

FEB 20 1907

SUMMARY DISCHARGE OR MUSTERING
OUT OF REGIMENTS OR
COMPANIES

LETTER

FROM THE

SECRETARY OF WAR

TRANSMITTING

ADDITIONAL TESTIMONY AND EXHIBITS
IN THE BROWNSVILLE CASE



WASHINGTON
GOVERNMENT PRINTING OFFICE
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SUMMARY DISCHARGE OR MUSTERING OUT OF REGIMENTS
OR COMPANIES.

WAR DEPARTMENT,
Washington, January 25, 1907.

MY DEAR SENATOR: I beg to transmit herewith for the use of your committee certain affidavits with exhibits, forwarded to me from Brownsville, by Mr. Creager, United States commissioner, at the instance of Major Blockson, of the Inspector-General's Department. The affidavits are as follows: C. H. Thorn, L. R. Cowen, W. B. Linton, Martin Hanson, Cecilio Longoria, Teofilo Martinez, Ambrose Littlefield, and H. J. Letzerich.

I also inclose the affidavits of Post Quartermaster-Sergeant Osborne and Civilian Blacksmith W. H. Sharpe, which I directed the Inspector-General to take in the course of an examination which I am having made for the purpose of passing upon the applications for reenlistment of men discharged from Companies B, C, and D of the Twenty-fifth Infantry.

I beg further to advise you that I am having drawn by the chief draftsman of the Quartermaster-General's Office a large map of the military reservation at Brownsville and the city of Brownsville. I shall be able to send this to you in the course of two or three days.

I beg further to advise you that the court-martial proceedings against Major Penrose will begin at San Antonio on the 4th of February. My impression is that the proceedings against Captain Macklin may be deferred because of Captain Macklin's illness resulting from the assault made upon him by an unknown person at Fort Reno.

I beg further to advise you that the Twenty-fifth Infantry, including the Companies B, C, and D, are under orders to leave for the Philippines on the 5th of April, and I should be glad to know whether it is the desire of the committee that the departure of the regiment for the Orient be delayed.

Very sincerely, yours,

WM. H. TAFT,
Secretary of War.

HON. FRANCIS E. WARREN,
*Chairman Committee on Military Affairs,
United States Senate.*

P. S.—I beg to say that Osborne and Sharpe are now in Washington, and that I shall hold them here for examination by your committee if it is so desired. May I ask to hear from you on this subject as soon as convenient?

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BROWNSVILLE, TEX., *January 8, 1907.*

The SECRETARY OF WAR,
Washington, D. C.

SIR: On January 5, 1907, I received from Hon. M. D. Purdy, assistant to the Attorney-General, and Maj. A. P. Blocksom, U. S. Army, the following telegram, dated San Antonio, Tex., January 5, 1907:

Please look up all bullets that can be found fired in Brownsville night of August 13. Doctor Thorn tried to get one out of King Building. Have competent witnesses present to see bullets taken out of walls, etc., and to testify they were fired that night. Send bullets and sworn evidence to Secretary of War with bill of expenses. Very important.

PURDY AND BLOCKSOM.

I at once proceeded to secure such bullets as could be procured, and am to-day sending you by Wells Fargo Express a package containing six rifle balls removed from walls of houses, etc., here in the city of Brownsville. You will find each ball in separate envelope or package, with indorsement referring to affidavits of parties extracting same, and of owner of building in which found (or other party), showing same was fired on night of August 13, 1906.

I am also sending you by Wells Fargo Express, under separate cover, six affidavits relative to the finding, etc., of the balls. It will be noted that some of the affidavits refer to more than one of the balls. The affidavits of the following parties refer to the finding, etc., of the rifle balls: C. H. Thorn, L. R. Cowen, W. B. Linton, Martin Hanson, Cecilio Longoria, and Teofilo Martinez.

The other two affidavits (those of Ambrose Littlefield and H. J. Letzerich) have no bearing upon the subject of the finding of the rifle balls. These two parties were eyewitnesses to portions of the shooting on the night of August 13, 1906, and the affidavit of Littlefield particularly will be found important, as he swears positively that he saw some of the parties during the raid, and that they were negro soldiers in khaki uniform. These two individuals were not in Brownsville during Mr. Purdy's stay here; hence am taking the liberty of sending their affidavits.

If I can be of further assistance in the matter of this investigation here, my services are at your disposal.

