

MAINE STATE LEGISLATURE

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FIFTY-NINTH LEGISLATURE.

HOUSE.

No. 131.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
Augusta, March 19, 1880. }

To the Hon. Governor and Council:

I have the honor to herewith transmit the Report of the Evidence and Conclusions of the Committee to Investigate Alleged Illegal Enlistments of Men, given into my hands on the last day of the session by the Chairman of said Committee.

I have the honor to be,

Very respectfully,

Your obedient servant,

ORAMANDAL SMITH,

Clerk of the House of Representatives 1880.

REPORT.

*To the Hon. President of the Senate and
Speaker of the House of Representatives:*

Your Joint Select Committee, appointed by virtue of the order of January 24th, 1880, to investigate the subject matter of alleged illegal enlistments of men, have attended to their duty, and beg leave to herewith present their report:

In view of the fact that the evidence came from so many different sources, it was deemed best to secure the services of a stenographer, in order that the committee might produce a transcript of all evidence taken, which could be read by all parties interested. This the committee have done, and herewith transmit a transcript of all testimony taken before them. In view of the fact that every reader has an opportunity to draw his own conclusions, your committee has refrained from doing so, only desiring to suggest that "he who runs may read," and that the evidence discloses a wonderfully revolutionary state of affairs for the old State of Maine, and the further fact that we barely escaped the most serious results from the difficulties through which we have so lately passed.

Respectfully submitted.

J. DINGLEY, JR.,
Chairman on part of the Senate.

L. H. HUTCHINSON,
Chairman on part of the House.

REPORT OF THE EVIDENCE AND CONCLUSIONS
OF THE
COMMITTEE TO INVESTIGATE ALLEGED
ILLEGAL ENLISTMENTS OF MEN.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
January 24, 1880. }

WHEREAS, Information has been received that certain persons have been engaged in enrolling and enlisting men in a manner and for a purpose unauthorized by the laws of this State; and

WHEREAS, Such enlistments and organizations tend to the disturbance of the public peace and to civil disorder and revolution; therefore,

Resolved, That a joint committee of seven on the part of the House, with such as the Senate may join, be appointed by the Chair for the purpose of investigating the truth of such reports, and to ascertain what action, if any, should be taken; said committee to have power to send for persons and papers, and make report of their doings to this House.

Read and passed, and Messrs. Hutchinson of Lewiston, McKusick of Calais, Butler of Vassalborough, Ingalls of Wiscasset, Robinson of Oldtown, Lord of Bangor, and Twitchell of Bethel, were appointed on the part of the House.

ORAMANDAL SMITH, *Clerk*.

In SENATE, January 26, 1880.

Passed in concurrence, and Messrs. Dingley of Androscoggin, Hill of Hancock, and Harris of Washington, appointed on the part of the Senate.

C. W. TILDEN, *Secretary*.

AUGUSTA, JANUARY 28, 1880.

The Joint Special Committee of the Legislature to investigate alleged illegal enrollments and enlistments of men, met in the Hall of the House of Representatives, and were called to order by Mr. Dingley, the Chairman on the part of the Senate. All of the members were present except Messrs. Robinson of Oldtown, Butler of Vassalborough, and Ingalls of Wiscasset.

TESTIMONY.

CHARLES E. NASH, called by the committee, and sworn to make true answers, testified.

Q. (By Mr. Dingley) Mr. Nash, will you now give us what information you have in regard to this matter now under consideration—enlisting of men, &c., by the Fusion party.

A. Well, Mr. Chairman, I hardly know where to begin in this matter.

Q. Has it come under your observation, Mr. Nash, that there are parties who have been enlisting men contrary to law, for a purpose also contrary to law.

A. I am satisfied that such is the fact. I am unable to testify from personal knowledge much about it. Perhaps if I could state in my own language what I do know, it will be as well as anything I can say.

Q. State it in your own language, whatever you know about the matter.

A. Along about the first of January—I presume this means, by “enlistments,” since this trouble began.

Q. Yes, I so understand it.

A. I think about the 29th January, I sent a note or letter to Governor Garcelon.

Mr. Hutchinson: January or December?

A. December—to Governor Garcelon, tendering him the services of a sufficient number of policemen to keep the peace, and also requesting that he refrain from calling here any troops, fearing, and almost knowing, that if troops were called here by order of Governor

Garcelon, there would be bloodshed; the temper of the people was such that it would not be a peaceful measure to bring troops into town at that time. Our city council seconded my offer, and also a committee of citizens came here to the governor and informed him that the sentiment of the people of this city was in favor of employing the civil police wholly in the settlement of this matter. The services of the police seemed necessary during the time when there was no governor, when you might say there was to be no laws enforced—no executive. I heard nothing from the governor; he paid no attention to my offer, although I made it both in writing and personally.

Q. (By Mr. Hutchinson) You saw him personally.

A. I saw him personally, by his invitation; he called me to his room. I was well satisfied, from information derived through the city marshal and members of our police force, that an organization was being formed here in the office of a man named Capt. Black.

Q. R. W. Black.

A. R. W. Black. It was understood that the service of that body was to sustain Governor Garcelon in the course that he had marked out, and also, perhaps, guard, or what we might say, protect the State House—what was stated by some gentlemen on the other side—to protect the archives and public property. It was notorious about town that those men came here to this building, occupied it every night, and after the arms were brought from Bangor—the arms about which so much has been said—they were here drilling every night regularly.

Q. By night only.

A. By night only. That was a notorious fact; no one denied it—common report. We believed it. I never saw them myself drilling, but I was satisfied that was what was going on. We did not expect to be called upon by Governor Garcelon for any services at that time; I was very much surprised to receive a note when I was eating my breakfast on the morning of the 7th of this month, I think that was the morning of the organization——

Q. Yes.

A. ——asking if I would come to his room; I came down at once. He asked me to be present personally in this building during the day with two or three policemen——

Q. That was Governor Garcelon's request.

A. Governor Garcelon—to keep the peace, for the more especial

purpose of making arrests in case of any disorder, stating that he had been informed that this force on duty here was not authorized to make any arrests and that some difficulty might arise in case they should attempt to quell any disturbance. He asked me to come myself and to bring two or three policemen with me. That was the scope of his request. I hesitated some whether I had better undertake it or not, under the circumstances. Probably if I had realized the magnitude of the job I might not have come—pretty certain I should not have come. Because I didn't then know one-half what I know now. I told him I would try it. I immediately went to our city marshal, and he came down himself with a few policemen. And at that time, of course the time was approaching for crowds to gather; it was about ten o'clock.

Q. Can you state just how many police came with you.

A. I cannot; but I should say from five to ten men. I know my requisition on the marshal was pretty liberal, because I knew there was going to be a pretty large number of people here, and I felt that a certain responsibility was to be put upon me in case of a row; at the same time I was taking care not to ask him to bring a sufficient police to do much. I felt that fact. The marshal came down in person with two or three men; others came afterwards during the day as he could find them, men of course not on duty; had to get them from their work—mechanics and laborers—came down here and began to keep the passage-ways clear. We tried to keep, especially, the stairways to this hall. I saw at once that all through the building here, at every door and in every corner, were some men wearing police badges. I saw there was going to be trouble. I would not ask our policemen to come here and undertake to enforce peace with a divided responsibility. I immediately returned to Governor Garcelón and told him I feared we would be unable to maintain order here as he requested unless we had the whole responsibility of it. The conversation was somewhat prolonged. The Governor seemed to fall in with my way of thinking. But Major Folsom and the man with him whom I have heard called Emerson, from Auburn—that is all the way I have of characterizing him—

Q. A tall man.

A. A pretty large man; athletic; they were both there, and they objected to it. They said it would not answer. I wanted everything pleasant, and I told the Governor I would do the best I could. We came down. Perhaps it was not five minutes. The alley-ways

were chocked up. We found these men here guarding the doors. They would not allow our policemen any privileges whatever. And finally I went to Major Folsom—I saw that he was the pivotal point in that matter—and absolutely refused to undertake to keep the peace here. I told him that I should withdraw my men; that in fact the city marshal had left the building and would not undertake it unless the badges were taken from those men. At that time the corridors were crowded with people. It was all our men could do to keep passage-ways and to keep order. Folsom started off, and I am satisfied he took those badges off. Then we entered upon our duties and did our best to keep the peace that day. At night we left the building. When I say *we*, I mean our civil police. It was notorious that night, that this same crowd of Black's men occupied the building and were drilling here. It created a good deal of indignation throughout the city.

Q. (By Mr. Hawes) Were these men who wore badges Black's men.

A. Yes, they were—a part of his men employed under the guise of policemen, although they had no authority to make arrests or to act as policemen, and we could have arrested them, and we told them we could arrest them.

Q. Can you state about how many of those men were wearing badges.

A. It would be only guess work, from my observation that morning. I did not go all over the building. I should say there were at least forty of those men in this building.

Q. Forty badges.

A. Yes, sir, from the bottom, into the halls and the top. My marshal objected to coming down here the next day. In fact, I did not know as we should be invited to come. Governor Garcelon went out of office that night at midnight. General Chamberlain, however, wrote me a note, asking me to continue the service which Governor Garcelon had requested. We came down the next day and succeeded tolerably. And I think we succeeded in keeping the peace in the building. These same people were here in the building dogging our foot-steps. We found them at every turn in the building. I noticed one significant thing—I didn't realize it at the time, but the next day it dawned upon me: That gallery [the south one] was kept empty the first day of the session. It was locked and no one was allowed to go up there except by some direction. Every

person who went in there went in from this (south-west) stairway. I didn't understand it, and so I simply contented myself with not having anything to do with the doors to this hall. Black's men attended the doors the first day and the second day. I have since been informed that this gallery [the south one] was full, or tolerably full of Black's men the very day of the organization, and they were put there for a purpose, and that that east door to the south gallery was kept locked for a purpose.

Q. Men were admitted there only through some of his officers.

A. Only through his officers, and from that passage from the library down.

Q. (By Mr. Dingley) Are you positive all the men in the gallery were Black's men.

A. I won't say all of them were; I have no doubt that a majority were there, and that was a picked crowd. The next day I had a little more latitude; I saw it was absolutely necessary, to keep the crowd good-natured, that these galleries be filled up. I went to Gen. Chamberlain and asked him if we could open the galleries to the public; and he said he would leave it with me. I took the responsibility to open both of these galleries. I endeavored to get a key to the south one; the door was locked; the east door was also locked. I went to the Superintendent of Public Buildings, and he refused to give me the key. There was a man guarding the door; he had the key; he refused to give it up to me; he was guarding the east door of the south gallery; he had the key. I sent an officer with him down to Gen. Chamberlain asking him to ask the gentleman to deliver it to me. He didn't come back; was gone a long time, and I forced the door, and the public occupied that gallery that day. I am satisfied, gentlemen, that it was the intention of Black's men—it was a part of their duty to occupy that gallery in case of trouble—and that they were going to do it from the stairway. The third day, I would say the evening of the second day when Gen. Chamberlain was in command, a committee of the officers about the building here went to the General and requested that the police be dismissed for the night; we went home that night. That was Thursday night. The next day was similar to the second day. Black's crowd were here; they were everywhere; they were trying to find fault with our policemen, using all manner of epithets towards them, threats towards them, trying to exasperate them, trying to get them to do something that would give them an excuse for getting up a row.

Q. (By Mr. Harris) Was Black here at that time.

A. Black was here every day.

Q. (By same) And directing them.

A. I cannot say how far he was directing. All we know is, that he was passing round among them, giving them some kind of hints; that is all we know about it. We know that he was here, and that he was among them at times.

Q. (By Mr. Dingley) You have no doubt that they were under his orders.

A. O, they were under his orders; the organization was intact. Black got some passes. This was Thursday, I was saying. Thursday night of course we went home. Friday night was similar to Thursday. Friday, I found quite a lot of Black's men came in here, you might say, almost in a procession, one at a time, asking to go into the library. It looked significant to me—why all those men should want to go into the library. I told them the hall was full. They said they didn't want to go into the hall, they wanted to go into the library. Some of them had got passes. One or two or three would get past, then they would send those passes back and others would go up.

Q. (By Mr. Hutchinson) Can you state by whom those passes were issued.

A. Issued to individuals by General Chamberlain, and they were abused—transferred from one party to another by these people for the purpose of getting up by our sentinel.

Q. (By Mr. Dingley) No passes by Black. He did not issue any.

A. No, sir; none were recognized. During the day our city marshal, in company with General Brown, went up into No. 3, of the Library, and found to his surprise the arms there. The arms were partly in boxes, and some were about, lying around loaded; and he found among them several of Black's men. It was a surprise to him, and indeed, while I knew the arms were in the building, I tried officially not to know anything about them, because I was afraid they would make trouble. He came to me and declined any further service here as marshal if those persons were to be continued in possession of those arms. Night came.

Q. (By Mr. Hutchinson) Night of the third day.

A. The night of Friday. Perhaps I ought to say, that that day Black's men seemed to be more compact, more uneasy and more

anxious than at any other time before or since, to get up stairs for some reason or other; I don't know why it was. Perhaps I thought at the time. But the fact is, they came to me using all manner of artifices, trying to get passes, and sometimes they would succeed in getting passes, and I ordered the men to take them away from them, and they did take them away from them, and sometimes at the chagrin of our leading citizens here. The General had given me sufficient latitude so to act. I saw there was a purpose. That night the General said he wanted me to take charge of the building; asked me to protect the building and the property in it, and said that he thought it was only proper to say that he thought that there would be a collision when we undertook it. I knew what that meant, but we prepared. We had our men detailed. We were going up and take charge of those arms, and were going to close the doors and not allow these people in here. For some reason or other, I don't know—I never inquired, perhaps I never cared—that order was countermanded by General Chamberlain.

Q. (By Mr. Hutchinson) Was countermanded on Friday night.

A. That night that order was countermanded, and instead, General Brown and some other officers were instructed by General Chamberlain to remain in the building, for good and sufficient reasons. The next day was Saturday. This crowd came here. And I might say, I think about Friday I instructed our policemen to keep a list of these men as they came in, for two purposes; one was to know them, and another was to intimidate them—let them know we were after them. And for two days in succession we had very full lists of those men who came in here and would congregate in the Superintendent's room—would go in there and shut the door and have little private conferences in there. Saturday they appeared as usual, came here as usual—seemed to be here for a purpose. And it will be remembered that that was the day when the arms were returned to Bangor. I made it myself a condition precedent to remaining in this building, that those arms either be removed from the building, or that we—meaning our police—have charge of them. That was a very tender spot. The gentlemen in the building here didn't want us to have charge of those arms; they were bound we should not have charge. And they tormented General Chamberlain; tormented his life out of him about them. But we had an interview there. It would be pretty interesting if it could be reported. The result was, that the order to ship the arms was promulgated.

And it is well known that the arms were sent down to the depot and taken over to Bangor. It was all done within two hours' time, and indeed so the people in the building here, meaning the officers, knew not what was going on. The first they knew of it the arms were coming and going out of the back door here. Those arms were removed, and I felt then that the fort was taken; we had possession and were going to hold it. That night was the first night that we had the care of the building, and from that night until the present time we have been in possession. I can't tell you how many days after that, but for some days those men returned here just as regularly as the members of this House returned, or members of the then House that was here returned, day after day. Captain Black was here. Captain Black was at times very insulting to our officers, wanted to get up trouble.

