attorney General

The Honorable Joe Daning

Office of the Attorney General September 7, 2012 (Approx. 9 pages)

*1 The Honorable Joe Daning
Member
House of Representative
District 92
310-B Blatt Building
Columbia, SC 29211

Dear Representative Daning:

In a letter to this Office, you reference the provisions of S.C. Code Ann. § 10-1-165, which provide that:

[n]o Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish-American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, Native American, or African-American History monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered. No street, bridge, structure, park, preserve, reserve, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

In your letter, you ask us for an opinion addressing whether the Patriot's Point Development Authority ("PPDA") may relocate the Cold War Submarine Memorial located at the Patriot's Point Naval and Maritime Museum in Mount Pleasant to accommodate the construction of a new Congressional Medal of Honor Museum.

Law/Analysis

The Legislature created the PPDA by statute in 1962. The PPDA is recognized as a "body politic and corporate" under the laws of South Carolina and has been given various corporate and other powers to enable it to govern. See S.C. Code Ann. §§ 51-13-710 et seq. Section 51-13-760 gives the PPDA "very broad and general powers to do and perform any act or function which may tend to or be useful toward the development and improvement of Patriots Point." *Op. S.C. Atty. Gen.*, November 15, 1994. Further, § 51-13-770 enumerates the various powers afforded to the PPDA by the Legislature in order to carry out the PPDA's purposes as stated in § 51-13-760. The PPDA's powers are enumerated in § 51-13-770 as follows:

- (1) Shall have the powers of a body corporate, including the power to sue and be sued, to make contracts and to adopt and use a common seal and after it as may be deemed expedient;
- (2) May rent, lease, buy, own, acquire, mortgage and dispose of such property, real or personal, as the Authority may deem proper to carry out the purposes and provisions of this article, all or any of them;
- (3) May acquire, construct, maintain, equip and operate docks, ships, piers, quays and other structures and any and all facilities needful for the convenient use of them in the aid of Patriot's Point development, including the dredging of approaches thereto and the construction of roads and highways thereon and bridges and causeways necessary or useful in connection therewith and transportation facilities incident thereto and useful or

SELECTED TOPICS

War and National Emergency

Legislative and Executive Departments of the Government of the United States

Secondary Sources

APPENDIX IV: ADMINISTRATIVE LETTER RULINGS: DOL, WAGE AND HOUR DIVISION

FLSA Emp. Exemption Hdbk, Appendix IV

...(The following article appeared in the July 1995 update to the Employer's Guide to the Fair Labor Standards Act, published by Thompson Publishing Group. It is intended to provide basic information on c...

APPENDIX II FEDERAL REGULATIONS

ADA Compliance Guide Appendix II

...Additionally, subscribers will find other federal regulations in this appendix that are relevant to ADA compliance. ADA architectural standards are reprinted in Appendix III of the Guide. A note about...

APPENDIX III: FEDERAL REGULATIONS

Leave & Disability Coordination Hdbk, Appendix III

...SUMMARY: This document provides the text of final regulations implementing the Family and Medical Leave Act of 1993 ("FMLA"), the law that provides eligible employees who work for covered employers the...

See More Secondary Sources

Briefs

Brief for the Petitioner

2014 WL 3539338

Menachem Binyamin ZIVOTOFISKY, by his parents and guardians, ARI Z. and Naomi Sigman ZIVOTOFISKY, Petitioner, v. John KERRY, Secretary Of State, Respondent, Supreme Court of the United States July 15, 2014

...The opinion of the Court of Appeals for the District of Columbia Circuit (Pet. App. A, pp. 1a - 83a) is reported at 725 F.3d 197 (D.C. Cir. 2013). Earlier opinions of the Court of Appeals are reported ...

Petitioner's Reply Brief

2011 WL 5073029

Menachem Binyamin ZIVOTOFISKY, by his parents and guardians, Ari Z. and Naomi Sigman ZIVOTOFISKY, Petitioner, v. HARRY RODHAM CLINTON, Secretary of State, Respondent, Supreme Court of the United States Oct. 24, 2011

...The Solicitor General's Brief marshals fragments of memoir and occasional Congressional and Executive Branch reports to support his contention that the language of the "Reception Clause" of Article I...

Brief for the Appellee

2012 WL 4832091

Menachem Binyamin ZIVOTOFISKY, by his parents and guardians, Ari Z. and Naomi Sigman Zivotofsky, Plaintiff-Appellant, v. SECRETARY OF STATE, Defendant-Appellee, United States Court of Appeals, District of

convenient for the use thereof, including a marina, except that these piers, ships, docks, quays or similar structures shall be used exclusively for fulfilling the educational, recreational and tourist missions of Patriots Point and shall not be used for any active ocean-going cargo or passenger vessels;

*2 (4) Shall establish an office for the transaction of its business in the County of Charleston and such other offices within and without the State as may be deemed by the Board to be necessary or useful in carrying out the purposes of this article;

(5) May create and operate such agencies and departments as the Board may deem necessary or useful for the furtherance of any of the purposes of this article;

(6) May pay all necessary costs and expenses involved in and incident to the formation and organization of the Authority and incident to the administration and operation thereof and all other costs and expenses reasonably necessary or expedient in carrying out and accomplishing the purposes of this article;