Very truly,

R. B. CREAGER.

STATE OF TEXAS, *County of Cameron:*

I, C. H. Thorn, being duly sworn, depose and say: I am and have been for many years a resident of Brownsville, Tex. My residence is situated in the same block with the Miller Hotel and about a hundred feet from same; fronts on Elizabeth street and runs back to an alley in the rear. On the night of the 13th of August, 1906, when the "shooting up" of the town of Brownsville occurred, my house was fired into. The bullet entered through the outer wall of the water-closet, passed through several partitions and beams, and finally lodged in a heavy scantling in the kitchen. In the presence of W. B. Linton, deputy United States marshal, I removed this bullet yesterday afternoon (January 5). I have filed a deep X across the base

and a T near the point of this bullet for identification, and now deliver same to R. B. Creager, United States commissioner, the officer taking this affidavit. I heard the general shooting on the night of the 13th of August, 1906, and can swear that this bullet was fired into my house that night. The holes and scars it made in passing through walls, beams, etc., were not there on the 13th, but I discovered them the morning of the 14th. This bullet was found in the rear portion of the house and, from the direction shown by the position of the holes in the walls and partitions through which it had passed, had evidently been fired from the alley. This is the same alley that runs by the said Miller Hotel, from the corner of which hotel, where the said alley opens into Thirteenth street, the shots were fired at Policeman Dominguez that same night. The rear of my house is distant about 150 feet from this corner.

C. H. THORN.

Sworn to and subscribed before me this 7th day of January, A. D. 1907.

[SEAL.]

R. B. CREAGER,

United States Commissioner, Southern District of Texas.

STATE OF TEXAS, *County of Cameron:*

I, L. R. Cowen, being duly sworn, depose and say: I this day gave permission to Mr. Martin Hanson, a contractor and builder of this city, to remove a rifle ball from the wall of my house, and was present when Mr. Hanson located and removed the ball, which lodged in a small fragment of one of the beams of the house, which Mr. Hanson sawed out. Mr. Hanson also sawed out and removed a small piece of the lining of the wall which was just over and up against the beam, and which shows the hole made by the ball in penetrating the wall. This bullet was fired into my house on the night of the 13th of August, 1906. My house stands at the corner of the alley and Fourteenth street, between Elizabeth and Washington streets, in the city of Brownsville, Tex.

I further swear that, in the presence of W. B. Linton, deputy United States marshal at Brownsville, I dug out of the brick wall of the place occupied by Mrs. Kate E. Leahy, directly in front of my home, a rifle ball which I am now handing to R. B. Creager, United States commissioner, the officer taking this affidavit. This ball, which is badly mashed and doubled back upon itself, is marked "L. C." upon a face cut smooth with a knife. It was fired into the brick wall from which I dug it on the night of August 13, 1906. I am positive of this as the scar made by its entry into the wall was not upon the wall on the 13th, but was there on the morning of the 14th of August.

L. R. COWEN.

Sworn to and subscribed before me this 7th day of January, A. D. 1907.

[SEAL.]

R. B. CREAGER,

United States Commissioner, Southern District of Texas.

STATE OF TEXAS, *County of Cameron:*

I, W. B. Linton, being duly sworn, depose and say: I am deputy United States marshal for the southern district of Texas, at Brownsville. I have read the affidavits of C. H. Thorn, Martin Hanson, and L. R. Cowen, made before R. B. Creager, United States commissioner at Brownsville, on December 7, 1907.

I was present and assisting when each of the rifle balls described by said three parties in their respective affidavits was found or extracted and marked for identification as described in said affidavits.

The finding or extracting of the ball was, in each instance, at the place and in the manner stated in said affidavits.

W. B. LINTON.

Subscribed and sworn to before me this the 7th day of January, A. D. 1907.

[SEAL.]

R. B. CREAGER,
United States Commissioner, Southern District of Texas.

STATE OF TEXAS, *County of Cameron:*

I, Martin Hanson, being duly sworn, depose and say: My residence is Brownsville, Tex.; I am a contractor and builder by profession and am city engineer of the city of Brownsville.

At the request of Deputy United States Marshal W. B. Linton I went to the residence of L. W. R. Cowen, in this city, this morning, and, with the consent of Mr. Cowen, removed a small section of the inner lining of the outer wall of his house, which section contains a rifle ball. I traced the course of the ball in order to locate it. It entered the house from the side toward the alley through a venitian blind, then passed through the casings of a door frame in a partition; through the door, which must have been open and thrown back against the wall; through the inner lining of the outer wall of the house, and lodged in a 2 by 4 plate. I secured a small portion of the inner lining showing the hole through which the bullet passed, and the part of the plate or beam in which the bullet stopped. I have written my name "M. Hanson" upon each of these pieces for identification, and herewith hand said pieces to the officer taking this affidavit (R. B. Creager, United States commissioner).

I also, at the request of the said deputy marshal, removed the nickel or steel jacket of a rifle ball from where it had penetrated the brick wall of the King Building, directly across Thirteenth street from the Miller Hotel. This ball had passed through the closed door on Thirteenth street—the second door from the corner of Elizabeth street—and struck in a door facing on Elizabeth street; passed through this; and lodged in the brick wall at a depth of about 4 inches. The shot, from its direction, must have been fired from about the alley corner of the Miller Hotel. The jacket is empty and doubled back on itself. I could not find the lead. I have attached this jacket to one of my cards and herewith hand same to the officer taking this affidavit.