Q. (By Mr. Hutchinson) Ever insulting to you personally.

A. I should say that it was, if it was anybody else; I didn't resent it; I was prepared to take a good deal; at any rate, he was very difficult to please; I was bound not to have any trouble. If he had been out doors, or it had been at any other time, he would have been arrested. We saw it would not do to take any harsh measures at such a time. It will be remembered, the outside doors of this building were closed. The public never has understood how those doors were closed; I have been blamed for it. But those doors were closed at the request of Mr. Lamson, Mr. Ellis and Mr. Talbot, representing the State Government at that time. They made the request that our police force be reduced to fifteen men.

Q. (By Mr. Hutchinson) Who made that request.

A. Those three gentlemen. They referred it to Gen. Chamberlain; they made the request of Gen. Chamberlain, and he referred it to me for such action as I thought best. So far as the closing of the doors was concerned, I was very glad to accede to it; but I didn't reduce the police force. Those doors were closed at that time, and for some days afterwards it will be remembered that it was very difficult for any person who did not have business here to obtain admission. And then, and only then, was Black's crowd kept out. They haven't been here since, because they couldn't get in. If they made application at the door, if it was known—and most of our officers knew them—if it was known that they belonged to Black's company no pass was issued, and if it had been issued it was taken away from them. From that time up until within three

or four days it was well known to our police that those men met regularly down street, evenings; not very often, but met several times a week, perhaps. It was well understood both from common report and from observation that they retained their organization; but what the form of enlistment was I am unable to say; I have never seen it. I have seen the names of, I think, about forty of those men on a pay-roll in the Adjutant General's office. And I will say that I think six of them have been in State Prison, a set of fellows those enlisting them had as lief be killed as not, and I am sure our folks didn't care much. They were sent up here, in my opinion, to hold the State House against the inauguration of Mr. Davis. And if there had been any outbreak in this hall that day, I am sure those gentlemen were under instructions—were prepared, and they had signals, to do violence; I am satisfied they were. A man by the name of Avery, who belongs to this company, has made statements to our City Marshal—not to myself. Our City Marshal can tell you what he said. What I should say would be merely hearsay. It only goes to confirm what I have said. Governor Garcelon saw fit—told me as much, that this body of men was an illegal body, not recognized by the law; that if violence was committed by them that he could be punished for it himself. And I am satisfied that Capt. Black has eaten humble pie to certain gentlemen for his connection with that. He was afraid he was going to be dealt with.

Q. (By Mr. Harris) Was there any one besides Black who had any control over these men that you know of.

A. The record of the Adjutant General's office—I have seen it myself—shows that Major Folsom was detailed by the Governor to take charge of the capitol police, and to enforce such discipline as he saw fit. That merely confirms what I have stated.

Q. (By Mr. Harris) Any one who was not authorized by the Governor? Any one second to Black in command.

A. I have seen no person. Harlow Hall has done the drilling of these men.

Q. (By Mr. Dingley) Do you think they had their regular officers, under officers, aside from Capt. Black.

A. I think so; but I never went into that detail.

Q. (By Mr. Hutchinson) You are Mayor of the city.

A. Yes, I am.

Q. Of course, you are well acquainted with all your police force, both your regular and special force.

A. Yes, I know them very well.

Q. Now, from time to time you saw those men who were here, a part or all of them, did you not.

A. I saw them.

Q. Whether or not, you are acquainted with those men who were holding possession here during the time you have mentioned.

A. I know them by reputation and by sight. I don't know them by name—all of them.

Q. The most of them, men belonging in your city.

A. The most of them here and about the city. Some would belong in Hallowell and some in Gardiner.

Q. Any of them that had been sworn into the police service, either special or in any manner.

A. No, not at all.

Q. Or any officer. A. None at all.

Q. Have you any knowledge whether they were sworn into your police force by anybody.

A. No, they were not sworn into any police force by anybody; there is none that is authorized to do that except the city authorities, as I understand it.

Q. Did you ever have any conversation with Captain Black about it, and about this force—its purpose in being here.

A. Nothing further than this: he found fault once because I took away the pass from one of his men. And I told him very plainly that it was because he belonged to his company here at the State House, and he didn't make any reply. It seemed to surprise him.

Q. He made no reply.

A. No reply to that; didn't insist upon the pass being returned.

Q. This Captain Black you speak of is a man residing here in Augusta.

A. Yes, sir.

Q. Hold any official position of any kind.

A. No, sir; justice of the peace, I think.

Q. Any authority you know of delegated to him by any person.

A. None at all.

Q. —to exercise authority of that kind.

A. None whatever.

Q. None to take command of any men or body of men.

A. No, sir.

Q. Whether or not, to your knowledge, some of those men who were here wearing policemen's badges were men that had been criminals, accused and convicted of crime and punished for it.

A. I cannot state positively as to whether those men who had been convicted of crime wore the badges, I don't remember about that. I know they were here statedly, and report says they were here on duty. I have seen them here myself.

Q. Men that you know are ex-criminals.

A. Yes, I am sorry to say I helped get out of State Prison one or two of them.

Q. They were pardoned recently.

A. One has been pardoned to my knowledge within a few months.

Q. Do you know, Colonel, when the first of that force was placed in this house. I think your narrative commences with about the 29th December.

A. I cannot tell. Report said that these men were in the building at the time I came down here to see the Governor.

Q. Whether or not you saw any of them at time.

A. No, I did not. I came in the day time.

Q. (By Mr. Lord of Bangor) When did you first come into the building to take charge.

A. I only came in to take charge the 7th January. Dr. Garcelon called me here the 29th December, and I saw no men here then.

Q. Do you know whether or not those men were armed, and if so, to what extent were any of them.

A. I have never seen arms myself; but our policemen have seen them display arms, and it was understood—I cannot state positively, because I never saw any arms myself—it was notorious that those men were armed. They had made boasts—it was common report that they were armed, and I have no doubt they were armed. I cannot state, however, from personal knowledge.

Q. Have you any knowledge as to who employed those men.

A. I suppose they were employed. They were paid and fed here.

Q. What knowledge have you on that point, if any.

A. The only knowledge I have is, that Major Folsom was detailed to take charge of them. He was put in command of them by Governor Garcelon.

Q. What knowledge have you as to the number at any one time that were here during the time you have mentioned, or previous to your taking charge.

A. There were about fifty here one day, one particular day. I think that was Thursday, Thursday or Friday of the first week.

Q. Most of them wearing badges.

A. We had removed the badges after we came.

Q. At that time.

A. At that time, I saw about fifty. We had the names of about fifty; but among so many people here of course it was difficult to find them all. And it is now suspected that a good many were up stairs, slipped up there one at a time, and we didn't see them.

Q. At the time you speak of their going up into the Library, was there any reason given by any of them as to why they desired to go into the Library.

A. They gave no reason whatever.

Q. Have you any knowledge how many on that day did make their way into the Library.

A. No, I have not, I didn't go up myself.

Q. Do you know the number that were finally found there with arms, or with the arms in the Library No. 3.

A. It is only by hearsay. I heard they were there. I didn't go up myself.

Q. Who was there, and saw them and found them there.

A. I think the Marshal could tell.

Q. Your city marshal.

A. Our city marshal, Mr. White; I think he could tell. I didn't go up to see the arms at all. I was invited to go up by General Brown when they were removed. I didn't feel that I had any business up there.

Q. Did you find all or nearly all of the arms which were taken from the Bangor Arsenal, here in that Library.

A. Yes, sir.

Q. Were they in boxes.

A. A part of them were out of the boxes standing up against the wall, perhaps thirty, at least, and that number loaded. The others were lying in the boxes loosely, just as they would be laid in after the batallion had used them; when they went to lay them away for the night they would lay them right in. They all had to be taken out and packed over again. To all intents and purposes they were unpacked; the covers were not screwed down, they were ready. In ten minutes every musket there could have been brought out and loaded.

Q. Bayonets affixed to any of them.

A. These that were out of the boxes had bayonets affixed.

Q. Amunition there.

A. Amunition was there lying open on the boxes by the muskets.

Q. Do you know whether or not the door leading into that Library room, No. 3, was fastened.

A. It was fastened, yes, sir. General Brown was refused admission there himself.

Q. (By Mr. Harris) By whom.

A. By the sentinel inside, and he could not get in at all except by special order of General Chamberlain. Major Folsom went with him. I will state one other fact, which of course excited our suspicions somewhat. It will be remembered that in Library No. 2, there is a door leading right out into a stairway, and but a few steps down to get into this gallery [south]. Over that door was a map hanging. And our policemen were in there some days, and they didn't know there was a door there at all. That map was hanging there for some purpose.

Q. To conceal the door.

A. To conceal the door to persons who didn't understand it.

Q. And passing in through that door communicated to the room where those men were.

A. Where the men were.

Q. And you are not informed as to the time when those men came in in any number.

A. I cannot say, no, sir. The pay-roll that I have seen will show the number of days' service that the different ones served here.

Q. Where is that pay-roll.

A. It was in the Adjutant General's office; that is where I saw it.

Q. Probably in the possession of some of the officers there now.

A. I presume so, yes, sir. Some of the men, I know, were here as many as fourteen days; some, I guess, less.

Q. Do you know what pay they received per diem.

A. Two dollars a day, as shown by the rolls there.

Q. Do you know where the badges and arms that they were equipped with were procured.

A. I don't, only the muskets. The muskets were the ones that came from Bangor.

Q. Did you find any firearms in the building at any time except those arms which came from the Bangor Arsenal here.

A. Yes, there were perhaps fifteen or twenty Springfield rifles loaded, found, I have been told, in the basement.

Q. Do you know who found them.

A. I do not. Found by some of our officers; a matter of which I am not familiar with the details. I have seen the muskets. They are in the Adjutant General's office now.

Q. Were they loaded. A. Loaded.

Q. Do you know where they came from.

A. They came from some room in the basement of the building.

Q. Do you know where they came from when they were put into the room—originally came from.

A. No, I don't.

Q. Do you know to whom they belonged.

A. I don't.

Q. And they have been taken into the Adjutant's General's office and are there now.

A. And are there now.

Q. They were loaded when they were found.

A. They were loaded when they were found.

Q. Do you know in what manner they were loaded.

A. No; I haven't seen any charges drawn. I believe they say they are loaded with slugs, with cut lead. I will say, that one of our officers found in the basement one day a piece of lead weighing perhaps five or six pounds, which bore every mark of there having been slugs cut from it. He has carried it home. It is not here now. It is very evident what it was for.

Q. What officer was that.

A. I don't remember his name now, one of our officers. I guess I could find him. He showed it to me, I will try and ascertain his name. He carried it home as a sort of memento.

Q. (By Mr. Lord) Please state the name of your marshal.

A. Charles H. White.

Q. Have you any knowledge of the removal of the arms from the basement to the attic at any time. Do you know when they were removed.

A. Only by hearsay. I was told by some of my officers, that on Wednesday, the day of the organization, the arms were under the Senate chamber, stacked in two or three rooms there. That was under Governor Garcelon. But the next morning General Chamberlain gave peremptory orders that those arms be boxed up and carried out of the way into the attic, you may call it.

Q. That was on Thursday.

A. That was on Thursday. Just as soon as General Chamberlain could assume authority he ordered that done. And I am satisfied the General supposed that his orders were carried out—that the arms were boxed up. That is hearsay, however.

Q. Do you know of any force in any part of the State except those that rendezvoused here during Wednesday of the 7th, and for several days thereafter.

A. I don't know of any force that you could call an organized force. These gentlemen called themselves the "State Police," I think, or the "State House Police."

Q. Do you know of their taking any oath.

A. Only by common report. The men said they took an oath.

Q. You are not knowing to it.

A. I did not see it.

Q. Did you hear it from them—from any one of them, of their taking an oath.

A. I don't think that any one has ever told me the form of that oath. I was talking with one of them the other day. The occasion was, I stopped him from going up stairs, and he felt very much grieved. I told him why it was. He wanted to know why I stopped him. I told him. And his answer then was, that "we only enlisted to serve under Garcelon;" that "we don't draw any pay now." But I don't think I asked him the form of his oath. I doubt if he would remember it if I did.

Q. (By Mr. Hutchinson) Those men were here day and night previous to the meeting of the Legislature.

A. No doubt of it. Common report says they were. And we know that they were here from the organization until Saturday morning.

Q. (By same) You have no knowledge of the organization of this company or any company down street at any place prior to the meeting of the Legislature.

A. The men were enrolled down street in Capt. Black's office.

Q. (By Mr. Dingley) They were all enrolled there.

A. All enrolled there.

Q. (By Mr. Lord) And by him.

A. By him, and took their oath there—their instructions there. But they rendezvoused here at night, and they drilled here, and this was their camping ground.

Q. (By same) Do you know what number was enrolled here at that time—about the number.

A. I cannot tell you; no, sir. Report said there were one hundred and fifty.

Q. (By same) You would not suppose there were that number here at any time when you were here.

A. Not that number in the building, no, sir.

Q. (By Mr. Hutchinson) At any one time.

A. At any one time. The way I explained it was this: They might have enrolled one hundred and fifty, and had them to call upon when in trouble.

Q. (By Mr. Dingley) Did they change those men or did they keep the same men for the whole time, or were they on duty and off.

A. I guess they were on duty all the time.

Q. (By Mr. Lord) Do you know anything of any enrollment paper or any list of enrolled men here in Augusta.

A. I have not seen any; no, I don't. I haven't seen any paper except this pay-roll I spoke of, and I will say that there was a good deal of anxiety about that pay-roll when General Leavitt came back from Washington. He was very anxious to find it, but he could not. I have no doubt there were other papers there.

Q. (By Mr. Hutchinson) I suppose you have no knowledge from what funds these men were paid.

A. No, sir.

Q. Do you know how many watchmen the Superintendent of buildings is allowed to have here.

A. I think he is allowed three men on his pay-roll.

Q. And these men were previously kept in the Capitol, were they, the watchmen.

A. Yes, sir.

Q. Night watchmen.

A. Yes, sir; and took their orders primarily from Dr. Lancaster, the Superintendent of public buildings.

Q. At that time, and previous to that time, were there any threats or any danger of any outbreak, so far as you were aware of, necessitating the calling together of any body of men for the purpose of protecting the public peace.

A. Not at all, no, sir. The city never was so quiet in the world as it was up to the meeting of the Legislature; no occasion whatever. We felt it rather an insult here that they should say such a thing.

Q. In reference to this force here, the organization of it, and the placing of it in this building, were you ever consulted by any party or parties.

A. Not at all.

Q. And no member of your city government, so far as you know.

A. No member of the city government, so far as I know. I know of no officer who had a right to be consulted, who was consulted. There were a good many threats made by persons about the building, employes. Dr. Lancaster would get excited. Other persons would get excited, and might say things that, perhaps, they didn't mean. And members of our police force were threatened, repeatedly, for some days. I was threatened myself—I was shadowed myself. I didn't observe it until about Friday night. I was told that somebody had been watching me. There was a fellow that kept right round me; wherever I would go that fellow would hang round me.

Q. Did you know him.

A. I didn't know him, no. It was a face I had seen a good many times. It was one of Black's men.

Q. A man residing in the city, stopping here.

A. Yes, he lives here. I don't know but that it would be fair to say—I think it is a part of this whole thing—that Mr. Lamson sent for me to consult one time, in company with General Chamberlain. He sent his private secretary, Mr. Harding. I immediately went up. And on the way, to my great surprise, as Mark was always personally friendly to me—said he, “if you don't look out you will get your d—d guts punched out, if you don't stop this thing right off.”

