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EXECUTORS NOTICE.—WHEREAS, Letters Testamentary upon the Estate of Daniel Hewitt, late of Jay township, Elk county dec'd, have been granted to the undersigned. All persons indebted to the said estate, are requested to make immediate payment, and those having claims against the same, will present them duly authenticated for settlement.

WM. B. HEWITT,
JOSIAH W. MEAD,
Executors.

The Elk Advocate.

JOHN G. HALL, Editor.
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RECONSTRUCTION.

TESTIMONY OF HON. ALEX. H. STEPHENS BEFORE THE COMMITTEE OF FIFTEEN.

The Truth Plainly Told.

Alex. H. Stephens sworn and examined by Mr. Boutwell.

Question. State your residence. Answer. Crawfordville, Georgia.

Q. What means have you had since Lee's surrender to ascertain the sentiments of the people of Georgia with regard to the Union? A. I was at home in Georgia at the time of the surrender of General Lee and remained there until the 11th of May, and during that time conferred very freely with the people in my immediate neighborhood, with the Governor of the State, and with one or two other leading or prominent men in the State. From the 11th of May until my return to Georgia, which was the 25th of October, I had no means of knowing anything of the public sentiment than except through the public press and such letters as I received. From the time of my return until I left the State on my present visit, I had very extensive intercourse with the people; visiting Augusta, visiting Milledgeville during the session of the Legislature, first on their assembling, and again in January upon their re-assembling, and again in the latter part of February, all the prominent leading men or most of them in the Legislature, and met a great many of the prominent influential men of the State not connected with the Legislature, and by letters from and correspondence with men in the State, with whom I have not met I believe. This embraces a full answer to the question as to my means of ascertaining the sentiment of the people of that State upon the subject stated in the question.

Q. As the result of your observation, what is your opinion of the purposes of the people with reference to the reconstruction of the government, and what are their desires and purposes concerning the maintenance of the government? A. My opinion—and decided opinion—is that an overwhelming majority of the people of Georgia are exceedingly anxious for the reconstruction of the government, and for the State to take her former position in the Union, to have her Senators and Representatives admitted into Congress, and to enjoy all her rights and discharge all her obligations as a State under the Constitution of the United States as it stands amended.

Q. What are their present views concerning the justice of the rebellion? do they at present believe that it was a reasonable and proper undertaking or otherwise? A. My opinion of the sentiment of the people of Georgia upon that subject is that the exercise of the right of secession was resorted to by them from a desire to render their liberties and institutions more secure, and a belief on their part that this was absolutely necessary for that object. They were divided upon the question of the policy of the measure; there was, however, but very little division among them upon the question of the right of it. It is now their belief, in my opinion, and I give it merely as an opinion, that the surest if not the only hope for their liberties is the restoration of the Constitution of the United States and of the government of the United States under the Constitution.

Q. Has there been any change of opinion as to the right of secession as a right in the people or in the States? A. I think there has been a very decided change of opinion as to the policy by those who favored it; I think the people generally are satisfied sufficiently with the experiment never to resort to that measure of redress again by force; whatever may be their own abstract ideas upon that subject, they have given up all idea of a maintenance of these opinions by a resort to force; they have come to the conclusion that it is better to appeal to the forums of reason and justice, to the halls of legislation and the courts, for the preservation of the principles of constitutional liberty than to the arena of arms; it is my settled conviction that there is not any idea at all cherished in the public mind of Georgia of ever resorting again to secession or to the exercise of the right of secession by force; that whole policy of the maintenance of their rights, in my opinion, is at this time totally abandoned.

Q. But the opinion as the right, as I understand, remains substantially the same? A. I cannot answer as to that; some may have changed their opinion in this respect; it would be an unusual thing as well as a difficult matter for a whole people to change their convictions upon abstract truths or principles; I have not heard this vein of the subject debated or discussed recently, and I wish to be understood as giving my opinion only on that branch of the subject which is of practical character and importance.

Q. To what do you attribute the change of opinion as to the propriety of attempting to maintain their views by force? A. Well, sir, my opinion about that—my individual opinion, derived from observation—is that this change of opinion arose mainly from the operation of the war among themselves, and the results of the conflict from their own authorities in their individual rights of person and property, the general breaking down of constitutional barriers which usually attend all protracted wars.