I know that this bullet was fired on the night of the 13th of August, 1906. There were no scars or bullet marks upon the door or wall of

the King Building on the day of the 13th, but on the morning of the 14th of August I saw and examined the holes made by this and other bullets in said building.

MARTIN HANSON.

Sworn to and subscribed before me this 7th day of January, A. D. 1907.

[SEAL]

R. B. CREAGER,
United States Commissioner, Southern District of Texas.

STATE OF TEXAS, *County of Cameron:*

I, Cecilio Longoria, being duly sworn, depose and say: I am a resident of Brownsville, Cameron County, Tex. I am in the employ of Mr. S. P. Wreford, a commission merchant of this city.

Colonel Wreford's office, in which I work, is situated on the corner of Elizabeth and Thirteenth streets, diagonally across from the Miller Hotel. It was on the sidewalk and within a few feet of this office that the horse of Lieutenant of Police Dominguez fell dead on the night of August 13, 1906.

I am herewith handing United States Commissioner R. B. Creager—the officer taking this affidavit—a rifle ball taken by me, in the presence of José Garcia Añorga, from the roof of Mr. Wreford's office building. This bullet, after passing through the wall and a number of timbers, beams, etc., lodged in the roof, where it was found by me. This bullet is bent and the jacket of same torn open for a distance of about a half-inch on one side, near the point, thus exposing the lead. Upon the lead so exposed two crosses—"XX"—are marked or cut with a knife for purposes of identification.

This bullet was fired into the building on the night of August 13, 1906. The holes and scars in the walls, etc., made by its passage were not in the building on the day of the 13th, but were there on the 14th of August.

CECILIO LONGORIA.

Sworn to and subscribed before me this 8th day of January, A. D. 1907.

[SEAL.]

R. B. CREAGER,
United States Commissioner, Southern District of Texas.

STATE OF TEXAS, *County of Cameron:*

I, Teofilo Martinez, being duly sworn, depose and say: I reside in Brownsville, Tex., and was residing here in August, 1906. During the summer of 1906 I was employed as watchman at the residence of Mr. F. Yturria, in this city, during the absence of Mr. Yturria and family at Point Isabel, on the seashore.

Mr. Yturria's residence stands at the corner of Washington and Fifteenth streets, in the city of Brownsville. It is separated from the garrison wall (or wall separating Fort Brown from the city of Brownsville) by Fifteenth street, which here is about 30 feet wide. The barracks in which the soldiers sleep are in a row, parallel with

the wall, and about 150 feet from the wall. The nearest barracks building is about 180 or 200 feet from Mr. Yturria's house.

I was sleeping in Mr. Yturria's house on the night of August 13, 1906, the night the town was raided. I have already made a statement, under oath, before Mr. Purdy, the assistant to the Attorney-General, as to what I know of the shooting.

I am now handing Mr. Creager, United States commissioner, the officer taking this affidavit, a rifle ball which was fired into Mr. Yturria's house on the night of August 13, 1906, and which I, assisted by Ygnacio Garza, dug out of the top of an old well in the Yturria yard. This bullet entered on the side of the house toward the barracks, passed through this wall and the door on the other side of the kitchen (which is a frame building), and penetrated the top of the old well, from which place it was dug out, as I have said. I am positive this ball was fired into the kitchen the night of August 13, 1906. The holes made by its passage were not in the wall and door the preceding day, but were there the morning of the 14th. The ball is slightly bent and the steel or nickel jacket of same is mashed through near the point on one side, and also near the base on the same side, the lead being exposed at both places. A small "M" is cut into the lead where exposed near the point of the ball for further identification.

TEOFILO MARTINEZ.

Sworn to and subscribed before me this the 8th day of January, A. D. 1907.

[SEAL.]

R. B. CREAGER,
United States Commissioner, Southern District of Texas.

STATE OF TEXAS, County of Cameron:

Before me, the undersigned authority, on this day personally appeared Ambrose Littlefield, who being by me duly sworn, stated:

My name is Ambrose Littlefield. I am a deputy sheriff of Cameron County, Tex., and a resident of the city of Brownsville, in said county.

I was in Brownsville on the night of August 13, 1906. I was at that time stopping at the Rio Grande Hotel, where I had a room. I retired on the night of August 13 at about 11.30, and had just fallen asleep when I was awakened by a number of shots from the direction of Fort Brown. I at once arose, slipped on my shoes, trousers, and coat (in the few seconds it took me to so dress myself I heard numerous other shots), and ran as rapidly as I could toward the direction of the shots.