Q. When was that.

A. I think it was the next day after Mr. Lamson took the oath as Governor. I don't remember what day it was. I paid but little attention to it. I told Mark I thought he was excited and didn't mean what he said, and he said he did. After that he came to me with an explanation and told me that he didn't mean what he said—didn't mean it to me personally; he only gave it to me as a friendly warning of what might happen.

Q. That was to put you on your guard.

A. Seemed to be. I thanked him for his forethought.

Q. This Mark Harding was acting then as Messenger for the acting Governor was he not.

A. Yes, sir. It seemed a little singular to me that the person who came to me to bring the message should make such talk to me while performing his duty.

Q. (By Mr. Dingley) Were not quite a number of Black's men from other parts of the State, aside from Augusta, Hallowell and Gardiner.

A. I cannot say about that. Persons from other parts of the State might have been here and belonged to his company; but I didn't recognize them. Those whose names we have, are persons about here. This man from Auburn, Emerson, was here and was on duty. I think that man was referred to as either a captain or second lieutenant of this guard.

Q. Was there not a man from Auburn by the name of Haskell, a large stout fellow.

A. That may be the man I refer to. He stood at that [south-west] door.

Q. That is Haskell.

A. Well, some one told me it was Emerson. Well, it is Haskell.

Q. He wore blue clothes.

A. Wore blue clothes. Seemed to have authority among them. When these badges were taken off the men he went round himself and had them taken off; and I saw he had authority.

Q. This is Haskell.

A. This is Haskell, and I was satisfied he was a lieutenant; at any rate, had authority.

Q. You spoke before of Emerson. This is not the man you thought was Emerson.

A. This is the man I called Emerson.

Q. O, it is.

A. Yes, sir. It would be an interesting chapter, Mr. Chairman, if there could only be written out in full the threats made to get this police force out of this building after they once got in.

Q. (By Mr. Hutchinson) You received orders to that effect, did you not.

A. I didn't receive orders. The Sheriff received orders from Mr. Lamson to leave.

Q. Sheriff Libby.

A. Sheriff Libby. But General Chamberlain placed upon me the responsibility of keeping the peace, and allowed me a good deal of latitude; told me I might keep what force I saw fit; and acting upon that I kept only such force as I saw fit.

Q. (By Mr. Harris) Do you know whether the organization of those men has continued up to date.

A. I was told, simply told, I don't know. In fact, much I am telling you is what I get from the fact that I have been in this position—told me by men whom I believe, that they had the last meeting the evening after the troops were called out here.

Q. (By same) Saturday evening.

A. I think that was Saturday evening that they were going to break up and go away. A good many of these men can get work on the ice, and I am told that is where they are gone now. Very unusual for these men to stay here when they can get work so near by as they have been able to.

Q. (By Mr. Lord) Did you learn or understand that the force was increased up to the time that the military were put in here.

A. We learned this: that they were drilling regularly, and the rumors were that they were enlisting men. Persons from abroad would come in here, bringing in reports that men were coming down here to enlist. We were also satisfied—I was, from what I heard—that there were enlistments of the same character in other parts of the State.

Q. (By Mr. Harris) Do you know of any one that knows, from their own personal knowledge, that these men have been holding meetings and been drilling within the last week.

A. The City Marshal can tell the persons names. One of our officers went up to the door one night, towards the door where they were drilling, making a noise; and he was ordered away, and told that if he didn't go down they would knock him down. So he thought it was best to come down. The Marshal could tell you very much more in regard to details of this than I can. It is very unusual for men to hold secret meetings here—of that class of men to hold secret meetings here in the evening, at any time.

Q. (By Mr. Hutchinson) Isn't it not only unusual, but unheard of here, before.

A. Yes, unheard of entirely by this class of men. Of course our citizens have secret societies, Odd Fellows, Temperance Societies and Masonic Societies; but they do not comprise this class of men.

Q. Where was their place of meeting, down town.

A. What is called Bradbury's Hall.

Q. A hall that will accommodate a considerable number of persons.

- A. It would accommodate about a hundred.
- Q. For what purposes is the hall used, generally.
- A. I think—I am not sure—I think it is the Greenback headquarters or the Democratic headquarters.
- Q. Do you know who hires the hall.
- A. No, I don't.
- Q. Has it been used ostensibly for that purpose for some length of time.
- A. Yes, sir, I think that it is the hall which has been used for at least ten years.
- Q. And is so used now, so far as you know.
- A. Yes, sir.
- Q. What is this Capt. Black's business.
- A. He is a member of the Kennebec Bar. But his particular business is, I think, in collecting pensions. I don't think he was ever in the army. Call him "Capt. Black" by courtesy, I think.
- Q. Sort of brevet-captain.
- A. Sort of brevet-captain. I am told that he hasn't any military record.
- Q. Getting one now.
- A. Except the recent one.
- Q. Did you in any way learn that he was ever authorized—that Capt. Black was ever authorized, either directly or indirectly, by Governor Garcelon before the expiration of his term of office, to take charge of any force or forces, either in this State House or any where in this city.
- A. No, I never did.
- Q. So far as you know, then, the action on his part was wholly voluntary.
- A. Wholly voluntary, so far as I know. I will say this: That the pay-roll opposite a large number of names, where they have receipted for their pay, bears R. W. Black's signature, showing that he drew the pay for these men.
- Q. Probably did that as their attorney.
- A. Perhaps so.
- Q. Is there anything further, Colonel, in connection with this matter that you desire to give us information upon, or that you can, or which you haven't already.
- A. I don't think of anything just at this time. There is a good deal to this; very much, of course, that could not be got out before

a committee like this. But I don't think of anything as bearing upon this subject now.

Q. (By Mr. Harris) What reason did you have for notifying Governor Davis that you were unwilling to continue your force longer in the State House.

A. From information that we received, the fact that they were drilling down here, and reports that they were drilling in other parts of the State, in Biddeford, in Lewiston or Auburn; the fact that Fusion members of the Legislature had been home or were away at that time—at home conferring with their constituents, and some of them making this talk, that “we must either give up or fight;” and some of them said, “we will fight;” and the still further fact that Mr. Smith was claiming to be Governor, that the State Seal was stolen, held by Mr. Sawyer, that he advised him as Secretary of State, and the fact that the possession of the State House by those gentlemen was an absolute necessity—that they must have it or go down; and the fact that Mr. Fogg said in his paper that it must be taken if it cost a thousand lives. All of those facts coming to us, I felt that our force was not able to withstand a systematic attack.

Q. Did you have special reason to fear a systematic attack.

A. I did.

Q. From those in this city.

A. I addressed to the Governor this note—I don't know as you want it—to Governor Davis that night, Friday night I think, and that was published. I felt that if we lost this State House, we had lost the State government—that we had no government; the State was without a government if this State House was in the hands of those gentlemen. I felt that they meant to attack it, and as a prudent man I thought I would advise Governor Davis. I did not decline. It has been stated I declined to stay. That is not the fact. I did not decline to stay. The language I have embraced in this note: “I fear any civil police force will be unable sufficiently to protect the public property at the Capitol, or even hold possession of the building itself, &c., against such force as the public enemies seem to be willing and able to bring against it.”

Q. (By Mr. Dingley) Did you base your information as much upon what you saw in Fogg's paper as upon any other source.

A. O, no; I only wrote that as indicating what men of his stamp wanted done. O, no; I did not fret a great deal—simply an indicator I did not take much stock in.

Q. (By Mr. Harris) Then you must have considered it a more critical time when you wrote this note, than at any other time previously.

A. Yes, for this reason: At any previous time any force that we would have to cope with would be a force of unorganized men, you might say a mob. We would stand an even chance with them in a rough and tumble fight. But at this time the thing had narrowed down so that it was to be an organized force, armed with rifles, and perhaps with hand grenades or powder balls. We knew if they came up there they intended to take the building.

Q. (By Mr. Hutchinson) And you recommended guards as a precautionary measure.

A. Yes, I thought it was prudent for the State to take that precaution.

Q. (By same) And in view of all the facts and circumstances you learned, you are still of the opinion that that was a precautionary step.

A. I never was any better satisfied of any advice in my life. It worked out a good effect on these gentlemen. It broke up their club down here, and I think disturbed their plans elsewhere.

Q. (By same) And they haven't been very constant visitors here for the past few days.

A. No, they haven't been here at all.

Q. (By Mr. Dingley) Do you think they have their meetings now.

A. No. I think they have had their last meeting as an organization,—I am satisfied.

Q. (By Mr. Hutchinson) What police force have you had at any one time, regular and special.

A. It has varied somewhat. [Refers to memorandum book] The 8th of January we had 50; 9th January we had 50; 10th January we had 50. Sunday, the 11th, we had ten men on duty. Monday, the 12th, we had 50. January 13th, we had 50, and Wednesday 14th, we had 75 extra men from Hallowell.

Q. (By same) Seventy-five in addition to the 50.

A. In addition to the regular police force, yes. Thursday, the 15th, I think we had 50 men. Friday, 16th, 50; 17th we had 50. Sunday, the 18th, I haven't. Monday, the 19th, the day the Fusion gentlemen demanded entrance here, we had our regular force of about 50 men, and during the afternoon we had a sworn force includ-

ing those from Hallowell, and from other parts of the State. I will say that all of these persons who were here were sworn policemen. We took the precaution to swear them.

Q. (By same) So they performed policemen's duty.

A. Yes, we had at that time about 250 men here. I mean during the afternoon, when these Fusion gentlemen asked to come in and didn't come.

Q. (By Mr. Dingley) Did you keep them all night.

A. No, sir, they went away at the close of the day. Tuesday, the 20th, we had about 100 men. I will state that this number of men was governed largely by the request from the Adjutant General's office; always went there for orders. January 22, we had 50 men. Friday, the 23d, we had 50. Saturday, the 24th, we had 50. January 25th, we had 15. That is since the troops came in. Monday we had 15. I think to-day we have 10.

Mr. Hutchinson: Nothing further occurs to me unless the Colonel thinks of something further.

Witness: I can state this for the benefit of gentlemen on the other side; I don't believe they would ever have organized their Fusion Legislature if it had not been for our policemen. I don't think they could have got into this building. I don't mean that there would have been disorder, but that their force could not have commanded the respect. Captain Black would have been thrown over these balusters if he had come here and attempted to use authority.

B. (By same) You think your force was a protection for Capt. Black.

A. I do. And when Mr. Lampson was so anxious that we should reduce our police force to 15 men—and he even had an order written for me to do it, I have seen it since he burst up—I took occasion to show him that we had kept things right side up, and had enabled Mr. Smith to be inaugurated right in here, which I don't think they could have done without us. But Mr. Lampson has been in favor of a peaceful settlement of this thing. I will join General Chamberlain in saying, that I am satisfied Mr. Lamson is a gentleman who does not want any violence.

CHARLES H. WHITE, called by the Committee, was sworn and testified:

Q. (By Mr. Dingley) Mr. White, you are City Marshal of Augusta, are you.

A. Yes, sir.

Q. Well, will you go on and tell us what you know about this matter of enrolling and enlisting men, &c., that we now have under consideration. You may go on and state what you know about the case in hearing.

A. About the enlistments.

Q. Yes.

A. At the first, in the first start, do you mean.

Q. Yes, the whole thing from the first start, the first knowledge you have, and so continue along until the present time.

A. The first was in regard to enlisting down there to Black's office. It was a matter of hearsay. I don't know because I was not in there. I was told they were enlisting in there, and had some hundred or 150 men enlisted, subscribed their names to a roll and took an oath, and they said they could not remember to tell me exactly what the oath was; but it was an oath, as they expressed it, to do what they were ordered to. They did guard duty, the man that told me, here at the State House, fourteen days and fourteen nights.

Q. (By Mr. Hutchinson) Did any member of that force give you the substance of the oath they took.

A. One or two of them told me about the oath, but said they could not repeat it. I remember they told me they held up their hands and took an oath.

Q. (By the same) Tell you before whom they took the oath.

A. O, Captain Black, as they said.

Q. (By Mr. Dingley) Could you give the substance of it.

A. No, sir; they didn't tell me what it was.

Q. (By Mr. Hutchinson) To do what they were required.

A. What they were required to do.

Q. You are informed by a number of members of the company that Capt. Black had charge of the company.

A. Yes, he had charge; and I asked who drilled them up here, and he said Harlow Hall.

Q. Who is this Harlow Hall.

A. He was a member of the club.

Q. Does he live here in the city.

A. Yes, sir.

Q. What is his business.

A. I don't know exactly what he does do. He used to drive a

team for Colonel DeWitt, worked for him a year or two, I think perhaps longer that.

Q. Young or old man.

A. He is a man thirty-five to thirty-eight years old, I should judge.

Q. When was it you first had knowledge of the formation of this club down town—how long before the meeting of the Legislature, on the 7th of this month.

A. I should think it might be three weeks, perhaps ; I could not state exactly in regard to that.

Q. Did you see men passing in and out of a place or rendezvous there.

A. Yes, sir.

Q. What time of day or night.

A. They were going in and out most all times.

Q. Did you ever have any conversation with Black about the matter.

A. No, sir.

Q. And that commenced some three weeks previous to the meeting of the Legislature.

A. I should think so.

Q. Did you ever hear any drilling by night there.

A. No, sir.

Q. When did you first know of an increased force being placed in the State House.

A. I could not say exactly as to the time.

Q. As near as you can state, how long before the meeting of the Legislature.

A. I think it must have been about three weeks. Because I have talked with men that were here, and one man told me that he was here nine days, and he got twenty dollars for nine days' work here, and the other man told me he was here fourteen days and fourteen nights, and he said he was not here all the time. So I should judge from that that it might have been about three weeks.

Q. Who was that man.

A. John Leighton told me that he received twenty dollars for nine days.

Q. Did he tell you whether or not there was any drilling here in the State House.

A. He said that there was drilling, and when they wanted him to

take a gun he said he didn't want to, and they didn't want him any longer.

Q. Hall had charge here, did he.

A. He said they were a little suspicious of him, because they found out afterwards that he voted the Republican ticket last fall, and he said after they found that out they didn't want him any longer; but he said that was about the time or about the day that they commenced drilling, that they wanted him to take the gun, and he said he didn't propose to stay any longer, anyway. But they discharged him, as I understood.

Q. Did he convey to you any knowledge of the purposes of the organization.

A. No, sir; I believe he didn't.

Q. At that time was it quiet in police matters in your city here.

A. Yes sir, very.

Q. Any necessity for the augmenting of any force or forces for the purpose of keeping the public peace.

A. It was very quiet, we did not have any extra force, only the usual force; no occasion for any extra. There was another fellow told me—not me, but my men—he was in the State House, and he told me that he loaded these muskets that we found down below. There were thirteen of them. He said he cut the lead up and loaded them with cut lead and old nails.

Q. Did you see those musket found.

A. Yes sir.

Q. Where were they found.

A. Down under the Adjutant General's office; I understood they knew in the Adjutant General's office that they were there.