Q. In 1861, when the ordinance of secession was adopted in your State, to what extent was it supported by the people? After the proclamation of President Lincoln calling out 75,000 militia under the circumstances it was issued, and blockading the Southern ports and the suspension of the writ of *habeas corpus*, the Southern cause, as it was termed, received the almost unanimous support of the people of Georgia. Before, they were much divided on the question of secession, but afterwards they supported the cause, within the range of my knowledge, with very few exceptions. There were some few exceptions, not exceeding half a dozen, I think the impression then prevailing was that public liberty was endangered, and they supported the cause because of their zeal for constitutional rights. They still differed very much as to the ultimate object to be obtained, and the means to be used, but these differences yielded to the emergency of the apprehended common danger.

Q. Was not the ordinance of secession adopted in Georgia earlier in date than the proclamation for seventy-five thousand volunteers? A. Yes, sir; I stated that the people were very much divided on the question of the ordinance of secession, but after the proclamation the people became almost unanimous in the cause. There were some few exceptions in the State; I think not more than a half dozen among my acquaintances. I said, while they were thus almost unanimous in support of the cause, they differed also as to the end to be attained by sustaining it; some looked to an adjustment or settlement of the controversy upon any basis that would secure their constitutional rights; others looked to a separate Southern nationality as their only object and hope. These different views as to the ultimate object did not interfere with the general active support of the cause.

Q. Was there a popular vote upon the ordinance of secession? A. Only so far as the election of delegates to the convention.

Q. There was no subsequent action? A. No, sir; the ordinance of secession was not submitted to a popular vote afterwards.

Q. Have you any opinion as to the vote it would have received, as compared with the whole, if it had been submitted to the free action of the people? Witness—Do you mean after it was adopted by the convention?

Mr. Boutwell—Yes, after it was adopted by the convention, if it had been submitted forthwith or within a reasonable time.

A. Taking the then state of things into consideration, South Carolina, Florida and Mississippi, I think, having seceded, my opinion is that a majority of the people would have ratified it—perhaps a decided or large majority; if however, South Carolina and the other States, had not adopted their ordinance of secession, I am very well satisfied that a majority of the people of Georgia, and perhaps a very decided majority, would have been against secession if their ordinance had been submitted to them; but as matters stood at the time, if the ordinance had been submitted to a popular vote of the State, it would have been sustained; that is my judgment and opinion about the matter.

Q. What was the date of the Georgia ordinance? A. The 18th or 19th; I think the 19th of January, 1861, though I am not certain.

Q. The question of secession was involved in the election of delegates to that convention, was it not? A. Yes, sir.

Q. And was there on the part of candidates a pretty general avowal of opinions? A. Very general.

Q. What was the result of the election as far as the convention expressed any opinion upon the question of secession? A. I think the majority was about thirty in the convention in favor of secession; I do not recollect the exact vote.

Q. In a convention of how many? A. In a convention based upon the number of senators and members of the house in the General Assembly of the State; the exact number I do not recollect, but I think it was near three hundred—perhaps a few over or under.

Q. Was there any difference in the different parts of the State in the strength of the Union sentiment at that time? A. In some of the mountain counties the Union sentiment was generally prevalent; the cities, towns and villages were generally for secession throughout the State, I think, with some exceptions; the anti-secession sentiment was more general in the rural districts and in the mountain portions of the State, yet the people of some of the upper counties were very active and decided secessionists. There was nothing like a sectional disunion of the State, at all; for instance, the delegation from Floyd county, in which the city of Rome is situated, in the upper portion of the State, was an able one, and strong for secession, while the county of Jefferson, down in the interior of the cotton belt, sent one of the most prominent delegations for the Union; I could designate other particular counties in that way throughout the State, showing that there was not what might be termed a sectional or geographical division of the State on the question.

Q. In what particular did the people believe their constitutional liberties were assailed or endangered from the Union? A. Mainly, I would say, in their internal social polity, and their apprehension from the general consolidating tendencies of the doctrines and principles of the political party which had recently succeeded in the choice of a President and Vice-President of the United States. It was the serious apprehension that if the Republican organization, as then constituted, should succeed to power, it would lead ultimately to a virtual subversion of the Constitution of the United States, and all its essential guarantees of public liberty. I think that was the sincere and honest conviction in the minds of our people. Those who opposed secession did not apprehend that any such results would necessarily follow the elections which had taken place; they still thought that all their rights might be maintained in the Union and under the Constitution, especially as there were majorities in both Houses of Congress who agreed with them on constitutional questions.

Q. To what feature of their internal social polity did they apprehend danger? A. Principally the subordination of the African race as it existed under their laws and institutions.