On reaching the alley between (and parallel to) Washington and Elizabeth streets I turned down same, still running in the direction of the shots, which still continued at intervals. The first I saw of the disturbance was when I had gotten (still in the alley) about half-way between Eleventh and Twelfth streets (the numbered streets cross the alley at right angles). There had been no firing for probably a half minute or so when I heard and saw the flash from one or more shots down the alley just in front of me, and possibly a little over a half block away. I could not say exactly where the parties

were standing that did the shooting, but it was in the alley in which I was, and in the next block (the one between Twelfth and Thirteenth streets). I am satisfied the shot or shots I am describing were the ones fired at the bartender at Tillman's saloon, "The Ruby," as the alley gate of this place opens on the alley just about where I saw the flash of the gun or guns. I can not be positive whether there were more than one shot here or not, as it came suddenly and unexpectedly to me.

On hearing these shots I stopped and waited. In a few moments I saw a body of men, possibly five, six, seven, or eight—I could not count them, could only see the moving mass—coming in my direction up the alley. About the time I caught sight of them they stopped just about where the rear entrance to Weller's saloon is, near the corner where the alley strikes Twelfth street. Almost as soon as I caught sight of them they turned and went back in the direction from which they had come, back down the alley. I followed along slowly, sometimes at a half trot, trying to keep either in sight of the body of men or within hearing of their footsteps. I would sometimes lose sight of them completely. I saw them much more plainly when they came out of the alley into Thirteenth street, which is wider than the alley and partly lighted by street lights at the intersections of Thirteenth with Elizabeth and Washington streets. I could see that the parties turned out of the alley into Thirteenth street toward the left, going toward Washington street. The Miller Hotel stands at this corner of the alley where the parties turned out toward Washington street.

I slipped down to the corner. Before getting to the corner a large number of shots were fired from (it seemed to me at the time) about Lon C. Hill's corner, which is the corner across the street from and about 100 or 150 feet from Mr. F. E. Starck's residence, which I later discovered had been fired into. There must have been from twelve to twenty shots fired here. I can not be certain how many, though there were quite a number. When I got to the corner I stopped and looked toward Mr. Hill's corner on Washington street. A body of about six or seven (I can not be positive as to the exact number, this is my best judgment) men carrying guns were running, in a stooping posture, toward Mr. G. T. Porter's residence, which is diagonally across from Hill's corner. They were in the street at the intersection of Thirteenth and Washington. They were negro soldiers in khaki uniform. I am positive of this. They passed within from 15 to 20 feet of the street light on the corner and I could see them plainly. They were carrying their guns in their hands and were running. They ran on down to the alley behind Mr. Porter's residence, I think, and turned down toward the south—toward Fort Brown. As they crossed near the light one of them called out "Hurry up there," or "Hurry up," and one looked back in the direction from which they were coming. I could distinctly see their black faces and their uniforms.

After they disappeared I walked to the corner from which they had apparently come (Mr. Hill's corner) and crossed to Mr. Fred Tate's house. I found Mr. Tate in his window with his gun in his hand and talked with him a while. About ten or fifteen minutes later, after I left Mr. Tate's house, I was halted by the patrol from

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the post. There were a large body of men in this crowd. Probably forty of fifty.

I was not deputy sheriff at the time of this occurrence.

A. LITTLEFIELD.

Sworn to and subscribed before me this 5th day of January, A. D. 1907.

[SEAL.]

R. B. CREAGER,
United States Commissioner, Southern District of Texas.

THE STATE OF TEXAS, *County of Cameron:*

I, H. J. Letzerich, being duly sworn, depose as follows: I am employed as mail clerk on the St. Louis, Brownsville and Mexico Railway, running into Brownsville, Tex., and was in such employment during the month of August, 1906.

On the night of August 13, 1906, I was in Brownsville, in my room at the Miller Hotel at the corner of Elizabeth and Thirteenth streets. My room was in the third story, about midway of the building, and my window opened on Thirteenth street.

About midnight I was awakened by shooting coming from the direction of Fort Brown, which is just two blocks, or squares, distant. I heard many shots; the shooting approaching the hotel down the alley. The hotel fronts on Thirteenth street and runs from Elizabeth street back to this alley.