Q. They were stored down there, by this force.

A. Yes sir.

Q. You have seen the muskets, have you not.

A. Yes sir.

Q. And they were loaded, were they.

A. I understood they were.

Q. You haven't seen a charge drawn from any of them.

A. No, sir.

Q. Do you know where these muskets came from.

A. I don't; but I understand they were some that had been here in the State House.

Q. Those were not the arms brought from the Bangor arsenal, you understand.

A. No, sir.

Q. And did those remain after the arms had been removed. Were they found after the removal of the arms to Bangor.

A. I cannot say as to that ; I think it was about that time though ; about the time of the removal, perhaps a day or two previously.

Q. Did you know those men that were here in that force, or a portion of them, personally.

A. Yes, sir, I knew quite a number of them.

Q. It has been reported generally, as a general matter of talk, that quite a number of those men were ex-convicts in our jails and State Prison. What is the fact about that from your own personal knowledge.

A. There are several of them that have been in jail and some of them have been in the State Prison.

Q. Do you know about how many of them were ex-convicts.

A. I have forgotten now. I can tell by looking the roll over.

Q. You do not now remember the number.

A. No, sir, I don't remember. Mr. Johnson—he was on that force, and has been in State Prison. He said they promised him the job to carry the mail, and he was very much disappointed. He told one of my men that yesterday.

Q. Referring to those arms brought from Bangor here. Were you present when they were brought to the city.

A. Yes, sir.

Q. Where were you when they arrived.

A. At the station.

Q. At the depot.

A. Yes, sir.

Q. Who received them at the station.

A. Mr. Black was there, and Mr. Morton, Mark Harding and several others were there.

Q. Several other heads of departments.

A. Yes, sir.

Q. What is this Morton's business.

A. He is an express agent—manager.

Q. They were taken by express immediately up to this House.

A. Yes, sir.

Q. Do you know whether Captain Black came up that night with them.

A. I don't. I think he did though.

Q. You have seen him here at the State House previous to the organization, or at the time or afterwards.

A. He was here all along, about that time.

Q. Did he ever have any consultation with you personally about taking charge of any force to aid in preserving the public peace in this city.

A. No, sir.

Q. No conversation was had between you and him in reference to it.

A. No, sir.

Q. Ever ask him any questions about the purpose of this organization and what it was here for.

A. No, sir.

Q. At any time, when you were present, was he here assuming to control or direct the operations of these men.

A. No, sir; I don't know that he was. He was here along the first few days, down in the rotunda, and a lots of his men were down there, and he was round talking with them all.

Q. You saw those men that were wearing badges, did you not.

A. Yes, sir.

Q. And those badges bore the word "police," simply, did they.

A. Yes, sir.

Q. Your city badges are "Augusta Police."

A. They are "Augusta Police." But I got one hundred badges with just the word "police" on them, to use for special occasions, and they got some badges just like those in a few days after.

Q. They were just like those.

A. Yes, sir, I think they were just like them; looked like them, I think.

Q. Have you any knowledge who got them, or where they were obtained.

A. No, sir.

Q. Have you any knowledge of their being sworn in as policemen by any person with any authority.

A. No, sir.

Q. Did any of them consult with you, or with your police force, to your knowledge.

A. No, sir.

Q. Did you ever learn from any of them what their object was in being here, and what duties they were to perform here.

A. Leighton told me they were here to shoot anybody that came to the building; and some others told me they were ordered not to fire on anyone until they had orders. That was in the night.

Q. In the night.

A. Yes, sir.

Q. Did you learn who had charge of the force at night here.

A. No, sir, I believe not.

Q. Do you know what number were here at any one time.

A. No sir.

Q. Of those men.

A. I don't exactly. I know that one of my men had occasion to come here to the State House, and he opened the door to ask a question, and there was a guard at the door. And he looked in, and the guard opened the door, so he got a glimpse of the interior; and he said there were two rows of men across the rotunda, two abreast, and they appeared to be drilling.

Q. What time of day was that.

A. That was in the evening.

Q. Was that previous to the meeting of the Legislature.

A. I think it was about that time.

Q. Are you enabled to state now whether it was before the meeting of the Legislature, which was the seventh day of this month, or subsequent to that time.

A. I cannot state exactly as to that; but the man that looked in said he thought some of my own men were there. So I took it from that, that it must have been after some of us came up here; and that was after, the very first day or two that I had my men up here when Black's men were up here. This man looked in to see if any of my men were here; and they were strung across the rotunda drilling, as he stated it.

Q. Were any of your men here at that time.

A. No sir. The first two days—I think it was two days—we had a few men up here, and they had on the force—Black's force we call it, and I think two days; and after that they all left, or took their badges off. They staid round.

Q. Do you know, yourself, anything as to those men being armed.

A. I didn't see any of them armed.

Q. Did any of them inform you as to whether or not they were armed. If so, in what manner.

A. Yes, they said they had their guns after they were brought from Bangor, there in the committee-room. They brought their guns down there nights. And the guns were loaded when we found them up in what we call the middle Library.

Q. How many pieces were loaded when you found them there.

A. I did not take the cartridges out; but I think they said there were about fifteen of them, that is the talk when we were up there, that were loaded and had bayonets affixed.

Q. None of these men were members of any regular military organization—those men of Capt. Black's.

A. Some of them belonged to the Capital Guards—some members of the Capital Guards' company.

Q. Some of them here with Capt. Black.

A. Yes, sir, Hanks, the one that loaded the thirteen guns with cut lead belonged to the Capital Guards.

Q. Were some of those men men with whom you were unacquainted.

A. I know the greater part of them.

Q. The most of them residents of Augusta.

A. Yes, sir.

Q. Any of them been to the State House recently.

A. No, sir.

Q. Do you know where they now are.

A. Some of them have gone down to work on the ice, and some of them are about town. I see some of them every day.

Q. Have you any knowledge of any organization, or any force in Augusta, except this one.

A. Nothing, only a matter of hearsay.

Q. Only report.

A. That is all.

Q. You have no knowledge of how these men were paid, have you—in what manner or form, what money or appropriation.

A. Only by report.

Q. Are there any other facts that you are knowing to in connection with the matter that you can state that haven't been asked you, that now occur to you.

A. No, sir; I don't know as I can think of anything.

Q. In your opinion, was it imprudent to rely upon the police force you had here at the time the militia were called out.

A. We thought so from appearances.

Q. And what led you to that conclusion.

A. From movements about town of this company of Black's, and reports of organizations out of town in different sections.

Q. Was that company of Black's, meeting at that time down street.

A. They have kept up their organization, I think, pretty well, and held meetings right along since they were here. They have kept the hall, and been out and in nights.

Q. Up to how recent a date have they been going out and into their hall evenings.

A. Up to last Saturday night.

Q. Have there been any meetings since that time.

A. No, sir.

Q. Have rumors and reports come to your knowledge of violence to be used by them.

A. Yes, sir.

Q. (By Mr. Hill) Give the man's name in full that loaded the guns.

A. His name is Edward Hanks.

Q. (By same) And he is about the city here now.

A. Yes, sir.

Q. (By Mr. Harris) Do you know of this organization of men having arms in that hall.

A. I don't know whether they have or not. It was reported that they had.

Q. (By Mr. Lord) State the name of any members of Black's force who gave you information as to the organization or the purposes of the organization.

A. John Leighton told me some things about it.

Q. Who else. Do you think of anyone else.

A. There are some others ; but these men could all be brought in here. You can get the names of all of them.

Q. You spoke of a roll—that you would be able to give the names of those that had been in State Prison if you saw the roll. What roll did you refer to.

A. I think they had a roll somewhere. There was a roll that they were paid off by, that some have seen.

Q. Did you ever see any other roll than the one they were paid off by.

A. No, sir.

Q. Do you know of their being any roll of 159 men found.

A. I don't.

Q. (By Mr. Harris) Have you any reason to think there is any intention to destroy property or make mischief about the city.

A. That there is now.

Q. That there has been.

A. Yes, I think there has been.

Q. And by these men.

A. Yes, sir.

Q. What reason have you to think so.

A. I think if the militia hadn't been put in here, that they would have made an attempt to get possession of the State House between last Friday and Monday.

Q. What special reason have you for thinking so.

A. From reports from other cities about, and from what we could hear going on, and hear from their leaders.

Q. In this city.

A. Yes, sir.

Q. It was reported that there were certain bits of paper stuck up on certain houses. What explanation do you give to that.

A. I don't think that amounted to anything. I guess that was done as a "scare," as they call it. I don't think that had any particular meaning.

Q. Do you know the party that put them up.

A. Yes, sir.

Q. (By Mr. Dingley) Do you say you know the parties that put them up.

A. Yes, sir.

Q. Were they some of Black's men.

A. Yes, sir, a man that has been with them all the time.

Q. Was there more than one of them that put them up.

A. There was but one of them that my men saw. Mr. Breen caught one man putting them up.

Q. (By Mr. Hill) Will you give his name in full.

A. His name is Joseph Foy, the man that was putting them up.

Q. (By Mr. Dingley) Is there anything more.

A. No; I don't think of anything.

Q. (By Mr. Hutchinson) I will ask you if you learned anything about the object in view in putting up those pieces of paper that have been referred to. What explanation has been given.

A. No, sir, I don't know that I did. Mr. Breen asked Foy what he was doing it for, and he said he didn't know, but that he had a right to put them up. Breen told him if he put up any more he would arrest him. And he says: "Well, I have put up enough, I guess; what I have got stuck up will do."

Q. (By Mr. Dingley) Was that in the night time.

A. Yes, sir.

Q. (By same) What time was it.

A. I could not say just what time it was, somewhere about nine or ten o'clock, I think.

Q. (By Mr. Hutchinson) He didn't make any explanation of what he was putting them up for.

A. No, sir, I think not; but he spoke in such a way as to lead Breen to think he had some object in doing it, by the remark he made—he thought he had stuck up enough.

Q. (By Mr. Lord) Did you ever see a list of names, published in the Kennebec Journal, of members of this Black's company.

A. Yes, I saw the names of a few.

Q. Do you know where they were obtained.

A. I do not.

SAMUEL J. GALLAGHER, called by the committee, sworn and testified.

Q. (By Mr. Hutchinson) Did you know of those arms, kept down under the Adjutant General's office, that have been spoken of.

A. I do; some brought there in 1878, by General Cilley, from the Portland Arsenal, after it was removed to Bangor. The Portland Arsenal—not exactly an arsenal, but a gun house—was sold by resolve of the Legislature, and the arms, the most of them, sent to the Bangor Arsenal. And there were some fifteen or twenty brought to the office, and four or five of them sold by order of the Governor and Council. They were old Springfield and Enfield muzzle-loading rifles.

Q. They had been there since 1878.

A. They were brought there in the fall of 1878.

Q. And they had been kept under the office of the Adjutant General.

A. Yes, sir.

Q. When did you last see those rifles.

A. They were there when I left the office, the first of July.

Q. Were they ever loaded at any time when you were there.

A. No, sir. There was no ammunition in the State House, or was not at that time, to load those rifles. The only ammunition for those was in the Bangor Arsenal, which we call "calibre 58," elongated cartridge—I guess twenty rounds in the Bangor Arsenal.

Q. Then there was ammunition in the Bangor Arsenal that would fit those.

A. Yes. And I understand they brought a little of that over here.

Q. Have you seen any of them since they were loaded, or while they were loaded.

A. I haven't; no, sir. There were also two revolvers, one of Colt's and one of Smith & Wesson's, in the office, left in the office, and the guard—night watch—had two besides. We drew four from the United States government, and two were given to the night guard of the State House, and the other two were left in the office when I came out, and a lot of cartridges that went with these revolvers. And there were no cartridges left in the office, that I remember of, except one box of calibre 45, rifle cartridges, and two or three empty boxes, were all left.

Q. What was kept in this room under the Adjutant General's office besides these rifles that have been spoken of.

A. A lot of Adjutant General's Reports, or rather indexes, unbound, in paper covers, mostly, and two or three cases there of blanks for militia companies, and other old papers, and a few papers belonging to the Secretary of State's office.

Q. No other arms except these spoken of.

A. No, sir. Just a rough store-room for one thing and another.

Q. How many in number were there of those arms.

A. I could not say. As I remember, some ten or a dozen. I should judge, somewhere along there.

Q. You have no knowledge, yourself, as to who loaded those arms.

A. No, sir.

Q. Or in what manner they were loaded.

A. No. Of course they would have to be used with caps, different from the present arms.

Q. Those arms, already spoken of, found in the basement, covered the whole of them.

A. Yes, sir.

Adjourned.

THURSDAY, JANUARY 29.

The Committee was called to order by Mr. Dingley, the chairman, all being present except Messrs. Hill, Ingalls and Robinson.

MR. HUTCHINSON: I have here the first witness I think it best to call this afternoon. It is Mr. Avery, whose name was mentioned yesterday in the examination. I had a little talk with him last night and some to-day, and know about what he knows about the matter.

GEORGE AVERY, called by the committee, sworn and testified:

Q. (By Mr. Hutchinson) You reside in Augusta, do you not.

A. Yes, sir, I shall be this week out.

Q. How long have you lived in Augusta.

A. Three years.

Q. And what is your business.

A. Most anything that comes round, laboring outside.

Q. Were you at any time, on or before the first of January and afterwards, on duty here in this house.

A. Yes, sir.

Q. On guard. How long were you on guard here in this house.

A. Sixteen days, nights and all.

Q. Will you state, as near as you can, when you first came on duty.

A. I have no knowledge of that.

Q. Was it before New Year's day.

A. Yes, sir.

Q. Get it as near as you can state it from your recollection.

Where did you make application for your position to come here.

A. Black's Hall—Black's office.

Q. R. W. Black.

A. I don't know whether it was R. W. or not. It was Mr. Black.

Q. The person they call Capt. Black.

A. Yes, sir.

Q. And whereabouts was that.

A. Just the other side of the printing office.

Q. On Water street.

A. Yes, sir.

- Q. Was it at his office or at the hall.
- A. At his office.
- Q. Did you go there with any one, or were you alone when you went there.
- A. Alone.
- Q. Any other person present in the office when you went there.
- A. Yes, sir.
- Q. Do you know who.
- A. No, sir.
- Q. Was Mr. Black there.
- A. Yes, sir, he was.
- Q. What did you tell him you had come for when you went there.
- A. I didn't tell him.
- Q. What, if anything, did he say to you.
- A. He asked me if I wanted to enlist.
- Q. And what did you tell him.
- A. I told him yes.
- Q. Did you at that time enlist.
- A. Yes, sir.
- Q. Did you sign any roll or paper.
- A. Yes, I signed a roll.
- Q. Did Mr. Black or any other person state to you what duties you were to perform.
- A. No, sir.
- Q. At that time.
- A. No, sir.
- Q. Did he afterwards.
- A. No, sir.
- Q. Where did he tell you to report for duty.
- A. State House.
- Q. Was there at that time any oath administered to you.
- A. No, sir.
- Q. Was there at any time an oath administered to you.
- A. (Witness shakes his head in the negative.)
- Q. I mean at the office down there.
- A. No, sir.
- Q. Didn't you tell me that you took an oath.
- A. O, yes, sir.
- Q. Where was that oath administered to you.

A. At Mr. Black's office.

Q. Who administered that oath to you.

A. Mr. Black.

Q. Will you state to the committee, as near as you can, Mr. Avery, what oath was administered to you. State it in your own words, as near as you can remember.