Q. In what spirit is the emancipation of the slaves received by the people? A. Generally it is acquiesced in, and accepted I think in perfect good faith, and with a disposition to do the best that can be done in the new order of things in this particular.

Q. What at present are the relations subsisting between the white and black people, especially in the relation of employer and employed? A. Quite as good, I think, as in any part of the world that ever I have been in, between like classes of employed and employer; the condition of things in this respect, on my return last fall, was very different from what it was when I left home for my present visit to this city; during the fall, and up to the close of the year, there was a general opinion prevailing among the colored people that a Christmas there would be a division of the lands, and a very general instruction on their part not to make any contracts at all for the present year. Indeed there were very few contracts, I think, made throughout the State, until after Christmas or about the 1st of January. General Tillson, who is at the head of the Bureau in the State, and whose administration has given very general satisfaction to our people, I think, was very active in dissuading the minds of the colored people from their error in this particular. He visited quite a number of places in the State and addressed large audiences of colored people, and then they became satisfied that they were laboring under a mistake in anticipating a division of lands. After Christmas and the 1st of January, they made contracts very readily generally, and since that time affairs have in the main moved on quite smoothly and quietly.

Q. Are the negroes generally at work? A. Yes sir, they are generally at work, there are some idlers, but this class constitutes but a small proportion.

Q. What, upon the whole, has been their conduct; proper under the circumstances under which they have been placed or otherwise? A. As a whole, much better than the most hopeful looked for.

Q. As far as you saw, what are the leading objects and desires of the negro population at the present time in reference to themselves? A. It is to be protected in their rights of persons, of property; to be dealt by fairly and justly.

Q. What, if anything, has been done by the Legislature of your State for the accomplishment of these objects? A. The Legislature has passed an act of which the following is a copy: An act to define the terms, "persons of color," and to declare the rights of such persons.

SECTION 1. *Be it enacted, &c.*, That all negroes, mulattoes, mestizos, and their descendants, having one-eighth negro or African blood in their veins shall be known in this State as "persons of color."

SEC. 2. *Be it further enacted*, That persons of color shall have the right to make and enforce contracts, to sue, be sued, to inherit, and to give evidence, to inherit, to purchase, and to have full and equal benefit of all laws and proceedings, for the security of person and estate, and shall not be subjected to any other or different punishment, pain, or penalty for the commission of any act or offense, than such as are prescribed for white persons committing like acts or offenses.

The third section of this act simply repeals all conflicting laws; it was approved by the Governor on the 17th of March last.

Q. Does this act express the opinions of the people, and will it be sustained? A. I think it will be sustained by the courts as well as by public sentiment; it was passed by the present Legislature as an evidence of the tone of the Legislature of the State, as well as that of the people of the State, upon this subject; I would refer you simply to a letter I wrote to Senator Stewart upon the same subject; I submit to you a copy of that letter; it is as follows:

WASHINGTON, April 4, 1865.

Dear Sir: In answer to your inquiries touching the sentiments and feelings of the people of Georgia toward the freedmen and the legal status of this class of population in the State, etc., allow me briefly to say, that the address delivered by me on the 22nd of Feb'y last, before the Legislature, a copy of which I herewith hand you, expresses very clearly and fully my opinions and feelings upon the subjects of your inquiry. The address was written and printed as you now see it before its delivery. It was delivered *verbally* as you now read it, that there might be no mistake about it. It was, as it now stands, unanimously indorsed by the Senate in a joint resolution, which was concurred in by the House without dissent, and was ordered to be spread upon the journals of both Houses. This I refer you to as a better and more reliable index of the feelings and views of the people of the State on this subject. I have my own individual opinion I might entertain or express. The legislation of the State, it is to be presumed, is as correct an exponent of the general feeling and views of the State upon any political question as any that can be obtained from any quarter. In addition to this the Legislature subsequently evinced these principles by their works in passing an act which I also enclose to you. This act speaks for itself. It is short, concise and pointed, as well as comprehensive. It secures to the colored race the right to contract and to enforce contracts; the right to sue and be sued; the right to testify in the courts subject to the same rules that govern the testimony of whites; and it subjects them to the same punishments for all offences as the whites in these respects, embracing all essential civil rights. All classes in Georgia now stand equal before the law. There is no discrimination in these particulars on account of race or color.

Please excuse this hasty note, I have no time to go more into details.

Yours, most respectfully,
ALEX. H. STEPHENS.

Hon. W. M. Stewart, U. S. Senate.