I got out of bed and went to the window opening on Thirteenth street. Shortly after reaching the window I heard and saw a horse coming from the direction of Washington street on Thirteenth street. Just after the horse and rider passed the entrance to the alley, the parties doing the shooting reached this point. I heard one of them say, "There he goes: Shoot the s—— of a b——," and four or five men came from the alley into Thirteenth street, and standing in line close to the corner of the hotel building fired several (about three) volleys at the man on horseback, whom I later learned was lieutenant of police Dominguez. Dominguez was galloping toward Elizabeth street. I saw his horse fall almost under the street light on the corner. About this time a man standing on the corner of the alley directly across from where I first saw the parties commence shooting, began shooting at the hotel. I know this because a bullet struck the wall somewhere near me, where I was in the window, and I could see the man and the flashes of his gun. I at once sprang away from the window and got below the level of the sill. I saw nothing further. I can not say how many were firing at the front of the hotel. I saw the one I speak of only, before jumping away. During the firing at Dominguez I could distinctly hear the noise made by the mechanism of the guns in ejecting the shells. The men fired each time nearly together, the shots coming practically in volleys. In the glance I had at the men doing the shooting I could not distinguish much about them. They were in the shadow of the hotel building close to the corner, and I could only make out roughly that there were four or five or six, and see the flashes of their guns. I at once realized they were shooting at the man on the horse and turned to look at him. Almost at once the shooting at the front of the hotel commenced and I dodged. The whole thing lasted only a very few seconds.

The shooting continued on down the alley and over toward the corner of Thirteenth and Washington streets.

HUGO J. LETZERICII.

Sworn to and subscribed before me this the 7th day of January, A. D. 1907.

[SEAL.]

R. B. CREAGER,

United States Commissioner, Southern District of Texas.

WAR DEPARTMENT,
OFFICE OF THE INSPECTOR-GENERAL.
Washington, January 21, 1907.

ROLLAND OSBORN, post quartermaster-sergeant, being duly sworn and interrogated by Brig. Gen. E. A. Garlington, Inspector-General of the Army, testified as follows:

Q. Where were you stationed, Sergeant, on the 13th of August, 1906?—A. Fort Brown, Tex.

Q. Are you a married man?—A. Yes, sir.

Q. Did you live on the reservation?—A. Yes, sir.

Q. Where were you quartered?—A. My quarters were known as No. 13; they were probably about 600 yards from the barracks.

Q. What direction from the barracks?—A. Southeast from the barracks, and about 600 yards, I should judge.

Q. Where were you on the night of the 13th of August, 1906?—A. In my quarters, sir.

Q. How far was your house, Sergeant, from the quarters of the hospital sergeant?—A. About 250 yards, probably.

Q. Southeast?—A. Yes, sir. His location was near the guardhouse—a little closer to me than the guardhouse.

Q. How were you first made aware of the disturbance in Brownsville on the night of the 13th of August, 1906?—A. By shooting, sir.

Q. You were asleep?—A. Yes; I thought it was firing; got up and went to my window; heard some scattering shots; heard "to arms" sounded, and I supposed it was simply a drill—a night attack—and went back to bed, and went to sleep and paid no more attention to it.

Q. How many shots did you hear at first?—A. Well, I could not say; it probably woke me up; then there were two or three scattering shots that sounded to me like revolvers; then, afterwards, it sounded like rifles.

Q. What direction was the firing?—A. The firing appeared to be near the barracks.

Q. Did you hear any bullets around your vicinity?—A. No, sir.

Q. After you concluded it was a drill or exercise, you went back to bed?—A. Yes, sir.

Q. And knew nothing further until the next day?—A. Nothing further until the next morning.

Q. Who was the first man you saw the morning after the occurrence, Sergeant?—A. I really could not say, sir.

Q. Who was the first man you talked to?—A. Well, I could not say that, sir.

Q. Who was the first man you remember to have talked to?—A. Well, possibly, O. J. Matlock, civilian clerk.

Q. Did you receive any orders from Lieutenant Grier that day—any unusual orders?—A. No, sir; I do not remember.

Q. Who was the quartermaster?—A. Lieutenant Grier.

Q. Did he give you any instructions about any gun racks?—A. No, sir; gave his instructions to the blacksmith—the man Sharpe.

Q. Gave them to Sharpe in person?—A. I think so, sir.

Q. Do you personally know anything about the gun racks that were in B Company on the night of the 13th of August, 1906?—A. All that I know about them is, I saw them in the blacksmith shop after they had new staples put in.

Q. How many of them were there?—A. I really could not say, sir; probably five or six.

Q. What was their condition when you saw them?—A. Good condition when I saw them; just been repaired.

Q. Of what did the repairs consist?—A. Placing new staples for the locks.

Q. You did not see them before they had been repaired?—A. No, sir.

Q. Did you examine them carefully?—A. No, sir; the first intimation I had that there had been anything done to them was when I went to the shop and found it.

Q. Do you know who took them to the shop?—A. No, sir; I do not.

Q. Did you look at each rack with sufficient care to see whether or not they had been defaced in any manner?—A. No, sir.

Q. Did you observe the marks of any ax or any sharp instrument on the woodwork?—A. No, sir; I did not.

Q. Do you think you would have seen such marks had there been any?—A. No, sir; I did not examine them with any idea of their being damaged. I found them in the shop and had no orders about their repair, and asked about them.