A. I have no knowledge of it now.

Q. Cannot you state the substance of the oath.

A. No, I could not.

Q. Were there others present—

A. Yes, sir.

Q. —that took the oath at the same time.

A. Yes, sir.

Q. Can you state how many.

A. I should judge about five, four or five.

Q. Four or five besides yourself.

A. Yes, sir.

Q. And you were in his office at the time.

A. Yes, sir.

Q. Was Capt. Black at his desk or table.

A. Yes, sir.

Q. And where were you.

A. Standing up by the side of it.

Q. You stood up, and each of you raised your hands, and he administered the oath.

A. Yes, sir.

Q. After that, and after you had signed the roll, where did you go.

A. Come up to the State House.

Q. Was that in the daytime.

A. Yes, sir.

Q. What time in the day.

A. I should judge I came up about four o'clock.

Q. And you say that was before New Year's day.

A. Yes, sir.

Q. When you got up to the State House did you find other men here.

A. Yes, sir.

Q. How many should you say.

A. I didn't count them.

- Q. How many should you think there were.
- A. I should think there were about fifteen.
- Q. After you came up here were you armed.
- A. No, sir.
- Q. At any time, I mean.
- A. O, yes, was at night.
- Q. Yes, that night. Who furnished you arms.
- A. Mr. Hall brought them along to us.
- Q. What is his first name, Mr. Avery.
- A. That is all the name I know he had.
- Q. Harlow M. Hall.
- A. I believe some of them called him Harlow M. Hall.
- Q. What arms did he furnish you.
- A. Furnished me a gun and cartridges.
- Q. Was it a Springfield rifle.
- A. Yes, sir.
- Q. How many cartridges were furnished you.
- A. Twenty—ten.
- Q. Ten rounds. Did you load your rifle.
- A. Yes, sir.
- Q. And from that time you remained sixteen days and nights.
- A. Yes, sir.
- Q. During the time you were here, who had charge of the forces that were in the house.
- A. I don't know his name.
- Q. Were there officers on duty that had the direction of your guard.
- A. No, sir.
- Q. Any corporal.
- A. Corporal of the guard. They were round, but not on guard.
- Q. Were there corporals, or similar officers, who had charge and to whom you reported for duty, or from whom you received orders.
- A. Received orders from Hall.
- Q. The same one who gave you your arms when you came.
- A. Yes, sir.
- Q. What orders did you receive from him.
- A. He told us to go up into the room with our arms, up stairs into the room, and we went up, and that was all the orders I received.
- Q. What room did you go into.

A. Room out beyond here, No. 6.

Q. Were there other men there.

A. Yes, sir.

Q. Were there arms there.

A. I could not say certainly.

Q. Were there arms aside from yours.

A. I think there were, I would not say certainly.

Q. After you received your rifle and your ammunition, did you load your rifle.

A. No, sir. I didn't load then, not until evening.

Q. Loaded it in the evening.

A. Yes, sir.

Q. Did you have it loaded during the night.

A. Yes, sir.

Q. Did you, at any time, take out the cartridge.

A. Yes, sir.

Q. When.

A. After I came off from duty.

Q. For how long a time each night were you assigned to duty.

A. Two hours.

Q. What part of the night.

A. From eight to ten.

Q. Then you were relieved by other persons.

A. Yes, sir.

Q. Did you receive orders from any other person except Mr. Hall.

A. No, sir.

Q. What orders did he give you in reference to your duty during the night, when you were on guard.

A. If there was anybody going to come up to the State House we were to call him.

Q. You were to call him.

A. Yes, sir.

Q. Were you to admit any person.

A. No, sir, unless we called him.

Q. And what further orders did he give you. Any orders in reference to using any force.

A. No, sir.

Q. Or firing.

A. No, sir.

Q. Did you keep the doors fastened.

A. Yes, sir ; the time we were on we did.

Q. Locked.

A. Yes, sir.

Q. How much were you paid for your services, Mr. Avery.

A. Sixteen dollars.

Q. Who paid you.

A. Mr. Black.

Q. Where were you paid.

A. In his office.

Q. On Water street.

A. Yes, sir.

Q. Did you sign any roll at the time you were paid.

A. No, sir.

Q. Did he sign any for you.

A. I presume he did ; yes, sir.

Q. You don't know whether the paper I hold in my hand was the roll or not, do you.

A. No, sir, I don't.

Q. Were you informed by Mr. Black, or any person who had charge here, Mr. Avery, what you were sent here for.

A. Boys told down street they were enlisting men to come up to the State House, and I went up and enlisted, and after I enlisted Mr. Black told me to come up to the State House.

Q. And did he, or any person, tell you what your duty was to be here, or what the purpose was in your coming here.

A. No, sir.

Q. Didn't.

A. No.

Q. After you came here, was Mr. Black here.

A. No, sir.

Q. Was he here evenings.

A. Yes, sir.

Q. Was here about every evening during the time you were on duty.

A. Yes, sir.

Q. Where did he remain the most of the time that he was here.

A. The most of the time I saw him, was walking round the rooms. I didn't see any particular room that he remained in.

Q. Do you know, as matter of fact, that he remained and slept in the Secretary of State's office.

A. No, sir.

Q. You don't know—

A. No.

Q. —whether he did or not, do you.

A. No, sir.

Q. Did you meet in any hall down town.

A. No, sir.

Q. You didn't go down town after you came up here.

A. No, sir, not until I got through.

Q. You went home nights, did you not, or days.

A. I went home to my meals, and right back again.

Q. You were only at home, then, long enough to get your meals.

A. Yes, sir.

Q. Were you drilled here in the State House.

A. No, sir.

Q. Were there any men who were here that were drilled that you know of, here in the State House.

A. No, I don't.

Q. How many men, Mr. Avery, at any time when you were here, were in the State House, composing the force.

A. I should judge, about 30 or 35.

Q. You don't know the exact number, do you.

A. No, sir, I don't.

Q. With what arms were you furnished, if any, except the Springfield rifle and the cartridges which you have spoken of.

A. None.

Q. Did you, at any time, have on a policeman's badge.

A. No, sir.

Q. Did you, at any time, carry a billy.

A. No, sir.

Q. Did some of the force here have on badges.

A. No, sir.

Q. When you were here.

A. Not that I saw.

Q. Did any of them, that you know of, have billies.

A. No, sir.

Q. Did you see any billies.

A. No, sir.

Q. Were they all armed with the same kind of rifle that you had.

A. Yes, sir.

Q. And those rifles, so far as you know, were all loaded nights.

A. Yes, sir.

Q. At the time you were paid off at Capt. Black's office, were there other men there paid off at the same time.

A. Yes, sir.

Q. Did you see where Black took the money from to make payment.

A. Yes; another gentleman handed it to him.

Q. Who was the gentleman.

A. I don't know.

Q. Do you know Mr. Lancaster, who was Superintendent of Buildings here.

A. No, sir; I don't.

Q. Didn't you see him here during the days you were here in the building, rotunda.

A. I could not tell if I saw him. I didn't know him.

Q. You don't know whether he was the man that handed the money to Black or not.

A. No, sir.

Q. Do you know Major Folsom.

A. No, sir.

Q. Do you know whether he was at any time during the time you were on duty, in the State House.

A. No, sir, I don't.

Q. Were you in the Adjutant General's office during any of those days.

A. No, sir.

Q. What accommodation did you have for beds or bedding during the night.

A. None.

Q. Didn't have any. Did you sleep on the floor.

A. Slept on the floor and tables.

Q. You had no blankets or any accommodations whatever.

A. No, sir.

Q. Now, Mr. Avery, didn't Mr. Black at any time tell you what you were expected to do here in the State House.

A. No, sir.

Q. Didn't he say anything in reference to what your conduct should be if any party attempted to come in forcibly.

A. He didn't to me, no, sir.

Q. Did he to any person in your hearing.

A. No, sir.

Q. Did Mr. Hall.

A. Yes, sir.

Q. What direction or instruction did he give you.

A. If I saw anybody coming near the house to call him, and not to open the door or do anything until he came.

Q. And did he direct you to follow his orders.

A. Yes, sir.

Q. Say anything to you about firing if he directed.

A. Gave orders not to fire unless we had orders.

Q. Told you not to fire unless you had orders.

A. Yes, sir.

Q. Any one else except Mr. Hall give you that direction.

A. No, sir.

Q. Now, Mr. Avery, was there any other person except Mr. Hall that had charge in any way while you were here.

A. Not that I know of.

Q. Where did you keep your arms during the daytime.

A. No. 6 room.

Q. That is the room directly in here, straight, down one flight.

A. Yes, sir.

Q. And where did you and the rest of the men here remain during the daytime mostly.

A. In the rooms.

Q. You remained in the rooms.

A. Yes, sir.

Q. Did you have any orders about remaining in those rooms during the day.

A. Orders to keep in there as snug as we could.

Q. How many of you were to come out at a time.

A. One or two.

Q. Not more than one or two at a time.

A. Yes, sir.

Q. Who gave you those orders.

A. Mr. Hall.

Q. And you did as directed, did you.

A. Yes, sir.

Q. After dark did you come out of the room.

A. Went to our suppers—yes, sir.

Q. And you were out, then, in the rotunda, were you not, as many of you as desired to.

A. Yes, sir.

Q. Remained in there only during the day.

A. That is all.

Q. Anything said to you by Mr. Hall, or any officer who had command, about aiding or preventing the inauguration of any person as Governor.

A. No, sir.

Q. How often were you paid.

A. Once.

Q. Paid when you got through.

A. Yes, sir.

Q. Do you remember the day you were paid.

A. No, sir.

Q. Were you here on the day of the meeting of the Legislature, on the seventh day of the month.

A. I believe I was at Hallowell.

Q. Now, be sure that you are correct about that. Are you sure that, on the day of the meeting of the Legislature, Wednesday, the 7th of January, you were at Hallowell.

A. I am not sure. I could not tell you, the fact, where I was.

Q. As matter of fact, were you not here at the house that day, the day of the assembling of the members of the Legislature.

A. No, I was not here.

Q. Were you down at Hallowell about that time.

A. I think I was down to Hallowell.

Q. What did you go down there for.

A. I went on purpose to see to some things I had down there.

Q. Did you get leave to go down there, to leave the State House.

A. Yes, sir.

Q. Of whom did you obtain leave.

A. Of Mr. Hall.

Q. You returned the next day.

A. Yes, sir.

Q. You were here, then, on Thursday, the second day.

A. Yes, I think so.

Q. Did you know about the arms being removed into the Library, or a room adjoining the Library, up stairs.

A. No, sir.

Q. Were you up there at any time.

A. No, sir.

Q. Were you down in the basement at any time.

A. Yes, sir.

Q. Were you in the room under the Adjutant General's office, in the further corner of the building, lower further corner.

A. Yes, sir.

Q. Did you see some arms there.

A. No, sir.

Q. Did you have any knowledge of there being arms there loaded.

A. No, sir.

Q. Did you aid, in any way, in loading any arms except those that you carried.

A. No, sir.

Q. Did you have any knowledge of the gallery here being reserved for your forces on the second or third day.

A. No, I don't.

Q. Where were you the second day, on Thursday—where were you stationed in the building.

A. Back doors, called No. 2.

Q. Down stairs.

A. Yes, sir.

Q. Do you mean by that, the door leading out of the back of the building, out of the rotunda.

A. Yes, sir.

Q. You were stationed at that door.

A. Yes, sir.

Q. Did you wear a policeman's badge that day.

A. No, sir.

Q. Were you armed that day.

A. No, sir.

Q. Didn't you at that time, or at any time, carry a revolver.

A. No, sir, I never had a revolver on me at all.

Q. Do you know how many of your company, of the same force, were in the building that day.

A. No, I don't.

Q. Were you here the next day, on Friday.

A. I presume so, I was here right along.

Q. When did you leave.

A. I don't remember the day I left, the day of the month.

Q. About how long was it after the gathering of the Legislature here.

- A. That I could not tell.
- Q. Did you remain here over the next Sabbath.
- A. No, sir.
- Q. Were you discharged.
- A. Yes, sir.
- Q. By whose orders.
- A. Mr. Hall's.
- Q. Was it after that that you went down town and received your pay.
- A. Yes, sir.
- Q. (By Mr. Butler) When you went into Mr. Black's, you say he asked you if you wanted to enlist.
- A. Yes, sir.
- Q. Did he tell you anything about what it was enlisting for.
- A. No, sir.
- Q. What did you understand it was for.
- A. I didn't understand it was for anything.
- Q. Have any idea what you had got to do.
- A. No, sir.
- Q. Did you enlist with the understanding you would do anything that he required you.
- A. Yes, sir.
- Q. What did you understand that the gun was for that was put into your hands.
- A. No more than to carry it round where he wanted me to carry it.
- Q. I understood you to say that Mr. Black administered an oath to you, was it.
- A. I guess not.
- Q. You said you took an oath when you went in to be enlisted.
- A. O, yes.
- Q. You took an oath.
- A. Yes, sir.
- Q. Can you remember at all what words the individual who administered the oath, used. Can you remember anything he said.
- A. No, sir, I was talking with another gentleman when he was speaking the words ; I was not paying attention.
- Q. Did you lift up your hand as you did here.
- A. Yes, sir.

Q. You have no recollection what he said.

A. No, sir.

Q. Had you any idea what that oath meant.

A. No, sir.

Q. You said when you were there, there were four or five other persons in the office when you enlisted.

A. Yes, sir.

Q. Did you know any of them.

A. No, sir.

Q. Did you afterwards learn who they were, their names.

A. No, sir.

Q. Did you see any of those four or five here at the Capitol.

A. Yes, sir.

Q. You saw them afterwards here at the Capitol.

A. Yes, sir.

Q. But you say you never heard them called by any name.

A. No, sir.

Q. Do you say you carried a gun at any time in the daytime.

A. No, sir.

Q. During the time you were here on guard, by day or by night, until you were discharged, did you see anybody that you knew other than Mr. Hall.