(7) May apply for and accept loans and grants of money from any Federal agency, private sources or any other source for any and all of the purposes authorized in this article and expend such moneys in accordance with the directions and requirements attached thereto or imposed thereon by any such Federal agency and give such evidences of indebtedness as shall be required by any such Federal agency, except that no indebtedness of any kind incurred or created by the Authority shall constitute an indebtedness of the State, or any political subdivision thereof, and no such indebtedness shall involve or be secured by the faith, credit or taxing power of the State, or any political subdivision thereof;

(8) May adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted and in which the powers granted to it may be enjoyed; may provide rules and regulations for the use of its facilities by the public, and may provide for the appointment of such committees, and the functions thereof, as the Authority may deem necessary or expedient in facilitating its business;

(9) May do any and all other acts and things authorized or required to be done by this article, whether or not included in the general powers mentioned in this section;

(10) May do any and all things necessary to accomplish the purposes of this article; and

(11) May promulgate rules and regulations governing the use of or doing business on the Authority's property or facilities, including the adoption of safety standards and insurance coverage or proof of financial responsibility, and may provide for the licensing of or enter into concession and use contracts with persons, firms or corporations using or doing business on such property or facilities and require license or other fees therefor. Licenses or concession and use contracts may be revoked after notice and hearing by the Authority for willful breach of or failure to comply with such rules and regulations.

In addition to the powers listed above, § 51-13-780 affords the PPDA the power to acquire property by purchase or eminent domain. The PPDA may also exchange property, transfer property to the United States government, borrow money, and accept contributions of money or property. See §§ 51-13-790 through 820.

*3 The PPDA established the Patriots Point Naval and Maritime Museum, and maintains a fleet of National Historic Landmark ships, including the U.S.S. Yorktown (CV-10), and a replica of a Vietnam War Naval Support Base Camp. Patriots Point is also headquarters to the Congressional Medal of Honor Society and that organization's official Medal of Honor Museum, which is located on board the Yorktown. According to the PPDA website (www.patriotspoint.org), the PPDA oversees the stewardship over hundreds of acres of property on Charleston Harbor, much of which is under lease for a golf course, a hotel, and an athletic complex for the College of Charleston.

The Cold War Submarine Memorial was subsequently dedicated in 2002. According to the PPDA's website:

[t]he Cold War Submarine Memorial is an enduring tribute to the dedicated men who served in our naval submarines during the Cold War from 1947-1989.

The Cold War Memorial is designed to give overall size and shape of the sub. and incorporates the actual sail *i.e.*, the tower structure above the hull of a submarine] and rudder of the USS Lewis and Clark SSBN 644. Additionally, the memorial gives thanks to

Columbia Circuit
Oct. 10, 2012

...FN* Authorities chiefly relied upon are marked with an asterisk Plaintiff invoked the district court's statutory jurisdiction under 28 U.S.C. §§ 1331, 1346(a)(2), and 1381. The district court dismissed...

See More Briefs

Trial Court Documents

USA, v. MAALI, et al.

2005 WL 6073853
USA, v. MAALI, et al.
United States District Court, M.D. Florida,
Sep. 08, 2005

...The defendant was found guilty on Counts 1, 4-6, 8, 9, 12-14, 16-22, 24-32, 34-37, 39-43, 45-51, 53, 54, 56-71 of the Third Superseding Indictment. Accordingly, the court has adjudicated that the defen...

In re Otelco Inc.

2013 WL 1332583
In re OTELCO INC., et al, Debtors.
United States Bankruptcy Court, D. Delaware,
Mar. 24, 2013

...FN1. The last four digits of the taxpayer identification numbers of the Debtors follow in parentheses: (i) Otelco Inc. (6385); (ii) Blountsville Telephone LLC (6581); (iii) Brindlee Mountain Telephone ...

USA, v. MAALI, et al.

2005 WL 6073854
USA, v. MAALI, et al.
United States District Court, M.D. Florida,
Sep. 08, 2005

...The defendant was found guilty on Counts 54, 58, 57, 69, 69-71 of the Third Superseding Indictment. Accordingly, the court has adjudicated that the defendant is guilty of the following offenses: C1Tid...

See More Trial Court Documents

the men and women, both civilian and military, who provided outstanding support assuring the remarkable success of each mission.

At intervals along the plaza surrounding a full-sized replica of a Benjamin Franklin Class Fleet Ballistic Missile submarine, the Cold War Submarine Memorial has seven educational stations recognizing the contributions of:

[t]he citizens of South Carolina and the Lowcountry - and their role in support of submarines during the Cold War.

Submarine families and children who remained behind and managed alone during long absences of their husbands, fathers and sons while at sea on patrol during the Cold War.

The Fleet Ballistic Missile submarines and the dedicated and gallant men who served in them during the Cold War.

To the dedicated men and women, both military and civilian, who manned the submarine support infrastructure that allowed our submarines to sail with confidence, fully ready every time.

The Attack Submarines and the dedicated and daring men who served in them during the Cold War.

The officers and men of the Submarine Force who served during the Cold War and has given their lives for their country.

The officers and men of the British Royal Navy Submarine Service - reliable friends and loyal comrades always - who were standing against a common threat throughout the Cold War.

The undersigned notes that a memorial honoring the 52 submarines of the United States Navy and their crews lost during World War II is also incorporated on the plaza of the Cold War Submarine Memorial.