Q. What, if anything, is being done in Georgia with regard to the education of the negroes, either children or adults? A. Nothing by the public authorities, as yet. Schools are being established in many portions of the State under the auspices, I think of the Freedmen's Bureau, and quite a number by the colored people themselves, encouraged by the whites.

Q. What disposition do the negroes manifest in regard to education? A. There seems to be a very great desire on the part of the children and their parents to have them educated.

Q. What is the present legal condition of those who have lived together as husband and wife—do the laws recognize and sustain the relations and the legitimacy of their offspring? A. Our State laws do—they recognize all those living as man and wife as legally man and wife; a good many of them took out licenses and were married in the usual way; there is no difference in our laws in that respect; licenses are issued for white and black alike, only they are prohibited from intermarrying with each other; the races are not permitted to intermarry.

Q. Were the amendments to the Constitution of the State of Georgia recently adopted submitted to the people? A. No, sir, they were not submitted; I have no hesitation, however, in expressing the opinion that nine-tenths of the people would have voted for them if the Constitution had been submitted; that is but an opinion; I heard no dissent at all in the State; I was there at the time; I got home before the con-

vention adjourned; the State Constitution as made by the convention would have been ratified almost without opposition; it would have been ratified *nem ope*, if it had been submitted; this at least is my opinion.

Q. What was the voting population of your State in 1860? A. Something upwards of a hundred thousand.

Q. What is probably the present voting population? A. The voting population of the State under the present constitution is perhaps eighty thousand; that is a mere estimate.

Q. Has there been any enumeration of the losses of Georgia in the field in the military service? A. No accurate estimate that I am aware of.

Q. What is it supposed to have been? A. I am not able to answer the question with anything like accuracy.

Q. What is the public sentiment of Georgia with regard to the extension of the right of voting to the negroes? A. The general opinion in the State is very much averse to it.

Q. If a proposition were made to amend the Constitution so as to have representation in Congress based upon voters substantially, would Georgia ratify such a proposed amendment if it were made a condition precedent to the restoration of the State to political power in the government? A. I do not think they would; the people of Georgia, in my judgment, as far as I can reflect or represent their opinions, feel that they are entitled under the Constitution of the United States to representation without any further condition or precedent, and they would not object to entertain, discuss and exchange views in the common councils of the country, with the other States; upon such a proposition or any proposition to amend the Constitution or change it in any of its features, and they would abide by any such change if made as the Constitution provides; but they feel that they are constitutionally entitled to be heard by their Senators and members in the Houses of Congress upon this or any other proposed amendment; I do not, therefore, think that they would ratify that amendment, suggested as a condition precedent to her being admitted to representation in Congress; such at least is my opinion.

Q. It is then your opinion that at present the people of Georgia would neither be willing to extend suffrage to the negroes nor consent to the exclusion of the negroes from the basis of representation? A. The people of Georgia, in my judgment, are perfectly willing to leave suffrage and the basis of representation where the Constitution leaves it. They look upon the question of suffrage as one belonging exclusively to the States; one over which and under the Constitution of the United States Congress has no jurisdiction, power or control, except in proposing amendments to the States, and not in exacting their submission to them; I do not think, therefore, that the people of that State, while they are disposed, as I believe earnestly, to deal fairly, justly and generously with the freedmen, would be willing to consent to a change in the Constitution that would give Congress jurisdiction over the question of suffrage; and especially would they be very much averse to Congress executing any such jurisdiction without their representatives in the Senate and House being heard in the public councils upon this question, and that so vitally concerns their internal policy, as well as the internal policy of all the States.

[Continued in next issue.]

CARL SCHURZ, in a letter from Washington to the New York Tribune, refers in the following terms to the Secretary of War:

"Stantons doom is recorded. He had written his resignation and was about to forward it when he understood the President had expressed a particular wish for it. It was thought best to put upon Mr. Johnson the burden of removing Harlan's days are numbered. His place has been promised, they say, to A. W. Randall, of the Postoffice Department, and it is thought he will go in ten days. Speed, Harlan and Stanton are among those who will surely go. Stanton has become very sweet and pleasant. He coos and chirps as amiable as a dove, and men who go to see him, with recollections of 1832 and 1833, are surprised to find the bear the mildest and most tractable of animals. You may go as near him as you please, and he will neither snarl or bite."

The position of a gentleman of whom his friends discourse in this style, is just about as bad as his enemies could desire it to be.—*Pitt's Age.*

A boy's idea of having a tooth drawn may be summed up as follows: "The doctor hitched fast on to me, pulled his best, and just before it killed me, the tooth came out."

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