A. No, sir.

Q. Knew none of these men.

A. Never knew any names, no, sir.

Q. Have you seen any of them since.

A. Yes, sir.

Q. Have you learned any of their names since.

A. No, sir.

Q. Would you know them if you met them now.

A. Yes, sir.

Q. Did you at any time while you were here on guard, in this State House, wear a badge.

A. No, sir.

Q. I understood you to say you were commanded by Mr. Hall not to fire without orders.

A. Yes, sir.

Q. You were put at the door to guard it and prevent any one from coming in.

A. Yes, sir.

Q. You had your rifle loaded.

A. Yes, sir.

Q. You knew there was a ball in it.

A. Yes, sir.

Q. Ball cartridge. If Hall had ordered you to fire would you have fired.

A. I presume so, yes.

Q. (By Mr. Lord) Was you at any time quartered in this room —(Representatives' Hall).

A. No; no more than our arms.

Q. Did you ever occupy this room at all.

A. Never, no, sir.

Q. Do you know of any that did.

A. No, sir.

Q. (By Mr. Hutchinson) Mr. Avery, do you know a man by the name of J. C. Johnson in the city, or that was on guard then.

A. I know a man by the name of Johnson, but I don't know whether his name is J. C., or not.

Q. Do you know a man by the name of Johnson that was on guard here with you.

A. Yes, sir.

Q. He lived here in the city.

A. Yes, sir.

Q. Do you know a man by the name of William Britt.

A. No, sir.

Q. Know a man by the name of Charles W. Britt.

A. No, sir.

Q. Do you know a man by the name of Charles Carter.

A. No, sir.

Q. By the name of N. F. Danforth.

A. No, sir.

Q. George Hersom.

A. Yes, sir.

Q. Does he live in the city.

A. I believe he does.

Q. Do you know what his business is.

A. No, sir.

Q. Where did you get acquainted with him.

A. When I was driving team.

Q. You don't know what his business is.

A. No, sir.

Q. You don't know whereabouts he lives in the city.

A. No, sir.

Q. Do you know a man by the name of Thomas Lombard.

A. No, sir.

Q. Sylvester Moore.

A. No, sir.

Q. John McKluskey.

A. No, sir.

Q. Or Frank Ripley.

A. No, sir.

Q. You say you were here eight days.

A. No, sir.

Q. And eight nights.

A. I said sixteen.

Q. How much did you receive.

A. Sixteen dollars.

Q. Did you receive but a dollar for a day and a night.

A. Yes, sir.

Q. One dollar for each twenty-four hours.

A. Yes, sir.

Q. (By Mr. Harris) Did the others receive the same.

A. I don't know, I am sure ; I presume so.

Q. (By Mr. Butler) Did you know a man that was called Corporal Emery.

A. No, sir.

Q. (By Mr. Hutchinson) Did you know a man by the name of Geo. C. Emery.

A. No, sir.

Q. (By Mr. Dingley) Did you say that you had a dollar a day, or a dollar for twenty-four hours.

A. A dollar a day, and a dollar a night.

Q. That made two dollars for twenty-four hours.

A. Yes, sir. When I said twenty-four hours, I spoke before I thought.

Q. A night was counted the same as a day, was it, Mr. Avery.

A. Yes, sir.

Q. And that made two dollars for twenty-four hours.

A. Yes, sir.

Q. (By Mr. Hutchinson) Who signed your name, at the time you received your pay.

- A. I presume Black did ; I don't know, I didn't look at it.
- Q. You didn't sign it, yourself.
- A. No, sir.
- Q. You cannot write, yourself.
- A. No, sir.
- Q. (By Mr. Butler) Did you make any mark.
- A. No, sir.
- Q. (By Mr. Dingley) Mr. Avery, were you here, in the Library, while you was here.
- A. No, sir.
- Q. Didn't go in, then.
- A. No, sir.
- Q. (By Mr. Hutchinson) Do you know anything about who did go into the Library.
- A. No, sir.
- Q. Do you know that there were some men admitted there.
- A. No, sir.
- Q. Did you see any going up, or coming down the Library stairs.
- A. I saw them going up and down these stairs here, this first flight, down below.
- Q. Did you see anybody going up the winding flight of stairs, above here.
- A. No, sir, I didn't.
- Q. Have you any knowledge of any men being up there at the time the Legislature assembled.
- A. No, sir.
- Q. (By Mr. Butler) Do you clearly understand Mr. Hutchinson, in the day of which he speaks of the Legislature assembling. You remember, that day was the day when this room was crowded, and the whole house was crowded, and they stood round the doors. That is the day he refers to, and I refer to, in the question I asked. Do you remember that day.
- A. No, sir, I don't.
- Q. You were not here at that time.
- A. No, sir.
- Q. Were you here the day before that.
- A. I think so.
- Q. (By Mr. Dingley) What day of the week was it that you went to Hallowell.
- A. Sunday.

Q. (By same) Sunday.

A. Yes, sir.

Q. (By Mr. Hutchinson) Were you at Hallowell more than once.

A. No, sir.

Q. (By same) You say "no."

A. No, sir.

Q. (By Mr. Dingley) Was that the only day, after you came here first until you left, that you were absent. Was you away from the State House more than one day.

A. No, sir.

Q. And that day was Sunday.

A. Yes, sir.

Q. Then, don't you recollect of being here on the day that the Legislature met.

A. No, sir.

Q. That was not Sunday.

A. I might have been in my room, asleep; I don't remember it.

Q. (By Mr. Hutchinson) Do you intend to have the Committee understand, as a fact, you might have been here on the day of the assembling of the Legislature, when the rotunda was crowded with men, and the stairways were crowded with men, and this room and the Senate Chamber, and you could have been in any room here asleep. You don't mean to make that statement, as a fact, to the Committee.

A. I mean to say that, when I am asleep, anybody could take me up and lug me down into the river, and it wouldn't wake me up.

Q. (By Mr. Butler) If you was asleep, was it in the basement.

A. No, sir; I was up in No. 6 room.

Q. Were you here any day when this room was crowded and great crowds were round.

A. No, I didn't see any.

Q. Did you come out of your rooms any days after the Legislature began to assemble, or were you on guard at night alone.

A. On guard nights.

Q. (By Mr. Hutchinson) Have you ever seen Capt. Black since you were on duty here, Mr. Avery.

A. I saw him when he paid us off.

Q. Seen him at any time since that.

A. No, sir.

Q. You have had no conversation with him since that time.

A. No, sir.

Q. Seen Mr. Hall, since that time.

A. Yes, I saw him down river, on the ice.

Q. Where is he now.

A. I presume he is down river, on the ice.

Q. At work on the ice.

A. Yes, sir.

Q. Have you had any talk with him since you left here.

A. No, sir, I havent had any talk with him.

DANIEL M. BERRY, called by the Committee, sworn and testified :

Q. (By Mr. Hutchinson) What is your age, Mr. Berry.

A. Twenty-five.

Q. Where do you reside.

A. Litchfield.

Q. Are you at present engaged in this city.

A. Yes, sir.

Q. And your business.

A. Harness making.

Q. How long have you been in this city.

A. I have been in this city a year and seven months.

Q. Are you acquainted with Capt. R. W. Black of this city.

A. I am some acquainted with him. I saw him very often.

Q. Were you one of the guards who were in this State House before the meeting of the Legislature.

A. Yes, sir.

Q. How long were you on duty.

A. Eight days, seven nights and one day.

Q. Where did you first engage in that service.

A. R. W. Black's office.

Q. On Water street.

A. On Water street.

Q. For what purpose did you go up there, and how did you come to go there.

A. I went there to protect the Governor and Council.

Q. Did you state to Black what you had come for.

A. Yes, sir.

Q. I am speaking now of the time you went to his office.

A. Yes, sir.

Q. What I intended to ask you was, how did you come to go to Black's office in the first place, and for what purpose you went there.

A. Being out of a job, and hearing that Black was enlisting men to go the State House, I thought I would drop in and get a job, and I did so.

Q. What did you say to him when you went in, and what did he, in answer, say to you, if anything.

A. I asked him how they were getting along up to the State House, and he said they were getting along pretty well. I asked him if he wanted any more men, and he said yes. He wanted to know if I wanted to go to the State House to-night. I said "yes, I do."

Q. What did you then do. Did you sign.

A. I signed my name on a roll and he swore me in.

Q. He administered an oath to you.

A. Yes, sir.

Q. Will you state to the Committee the substance of it, as near as you can recollect.

A. It was kind of an army oath, I suppose; wanted to know if we would protect the Governor and Council and the Constitution of the United States, and the State of Maine also, at the State House.

Q. That was the substance of the oath, was it.

A. Yes, sir, as near as I can remember.

Q. That was what time in the day.

A. About two o'clock in the afternoon.

Q. Did you come up here to the State House that night.

A. I did.

Q. Do duty that night.

A. Yes, sir.

Q. About how many men should you say were here when you came up that night.

A. How many men were doing duty.

Q. Yes.

A. I could not tell you.

Q. Can you give some idea.

A. I should say there were fifty.

Q. Fifty.

A. Yes, sir.

Q. That was about the last days of December, was it not.

A. Yes, sir.

Q. Who had charge here when you came up into the State House. Under whose direction were you placed.

A. Governor —— Folsom.

Q. Major Folsom.

A. Major Folsom.

Q. Was he here then.

A. I didn't see him.

Q. Was there a man by the name of Hall that was here.

A. Yes, sir.

Q. Do you know him.

A. I know him when I see him.

Q. Do you know what his business is.

A. No, sir.

Q. Did he have charge and direction.

A. He had charge of the guards. I was directed to Folsom; but he was not here.

Q. Were you armed after you came up.

A. Yes, sir.

Q. In what way.

A. With a gun.

Q. Have ammunition given you.

A. Yes, sir.

Q. How many rounds.

A. Twenty.

Q. Where was your place of duty that was assigned to you.

A. Right down here to the door as you go out in front of the State House.

Q. Who gave you arms and ammunition.

A. Mr. Hall.

Q. You loaded your rifle.

A. Yes, sir.

Q. What orders, if any, did Hall give you as to what your duties were to be after you were placed on guard.

A. Our duty was, if we saw any one approaching the building, to call the corporal of the guards, or the sergeant of the guards, and tell them how many men there were approaching, so that they could come to the door and let them in.

Q. Any further orders than that, if any party used any force, any attempt to get in.

A. If any party used any force in attempting to get in, not to fire

until we got orders, and for them to fire first, before we fired any way, at all.

Q. (By Mr. Butler) For whom to fire first.

A. The outsiders, Republicans, I suppose; no other ones would fire.

Q. I didn't know but that you meant Hall to fire.

A. No, sir; he was giving us the orders.

Q. You said: "the others fired." I wanted to know who it was.

A. The outsiders, I had reference to.

Q. (By Mr. Hutchinson) Were you stationed at the same place during every night you were here.

A. Yes, sir.

Q. And armed in the same manner.

A. Yes, sir.

Q. And where did you remain during days—or were you away during the day.

A. I was away during the day.

Q. How many hours of the night were you on duty.

A. Two.

Q. Where did you remain during the rest of the night.

A. In the room where we were stationed.

Q. Was that room No. 6, straight in here, down stairs.

A. Yes, sir.

Q. During the time you were here, did you see Capt. Black here, in the building, frequently.

A. Yes, sir.

Q. What time was he here—in the day, or night.

A. In the morning, most generally, and along the first part of the evening.

Q. Do you know whether he was here some of the time during the night, or not.

A. I don't.

Q. You have no knowledge about his remaining in the Secretary of State's office.

A. No, sir.

Q. You say he was here about every evening.

A. About every evening, yes, sir.

Q. Whether he was round among the force, giving any orders, or not.

A. I never saw him.

Q. Did you receive any pay before you had completed your service.

A. No, sir.

Q. Who paid you, when you were through.

A. Capt. Black.

Q. And where were you paid.

A. In his office.

Q. Anybody else there when you were paid.

A. Yes, sir.

Q. Who else.

A. Gen. Chamberlain.

Q. As a matter of fact, was it Gen. Chamberlain that was there.

Witness. What kind of a looking man is Gen. Chamberlain? I can tell you, if you tell me that.

Q. He is a man with a grey white mustache, grey hair, quite long grey, quite heavy mustache.

Witness. How large a man is he.

Q. He is a short man, not much taller than Mr. Owen, who sits there at your right.

A. I guess it was Gen. Chamberlain, fast enough, all but the hair. I don't think his hair was long, because it was cut very short.

Q. Will you describe the man that was there, that was called Gen. Chamberlain.

A. The man that was there, that was called Gen. Chamberlain, was a man about the size of Mr. Owen here, with dark hair, some grey in it, and mustache.

Q. Was his hair cut short, or long.

A. Cut very short.

Q. Who, if any one, called him Gen. Chamberlain.

A. No one called him Gen. Chamberlain, in there, at all.

Q. Where did you get the idea that it was Gen. Chamberlain.

A. By some of the guards. They said it was Gen. Chamberlain.

Q. You were informed by some of the guards that that was Gen. Chamberlain.

A. Yes, sir.

Q. You did not know him, yourself, personally.

A. No, sir.

Q. Did this man, that was called Gen. Chamberlain, make any conversation while you were in.

A. No, sir.

Q. What was he doing.

A. He had the money in his pocket, and was taking it out and handing it to Capt. Black, to pay us with.

Q. Do you know Mr. Lancaster,—B. F. Lancaster.

A. Yes, sir.

Q. Was he there.

A. No, sir.

Q. And the man that was said to be Gen. Chamberlain, by some persons, was the man that had the money, then.

A. Yes, sir.

Q. Do you know Adjutant General Leavitt.

A. I don't.

Q. Did this man have a grey, or black mustache.

A. Some grey, not entirely black.

Q. Was he a reddish-faced man.

A. No, sir.

Q. How old a man should you say.

A. About thirty-five or forty; about thirty-five, I should think.

Q. Thirty-five or forty.

A. About thirty-five.

Q. And he handed the money to Black, and Black to you.

A. Yes, sir.

Q. Did you sign a pay-roll when you were paid.

A. No, sir.

Q. When did you leave the State House.

A. Wednesday morning.

Q. Wednesday morning, of the 7th.

A. Of the assembling of the Legislature.

Q. Were you here afterwards.

A. I was here during the day, but I was not on duty.

Q. Did you wear a policeman's badge during the time you were here.

A. No, sir.

Q. Armed in any other way, except with the rifle and cartridges mentioned.

A. No, sir.

Q. You had no billy, or revolver.

A. No, sir.

Q. Did some of the other members of the guard, to your knowledge, have billies.

A. No, sir; not in the relief that I was in.

Q. Did some of the others.

A. I don't know anything about the rest of them.

Q. You don't know how that was.

A. No, sir.

Q. There were a portion of them that wore badges, were there not.

A. There were men appointed special police, it is said, before Wednesday, before we were discharged.

Q. Do you know who appointed them.

A. No, sir.

Q. Do you know the fact that they were appointed by anybody.

A. No, I don't.

Q. Only that they were said to have been appointed.

A. Only that they were said to have been appointed, and had badges, and put them on, and were on duty through the day.

Q. You don't know whether those men were armed in any way or not.

A. No, sir, I don't.

Q. Do you know how many of them there were that were furnished with badges.

A. No, sir, I don't.

Q. Quite a large number, were there not.

A. No, not a very large number.

Q. Where were the arms kept, Mr. Berry, when you were here.

A. I don't know where they were kept.

Q. Did they have any in the room, No. 6, here, where you stopped, except what each one had.

A. None, except what we had—each one.

Q. You had no knowledge of any being in the Library.

A. No, sir.

Q. Did you have any knowledge of any men being quartered up above, in the Library.

A. No, sir, not until after a week or two.

Q. And that was what you heard.

A. Yes, saw in the Kennebec Journal, I believe.

Q. Did you have any knowledge of any arms being down under the office of the Adjutant General.

A. No, sir.

Q. How many men were there in your relief.

A. Twelve.

Q. Do you know the names of those men.

A. One or two of them.

Q. Who.

A. Avery, Britt, Johnson.

Q. Avery was in your relief, and Britt.

A. And Johnson.

Q. What Johnson was it. Was it John C. Johnson.

A. Yes, sir.

Q. Thomas Lombard—did you know him.

A. Yes, sir.

Q. Was he in your relief.

A. No, sir.

Q. Sylvester Moore.

A. I don't know him.

Q. John McKluskey.

A. I don't know him.

Q. Frank Ripley.

A. I don't know him.

Q. Do you know Charles W. Britt.

A. Charles W. Britt.

Q. Yes. You said you knew William Britt, did you not.

A. Yes, sir.

Q. Did you know Charles W. Britt.

A. No, sir.

Q. Or Charles Carter.

A. Charles Carter—I knew him.

Q. Was he in your relief.

A. No, sir.

Q. But he was on duty when you was, was he not.

A. Yes, sir.

Q. N. F. Danforth.

A. I know him.

Q. Do you know what his business is.

A. No, sir.

Q. Do you know what the business is of either of those Britts, Charles W. or William.

A. William Britt works in the harness shop for Mr. Miller.

Q. With you.

A. Yes, sir.

Q. Did you ever have any talk about enlisting with any one, except Capt. Black.

- A. No, sir.
- Q. Did the relief you were in drill at any time when you were here.
- A. We drilled one night about five minutes, five or ten.
- Q. Who drilled you.
- A. Mr. Hall.
- Q. Did any other divisions drill, to your knowledge, while you were here.
- A. No, sir.
- Q. Where were you drilled.
- A. Drilled in No. 6.
- Q. Have you ever been in the militia service.
- A. No, sir.
- Q. Anything said to you by Hall, or any other person in command, about aiding or preventing any particular person from being inaugurated as Governor.
- A. No, sir.
- Q. Were you enlisted for any length of time.
- A. No, sir.
- Q. What did he say to you about the length of time of service.
- A. He didn't say anything about it.
- Q. Nothing said about it.
- A. No, sir.
- Q. Had the arms come from Bangor here before you came.
- A. Yes, sir.
- Q. They were here when you came, were they not.
- A. Yes, sir.
- Q. Were they unpacked, taken out of the boxes.
- A. I don't know anything about that.
- Q. (By Mr. Butler) Are you acquainted with this Mr. Avery.
- A. No, I am not. I know him when I see him.
- Q. You don't know what his business is.
- A. No, sir.
- Q. You say you were discharged before the 7th, the day that the Legislature met; you were discharged before that.
- A. I was discharged the same day, Wednesday morning.
- Q. You were not on duty here that day.
- A. No, sir.
- Q. And haven't been since.
- A. No, sir.