As an historical aside, we note that the Cold War is widely recognized as indicating the conflict between the United States and the Soviet Union from 1945 to 1991.¹ During this time, the Cold War dominated international affairs. The global competition between the United States, the Soviet Union, and their respective allies took many forms: political, economic, ideological, cultural. At times, the constant arms race and international and ideological tensions burst into armed conflict such as the Korean War, the Vietnam War, and dozens of proxy wars fought around the globe. But overshadowing all of this was the threat of nuclear war, which defined the Cold War. On several occasions, such as during the Berlin Crisis and the 1962 Cuban Missile Crisis, the world was brought to the brink of nuclear war. Planners in the Soviet Union accepted the possibility of fighting and winning a nuclear war, but United States policy stressed deterrence - discouraging the use of nuclear weapons by threatening mutually assured destruction in retaliation. Because only secure retaliatory forces could make the threat of nuclear annihilation credible, the United States developed the so-called "Strategic Triad" - long-range bombers, land-based missiles, and submarines, each force being able to react independently to inflict catastrophic damage on any attacker. Clearly, the buildup of submarines, particularly the nuclear ballistic missile submarine, lurking beneath the seas was a key component in deterring the Soviet Union and winning the Cold War. Tens of thousands of submarine crews, including those stationed at the North Charleston Naval Base, were deployed to every region of the world throughout the Cold War, where they patrolled silently for weeks and months at a time, providing the shield of a strong deterrence to protect our country. No patrol was routine. Submarines were constantly in harm's way, often playing cat-and-mouse with Soviet submarines. Many submariners lost their lives during their service to this country.² Submariners served with distinction in the Cold War, including the Korean War and the Vietnam War, and during other crises and patrols conducted around the world. In their books, *The Silent War: The Cold War Battle Beneath the Sea* (Simon & Schuster, 2001), and *Blind Man's Bluff: The Untold Story of American Submarine Espionage* (Harper Torch, 1999), authors John P. Craven and Sherry Sontag, respectively, recount the clandestine special operations conducted by submarines and their invaluable contribution to the defense of our country during the Cold War. Submariners are truly unsung heroes of the Cold War.

*4 In examining your particular question, several principles of statutory construction must be kept in mind. First and foremost, is the cardinal rule that the primary purpose in interpreting statutes is to ascertain the intent of the Legislature. *Hawkins v. Bruno Yacht*

Sales, Inc., 353 S.C. 31, 577 S.E.2d 202 (2003); State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). A statute must receive a practical, reasonable, and fair interpretation consonant with the purpose, design and policy of the lawmakers. Caughman v. Columbia Y.M.C.A., 212 S.C. 337, 47 S.E.2d 788 (1948). Words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1990). Any statute must be interpreted with common sense to avoid unreasonable consequences. United States v. Rippetoe, 178 F.2d 735 (4th Cir. 1950). A sensible construction, rather than one which leads to irrational results, is always warranted. Sloan Const. Co., Inc. v. Southco Grassing, Inc., 659 S.E.2d 158, 377 S.C. 108 (2008); see State ex rel. McLeod v. Montgomery, 244 S.C. 308, 136 S.E.2d 778, 782 (1964) ["In seeking the intention of the legislature, we must presume that it intended by its action to accomplish something and not to do a futile thing"].

The context of the statute must also be examined as part of the process of determining the intent of the Legislature. Hancock v. Southern Cotton Oil Co., 211 S.C. 432, 45 S.E.2d 850 (1948). As the Court acknowledged in Southern Mutual Church Ins. Co. v. S. C. Windstorm and Hail Underwriting Assn., 306 S.C. 339, 412 S.E.2d 377, 379 (1991):

[c]learly, words in a statute must be construed in context. Hancock. [supra]. According to the doctrine of *nositur a sociis*, the meaning of particular terms in a statute may be ascertained by reference to words associated with them in the statute. 73 Am.Jur.2d Statutes, § 213 (1974). We have previously stated that "[t]he Court may not, in order to give effect to particular words, virtually destroy the meaning of the entire context; that is, give the particular words a significance which would be clearly repugnant to the statute, looked at as a whole, and destructive of its obvious intent." Creech v. S.C. Public Service Commission, 200 S.C. 127, 20 S.E.2d 645, 649 (1942).

In addition, it is proper to consider the title or caption of an act in aid of construction to show the intent of the legislature. Lindsay v. Southern Farm Bureau Casualty, 258 S.C. 272, 188 S.E.2d 374 (1972); Father v. S.C. Dept. of Social Services, 345 S.C. 57, 545 S.E.2d 523 (Cl. App. 2001). In Father, even though the statutory scheme appeared to limit the recovery by a party against a governmental entity for fighting an adverse claim brought against it by that entity, the South Carolina Court of Appeals consulted the title or caption of the chapter to conclude otherwise. According to the Court, the "very fact that the legislature entitled this chapter the 'South Carolina Frivolous Proceedings Sanctions Act' indicates the chapter was not enacted solely to compensate an aggrieved party for expenses incurred to fight a baseless claim." Id., 545 S.E.2d at 528. The Court concluded:

*5 [I]n view of the designation of sections 15-36-10 through -50 as a "sanctions" act and the stringent requirements for recovery under these provisions, we hold an award of sanctions against the South Carolina Department of Social Services in a child abuse and neglect action is not necessarily barred by section 15-77-300. Although awards under the South Carolina Frivolous Proceeding Sanctions Act are limited to attorneys fees and costs, this limitation serves only as a measure of the sanctions allowable under the Act and does not undermine the fundamental objective of deterring egregious misuses of the court system by governmental agencies as well as by private parties....