Q. How long were you at Brownsville after this occurrence?—A. I was there until the 1st day of November.

Q. Do you know of anything at all connected with the shooting?—A. No, sir; I do not.

Q. Nothing had happened within your knowledge to cause you to think, when you heard the firing that night, that it was other than a night exercise?—A. No, sir.

Q. I think I asked you if you got any orders from the post quartermaster or any other person with reference to those gun racks, and the reply was you had not.—A. Had not.

Q. When did you first become acquainted with those gun racks?—A. After they were repaired, sir.

Q. Did you see them before they were repaired?—A. No, sir; did not even know they were to be repaired.

Q. Did you give the post blacksmith any instructions about them?—A. No, sir.

Q. The first time you saw them they were all in good order?—A. They were repaired; yes, sir.

Q. Of what did the repairs consist?—A. Put new staples in, the blacksmith informed me.

Q. And you knew nothing as to their condition?—A. No, sir.

Q. Did you examine them at all?—A. No, sir.

Q. Did not see any scars or anything on them?—A. Did not examine them; was no closer to them than I am to that bookcase at the present time.

Q. In reading over your testimony, Sergeant, I see a question concerning the gun racks is recorded as follows: "Do you personally know anything about the gun racks that were in B Company quarters on the night of the 13th of August, 1906?" The letter of the company recorded in that question is either an error of the stenographer or a mistake of my own. I did not intend to ask you anything about the gun racks of B Company, but of Company C, Twenty-Fifth Infantry. Does that make any change in the answer to your question?—A. I answered the question in the first place with the understanding that the gun racks in question belonged in B Company's barracks. I have no personal knowledge as to which company the gun racks belonged to, but I have always understood that they belonged to B Company.

Q. Who was the captain of that company?—A. The captain is not with it; Lieutenant Lawrason is in command of it. I was informed, though I have no personal knowledge of it, that at the time that company was turned out that night that the man who had the keys to these gun racks could not be found, and that Major Penrose ordered the racks broken open.

Q. Do you remember who informed you?—A. No, sir; that was just the talk around the post, that's all.

Q. And they told you that that had happened in Company B?—A. Yes, sir.

Q. You did not notice anything on the gun racks themselves to indicate what company they came from?—A. No, sir.

Q. Now, Sergeant, are you perfectly sure in your mind that you gave the post blacksmith no instructions about those gun racks?—A. Yes, sir. One reason is that I knew nothing about the racks until I went to the shop. I was on my way to the stables; it was somewhere between half past 11 and 12 o'clock. I used to go to the stable every day at noon. I stopped at the shop on my way to the stable and saw these racks standing in the shop, and asked the blacksmith what was being done to them.

Q. Did the blacksmith say to which company they belonged?—A. No, sir; I don't know that he did; I was not there but a few moments. I don't remember having any conversation with him further than that.

Q. Did you at any time have any conversation concerning those gun racks with any commissioned officer?—A. No, sir; not to my knowledge.

[NOTE.—The above testimony was read to the witness and pronounced correct.]

WAR DEPARTMENT,
OFFICE OF THE INSPECTOR-GENERAL,
Washington, January 21, 1907.

W. H. SHARPE, being duly sworn and interrogated by Brig. Gen. E. A. Garlington, Inspector-General of the Army, testified as follows:

Q. What is your occupation?—A. Blacksmith.

Q. Employed by the Government?—A. Yes, sir.

Q. Where were you on the 13th of August, 1906, Mr. Sharpe?—A. Fort Brown, Tex.

Q. How employed there?—A. In the quartermaster's department as blacksmith.

Q. Are you a man of family?—A. Yes, sir.

Q. Do you live on the reservation?—A. Yes, sir.

Q. Where do you live with respect to the quarters of the post quartermaster-sergeant?—A. Northeast, about 300 or 400 yards.

