Judge Tourgee's District—

This District lies in the center of the State, comprises eight counties having a population of 122,000, a little less than one third colored—Three of the counties have been Conservative ever since 1868. All the others gave Conservative majorities in 1870—Judge Tourgee entered upon the discharge of his duties on the Superior Court bench of the District July 8d 1868, and has held every term regular and special in the District since that time—The Kuklux—according to the sworn confessions of which Judge Tourgee has hundreds in his possession—were first organized in the district during the Summer of 1868. Gen. N. B. Forrest is said to have first instituted it in Guilford county. Early in September it was organized in Rockingham County, and on the 23d of October in Alamance—It came to them indirected from Hillsboro—the home of Turner, Graham and Strudwick over Orange and the other counties of the District—The Klan commenced its operations by intimidations and outrages upon defenceless Republicans, just before the Presidential election in 1868. As the Tribune says it is unnecessary to relate what was done here. About twelve or thirteen murders five or six arsons, a large number of the most horrible mutilations and unmentionable whippings, make up the bloody record of the Kuklux reign in the Seventh Judicial District of North Carolina. So wonder the Tribune does not desire to look back at it.

Why is he not impeached?

But in considering the probability of these statements of the Tribune, the mind instinctively asks: if these things be true why has not this infamous "Administration Judge" been impeached? For two years the Communists have had almost a three fourth majority in the legislature of the State — The dictated mandates of the Invisible Empire have been carried out without question and yet no attempt has been made or dared to be made to impeach Judge Toomey — It has been threatened by their papers and speakers, and he has time and again publicly invited them to prefer charges against him. They have not dared to do it, because they know that their charges will not bear the light and that no Senate — however corrupt — dare pronounce him guilty. He has defied the hand and head of the Invisible Empire and no more avoided their chiefs in the Senate than their minions on their trials — The very fact that he has not been impeached and removed gives the lie direct to every allegation of the Tribune — They impeached Gov. Holden, preferred articles against Judge Jones and would have impeached Judge Toomey had there been a grain of truth in their charges —

— Juries. —

But who constitute the juries?

In three of the counties of this district the juries have been, from the first, under the control of Conservative Commissioners. In all but one of the remaining counties, the Commissioners have been Conservative also, since September 1870 — In but two cases have I ever heard it intimated that there was a majority of Republicans on the jury — I never saw jury having a majority of colored men upon it — The highest number I have ever known among the thirty six summoned for grand and petit juries for the first week, was five. Since the fall of 1868, I have no idea that a jury has been empannelled in the District that did not have upon it more members of the Klan than negroes — In nearly every instance the white Conservatives have constituted the bulk of the jury — ~~and not unfrequently a~~ ~~two-thirds jury~~ composed and I am fully satisfied that many times more members of the Klan sit upon juries in the District than Republicans — whether both white and black —

– Verdicts set aside –

But, in addition to the list of persons which I have granted recommended, I have set aside the verdicts as contrary to the weight of testimony, or granted motions in arrest of judgment in Criminal cases in which colored men have been defendants, one case in which a reputed white man reputed a Republican, was defendant and four cases in which the defendants have been Convicts – Six of them were indictments for larceny one for forcible trespass – and the others for assaults of different degree – Four of the colored defendants were accused of larceny – a pair of boots, a hog, and wheat with which his own was mixed – then the articles taken in some of them – I have never set a verdict aside in a case of killing, burning, or any similar crime – and only in ten cases in four years have either set aside verdicts or granted motions in arrest of judgment – Not more than three of these occurred before the reign of the Ku Klux was established –

— Part of the Plan —

This unscrupulous lying ~~as~~ is an important part of the Kuklux conspiracy — The defamation of every Republican official ~~is an important~~ was almost a necessity to serve as an excuse for the organization and operation of the Kuklux — Judge Tourgee on account of his fearless opposition to the Klan and his uncompromising denunciation of its supporter and apologists early became a shining mark for these assaults. Being a young man, a native of Ohio — ~~an officer~~ who had served in the Federal army — and resided in the state only since the close of the war, he was supposed to be peculiarly vulnerable to assault as a carpet-bagger — presumably a fool and of course a knave — At once upon his election he was assailed as an ignoramus and a boor — Time disproving this — it was studiously circulated upon the stump and through the press, that he had been an inmate of a penitentiary for the crime of horse-stealing. Protected by the position he occupied his cowardly maligners circulated the slanders they would otherwise not have dared to whisper — well knowing that he was shut off from all remedy in the courts by the fact that the juries were under their control — In self-defence the judge was finally driven to offer a reward of One Thousand Dollars to any one who would produce evidence of the charge — This was circulated in the public