Id.

Accordingly, the literal text is not necessarily controlling in the interpretation of a statute if such literal language is in conflict with the overarching intent of the Legislature. As the South Carolina Supreme Court recognized in Greenville Baseball, Inc. v. Bearden, 200 S.C. 363, 20 S.E.2d 813, 815 (1942), "[c]ourts will reject the ordinary meaning of the words used in a statute however plain it may be, when to accept such meaning would defeat the plain legislative intent." [Emphasis added]. In Greenville Baseball, the Court cited with approval Bruner v. Smith, 188 S.C. 75, 198 S.E. 184 (1938). In Bruner, the Court refused to read the words "or major fraction of them" as used in the statute, literally. Petitioner had been appointed Comptroller of Oconee County upon the recommendation of the Senator and one of the two House members in the delegation. Respondent, the holdover Comptroller, refused to surrender the Office to Petitioner, contending that the literal language of the statute referred to a "major fraction" of the two House members. Since there could be no "major fraction" of two, Respondent thus argued that the literal words in the statute required unanimous approval of the delegation. Rejecting this interpretation, the Court read the statute as requiring a "major fraction" of the entire delegation, and thus the new Comptroller was validly appointed. Id., 198 S.E. at 188.

Quoting Stackhouse v. County Bd. Of Commissioners, 86 S.C. 419, 68 S.E. 561 (1910), the Bruner Court further stated:

[h]owever plain the ordinary meaning of the words used in a statute may be, the Courts will reject that meaning when to accept it would lead to a result so plainly absurd that it could not possibly have been intended by the legislature, or would defeat the plain legislative intent, and if possible will construe the statute so as to escape the absurdity and carry the intention into effect.

Bruner, 198 S.E. at 188.

Finally, we note that in enacting the Act, it must be presumed the Legislature acted with deliberation and with full knowledge of the effect of the Act and with full information as to the subject matter, existing conditions, and relevant facts. See Op. S.C. Atty. Gen., August 5, 2010 [citing 82 C.J.S. Statutes § 361; 73 Am.Jur.2d Statutes § 28]. Moreover, pursuant to principles of statutory construction, when comparing statutory provisions applicable to a given situation, "[i]f an irreconcilable conflict exists, the statute later in time will prevail as the later expression of legislative will." Feldman v. S.C. Tax Commission, 203 S.C. 49, 26 S.E.2d 22, 24 (1943); see Ops. S.C. Atty. Gen., October 31, 2005; June 13, 2003. In addition, "... later specific statutes will prevail over earlier general ones." Langley v. Pierce, 313 S.C. 401, 438 S.E.2d 242, 243 (1993); Ops. S.C. Atty. Gen., October 12, 2010; April 29, 2003; November 20, 1997.

*6 Having set forth the applicable rules of statutory interpretation, we turn now to § 10-1-165. The Legislature enacted § 10-1-165 as part of legislation mandating the particular flags flown atop the State House and at the south side of the Confederate Memorial Monument. See 2000 S.C. Acts No. 292, § 3 (the "Act"). The Act also governs the display of the flags on the Capitol grounds and the permanent display of the actual Confederate Flag at the South Carolina State Museum. Op. S.C. Atty. Gen., November 3, 2000. Although § 10-1-165 includes Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish-American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, Native American, and African-American History monuments or memorials, the provision is intended to protect monuments and memorials erected on public property. While § 10-1-165 provides protection for certain monuments and memorials, we believe the Legislature clearly intended to protect other officially established public monuments and memorials dedicated to the men and women who served with distinction in defense of our country, including those who served on submarines during the Cold War. It seems reasonable these, too, are memorials and monuments contemplated by the Act. Any other reading of § 10-1-165 to limit the meaning of the Act thereof would be far too restrictive to the obvious mandate by the Legislature and render the underlying purpose of the Act absurd. Indeed, the Title of the Act aids our determination of legislative intent. The Title reads as follows:

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-10-10 SO AS TO PROVIDE FOR PERMANENT PLACEMENT OF THE UNITED STATES FLAG, THE SOUTH CAROLINA STATE FLAG, AND THE SOUTH CAROLINA INFANTRY BATTLE FLAG OF THE CONFEDERATE STATES OF AMERICA, PROVIDE FOR THE REPLACEMENT OF THESE FLAGS AT APPROPRIATE INTERVALS AS MAY BE NECESSARY DUE TO WEAR, AND DEFINE THE TERM "CHAMBERS" FOR PURPOSES OF THIS SECTION; TO AMEND SECTION 10-1-160, RELATING TO DISPLAY OF CERTAIN FLAGS, SO AS TO PROVIDE FOR THE PLACEMENT OF ONLY THE UNITED STATES FLAG AND THE STATE FLAG ABOVE THE ROSTRUM IN THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND IN THE STATE HOUSE, AND DEFINE THE TERM "CHAMBERS" FOR PURPOSES OF THIS SECTION; TO PROVIDE FOR THE PROTECTION OF MEMORIALS, MONUMENTS, STREETS, PARKS, AND OTHER PUBLIC AREAS; TO ESTABLISH SPECIFIC VOTE REQUIREMENTS FOR THE AMENDMENT OR REPEAL OF THESE PROVISIONS; TO PROVIDE THAT THE CONFEDERATE FLAGS (NAVAL JACK) REMOVED FROM THE ROSTRUM IN THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND FROM THE DOME OF THE STATE HOUSE MUST BE PLACED AND PERMANENTLY DISPLAYED IN A SUITABLE LOCATION IN THE STATE MUSEUM; PROVIDE THAT ALL PAID IN FULL ORDERS FOR CONFEDERATE FLAGS PLACED WITH THE SERGEANT AT ARMS OF THE HOUSE AS OF MAY 31, 2000, MUST BE FILLED; BY ADDING SECTION 10-11-315 SO AS TO MAKE IT A MISDEMEANOR FOR A PERSON WILFULLY AND MALICIOUSLY TO DEFACE, VANDALIZE, DAMAGE, OR DESTROY OR ATTEMPT TO DEFACE, VANDALIZE, DAMAGE, OR DESTROY ANY MONUMENT, FLAG, FLAG SUPPORT, MEMORIAL, STRUCTURE, OR FENCE LOCATED

ON THE CAPITOL GROUNDS, AND PROVIDE A PENALTY FOR VIOLATIONS; AND PROVIDE A SEVERABILITY CLAUSE. [Emphasis added].

Conclusion

*7 The Patriot's Point Development Authority is given broad authority to develop and improve Patriot's Point in Mount Pleasant. Accordingly, the PPDA established the Patriot's Point Naval and Maritime Museum. The Cold War Submarine Memorial was later dedicated to honor those who served on submarines during the Cold War and sacrificed themselves in defense of our country. We believe that the Legislature intended to cast the broadest possible construction upon S.C. Acts, No 292, including § 10-1-165. The Legislature's obvious purpose is to protect and preserve historic monuments and memorials, and to ensure that officially established and presently existing public monuments and memorials may not be removed or relocated. Op. S.C. Atty. Gen., December 13, 2004. Clearly, the World War II submarine memorial located on the site of the Cold War Submarine Memorial may not be removed or relocated. A better reading of the Act would be to also include the Cold War Submarine Memorial and other monuments and memorials erected on public property as a tribute to servicemen and servicewomen who serve and protect this country: past and present. In our judgment, such a reading of the statute is entirely reasonable in light of the specific context of the Act and intent of the Legislature. Any other reading of § 10-1-165 to limit the meaning of the Act would be far too restrictive to the legislative mandate and render the underlying purpose of the Act meaningless. In addition, we note that Cold War submariners served during the Korean War and the Vietnam War. The Cold War Submarine Memorial, therefore, is as much a tribute to their service as it is dedicated to all submariners who served our country during the Cold War. Accordingly, it is the opinion of this Office that the Cold War Submarine Memorial may not be relocated, removed, disturbed, or altered.

Although we conclude that § 10-1-165 would not appear to exclude the Cold War Submarine Memorial from the provisions, you may nevertheless want to seek legislative clarification. In addition, we cannot opine with certainty whether a court will necessarily concur with our opinion. Ultimately, clarification from the courts may be necessary to determine your question with finality. Op. S.C. Atty. Gen., August 9, 2012; March 9, 2012.

If you have any further questions, please advise.
Very truly yours,

N. Mark Rapoport
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Deputy Attorney General

Footnotes

- 1 Some historians believe the Cold War ended with the fall of the Berlin Wall in 1989, while others find the Cold War was over on December 21, 1991, when the Soviet Union ceased to exist.
- 2 For example, in 1963 the U.S.S. Thresher (SSN-593), with 129 crew members, sank off the coast of Cape Cod. In 1968, the U.S.S. Scorpion (SSN-589) was lost while on patrol in the Atlantic Ocean with a crew of 99 on board. There are several theories regarding the loss of the Scorpion, including hostile action by the Soviet Navy. See Kenneth Sewell and Jerome Preisler, *All Hands Down: The True Story of the Soviet Attack on the USS Scorpion*, Simon and Schuster (2008).

2012 WL 4283911 (S.C.A.G.)

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STATE OF SOUTH CAROLINA)
COUNTY OF GREENWOOD)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2015-CP-24-00514

THOMAS WALLER, LARRY JACKSON,)
P. DALE KITTLES, CLAUDE L. MAUS,)
and TERRY C. WEEKS,)
Plaintiffs,)

ORDER

vs.)

THE STATE OF SOUTH CAROLINA,)
KEVIN L. BRYANT, Lt. Governor and)
President of the South Carolina Senate,)
JAY LUCAS, Speaker of the South)
Carolina House of Representatives, and)
ALAN WILSON, Attorney General of)
South Carolina,)

Defendants.)

FILED COMMON PLEAS
8TH JUDICIAL CIRCUIT
GREENWOOD, S.C.
2018 MAY 18 PM 4:20

THIS MATTER CAME BEFORE THE COURT on March 15, 2017 on competing motions. Defendants sought an Order of Dismissal pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, and Plaintiffs moved for Summary Judgment. Essentially, Plaintiffs seek declaratory judgment that Section 10-1-165 of the South Carolina Code of Laws is unconstitutional and request this Court declare that the Monument in question may be modified as explained below. Having considered the argument of counsel and the applicable law, and for the reasons set forth herein, this Court finds that it is unnecessary to rule on the question of whether Section 10-1-165 is unconstitutional because existing constitutional protections permit the modification requested by Plaintiffs. Therefore, Defendant's motion is DENIED, and Plaintiff's Motion for Summary Judgment is GRANTED in part.