Q. Where were you on the night of the 13th of August, 1906?—A. In my quarters.

Q. What time did you retire?—A. About 9 o'clock.

Q. Did anything unusual occur during that night?—A. Nothing except some shooting.

Q. What time did this shooting occur?—A. About ten minutes to 12.

Q. How did you fix the time?—A. I looked at the clock.

Q. Do you know whether your clock was with the post time or not?—A. Well, yes, about; always aimed to keep it there.

Q. Did you hear the shooting?—A. Yes, sir.

Q. Waked up by it?—A. Yes, sir.

Q. Of what were you first conscious after first waking up?—A. I thought they were having trouble in town.

Q. What direction from your house was the shooting?—A. Northwest.

Q. Could you locate it?—A. Within a block or so.

Q. Where did you think it was?—A. Down near the entrance to the garrison on Elizabeth street.

Q. What did you do?—A. I got up, looked out the window; shooting ceased and returned to bed.

Q. You did not leave your quarters?—A. No, sir.

Q. Did you see the quartermaster on the morning of the 14th, early?—A. No, sir.

Q. Did you see him during the day at all?—A. To my best recollection, I saw him about 11 o'clock.

Q. Did he give you any special orders—any unusual orders?—A. No, sir.

Q. Did you see any arm racks, such as are used in company barracks, on the 14th of August?—A. Yes, sir.

Q. Where did you first see them?—A. At my place of business, the blacksmith shop.

Q. Brought to the shop, were they?—A. Yes, sir.

Q. By whom?—A. Sergeant from the company.

Q. Remember his name?—A. No, sir.

Q. Were they brought in a company wagon?—A. Quartermaster wagon.

Q. How many racks were there?—A. Four.

Q. Did you examine these racks carefully when they first came into the shop?—A. Yes, sir.

Q. State their condition, taking them one by one.—A. They were all in about the same condition; from the hacks and gashes in the wood, on the iron and locks, showed there had been an ax used on them.

Q. Did each of the racks have marks of an ax or other sharp instrument on it?—A. Yes, sir.

Q. On the wood?—A. Yes, sir.

Q. Now, Mr. Sharpe, those racks, as I remember them, have two horizontal circular pieces of wood, the one near the bottom mortised to hold the butt of the rifle and the one near the top of the rack mortised on its edge to hold the barrel of the gun, leaving between each gun a tongue of wood about $1\frac{1}{2}$ inches in breadth; on the upper piece of wood is a hinged band of iron, which, when the rack is made secure, to prevent the gun being taken out, fits snugly against the rifle and these wooden tongues. One end of the band is provided with a slot and the other end of the band passes through this slot, hinges over on itself, passes by means of a slot over a staple riveted to the band; and the rack is locked by a padlock through this staple?—A. Yes, sir.

Q. Were these gashes all on the upper wooden circle or the lower?—A. The upper.

Q. Were the gashes on the wood you just described near the position of the lock?—A. Yes, sir.

Q. Were the marks of the ax on that part of the band near the position of the lock?—A. Yes, sir; right around the lock.

Q. Were there any marks of an ax on other parts of the band?—A. No, sir.

Q. Was there anything in the condition of the racks, when you first examined them, that led you to believe that the racks had been opened violently, or without the use of a key to the locks?—A. Yes, sir.

Q. Just state what made you think so.—A. The condition of the racks, the gashes, the battering up of the bands and the staples.

Q. What staples were pulled out?—A. The staples which the locks go in that locks the rack.

Q. Please state how these staples are attached to the band.—A. They pass through the band and are riveted on the back side.

Q. This staple, as I understand, was riveted onto the band of iron which goes around the rack?—A. Not riveted on—passes through and riveted on the back side.

Q. Were these staples pulled out in each of the racks?—A. Two of them out and gone; the other two, one side pulled.

Q. In the case of these two, it permitted the lock to be taken out, did it not?—A. Yes, sir; one side pulled and straightened out.

Q. So that all four racks were really in unserviceable condition when you examined them?—A. Yes, sir.

Q. In order to get those staples out, what kind of an instrument would it be necessary to use—that is, with the rack locked?—A. It would take an ax or some heavy instrument, or crowbar, to jar or pry the staples loose.

Q. Did the staples seem to have been well riveted?—A. Yes, sir.

Q. Then it would require considerable force to remove them, would it not?—A. Yes, sir.

Q. Did the staples show any marks of the edge of an ax?—A. Yes, sir.

Q. Did that part of the lock that goes through the staple show any signs of the edge of an ax?—A. I did not see them.

Q. The locks were not brought to your shop?—A. No, sir.

Q. Were there any locks on the racks when they came to the shop? If so, what locks?—A. Locks on the pistol rack, which is on the upper

part of the rack. These were the locks I referred to showing the marks of an ax.

Q. Were there any pistols in the racks that night, do you know?—

A. I don't know.

Q. What purpose could they have had in hacking those locks?—

A. I don't know.

Q. Might have been hit accidentally?—A. I would think not.

Q. Where are these pistol locks located with reference to the locks which secure the rifles?—A. Just over—directly above.

Q. About how far above them?—A. Well, I would say about 10 inches.

Q. Might they not have hit these locks in striking at the locks which secured the rifles?—A. Yes, sir.

Q. After your examination of the racks, what conclusion did you come to as to what caused their condition?—A. Well, my conclusion was that they had been forced open.

Q. Can you state with what sort of an instrument, to the best of your knowledge?—A. As to how it was done, you mean?

Q. Yes.—A. Done by using axes, heavy instruments, or crowbars.

Q. There was nothing on the rack indicating that a crowbar had been used, was there?—A. Yes, sir.

Q. What was that indication?—A. Indications were they had been pried on—dents in the wood and iron; sprung and twisted as though it had been hammered and pried on.