Q. I understood you to say to Mr. Hutchinson, you had no conversation with anybody about being employed in any such capacity since.

A. No, sir.

Q. You spoke of being paid by Black. When were you paid.

A. We were paid Wednesday.

Q. The day you were discharged.

A. The day we were discharged.

Q. (By Mr. McKusick) What time Wednesday were you paid.

A. Between eight and ten o'clock in the forenoon, somewhere along there.

Q. (By Mr. Lord) Was it generally understood that there was danger of an attack on the State House.

A. That was the talk.

Q. Did you see any one that came here that you supposed was intending to make an attack.

A. No, sir, not while I was on guard.

Q. What proportion of the time were you on guard nights.

A. I was on from seven o'clock until nine—two hours.

Q. How many reliefs were there.

A. Six.

Q. Six reliefs.

A. Yes, sir.

Q. Of twelve men each.

A. Yes, sir.

Q. (By Mr. Hutchinson) How much money was paid you by Black.

A. Ten dollars.

Q. (By Mr. Lord) Was you on duty any portion of the day.

A. No, sir.

Q. (By same) Do you know of any other man being quartered in this room.

A. I don't.

[The Committee also took out the testimony of O. E. W. Hinckley, which appears in the report hereafter.]

O. E. W. HINCKLEY, called by the Committee, was sworn and testified :

Q. (By Mr. Dingley) What is your business.

A. I am a teamster at Oldtown, and carry the express and mail.

Q. Have you been an officer in the company there.

A. I have been First Lieutenant and Captain, coming from the ranks.

Q. Will you go on now and state what you know in regard to the removal of those arms and anything connected therewith.

A. I wish one thing understood: that I am not captain of the company now; that I resigned, and it took effect in July. So what I have seen and done has been outside, not connected.

Q. You can state what you know about the matter.

A. I will say that there was an order issued for the election of officers, somewhere, I think, about the first of December; I won't be certain of the dates, and Major Folsom presided. There was no commissioned officer present. The First Lieutenant was away in the woods, and there was a vacancy in the captaincy, and the Second Lieutenant was over to Canton, Me., moved away. It seems that the company was in command of the Orderly Sergeant. And at the time that the Lieutenant went away he left the keys of the armory in my possession, as I knew all about the property and everything receipted for—thought I had better keep the keys. And I had spoken to him about the ammunition that was in my house, some 1,100 rounds. I told him he had better take that away. He thought they had better be left. When he got ready he would call for them. He said they were safe. It seems after he was gone, this election came up at a certain time, and this Miles, the Orderly Sergeant, was elected First Lieutenant. Weeks, the First Lieutenant, went up to the captaincy of the company, and was absent in the woods scaling, and was not there to be mustered and be qualified as Captain. This Orderly Sergeant, or Lieutenant Miles, as he went up to First Lieutenant, was then all the commissioned officer there was there, and he was qualified and took command.

Q. (By Mr. Hutchinson) He was elected as First Lieutenant and qualified.

A. Yes, sir. That was all the commissioned officer then that was present.

Q. (By same) And this company was the Hersey Light Infantry.

A. Yes, Company K, First Regiment. It seems after he took command, in a very few days, he came to me and says: "I want that ammunition." I think I said to him, "where do you want it taken." He says: "To the armory." I said to him, "Capt. Weeks would not want it to go to the armory. He intended, if he took it, to have it go to his house."

Q. (By same) Where was the armory.

A. In the Selectmen's room, under the Town Hall. And finally he says: "You may take them to my house, and I will pay you for it," and I did so. Nothing more was said or done that I know of, except he was then consulting Major Folsom and Major Smith about all that was done. He pretended to us that he didn't care about this "counting out," anyway; he was beat, and it was all right. This Miles was a Greenbacker, and he didn't care the snap of his finger anyway. He said he shouldn't put any time out on it, and at the same time he would go with other parties, and was in for carrying it out. He was seen consulting with them, and seemed to be taking a very active part with them. A very few days after the election, Inspector General Belcher came and inspected them, by general order of Adjutant General Leavitt, and Lieutenant Miles was in command, and got out some twenty odd members.

Q. (By Mr. Dingley) Did they drill any.

A. To tell the truth, they haven't drilled a great deal for some time, kind of lack of interest. Haven't drilled more than one or two. Men would go in there and take down a gun apiece, and, perhaps, go through the manual. That is all I have noticed for some time, since I went out. And they didn't drill very frequently when I got my resignation accepted. This Lieutenant Miles, when he was sergeant, didn't take a great deal of interest in it. He belonged to a band, and did about as he was a mind to; came out with us, if he saw fit. It seems that nothing of importance came up until Christmas. On Christmas day, at noon—I should think it was about one o'clock—I was driving up by Major Smith's house, and Lieutenant Miles came out—not exactly by his house, but in sight—turned up a street running to the right of his building; and Lieutenant Miles came out and hailed me.

Q. (By same) Came out from where.

A. From Major Smith's.

Q. (By same) That is Joseph L. Smith's.

A. Joseph L. Smith's,—and commenced talking something about company property; some one had taken a coffee-pot that belonged to the company; somebody had borrowed it, and hadn't returned it. But he didn't mention anything about going in there, what his business was. I went along, and he jumped on to my team, stood a few minutes, and finally went down town. I came down to the two o'clock train, and he was there with Major Folsom. I thought, from appearances, that something was not right. I will say, on Christmas morning, Joseph L. Smith came home from Augusta, and he stepped into the gentlemen's room, and one gentleman wanted to know how things were over to Augusta—if everything was quiet. He says, "yes." "Going to be any fighting?" He says, "No; but, d—n them, we are ready for them."

Q. (By same) Who asked the major this question, one of the soldiers.

A. No; some one that stood there in the room merely asked—a Greenbacker, you know. He was a little mad.

Q. (By Mr. Hutchinson) Just state the facts as you know them.

A. They say they went to Bangor on the two o'clock train. And we heard that Major Smith had brought over some word, or something. At night, at ten or fifteen minutes past six, a train came in, and they brought the news that they had undertaken to take some guns over to Augusta, and they had stopped them. And I inquired if Major Folsom and Lieutenant Miles intended to come up, and they said they believed they did. But we did not notice them. I ran a team to the depot, and I took the expressman's wife up home, and she told me, as we were going up, the circumstances at Bangor. I drove up to the house as soon as I could, and, when I came back, a couple of gentlemen—a tall and a short man, that I called Lieutenant Miles and Major Folsom—were going in the rear of the town building.

Q. (By same) What time was that.

A. That was somewhere about twenty minutes past six, I should think.

Q. (By same) After dark.

A. Yes, sir. It was not very dark. I rather think it was a moonlight night; anyhow, so I could see further than across the hall here. I saw those two gentlemen go in the rear of the town.

hall. I drove as fast as I could, and stopped; and when I got to the rear of the town hall, I saw it was them. And they went up on to the street, and went up the road, and from their appearance—I don't think I could be deceived—those were the gentlemen. This Miles was a short man, and Folsom was quite a tall man. I drove down to the corner, and saw some of the boys, and told them: "I guess those fellows mean mischief in regard to your guns." They didn't know what they could do in regard to it; there was the commanding officer of the company, and the Major of the regiment, who were interested; they thought we had better let them go it. I talked with some, and they thought we ought not to let them move them, unless we knew where they went to. And some of the citizens thought if they moved them, they wanted to send them over here. Republicans talked in that way. We thought that would be their move, as they were getting the guns from Bangor; looked natural, as though they wanted those there.

Q. (By Mr. Harris) Was this the day after the guns were taken from Bangor.

A. No, that was the very night. That is when they were stopped, Christmas. This was the night of the 25th. It seems that we talked it over among ourselves, different ones there, and they said: "Going to do anything?" And I said: "Yes. I think I have been with that company long enough to be pretty familiar with the guns, and I hate to see them go. If they go to move them, I am going to see how they do it." I went, and found one of the company, who was a soldier, and was indignant over the matter, because they didn't put a guard on, if they were afraid of the guns, instead of thinking of moving them. So we thought we would go and watch them that night.

Q. Confine yourself, as closely as you can, to what you did and saw.

A. We placed ourselves at the Baptist church, and watched proceedings.

Q. Whereabouts—in the church, or about the church.

A. It was in the gallery of the church.

Q. In full view of the hall.

A. Yes, sir, in full view of the hall and armory doors, so we looked within a stone's throw; and I should think it might have been a quarter past ten—somewhere from quarter to half-past ten—when we began to see them dodge into the town hall and into the

armory. The gentleman with me saw one or two men go into the armory door, and I saw them go into the front doors, myself. And it seems that they were dodging round there, going in, one at a time, different ones, and dodging behind the building and watching an opportunity to go in. From where we were looking down there—I guess, within a stone's throw of the building—we saw parties there that we thought we knew, go in and out. It seems that while we were looking, a man drove along with a white horse with a blanket on, part of the blanket under the harness, drove on and by the building, stopped, and looked, and, finally, drove off up the road, and we supposed he went up town. Should think there might have been half a dozen that had dodged in and out. We saw a man come from the direction of Folsom's house—he lived on the same street that the town hall is on. Saw a man come along; we both thought it was Eolsom—took it to be him; went along and looked at the building, passed by, looked at it, came back, and, finally, made a bolt and went right into the town hall door. The town hall faces Brunswick street—the doors that go into the hall above. And our armory doors come on a new road that runs down by the armory doors. So the armory doors and the town hall doors do not come on the same street.

Q. Did he go into the door leading into the armory.

A. No, sir; he went into the town hall, which goes right over and down stairs—leads from the hall down below to an alley-way—and he went round that way. You can enter the armory that way. This, I should think, was between ten and half-past, that they were gathering there, as near as I can tell.

Q. (By Mr. Hutchinson) Who was that man that went in there at that time.

A. We took it to be Folsom.

Q. Any doubt about it.

A. We hadn't at the time, and I don't know as I have now. But then, take a man off in a moonlight night, it might—

Q. Was it a bright moonlight night.

A. It was as bright as we generally had it.

Q. What next took place.

A. They were in there, we supposed packing them; and in a short time—it seems to me as though this white horse might have been gone fifteen minutes, and might not have been so long; but it seemed a good while to us before he came round and came up, it

seemed as though to come up the same way again, and backed up to the armory doors on this new road, then these men brought out three boxes and set them on this team, and drove right up, went right up by where we were.

Q. Who were those men who brought out the boxes.

A. We could not tell, exactly, from there, the men that loaded them. But the man that went up across the Common was a man by the name of Lockwood, janitor of the Town Hall, and Lieutenant Miles' father and Lieutenant Miles; and this man York that hauled the guns stood on the team. And when they drove by the church we raised the window a little, and had it raised, so we could step right along and look out. They went by so we could recognize them. It was light enough, so when they went by within fifteen or twenty feet, you could naturally tell a man.

Q. Who were they.

A. Lieutenant Miles and Mr. York.

Q. This tall man you spoke of had left.

A. He came, if I remember right, out of the town hall door, and started and went over the way he came.

Q. In the direction Major Folsom lives.

A. Yes, sir.

Q. (By Mr. Butler) You say there were two or four men on the team.

A. Only the teamster and Lieutenant Miles. It is the Baptist Church, which sits east and west. They went to Lieutenant Miles' house with them. I went out and followed them—kept in their wake.

Q. Did you see them leave them there.

A. Yes, sir.

Q. Take them off.

A. They took the boxes off and lugged them right into their wood shed.

Q. And then went home.

A. Miles' father lives there, and Mr. Lockwood, the janitor, lives right next to him. And as soon as I saw them inside I turned round and went back as fast as I could.

Q. How many guns did you have in the armory.

A. Fifty-nine.

Q. Could they all go into those three boxes.

A. Yes, if they are packed right. They had no covers on the boxes.

Q. Then did you go into the armory afterwards to find out whether the arms were gone.

A. I did go in that night.

Q. Did you the next day.

A. Yes, sir.

Q. Were they there.

A. They were not.

Q. They were gone.

A. All gone.

Q. (By Mr. Hutchinson) Ammunition gone.

A. Ammunition was at Lieutenant Miles' where I delivered it. That was at his house already.

Q. (By same) Do you know what Lieutenant Miles stated about the disappearance of the arms the next morning.

A. Yes. He didn't say to me where they were gone; but parties came to me—a man by the name of Lowell, and says: "Lieutenant Miles says you know where those guns are gone." I says, "I have'nt touched the guns." He insinuated that he had said that I lugged them off—gave him to understand that nobody else had access but him and me. It seems somebody went to him and said: "Hinckley says the guns are gone." When I came over the first thing that greeted me was, "Hinckley, what did you do with those guns."

Q. (By Mr. Butler) Who asked that.

A. Boys on the street; a number spoke to me in regard to it. I didn't pay any attention. I says, "I have'nt touched any guns." I hadn't been there but a short time before I began to find out that that was the report—that I and some Republican leaders—that I was the tool—had taken them.

Q. (By same) Did you have any conversation with Folsom or Miles, or anybody, about those arms afterwards.

A. The most talk I had was the next day, at half-past ten—I think it was somewhere about half-past ten—Miles came in, and I was going to speak to him in regard to his giving people the impression I had taken the guns. And he says to me: "What would you do if you had an order from the Adjutant General to remove those guns." I said if I had had a general order to remove those guns, I should have called the company and removed them.

But I would not wait until in the middle of the night." He says: "You would have removed them, wouldn't you." I said, "Yes, I would." "Well," he says: "I had 'one." I says, "What, a written order." He said no. First he gave me to understand that he had.

Q. (By Mr. Hutchinson) Did he say he removed them.

A. Yes. He says: "I moved those guns." And he says: "would you have done it." I says, "I should have done it if I had a general order from the Adjutant General; but I should have called the company and not have removed them in the night."