This case involves the Greenwood War Memorial which has plaques listing the names of Greenwood County servicemen who sacrificed their lives in World War I, World War II, the

Korean War, and the Vietnam War. Due to the segregation of the United States Armed Forces at the time of the First and Second World Wars, the servicemen who died in those wars are listed under the headings "White" and "Colored." However, with regard to the Korean and Vietnam Wars, the names are listed alphabetically and without regard to the race of the servicemen. In an effort to rectify the racially segregated listing of names on the World War I and II plaques, a group of private citizens raised funds and subsequently purchased new plaques listing all servicemen alphabetically without regard to race.

At issue in this case is whether the Greenwood War Memorial (hereafter referred to as "the Memorial") can be altered or not pursuant to Section 10-1-165 (hereinafter "the Act").¹ The Act states, in relevant part:

- (A) No Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish-American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, Native American, or African-American History monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered. No Street, bridge, structure, park, preserve, reserve, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.
- (B) The provisions of this section may only be amended or repealed upon passage of an act which has received a two-thirds vote on the third reading of the bill in each branch of the General Assembly

The Memorial itself is indisputably owned by the American Legion Post 20.² However, the land upon which the Memorial is located is owned by the City of Greenwood.

Plaintiff moves for Summary Judgment pursuant to Rule 56, SCRCP. Rule 56 (c) SCRCP, provides in pertinent part that:

¹ Section 10-1-165 is commonly referred to as the Heritage Act.

² The Plaintiffs are residents of Greenwood County, and several are members of the American Legion. Standing was discussed in prior hearings, and the Court finds that Plaintiffs clearly have individual and public interest standing to bring this action.

The judgment sought shall be rendered forthwith in the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

A party opposing a properly supported motion for Summary Judgment may not rest on mere allegations or denials of his pleadings but must set forth or point to specific facts showing that there is a genuine issue of material fact. See, e.g. *Baughman v. A.T. & T. Co.*, 306, S.C. 101, 117, 410 S. E.2d 537, 547 (1991) (bald allegations deemed insufficient to create a genuine issue of fact). When plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted. *Ellis v. Davidson*, 358 S.C. 509, 595 S.E.2d 817 (Ct. App. 2004). The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder. *Dawkins v. Fields*, 354 S.C. 58, 580 S.E.2d 433 (2003). "It is a gratuitous cruelty to the parties and their witnesses to put them through the emotional ordeal when the outcome is foreordained" and in such cases summary judgment is appropriate. *Mason v. Continental Illinois National Bank*, 704 F.2d 361, 367 (7th Cir. 1983).

Upon review of the submissions of the parties and the relevant, applicable law, the Court finds there to be no genuine issue as to any material fact. Accordingly, summary judgment is appropriate.

Discussion

Again, the fact that the Memorial is private property, belonging to the American Legion, is not in dispute. The issue, therefore, is whether the Act can be constitutionally interpreted to apply to private property merely because it happens to be located on public land.

Clearly, the General Assembly possesses the power to regulate monuments and memorials which are owned by the State or its political subdivisions. At first blush, the first

sentence of the Act would appear to apply to both publicly and privately owned monuments so long as those monuments are located on public lands. However, to read the statute in such a manner creates a myriad of constitutional issues.

First, if the Act were to apply to privately owned monuments, Plaintiffs are correct in that the Act would forever freeze the speech of whatever entity owns the monument. If interpreted in this manner, the Act would clearly abridge a private organization's First Amendment right to alter, modify, disavow, or clarify their organization's prior speech absent a bill passed by a super majority of the General Assembly. The Court is unfamiliar with any principle of law which allows the government to forever enshrine the private speech of a private individual. More importantly, both the South Carolina and the Federal Constitutions guarantee freedom of speech for individuals and organizations. Put more succinctly, the government has no business directing what kind of bumper sticker must be placed on privately owned car, or preventing someone from removing a bumper sticker from their car, just because that car happens to be parked on a public roadway.

Second, reading the Act in the manner urged by Defendants would offend the American Legion's property rights. Again, the American Legion owns the Monument in question, and the American Legion's emblems conspicuously adorn the monument. To read the Act as preventing any alteration of the Monument would prevent the American Legion from exercising their constitutional right of dominion and control over private property which the American Legion owns. Such an action would amount to a seizure of private property without any corresponding compensation from the government. Furthermore, by prohibiting any modification of a private monument, the Act would prevent the American Legion from even the simple act of removing

the Legion emblems which indicate ownership of the Monument should the American Legion seek to disavow itself from the discriminatory manner in which the names of the fallen are listed.