Q. You think then other instruments were used, as well as an ax?—A. Yes, sir.

Q. What did the sergeant say to you, Mr. Sharpe, when he brought those racks to the shop?—A. He wanted them repaired.

Q. What were the dimensions of the iron bands that secured the rifles in the rack?—A. About 2 inches wide by one-quarter thick.

Q. Staple, what dimension?—A. Quarter inch round iron.

Q. How long do you think it would take a man, with such instruments as they probably had in this case, to break open one of those racks, according to your judgment, of course?—A. Well, about two or three minutes.

Q. You don't remember, you say, the name of the sergeant who brought them to the shop?—A. No, sir.

Q. Did he say anything to you in explanation of the condition of the racks?—A. Yes, sir; he said that the man in charge of quarters would not unlock the racks and they were ordered forced open by the major; that covers the conversation.

Q. You don't remember the name of the sergeant who made this remark?—A. No, sir.

Q. Do you know what company he belonged to?—A. C Company.

Q. These racks, then, belonged to Company C, Twenty-fifth Infantry?—A. So he told me.

Q. Were there any marks on the gun racks to indicate the company they belonged to?—A. Not that I noticed, sir.

Q. Who gave the order for their repair?—A. Sergeant Osborn, post quartermaster-sergeant.

Q. When did you see him?—A. About 11 o'clock.

Q. Before the racks were brought to you?—A. No, sir.

Q. What did he say to you with respect to them?—A. Said I should repair them.

Q. Did you say anything to him about them?—A. No, sir; not that I remember of.

Q. Do you know Sergeant Brawner, Company C, Twenty-fifth Infantry?—A. No, sir.

Q. Know him by sight?—A. No, sir.

Q. Do you know whether the man that delivered the racks into the shop was the company quartermaster-sergeant or not?—A. I think he was.

Q. Were you at the shop when the racks were brought there?—A. Yes, sir.

Q. Can you recall any remarks at all made by the sergeant?—A. No, sir; except what I stated just now.

Q. How many men were with him?—A. Two or three.

Q. Did they make any remarks in your hearing?—A. No, sir.

Q. Did you ask them any questions with respect to the racks?—A. No, sir.

Q. Did you say anything to them at all?—A. No, sir.

Q. Did you say anything about the racks to anyone?—A. No, sir.

Q. Did either of the men with him (the sergeant) or he himself make any remarks with reference to the racks?—A. No, sir.

Q. Did anyone make any remarks about the shooting on the night of August 13 in your presence on the 14th of August?—A. Yes, sir.

Q. Can you recall the nature of those remarks?—A. The remarks from the soldiers were that the citizens had fired on the post.

Q. Did any citizen make remarks with respect to the shooting?—A. Yes, sir.

Q. What was the nature of their remarks?—A. Nature of the citizens' remarks was that the soldiers had scaled the wall and fired on the town.

Q. Do you of your personal knowledge know of any facts connected with the shooting on the night of the 13th of August at Fort Brown?—A. No, sir.

Q. Do you know of any circumstances that would be likely to assist in ascertaining the truth in reference thereto?—A. No, sir.

Q. These iron bands around the gun racks are covered with leather, are they not?—A. Yes, sir.

Q. And of course the leather showed the marks of a sharp instrument?—A. The marks of the instrument was right around the locks, which was not covered with leather.

Q. Now, Mr. Sharpe, I want you to see if you can recall more definitely as to the orders you received about those racks—about their repair. Are you perfectly clear in your mind as to who gave you orders for their repair?—A. I certainly am.

Q. And you remember that you received those orders from Sergeant Osborn?—A. Yes; to fix the racks—verbal order.

Q. Were you in the shop when Sergeant Osborn first came in?—A. Yes, sir.

Q. About what time was it?—A. I judge about 11.30.

Q. Did you notice whether he went up to the gun racks and made an examination of them?—A. No, sir; I don't know that I did.

Q. Can you recall the form in which he gave the order or the conversation you had with him about them?—A. No; I don't know as I can—can't recall just exactly the conversation; no, sir.

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Q. Are you perfectly clear in your mind that you did not discuss with him at all the condition of the racks?—A. Yes, sir; that matter was not spoken of at all. I am fully satisfied in my own mind that he told me to fix the racks.

Q. Subsequent to the repairing of the racks and before the troops left Fort Brown, did you have any conversation about the racks with any commissioned officer?—A. No, sir.

Q. How long did those racks remain in your shop?—A. From about 10 o'clock the morning of the 14th until 8 or 9 o'clock the next morning—the 15th.

Q. Did the same sergeant come after them that brought them to you?—A. I could not tell you that; I don't remember.

Q. Was he a sergeant of Company C, Twenty-fifth Infantry?—A. I don't remember.

Q. Did you tell Sergeant Osborn what company these racks came from?—A. No, sir.

(NOTE.—The above testimony was read to the witness and pronounced correct.)

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