Q. (By Mr. Butler) Did he say he had any orders to remove the ammunition.

A. No.

Q. (By same) Miles didn't get any authority for removing that ammunition.

A. No. The first moving of the ammunition he came to me and ordered me to take it to his house, and I did so.

Q. (By Mr. Hutchinson) He claimed that he had an order, you say.

A. Yes, sir.

Q. (By same) To move the guns.

A. Yes, sir.

Q. (By same) And what did he finally say about it.

A. He finally said, after I asked him if he had a regular order—general order—and he said first he had; but when I came to want to see it, he said it was a verbal order, and he got it at Bangor. Said I, "Who did you get it of, the Adjutant General?" And he says: "Yes." Said he: "Would you have moved them?" I says, "Yes, if I had an order from the Adjutant General." And I walked off and left him. I says, "You say you took the guns?" And he says: "Yes, I took the guns." He just commenced, then, to own it, when he found out that they were watched and people knew they were gone. So, after the talk with me, he would go and talk with somebody else.

Q. (By same) Did you ascertain that he did, or did not, receive any order from the Adjutant General, to remove those arms.

A. Before I got through with him, I understood that it was a verbal order, and I didn't consider that amounted to anything.

Q. (By same) Did you ascertain from whom that verbal order came.

A. From the Adjutant General. But then the Adjutant General was not in the city.

Q. (By same) Did you ascertain, or learn, he was not in the city.

A. I knew he was not at the time, because I got it from parties that were there. He said that nobody was there but French.

Q. (By same) The man known as Major French.

A. Yes, sir.

Q. And that was the same night the guns were attempted to be removed from the Bangor Arsenal, that this took place.

A. Yes, sir, the same night. And then, when the time came, it seems that he wanted to get those guns back, and I guess he was ashamed to take them back after everybody knew where they were, and so when he got ready to go away, he went and ordered the orderly sergeant to take those guns back—left him a written order—and the orderly said he would take them. And when he came down town and learned about it—that Miles didn't want to take them back—and he could not very well leave off work to attend to it, he saw some of the boys and consulted them, and he did what they told him—let them remain, and let him get them back. It seems he went away the next morning and left the guns there. When he was at the depot, he said: "I am just as good a Republican as you are." Said he: "Do you want to earn half a dollar?" I says, "Yes." He says: "I want you to get those guns back." I says, "Why not take them back yourself?" He says: "I didn't have time;" and he commenced talking about what he had done. He says: "I have resigned my commission in the Hersey Light Infantry, and also," I think he said, "my right and title to the Greenback and Democratic party." And he said they had got him into a muss—they had ordered him—given him orders to do so-and-so, and gone back on him.

Q. (By Mr. Butler) This was Major Folsom.

A. This was Lieutenant Miles. He got on to the train and went off, and the guns were at his house; and it seems, from what I could learn, that the man who owned the house where Miles was, went and ordered him to take them out, from what I could glean from people, and to remove the ammunition and all. And along about noon they called a team—Miles' father—and hauled the guns down and replaced them in the racks. Then in two or three days after that the man who owns the building where Miles lived came to

me and says: "Do you know that they have got the ammunition up there yet." I said, "they tell me they have." He says: "I must have it out of there. It will hurt my insurance." It seems he went right off and notified the Orderly Sergeant, and the Sergeant took a sled and went up there in the night and hauled them down in the evening, and put them in the armory, unbeknown, I guess, to any of the company.

Q. (By Mr. Butler) Those arms and ammunition have been there since, and are there now.

A. They are there now. They were under guard about a week, I think. But I think the Orderly must have written to White, telling him there was no need of it, and White told him if there was no need he might take them off. So I think he took them off last Wednesday morning. It seems things ran along, and we all felt uneasy with the guns and ammunition in there as they were; a man could get in very easily if he wanted to, and they could lug off all they were a mind to, and nobody to say ah, yes or no. It seems the ammunition was brought back, and was back a day or two, I guess, before I knew anything about it. And the Orderly says to me, "I have got the ammunition in a closet under the stairs; come up and see it." I went up, and we placed some loose boards against it, and a coat or two and a drum on top, and thought we would see if any one disturbed them. It seems things went along until Saturday. And Major Folsom made his appearance, and as soon as he got home everything seemed to be in activity again, and before they were all quiet. They were consulting him about all day, running in and out of the store and back office there. And we began to think there was a good chance for him to make a raid on the arms and ammunition again, and began to talk again among ourselves. We were in hopes the Orderly would put the guards on again, but he didn't. It seems that Saturday and Saturday night there was a good deal of activity going on amongst the Greenback party in particular.

Q. (By same) Do you know anything about any enlistment of men then.

A. No, sir.

Q. (By same) Of enrolling any men.

A. I have seen them round with a paper, but I suppose they were subscription papers.

Q. (By same) You have no knowledge of anything of that kind.

A. No, sir.

Q. (By same) Or of any arms except these.

A. No, sir.

Q. (By Mr. Harris) I understand you, the arms were sent back to the armory and are there now.

A. Yes, sir.

Q. (By Mr. Butler) They haven't been disturbed since, to your knowledge.

A. What I was going to say, they were placed so we would know if there had been anybody in there, as there was no guard on. It seems, that Monday I sent one of the sergeants, or gave him the key to see if everything was all right. He went up and looked in this closet and said the ammunition was gone—he came back and said it was gone. And I went and looked in there and into another closet, and we made up our mind it was gone. I thought it over, and thought I had better go down and see Colonel White. So in the morning I got up and went down and saw him, and told him to all intents and purposes I thought the ammunition was gone. Said he: "You take a letter to Sergeant Wedgwood and ask him what he is doing to recover it, and if it is by his orders or anything of that kind." And when I came back from Bangor, I took this Sergeant that went up with me first, and we went up and went into the building, went all through the closets again, and finally into a vault and found the cartridges in there. I wrote to Colonel White that they were there, but in another place.

Q. (By same) You suppose they are all there now.

A. Yes. And they established a guard last night of nine men, until everything was quiet.

Q. (By Mr. McKusick) Last night.

A. Yes, sir. They went in there at seven o'clock, and they were there all night. And the Orderly Sergeant arranged it with another Sergeant going and coming two or three times a day, every time he went to his meals, to call at the armory to see that everything was all right.

FRIDAY, MARCH 19.

FREDERICK R. GUERNSEY, sworn, testified :

Q. (By Mr. Hutchinson) Where do you reside.

A. Boston.

Q. And what is your business.

A. Editorial writer and correspondent on the Herald.

Q. And were you in this State at any time during the early part of the year, or the last part of the year 1879.

A. Yes, about the last two weeks in January, in the city of Augusta, representing the Herald.

Q. Do you know Joseph L. Smith, of Oldtown.

A. Yes, sir.

Q. And at the time when you were here, did you meet him.

A. I met him several times ; obtained interviews with him.

Q. And at those several times when you met him, did you have conversation with him about various matters.

A. Yes, sir, regarding the political situation, and especially with regard to this enlistment of troops, which interested more than anything else, of course.

Q. And will you please state the conversation you had with him, and the information you derived from him, in reference to the enlistment of troops or the use of any force.

A. Yes ; I will particularize one special evening, because that was more important than any, I think. That was the evening, I think, of Tuesday, the 27th of January, when the news first came of the decision of the Supreme Court, the second decision. I gave Major Smith his first information of this second decision.

Q. That was really the third decision, the answer to the Fusion Committee, wasn't it.

A. Yes, perhaps it was. That was the very last decision.

Q. It was really the third. Governor Garcelon had one.

A. Oh, yes, I had forgotten that. On that evening, Major Smith said, in substance : "Some day the secret history of this thing will come out, and it will be seen that I have acted like a conservative man." (These are just his words.) "Only to-day I was visited

by a delegation from a neighboring county, and asked to authorize the bringing of a thousand armed men to this city for the purpose of capturing the State House; and this very night (Tuesday, the 27th of January) I was labored with, by certain men, to consent to a plan which hardly could have failed to put us in the State House before Thursday night, the 29th of January, two days later. I refused to entertain the plan. Had the court recognized our government as the legal one, I should have taken the necessary steps to enforce its authority." Major Smith then said that he thought he was entitled to the respect of conservative men, for he had resisted the intense pressure upon him by the radical men of his party, and had been censured by them for the conservative course which he had pursued. He also said, if he hadn't held back the reckless adventurers, whom he named as Fogg and Blood, men who had no stake in the community, no property, who were simply adventurers—he spoke of them twice as adventurers—if he hadn't held them back there would have been civil war. He said they were ripe for it. He said they had nothing to lose and everything to gain.

Q. And he mentioned Fogg and Blood.

A. Yes, he mentioned Fogg and Blood. We talked about them, and he said it to me. Of course, I knew him as an old citizen of Bangor, living in Bangor, and he talked rather freely with me about it.

Q. (By Mr. Lord) You had lived in Bangor.

A. Yes, I was born and resided there. In previous interviews, Major Smith told me that the Fusionists had several thousand men armed and equipped, who had been enlisted throughout the State and organized into companies. And he said that he could throw into Augusta, within twenty-four hours, certainly 2,000 men, provided with ammunition for several days, and rations. He also stated he had received tenders of troops from other States, amounting in number from three to five thousand men, and that these men were armed and equipped. He would not state definitely what organizations they were. I tried to find out from him whether he meant the Ninth Massachusetts regiment, which is known as an Irish regiment, but he would not say. And I asked him if they were socialists, and he would not commit himself on that point, was rather ambiguous. He was especially emphatic when he stated to me the fact that he had been pursuing a conservative policy, trying to gain his ends by methods of law, and not by force; but he

said there was a large and dangerous faction—characterized them as a dangerous faction—in his party, who would be willing to precipitate civil war, and, as for himself, he said he was going home and mind his own business, and leave politics. That is about in substance what he told me. If I amplified it, it would not be any more to the point.

Q. (By Mr. Hutchinson) That is the substance you now recollect of what he told you of the matter.

A. Yes, sir.

Q. And very much of it is almost in his own words.

A. Almost in his own words.

Q. You took it down at the time.

A. Yes, sir. By the way, he authorized me to interview him as much as was necessary, because he wanted to have what he said go out with some authority. That is, he wanted to have one with whom he could talk and then he would know it would be all right, and I submitted the paper to him most every day when there was anything in it, and he never found any fault.

Q. Did you cause this statement to be published in the Boston Herald.

A. Yes, sir.

Q. Substantially as you have stated it

A. Substantially as I have stated it, almost in the same language.

Q. Did you submit that to him afterwards, do you remember.

A. Tuesday.

Q. Did you submit it to him afterwards, or did you submit to him what you had written down, before it was sent.

A. I didn't submit it to him; but he said he would rely upon me not to misrepresent him, and there never was any question about it.

Q. The statement published in the Herald was never mentioned to your knowledge by him.

A. No, sir. In fact, he suggested to me that I see him perhaps a few months later, when he would have a large amount of documentary evidence which would go to show that he had resisted the importunities of those factionists who wished to bring about hostility in the State. He said he could vindicate his whole course by the evidence that he had in his possession; he had letters from people offering troops, offering to enlist troops. We had very pleasant chats, and when he left we were on the best of terms. I really think Major Smith did put his foot down against Fogg and Blood and

upon that crowd; because he said to me: "you know I have got property and something to risk in this community. I have got a good name, I hope, and considerable property which I have accumulated by my exertions, while these people have nothing." This was his language: "They can leave the State after they have made trouble, but I cannot do it." He was very emphatic in most every interview, in stating that he had several thousand men whom he could throw into Augusta within a few hours.

APPENDIX.

[Communication of Hon. CHARLES E. NASH, Mayor of Augusta,]

CITY OF AUGUSTA, Mayor's Office, }
Augusta, January 19, 1880. }

To His Excellency, DANIEL F. DAVIS, Governor of Maine:

SIR:—Your order to me to have the Capitol closed to the public during the afternoon of this day has been complied with, and I have the honor to make the following statement in connection therewith:

At the hour of 3.40, a gentleman whom the bystanders called Mr. Wilson, of Orono, a member of the Legislature, came to the gate on State street and demanded admission to the Capitol. I informed him that the building was closed to the public for the day. "By whose orders?" he asked. I replied: "By the order of Governor Davis, who has ordered the State House cleared, because no business is being transacted in any of the departments—neither in the Treasury nor Secretary of State's office, nor in either of the houses of the Legislature." Mr. Wilson said: "But I have some valuable papers in my desk which I must have." I replied: "I am sorry, sir, but I am only obeying the Governor's orders in keeping you out." He then went away.

Another gentleman presently presented himself to me at the gate and said: "Can I go in?" I answered: "No, sir." The gentleman then said: "I ask admission as a member of the Senate of Maine, my name is Strickland, of Aroostook, and I can show you my credentials." I replied: "I am ordered not to admit any one, except officers of departments and officers of the law." He then asked: "By whose orders?" I answered: "By the order of Governor Davis." He said: "Then I understand that I cannot enter because of Governor Davis' orders." I replied: "Yes, sir; if you have any communication to make in writing, I will for-

ward it to the Governor." He said: "No, sir; I have no communication to make—I am satisfied." He then stepped aside and disappeared.

Immediately thereafter Hon. John C. Talbot came to the gate and said: "I demand admission as Speaker of the House of Representatives." I replied: "I am directed by Governor Davis to say that the State House is closed to the public this afternoon, as no public business is being transacted in any of the departments." Mr. Talbot then said: "I demand entrance as a member of the House." I replied: "My orders are peremptory,—I have no discretion in the matter; but I will with pleasure forward any communication in writing to the Governor that you will make." He then said: "Who are you?" I answered: "My name is Charles E. Nash, the Mayor of Augusta." Mr. Talbot then stepped aside and I saw him no more.

Then Hon. James C. Lamson appeared before me at the gate, and said: "I demand admission here as President of the Senate." I answered, saying: "The State House to-day has been closed to the public by order of Governor Davis." He then said: "Then I demand entrance as a member of the Senate." I replied: "I am unable to allow you to pass, as my orders are peremptory and afford me no discretion; the State House is closed to all persons except heads of departments and employes, and officers of the law; but if you have any communication in writing which you would like to have forwarded to the Governor, I will be pleased to see that it is done." Mr. Lamson thereupon disappeared.

Soon after, a fifth gentleman appeared at the gateway in which I stood, accompanied by City Marshal Charles A. White and Police Officer Joseph Miller, and, pressing against me, said: "I wish to go in." I replied: "I cannot permit you to pass." He asked: "By what authority?" I answered: "That of Governor Davis, who has ordered the State House closed to the public, as no public business is being transacted in any of the departments—none in the Secretary of State's office, none in the Treasury and none in the Council Chamber." The gentleman then asked: "Who are you?" I replied: "I am the Mayor of Augusta, and my name is Charles E. Nash; if you have any communication, sir, to make to the Governor in writing, I will be pleased to have it forwarded to him." The gentleman then turned aside to go away, saying: "There are

three of you or else I would go through you." I saw him no more. His name was said to be Joseph L. Smith.

The foregoing report embraces the substance of the conversation which took place at the gateway between the five gentlemen mentioned and

Your obedient servant,

CHARLES E. NASH, *Mayor*.

STATE OF MAINE.

In COUNCIL, Nov. 26, 1880.

Ordered to be printed, with the Report accompanying.

Attest :

S. J. CHADBOURNE,

Secretary of State.