Third, if the first sentence of subsection (A) is to be read literally, the Act's wording itself creates such an easy way to avoid the requirements of the Act that a literal reading could not have been intended. By its literal wording, the Act applies only to monuments located "on public lands;" an analogy explains the illogic of reading the statute literally. Assume for a moment that the City of Greenwood owned both the Monument and the land under the Monument and that the City wanted to relocate or otherwise alter the Monument in some manner. Clearly, the Act would apply because the Monument is the property of a political subdivision of the State and the Monument is located on public property. Therefore, if one were to read the statute literally, the City of Greenwood could decide to sell the real estate upon which the Monument sits to a private party because nothing in the Act prevents such a transaction. Having sold the land under the Monument, it would no longer be located "on public property," and the City would be free to modify it at will, or even completely remove or destroy the monument, without offending the Act in any way. Clearly, the Legislature could not have intended such an absurd result, especially in light of the Act's laudable goal of protecting historical monuments. *Stackhouse v. Rowland*, 86 S.C. 419, 68 S.E. 561 (1910).

An interpretation of the Act as applying to monuments erected by the government or its political subdivisions is buttressed by language used in the third sentence of subsection (A). That sentence makes an allowance for the maintenance and upkeep of any monument by the "public body" without running afoul of the Act. This Court notes that the phrase "public body" is neither defined by the Act, nor defined in Black's Law Dictionary. Therefore, the Court reads the phrase "public body" as being synonymous with "public entity," and Black's Law dictionary

defines a "public entity" as "[a] governmental entity, such as a state government or one of its political subdivisions." Black's Law Dictionary 1424 (10th ed. 2014). By making an allowance for the "public body" charged with maintenance of a monument to continue to "protect, preserve, and care" for it, the express wording of the Act appears to assume that a public entity is, in fact, the owner of the monument and is, therefore, charged with its upkeep.

The Supreme Court recognized the "near certainty that observers will associate permanent displays" with the owner of the display; correspondingly, the owner will not be able "to avoid political accountability for the views that it endorses or expresses through its means." *Pleasant Grove City Utah v. Summum*, 555 U.S. 460, 481-482 (2009). Fortunately, Plaintiffs, Defendants, and this Court are in full agreement in one respect: there is no place for segregation or racial discrimination in today's society, and all appear to agree that the racially segregated manner by which those who gave their full measure are currently being memorialized is anachronistic by any objective standard.³ The Memorial honors those who fought, bled, and died for our liberty, and the equality of all men is a central, universally recognized tenant of that liberty, even if that was not always so. To the extent Plaintiffs and the American Legion desire to memorialize the sacrifices of their brothers-in-arms in a manner fitting with contemporary understandings of liberty and equality, the Act simply presents no hindrance.

The Court makes this decision after great consideration, deliberation, and with full respect for and agreement with the laudable objectives of the Act. This Court concludes that, because the Monument is the private property of the American Legion, the Monument represents the private speech of an honorable, private organization. Therefore, since the American Legion

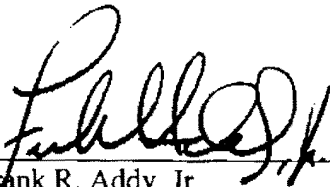
³ The Court wishes to note that at no time did any of the Defendants contest or otherwise question the heart-felt passion which motivated Plaintiffs to bring this case. Furthermore, Defendants consistently demonstrated the highest respect for the desires, efforts, and ideals of the American Legion.

Post owns the Memorial, the American Legion's free speech rights and rights concerning their property are simply unaffected by the Act. Accordingly, because the Act is not implicated by Plaintiff's proposed actions, it may be modified in the manner requested.

To the extent Plaintiffs' other grounds and arguments request that this Court declare the Heritage Act unconstitutional, the Court declines to rule upon those grounds since such a ruling is unnecessary for resolution of this action.

Based on the foregoing, it is therefore ORDERED that the Plaintiff's Motion for Summary Judgment is GRANTED in part.

IT IS SO ORDERED.



Frank R. Addy, Jr.
Resident Circuit Court Judge

May 18, 2018
Greenwood, South Carolina

APPENDIX G

Miscellaneous

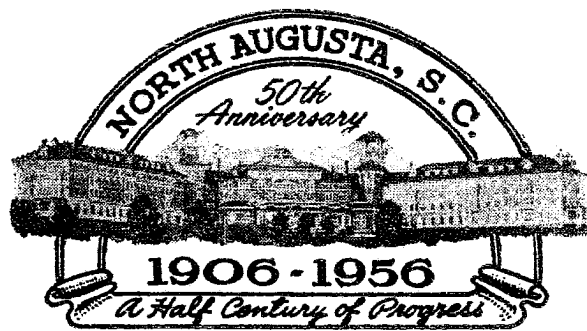
City of North Augusta, "50th Anniversary Historical Panorama Program", October 1956.

RoadsideAmerica.com, "Monument to a White Supremacy Martyr"

North Augusta's
50th Anniversary

1906 -- 1956

**HISTORICAL PANORAMA
PROGRAM**



October 1956

HAMBURG RIOT MONUMENT

The oblique monument in the little park where Georgia and Carolina Avenues converge tells the story of the "Hamburg Riot." The village of Hamburg located across the Savannah River from Augusta, that had been established a half century before Henry Schultz, had for several years a company of negro militia, who were well supplied with arms and ammunition. On July 4, 1876, two young white citizens of Edgefield, who were returning from Augusta by way of Hamburg, were stopped and insulted by these negro soldiers, under the command of Captain Dock Adams. Dock Adams had his company on parade and they had blocked the street so that the young men's buggy was unable to get through. Captain Adams, without any warning shouted, "Charge Bayonets." The young men refused to turn around and go back and at that moment produced pistols and warned the crowd that they would shoot any soldier who pointed a bayonet at their horse and buggy. The young men were allowed to pass on, however, Dock Adams later swore out a warrant for their arrest for interfering with their activities. They immediately in turn swore out warrants against the captain and his entire company for blocking a highway. Upon receiving the warrants for their arrest the negroes threatened to lynch the young men with whom they had tangled.