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prints — but as one has ever applied for the money — A man who had never been inside of a prison in his life, except the Confederate prisons in which he was held for months as a prisoner of war was thus hounded down as a "penitentiary bird" for months in order that the his official influence might be destroyed, ~~his~~ the Court over which he presided be brought into disrepute, and the honest but ignorant citizens of the country be thereby the more easily led to join the Kuklux. Now this factitious public sentiment created by themselves — these unfounded charges and unpunished lies, are brought up as an excuse, for the acts of the Klan —

Judge Jourgee is a young man of culture and refinement — strictly temperate, a gentleman and a christian, which last attribute he has especially manifested in his fair and courteous treatment of members of the bar of his district who have assailed him on the stump and in private with the foulest scurrility — Happily, the major portion of the bar, have now learned his merits and prize his worth. While disagreeing with him politically they regard him highly in his private and official capacity. On a late occasion a majority of the bar signed testimonials in his behalf of the most flattering character.

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New Trials granted	10
Conservatives	4
Republicans (supposed)	6

"And the people seeing they could hope for no protection from the court took the law into their own hands"!!!

No wonder—when ten verdicts were set aside in a District averaging three Hundred conviction for crime per annum!

It appears then that in four years by the united action of the "Administration Judge" and an "Administration Executive" twenty-two persons may have escaped justice, in Eight counties where there have been over 1200 convictions— and not one fourth of these ante-date the reign of Kuklux—

Well might the "Special" ask "what excuse ~~for~~ then for Kuklux?"

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~~Recommended by Judge 2~~
~~Death penalty commented 3~~

Pardoned by Governor, up to Jan. 1st 1871
~~according to Record~~ — 6
Since that time ~~to my knowledge~~ 6
Whole number of pardons in four years — 12 —
Recommended by Judge 5
Colored men 7
White men 4
Women 1

Three of the white men at least are Democrats or conservatives — I know nothing of the politics of the colored men the other white man or the woman —
This is an average of ~~two and a half~~ three pardons per year in the District — or three-sighths of a pardon to each county annually — This in a district containing 122,000 inhabitants or one tenth of the population of the State — How does this compare with the Tribune's statement that "in two week about as many hundred were pardoned out and sent home" — i.e. to Alamance.

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Partizan charges to juries—

But the gentleman who knew so much because he was "counsel for the Kuklux" has heard me give the most ~~past~~ outrageously partizan charges to juries"— It was once a part of the Kuklux plan to counsel me as incompetent and had that continued this story of partizan charges might have been patiently listened to. But John Kerr who presided over the Democratic Convention at Greensboro - pronounced me the ablest Superior Court judge in the state. I would not rely upon his testimony to establish any particular fact except as in this case when it is the unintended testimony of a bitter, malicious and unscrupulous enemy - It may however be deemed sufficient to establish this one fact — that I am not absolutely a fool - Now, the idea that any one blest with a particle of sense should waste his time in the ludicrously hopeless task of giving partizan charges to a Kuklux jury — is altogether too absurd to be seriously rebutted — I plead guilty to many foolish things, a life-long faith in the Tribune, a weakness leaning toward perpetual motion, a hankering to "go West", a weakness for + amateur farming - and other mild mumias, but to think of influencing a Kuklux jury by a partizan charge. :) — No, thank you, I am not so ~~foolis~~ devoid of sense as to attempt that sort of Partizan charges! The partizan charges which troubled the gentleman who knew so much are those which I have from time to time given to the Grand Jury, keeping bare the acts of the Kuklux, stripping from perpetrators who belonged to the order, the mask of secrecy, and compelling them openly to violate their Kuklux obligations or the oath of the Grand Juror. Those are the partizan charges that hurt, and to them the very knowing "counsel for the Kuklux" referred —

But the Tribune says

A great many houses and barns were burned in that county before the Kuklux law committed any outrages – and that many of these criminals were discovered, tried convicted and sentenced – How is that? –

This is even worse than the ~~former~~ previous statement – I not only never heard of a house or barn burning in Alamance before the Kuklux outrages commenced but the first one I did hear of was committed by the Klan, and the others that were complained of were supposed to have been done by victims of the Kuklux in revenge for their injuries – I do not know what the facts were but there was not evidence enough to enable a Kuklux Grand Jury to find a bill against the persons charged – I never tried a person for arson of any degree in that county – so far as I remember – and of course there could have been no convictions or sentences – It is strange to me that Joe Turner never heard of them before It will make him mad when he reads this correspondence, to find himself beaten at his own trade –