On the day set for the trial, the negroes were asked by General Mathew C. Butler of Edgefield to apologize for their conduct and to disarm. This they refused to do and began firing. One of the young men, Thomas McKie Meriwether, who had sought Dock Adams arrest, was killed. However, that night five of them were shot to death as an example to the rest.

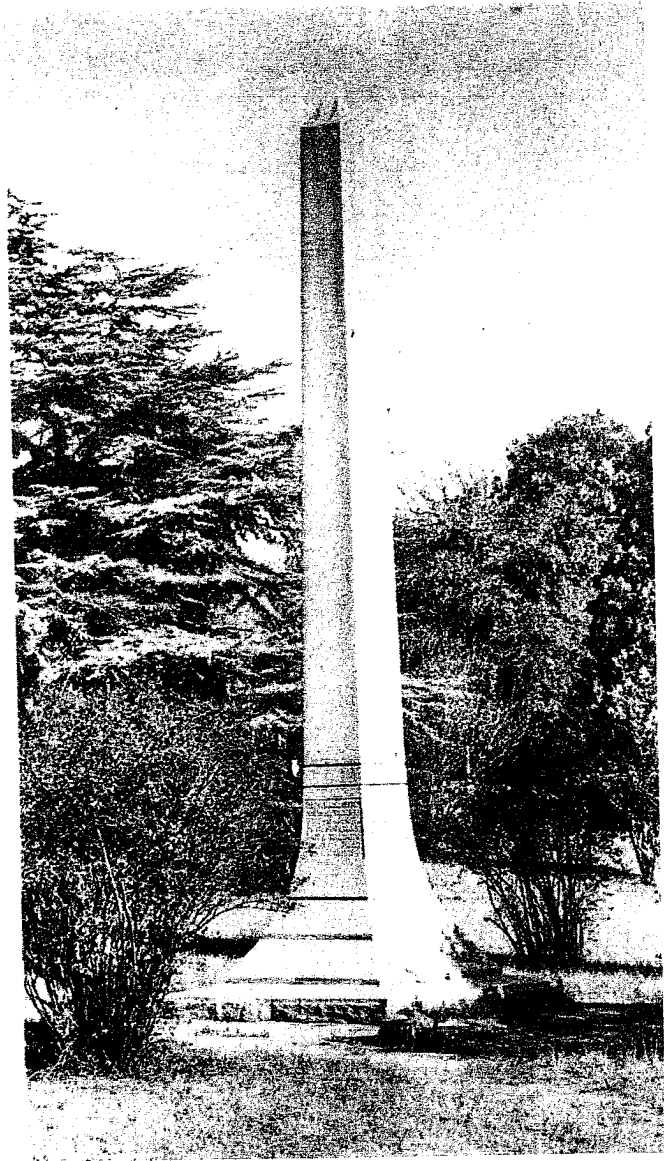
The following inscription appears on the monument:

December 4, 1852 - July 8, 1876

"In memory of Thomas McKie Meriwether, who on the 8th of July, 1876, gave his life that the civilization, builded by his fathers, might be preserved for their children's children, unimpaired."

• • • • •

"This memorial is erected to the young hero of the Hamburg Riot, by the State; under an act of the General Assembly, with the aid of admiring friends."



"In youth's glad morning, the unfinished years of manhood stretching before him, with clear knowledge and courageous willingness, he accepted death and found forever the greatful remembrance of all who know high and generous service in the maintaining of those civic and social institutions which the men and women of his race had struggled through the centuries to establish in South Carolina. What more can a man do than lay down his life?"

• • • • •

"In life he exemplified the highest ideal of Anglo-Saxon civiliation. By his death he assured to the children of his beloved land the supremacy of that ideal."

"As his flame of life was quenced, it lit the blaze of victory."

Monument to a White Supremacy Martyr

Field Review by
the Team at
RoadsideAmerica.com

**North Augusta,
South Carolina**

In 1876 there was a battle in South Carolina between a federal militia and a mob of about 100 men. The militia was black, the mob was white. Six blacks and one white were killed. Whites referred to it as a "riot," blacks as a "massacre."

Forty years passed. By that time segregation was firmly in place. There were no more black federal militias in South Carolina, and the state erected a monument to the one white guy who'd died, 23-year-old Tom Meriwether. After so many years, you'd think that Tom's motives for being in the mob would be hazy. Not to the monument-builders. According to its inscription, Tom was a "young hero" who died "maintaining those civic and social institutions which the men and women of his race had struggled through the centuries to establish in South Carolina."

"In life," the monument concludes, "he exemplified the highest ideal of Anglo-Saxon civilization. By his death he assured to the children of his beloved land the supremacy of that ideal."

The anachronistic (and really, crazy) monument is in a well-maintained park, but like most early 20th century obelisks, it probably goes unread by passersby.

<https://www.roadsideamerica.com/story/24867>