But it has been claimed before that the negroes – leagues &c – burned barns and dwellings? –

Oh yes, frequently – Once a week for three years at least – But the facts are that the burning which has heretofore been alleged occurred after the Kuklux were in full vigor – There were several barns burned in Caswell just be-

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fore Stephens was killed — I have never had any doubt that the suspicion of his complicity in those burnings was what caused his murder at that time — or one of the causes at least — I recollect a certain Conservative paper saying a few months after — that there had been several barns burned in the county during a few weeks before his death and none since that time — The Morrow boys were accused of burning a barn in Orange County in 1870 — one was shot and two were hanged — The other was acquitted by a jury of Conservatives entirely — many of them undoubtedly members of the Klan — There was some considerable burning soon afterwards in Person County — but the Insurance companies have never yet been fully convinced who did it, I think. In the winter of 1870-71 there were several cases of arson in Chatham and along the line of wake — Several of the parties were tried and convicted and sentenced for the offence — The evidence showed an organization instituted for the purpose of defending each other against and making reprisals on the Kuklux — It was a sort of privateering against pirates — I have no doubt that there has been some ~~to~~ burning done in revenge for Kuklux injuries — ~~men~~ Beings who would endure all that the Republicans of this District did ~~would~~ without taking revenge are more or less than human — No one could have endured it much longer — I constantly counseled our friends to organize for mutual protection. Had it continued a month longer at the rate of

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of its last few — I am satisfied there would have been general reprisal — Who could blame a man who had been flayed for killing or burning like a madman? If he had no redress at the hands of the law who could blame him for doing anything he might to expose the known friends of his unknown enemies? I tell you, sir, it must soon have resulted in a conflict which would have made the state as desolate as a charnel house — I remember when a right good man in this very county — an acquaintance of mine — was shockingly outraged, that I offered to be one of ten to go to the home of every man, to whose door there was a track to be found from the scene of the outrage, and shoot him down on his threshold. And I would have done it had the other nine been ready — It was remediable — Hundreds slept in the woods at night — Other hundreds and thousands slept as it were on pick — et, ready to run if they could or fight if they must — The Herkimer-Kirk war, as it is called, undoubtedly saved us from making out of the bloodiest pages his — tory has recorded — Counting all that is evil of it — Kirk, Bergen — suspension of the writ of Habeas Corpus — false imprisonment — and all — make it as bad as Johnson when his dementia is perfect — and it still compared with what otherwise would have occurred as the puff of powder flashed in your hand to the explosion of a magazine — a cracker to —

"the hell of shot and shrapnel
Hurled out of a ten-inch gun."

"But the Tribune says that
"Tourgee and Holden ~~put their heads~~
put their heads together and in two weeks pardoned out about as many hundreds of prisoners".
Yes I have heard that alleged before as to Gov. Holden and I think he did pardon too many and some great rascals but I think he generally had good Conservative recommendations for the course he took in those cases. I never knew that I was accused of favoring pardons before. But that is a lie very easily nailed — Here is the official list of pardons and commutations granted by Gov. Holden — extending from July 8" 1868 to Jan 1st 1870 — as follows so far as regards this District —

Pardoned	4
Death penalty commuted	1

Of those pardoned two were colored men and one was a woman — The other was a Conservative and from Alamance — I recommended the commutation, refused to recommend one of the pardons did not know of the other till after it was granted — and protested against the other — Now, this takes us beyond the time when they say the Kuklux died — Let us look — further — In 1870 Gov. Caldwell pardoned one convict — and commuted the death penalty in one case from this District — I recommended the commutation and protested against the pardon — Since Jan. 1st 1871 — I have not the record but believe he has pardoned six from this district —

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~~In that~~ The entire pardon-business for the district-stands as follows-

Pardoned up to Jan. 1st 1870 -	6
" since that date	6
whole number in four years	12
Recommended by judge	5
Protested against by judge	3
colored men	9
white men	4
women	1

Three of the white men, at least are Democrats. I know nothing of the politics of the colored men, the other white men or the women-

The only person who has been pardoned from the county of Alamance was a white man and a conservative who was sentenced to six months in jail for a very aggravated assault upon and cutting of a reputed Republican - He ought to have had two years and so certified to the governor. But as if to give the completest possible denial to this falsehood - even this man was not pardoned until the reign of the Kuklux had become established - the Spring of 1869 - The Tribune report comes within just two hundred of being true! And that is about as near an approach to it as there is in the paragraph.

The average of pardons in this district during the past four years is less than in any other of the State - being only about four per cent of the entire number granted while it contains one tenth of the entire population - ~~It has ever~~ There has been an average of only three-

eighths of a pardon per year for each county of the district -

During this time there has been an average of something more than three hundred convictions a year in the district or 1200 in the aggregate - so that the pardons have been just one per cent of the convictions -

Therefore - "the people seeing that they could hope for no protection from the Court took the law into their own hands" - i.e. became Kuklux -

The record thus proves conclusively that the gentlemen who "knew so much more than any one else from having been counsel for the Kuklux" was evidently acting in that capacity when he lied to the 2000 Special, or the Special "was counsel for the Kuklux" when he lied about the interment. Who knows? Perhaps the Tribune will name the interment and give that list of a "dozen murdered".

The fact is, that I have probably recommended fewer pardons than any other judge who ever rode circuit four years in the state.

Get lost a dozen murders.

"What do you know Judge, about those dozen white persons murdered in Alamance, of which the Tribune claims to have a list?"

Never heard of them before. Of course I cannot pretend to say how many white persons have been killed in the county first and last but it is my opinion that not more than four or five have been murdered there since the county was organized — I never heard of but three, — one of them was a child killed by the Kuklux on one of their raids accidentally — and the other two were both subsequent to the Kuklux reign — One of them was the killing of a reputed Republican by a Democrat — The Solicitor entered a nolle prosequi in the case last week. I have lived within twenty-five miles of the County seat ever since the war, and have held courts there every six months since Dec. 1868. If there were a dozen killed there they must have died very easily. They had a Kuklux Sheriff and Kuklux deputies, a Kuklux Coroner and Kuklux grand juries. Yet no inquests were held, no presentments made no bills found in the dozen murders.

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Guilty Persons discovered

But the Tribune says "many of the guilty persons were discovered, tried and convicted to punishment," what do you say about that?

A I say, I have been the judge of the District since July 8th 1868. I have never tried any one for murder in Alamance County – There have been no such trials there since that time – There has been but one indictment for the murder of a white person and that was the case I referred to above. Of course, there have been no convictions and no sentences. The entire statement is utterly and absurdly false – It is one of those peculiarly bold and hardy falsehoods which characterize the journals and speeches of the Conservatives of the state — lies which bid defiance even to consistency – It was never claimed that there were more than four or five Kuklux murders in Alamance, and some 200 or 300 other crimes – whippings and the like. Now, is it supposable that that "dozen white persons" could have slept peacefully in their graves during all the Kirk Holden war, the Impeachment trial and the Kuklux investigation in Washington – They would have "squeaked and gibbered" worse than the "shrieked dead" ever did in the streets of Rome – They would have been the Bunyan's Ghost of "Manager Graham's Eloquence", and would have grown into a thousand at least, under the multiplying power of Joe Turner's pen. Beck would have found them and Blair and his co-workers would have blazoned their names in the Minority Report – It is too sweet a morsel to have been left to a Tribune Special Factory –

The Excuse

which the Tribune pulls up for the acts of the Kuklucs in this District is a specious one, and to a person unacquainted with the facts might give a color of justification. Fairly stated, it is that the people organized themselves into Klans for the purpose of giving themselves such protection by means of lynch-law, as that the Republican officers of the State neglected or refused to provide — In this case it is claimed that the incompetency and wilful and corrupt negligence of Judge Longe furnished the justification.

A moments comparison of dates shows this to be utterly false. Judge Longe held his first court in Greensboro September 6th 1868. The order had before that time been organized in the District and had made several raids and committed some outrages before he held his first Court in Alamance Dec. 18th 1868. So that if the Kuklucs were in effect of his mal-administration as judge, ~~his action~~ it must have been by anticipation, for the result preceded the cause alleged in point of time. It has also been claimed of late that the action of the Republican Legislature was such that the chivalrous Conservatives could endure it no more — hence the Ku Klux — This also nails that lie. The acts of the first Republican Legislature were yet in fieri only — not published and unknown in the state when the order was instituted here — Besides that, this very first Legislature on the 24th of August 1868, were compelled to pass a law for the protection of its citizens from such conspiracies — Every person who has even a passing knowledge of the facts attending the passage of Chapter 69 — Laws of Special Session 1868, knows that that such was the object of that statute. The trouble with this excuse is — that Kuklucism ante-dates Republican misrule —

The Tribune
+
N.S. Kutchinson

CHAUTAUQUA COUNTY NY HISTORY